

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
FEBRUARY 22, 2018**

Mayor Ritter called the Regular Meeting of the Township Committee of the Township of Chatham to order at 7:30 P.M.

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both *The Chatham Courier* and the *Morris County Daily Record* on January 5, 2018; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 5, 2018; and notice was filed with the Township Clerk on January 5, 2018.

Mayor Ritter led the flag salute.

Roll Call

Answering present to the roll call were Committeeman Selen, Committeeman Kelly, Committeeman Sullivan, Deputy Mayor Swartz and Mayor Ritter.

Approval of Agenda

Deputy Mayor Swartz moved to approve the agenda. Committeeman Selen seconded the motion, which carried unanimously.

Moment of Silence

Mayor Ritter asked for a moment of silence in honor of the victims of the recent school shooting in Parkland, Florida.

Reports

Committeeman Kelly reported that the Municipal Alliance Committee is involved with more than drug and alcohol abuse prevention, and they address some of the underlying issues that students face. The Municipal Alliance has an upcoming film series on various mental health topics.

Committeeman Sullivan reported that the Historical Society hosted a presentation about Dixiedale Farm. He also reported that February 23, 2018 is the 83rd Anniversary of the flag raising at Iwo Jima, and he provided information on the Battle of Iwo Jima.

Deputy Mayor Swartz reported that the Environmental Commission had run a successful sapling sale back in 2012, and Commission Member Cara Feeser will be running a seedling sale.

Mayor Ritter reported that the winter newsletter is available online. He also reported that he is working with the Morris County Prosecutor's Office to hold several public health forums. Mayor Ritter also addressed the recent school shooting in Florida, and said that he has been in touch with Superintendent of Schools Michael LaSusa about ways to protect students. Mayor Ritter also noted measures being taken to raise awareness of mental health issues. He further noted that the Police Department undergo rigorous training to handle safety threats. Mayor Ritter suggested that a Chatham Safety Foundation be formed to help raise funds toward school safety.

Engineer Ruschke reported that the Township received a grant from the DOT for the repaving of the Long Hill Lane neighborhood. Deputy Mayor Swartz asked how road repaving affects home construction projects, and if home construction affects road repaving. Engineer Ruschke said that a recently adopted ordinance would require developers to repair damage to roads. Committeeman Kelly asked when the Township will be able to announce which roads will be repaved in 2018. Engineer Ruschke said that he and Administrator Ciccarone are finalizing the schedule, and he noted that Treadwell will be improved. Engineer Ruschke further reported on two outstanding sewer projects. He said that there are still some miscellaneous issues to be completed with the Chatham Heights Lift Station project, and the UV Disinfection System Upgrades project has commenced and is moving along well. Regarding the Safe Routes to

School Grant for Lafayette Avenue Sidewalks, Engineer Ruschke reported that the Township received an agreement with the DOT for the securing of a consultant for design work. Regarding the Shunpike Road Sidewalk Project, Engineer Ruschke reported that a kick-off meeting with the DOT has been scheduled.

In response to the recent school shooting in Florida, Chief Hennelly reported that he has been in regular contact with Dr. LaSusa regarding safety measures for Chatham schools. He encouraged parents to speak with their children about social media, and be vigilant about their children's posts. Safety procedures at the schools are also being reviewed for enhancement.

Administrator Ciccarone said that he recently had a fire in his home, and he thanked the Township Committee for their support, as well as the fire departments who responded to the fire. Administrator Ciccarone also offered his gratitude for the support he has received from the community. He further advised that homeowners should review their insurance policies to make sure they have sufficient coverage for home repair/rebuilding, replacement of personal items and for living expenses while a family is displaced. Administrator Ciccarone also advised against the burning of candles in the home.

Introduction of Budget

Administrator Ciccarone presented the proposed 2018 Municipal Budget. He addressed the Annual Debt Statement for 2017, and said that the total debt is \$14,485,000.00. He also discussed the three-year average of the Township's ratables, and the percentage of debt per equalized value is 0.418%.

Administrator Ciccarone also summarized the Annual Financial Statement. He said that miscellaneous revenues were \$78,000 in excess of what was anticipated, while there was an \$11,000 deficit in the collection of delinquent taxes. Current taxes were \$970,000 over the levy. The miscellaneous revenues not anticipated (MRNA) were \$975,000, and Administrator Ciccarone explained that MRNA includes some temporary revenues that were anticipated but included in this category for accounting purposes. Administrator Ciccarone also reviewed the various revenues collected. The surplus was also addressed.

Administrator Ciccarone addressed tax collections for 2017, and noted that delinquent notices did not go out in time. As such, collections of 2017 taxes were 98.5% rather than the anticipated 99%. The reduction in taxes collected results in a lesser amount of fund balance available for use in the 2018 budget, and it causes an increase in the reserve for uncollected taxes. As such, there is a need to increase the tax rate in 2018. Administrator Ciccarone spoke about the appropriations cap and levy cap, and the proposed budget falls within the caps. He also provided the cap bank numbers, and said that State Aid is projected to remain unchanged. Local purpose taxes will go up from \$8,251,000 to \$8,691,000 which causes the increase in the tax rate.

Administrator Ciccarone further discussed the amount of levy cap bank available, and \$50,000 of levy bank is proposed for use in the 2018 budget. He also provided data on the County and School District tax levy in recent years. Administrator Ciccarone also reviewed the municipal purpose tax rate from 2006 to the present, and even with the increase in the tax rate for 2018, the rate is still less than it was 12 years ago. The impact of the tax rate increase on the average assessment is \$65 for the year.

Administrator Ciccarone also presented a pie chart showing how municipal money is spent, which includes the following breakdown:

Public Safety – 22%,
Insurance – 15%
General Government – 11%,
Public Library – 7%
Debt Service – 7%
Pension/Social Security – 8%
Reserve for Uncollected Taxes – 10%

Administrator Ciccarone also noted that for every dollar that people pay in property taxes, \$0.68 goes to the School District, \$0.17 goes to Morris County, and the Township keeps \$0.15.

Administrator Ciccarone addressed structural imbalances in the budget, and said that \$100,000 of capital surplus is being used as revenue in the 2018 budget. He also noted that in 2019, labor costs are expected to increase by 2%.

Surplus at the end of 2017 stands at \$3,973,000 and the Township's financial position remains strong. Administrator Ciccarone expects that once the tax collection rate returns to previous levels, the amount of surplus to be used in the 2018 budget will be restored.

Administrator Ciccarone noted that the Finance Committee met recently, and has proposed that the Open Space Tax be reduced to \$0.01 per \$100 assessed value, rather than reducing it to \$0.005 per \$100 assessed value as was done in 2017. An ordinance to make that reduction is on this meeting's agenda.

The Township's contribution to the Joint Library of the Chathams has increased by \$21,000. A modest increase in sewer fees was adopted in 2017, and the current fees should suffice for the next few years.

Regarding the Capital Budget, Administrator Ciccarone said that the road improvement program is proposed to continue, however less money is needed in 2018 than was budgeted in 2017. The Township will continue support the fire departments, make building improvements, and purchase DPW equipment. Improvements will also be made to Colony Pool.

Administrator Ciccarone also asked residents to contribute to the fire departments so far as they are able.

Committeeman Kelly asked if the amount of road paving is reducing to prior rates due to the acceleration of the program in 2017. Administrator Ciccarone said that the Township will do as much repaving as possible, and scheduling is a factor. The 2018 program will include some maintenance and micropaving. Engineer Ruschke said he will make a presentation on what areas need repaving.

Deputy Mayor Swartz said it is important to emphasize the increase in ratables through added assessments. Administrator Ciccarone said that it is a misconception that the added assessments result in significant amounts of extra cash on hand. He said that the added assessments in 2017 were \$53 million in new ratables, which is part of a total of \$3 billion in an overall ratable base. Administrator Ciccarone said that while the increase in ratables is certainly beneficial, it does not have a huge impact.

Committeeman Sullivan asked about pension reform, and how it relates to State contributions and municipal contributions. Administrator Ciccarone said that the State is delinquent in making contributions to the pension fund, while municipalities, counties, school districts and other participatory organizations have made their contributions. Employees have also made contributions as well.

Committeeman Kelly asked Administrator Ciccarone to comment on the Open Space Tax. Administrator Ciccarone said that the Open Space Tax is used primarily to retire the debt that was incurred in a bond issue for seed money for the purchase of open space. Due to the recent purchase of an open space property, a new \$2 million bond was issued, which will come due in July. Administrator Ciccarone recommended that the 2018 open space tax be set at \$0.01 rather than \$0.005 in order to help pay the new debt.

RESOLUTION 2018-053
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING
2018 MUNICIPAL BUDGET

BE IT RESOLVED of the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2018.

GENERAL REVENUE

Surplus Anticipated	\$ 3,000,000.00
Miscellaneous Revenue Anticipated	\$ 1,969,207.00
Receipts from Delinquent Taxes	\$ 550,000.00

Library Levy	\$ 1,086,073.00
Amount to be Raised by Taxation for Municipal Purposes	\$ 8,691,402.00
Total Revenues	\$ 15,296,682.00

GENERAL APPROPRIATIONS

Operating Expenses: Salaries & Wages	\$ 5,266,100.00
Other Expenses	\$ 6,197,163.00
Deferred Charges & Statutory Expenditures- Municipal (within cap)	\$ 1,163,639.00
Capital Improvements	\$ 10,000.00
Municipal Debt Service	\$ 1,065,542.00
Reserve for Uncollected Taxes	\$ 1,594,238.00
Total Appropriations	\$ 15,296,682.00

BE IT FURTHER RESOLVED that said Budget be published in the Chatham Courier in the issue of March 1, 2018.

The Governing Body of the Township of Chatham does hereby approve the following as the Budget for the year 2018:

Ayes:	Nays:	Abstain:	Absent:
Ritter			
Swartz			
Kelly			
Selen			
Sullivan			

Notice is hereby given that the within budget is a true copy of the budget approved by resolution of the governing body on the 22nd day of February, 2018.

A Hearing on the Budget and Tax Resolution will be held at the Municipal Building on March 22, 2018 at 7:30 P.M. at which time and place objections to said Budget and Tax Resolution for the year 2018 may be presented by taxpayers or other interested persons.

Deputy Mayor Swartz moved to adopt Resolution 2018-053. Committeeman Kelly seconded the motion.

Roll call: Committeeman Selen, Aye; Committeeman Kelly, Aye; Committeeman Sullivan, Aye; Deputy Mayor Swartz, Aye; Mayor Ritter, Aye.

**RESOLUTION 2018-054
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REGARDING
SELF-EXAMINATION OF 2018 MUNICIPAL BUDGET**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Chatham has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2018 budget year.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Chatham that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Administrator Ciccarone explained that the State used to examine all municipal budgets. As the State is short staffed, municipalities are now on a three-year cycle in which the municipal budget is examined by the State every third year, and a self-examination is conducted in the other two years. Resolution 2018-054 formally recognizes that the Township will be conducting a self-examination in 2018.

Deputy Mayor Swartz moved to adopt Resolution 2018-054. Committeeman Kelly seconded the motion.

Roll call: Committeeman Selen, Aye; Committeeman Kelly, Aye; Committeeman Sullivan, Aye; Deputy Mayor Swartz, Aye; Mayor Ritter, Aye.

Administrator Ciccarone noted that the budget will be available for public review, and the public can ask him any questions they may have. The Township Clerk indicated that the budget will be posted on the Township website.

Hearing of Citizens

Mayor Ritter opened the Hearing of Citizens.

1. Todd Goodman, 4 Woodlawn Drive, said that he has reviewed the tree protection ordinance, and it requires that tree removal applications provide the reason for the removal of a tree. However, no reasons were provided for the removal of trees at 9 Woodlawn or 11 Woodlawn. Mr. Goodman also said that the tree protection ordinance includes various other criteria for tree removal, and he said that the criteria were not met for 9 Woodlawn or 11 Woodlawn. Mr. Goodman also said that tree density is the only factor considered relevant by Township officials. He also said that East Park Builders is

clear-cutting an historic neighborhood. Mr. Goodman asked the Township Committee to consider the following suggestions:

- a. Enforce the existing tree protection ordinance, particularly the provision requiring that a reason for the tree removal be provided.
- b. Require a site visit prior to tree removal.
- c. Increase the tree removal permit fee from \$25 to \$100.
- d. Increase the fine for removing a tree without proper permitting from \$1000 to the maximum fine allowed by the State.
- e. Require public notice for tree removal for all property owners within 500 feet of the tree removal 60 days prior to the removal.
- f. Hire a Township resident to be a tree inspector to conduct site visits and coordinate with other Township professionals to make sure that all aspects of the tree protection ordinance are being considered.

Administrator Ciccarone said that tree density is the primary consideration because it is quantifiable, and the other provisions lend themselves to too much subjectivity. Mr. Goodman said that it is not subjective that the ordinance requires that the other factors be considered. Committeeman Sullivan said that the overall tree protection ordinance is being reviewed by the Planning Board, and will be discussed at their next meeting. Engineer Ruschke said that he presented six cases to the Planning Board where complaints were received about tree removal, and 11 Woodlawn was one of the cases presented. He also said that inspections are performed in connection with lot grading plans, and photos are taken. Mr. Goodman said that he wants all of the tree protection ordinance to be enforced, not just the density standard. Mayor Ritter asked if the Planning Board is considering the penalties for improper tree removal. Committeeman Sullivan said that fees are being considered, and the penalties are guided by statute. He also said that the municipal prosecutor needs to know that the Township Committee wants the maximum fine to be sought when summonses are issued.

2. Carole Wipf, 2 Woodlawn Drive, opined that the standards in the tree protection ordinance are not subjective. She also opined that the builder on Woodlawn Drive cut down so many trees because they were cramming a large house on a small lot, and some trees were removed for the convenience of moving equipment. Mrs. Wipf also suggested that lot area be a consideration with tree protection, and compared houses on Pembroke to houses on Woodlawn.
3. Mr. Goodman said that New Providence has a provision in their ordinance that limits the floor area ratio. He also said that if McMansions are going to be allowed, he would like to see trees remain so that neighbors do not have to see the new houses. Mr. Goodman also said that new houses should be proportional to the neighborhood.

Administrator Ciccarone said that floor area ratio has been considered in the past, and it was not adopted because the Township's ordinance was more restrictive than what was in place in other towns using that standard.

4. Mrs. Wipf asked that the Planning Board consider floor area ratio. Administrator Ciccarone said that the size of a lot will limit the size of a house through building coverage and impervious coverage limits.
5. Mr. Goodman said that the properties across the street from him are wider lots, which allow for a bigger home.
6. Mrs. Wipf said that most of the houses on Woodlawn are set back on the properties, except for the new homes which are closer to the road.

Committeeman Kelly asked if the density portion of the zoning regulations is going to be removed. Committeeman Sullivan said that the Planning Board is first going to take care of the tree protection issue, and sub-grade garages will also be addressed.

7. Genevieve Castelino, 104 Ormont Road, accused the Planning Board of not being qualified to draft ordinances reflective of the opinions of Woodlawn Drive residents. She also said that the regulations appear to be based on "one-size-fits-all" regulations rather than having qualified people make site visits. Mrs. Castelino also urged the Township

Committee and Planning Board to consider what they want the Township to look like in the future when drafting ordinances.

Committeeman Sullivan said that he takes exception to Mrs. Castelino's characterization of the Planning Board as being unqualified. He noted that the Planning Board members come from different areas of the Township, and represent a variety of backgrounds. Committeeman Sullivan also said that the Planning Board members are involved because they care what the Township will look like in the future. Mrs. Castelino reiterated her concern about what the Township will look like in 30 years, and said that such concerns should be the prism through which such ordinances are considered. Committeeman Sullivan noted that ordinances have to apply to the whole township equally, and should be driven by a well thought out plan rather than emotion.

8. Stacey Ewald, 54 Nicholson Drive, thanked the Woodlawn Drive residents for their efforts with tree protection. She also thanked the Police Department for their presence at Chatham schools in the wake of the recent school shooting in Florida. Mrs. Ewald asked about the budget process and if there should be a public hearing. Administrator Ciccarone said that the action at this meeting was to introduce the budget, and after 30 days a public hearing will be held before final adoption of the budget. The public hearing on the 2018 budget will be held on March 22nd, and there is the potential for the budget to be amended at that time. Mrs. Ewald also asked about the breakdown of expenses with dollar amounts. Administrator Ciccarone said that his presentation had percentages, and the actual budget has the other information. He also said that the State has a new procedure that is replacing the user-friendly budget. Mrs. Ewald noted that the state's format for the user-friendly budget is not user friendly. Mrs. Ewald asked about pre-paid taxes. Administrator Ciccarone said that the Township has the benefit of having the extra cash-on-hand from first- and second-quarter payments. However because interest rates are low, the benefit will only be about \$900.
9. Tracy Ness, 31 Geoffrey Court, said that the user-friendly budget is easier for the public to understand how tax dollars are being spent. She also said that there is confusion caused by the fact that the title of the resolution introducing the budget refers to "approval" of the budget rather than "introduction." Administrator Ciccarone noted that the language of the resolution contains language promulgated by the State.
10. Jessica Romeo, 49 Pine Street, read a statement about the recent school shooting in Florida. She asked the Township Committee to reach out to Federal representatives to urge them to take steps to address gun violence. Mrs. Romeo also thanked the School District and the Police Department for their response to safety matters.

Seeing no further public comment, Mayor Ritter closed the Hearing of Citizens.

Public Hearing/Final Adoption of Ordinances

Ordinances 2018-03

ORDINANCE 2018-03 AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 2-53 CREATING A LENGTH OF SERVICE AWARDS PROGRAM (LOSAP) FOR THE CHATHAM EMERGENCY SQUAD

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey as follows:

Section Chapter 2-53.4 Criteria for Eligibility is hereby amended to read as follows:

- a. For the purposes of this Chapter "Active volunteer member" means a person who has been so designated by the governing board of the Chatham Emergency Squad (CES) and who is faithfully and actually performing volunteer service in the Chatham Emergency Squad. LOSAP shall provide for annual contributions to each eligible, active volunteer member of the CES, who meets the criteria as follows:

1. The number of points required for an active year of service for an active volunteer CES member is one hundred (100).
2. Under LOSAP a year of active emergency service shall be credited for each calendar year in which an active volunteer member accumulates points that are granted in accordance with a schedule adopted by the Township Committee and Borough Council, the sponsoring agencies. The program shall provide that points shall be granted for activities designated by the sponsoring agencies, which activities may include the following: (1) Training courses; (2) Drills; (3) Sleep-in or standby. A "standby" means line of duty activity of the CES, lasting for four hours, not falling under one of the other categories; (4) Completion of a one-year elected or appointed position in the organization; (5) Election as a delegate to an emergency service convention; (6) Attendance at official meetings of the sponsoring agency; (7) Participation in emergency responses; or (8) Miscellaneous activities including participation in inspections and other non-emergency first aid or rescue activities not otherwise listed.
3. An active volunteer member of the CES shall not be eligible if on disciplinary probation or inactive status. If a CES member has been on leave of absence (LOA) from duty crews, but is able to attain the points required as stated below within the calendar year, he/she will be considered active and eligible for **LOSAP**.
4. Any new, active volunteer member of the CES shall become eligible to participate in **LOSAP** the calendar year he/she becomes an "active" member as defined above or is no longer on inactive status, so long as the credit points are earned.

Mayor Ritter opened the Public Hearing on Ordinance 2018-03.

Seeing no public comment, Mayor Ritter opened the Public Hearing.

Administrator Ciccarone said that this ordinance amends the existing LOSAP program by redefining how points are awarded to CES members.

Committeeman Sullivan moved to adopt Ordinance 2018-03. Committeeman Kelly seconded the motion.

Roll call: Committeeman Selen, Aye; Committeeman Kelly, Aye; Committeeman Sullivan, Aye; Deputy Mayor Swartz, Aye; Mayor Ritter, Aye.

Introduction of Ordinances

Ordinance 2018-04

**ORDINANCE 2018-04
AN ORDINANCE TO PROVIDE MINIMUM AND MAXIMUM RANGES FOR
COMPENSATION FOR CERTAIN POSITIONS OF EMPLOYMENT IN THE
TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY,
EFFECTIVE JANUARY 1, 2018**

BE IT ORDAINED by the Township Committee of the Township of Chatham in the County of Morris, New Jersey, as follows:

Section 1. The following offices and positions of employment in the Township of Chatham in the County of Morris are hereby established and the persons occupying such offices and positions shall be compensated at the rates, or within the ranges, set forth below. Actual compensation, consistent with the salary ranges established herein, is established by Township Resolution.

Office or Position of Employment	Minimum	Maximum
Member of Township Committee	0.00	2,400
Township Administrator	100,000	190,000
Township Clerk/Registrar	40,000	75,000
Deputy Clerk	30,000	60,000
Secretary Bd. Of Health	4,500	10,000

Chief Financial Officer/Treasurer	45,000	120,000
Assistant Treasurer/HR Assistant/Escrow Account Manager	35,000	60,000
Administrative Assistant(Administration & Police Department)	35,000	60,000
Accounts Payable/Payroll Clerk	35,000	60,000
Chief of Police	125,000	165,000
Emergency Management Coordinator	2,500	10,000
Public Works Manager	100,000	135,000
Public Works Administrative Assistant/Recycling Coordinator	35,000	60,000
Tax Collector/Utility Collector	60,000	85,000
Ass't. Tax & Utility Collector	35,000	60,000
Tax Assessor (Part-time)	25,000	40,000
Ass't. Assessor (Part-time)	25,000	40,000
Planning Board Secretary	\$250 per	meeting
Zoning Board Secretary	\$250 per	meeting
Secretary Environmental Commission	\$150 per	meeting
Construction Office Control Person/Board Manager	40,000	64,000
Construction Office Administrative Assistant	35,000	60,000
Construction Official/Building Sub-code Official/Inspector	60,000	115,000
Zoning officer/Deputy Zoning Officer (PT)	2,500	15,000
Fire Sub-code Official/Inspector	10,000	18,500
Fire Prevention Official/Inspector	10,000	18,500
Video Producer Governmental Access Channels	5,000	11,000
Seasonal and Hourly Positions		
Pool Manager	15,000	25,000
Assistant Pool Manager	6,000	17,500
Swim Team Coach	1,500	4,500
Swim Team Ass't. Coach	500	1,500
Tennis Clinic Manager	1,500	3,000
Lifeguards	7.15 HR	18.00 HR
Gate Attendants	6.50 HR	15.00 HR
Laborer	7.15 HR	15.00 HR

Crossing Guards	7.50 HR	30.00 HR
Clerk Typist PT	7.50 HR	17.50 HR
Building Inspector	20.00 HR	45.00 HR
Plumbing Sub-code Official/Inspector	20.00 HR	45.00 HR
Electrical Sub-code Official	20.00 HR	45.00 HR

Section 2. Overtime for eligible employees shall be at the rate of straight time for hours exceeding 35 per week and one and one-half times employee’s regular rate of pay for hours exceeding 40 per week.

Section 3. Employees covered by a collective bargaining agreement shall be entitled to compensation as provided in their respective agreements.

Section 4. Salaries provided herein shall be effective January 1, 2018, for those employed with the Township as of the adoption date of the ordinance.

Section 5. When required by law, the Township shall pay at least the minimum wage established for the State of New Jersey.

Section 6. This ordinance shall take effect upon publication as provided by the law.

Section 7. Salaries for Members of the Township Committee shall be set within the ranges established herein except that there shall be no increase until the current terms of all Members are completed in 2019.

Administrator Ciccarone said that this ordinance handles the ranges for salaries, and the specific salaries will be set by the salary resolution upon adoption of the salary ordinance.

Committeeman Sullivan moved to introduce Ordinance 2018-04. Committeeman Selen seconded the motion.

Roll call: Committeeman Selen, Aye; Committeeman Kelly, Aye; Committeeman Sullivan, Aye; Deputy Mayor Swartz, Aye; Mayor Ritter, Aye.

Public Hearing for Ordinance 2018-04 will be scheduled for March 8, 2018.

Ordinance 2018-05

ORDINANCE 2018-05

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, AMENDING CHAPTER XXX, ARTICLE 7, TITLED “ZONING REGULATIONS”, SECTION 30-96.9, TITLED “PROHIBITED USES”, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM BY REPEALING SUBSECTION 30-96.9b REGARDING UNREGULATED PIPELINES.

WHEREAS, on December 18, 2017, the Township Committee of the Township of Chatham adopted Ordinance 2017-20 titled “Ordinance of the Township of Chatham, County of Morris, Repealing Chapter XXX, Article 6, Section 30-64.3A of the Revised General Ordinances of the Township of Chatham titled ‘Great Swamp Watershed Overlay District Stormwater Management Ordinance’ and Replacing with a New Chapter XXX, Article 7, Section 30-83 titled Watershed Protection”; and

WHEREAS, Ordinance 2017-20 provides comprehensive regulation of pipelines within the Township of Chatham in order to protect environmental resources and protect from degradation to the environment, including the lands, water and air; and

WHEREAS, Ordinance 2017-20 makes pipelines conditional uses in the Township; and

WHEREAS, Ordinance 2017-20 is in direct conflict with Section 30-96.9b, which prohibits pipelines that are not public utilities and are unregulated within the Township; and

WHEREAS, the Township Committee desires to resolve this conflict by repealing Section 30-96.9b.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

Section 1 Chapter XXX, Article 7, titled “Zoning Regulations”, Section 30-96.9, titled “Prohibited Uses”, of the Revised General Ordinances of the Township of Chatham is hereby amended by repealing Subsection 30-96.9b, specifically:

- b. Pipelines that are not public utilities that distribute services to end users and are unregulated by the State of New Jersey Board of Public Utilities are prohibited in all zone districts.

Section 2 The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Morris County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities.

The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this section, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 3 After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Chatham for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 4 If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 5 All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6 This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Attorney Cruz said that in 2017, an ordinance was adopted to address pipelines, which was much more comprehensive than a prior ordinance which had an outright prohibition on pipelines. Ordinance 2018-05 is a technical ordinance which fixes a conflict between the two ordinances which deal with pipelines.

Committeeman Sullivan moved to introduce Ordinance 2018-05. Deputy Mayor Swartz seconded the motion.

Roll call: Committeeman Selen, Aye; Committeeman Kelly, Aye; Committeeman Sullivan, Aye; Deputy Mayor Swartz, Aye; Mayor Ritter, Aye.

Public Hearing for Ordinance 2018-05 will be scheduled for April 12, 2018.

Ordinance 2018-06

ORDINANCE 2018-06
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, AMENDING THE PROVISIONS FOR THE FUNDING OF
OPEN SPACE ACQUISITION

WHEREAS, the Township Committee of the Township of Chatham wishes to reduce the tax levy for the contribution to the Open Space Reserve as set forth at Chapter 2, Article VIII, Section 2-75, Open Space Trust Fund for the tax year 2018;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Revised General Ordinances of the Township of Chatham, are amended to provide for modifications to Chapter II, Subsection 2-75.2, Funding of the Reserve for Open Space Acquisition, as follows:

1. 2-75.2 Funding of the Reserve for Open Space Acquisition.

The Reserve for Open Space Acquisition shall be funded through the dedication to the fund of an amount of one (\$.01) cent per one hundred (\$100.00) dollars of assessed valuation for the tax levy for the year 2018. The Reserve shall also be permitted to accept donations and testamentary bequests. The funds accumulated within the Reserve may be utilized for the acquisition of land, easements, or development rights in land within the Township, including use for active and passive recreation, the development and maintenance of municipal properties to be used for active and passive recreation, or as a down payment for the issuance of bonds for the same purposes at the discretion of the Township Committee. Any and all interest accruing on said funds shall be placed into the Reserve for Open Space Acquisition. Unless the Township Committee takes further action, the annual tax levy for the Reserve for Open Space Acquisition shall return to two (\$.02) cents per hundred (\$100.00) dollars of assessed valuation commencing with the tax levy for the year 2019.

2. All other provisions of Chapter II, Article VIII, Section 2-75, shall remain unchanged.

3. This ordinance shall take effect as provided by law.

Committeeman Sullivan addressed the recent open space purchase, and praised Attorney Cruz for his work in the negotiations. He also said that it is because of said purchase that it is necessary to have the open space tax go from \$0.005 per \$100 assessed value to \$0.01 per \$100 assessed value. Administrator Ciccarone said that the ordinance lowering the tax last year has the tax revert to \$0.02 per \$100 assessed value if the Township Committee takes no further action, ergo this ordinance is actually lowering the open space tax. Committeeman Kelly noted that the extra tax revenue will help pay down the debt faster and with less interest.

Committeeman Sullivan moved to introduce Ordinance 2018-06. Committeeman Kelly seconded the motion.

Roll call: Committeeman Selen, Aye; Committeeman Kelly, Aye; Committeeman Sullivan, Aye; Deputy Mayor Swartz, Aye; Mayor Ritter, Aye.

Public Hearing for Ordinance 2018-06 will be scheduled for March 8, 2018.

Consent Agenda

RESOLUTION 2018-055

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following monthly reports of departments be acknowledged as received:

CFO – January
Construction Official – January
Police Department – January

RESOLUTION 2018-056

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING MINUTES OF MEETINGS

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meeting held on February 8, 2018.

RESOLUTION 2018-057

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES OF MEETINGS

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on February 8, 2018.

RESOLUTION 2018-058

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AUTHORIZE THE MUNICIPAL ALLIANCE COMMITTEE TO SUBMIT A GRANT APPLICATION FOR THE FISCAL YEAR 2019

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Township of Chatham, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem across all communities in our society and amongst people of all ages; and

WHEREAS, further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough of Chatham and the Township of Chatham have combined efforts and established the Municipal Alliance Committee of the Chathams; and,

WHEREAS, the Municipal Alliance Committee of the Chathams was approved for Municipal Alliance grant funding for Grant Year July 2017- June 18; and

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse has agreed to make \$20,073.00 grant funding allocation available to the Municipal Alliance Committee of the Chathams for Grant Year July 2018-June 2019, contingent upon meeting the Municipal Alliance Committee of the Chathams contribution of 25% Cash Match (\$5,018.25) and a 75% In-kind Match (\$15,054.75) for a total Alliance Budget of \$40,146.00; and

WHEREAS, the Borough of Chatham and Township of Chatham will equally contribute the Cash Match and In-Kind Match required for the grant funding.

BE IT RESOLVED, by the Committee of the Township of Chatham that it does hereby authorize the Mayor to execute the Municipal Alliance Grant Application Grant Year July 2018-July 2019; and

BE IT RESOLVED, that the Mayor is permitted to execute any supplement or amendment to the Municipal Alliance Grant Application that increases the grant funding allocation; and

BE IT RESOLVED, that all other Township officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

RESOLUTION 2018-059

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING MEMBER TO THE LIBRARY OF THE CHATHAMS BOARD OF TRUSTEES

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following appointment be made effective immediately:

Library of the Chathams Trustees

Term Expires

William Holmes

December 31, 2019 – Filling Unexpired Term

Committeeman Sullivan noted that the new appointee to the Library Board of Trustees, Bill Holmes, was an original member of the Chatham Athletic Foundation, and has a lot of experience in marketing. His expertise will be valuable with an upcoming fundraising effort. The Township Clerk noted that Mr. Holmes is replacing Former Mayor Fred Pocci, who recently stepped down from the Library Board of Trustees.

Committeeman Kelly moved to approve the Consent Agenda. Deputy Mayor Swartz seconded the motion.

Roll call: Committeeman Selen, Aye; Committeeman Kelly, Aye; Committeeman Sullivan, Aye; Deputy Mayor Swartz, Aye; Mayor Ritter, Aye.

Discussion

Giralda Farms Management Association Request

Attorney Cruz reported that the Giralda Farms Open Space Management Association sent a request to both Madison Borough and Chatham Township requesting that the developers agreements and planning board resolutions be modified to no longer require that the guard houses be manned. Attorney Cruz said that Madison’s agreement and resolution have that requirement, but the Township’s do not. As such, Attorney Cruz said that the Township’s resolution and developers agreement do not need to be modified. He asked for the Township Committee’s consent to send a letter to the Giralda Farms Open Space Management Association indicating the lack of need for any amendment.

Prohibiting Marijuana Cultivation, Production Testing, Manufacturing Facilities and Retail Stores in all Zone Districts

ORDINANCE 2018-07

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, AMENDING CHAPTER XXX, ARTICLE 7, TITLED “ZONING REGULATIONS”, SECTION 30-96.9, TITLED “PROHIBITED USES”, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM PROHIBITING MARIJUANA CULTIVATION, PRODUCTION, MANUFACTURE, AND SALE.

WHEREAS, the Township of Chatham has under the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., and the police power, N.J.S.A. 40:48-1, et seq., the authority to regulate land uses within its municipal boundaries; and

WHEREAS, the Township Committee of the Township of Chatham believes that it is in the best interest of the health, safety and welfare of its residents that Chapter XXX of the Land Development Regulations of the Township of Chatham, Article 7, titled “Zoning Regulations”, Section 30-96.9, titled “Prohibited Uses”, be amended to prohibit the operation of marijuana cultivation facilities, marijuana production or manufacturing facilities, marijuana testing facilities, and retail marijuana stores in all zone districts.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

Section 1. Chapter XXX of the Land Development Regulations of the Township of Chatham, Article 7, titled “Zoning Regulations”, Section 30-96.9, titled “Prohibited Uses”, is hereby amended to add a new subsection b as follows:

30-96.9 Prohibited Uses

- a. Where a use is not specifically permitted in a zone district, it is prohibited.
- b. Marijuana cultivation facilities, marijuana production or manufacturing facilities, marijuana testing facilities, and retail marijuana stores are prohibited in all zone districts.

Section 2. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Morris County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities.

The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this section, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 3. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Chatham for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within thirty-five (35) days after referral, a

report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 5. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Mayor Ritter said that Governor Murphy has indicated that he has a desire for marijuana use to be legalized in New Jersey. Mayor Ritter also said that he would like for the Township Committee to adopt an ordinance to prohibit the sale, cultivation and production of marijuana in the Township.

Attorney Cruz said that the proposed ordinance is based on a bill pending before the State Legislature. The proposed bill has a provision for municipalities to opt out of certain aspects of marijuana legalization. Attorney Cruz also said that the proposed ordinance is consistent with existing law, as the activities addressed in the ordinance are already illegal.

Committeeman Kelly asked if there is a possibility that the language of the State's legislation could change prior to any action by the Legislature. Attorney Cruz said that it could.

Mayor Ritter addressed child safety, and said that drugs do not have any place in Chatham Township.

Committeeman Selen asked about the possibility that the Legislature will not adopt the bill legalizing marijuana. Attorney Cruz said he is unable to predict if the bill will be adopted.

Deputy Mayor Swartz asked how this ordinance would affect medical marijuana if it became commonplace enough as to be sold at CVS. Attorney Cruz said that medical marijuana would be treated differently.

Committeeman Kelly asked about a waiting period in the proposed legislation. Attorney Cruz said that the proposed legislation would take effect one year after it is signed by the Governor.

Mayor Ritter opined that the Township Committee should make it clear now that the Township Committee does not support the cultivation, production or sale of marijuana.

Committeeman Kelly said that he would be more comfortable waiting to see what legislation the State might adopt before taking any action at the Township level.

Committeeman Sullivan moved to introduce Ordinance 2018-07. Deputy Mayor Swartz seconded the motion.

Roll call: Committeeman Selen, Aye; Committeeman Kelly, Nay; Committeeman Sullivan, Aye; Deputy Mayor Swartz, Aye; Mayor Ritter, Aye.

Public Hearing for Ordinance 2018-07 will be scheduled for April 12, 2018.

Gun Violence

Committeeman Kelly said that it would make sense for the Township Committee to send a letter as a Committee to the Township's Federal representatives asking them to give serious consideration to sensible gun control. Mayor Ritter asked Committeeman Kelly to draft a letter for the Township Committee's consideration.

Hearing of Citizens/Petitions

Mayor Ritter opened the Hearing of Citizens.

1. Mrs. Ewald said that it would send a more powerful message to Federal representatives if all five Township Committee members sign any letter sent about gun violence. She also asked about the ordinance prohibiting marijuana. Attorney Cruz said that the vote at this meeting was a procedural vote, and the ordinance will be referred to the Planning Board for comment. The ordinance will have a public hearing in April prior to a vote on adoption. The Township Clerk noted that the Planning Board will address the ordinance's consistency with the Master Plan. Mrs. Ewald asked if the ordinance would affect the medical use of marijuana. Attorney Cruz said that the ordinance would not impede medical use of the ordinance.
2. Mrs. Ness said that she would like for the Township Committee to publicly state that they are in favor of common-sense gun reform. She also said she is concerned about spot zoning related to the marijuana prohibition ordinance. Attorney Cruz said that there are not any spot zoning concerns with the ordinance, as it addresses prohibited uses. Mrs. Ness asked what would happen if the opt-out provision in the proposed legislation is removed. Attorney Cruz said that if the opt-out provision is removed, the ordinance would be rendered no longer applicable as state law supersedes local ordinances. Mrs. Ness asked how the will of the people is determined. Attorney Cruz said that there will be a public hearing on the ordinance prior to adoption. Administrator Ciccarone said that it is not uncommon in zoning ordinances for there to be lists of permitted uses and prohibited uses, and that anything not listed on either list might be considered a conditional use. Ordinance 2018-07 seeks to make it clear that cultivation, manufacture and sale of marijuana will be prohibited, however residents would be able to use marijuana in their homes if the State makes it legal. Deputy Mayor Swartz asked if the Township would be able to prohibit a dispensary under zoning regulations regardless of what actions the Legislature may take. Attorney Cruz said that the State could pass laws that preempt local laws, and the ability of a municipality to adopt regulations regarding marijuana will depend on what action the State may take.

Seeing no further public comment, Mayor Ritter closed the Hearing of Citizens.

Committeeman Sullivan moved to adjourn at 10:34 PM. Committeeman Selen seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk