

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
SEPTEMBER 10, 2015**

Mayor Sullivan called the Regular meeting of the Township Committee of the Township of Chatham to order at 7:34 PM.

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 7, 2015; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 7, 2015; and notice was filed with the Township Clerk on January 7, 2015.

Roll Call

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

Approval of Agenda

The Agenda was approved.

Reports

Mayor Sullivan noted the 14th anniversary of the events of September 11, 2001, and he encouraged residents to remember those who were lost that day.

Committeewoman Swartz reported that New Jersey American Water is encouraging water conservation due to the recent hot and dry weather. She also reported that JCP&L is gearing up for winter-storm season. JCP&L has also been testing their emergency equipment and techniques. Committeewoman Swartz also reported that she spoke with Assemblywoman Jasey's office regarding pending legislation that would tighten up controls on religious exemptions for immunizations. She further noted that the Madison Health Department has immunization clinics for under-insured and uninsured children. A flu shot clinic will also be held for seniors. Committeewoman Swartz further reported that the Senior Center Board of Trustees is having their first post-summer meeting, and they have several new members. She also reported that Public Works is busy with various projects.

Committeeman Kelly reported that it has been an excellent summer for both the Community Garden and the Giralda Open Space Tract.

Committeeman Gallop reported that the fall recreation season has begun. The Chatham Youth Sports Safety Symposium will be held on September 16th at the Chatham Middle School at 8:00 PM. Committeeman Gallop also reported that the Chatham Borough Council will be discussing the potential removal of a scarlet oak tree on a recreational field near the Chatham Train Station.

Deputy Mayor Ritter said that the Colony Pool Advisory Committee will have a season recap meeting to discuss what went well and what did not so that they can make improvements for next year. He also said that overall it was a successful year for Colony Pool, and membership was up 7% over last year. Deputy Mayor Ritter also addressed black bear encounters, and said that residents should call the police if they see a bear. He also said that block parties are a good opportunity to field a neighborhood watch program, and those wishing to begin a program can contact Officer Bloom. The Green Village Fire Department is hosting their annual golf tournament on September 21st. Both fire departments are both looking for new members. Deputy Mayor Ritter also encouraged residents to sign up for ACT! Now alerts. He also said that the Chatham Athletic Foundation is hosting their Septemberfest event on September 26th. Furthermore, this week is Suicide Prevention Awareness Week, and Deputy Mayor Ritter encouraged anyone in crisis to call the Suicide Prevention Hotline at 1-800-273-TALK.

Mayor Sullivan said that on Saturday, there will be a Sustainable Fair at the Chatham Farmers Market. He also reported that September is National Hunger Action Month, and Shop*Rite is

having an event on September 16th to raise awareness of the issue of hunger. On September 27th, the Mayor's Health & Wellness campaign and the Chatham Club are working together to run a 5K to raise money for a community food bank. Mayor Sullivan also noted that September 17th is Constitution Day, and September 17th – September 23rd is Constitution Week.

Engineer Ruschke reported that bids were received for a road and drainage improvements project for the Wickham Woods neighborhood. The lowest of three bids is from Hutton Construction, and came in within budget. Engineer Ruschke recommended that the contract be awarded. Bids were also received for a crack sealing project, and the lowest of three bids was submitted by Consolidated Maintenance Solutions, LLC. Engineer Ruschke recommended that this contract be awarded as well. Engineer Ruschke also reported that the Morris County Co-op has provided a tentative date of September 21st for paving of the section of Southern Boulevard from Fairmount Ave to River Road, which had been impacted by the recent sewer project. He also provided an update on the documents that need to be submitted to the DOT in relation to the sidewalk grants. He also discussed other considerations for the proposed sidewalk project. Engineer Ruschke is working on a presentation to be given to the Township Committee regarding the sidewalk project. The Township Committee discussed when to have Engineer Ruschke provide this presentation.

Administrator Ciccarone reported that he would like to thank the staff members who helped make the 2015 Colony Pool season a success.

Hearing of Citizens/Petitions

Mayor Sullivan opened the Hearing of Citizens.

1. Michael Martin, 27 Geoffrey Court, said that he lives across the street from a Transco bleeding station, and he is concerned about the maintenance of the parcel. Mr. Martin said that Transco has claimed that the Township and the County are responsible for cutting the grass on the property. Administrator Ciccarone said that the Township does not own the property, and is therefore not responsible for cutting the grass. He is also not aware of any regulation that would require the cutting of the grass on the property, as it is an undeveloped property. Mr. Martin said that Rush Markoski at Transco claims that the Township is responsible for maintaining the Transco property.

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

Public Hearing/Final Adoption of Ordinances

Ordinance 2015-14

ORDINANCE NO. 2015-14

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF A SANITARY SEWER EASEMENT FROM MICHAEL WARREN AND KATIE WARREN FOR BLOCK 20, LOT 20, 23 SUSAN DRIVE

WHEREAS, the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, wishes to accept a Sanitary Sewer Easement conveyed to the Township by Michael Warren and Katie Warren for Lot 20, Block 20 as shown on the Tax Map of the Township of Chatham and commonly known as 23 Susan Drive; and

WHEREAS, the purpose of this conveyance is to realign the existing fifteen (15') foot wide sanitary sewer easement to bracket the existing sewer as necessary; and

WHEREAS, Michael Warren and Katie Warren agreed to donate the Sanitary Sewer Easement at no cost to the Township; and

WHEREAS, the Township Attorney for the Township of Chatham reviewed the Sanitary Sewer Easement in the form attached and finds it acceptable in all respects.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that it hereby authorizes acceptance of the Sanitary Sewer Easement attached hereto and directs its appropriate officials to execute and record such documents as may be necessary.

This Ordinance shall become effective according to law.

Mayor Sullivan opened the Public Hearing on Ordinance 2015-14. Seeing no public comment, Mayor Sullivan closed the Public Hearing.

Committeewoman Swartz moved to adopt Ordinance 2015-14. Committeeman Kelly seconded the motion.

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

Ordinance 2015-15

ORDINANCE 2015-15

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER XXIV, TITLED “TELECOMMUNICATIONS FACILITIES”, ADDING A NEW SECTION 24-3, TITLED “AGREEMENT WITH LIGHT TOWER FIBER LONG ISLAND, LLC”, AND CONSENTING TO LIGHTOWER’S USE OF THE RIGHTS-OF-WAY

BE IT ORDAINED by the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey, that Chapter XXIV, titled “Telecommunications Facilities”, of the Revised General Ordinances of the Township of Chatham be amended to add a new Section 24-3, titled “Agreement with Light Tower Fiber Long Island, LLC”, and consenting to Lightower’s use of the rights-of-way as follows:

Section 1. The title of Section 24-3 shall be “Agreement with Light Tower Fiber Long Island, LLC.”

Section 2. The text of Section 24-3 shall be as follows:

§24-3.1 Preamble.

Light Tower Fiber Long Island, LLC, d/b/a Lightower Fiber Networks (“Lightower”) requested permission to install telecommunications cable in the public rights-of-way of the Township of Chatham, New Jersey (“Township”) by attaching such cable to poles owned by public utilities located in the public rights-of-way of the Township.

Lightower has been approved by the New Jersey Board of Public Utilities (“NJBPU”) to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket Number TM08040212 on June 16, 2008. Pursuant to such authority granted by NJBPU, Lightower may locate, place, attach, install, operate and maintain telecommunication facilities within the public rights-of-way for purposes of providing telecommunications services (“Facilities”).

The Township desires, pursuant to N.J.S.A. 54:30A-124, to grant permission for such use of the public rights-of-way upon the terms and conditions in this Section 24-2.

§24-3.2 Grant of Consent.

Consent. Subject to obtaining the permission of the owner of any existing utility poles or conduits to be used, the Township hereby authorizes and permits Lightower, and its successors and assigns, to enter upon the public rights-of-way and to attach, install, operate, maintain, inspect, remove, reattach, reinstall, relocate or replace its Facilities in or on conduits or utility poles or other structures owned by public utility companies located within the public rights-of-way identified on Schedule A and as may be permitted by the public utility company or property owner, as the case may be.

§24-3.3 Limitation. The public rights-of-way shall not include rights-of-way under the jurisdiction of any other municipal, state, or federal government or department or agency, or any property owned by any person or governmental entity other than the Township, except as provided by law or pursuant to an agreement between the Township and any person or governmental entity.

§24-3.4 Term. The term of this Ordinance and the consent granted herein shall be 25 years from the Effective Date of this Ordinance and shall automatically renew for an additional 10 years (each, a “Term”), unless terminated earlier by: (i) an event of default under Section 24-3.9 of this Ordinance; or (ii) Lightower upon thirty (30) days' prior written notice to the Township of its intention to terminate this Ordinance. Lightower shall bear the cost of removal of its Facilities upon termination of this Ordinance.

§24-3.5 Permitting. Lightower provided the Township Engineer, or such other Township officer responsible for permitting use of the public rights-of-way, with a plan showing the route, location and manner of placement of Facilities upon, along, over or under the public rights-of-way attached as Schedule A. Lightower shall be limited to the rights-of-way route identified on Schedule A and any modification of that route must be approved by the Township Committee. Lightower shall comply with any and all reasonable requirements of the Township Engineer, or other such Township official as applicable, in connection with the construction or erection of Facilities that are imposed in accordance with the regulations and restrictions aforementioned in this Section 24-3.5 including any requirement for obtaining a road opening permit prior to any excavation work. Lightower shall bear the cost and expense for the construction or erection of its Facilities, and for the relocation of any of its Facilities as the Township may require from time-to-time.

§24-3.6 Costs. Lightower's construction or erection, service and maintenance of Facilities pursuant to the permission and consent granted herein shall be subject to regulations and restrictions as may be adopted by the Township from time-to-time on a non-discriminatory basis pertaining to the safety and convenience of persons or vehicles traveling on the public rights-of-way. To the extent provided under the regulations and restrictions aforementioned or as otherwise provided by law, Lightower shall reimburse the Township for the Township's costs and expenses incurred in connection with the permission and consent granted herein as provided by N.J.S.A. 54:30A-124, and shall obtain applicable permits and pay applicable permit fees. The Township shall not unreasonably deny or delay the issuance of applicable permits to Lightower.

§24-3.7 Township Facilities. The use by Lightower of any Township Facilities for the construction or erection and placement of Lightower's Facilities and subsequent service and maintenance, shall be subject to the amendment to this Ordinance and upon such reasonable terms and conditions as mutually agreed. For purposes of this subsection, "Township Facilities" means Township-owned street light poles, lighting fixtures, electroliers, or other Township-owned structures located within the public rights-of-way.

§24-3.8 Tree Trimming. Lightower represented to the Township that the installation of the Facilities would not require any tree trimming and this Ordinance is conditioned upon Lightower not trimming any trees within the Township.

§24-3.9 Indemnity.

A. Third Party Claims. Lightower agrees to indemnify and defend the Township from all third party losses, claims, damages, judgments, penalties (including reasonable attorney fees) resulting from any bodily injury or property damage to the proportional extent caused by the direct fault or negligence of Lightower, and its employees, agents and subcontractors. The Township shall provide prompt written notice of and furnish a copy of all written communications relating to any claim of indemnification covered hereunder. Lightower shall have the right to assume exclusive control of the defense or settlement of, or other efforts to resolve such claim. The Township agrees to cooperate reasonably with Lightower in connection with any such indemnification claim. The Township may engage counsel of its own choosing, at its own cost and expense.

B. Township Claims. In the event that any service, maintenance, removal or relocation of Lightower's Facilities causes the public rights-of-way to be damaged, Lightower at its sole cost and expense, shall promptly repair any such damage and return the public rights-of-way to a safe and satisfactory condition, normal wear and tear excepted. If Lightower does not repair such damage, then the Township shall have the option, upon fifteen (15) days' prior written notice to Lightower, to perform or cause to be performed such reasonable and necessary work on behalf of Lightower and to charge Lightower for the costs incurred by the Township at the Township's standard rates.

C. Insurance. Lightower shall obtain and maintain at all times during the existence of this Ordinance commercial general liability insurance and commercial automobile liability insurance protecting Lightower in an amount not less than one million dollars (\$1,000,000) per occurrence (combined single limit), including bodily injury and property damage, and an excess liability policy (or "umbrella") policy in the amount of five million dollars (\$5,000,000). Further, Lightower shall obtain and maintain at all times during this Ordinance statutory workers' compensation and employer's liability insurance in an amount not less than one million dollars (\$1,000,000).

§24-3.10 Default. If Lightower fails to materially perform its obligations under this Ordinance, it shall be in default upon written notice thereof by the Borough. Upon notice of the default, Lightower shall have forty-five (45) days to cure the default before the Township shall have the right to terminate this Ordinance and pursue any and all claims in law or equity in respect of such default.

§24-3.11 Reservation of Rights. Any and all rights expressly granted to Lighttower under this Ordinance which shall be exercised at Lighttower's sole cost and expense shall be subject to the prior and continuing right of the Township under applicable laws to use any and all parts of the public rights-of-way exclusively or concurrently with any other person or persons and shall be further subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record which may affect the public right-of-way. Nothing in this Ordinance shall be deemed to grant, convey, create or vest in Lighttower a real property interest in land, including any fee, leasehold interest, easement or any other form of interest or ownership now known or hereinafter devised.

§24-3.12 Governing Law. This Ordinance shall be governed and construed by and in accordance with the laws of the State of New Jersey.

§11-3-13 Assignment. The respective rights and obligations under this Ordinance shall inure to the benefit of and be binding upon the successors and assigns of Lighttower. Except for assignment to an affiliate or successor to Lighttower's business, as approved by the New Jersey Board of Public Utilities, Lighttower shall not assign any interest in this Ordinance to any person or entity without the Township's written consent.

§24-3.14 Waiver. The waiver by the Township of any breach or violation of any provision of this Ordinance shall not be deemed to be a waiver or a continuing waiver of any subsequent breach or violation of the same or any other provision of this Ordinance.

§24-3.15 Headings. Section and subsection headings contained in this Ordinance are inserted for convenience of reference only, shall not be deemed to be a part of this Ordinance for any purpose, and shall not in any way define or affect the meaning, construction or scope of any of the provisions hereof.

§24-3.16 Severability. If one or more of the provisions of this Ordinance shall be held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such provision(s) shall be deemed severable from the remaining provisions of this Ordinance and shall not affect the legality, validity, or constitutionality of the remaining portions of this Ordinance. The Township acknowledges that the NJBPU may impose additional terms and conditions under this Ordinance pursuant to its statutory authority. Either the Township or Lighttower shall have the right to seek reconsideration or judicial review of the imposition of any such additional terms and conditions.

Section 3. This Ordinance shall take effect upon final adoption and publication according to law.

Mayor Sullivan opened the Public Hearing on Ordinance 2015-15.
Seeing no public comment, Mayor Sullivan closed the Public Hearing.

Committeeman Kelly moved to adopt Ordinance 2015-15. Committeewoman Swartz seconded the motion.

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

Ordinance 2015-18

ORDINANCE 2015-18
ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING SECTION 7-20 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP, TITLED "STOP INTERSECTIONS", BY INSTALLING A STOP SIGN AT THE INTERSECTIONS OF ABERDEEN ROAD, OVERLOOK ROAD AND SANDY HILL ROAD WITH WARWICK ROAD, AND A "STOP SIGN" AT THE INTERSECTION OF MAPLE STREET AND SCHOOL AVENUE

WHEREAS, the Township of Chatham Chief of Police recommended the removal of "YIELD" signs on Sandy Hill Road at its intersection with Aberdeen Road, Overlook Road and Warwick Road, and to install "STOP" signs on Aberdeen Road, Overlook Road and Sandy Hill Road at their intersection with Warwick Road, and to install a "STOP" sign at the intersection of Maple Street and School Avenue; and

WHEREAS, the Township Committee of the Township of Chatham desires, pursuant to N.J.S.A. 39:4-140, to follow the recommendations of the Chief of Police to promote the health, safety and welfare of its residents.

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. Section 7-20 of the Revised General Ordinances of the Township of Chatham, titled “Stop Intersections”, is hereby amended to designate the following as “STOP” Intersections:

<u>Intersection</u> Sandy Hill Road and Aberdeen Road	<u>STOP Sign on:</u> Aberdeen Road
Sandy Hill Road and Overlook Road	Overlook Road
Sandy Hill Road and Warwick Road	Sandy Hill Road
Maple Street and School Avenue	School Avenue

Section 2. All other provisions of Section 7-20 remain in effect.

Section 3. Severability.

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 4. Effective Date.

This Ordinance shall take effect after final passage, adoption and publication according to law.

Mayor Sullivan opened the Public Hearing on Ordinance 2015-18.

1. Lori Saul, 6 Aberdeen Road, opined that the stop signs should be placed on Sandy Hill Road in order to slow down traffic.
2. Carla Krawiec, 21 Sandy Hill Road, said that the yield signs in her neighborhood are generally ignored, and should be replaced with stop signs.
3. Andrew Gladin, 14 Overlook Road, said that a lot of people do not pay attention to the yield signs, and suggested that the intersections be made four-way stops. He also urged a formal traffic study in his neighborhood.

Chief Hennelly said that if a formal traffic study were performed, it would likely indicate that Sandy Hill Road should not have signs and the other streets should have stop signs. He suggested that his recommendation be implemented, and that an assessment be made if the stop signs on the cross streets helps to curb speeding.

Deputy Mayor Ritter said that he would like to see the issue resolved now, and not have the issue be revisited at a later time. He suggested that the ordinance be amended to have four-way stops.

Mrs. Saul said that many of the speeders in her neighborhood are her neighbors. She also said that stop signs on Aberdeen will not help the issue, and that stop signs should be on Sandy Hill Road in place of the existing yield signs.

Committeeman Gallop asked if enforcement has been stepped up in the neighborhood. Chief Hennelly said that a squad car could sit in the neighborhood for hours without seeing a car travel through. Mrs. Krawiec said that she observed the police officers in the neighborhood doing the traffic study, and speeders often came through soon after the police left. Mr. Gladin supported Deputy Mayor Ritter’s suggestion that the intersections be four-way stops. Mrs. Krawiec also supported having a four-way stop. Chief Hennelly said that if he was going to change his recommendation, it would be to have a four-way stop intersection.

Committeeman Gallop asked if there is a way to ensure that all residents in the affected neighborhood are aware of any changes to traffic patterns in the area. Administrator Ciccarone said that governing bodies are required to hold public hearings for that reason, and that any

substantive amendment to the ordinance would require a further public hearing. He also suggested that a copy of a draft ordinance be sent out to the neighborhood if changes are made.

Committeeman Kelly said that he thinks that the intersections should have four-way stops, and the effectiveness of four-way stops can then be assessed.

Committeeman Gallop said that his main concern is making sure the affected residents are aware of the proposed changes.

Committeewoman Swartz suggested that the intersection of Maple Ave & School Ave be treated in a separate ordinance. She also said that stops signs on Sandy Hill are the best option.

Deputy Mayor Ritter spoke in favor of four-way stops.

Seeing no further comment, Mayor Sullivan closed the Public Hearing.

Deputy Mayor Ritter moved to table Ordinance 2015-18. Committeewoman Swartz seconded the motion.

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

Ordinance 2015-19

ORDINANCE 2015-19

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING SECTION 7-II.1 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP, TITLED "TIME LIMIT PARKING", ON JAY ROAD AND ROBERT DRIVE

WHEREAS, the Township of Chatham Chief of Police recommended limited time parking on Jay Road and Robert Drive; and

WHEREAS, the Township Committee of the Township of Chatham desires to follow the recommendation of the Chief of Police to promote the health, safety and welfare of its residents.

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. Section 7-11.1 of the Revised General Ordinances of the Township of Chatham, titled "Time Limit Parking", is hereby amended to add the following streets as "TIME LIMIT PARKING" streets:

<u>Street</u>	<u>Side</u>	<u>Time Limit</u>	<u>Hours</u>	<u>Length</u>
Jay Road		Southerly	2 hours	8:00 AM to Entire length 3:00 PM (school days)
Robert Drive		Southerly	2 hours	8:00 AM to Entire length 3:00 PM (school days)

Section 2. All other provisions of Section 7-21 remain in effect.

Section 3. Severability.

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 4. Effective Date.

This Ordinance shall take effect after final passage, adoption and publication according to law.

Mayor Sullivan opened the Public Hearing on Ordinance 2015-19.

1. Ben Jogodnik, 10 Robert Drive, addressed the parking situation on Robert Drive. He said that the problem with school parking does not extend to the middle of the block, and the regulations prevent people from parking in front of their own homes.

2. Michael Macburney, 18 Jay Road, asked if residents and their guests would be allowed to park in front of their own homes.
3. John Weisenhorn, 3 Robert Drive, said that the parking restrictions have been helpful from his house up to 7 Robert Drive, and he thanked the Township Committee.
4. Mr. Jogodnik said that it is only on Back to School Night that there are cars in front of his house. Mr. Ciccarone said that if the regulations were only on one portion of the road, then the existing problem would shift down the road. Mr. Jogodnik said that his house is far enough down that people would not want to walk.
5. Susie Weisenhorn, 3 Robert Drive, spoke in favor of having the parking restrictions only in the area closer to Southern Boulevard where there are problems with parking.
6. Mr. Macburney said that it would suffice to have parking restrictions on Jay Road only go down to 14 Jay Road.

Seeing no further comment, Mayor Sullivan closed the Public Hearing.

Administrator Ciccarone said that the ordinance can be tabled, and a new ordinance can be introduced at the next meeting with the appropriate changes based on public comment.

Deputy Mayor Ritter moved to table Ordinance 2015-19. Committeeman Kelly seconded the motion.

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

Ordinance 2015-17

**ORDINANCE 2015-17
ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE
OF NEW JERSEY, AMENDING SECTION 7-21 OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP, TITLED “YIELD INTERSECTIONS”, BY
REMOVING THE “YIELD” SIGN AT THE INTERSECTION OF MAPLE STREET
AND SCHOOL AVENUE ON SCHOOL AVENUE.**

WHEREAS, the Township of Chatham Chief of Police recommended the removal of a “YIELD” sign on School Avenue at the intersection of Maple Street and School Avenue; and

WHEREAS, the Township Committee of the Township of Chatham desires, pursuant to N.J.S.A. 39:4-140, to follow the recommendation of the Chief of Police to promote the health, safety and welfare of its residents.

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. Section 7-21 of the Revised General Ordinances of the Township of Chatham, titled “Yield Intersections”, is hereby amended to remove the following as a “YIELD” Intersection:

<u>Intersection</u> Maple Street and School Avenue	<u>YIELD Sign on:</u> School Avenue
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Section 2. All other provisions of Section 7-21 remain in effect.

Section 3. Severability.

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 4. Effective Date.

This Ordinance shall take effect after final passage, adoption and publication according to law.

Mayor Sullivan opened the Public Hearing on Ordinance 2015-17.
Seeing no public comment, Mayor Sullivan closed the Public Hearing.

Deputy Mayor Ritter moved to table Ordinance 2015-17. Mayor Sullivan seconded the motion.

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

Consent Agenda

RESOLUTION 2015-156

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING PAYMENT OF BILLS, PAYROLLS, SCHOOL TAXES AND COUNTY TAXES

BE IT RESOLVED that bills in the total amount of \$497,917.60 and the prior month's payroll of \$420,561.01 Current Fund, \$47,361.04 Sewer No. 1, \$8,989.61 Sewer No. 2, \$7,187.19 Recreation Trust and \$24,522.49 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of September 2015, in the amount of \$2,890,597.00 be paid.

RESOLUTION 2015-157

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 August 13, 2015.

RESOLUTION 2015-158

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

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 August 13, 2015.

RESOLUTION 2015-159

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, REGARDING THE RENEWAL OF ALCOHOLIC BEVERAGE LICENSES IN THE TOWNSHIP OF CHATHAM FOR THE FISCAL YEAR BEGINNING JULY 1, 2015

WHEREAS, an application for the renewal of an Alcoholic Beverage License in the Township of Chatham for the fiscal year beginning July 1, 2015 has been made by N and M Chatham Inc., trading as the Hickory Wine Cellar;

WHEREAS, the applicant has complied with all the requirements of "An Act for the Manufacture, Distribution and Sale of Alcoholic Beverages", known as the "Alcoholic Beverage Act and Amendments and Supplements thereto", as well as the Ordinance of the Township of Chatham entitled "An Ordinance to Regulate the Sale and Distribution of Alcoholic Beverages", as amended, including the submission of the appropriate license fees, and no objections to the renewal of said licenses have been received.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk be and hereby is authorized to deliver the plenary retail distribution license as issued by the New Jersey Division of Alcoholic Beverage Control for the fiscal year beginning July 1, 2015, as follows:

To N and M Chatham Inc., trading as the Hickory Wine Cellar, for premises situated at 641 Shunpike Road, Chatham, New Jersey (Lic. No. 1405-44-003-008).

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk be forwarded to the Division of Alcoholic Beverage Control and the State Department of Taxation and Finance, Newark, New Jersey, for their information and guidance.

RESOLUTION 2015-160

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING THE BID OF HUTTON CONSTRUCTION FOR THE 2015 ROAD MAINTENANCE AND DRAINAGE IMPROEMENTS PROJECT

WHEREAS, the Township of Chatham has prepared the necessary bid documents and published the appropriate advertisements to enable it to seek bids for a Road Maintenance and Drainage Improvement Project; and

WHEREAS, bids were duly received and opened on August 26, 2015 at 11:00 a.m.; and

WHEREAS, the bid of Hutton Construction, with the total base amount of \$383,283.50 was the lowest responsible bid, has been reviewed for compliance with the instructions to bidders and specifications and has been found to be fully conforming, is within the estimate for the cost thereof, and therefore may be awarded; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that, for the reasons set forth above, the bid of Hutton Construction is hereby accepted, and the Mayor and Clerk are hereby authorized to execute a contract with Hutton Construction in accordance with the bid specifications.

RESOLUTION 2015-161

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING THE BID OF CONSOLIDATED MAINTENANCE SOLUTIONS LLC FOR THE 2015 CRACK SEALING PROJECT

WHEREAS, the Township of Chatham has prepared the necessary bid documents and published the appropriate advertisements to enable it to seek bids for a Crack Sealing Project; and

WHEREAS, bids were duly received and opened on August 27, 2015 at 11:00 a.m.; and

WHEREAS, the bid of Consolidated Maintenance Solutions, LLC, with the total base amount of \$54,750.00 was the lowest responsible bid, has been reviewed for compliance with the instructions to bidders and specifications and has been found to be fully conforming, is within the estimate for the cost thereof, and therefore may be awarded; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that, for the reasons set forth above, the bid of Consolidated Maintenance Solutions, LLC is hereby accepted, and the Mayor and Clerk are hereby authorized to execute a contract with Consolidated Maintenance Solutions, LLC in accordance with the bid specifications.

RESOLUTION 2015-162

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, RELEASING DEVELOPER ESCROW ACCOUNT AND/OR PERFORMANCE BOND BALANCES

WHEREAS, developers are required to deposit monies with the Township for the purposes of offsetting Township professional costs to review plans or to inspect approved development and for the purpose of ensuring the satisfactory completion of public or private improvements; and

WHEREAS, these deposited monies, following all necessary withdrawals to cover Township expenses or costs, may be released upon satisfactory completion of work, receipt of review board decisions, or completion of guaranteed work, upon passage of a Township resolution authorizing such release.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following guarantee amount or account balances, with interest adjustments as prescribed by state and local laws, may be released to the depositor of record:

<u>NAME</u>	<u>Project</u>	<u>A/C NUMBER</u>	<u>AMOUNT</u>
Michael Boag 16 Troy Road Whippany, NJ 07981	BOH 14-48.21-172 493 Green Village Road	7763179453	\$1,142.50

RESOLUTION 2015-163

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF TAXES

WHEREAS, an overpayment of property taxes or sewer utility fees has been made for the following properties; and

WHEREAS, the Tax Collector has recommended the refund of such overpayment,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refunds be made:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME & ADDRESS</u>	<u>AMOUNT</u>
48.04	39	Fearon, Terrance J. 6 Glenmere Drive Chatham, NJ 07928	\$5,622.80 County Judgment Year 2015

RESOLUTION 2015-164

RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEALS FILED BY ERIKA McCORD BROWN AND TIMOTHY M. BROWN, FOR THE PROPERTY KNOWN AS 2A ROBERT DRIVE AND IDENTIFIED AS BLOCK 102.01, LOT 2.01, ON THE TAX MAPS OF THE TOWNSHIP OF CHATHAM

WHEREAS, Ericka McCord Brown and Timothy M. Brown (“Taxpayer”) are the owners of the property commonly known as 2A Robert Drive and identified as Block 102.01, Lot 2.01, on the Tax Maps of the Township of Chatham (“Property”); and

WHEREAS, the assessed value of the Property was set at \$1,231,600 for the 2014 and 2015 tax years; and

WHEREAS, Taxpayer filed appeals of the 2014 and 2015 tax assessments in the Tax Court of the State of New Jersey under Docket Nos.: 002946-2014 and 002547-2015; and

WHEREAS, Taxpayer obtained an appraisal opinion of the market value of the Property for the 2014 tax year of \$1,060,000, which at the ratio of assessed to true value of 92.92% for said year would convert to an assessment of \$1,104,700; and

WHEREAS, the Township Tax Assessor reviewed the Taxpayer’s appraisal, inspected the property, and made certain corrections to the Township Property Record Card; and

WHEREAS, a proposed settlement of the aforesaid tax appeals was negotiated between Taxpayer, the Township Tax Assessor and the Township Tax Attorney as set forth in the Stipulation of Settlement annexed hereto; and

WHEREAS, pursuant to the proposed Stipulation of Settlement, the aforesaid tax appeal is to be resolved as follows:

- The assessment for the 2014 tax year is affirmed at \$1,231,600;
- The 2015 assessments in the amount of \$1,231,600 shall be reduced to \$1,200,000;
- Taxpayer waives statutory interest conditioned upon any refunds due being paid within 60 days of judgment;
- Subject to the conditions more fully described in the Stipulation of Settlement, the 2016 assessment may be set at no more than \$1,107,100; and

WHEREAS, the Tax Assessor agrees it is in the best interests of the Township to resolve the aforesaid tax appeals pursuant to the terms and conditions set forth above and in the Stipulation of Settlement annexed hereto based on market conditions as well as the uncertainty and costs associated with continued litigation; and

WHEREAS, the aforesaid settlement is based on the specific and identifiable facts and circumstances pertaining to the Property and has no general application to other properties within the Township; and

WHEREAS, the Township Committee having reviewed and considered the pending tax appeals and the proposed settlement thereof agrees and confirms it is in the best interests of the Township to resolve the tax appeal as set forth herein and in the Stipulation of Settlement attached hereto; and

WHEREAS, the Township Committee makes this settlement with the Taxpayer without prejudice to its dealings with any other taxpayers’ requests for tax assessment reductions; and

WHEREAS, the Township Chief Financial Officer certifies sufficient funds are available to satisfy the refund payment and/or credit, and said certification of funds is attached to this Resolution.

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

1. The Township’s Tax Appeal Counsel is authorized to execute on behalf of the Township of Chatham the attached Stipulation of Settlement pertaining to the tax appeal filed by Ericka McCord Brown and Timothy M. Brown under Docket Nos.: 002946-2014 and 002547-2015 for the property known as 2A Robert Drive and identified as Block 102.01, Lot 2.01, on the Tax Map of the Township of Chatham.
2. This settlement shall be without prejudice to the Township’s dealings with any other taxpayer request or appeal for tax assessment reductions.

RESOLUTION 2015-165
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY APPOINTING A CROSSING GUARD

BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, New Jersey that Aideen Konteatis is hereby appointed to serve as a Crossing Guard for the Township of Chatham, effective September 3, 2015, at a rate consistent with the 2015 Salary Resolution.

RESOLUTION 2015-167
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW
JERSEY ADOPTING THE MORRIS COUNTY MULTI-JURISDICTIONAL MULTI-HAZARD
MITIGATION PLAN UPDATE

WHEREAS the Township of Chatham has experienced natural hazards that result in public safety hazards and damage to private and public property;

WHEREAS the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk;

WHEREAS the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan;

WHEREAS a Hazard Mitigation Plan has been developed by the Mitigation Planning Committee;

WHEREAS the Morris County Multi-Jurisdictional Multi-Hazard Mitigation Plan Update, dated July 2015, includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

WHEREAS the draft plan was provided to each participating jurisdiction and was posted on the County Office of Emergency Management's website so as to introduce the planning concept and to solicit questions and comments; and to present the Plan and request comments, as required by law, and

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Chatham as follows:

1. The *Morris County Multi-Jurisdictional Multi-Hazard Mitigation Plan Update*, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency in July 2015 by the Morris County Office of Emergency Management is hereby adopted as an official plan of the Township of Chatham; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The Township of Chatham departments identified in the Plan are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Township of Chatham, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Morris County Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date as agreed upon by all stakeholders.

Deputy Mayor Ritter asked about background checks for the new crossing guard. Administrator Ciccarone said that the Police Department has performed the requisite background check.

Deputy Mayor Ritter asked about the reappointment of the Township Auditor, and if it would be a best practice to change auditors every few years. Administrator Ciccarone said that Mr. Montanino has been the Township's auditor for several years. He also explained that it may be a best practice in the private sector to change auditors, but professionals such as an auditor are typically only changed in the public sector for political reasons. Administrator Ciccarone also said that Mr. Montanino has provided a good service for a reasonable price to the Township. Committeeman Gallop asked about the auditor's proposed fee for 2015. Administrator Ciccarone said that the proposed fee is for a total of about \$50,000. Deputy Mayor Ritter asked if the auditor has to be appointed at this meeting. Administrator Ciccarone said that the appointment is usually made at the reorganization meeting, and he recommended that the

appointment be made. Committeewoman Swartz asked if there is any potential benefit to seeking a new auditor. Administrator Ciccarone said that there would not be any benefit to seeking a new auditor. Deputy Mayor Ritter asked what other municipalities pay for auditing services. Administrator Ciccarone said that he will contact neighboring towns to see what they pay. Committeeman Gallop said that auditing is not a service for which it necessarily makes sense to always go with the lowest bidder, as there are intellectual considerations. The resolution appointing the auditor was pulled for consideration at a future meeting.

Committeeman Kelly asked about the Multi-Hazard Mitigation Plan. Mayor Sullivan said that it is a County-wide plan. The Township also provided information for the updates. Approving the plan updates will also help the Township and County receive emergency management grants.

Committeeman Gallop moved to approve the Consent Agenda. Committeeman Kelly seconded the motion.

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

Hearing of Citizens/Petitions

Mayor Sullivan opened the Hearing of Citizens.
Seeing no public coming forward, Mayor Sullivan closed the Hearing of Citizens.

Executive Session

**RESOLUTION 2015-P-10
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING
CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED**

WHEREAS, N.J.S.A. 10:4-12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Chatham is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Personnel: Department of Public Works
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Committeeman Kelly moved to pass Resolution 2015-P-10 to enter Executive Session at 9:44 PM. Deputy Mayor Ritter seconded the motion.

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

Mayor Sullivan announced that the Township Committee might taking action following Executive Session.

The Township Committee returned to Public Session and the meeting at 10:07 PM.

RESOLUTION 2015-168
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM APPROVING THE PROMOTION OF MICHAEL HAJJAR TO THE
POSITION OF ASSISTANT CHIEF OPERATOR

WHEREAS, there exists a vacancy in the position of Assistant Chief Operator of the Water Pollution Control Plant within the Department of Public Works, and

WHEREAS, John Pacelli, Public Works Manager has recommended that Michael Hajjar be promoted to the position of Assistant Chief Operator.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Chatham that Michael Hajjar is hereby promoted to the position of Assistant Chief Operator within the Chatham Township Department of Public Works effective July 1, 2015. Terms and conditions of this position are as found in the Collective Bargaining Agreement in effect between the Township of Chatham and Teamsters Local 469.

Committeewoman Swartz moved to pass Resolution 2015-168. Committeeman Kelly seconded the motion.

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

The meeting was adjourned at 10:08 PM.

Gregory J. LaConte
Township Clerk