

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
OCTOBER 11, 2018**

Mayor Ritter called the Regular Meeting of the Township Committee of the Township of Chatham to order at 7:33 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, Deputy Mayor Swartz and Mayor Ritter. Committeeman Sullivan was absent.

Mayor Ritter noted that Committeeman Sullivan was absent because he was representing the Township at the Great Swamp Watershed Association's annual gala.

Approval of Agenda

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

Presentation – Pregnancy and Infant Loss Awareness Day

Township resident Sid Gupta said that he and his wife moved to Chatham Township when they were expecting their first child. He further described how the child had died prior to delivery. Mr. Gupta said that people who suffer from pregnancy and infant loss often grieve alone, and stillbirths are a common problem.

Deputy Mayor Swartz said that she also had a stillborn child, and said that the loss remains with a mother of a stillborn child. Deputy Mayor Swartz also read aloud the attached proclamation.

Oaths of Office

Mayor Ritter cited the various career accomplishments of Lt. Christopher Slayton. Deputy Mayor Swartz offered her congratulations to Lt. Slayton. Committeeman Kelly offered best wishes to Lt. Slayton in his new position. Committeeman Selen congratulated both Lt. Slayton and his family.

The Oath of Office for Lt. Slayton was administered by Mayor Ritter.

Reports

Committeeman Selen reported that DPW has continued the conversion to LED lights at the Municipal Building. They have also continued the maintenance of recreation fields and the Skate Park, as well as pothole repairs and street sweeping. The Colony Pool end of season breakdown was performed. Salt spreaders and plows are also being prepared for winter. Belgian block curbing has also been repaired.

Committeeman Kelly reported that the Municipal Alliance has supported the Out of the Darkness suicide prevention walk. The Municipal Alliance also continues to address the circumstances that contribute to substance abuse.

Deputy Mayor Swartz reported that Senior Center's Shred Event is approaching on October 20th from 9:00 to Noon. She also reported that the Senior Center's Oktoberfest will be held on

October 12th. Deputy Mayor Swartz also reported that Chatham High School students will be volunteering at the Senior Center to offer computer and smartphone assistance. The Chatham Township Fire Department will be hosting a holiday shopping boutique on November 16th, and vendors can get more information from www.ctfd.org. Deputy Mayor Swartz also noted that it is currently Fire Prevention Week. Deputy Mayor Swartz further reported that the Township's Environmental Commission has maintained bronze level status in the Sustainable Jersey program, and she thanked those CTEC members who worked on that process. She also reported that the Township's Recycling Coordinator, Christie Tragno, spoke at the recent Environmental Commission meeting, and Mrs. Tragno had addressed recycling guidelines which are often ignored. Deputy Mayor Swartz also reported that the Tri-Town 55+ Committee had a meeting, and she commented on the ride program for seniors. Regarding recycling, the idea of adding additional pickups has been explored and would necessitate using a private carrier.

Mayor Ritter reported that the train shuttle survey has concluded, and results are pending. He also reported that the Out of the Darkness Walk was successful. Mayor Ritter also reported that the CERT Program is being reestablished, and an information session is being held on October 24th. He further reported that Moody's Investors Services awarded the Township a rating of AAA, and Mayor Ritter noted the efforts of Administrator Ciccarone and CFO Debra King toward the Township achieving that rating. Mayor Ritter also said that traffic studies have been performed at the intersection of Fairmount Ave and River Road. He also noted that the Township Committee has been working on the affordable housing matters over the past several years, and he commended Attorney Cruz and Administrator Ciccarone on their efforts.

Administrator Ciccarone reported that when NJ American Water repaired a water main on Lafayette Avenue a few years ago, a financial contribution was made to the Township's repaving of the road rather than having NJ American Water repave only the affected trench. Using that negotiation as a model, a similar deal has been made toward the repaving of Lenape Trail following the water main work that NJ American Water has performed there. NJ American Water will be sending the Township a check for \$59,120 which will be added to the budget for a complete curb-to-curb repaving of Lenape Trail. Administrator Ciccarone noted that with recycling, there are not any profits to be shared due to the lack of a market for recyclables. He noted that the Township received a bill from the MUA, as the Township shares in the losses as well as any profits. Administrator Ciccarone also said that if the Township Committee wants to expand the recycling pickup contract to include additional pickups, the County MUA would probably be willing to renegotiate the current contract. Deputy Mayor Swartz observed that because the Township is currently paying for pickup and paying an additional fee due to the losses, additional pickups will result in higher costs. Administrator Ciccarone also noted that it is the anniversary of when President Jimmy Carter was awarded the Nobel Prize, and when the first woman walked in space.

Hearing of Citizens

Mayor Ritter opened the Hearing of Citizens.

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

Introduction of Ordinances

Ordinance 2018-20

ORDINANCE 2018-20

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, ACCEPTING CONSERVATION EASEMENT FROM MADS JEPSEN AND SARI JEPSEN, HUSBAND AND WIFE, FOR A CONSERVATION EASEMENT ACROSS LOT 50 IN BLOCK 144 AS SHOWN ON THE CHATHAM TOWNSHIP TAX MAP AND COMMONLY KNOWN AS 446 GREEN VILLAGE ROAD.

WHEREAS, Mads Jepsen and Sari Jepsen, husband and wife, are the owners in fee of real property located at 446 Green Village Road and designated on the Township Tax Map as Lot 50, Block 144 ("Property"); and

WHEREAS, approval was granted to Mads Jepsen and Sari Jepsen by the Township of Chatham Board of Adjustment for the demolition and replacement of the existing single family house with variances as memorialized in Resolution No. BOA-16-144-50; and

WHEREAS, the Property contains extensive wetlands, flood hazard zones and related buffer and transition areas subject to New Jersey Department of Environmental Protection regulations; and

WHEREAS, during the hearing a representative of the Township of Chatham Environmental Commission requested that a Conservation Easement be granted to the Township to allow the Township to inspect and monitor compliance with the aforesaid regulations; and

WHEREAS, Mads Jepsen and Sari Jepsen have agreed to subject a portion of the Property to a Conservation Easement to permit the Township to verify compliance with the aforesaid regulations.

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. The attached Conservation Easement has been reviewed by the Township Attorney and is hereby accepted.

Section 2. 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 3. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect according to law.

Attorney Robertson said that as part of a Zoning Board approval, the granting of a conservation easement was required and this ordinance accomplished that requirement.

Deputy Mayor Swartz moved to introduce Ordinance 2018-20. Committeeman Kelly seconded the motion.

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

Public Hearing for Ordinance 2018-20 will be scheduled for October 25, 2018.

Public Hearing/Final Adoption of Ordinances

Ordinance 2018-19

ORDINANCE 2018-19

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 3-11.1, TITLED "SMOKING PROHIBITED" OF CHAPTER III, TITLED "POLICE REGULATIONS."

WHEREAS, the Revised General Ordinances of the Township of Chatham ("Township") set forth certain limitations related to smoking within the Township; and

WHEREAS, the Township Committee wishes to revise these provisions to clarify that said limitations apply not only to tobacco smoking but the smoking of other matters or substances and to clarify that smoking is prohibited on all Township property.

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 3-11.1 titled "Smoking Prohibited" of Chapter III titled "Police Regulations" is amended as follows:

To protect members of the public from the hazards of second hand smoke, smoking is prohibited in and about any municipal building or structure, or within fifty (50) feet thereof, and in or on municipal owned property which shall include, but not be limited to, any municipally-owned park, playground, recreation area or athletic field, including parking lots. For the purposes of Chapter 3-11 of the Revised General Ordinances of the Township of Chatham, the term "smoking" shall mean the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

Section 2. Severability

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. Effective Date

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

Mayor Ritter said that Ordinance 2018-19 prohibits vaping in certain public areas, in addition to tobacco and marijuana smoking. Deputy Mayor Swartz said that she hopes this ordinance is as strident as allowable.

Mayor Ritter opened the Public Hearing on Ordinance 2018-19. Seeing no public comment, Mayor Ritter closed the Public Hearing.

Committeeman Selen moved to adopt Ordinance 2018-19. Deputy Mayor Swartz seconded the motion.

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

Consent Agenda

RESOLUTION 2018-169

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 \$647,703.90 and the prior month's payroll of \$421,901.36 Current Fund, \$46,598.55 Sewer No. 1, \$10,467.20 Sewer No. 2, and \$12,043.10 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of October 2018, in the amount of \$3,141,155.00 be paid.

RESOLUTION 2018-170

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 September 27, 2018.

RESOLUTION 2018-171

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 September 27, 2018.

RESOLUTION 2018-172

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:

NAME	Project	A/C NUMBER	AMOUNT
Alok Sood			

1 Independence Court, #610 Hoboken, NJ 07030	BOA 17-102.11-32	7764128673	\$46.00
Clark Wagner 13 Fairfax Terrace Chatham, NJ 07928	BOA 04-90-13	7200012997	\$18.75
MaryJane Whyte 4 Plymouth Road Chatham, NJ 07928	BOA 16-88-28	7764128277	\$240.00

RESOLUTION 2018-173
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ADOPTING A REVISED EMPLOYEE HANDBOOK AND PERSONEL POLICIES AND PROCEDURES HANDBOOK

WHEREAS, the Township Committee wishes to approve a revised employee handbook and the personnel policies and procedures handbook, which are on file in the office of the Township Clerk;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that a revised employee handbook and personnel policies and procedures handbook are hereby adopted and shall be available to employees and the public in the office of the Township Clerk.

RESOLUTION 2018-174
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, FOR REDEMPTION OF MUNICIPAL SEWER LIEN

WHEREAS, the Tax Collector’s Office has received payment for redemption on Municipal Sewer Lien Certificate #17-00003 on Block 64.03 Lot 1.11 known as 5I Terrace Drive in the name of NJCC Fund #5 Subsidiary LLC; and

WHEREAS, on September 26, 2018 the Tax Collector’s office received the total redemption amount of \$2,171.11 to redeem Municipal Sewer Lien Certificate #17-00003 and deposited into the current fund;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the Township Tax Collector is authorized to forward the Original Tax Sale Certificate to the redeeming party so they may cancel such certificate off record.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Township Treasurer.

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

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

Discussion

Shunpike Corridor

Deputy Mayor Swartz said that when the County was scheduling to make improvements to Shunpike Road between Green Village Road and Southern Boulevard, the Township asked to discuss the project so that pedestrian safety and bicyclist accommodation could be discussed. A concern had also been raised about potential detriments to commuter traffic, and Deputy Mayor Swartz said that the Green Village Fire Department was concerned about impediments to emergency vehicles.

Committeeman Kelly said that there was a potential for improvements on the particular stretch of Shunpike Road, and he would like to see the potential improvements be explored. Deputy

Mayor Swartz said that part of the discussion involved having traffic move from Green Village Road directly into the Chatham Mall, and the age of the traffic light was also discussed.

Mayor Ritter opened the floor for the public to give comment.

1. Chief Mike Zalis, Green Village Fire Department, said that he is in agreement with Deputy Mayor Swartz about the need to install a new traffic light. He also commented on the impact that a new lane on Green Village Road would have on the ability for fire trucks to turn onto Shunpike Road. Chief Zalis also commented on pedestrian safety. A letter from former Chief Behre was presented to the Township Committee. Chief Zalis also commented on the potential impact on tractor-trailers navigating through the intersection of Green Village Road and Shunpike Road.

Administrator Ciccarone noted that a reimbursement from the County is on hold due to the fact that this project is on hold. He also commented that municipalities should not be responsible for the replacement of traffic lights on County roads, and suggested that the Township Committee members reach out to the Freeholders on that issue. Administrator Ciccarone further noted that the reimbursement that the County owes the Township could be used for a traffic light upgrade.

2. Dan Miller, 465 Green Village Road, said that the intersection was dangerous before it was reconfigured, and the current configuration has worked well. Mr. Miller said that the County's proposed reconfiguration would be detrimental for trucks, and would affect emergency vehicles. He also raised a concern about construction traffic on Green Village Road. Mr. Miller further commented on bicyclists not obeying traffic laws. He also suggested that the middle island on Shunpike Road be eliminated.
3. Margy Capecelatro, 30 Britten Road, said that when sidewalks are installed, she never sees them used by pedestrians. She also suggested that a left-turn arrow be installed on the east-bound side of Shunpike Road to allow for turns onto Green Village Road, and that the arrow be on at the same time that motorists are able to make the left from Shunpike Road onto Southern Boulevard.

Seeing no further comment, Mayor Ritter closed the public hearing.

Mayor Ritter said that the Township will ask the County to go back to the drawing board on this project, and the County will be asked to make a further presentation to the Township Committee once a new proposal is developed.

Hearing of Citizens/Petitions

Mayor Ritter opened the Hearing of Citizens.

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

Executive Session

RESOLUTION 2018-P-12

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, STATE OF 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. Potential Litigation: East Park Builders

- b. Litigation: In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15
 - c. Litigation: Fair Share Housing Center v. Township of Chatham Docket No. MRS-L-000234-18
 - d. Personnel
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 Selen moved to adopt Resolution 2018-P-12 to enter Executive Session at 8:46 PM. Committeeman Kelly seconded the motion.

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

The Township Committee returned to public session, and Deputy Mayor Swartz moved to adjourn at 9:50 PM. Committeeman Kelly seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk