

**TOWNSHIP OF CHATHAM  
TOWNSHIP COMMITTEE MEETING MINUTES  
SEPTEMBER 11, 2014**

Mayor Sullivan called the workshop meeting of the Township Committee of the Township of Chatham to order at 7:36 PM.

Mayor Sullivan read the attached statement honoring the memory of those who died in the events of September 11, 2001. A moment of silence was held.

**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 6, 2014; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 6, 2014; and notice was filed with the Township Clerk on January 6, 2014.

Mayor Sullivan led the Flag Salute.

**Roll Call**

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

**Agenda**

The Agenda was approved as written.

**Proclamation – Constitution Week**

Mayor Sullivan read aloud the attached proclamation for Constitution Week.

**Reports**

Committeewoman Abbott reported that Colony Pool has closed for the season. The Community Garden is still operating, and the Community Garden Committee is considering some improvements for next year.

Committeeman Gallop reported that the Public Safety Committee met, and the accreditation process for the Police Department is on schedule. He also noted that a new bill was signed by Governor Christie requiring video cameras in police vehicles, and Chief Hennelly was ahead of the curve in obtaining such cameras for the Township's squad cars. Committee Gallop also reminded residents that they should take proper measures to prevent burglaries. He further reported that there is an opening for a crossing guard.

Committeeman Brower reported that Board of Health has discussed the need for regulations to mitigate the sound created by backup generators.

Deputy Mayor Ritter reported that the Communications Committee has released a new newsletter. He also reported that the Environmental Commission has worked to get a drop-box for unused prescription drugs to be located at the Police Department. Deputy Mayor Ritter also commented on the increases in tonnage of recycling since the Township switched to a single-stream process. The Environmental Commission has also discussed potential uses for the leftover trees from the tree sale that was held two years ago. Deputy Mayor Ritter further reported that the Library of the Chathams is getting their air conditioning fixed, and the Library will have a table at the upcoming Green Fair. The Green Village Fire Department is holding a Golf Tournament. The Emergency Squad will be holding a blood drive at the Health Fair on September 13<sup>th</sup>. The Chatham Athletic Foundation will be holding their Septemberfest on September 27<sup>th</sup>.

Administrator Ciccarone noted that the annual Flu Clinic for seniors will be held on October 1<sup>st</sup> from 1:00 PM to 2:30 PM in the gym at the Municipal Building.

Engineer Ruschke reported that the sewer project is going well. The crack sealing project should begin on Monday, and was delayed due to weather. Milling work has also begun on the paving project, and there were delays in providing notice to residents because the Township went through the Morris County Co-op. The DOT has approved the Shunpike Sidewalk project, and contracts have been sent out for signature. The Nash Field project will be bid later this month.

Committeeman Brower asked about how trees will be taken into account when the Shunpike Sidewalk project is done. Engineer Ruschke said that the project will go around the trees.

Administrator Ciccarone said that the permanent paving has not been done on Buxton Road yet following utility work. The Township is endeavoring to do the work and have NJ American Water contribute half the costs of the project. The project would have a total cost of \$56,000 and the Township would use the Morris County Co-op's contractor.

Committeewoman Abbott moved to authorize the award of a contract for Buxton Road paving on an emergent basis subject to a monetary contribution from NJ American Water. Committeeman Brower seconded the motion.

**Roll call:** Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

**Public Hearing/Final Adoption of Ordinances**

**ORDINANCE 2014-13  
CAPITAL ORDINANCE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY AUTHORIZING THE UNDERTAKING OF DRAINAGE IMPROVEMENTS AT NASH FIELD IN, BY AND FOR THE TOWNSHIP, APPROPRIATING THEREFOR THE SUM OF \$70,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE JOINT RECREATION TRUST FUND**

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

Section 1. The Township of Chatham, in the County of Morris, New Jersey (the "Township") is hereby authorized to undertake drainage improvements at Nash Field in, by and for the Township. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$70,000 is hereby appropriated to the payment of the cost of the improvements authorized and described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be raised from the Joint Recreation Trust Fund. The sum of \$70,000 is hereby appropriated from the Joint Recreation Trust Fund to the payment of the cost of said purpose.

Section 3. Said improvements are lawful capital improvements of the Township having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 5. This ordinance shall take effect at the time and in the manner provided by law.

Mayor Sullivan opened the Public Hearing on Ordinance 2014-13. Seeing no further comment, Mayor Sullivan closed the Public Hearing.

Committeeman Gallop said that these improvements are necessary, because poor water drainage often renders the fields unplayable.

Deputy Mayor Ritter moved to adopt Ordinance 2014-13. Committeeman Brower seconded the motion.

**Roll call:** Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

**Hearing of Citizens/Petitions**

Mayor Sullivan opened the Hearing of Citizens

1. Robert Nevin, 15 Seminole Way, said that he recently participated in a discussion with residents regarding the concept of municipal consolidation, and he wanted to bring this topic to the attention of the Township Committee. Mr. Nevin also thanked Mayor Sullivan for his comments regarding September 11<sup>th</sup>. Mayor Sullivan said that the Township Committee is receptive to hearing what residents have to say on the topic of consolidation. He also noted that there are several shared services to manage municipal costs. Committeeman Brower said that a study was done a few years ago, which postulated a savings between \$2 million and \$3 million by combining the major salaries. He also said that the objections to consolidation tend to come from the Borough. Mr. Nevin thanked the Township Committee for being willing to consider and discuss the topic of consolidation. Administrator Ciccarone said that the Township Committee has been so willing to discuss for several years. Committeeman Gallop said that consolidation would be more likely if there was a grass roots effort supporting such a concept. Committeewoman Abbott addressed the issue of limited parking at the Chatham Train Station and the number of permit spots that are vacant during the day. Committeeman Brower noted that he developed a plan for a parking garage, but the Borough did not want it.

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

**Introduction of Ordinances**

Ordinance 2014-14

**ORDINANCE 2014-14  
AN ORDINANCE TO AMEND ORDINANCE 2013-020 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, 2014**

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

**Section 1.** Section 1 of Ordinance 2013-020 is hereby amended as follows: compensation for the position or office listed shall be compensated within the range set forth below. Actual compensation, consistent with the salary range established herein, is established by Township Resolution.

Office or Position of Employment	Minimum	Maximum
Public Works Manager	65,000	131,000

**Section 2.** This ordinance shall take effect upon publication as provided by the law.

Deputy Mayor Ritter moved to introduce Ordinance 2014-14. Committeeman Brower seconded the motion.

**Roll call:** Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Public Hearing will be scheduled for September 25, 2014.

**Consent Agenda**

**RESOLUTION 2014-169  
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 \$628,696.55 and the prior month's payroll of \$472,295.40 Current Fund, \$47,985.32 Sewer No. 1, \$10,884.82 Sewer No. 2, \$9,438.67 Recreation Trust and \$22,977.16 Police Private Employment be paid.

**BE IT FURTHER RESOLVED** that taxes due to the School District of the Chathams, for the month of September 2014, in the amount of \$2,828,281.01 be paid.

**RESOLUTION 2014-170  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
APPROVING MEETING MINUTES**

**BE IT RESOLVED** that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meetings held on August 21, 2014.

**RESOLUTION 2014-171  
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 21, 2014.

**RESOLUTION 2014-172  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN  
THE COUNTY OF MORRIS, STATE OF NEW JERSEY,  
REFUNDING OVERPAYMENT OF TAXES AND SEWER UTILITY FEES**

**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 &amp; ADDRESS</u>	<u>AMOUNT</u>
139	3	Bocella, Nicholas & Frances 68 Spring Valley Road Morristown, NJ 07960	\$6,910.57 Property Tax Overpayment
69	47	Buckley, John & Wu, Yanwen C/O Waters, McPherson, McNeill, PC 300 Lighting Way PO Box 1560 Secaucus, NJ 079096  Property: 314 Fairmount Avenue	\$2,099.33 State Judgment

**RESOLUTION 2014-173  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING A SETTLEMENT OF THE  
TAX APPEALS OF ROBERT A. SCHWARZ AND DOROTHY W. SCHWARZ**

**WHEREAS**, Robert A. Schwarz and Dorothy W. Schwarz have appealed their assessments for the years 2012, 2013 and 2014 in the Tax Court of New Jersey, Docket Nos. 8868-2012, 1112-2013 and 1072-2014; and

**WHEREAS**, the Tax Assessor of the Township of Chatham has recommended acceptance of a proposed settlement of these appeals;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the above-referenced tax appeals be settled and the Municipal Attorney shall be authorized to execute a Stipulation of Settlement for the years 2012, 2013 and 2014 in the following amounts:

**BLOCK:** 48.10  
**LOT:** 21  
**STREET ADDRESS:** 56 Westminster Road

**YEAR: 2012**

	<b>Original Assessment</b>	<b>County Board Judgment</b>	<b>Requested 2012 Tax Court Judgment</b>
<b>Land:</b>	\$ 745,800.00	Direct Appeal	\$ 745,800.00
<b>Improvements:</b>	\$ 377,400.00		\$ 377,400.00
<b>Total:</b>	\$1,123,200.00		\$1,123,200.00

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**YEAR: 2014**

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<b>Land:</b>	\$ 745,800.00	Direct Appeal	\$ 745,800.00
<b>Improvements:</b>	\$ 377,400.00		\$ 377,400.00
<b>Total:</b>	\$1,123,200.00		\$1,123,200.00

Interest due on any refund will be waived by plaintiff, provided she receives payment of the total refund due within 60 days following the date of entry of Judgment by the Tax Court.

The parties agree that the total 2015 assessment of Block 48.10, Lot 21, shall not exceed \$1,073,200.00, and the taxpayer may only file an appeal in 2015 for the purpose of obtaining a judgment affirming the assessment. The Township will not object to the entry of a judgment affirming the assessment obtained as set forth herein. Notwithstanding the foregoing, in the event the improvements are demolished in whole or in part or a condemnation action is filed prior to January 1, 2015, the taxpayer shall also have the right to file an appeal to challenge the assessment.

The provisions of the Freeze Act, N.J.S.A. 54:51A-8, shall apply to a final disposition of this case and the entire controversy and of any actions pending or hereinafter instituted by the parties concerning the assessment on the property referred to herein for any Freeze Act years, as permitted by applicable law. No Freeze Act year shall be the basis for the application of the Freeze Act for any subsequent year.

**RESOLUTION 2014-174**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING TAX LIEN**

**WHEREAS**, due to payment by property owner of the lien amount, an overpayment of property taxes now exists; and

**WHEREAS**, the Tax Collector has recommended the refund of such tax lien

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following refund be made as indicated:

<u>BLOCK</u>	<u>LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
14	61.02	Stuart Lasher PO Box 83 Milltown, NJ 08850	\$1,190.72-Certificate \$ 500.00-Premium \$ 1,690.72-Total
		Lien#13-00001 Gedikoglu, John Gedik & Yasmin Batu (21 Cypress Road)	
64.05	11.03	Stuart Lasher PO Box 83 Milltown, NJ 08850	\$ 863.51-Certificate \$ 500.00-Premium \$ 1,363.51-Total

Lien#13-00002  
Ziering, Nancy R  
(14I Heritage Drive)

**RESOLUTION 2014-175**  
**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>
Phone Store Realty of NJ 192 US Highway 22 W Green Brook, NJ 08812	PerfBnd 14-135-23 Re: Starbucks 640 Shunpike Road	7761693576	\$3,000.00

**RESOLUTION 2014-176**  
**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING SALE OF SERVICE WEAPON TO RETIRING POLICE LIEUTENANT MAUREEN KAZABA**

**WHEREAS**, Lieutenant Maureen Kazaba has announced her retirement from the Police Department of the Township of Chatham, County of Morris, State of New Jersey, and

**WHEREAS**, Lieutenant Maureen Kazaba has requested her service weapon upon retirement, namely a Smith & Wesson Model M&P, Serial Number DXF8949.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that Lieutenant Maureen Kazaba is hereby authorized to purchase the Smith & Wesson Model CS45, Serial Number VJF7483 for the sum of one dollar (\$1.00) payable to the Township of Chatham, provided, however that Lieutenant Maureen Kazaba shall first produce proof of all required licenses and permits for possession of the said weapon.

Committeeman Brower asked Administrator Ciccarone to comment on Resolution 2014-173. Administrator Ciccarone explained that a settlement of a tax appeal was negotiated which reduces the assessment starting in 2015 and beyond. The settlement is also contingent upon the property remaining as is with the current improvements.

Deputy Mayor Ritter asked if the bill list as presented is the report he requested. Administrator Ciccarone asked Deputy Mayor Ritter meet with him to review what sorts of reports are available.

Deputy Mayor Ritter asked about purchases at Dreyer Lumber and McGrath's, and if the Township could have an account at Lowe's or Home Depot. Administrator Ciccarone said he is unsure if Lowe's or Home Depot would accept a purchase order, and said that the purchases as listed on the bill list are typically smaller items that are needed sooner rather than later. Deputy Mayor Ritter suggested that Ace Hardware also be frequented as it is also in the Township.

Deputy Mayor Ritter asked about the payment for palm trees at Colony Pool. Committeewoman Abbott said that the donation mechanism had not been properly set up this year. She also said that the palm trees generate interest at Colony. Administrator Ciccarone said that he does not suggest that the trees be done again, as any comments he has received regarding them have been negative.

Deputy Mayor Ritter asked about a bill for emergency services for flooding. Mr. Pacelli said that a pipe had burst at the sewer plant and needed emergency repair.

Committeewoman Abbott asked about a Respect Our Neighbors sign. Mayor Sullivan said that the two signs were put on Green Village Road, as some issues were raised by residents by noise created by groups of bicyclists shouting to each other.

Regarding Resolution 2014-176, Mayor Sullivan asked if the program for retiring officers to purchase their service weapon is ending soon. Chief Hennelly explained the origins of the program, and said that he and Sergeant Scheetz are the only remaining officers who are eligible for the program. Any remaining service weapons will be turned in by the retiring officer and will be reissued.

Committeewoman Abbott moved to approve the Consent Agenda. Committeeman Brower seconded the motion.

**Roll call:** Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

### **Discussion**

Deputy Mayor Ritter asked if there is any suicide prevention measures performed through Health Education. Administrator Ciccarone said that the Health Department will release information for health education as appropriate, but he is unaware of any specific suicide prevention programs. Committeeman Brower said that the Board of Health recently discussed measures to encourage parents to vaccinate their children, as well as teaching parents how to inspect their children for possible tick bites.

### **Hearing of Citizens**

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

### **Executive Session**

## **RESOLUTION 2014-P-14 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. Property acquisition or investment options: Giralda Farms & Dixiedale Farm
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 Brower moved to pass Resolution 2014-P-14 to enter Executive Session at 8:54 PM. Deputy Mayor Ritter seconded the motion.

**Roll call:** Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

The Township Committee returned to Public Session at 9:56 PM.

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Gregory J. LaConte  
Township Clerk

## **Lest We Forget... Mayor's remarks honoring 9/11 Anniversary**

Lest we forget, today marks the 13<sup>th</sup> anniversary of September 11, 2001. Today is a difficult day. It is a difficult day for the 13 families in The Chatham's who lost loved ones; for those who lost a spouse; for children denied those most wonderful and precious moments of youthful innocence shared with a parent; for those of us who lost a neighbor, friend, co-worker, acquaintance. It is a difficult day for the country, a difficult day for Chatham.

Collectively, it is a significant, albeit somber day in our nation's history. Individually, it holds its own personal meaning for all of us, as the events of that day are emblazoned in our minds. Certain sights, sounds and memories can bring us back in an instant to that tragic day.

For a generation of our young who either weren't born or were too young to remember, it will be their Pearl Harbor Day. And while the forces of evil of that time; National Socialism and Fascism were defeated it did not rid the world of evil. Evil exists and lest we forget and fail to grasp what we know to be true, evil is on the move. When evil rises it must be confronted, challenged and defeated in all forms and removed permanently from a civil society.

No greater example is that of the passengers of United Flight 93. When they realized evil was in their midst, that a nation was in peril and American lives were at risk they didn't cower, they didn't wait and hope for the best. They grouped together, rose and in the immortal words of Todd Beamer, said, "Let's Roll."

Lest we forget, it was that indomitable American spirit that was on display that day and the days that followed. We witnessed and later discovered, as did the rest of the world incredible acts of heroism. We saw it in our first responders, fireman, police and emergency personnel. We saw it in basic goodness of complete strangers helping out their fellow man. We saw it in the courage of our Armed Forces. We witnessed it here in our own community.

Lest we forget, our country's leaders need to remain eternally vigilant so as to secure the blessings of Liberty and for America to remain a beacon for the rest of the world for hope and freedom.

We continue to pray for God's mercy on the souls of those residents of The Chatham's who lost their lives that day and all the others who perished in the World Trade Center, Pentagon, Shanksville, Pennsylvania and the courageous men and woman of our Armed Forces.

For those of you here and those watching at home, please join the members of the township committee and myself in a moment of silence to pray for God's blessing, to reflect, to remember and in the silence of your heart to add your own intentions.

Thank you.