

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
APRIL 10, 2014**

Mayor Sullivan called the workshop meeting of the Township Committee of the Township of Chatham to order at 7:36 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 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 Gallop, Committeeman Brower, Deputy Mayor Ritter and Mayor Sullivan.

Moment of Silence

Mayor Sullivan noted the recent passing of Becky Kidd, who is the wife of DPW Road Foreman Don Kidd. Mayor Sullivan cited Mrs. Kidd's involvement in the community, including the Chatham Emergency Squad. He also requested a moment of silence in her honor.

Approval of Agenda

Resolution 2014-096 authorizing those eligible for LOSAP was added to the Consent Agenda.

Deputy Mayor Ritter moved to amend the agenda to include Resolution 2014-096. Committeewoman Abbott seconded the motion, and it carried unanimously.

Committeeman Brower moved to approve the agenda as amended. Committeewoman Abbott seconded the motion, and it carried unanimously.

Reports

Committeewoman Abbott reported that the weather has delayed progress at the Community Garden. An opening date has not yet been set, but work is underway.

Committeeman Gallop reported that there have been some growth issues with Morris Township having joined the Joint Court, however things are running smoothly.

Committeeman Brower said that he has received complaints from residents about the conditions of Southern Boulevard and Shunpike Road.

Deputy Mayor Ritter reported that the Township has introduced a newsletter, and he thanked Tom Salvas for his efforts in getting Township Committee meetings posted online. He noted that there will be discussion on the Township's Social Media Policy and Procedures, and he also encouraged residents to sign up for the ACT Now! alerts. Regarding the Environmental Commission, Deputy Mayor Ritter reported that the recycling survey will be posted once the Survey Monkey account has been activated. Furthermore, the fire departments and the Chatham Emergency Squad are all in search of new volunteers.

Mayor Sullivan reported snow has finally melted off the recreation fields, and spring sports are underway. The Recreation Program is continuing to grow, and the club system is continuing to evolve. The Cross Country program has 200 participants signed up. Mayor Sullivan further reported that he and Administrator Ciccarone met with Stan Prater from JCP&L regarding lessons learned from Hurricane Sandy.

Committeeman Gallop asked about the maintenance of the Colony Tennis Courts. Administration Ciccarone discussed the maintenance procedures. Committeewoman Abbott said that Colony registration is now available online.

Engineer Ruschke reported that preconstruction meetings have been held for the two sewer project contracts. The work on the first contract should begin in early May, and a work schedule should be posted on the Township website. The contractor for the second contract should begin in mid- to late May. Engineer Ruschke further reported that the installation of a transfer switch at the Municipal Building is substantially complete, and tests will be performed to ensure that it works. He also reported that there are two grants available for which he recommends that the Township apply, one for Safe Routes to School and one for transportation alternatives.

School District of the Chathams Budget Presentation

Dr. Michael LaSusa, the Superintendent of the School District of the Chathams (SDOC), gave a presentation on the proposed 2014-2015 School District Budget. He noted that the School District of the Chathams is one of the few districts opting to have their annual election in April. Dr. LaSusa said that per pupil spending in the Chathams is less than other K-12 districts in Morris County, and yet the District's achievement outcome tends to be at the top of the range compared to other districts. He also reported that the SDOC is receiving less state aid than it used to. Dr. LaSusa also remarked on the tax levy increase, and indicated the tax levy could be raised by 2.93%. However, the actual increase will be 2.5%. Dr. LaSusa also commented on special education costs, which is one of the driving factors in the increase in this year's budget. The other driving factor is healthcare costs, on which Dr. LaSusa also commented. There will be a second question on the ballot this year, and if they both pass then the tax levy increase will be 3.34%. Dr. LaSusa also commented on planned field maintenance. He also noted that the Township is bearing the brunt of the School District's tax levy due to the manner in which the levy is distributed between the Township and the Borough.

Mayor Sullivan asked what it would take for the School District to have a budget year without a tax increase. Dr. LaSusa commented on the increases in enrollment, demands and expectations from parents, and the cuts in state aid as hurdles to limiting tax levy increases.

Mayor Sullivan also asked about the manner in which the tax levy is distributed between the Township and the Borough. He also asked about televising the Board of Education meetings. Dr. LaSusa said that the Board of Education would have to determine if they want their meetings televised, and he would bring the matter to the Board's attention.

Committeeman Brower asked how many students from the Chathams attend private schools. Dr. LaSusa said that the School District does not have that information. Committeeman Brower also asked about limiting the amount of School District taxes that senior citizens would have to pay. Dr. LaSusa said that the School District might not have the legal authority to implement such a system.

Deputy Mayor Ritter asked about the new tech teachers. Dr. LaSusa said that they would be new staff members. Deputy Mayor Ritter also asked about the Common Core. Dr. LaSusa commented on the assessment systems. Deputy Mayor Ritter also asked about the prevalence of drug use among students. Dr. LaSusa did not have any hard numbers available, but said that the School District does have counselors available to assist students in crisis. The School District also has the authority to drug test any student suspected to be under the influence.

Committeewoman Abbott asked about tax relief for senior citizens. Administrator Ciccarone said that there is a senior discount for those seniors who meet income eligibility, and the discount is \$250.

Administrator Ciccarone commented on the positive working relationship between Township and School District administrative staff.

Public Hearing/Final Adoption of Ordinances

Ordinance 2014-07

ORDINANCE 2014-07

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE CODE OF THE TOWNSHIP OF CHATHAM CHAPTER II, ARTICLE III, SECTIONS 2-11.3, 2-11.4, 2-11.6 and 2-11.15, POLICE DEPARTMENT

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that certain sections of Chapter II, Article III, Section 2-11, et seq., entitled Police Department, of the Code of the Township of Chatham are hereby repealed and replaced as follows:

1. Section 2-11.3. **Supervision of the Police Department.** The Chief of Police shall be the head of the Police Department and shall be directly responsible to the appropriate authority for the efficiency and routine day-to-day operations thereof, pursuant to policies established by the appropriate authority in accordance with N.J.S.A. 40A:14-118.
2. Section 2-11.4. **Duties of the Chief.** Subject to policies established by the appropriate authority, the Chief of Police shall:
 - a. Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel;
 - b. Have, exercise and discharge the functions, powers and duties of the force;
 - c. Prescribe the duties and assignments of all subordinates and personnel;
 - d. Delegate such of his authority as he may deem necessary for the efficient operation of the force to be exercised under his direction and supervision;
 - e. Report at least monthly to the appropriate authority, through the Township Administrator, on the operation of the force during the preceding month and make such other reports as may be requested by such authority.

As used in this section, "appropriate authority", means the Public Safety sub-committee of the Township Committee.

Except as provided herein, the Township Committee and individual members thereof shall act in all matters relating to the police function of the Township as a body, or through the appropriate authority.

3. Section 2-11.6 **Special Police.** In accordance with N.J.S.A. 40A: 14-146.10 the Township Committee may, as it deems necessary, appoint special law enforcement officers sufficient to perform the duties and responsibilities authorized by N.J.S.A. 40A:14-118. "Special law enforcement officer" means any person appointed to temporarily or intermittently perform duties similar to those performed regularly by members of the police force, or to provide assistance to the police force during unusual or emergency circumstances, or at individual times. Any person so appointed shall meet the eligibility criteria as set forth in N.J.S.A. 40A:14-146.10.
4. Section 2-11.15 **Suspension and Removal.** Except as otherwise provided by law, no permanent member or officer of the police department shall be removed from his office, employment or position for political reasons, or for any cause other than incapacity, misconduct, or disobedience of rules and regulations established for the government of the police department and force, nor shall such member or officer be suspended, removed, fined or reduced in rank from or in office, employment, or position therein, except for just cause as hereinbefore provided and then only upon a written complaint setting forth the charge or charges against such member or officer.

All suspensions and removals of officers shall be in accordance with N.J.S.A. 40A:14-147 et seq. as may be amended from time to time.

The Township Administrator is hereby designated to hear any complaints brought against members of the force and shall have the power to subpoena witnesses and documentary evidence. The Superior Court shall have jurisdiction to enforce any such subpoena. The Township Administrator may, with the approval of the Township Committee, appoint a hearing officer to conduct any such hearing. The Township Administrator or designated hearing officer shall issue a report to the Township Committee of his findings along with a recommendation which may be accepted, rejected or modified by the Township Committee.
5. All other provisions of Article III, Chapter II, Section 2-11 shall remain unchanged.
6. This ordinance shall take effect as provided by law.

Mayor Sullivan opened the Public Hearing on Ordinance 2014-07.
Seeing none, he closed the Public Hearing.

Deputy Mayor Ritter moved to adopt Ordinance 2014-07. Committeeman Brower seconded the motion.

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

Ordinance 2014-08

ORDINANCE 2014-08

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, RELEASING, EXTINGUISHING AND VACATING ALL OF THE TOWNSHIP OF CHATHAM'S RIGHT, TITLE AND INTEREST IN AND TO THAT PORTION OF 73 LINDEN LANE, BLOCK 83, LOT 35, AND 75 PINE STREET, BLOCK 83, LOT 56 ON WHICH A WALKWAY EASEMENT IS LOCATED

WHEREAS, there exists in the Township of Chatham, Morris County, New Jersey, a walkway easement which is located on 73 Linden Lane, Block 83, Lot 35, and 75 Pine Street, Block 83, Lot 56, as shown on the Official Tax Map of the Township of Chatham ("Properties"); and

WHEREAS, the owners of the Properties requested that the walkway easement located on 73 Linden Lane, Block 83, Lot 35, and 75 Pine Street, Block 83, Lot 56, as shown on the Tax Map of the Township of Chatham, be released, extinguished and vacated; and

WHEREAS, the Township Committee of the Township of Chatham does hereby determine that the walkway easement has not been opened by the Township, is no longer needed for public purposes and that the public interest will be better served by releasing, extinguishing and vacating the walkway easement; and

WHEREAS, N.J.S.A. 40:67-19 authorizes the Township to release, extinguish and vacate the public's rights, and the rights of the Township in the walkway easement.

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

SECTION 1. Subject to the conditions set forth below, the rights of the public and the Township of Chatham in and to the walkway easement are hereby released, extinguished and vacated.

SECTION 2. The walkway easement being vacated shall revert to and remain a part of Block 83, Lot 35 and Block 83, Lot 56.

SECTION 3. Expressly reserved and excepted from this vacation are all of the rights and privileges now possessed by public utilities and cable television companies to maintain and repair their existing facilities adjacent to, over and under the walkway easement to be vacated.

SECTION 4. At least seven (7) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Township Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

SECTION 5. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, record a copy of this Ordinance certified by the Clerk under the seal of the Township, to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Morris, in accordance with the provisions of N.J.S.A. 40:67-21.

SECTION 6. The Mayor and Clerk are hereby authorized to sign a Quitclaim Deed releasing, extinguishing and vacating the walkway easement on the Properties.

SECTION 7. If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION 8. This Ordinance shall become effective upon the adoption and recording of this Ordinance with the Morris County Clerk's Office.

Mayor Sullivan gave some background on how this topic first came up. He said that the easement sits on private property, and the Township would not be giving away any land. Additionally, the land in question was subdivided almost 60 years ago, and the easement has not been in use. Mayor Sullivan also said that he received several e-mails from residents raising concern about the vacating of the easement, and he said that the vacation would not lead to widespread vacating of easements. He also said that there is not an active trail there, as the easement is overgrown with mature trees. Clearing the easement would be impossible without permission of the property owners because of the necessary equipment. Mayor Sullivan also clarified statements previously made about alternate routes to Lafayette Ave School and Chatham High School which would be safer than using the walkway easement. He also said that Pine Street is not a safe street for children to be travelling by foot on their way to school. Mayor Sullivan further indicated that Engineer Ruschke has found grant opportunities that would allow the Township to install sidewalks on Shunpike Road. Additionally, the Safe Routes to School Committee, who have done good work, is an unofficial committee. Mayor Sullivan also addressed allegations that due diligence had not been performed on this topic, and said that counsel had advised that the Township did have the right to vacate the easement. He also

pointed out that the owners of the property have the legal right to request that the easement be vacated.

Committeewoman Abbott said that when the Safe Routes to School Committee first learned of the easement, initial reports were that the Linden Lane neighbors were ok with the presence of the easement. However, when the SRTS Committee further discussed it, some neighbors came out to protest the potential use of the easement.

Mayor Sullivan opened the Public Hearing on Ordinance 2014-08.

1. David Wells-Roth, 76 Linden Lane, said that there had never been any door-to-door polling of Linden Lane residents about the walkway easement.
2. Kirke Bent, 29 Pine Street, said that the easement is 8 feet wide, and he believes that there cannot be any trees on the easement that could not be removed. He also said that the easement has value, and there would be a cost to obtain an easement on the property if it did not exist.
3. Mike Kelly, 67 Mountain Avenue, quoted the ordinance that “the Township Committee of the Township of Chatham does hereby determine that the walkway easement has not been opened by the Township, is no longer needed for public purposes and that the public interest will be better served by releasing, extinguishing and vacating the walkway easement.” He suggested that the Police Department, School District and Planning Board be consulted for opinions on the safest methods to get children to school. He also said that there is an environmental impact from the number of cars used to transport children to school. Mr. Kelly further suggested that the Environmental Commission and Open Space Committees be consulted for their opinions on this matter.
4. Richard Matlaga, 36 Dale Drive, said that the existing walkways make the Township more neighborly, and benefit not only the schoolchildren but all residents.
5. Sue Hoag, 76 Canterbury Road, spoke on behalf of the Open Space Committee. Mrs. Hoag questioned whether or not the Township Committee has the right to vacate a public easement. Mrs. Hoag also said that vacating this ordinance is in opposition to the Township’s Master Plan which promotes the development of walking trails. Administrator Ciccarone said that Mrs. Hoag’s points have also been brought up by an attorney. He also noted that this ordinance does not only directly affect the two private properties on which the easement lies, but it also impacts the two properties which the easement abuts. He also provided some history of the subdivision application which led to the creation of this easement. Administrator Ciccarone also indicated that there is no record of resolutions being passed by the Planning Board when the subdivision was approved, but rather they approved the maps of the subdivision. He also said that the ordinances dedicating the streets in this subdivision do not make any mention of the walkway easement. Although the Safe Routes to School Committee has indicated that the easement will not be developed into an active walkway, the property owners have requested that the easement be vacated as an assurance that the issue will not resurface sometime down the road.
6. Diane DuBrule, 17 Pine Street, gave some background on her experiences growing up on Pine Street. She said that getting the easement back would be very costly if it is vacated. She suggested that the ordinance be tabled for further discussion.
7. Doug Booth, 10 Overlook Road, said that although he does not suggest that the path be developed, the easement should be kept as an option. Mr. Booth also submitted a petition of residents opposed to vacating the walkway easement.
8. Sarah Fechtner, 3 Rolling Hill Drive, said that she had gone door-to-door in the Linden Lane neighborhood regarding the walkway easement. At first people were ok with the walkway easement, and later concerns began to develop. She suggested that perhaps a walkway could wind around the mature trees. Mrs. Fechtner also read from the deed regarding the walkway easement. She also said that the statute cited in the ordinance as the legal basis for vacating the easement does not actually apply to the easement. Mrs.

Fechtner also stated that the non-use of an easement is not sufficient grounds for vacating an easement per a court ruling. She also addressed the proximity of the pond to the easement, and she noted that the streets are closer to the pond than is the easement. She also provided a map indicating that Shunpike Field is in close to proximity to two ponds.

9. Glenis Austin, 70 Linden Lane, spoke on behalf of the Linden Lane residents. She said that the liabilities of the walkway easement outweigh any benefits. She said that the path has languished in obscurity for almost 60 year. Mrs. Austin also said that Linden Lane property owners maintain the private road, and carry liability insurance for anything that may happen on the road as many of the properties extend from the center of the road. She also raised a concern that this easement would open up another access point to Linden Lane for criminals, and a concern that the nearby pond would be an attractive nuisance.
10. Usha Robillard, 55 Linden Lane, addressed why a neighbor in the Linden Lane neighborhood closed off use of a sewer easement as a walkway.
11. Heather Gerding, 82 Pine Street, addressed the dangerous conditions on Pine Street. She said that it is not a safe street for children to be walking down.
12. Michael Sung, 75 Linden Lane, said that Chatham residents are very friendly, but he likes having a fence on his property for liability reasons. He said that he has spoken with experts who indicate that the Township does have the legal authority to vacate the easement, and the Linden Lane neighbors are part of the public as well.
13. Alex Crispo, 67 Linden Lane, raised a concern about who might be using the easement at night, and the dangers that such people might pose. He indicated that he supports the ordinance, and cited safety concerns.
14. Bart Zoni, 3 Lake Road, said that this discussion involves the abstract possibility that the easement might someday be used, and the abstract possibility that it might be used by persons of malicious intent. He said that he places a higher value on the opinions of the people who actually live in the neighborhood over his right to use it as he lives a few miles away from the easement. Mr. Zoni indicated that the public would not get much use out of the easement.

Attorney Woodward said that he has been busy with a two week trial, and has not had a chance to read everything related to this matter. He needs to do some further research before rendering a legal opinion on the ordinance. Attorney Woodward suggested that the Township Committee consider the comments made by the public at this meeting, and carry the discussion on the ordinance to the next Township Committee meeting, at which time he would be able to provide the necessary advice.

Committeewoman Abbott said that the Tax Assessor should examine the properties to determine the value of the easements. Administrator Ciccarone surmised that in its current state, the easement has no impact on the properties' assessments. However, if the easement were improved, it would have a negative impact on the assessments. He did also say that he would get the Tax Assessor's opinion on this matter.

Committeewoman Abbott also asked about the nature of Linden Lane being a private road. Mayor Sullivan said that it is a hybrid, as it is a private road but is not a gated community. The residents of Linden Lane do some of the maintenance of the road, however the Township does provide plowing. Administrator Ciccarone added that there is no evidence that Linden Lane was ever accepted as a public road.

15. Lori Crispo, 67 Linden Lane, said that every year the members of the Linden Lane Association pay \$2500 toward liability insurance. They also contribute toward the maintenance of the road.

Committeeman Brower asked if he had the right to speak on this matter as a citizen. Attorney Woodward said that he could speak as a citizen.

16. Bailey Brower, Jr., 16 Driftway, gave some history of the Linden Lane Association. He said that once a year they would close off access to the street, however they never felt any threat. He said that the street is dangerous for skateboarders, bicyclists and pedestrians as there are not any sidewalks or street lights. Although the public has never been banned from access, the residents do not want the street open to access either. Mr. Brower also accused Committeewoman Abbott of fomenting this issue. He also said that the Linden Lane neighborhood wishes to be safeguarded.
17. Richard Matlaga said that the Township Committee's bylaws address conflicts of interest, and state that Committee members shall not take part in discussions in which they have a conflict. He also addressed the need for emergency vehicles to be able to access Linden Lane when their services are required.
18. Sarah Fechtner responded to Mr. Brower's comment regarding Committeewoman Abbott, and said that Committeewoman Abbott's involvement in the matter was only in allowing Mrs. Fechtner to speak at the Safe Routes to School meeting.
19. Doug Booth said that Planning Board minutes from 1955 indicate that the idea of creating the walkway easement for schoolchildren was suggested by Mr. Brower. Administrator Ciccarone elaborated on the fact that the application before the Planning Board appears in their minutes under several different names.

Committeewoman Abbott said that the Township Committee should receive copies of the Planning Board minutes in question. Mrs. Fechtner said that there were pages missing from the minutes she received. The Township Clerk indicated that he provided the pages containing the discussion on the easement, and he could provide the remaining pages of those minutes if Mrs. Fechtner wants them.

Committeewoman Abbott addressed Mr. Brower's accusation that she had fomented this matter, and stated that she had kept her distance from this issue. Committeeman Gallop expressed his thanks for everybody's comments on this subject, and noted that everyone wants what is in the best interest for the Township.

Deputy Mayor Ritter addressed the attractive nuisance of the pond near the walkway easement. He also questioned how many cars would be removed from roadways if this easement were improved. Deputy Mayor Ritter also addressed the environmental impact of improving this walkway due to the number of trees that would need to be removed. There would also be a significant cost to developing and maintaining the walkway.

Mayor Sullivan closed the Public Hearing.

Committeeman Gallop moved to carry the discussion to the next Township Committee meeting. Committeewoman Abbott seconded the motion.

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

Public Hearing & Final Adoption of 2014 Municipal Budget

Administrator Ciccarone addressed the need to amend the 2014 Budget. The Township received a revised pension bill from the State of New Jersey, and the bill is a reduced amount. The amendment to the Budget is to reduce the appropriations accordingly, which also results in a decrease to the amount of the tax levy and the reserve for uncollected taxes. The tax rate is therefore slightly reduced, and instead of there being no increase to the tax rate, the average assessed home will see a reduction in their annual municipal purposes tax bill of approximately \$13.50.

Mayor Sullivan opened the Public Hearing on the 2014 Municipal Budget.

1. Sue Hoag congratulated the Township Committee on the reduced tax rate in the 2014 Budget.

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

RESOLUTION 2014-083
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS TO AMEND BUDGET

See Attached

Deputy Mayor moved to pass Resolution 2014-083. Committeewoman Abbott seconded the motion.

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

RESOLUTION 2014-084
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS ADOPTING 2014 MUNICIPAL BUDGET

See Attached

Committeeman Brower moved to pass Resolution 2014-084. Committeewoman Abbott seconded the motion.

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

Consent Agenda

RESOLUTION 2014-085
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 \$1,324,140.90 and the prior month's payroll of \$408,115.12 Current Fund, \$47,651.41 Sewer No. 1, \$10,992.02 Sewer No. 2, and \$7,832.52 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of April 2014, in the amount of \$2,702,308.11 be paid.

RESOLUTION 2014-086
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 meeting held on March 13, 2014.

RESOLUTION 2014-087
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 March 13, 2014.

RESOLUTION 2014-088
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 DIANE G. NOELKE

WHEREAS, Diane G. Noelke has appealed her assessments for the years 2010, 2011 and 2012 in the Tax Court of New Jersey, Docket Nos. 9484-2010, 5256-2011 and 8226-2012; 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 2010, 2011 and 2012 in the following amounts:

BLOCK: 102.08
LOT: 28
STREET ADDRESS: 40 Linden Lane
YEAR: 2010

	Original Assessment	County Board Judgment	Requested 2011 Tax Court Judgment
Land:	\$ 772,400.00	Direct Appeal	\$ 772,400.00
Improvements:	<u>\$2,690,900.00</u>		<u>\$2,527,600.00</u>
Total:	\$3,463,300.00		\$3,300,000.00

BLOCK: 102.08
LOT: 28
STREET ADDRESS: 40 Linden Lane
YEAR: 2011

	Original Assessment	County Board Judgment	Requested 2011 Tax Court Judgment
Land:	\$ 772,400.00	Direct Appeal	\$ 772,400.00
Improvements:	<u>\$2,690,900.00</u>		<u>\$2,327,600.00</u>
Total:	\$3,463,300.00		\$3,100,000.00

BLOCK: 102.08
LOT: 28
STREET ADDRESS: 40 Linden Lane
YEAR: 2012

	Original Assessment	County Board Judgment	Requested 2012 Tax Court Judgment
Land:	\$ 772,400.00	Direct Appeal	\$ 772,400.00
Improvements:	<u>\$2,690,900.00</u>		<u>\$2,127,600.00</u>
Total:	\$3,463,300.00		\$2,900,000.00

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 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 2014-089
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY REGARDING MACC BUDGET

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

WHEREAS, the Township Committee of the Township of Chatham, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

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

WHEREAS, the Township Committee has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Morris,

NOW, THEREFORE, BE IT RESOLVED by the Township of Chatham, County of Morris, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby authorize submission of a strategic plan for the Municipal Alliance grant for fiscal year 2015 in the amount of:

DEDR	\$21,950.00
Cash Match	\$5,487.50

In-Kind

\$16,462.50

- 2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**RESOLUTION 2014-090
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING SEWER CONNECTION FOR 677 SHUNPIKE ROAD**

WHEREAS, the Township Engineer has certified that all applications requirements for 677 Shunpike Road, Block 144, Lot 27 including the payment of the administrative review fee have been met and that sewer capacity is available; and

WHEREAS, in a memorandum dated March 28, 2014 the Township Engineer outlined various conditions for the approval of a sewer connection for 677 Shunpike Road, Block 144, Lot 27;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that it hereby, approves the issuance of a sanitary sewer permit for 677 Shunpike Road, Block 144, Lot 27 subject to the conditions set forth by the Township Engineer.

**RESOLUTION 2014-091
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>
Matthew Palmer & Jennifer Freeman 103 Southern Blvd Chatham, NJ 07928	BOA 13-48.04-33	7761693287	\$82.23
Primavera Parkview LLC 16 Spring Garden St. Cranford, NJ 07016	EIF 11-38-44-45	7761692693	\$149.45
Jack O'Hanlon PO Box 111 Greendell, NJ 07839	BOH 13-62.08-15	7761693428	\$97.33

**RESOLUTION 2014-092
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 & ADDRESS</u>	<u>AMOUNT</u>
65.02	2.10	Ryan Mahoney 9A Sentinel Ct Chatham, NJ 07928	\$1,236.26 Property Tax Overpayment

RESOLUTION 2014-093

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>
120	5	Park Finance II, LLC PO Box 109 Cedar Knolls, NJ 07927	\$1,751.81 – Certificate \$300.00 – Premium
			\$2,051.81 – Total
		Lien #12-00011 Dumas, Dennis R. & Renee 12 Ferndale Road	

**RESOLUTION 2014-094
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS**

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

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

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Township of Chatham has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township meets the necessary conditions to participate in the program for the 2014 budget year.

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

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

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

RESOLUTION 2014-095
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING FIREWORKS FOR CHATHAM TOWNSHIP PBA EVENT AT FAIRMOUNT
COUNTRY CLUB

WHEREAS, state regulations require municipal governing body approval for the use of fireworks displays; and

WHEREAS, the Township has received an application to conduct a fireworks display conducted by Garden State Fireworks, Inc. for a Chatham Township PBA fundraiser event on April 21, 2014, to take place at the Fairmount Country Club on Southern Boulevard, Chatham, New Jersey; and

WHEREAS, the Township wishes to permit the applicant to conduct this fireworks display in accordance with all applicable laws and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that it hereby approves the fireworks application contingent upon the payment of all required fees, posting of appropriate insurance certificates, and compliance with all state and local laws and regulations.

RESOLUTION 2014-096
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING THE LIST OF VOLUNTEERS ELIGIBLE FOR LOSAP

WHEREAS, the Township of Chatham has received a list of volunteers eligible for LOSAP from the Green Village Volunteer Fire Department, the Chatham Township Volunteer Fire Department and the Chatham Emergency Squad; and

WHEREAS, the Township Committee has reviewed the list from each emergency service organization;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the volunteers on the attached certified lists are hereby approved as being eligible for LOSAP.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to each emergency service organization for a 30-day posting.

Deputy Mayor Ritter inquired about the amounts in the MACC Budget. Administrator Ciccarone said that they are approximately the same amounts provided in the past.

Committeewoman Abbott asked about the self-examination of the Municipal Budget. Administrator Ciccarone indicated that due to cutbacks at the State level, there is a 3 year cycle in which the State will review a municipal budget only every third year. The Township was part of the group of municipalities reviewed in 2013, and is therefore eligible for self-examination in 2014 and 2015.

Deputy Mayor Ritter asked that the PBA's fundraiser be promoted through the Township's website.

Committeewoman Abbott moved to approve the Consent Agenda. Deputy Mayor Ritter seconded the motion.

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

Discussion

Vacation of Paper Street on Wilson Ave

Mayor Sullivan opened the floor for Vince Bracken to discuss his request. Mr. Bracken said that his property is a nonconforming lot due to the presence of a paper street. In endeavoring to sell his home, he has been approached by a builder who would like to buy his lot. Mr. Bracken would like to see the paper street vacated, and have the portion adjacent to his lot be divided between his lot and the next door neighbor. The builder interested in the property wants to be able to build a home that would conform to the Township's zoning regulations. Administrator Ciccarone elaborated on the vicinity of this paper street. The highlighted section on a copy of the tax map provided is a grassy area, and is not improved as a roadway. The entire right-of-way

would be split down the middle, and every property abutting the right-of-way would receive a 25-foot section. Mayor Sullivan asked if the right-of-way could be partially vacated if any of the affected property owners did not wish to receive a portion of the right-of-way. Administrator Ciccarone said that paper streets are usually vacated down the middle. Committeeman Brower asked if the vacation would have an impact on anyone's tax assessment. Administrator Ciccarone said that it would depend on the individual property. In the case of Mr. Bracken's property, there would likely be a tax impact as the setbacks would change once the property is no longer regarded as a corner lot. The consensus of the Township Committee was to move forward with the vacation of the paper street.

Communications Committee Policies & Procedures

Deputy Mayor Ritter reported on the development of the Communication Committee's Policies & Procedures Manual, which addressed how the Township will communicate with the public through such methods as emergency alerts and social media. Committeewoman Abbott noted that the Township's Facebook page would not allow for new posts from the public. Committeeman Brower asked if there is a method to require posters on the Township's Facebook page to identify themselves. Deputy Mayor Ritter said that anyone commenting on the Township's posts would not be able to post anonymously as they do on Chatham Patch articles. The Township Clerk indicated that an updated draft of the Policy & Procedures Manual will be distributed prior to the next Township Committee meeting. Committeeman Brower suggested that the Township should periodically review the social media options used by the Township.

Hearing of Citizens

Mayor Sullivan opened the Hearing of Citizens.

1. Bart Zoni, 3 Lake Road, is a member of the Sunset Lake Association, and he discussed the quality of the water in the lake. He asked if there is a process to seek a solution to the amount of water flowing from a drainage pipe into the lake. Because of the drainage, the quality of water in the lake is poor. Administrator Ciccarone offered to meet with Mr. Zoni on this issue, and he provided some history on measures that have been taken to address the water quality over the years. Committeeman Brower provided some options worth considering in seeking a solution to the issues at Sunset Lake, and offered to meet with Mr. Zoni on this matter. Engineer Ruschke also commented on previous options investigated to treat Sunset Lake. Administrator Ciccarone noted for the benefit of the public that although he lives in the Sunset Lake neighborhood, he is not a member of the Sunset Lake Association nor does he use the lake.

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

Committeeman Gallop moved to adjourn at 11:24 PM. Committeewoman Abbott seconded the motion, and it carried unanimously.

Gregory J. LaConte
Township Clerk