

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
APRIL 24, 2014**

Mayor Sullivan called the Regular meeting of the Township Committee of the Township of Chatham to order at 7:33 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 Committeeman Gallop, Committeewoman Abbott, Committeeman Brower, Deputy Mayor Ritter and Mayor Sullivan.

Approval of Agenda

The agenda was approved unanimously as written.

Proclamation – Emergency Medical Services Week

Mayor Sullivan read aloud the attached proclamation designating May 18 – 24 as Emergency Medical Services Week.

Christine Grobert was present on behalf of the Chatham Emergency Squad to receive the proclamation. She thanked the Township Committee for their continued support, and cited some events that will be held at the Emergency Squad's building to celebrate Emergency Medical Services Week.

Christine Grobert also spoke on behalf of the Chatham Historical Society. On Fishawack Day, an attempt will be made at the Chatham Train Station to break the Guinness World Record for the number of people blowing wooden train whistles at the same time.

Subcommittee Reports

Communications Committee

The Annual Report of the Communications Committee was presented by Tom Salvas. Mr. Salvas provided some background on the process which led to the televising of Township Committee meetings. He also discussed the posting of the Master Plan on the Township's website. In 2013, the Township website also underwent a significant redesign. Mr. Salvas also noted that videos associated with the Mayors' Wellness Campaign will be aired on the Township's government access channel. Furthermore, the Communications Committee has developed a policies and procedures manual which includes a section on social media.

Deputy Mayor Ritter thanked Mr. Salvas for his hard work. He also mentioned that resolutions and ordinances being considered by the Township Committee are now hyperlinked to the meeting agendas posted on the Township's website. Furthermore, videos of prior Township Committee meetings are now available on the Township website. Deputy Mayor Ritter also recommended that residents sign up for the ACT! Now alerts. The Township has also recently released its first newsletter. Committeewoman Abbott said that the Hurricane Sandy experience demonstrated the need for multiple methods to communicate with residents.

Municipal Alliance Committee of the Chathams

Catherine Marino presented the Annual Report of the Municipal Alliance Committee of the Chathams (MACC). She provided an overview of the composition and mission of the Municipal

Alliance. The funding of the MACC comes from the State of New Jersey's Governor's Council on Alcoholism and Drug Abuse, the County of Morris and both Chatham Township and Chatham Borough. Funding for the coming fiscal year includes \$21950.00 in DEDR money and a cash match of \$5,487.50. The Borough and Township will each contribute \$2743.75. Mrs. Marino also discussed some programs that MACC will be running. Mrs. Marino further cited that parental disapproval is still the top reason why teens would abstain from drinking. She also thanked the Township Committee for their continued support.

Committeeman Gallop asked how MACC would measure their success. Mrs. Marino said that feedback surveys are used to assess their programs.

Deputy Mayor Gallop asked about reports on the rise of heroin and if it is on the rise in Chatham Township. Mrs. Marino said that she does not know of any reports of any heroin related incidences in Chatham Township, however prevention and education are still necessary. Deputy Mayor Ritter also asked about programs geared toward parents for drug prevention. Mrs. Marino said that there are parent-oriented and community-oriented events in addition to the programs for students.

Hearing of Citizens

Mayor Sullivan opened the Hearing of Citizens.

1. Sue Hoag, 76 Canterbury Road, asked if the residents of Chatham Glen could receive a report on the sewer project. Engineer Ruschke said that work on the project will begin on the opposite end, and he will reach out to the associations to give updates.

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

Reports

Committeewoman Abbott reported that Colony Pool is being prepared for opening day, and she elaborated on plans for the facility. Colony Pool registration for the 2014 season is now open through Community Pass. Committeewoman Abbott also reported that the Community Garden will be ready by Mother's Day. The water system is installed, and fencing was put up. The Community Garden has 60 members including some community groups, and the people on the waiting list might also be getting plots.

Deputy Mayor Ritter reported that the Environmental Commission held a successful clean-up day on a Township-owned open space property on Green Village Road. A survey will be conducted regarding the recycling program, and a new member is to be appointed to the Environmental Commission. Deputy Mayor Ritter also reported that the Library of the Chathams raised \$23,000 through the recent book sale. Regarding wildlife management, Deputy Mayor Ritter reported that bear sightings should be reported to the Police Department if the bear presents a threat, and can be otherwise reported to the US Fish & Wildlife Service. The Green Village Fire Department is holding a rummage sale on April 26th, and Deputy Mayor Ritter encouraged volunteerism among Chatham residents. He also encouraged residents to attend Township Committee meetings, and to communicate any concerns to the Township Committee members.

Engineer Ruschke reported that May 12th is the tentative start date for construction on the sewer project. Public notice will be sent to the residents to be affected prior to work beginning in their neighborhoods. Engineer Ruschke also reported on two DOT grant applications for which he proposes that the Township apply. Committeeman Brower asked if the parking lot at Colony Pool is lined yet. Engineer Ruschke said that the Department of Public Works will be completing that work. Committeeman Brower also asked about the scheduling of micropaving. Administrator Ciccarone said that once the capital improvement project funding is approved, the Township will be able to go out to bid for the summer road improvement projects. Committeeman Brower asked if any streets would be closed due to the sewer project, and what sort of advance notice would be issued. Engineer Ruschke said that the roads would be closed but would remain open for local traffic only. Committeeman Brower suggested that the School District be informed of the construction schedule in case buses need to be rerouted.

Introduction of Ordinances

Ordinance 2014-09

ORDINANCE 2014-09

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, VACATING THE RIGHT OF WAY FOR A PORTION OF WILSON AVENUE ABUTTING BLOCK 41, LOTS 1, 3, 5, 7, 8 & 20 AND BLOCK 43, LOTS 7 & 17

WHEREAS the portion of Wilson Avenue, abutting Block 41, Lots 1, 3, 5, 7, 8 & 20 and Block 43, Lots 7 & 17 in the township of Chatham extending easterly from the easterly sideline of Roosevelt Avenue remains undeveloped; and

WHEREAS the township has no need for said street right of way and it appearing that the public interest will be better served by vacating said street;

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

1. That portion of Wilson Avenue extending westerly to its end from the easterly sideline of Roosevelt Avenue abutting Block 41, Lots 1, 3, 5, 7, 8 & 20 and Block 43, Lots 7 & 17, as more particularly shown on the Tax Map of the Township of Chatham, is hereby vacated in its entirety and the portions thereof divided and conveyed to the adjoining property owners in accordance with law.
2. All rights and privileges possessed by public utilities, as defined by R. S. 48:2-13, and by any cable television company, as defined in the Cable Television Act, P.L. 1972, c.186 (N.J.S.A. 48:5A-1 et seq.) to maintain, repair and replace facilities, in, adjacent to, over or under Wilson Avenue, are hereby expressly reserved from vacation.
3. The Mayor and Township Clerk are authorized to execute such documents as may be necessary to effectuate such purpose.
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.
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.
6. This Ordinance shall become effective upon the adoption and recording of this Ordinance with the Morris County Clerk's Office.

Committeewoman Abbott inquired about the section of Wilson Ave that will be vacated. Administrator Ciccarone said that it is the section starting at Roosevelt Ave and heading in an easterly direction. He also said that the properties abutting the paper street will gain property, and could possibly see their property assessments be adjusted.

Committeeman Brower moved to introduce Ordinance 2014-09. Committeewoman Abbott seconded the motion.

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

Public Hearing on Ordinance 2014-09 will be scheduled for May 8, 2014.

Ordinance 2014-10

ORDINANCE 2014-10

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE TOWNSHIP OF CHATHAM, IN

THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$745,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

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

Section 1. The Township of Chatham, in the County of Morris, State of New Jersey (the "Township") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery in, by and for said Township, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Acquisition of new additional or replacement equipment and machinery consisting of a diesel fuel vault for use at the Department of Public Works ("DPW") Yard.

Appropriation and Estimated Cost	\$ 20,000
Down Payment Appropriated	\$ 1,000
Bonds and Notes Authorized	\$ 19,000
Period of Usefulness	15 years

B. Acquisition of new additional or replacement equipment and machinery consisting of mobile cameras for the use of the Police Department.

Appropriation and Estimated Cost	\$ 50,000
Down Payment Appropriated	\$ 2,500
Bonds and Notes Authorized	\$ 47,500
Period of Usefulness	5 years

C. Undertaking of improvements to various roads, as set forth on a list prepared or to be prepared by the Township Engineer and placed on file with the Township Clerk and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Township Committee, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$500,000
Down Payment Appropriated	\$ 25,000
Bonds and Notes Authorized	\$475,000
Period of Usefulness	10 years

D. Undertaking of improvements to various public buildings, including, but not limited to, boiler repair and fire alarm upgrades at the Municipal Building and various improvements to Police Headquarters. It is hereby determined and stated that said public buildings to be improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$100,000
Down Payment Appropriated	\$ 5,000
Bonds and Notes Authorized	\$ 95,000
Period of Usefulness	15 years

E. Acquisition of new additional or replacement equipment and machinery consisting of firefighting, emergency and safety equipment for the use of the Volunteer Fire Departments.

Appropriation and Estimated Cost	\$ 50,000
Down Payment Appropriated	\$ 2,500
Bonds and Notes Authorized	\$ 47,500
Period of Usefulness	5 years

F. Undertaking of underground storage tank remediation at the DPW Yard.

Appropriation and Estimated Cost	\$ 25,000
Down Payment Appropriated	\$ 1,250
Bonds and Notes Authorized	\$ 23,750
Period of Usefulness	15 years

Aggregate Appropriation and Estimated Cost	\$745,000
Aggregate Down Payment Appropriated	\$ 37,250
Aggregate Amount of Bonds and Notes Authorized	\$707,750

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$35,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$37,250, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purposes. The sum of \$37,250 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$707,750 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$707,750 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of

said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 10.30 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$707,750 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The capital budget is hereby amended to conform with the provisions of this 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 14. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 15. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Administrator Ciccarone gave an overview of the capital projects scheduled for 2014 which would be funded through the appropriations in this bond ordinance.

Committeeman Brower moved to introduce Ordinance 2014-10. Deputy Mayor Ritter seconded the motion.

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

Public Hearing on Ordinance 2014-10 will be scheduled for May 8, 2014.

Continuation of Old Business

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, though dedicated, has not been opened by the Township, is no longer needed for public purposes and that, on balance, after consideration of the various interests expressed during the public hearing process, 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.

Having recused himself from discussion on Ordinance 2014-08, Committeeman Brower left the dais. Attorney Woodward resumed his service as legal counsel on this matter.

Mayor Sullivan noted that the public hearing on this ordinance was held at the last Township Committee meeting. Mayor Sullivan said that legal questions regarding this ordinance were raised by an attorney representing Dr. and Mrs. Fechtner, and Attorney Woodward has taken time to properly review the matter. He also noted Attorney Woodward's expertise on Municipal Land Use Law.

Attorney Woodward said that the legal question had been raised as to whether or not the Township Committee has the authority to vacate a walkway easement that has been dedicated but not accepted. The challenge to the ordinance asserts that the easement does not fit statutory definitions of a public place. Attorney Woodward offered the legal opinion that the easement does fall within the definition of a public place, as it would be a place where the public could assemble, walk, function and have access. Attorney Woodward also cited a definition of a "public area" in the Municipal Land Use Law, N.J.S.A. 40:55d-6, which includes walkways. He also said that the question was raised if the Township had the authority because of some cases that determined that certain restrictions granted during the course of a Planning Board hearing benefitted the public and not being within the purview of the governing body to vacate. Attorney Woodward said that he analyzed the cases cited by the Fechtner's attorney, and he believes that the cases relate to restrictions on developers and that the cases do not apply in this circumstance. Ergo, Attorney Woodward offered the legal opinion that the Township Committee does have the legal authority to consider the ordinance to vacate the walkway easement from Linden Lane to Pine Street. Attorney Woodward also discussed the difference between a dedication and an acceptance, and said that the filed map showing the walkway easement if the operative document for the dedication of the walkway. However, Attorney Woodward said that he has not seen any evidence that the walkway has ever been accepted by the Township, and the public does not have the right to access to the walkway until the Township accepts it.

Committeeman Gallop asked Attorney Woodward if people would be considered to be trespassing if they started out from Pine Street and continued down Linden Lane after traversing the path. Attorney Woodward said he does not believe they would be trespassing, as the Township provides services to that road, and he has never been stopped when driving down those roads. Committeeman Gallop also asked if it could be considered an acceptance of the easement if the Township had knowledge of someone using it as a walkway. Attorney Woodward said that such knowledge would not be considered an acceptance, as the Township would have to affirmatively take action to accept it.

Committeeman Gallop also asked if the ordinance could be amended to include language so that it would not be setting a precedent. Attorney Woodward said that any request for a vacation of an easement would have to be judged on its own merits. Administrator Ciccarone opined that this ordinance would not set a precedent because he is not aware of any other walkway easement similar to the one proposed to be vacated.

Committeeman Gallop asked if language could be added to the third “WHEREAS” to refer to consideration of the various interests expressed during the public hearing process. Attorney Woodward said that the language could be added by a motion to amend, and that the ordinance could still be voted upon for adoption at this meeting as the language would not be a substantive amendment.

Committeewoman Abbott suggested that the ordinance not read that the walkway was never opened, as there are reports that children used the path back in the 1970’s. Administrator Ciccarone advised that the Township cannot be sure if the children in the 1970’s were actually using the walkway easement in question. Attorney Woodward added that someone trespassing on the property does not constitute the Township’s acceptance of the easement. Committeewoman Abbott also asked about the filed map referring to the easement. Attorney Woodward cited the map that had been filed with the County Clerk’s Office. He also explained that the Township’s tax map cannot be relied upon for this matter.

Mayor Sullivan noted that this ordinance has been an emotional issue for a variety of residents, and the Township Committee has heard from many residents throughout the community. He said that this is not an easy issue upon which to decide.

Mrs. Fechtner asked from the audience if her attorney would be given the opportunity to respond to Attorney Woodward’s legal advice. Mayor Sullivan said that the public hearing was already closed, and the Township Committee has had an opportunity to review the letter sent by Mrs. Fechtner’s attorney.

Committeeman Gallop said that this has been a difficult issue upon which to make a decision. He noted that the Safe Routes to School Committee is a volunteer board working on a matter of critical concern within the community. Committeeman Gallop recognized Mrs. Fechtner’s efforts and contributions to the Safe Routes to School Committee, and noted the discussions that Safe Routes to School had relative to this easement which was ultimately not recommended. Committeeman Gallop voiced his commitment to connecting various parts of the Township, and noted some of his efforts as a member of the Open Space Committee. He also cited the safety and security concerns raised by residents in the Linden Lane neighborhood, and he takes those concerns seriously. Committeeman Gallop stressed that this matter is a very close call, and ultimately he supports vacating the easement. He also opined that the Township Committee should consider if the Safe Routes to School Committee should be formalized as an official committee of the Township because it is so important of an issue.

Committeewoman Abbott said that the ordinance cites the “public interest” rather than the interest of the individual property owners. She also reiterated the concern about this ordinance setting a precedent for future requests for the vacating of easements. Committeewoman Abbott also said that the ordinance is contrary to the Master Plan, and that the walkway would also benefit adults who walk for exercise. She also addressed the quality of life benefits of having a variety of transportation methods available. Committeewoman Abbott also said that future residents should be considered, and people who live in the Linden Lane neighborhood at some future point might want to have a walkway available. She also cited examples of measures that could be taken to address the neighborhood’s safety and security concerns regarding the easement. Committeewoman Abbott also noted her appreciation of the concerns raised about the number of trees that would need to come down to improve and pave the walkway.

Deputy Mayor Ritter said that he sees this matter as an issue of property rights, and the Township needs to consider the best interest of those most immediately impacted by an issue. He also noted that this easement has not been used in the almost 60 years since it was created. Deputy Mayor Ritter also said that the paving of the walkway would cost at least \$50,000 which would be better spent on equipment for emergency services. He also noted that the walkway would be within 20 feet of people's homes, and the nearby pond would be an attractive nuisance. Deputy Mayor Ritter questioned who would benefit from this walkway, and opined that the removal of trees from the easement would not be good from the environment. He has also not heard any compelling evidence that any number of schoolchildren would use the walkway to get to school. Deputy Mayor Ritter also opined that the Great Swamp is a more appropriate location for recreational hiking. He also said that this is a difficult decision, and that the Township Committee performed proper due diligence regarding the issue.

Mayor Sullivan said that Chatham Township is where the suburbs meet the country, and having sidewalks in every neighborhood would substantially change the character of the Township. He also said that there is not an active walkway at this location, and he thinks that the Township Committee should defer to the people who actually live in the neighborhood now rather than surmise what might happen at some future point.

Committeeman Gallop moved to amend Ordinance 2014-08. Deputy Mayor Ritter seconded the motion.

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

Deputy Mayor Ritter moved to adopt Ordinance 2014-08. Mayor Sullivan seconded the motion.

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

Consent Agenda

RESOLUTION 2014-097 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS

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

Construction Official – February, March
CFO – February
Police Department – February, March
Public Works – February
Registrar – 1st Quarter
Dog Licensing Official – 1st Quarter
State Training Fees – 1st Quarter

RESOLUTION 2014-098 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 April 10, 2014.

RESOLUTION 2014-099 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>
Jamshid iranmahboob 19 Gibbons Place Green Village, NJ 07935	BOA 13-138-5	7761693253	\$120.57
John Robertson 177 Lafayette Ave Chatham, NJ 07928	BOA 13-80-13	7761693295	\$119.36

**RESOLUTION 2014-100
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
REFUNDING OVERPAYMENT OF PERMIT FEE**

WHEREAS, the Township Committee has considered the request submitted by the Construction Office Manager with regard to the fee that was overpaid for a construction permit;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following amount be refunded to the depositor of record:

<u>NAME</u>	<u>PERMIT #</u>	<u>AMOUNT</u>
Novick/Hagner 396 River Road Chatham, NJ 07928	14-0214	\$90.00

**RESOLUTION 2014-101
A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE
ADOPTION AND IMPLEMENTATION OF COMMUNICATIONS PROTOCOLS &
PROCEDURES POLICY & GUIDELINES**

WHEREAS, the Township Committee of the Township of Chatham wishes to adopt a Communications Protocols & Procedures Policy & Guidelines for use by the Township; and

WHEREAS, the Communications Committee has undertaken the process of preparing such a Policy & Guidelines; and

WHEREAS, the Communications Committee has provided the Township Committee with a copy of the Policy & Guidelines for their review; and

WHEREAS, the Township Committee has reviewed the Policy & Guidelines and wishes to adopt same as the official Communications Protocols & Procedures Policy & Guidelines of the Township;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, in the County of Morris and State of New Jersey, that the Communications Protocols & Procedures Policy & Guidelines attached hereto and made a part hereof is hereby adopted as the official Communications Protocols & Procedures Policy & Guidelines of the Township; and

BE IT FURTHER RESOLVED, that the Communications Committee is hereby authorized and directed to provide a copy of said Policy & Guidelines to the Township Clerk for distribution to all permanent full and part time employees within ten (10) days of the adoption of this Resolution; and

BE IT FURTHER RESOLVED, that the attached Communications Protocols & Procedures Policy & Guidelines dated April 10, 2014 shall take effect immediately.

**RESOLUTION 2014-102
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPOINTING MEMBER TO THE CHATHAM TOWNSHIP ENVIRONMENTAL
COMMISSION**

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

Chatham Township Environmental Commission:

1. George Crimmins

(2015) – Filling Vacancy

RESOLUTION 2014-103
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>
65.01	4.04	Cermele, Maryann 15F Kensington Road Chatham, NJ 07928	\$991.71 Property Tax Overpayment

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

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

Executive Session

RESOLUTION 2014-P-06

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:
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.

Deputy Mayor Ritter moved to pass Resolution 2014-P-06 to enter Executive Session at 9:39 PM. Committeewoman Abbott 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 10:32 PM, and the meeting was adjourned.

Gregory J. LaConte
Township Clerk