

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
AUGUST 13, 2015**

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

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both The Chatham Courier and the Morris County Daily Record on January 7, 2015; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 7, 2015; and notice was filed with the Township Clerk on January 7, 2015.

Roll Call

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

Approval of Agenda

Committeeman Gallop asked that Ordinance 2015-16 be handled as a discussion item.

The Agenda was approved as amended.

Proclamation

Mayor Sullivan provided some history on the end of World War II and the cessation of fighting against Japan. He also read aloud the attached proclamation to commemorate the 70th Anniversary of the end of World War II and the contributions of Chatham Township residents to the war effort.

Reports

Committeewoman Swartz reported that the Board of Health recently discussed pending legislation regarding the religious exemption to immunizations. The Board of Health supports tighter controls on said religious exemptions. The Senior Center is on vacation for the rest of August, and will reopen on September 2nd. The Senior Center Board of Trustees will have four new members upon reconvening. They will also be hosting a barbecue on September 25th, and a shred event on October 17th. The Environmental Commission will be hosting a Sustainable Fair on September 12th alongside the Farmer's Market. Committeewoman Swartz also reported that a meeting was held with representatives from Morris County regarding the 2016 road repaving schedule, and the stretch of Shunpike Road near the Hickory Shopping Center was discussed.

Committeeman Kelly reported that Public Works is responding to a report of a leak in the sanitary sewer system. Routine crack sealing and sidewalk repairs are also underway. Committeeman Kelly also provided an update on the Nash Field drainage improvements. He also reported that the Township is seeking an update on pending road improvements on the stretch of Southern Boulevard that was disrupted by the recent sewer project. Committeeman Kelly also reported on the Community Garden.

Committeeman Gallop reported that registration for fall sports is underway.

Deputy Mayor Ritter reported that Colony Pool hosted a tween night. The Sunday night family grill nights have been popular. He also reported that a Summer Staycation special rate for the remainder of the Colony season has been introduced. The rate is \$150 for Township residents, and \$200 for non-resident families. Deputy Mayor Ritter also noted that on days when the temperature goes above 90 degrees, senior citizens will be allowed to use Colony Pool for free. Regarding the Public Safety Committee, Deputy Mayor Ritter reported that there are currently several neighborhood watch programs up and running, and anyone wishing to start up a neighborhood watch in their neighborhood can contact Officer Bloom at the Chatham Township Police Department. Deputy Mayor Ritter also reported that the Green Village Fire Department

will be hosting their annual golf tournament fundraiser at the Fairmount Country Club on September 21st, and more information is available on their website.

Mayor Sullivan reported that to commemorate the 70th anniversary of the end of World War II, the Library of the Chathams will host a documentary film on August 20th, as a lecture on August 22nd on interviews with World War II veterans. Committeewoman Swartz reported that she attended the Library's Summer Readers picnic, and over 200 children participated in the program.

Vincent Montanino – Municipal Audits

Mr. Montanino, the Township's Municipal Auditor, reported that a fixed asset inventory was recently performed. He also explained the purposes of such an inventory. Mr. Montanino also said that at the audit exit interview, a suggestion was made to revisit the controls on cash collection for Colony Pool, just so that the Colony staff knows that cash transactions are being monitored. Administrator Ciccarone said that plans are being made to reduce or eliminate cash transactions for the next Colony season.

Mr. Montanino also provided a history of government accounting standards and municipal audits. Mayor Sullivan asked what sort of things an auditor looks for when performing an audit. Mr. Montanino said that one thing they look at is the payroll, to make sure that employees are being paid within the range that the salary ordinance allows. Also reviewed are the items that are publicly bid. Mayor Sullivan asked about the audit of taxes collected. Mr. Montanino said that they will review tax stubs to make sure that money received was properly deposited. They also send notices to a sampling of the taxpayers asking them to supply the auditor directly with information on how much they paid in taxes and when they were paid, so that they can compare that independent information against the tax collection records. Administrator Ciccarone noted that taxpayers who receive those notices should address any questions directly to the auditor's office, and should not call the tax collector's office.

Mayor Sullivan also asked for Mr. Montanino's perspective on what other municipalities have done that have gotten them in trouble. Mr. Montanino described issues with tracking cash transactions. Mayor Sullivan also asked about the percentage of a budget that should be surplus, and what would trigger a concern. Mr. Montanino said that rating agencies want to see 25% of an operating budget be surplus. He also addressed the debt burden.

Deputy Mayor Ritter asked if there is anything else that Mr. Montanino sees other municipalities doing that he thinks the Township should also be doing. Mr. Montanino said that there is not anything that he especially sees, as the interest rates on the Township's debt are low. Administrator Ciccarone also explained that municipalities go into debt for certain long-term items so that future taxpayers who will benefit from the expense will pay their share.

Committeeman Gallop asked about having a Qualified Purchasing Agent. Mr. Montanino said that the benefit of having a Qualified Purchasing Agent would be an increase in the bid threshold. Administrator Ciccarone said that the Township does not make many purchases in the range between the current bid threshold and what it would be with a QPA, which is why there has not been a push for any staff member to get that certification. He also said that many purchases that fall in that range are made through co-ops or through state contract.

Deputy Mayor Ritter asked about having a credit card available for use by the Township administration for purchases. Mr. Montanino said that municipalities are specifically not allowed to have or use a credit card. He added that procurement cards are an option, and Administrator Ciccarone opined that he does not think that such cards are a suitable option for the Township.

Rob Walton – JCP&L Area Enhancements and Major Reliability Project

Mr. Walton said that an organization called PJM regulates bulk transmission of electricity across the Northeast US. PJM has identified and recommended an area in JCP&L's transmission system that could use some enhancement. PJM and JCP&L have worked together to come up with a plan to enhance the transmission lines from Whippany to Montville. JCP&L is in the

process of seeking approval for this project from the Board of Public Utilities, and are requesting municipal support. Mr. Walton also explained that the improvements to the system would allow for rerouting of power to substations should there be another situation like Hurricane Sandy. Mayor Sullivan indicated that the Township Committee will send a letter of support to the BPU.

Hearing of Citizens/Petitions

Mayor Sullivan opened the Hearing of Citizens.

1. Amy Mason, 48 Hilltop Terrace, said that a permit application has been submitted for the property at 45 Hilltop Terrace to have the house demolished, and for the new house to face Highland Avenue. She opined that this new house would be detrimental to both neighborhoods. Mrs. Mason also provided photographs of the neighborhood to show the neighborhood as it is. Mrs. Mason asked the Township Committee to consider adopting an ordinance to prevent this type of scenario in the future.

Committeeman Gallop asked if it is allowable for house frontage to be changed like this. Administrator Ciccarone said that the Township does not have any ordinances to prevent it, as it is a conforming lot that fronts on two streets. He also addressed questions about tree removal as part of this application.

2. Melinda Bennington, 49 Hilltop Terrace, said that many trees would need to be removed as part of the proposed work at 45 Hilltop Terrace, and neither her property nor 45 Hilltop Terrace would have backyard privacy. Mrs. Bennington also said that the proposed new house would change the tone of the street, and she also asked if it would be possible to prevent such situations in the future. Committeewoman Swartz noted that developers are not required to maintain properties in a park-like setting. Mrs. Bennington said that it would take years for the backyard to become fully wooded if the project goes through.
3. Kathryn Surmay Kenny, 12 Hilltop Terrace, and a member of the Board of Adjustment, commented on the proposal, and asked if the property at 45 Hilltop Terrace would be able to have a 6-foot fence at the property line. Administrator Ciccarone said that it can be at the property line, and he commented on the general extent of right-of-ways. Mrs. Kenny asked if there is anything the Township can do in terms of deed restrictions, or if the developer can do whatever is legally allowed. Administrator Ciccarone said that they can likely do whatever is legal. He also said that though applications have been made, permits have not yet been issued. Mrs. Kenny said that some towns have ordinances that regulate through-lots, and suggested that the Township do the same. Administrator Ciccarone said that the Township Committee can consider such a change. He also said that until this application was made, the type of scenario was not on anyone's radar. Mrs. Kenny said that she and some neighbors have spoken with an attorney to see if they can look at the original deed to see if there were any requirements in the deed that the house front on a particular street. Mrs. Kenny also said that she has some other issues which she would like to speak about in the future, and Administrator Ciccarone said that she can give him a call in his office.

Administrator Ciccarone also commented on the tree ordinance requirements.

Attorney Cruz provided an update on Mr. Gunn's development on Long View Ave, and there are still some outstanding items. He also noted that the Municipal Court has carried the matter to next month.

4. Ron Gunn, 41 Fairview Ave (Madison), addressed attempts to grow grass in the retention basin at the High Gate development. He also said that removing of rocky material from the site will be done next week. Attorney Cruz said that the matter should be closed at the next Municipal Court hearing. Mayor Sullivan asked about plowing the street. Attorney Cruz said that he will have to speak with Engineer Ruschke on that matter. Mr. Gunn said that he will be meeting with Engineer Ruschke upon his return from vacation.

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

Public Hearing/Final Adoption of Ordinances

**ORDINANCE 2015-13
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, AMENDING UNIFORM CONSTRUCTION CODE FEES
REGARDING PLUMBING SUBCODE FEES AND FIRE SUBCODE FEES**

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the Revised General Ordinances of the Township of Chatham, 1995 are amended to provide for modifications to Chapter XI, Building and Housing, Section 11-1.3, Fees, to establish and amend certain fees under the Uniform Construction Code for Plumbing Subcode Fees and Fire Subcode Fees, as follows:

1. Subsection 11-1.3.b. is amended to add the following:
 - (e) For installation of a chimney lining system, the fee shall be a minimum fee of \$30.00, unless the installation occurs at time of heating appliance replacement for which the fee shall be \$15.00.
 - (f) For the installation of a duct work for a new air conditioning system in an existing house, the fee shall be \$65.00
2. Subsection 11-1.3.d.3 is amended as follows:
 3. For the installation of each solid fuel burning or fuel fired appliance and gas fireplace in a new residential building, the fee shall be \$65.00 per appliance.
3. Subsection 11-1.3.d.7 is hereby repealed.
4. All other terms and provisions of Chapter XI shall remain unchanged.
5. This ordinance shall take effect as provided by law.

Mayor Sullivan opened the Public Hearing on Ordinance 2015-13.
Seeing no public comment, Mayor Sullivan closed the Public Hearing.

Committeeman Kelly moved to adopt Ordinance 2015-13. Deputy Mayor Ritter seconded the motion.

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

Introduction of Ordinances

Ordinance 2015-14

**ORDINANCE NO. 2015-14
ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW
JERSEY, AUTHORIZING ACCEPTANCE OF A SANITARY SEWER EASEMENT FROM
MICHAEL WARREN AND KATIE WARREN FOR BLOCK 20, LOT 20, 23 SUSAN DRIVE**

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

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

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

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

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that it hereby authorizes acceptance of the Sanitary

Sewer Easement attached hereto and directs its appropriate officials to execute and record such documents as may be necessary.

This Ordinance shall become effective according to law.

Attorney Cruz explained that this ordinance will adjust an existing easement to conform to the actual location of the sewer line. He also noted that Engineer Ruschke recommends this ordinance, and the homeowner has reviewed and agrees to the ordinance.

Committeewoman Swartz moved to introduce Ordinance 2015-14. Committeeman Gallop seconded the motion.

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

Public Hearing on Ordinance 2015-14 will be scheduled for September 10, 2015.

Ordinance 2015-15

ORDINANCE 2015-15

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

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

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

Section 2. The text of Section 24-3 shall be as follows:
§24-3.1 Preamble.

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

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

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

§24-3.2 Grant of Consent.

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

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

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

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

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

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

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

§24-3.9 Indemnity.

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

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

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

obtain and maintain at all times during this Ordinance statutory workers' compensation and employer's liability insurance in an amount not less than one million dollars (\$1,000,000).

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

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

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

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

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

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

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

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

Mayor Sullivan said that this ordinance grants permission to Light Tower Fiber Long Island, LLC to run utility lines in the right-of-way. Attorney Cruz noted that this ordinance adds language to an existing chapter in the Township code.

Committeeman Kelly moved to introduce Ordinance 2015-15. Deputy Mayor Ritter seconded the motion.

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

Public Hearing on Ordinance 2015-15 will be scheduled for September 10, 2015.

Consent Agenda

RESOLUTION 2015-149
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 \$1,422,050.21 and the prior month's payroll of \$434,042.16 Current Fund, \$45,393.04 Sewer No. 1, \$8,888.72 Sewer No. 2, \$15,902.86 Recreation Trust and \$14,319.66 Police Private Employment be paid.

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

BE IT FURTHER RESOLVED that taxes due to the County of Morris, for the Third Quarter of 2015, in the amount of \$2,099,738.65 be paid.

RESOLUTION 2015-150
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:

Police Department – June
Tax Collector – July
CFO – July

RESOLUTION 2015-151
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM APPROVING MINUTES OF MEETINGS

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meeting held on July 16, 2015.

RESOLUTION 2015-152
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 July 16, 2015.

RESOLUTION 2015-153
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, AMENDING THE TAX
DUPLICATE

WHEREAS, Gloria Dei Lutheran Church, a not for profit, maintained a not for profit daycare/preschool in Block 95, Lot 18.01 as shown on the Tax Map of the Township of Chatham, and commonly known as 300 Shunpike Road; and

WHEREAS, the Tax Assessor for 2014 created a second taxable line item for the daycare/preschool as Block 95, Lot 18.01 Qual:X; and

WHEREAS, the Township of Chatham Tax Assessor recommended that because of mistake the Gloria Dei Lutheran Church was twice entered on the tax duplicate, and that this mistake be corrected pursuant to N.J.S.A. 54:4-54; and

WHEREAS, the Township Committee of the Township of Chatham desires to correct this mistake, pursuant to N.J.S.A. 54:4-54, and order that the tax duplicate be corrected for 2014; and

WHEREAS, N.J.S.A. 54:4-54 requires that in the event real estate taxes were paid because of the mistake, that the real estate taxes be refunded; and

WHEREAS, because no real estate taxes were paid by Gloria Dei Lutheran Church for the daycare/preschool as a result of the mistake and no real estate taxes are due, the Township of Chatham Tax Collector is hereby authorized to waive any real estate taxes due, including interest and penalties.

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

1. That the tax duplicate for 2014 be corrected by the Tax Assessor as described in this Resolution.
2. That no real estate taxes are due from Gloria Dei Lutheran Church for 2014.
3. That certified copies of this Resolution be forwarded to the Township Tax Assessor and Tax Collector.
4. This Resolution shall take effect immediately.

RESOLUTION 2015-154
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>
Rosepond LLC 600 S. Livingston Ave Livingston, NJ 07039	PLNBD 13-135-19.45-48	7761693279	\$300.90
Mary McCabe 9 Hampton Road Chatham, NJ 07928	BOA 14-48.10-245	7763179479	\$120.00
Vikas Kapoor 2 Kincaid Lane Chatham, NJ 07928	BOA 14-62-88.01	7763179205	\$681.40
Jack Darby 36 Rose Terr Chatham, NJ 07928	BOA 15-95-10	7763179529	\$79.40
William Petrunik 16 Jay Road Chatham, NJ 07928	ROI 15-48.14-113.17	7763179651	\$277.78
St. Hubert's Giralda 575 Woodland Ave PO Box 159 Madison, NJ 07940	BOA 04-142-4.01	7760011078	\$7418.79 Plus Interest

RESOLUTION 2015-155
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM TO AWARD A CONTRACT TO SUTPHEN CORPORATION FOR AN SL75 AERIAL LADDER FIRE TRUCK FOR THE GREEN VILLAGE FIRE DEPARTMENT

WHEREAS, the Township Committee of the Township of Chatham has received a quote under State Contract #86453 for an SL75 AERIAL LADDER FIRE TRUCK for the Green Village Fire Department and,

WHEREAS, "Certification of Availability of Funds" is annexed hereto:

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on this day,

August 13, 2015 that:

- 1) Contract for an SL75 AERIAL LADDER FIRE TRUCK for the Green Village Fire Department be and is hereby awarded to:

**Sutphen Corporation
7000 Cols-Marysville Road
PO Box 158
Amlin, Ohio 43002-0158**

On their State Contract price of \$962,500.97.

- 2) The exact title of the appropriation to be charged is: Ordinance 2015-12.
- 3) This Resolution shall take effect immediately.

Committeewoman Swartz moved to approve the Consent Agenda. Committeeman Kelly seconded the motion.

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

Hearing of Citizens/Petitions

Mayor Sullivan opened the Hearing of Citizens.

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

Discussion

Traffic Safety Issues

Chief Hennelly said that there have been issues in the Sandy Hill neighborhood with traffic cutting through exceeding the speed limit. He said that the Traffic Safety Officer, Sgt. Patrick Meade, conducted a survey of the area, and his recommendation is to place stop signs at some intersections, and that the current yield signs be removed. This recommendation also takes into account complaints that have been received from residents in the neighborhood. Chief Hennelly elaborated on how the stop signs would impact traffic and serve as a traffic calming measure. Committeeman Kelly said that the stop signs are recommended for what appear to be the less-traveled side streets, and asked if that will recreate the conditions that led to the yield signs in the first place. Chief Hennelly said that he does not think that the yield signs were ever effective, and the stop signs would cause traffic to come to a complete stop. Chief Hennelly discussed how Sgt. Meade performed a similar study in the vicinity of School Ave and Maple Street, and has a similar recommendation for that location.

Chief Hennelly also addressed parking issues on Robert Drive. Due to the increasing number of employees at Southern Boulevard School and insufficient parking at the school, teachers are parking on Robert Drive and are creating difficulties for residents and delivery trucks. Suggestions have been made to the School District of the Chathams that teachers use the Colony Pool lot for overflow parking, but they have been adequately accommodating to that request. Chief Hennelly recommended that parking restrictions be extended to Robert Drive and Jay Road. He noted that the recommendation for Jay Road is because if the restrictions are only placed on Robert Drive, the parking issues will likely shift to Jay Road. The recommendation is to establish two-hour parking restrictions on school days only from 8:00 AM to 3:00 PM on the southerly side of Robert Drive, and on the southerly side of Jay Road for the entire length. This would still allow school visitors to park on those streets, but not for all-day parking. Deputy Mayor Ritter asked about notifying the affected residents of the pending regulations. Chief Hennelly said that the Police Department can drop notices in mailboxes. He also said that accommodations can be made as necessary. Chief Hennelly also noted that there are already parking restrictions on the northerly side of Robert Drive.

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

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

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

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

Section 1. Section 7-21 of the Revised General Ordinances of the Township of Chatham, titled “Yield Intersections”, is hereby amended to remove the following as a “YIELD” Intersection:

Intersection
Maple Street and
School Avenue

YIELD Sign on:
School Avenue

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

Section 3. Severability.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 4. Effective Date.

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

Committeewoman Swartz moved to introduce Ordinance 2015-17. Committeeman Kelly seconded the motion.

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

Public Hearing on Ordinance 2015-17 will be scheduled for September 10, 2015.

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

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

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

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

Section 1. Section 7-20 of the Revised General Ordinances of the Township of Chatham, titled “Stop Intersections”, is hereby amended to designate the following as “STOP” Intersections:

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

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

Section 3. Severability.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 4. Effective Date.

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

Deputy Mayor Ritter moved to introduce Ordinance 2015-18. Committeeman Kelly seconded the motion.

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

Public Hearing on Ordinance 2015-18 will be scheduled for September 10, 2015.

ORDINANCE 2015-19
ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING SECTION 7-11.1 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP, TITLED “TIME LIMIT PARKING”, ON JAY ROAD AND ROBERT DRIVE

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

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

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

Section 1. Section 7-11.1 of the Revised General Ordinances of the Township of Chatham, titled “Time Limit Parking”, is hereby amended to add the following streets as “TIME LIMIT PARKING” streets:

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

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

Section 3. Severability.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 4. Effective Date.

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

Deputy Mayor Ritter moved to introduce Ordinance 2015-19. Mayor Sullivan seconded the motion.

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

Public Hearing on Ordinance 2015-19 will be scheduled for September 10, 2015.

Drones

ORDINANCE 2015-16
ORDINANCE AMENDING CHAPTER III, ADDING SECTION 3-12.1 ET SEQ REGARDING
CERTAIN REGULATIONS OF DRONE TECHNOLOGY AND UNMANNED AIRCRAFT FOR
THE TOWNSHIP OF CHATHAM

WHEREAS, the Township of Chatham deems it appropriate, necessary, and proper for the good government, order, the protection of persons and property, and for the preservation of the public health, welfare, and safety of its inhabitants to adopt certain regulations pertaining to the use of drone technology and unmanned aircraft in the Township; and

WHEREAS, drone technology includes “drones,” which are unmanned aircraft that can fly under the control of a remote pilot or via a geographic positions system guided autopilot mode, can fly at altitudes below the navigable airspace (generally 400’), and are equipped with surveillance technologies (e.g., high definition cameras, night vision cameras, and infrared-see-through scopes); and

WHEREAS, as a result of its declining cost, drone technology and unmanned aircraft have become increasingly available to private citizens for personal, recreational, and other potential uses; and

WHEREAS, drones and unmanned aircraft can be used to fly above residences, in the backyard of residences, to hover outside residences, and to fly above roads and through traffic in a manner that is inherently dangerous to the public health, welfare, and safety; and

WHEREAS, the federal government and the State of New Jersey have not adopted specific and comprehensive restrictions on the use of drone technology, the federal government has only issued general guidelines regarding restrictions on the use of the type of unmanned aircraft designated as “model aircraft,” and the Federal Aviation Administration (“FAA”) is presently scheduled to adopt drone technology regulations in fall 2015, and, therefore, at this time there are no meaningful regulations protecting the public, health, and welfare from drone technology and unmanned aircraft particular to and specific to the needs of Township.

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

STATEMENT OF PURPOSE

The purpose of this Ordinance is to amend Chapter III, by adding certain and specific regulations of drone technology and unmanned aircraft in Township to protect the public health, welfare, and safety.

Chapter III. DRONE AND UNMANNED AIRCRAFT REGULATIONS

Article II

Drones and Unmanned Aircraft

3-12.1. Definitions

“Data collection” means the acquisition of information by use of one or more sensing devices.

“Drone” means an unmanned aircraft that can fly under the control of a remote pilot or by a geographic positions system (“GPS”) guided autopilot mechanism, and that is equipped with any sensing device or capable of any data collection.

“Sensing device” means a device capable of acquiring data from its surroundings. Sensing devices include, but are not limited to, cameras, microphones, thermal detectors, chemical detectors, radiation gauges, and wireless receivers in any frequency (including cellular, WiFi, or other data frequencies).

“Unmanned aircraft” means an unmanned vehicle or device of any size that is capable of remote-control flight by any means and that does not possess any sensing device and is not capable of any data collection.

3-12.2. Regulations

- A. Except as otherwise provided in §12.3, drones are prohibited from flying in any airspace below 400 feet within Township.
- B. Except as otherwise provided in §12.3, unmanned aircraft are prohibited from flying in any airspace below 400 feet within Township in:
 - 1. the airspace over any residential or commercial zoned area in Township;
 - 2. the airspace over any roads within Township; and
 - 3. the airspace over any government or public buildings, property, or parks within Township.

3-12.3. Exceptions

- A. This Chapter shall not prohibit the constitutional use of drones and unmanned aircraft by any law enforcement agency or emergency services organization of or servicing the Township, the State of New Jersey, or the United States of America for lawful purposes and in a lawful manner.
- B. This Chapter shall not prohibit any federal, state, county or municipal agency from the use of drones and unmanned aircraft for any lawful and authorized purpose pursuant to applicable regulation.
- C. This Chapter shall not prohibit individuals and entities from the use of drones during daylight hours for business purposes in the airspace within the boundary lines of private commercial or residential property with the property owner’s consent, except that data collection shall be limited to data collection of and relating to the properties that provide consent thereto alone.
- D. Notwithstanding the provisions of this Chapter, the authorized and lawful operation and use of drones for commercial, business, educational, scientific, re- search, environmental, and personal purposes pursuant to and in accordance with specific FAA regulations, if any.
- E. This Chapter shall not prohibit the use of unmanned aircraft by:
 - 1. any federal, state, county or municipal agency, including, but not limited to, law enforcement and emergency services agencies, for lawful purposes and in a lawful manner; or
 - 2. an owner of private property in Township in the airspace within the boundary lines of that property or in the airspace within the boundary lines of private property in Township with that property owner’s consent.

Article III General Provisions

3-12.4. Violations and penalties.

A violation of this Chapter shall be punishable as provided in Chapter I, General Provisions, Article 1-5, General Penalty.

3-12.5. Repealer.

All ordinances, or parts of ordinances, inconsistent with this Chapter are hereby repealed to the extent of such inconsistency.

3-12.6. Severability.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

3-12.7. Effective date.

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

Mayor Sullivan said that there have been discussions with the Open Space Management Association about limiting drones on the new open space tract at Giralda Farms, and Morris County also limits drone use in county parks. Committeeman Gallop asked if the Township should let the FAA take the lead on this sort of matter. Attorney Cruz said that the FAA has not yet developed any policies on drone use below 400 feet. He also said that the draft ordinance was developed based on an existing ordinance in another New Jersey municipality. Committeeman Gallop asked how such an ordinance would be enforced. Chief Hennelly said that enforcement would begin with residents reporting drone use to the Police Department. Administrator Ciccarone noted that there are concerns that drones could hurt people if they crash to the ground, as well as privacy concerns. The Committee discussed the enforceability of the ordinance as currently drafted. Chief Hennelly said that he hopes that the ordinance would induce compliance on its own, and having an ordinance in effect would provide the Police Department with the ability to police drones if needed. Administrator Ciccarone opined that the Township should at least be able to police use of drones on public property. Mayor Sullivan asked if the Committee wants to take action now, or table the issue to see if an ordinance becomes necessary. Administrator Ciccarone suggested that an ordinance be considered to at least prohibit launching drones from municipal property. A revised ordinance will be considered at a future meeting.

Hearing of Citizens

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

Executive Session

**RESOLUTION 2015-P-09
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. Pending Litigation: Rieck v. Chatham Township
 - b. Pending Litigation: In Re the Township of Chatham Declaratory Judgment Action Seeking Approval of the Township's Housing Element and Fair Share Affordable Housing Plan
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.

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

Deputy Mayor Ritter moved to pass Resolution 2015-P-09 to enter Executive Session at 10:08 PM. Committeeman Gallop seconded the motion.

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

The Township Committee returned to Public Session and the meeting was adjourned at 10:58 PM.

Gregory J. LaConte
Township Clerk