

**CHESTER TOWNSHIP COUNCIL  
MARCH 3, 2015**

A regular meeting of the Township Council of The Township of Chester was held on March 3, 2015 at 5:00 P.M. at the Municipal Building located at 1 Parker Road.

Notice of this meeting of the Township Council of the Township of Chester was given to the Observer Tribune, Daily Record, and Star Ledger on January 7, 2015 and was posted on the Bulletin Board, Council Chambers, Chester Township Municipal Building.

Members present:           Karen Powell  
                                  Matt Kass (arrived at 5:14 p.m.)  
                                  Dan O'Donnell  
                                  Jacki Spinelli

Members absent:           William Cogger

Also present:               Attorney John Suminski

**MINUTES**

Motion made by Mr. O'Donnell, seconded by Ms. Spinelli, to accept the minutes of the February 17, 2015 Council Meeting.

YEAS: Spinelli, O'Donnell, Powell   NAYS: None       ABSENT: Cogger, Kass

**REPORTS**

Motion made by Ms. Powell, seconded by Mr. O'Donnell to accept the reports from the Department of Public Works and Police and place them on file.

YEAS: Spinelli, O'Donnell, Powell   NAYS: None   ABSENT: Cogger, Kass

**CORRESPONDENCE**

**FROM**

**SUBJECT**

**FOR YOUR INFORMATION**

Century Link	Payphone Service
Toni Theesfeld	Lien Redemption
Robin Collins/ Toni Theesfeld	Request for Waiver of Interest
Chester Fire Co.	2015 Executives and Line Officers
Chester Fire Co.	Request to honor Fireman of the Year with Resolution
West Morris Regional High School Board of Education	Notice of Scheduled Meetings
West Morris Regional High School Board of Education	Notice of Budget Public Work Session
David Bailin, Mendham Township resident	Support for Pitney Farm

**COUNTY AND STATE**

Morris County Board of Chosen Freeholders	Circulation Element of the Morris County Master Plan
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Morris County Board of Taxation            Preliminary Equalization Table

Morris County Tourism Bureau            2014 Annual Report

**INVITATIONS**

Association of the United States            Annual Pancake Breakfast  
Army

**RESOLUTIONS/REQUESTS FROM OTHER TOWNS**

Borough of Roselle Park                    Resolution supporting Assembly Bill A-1109  
which seeks to implement stricter rules and  
regulations for organizations that house and care  
for individuals with developmental disabilities

The Council reviewed the letter from Century Link regarding the increase in monthly pay phone charges to \$65.00 per phone, and discussed the removal of the pay phones. Those present proposed removing all pay phones, and replacing the pay phone outside the police headquarters with a phone that can call directly to the Morris County Dispatcher. This matter will be discussed further at the March 17 Council meeting.

The Council reviewed the request of waiver of interest and agreed to authorize the waiver providing the requestor had not ever been late on payment prior to this instance.

**ORDINANCE**

**Ordinance 2015-02 was offered for introduction by Mr. O'Donnell :**

**ORDINANCE 2015-02**

**AN ORDINANCE PROVIDING FOR THE ACQUISITION OF  
A TRUCK FOR USE BY THE DEPARTMENT OF PUBLIC WORKS OF THE  
TOWNSHIP OF CHESTER, IN THE COUNTY OF MORRIS, NEW JERSEY,  
APPROPRIATING NOT IN EXCESS OF \$45,000 THEREFOR FROM THE  
RECREATION TRUST FUND OF THE TOWNSHIP.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF  
CHESTER, IN THE COUNTY OF MORRIS, NEW JERSEY, AS FOLLOWS:**

Section 1. The improvement described in Section 2 of this ordinance is hereby authorized as a general improvement to be made or acquired by The Township of Chester, in the County of Morris, New Jersey. For the said improvement or purpose stated in said Section 2, there is hereby appropriated the sum of \$45,000 (or such lesser amount as may be determined by the Administrator or the Chief Financial Officer upon determination of the actual cost of the improvement or purpose described in Section 2 below) from the monies available in the Recreation Trust Fund of the Township.

Section 2. The improvements hereby authorized and purpose for which said appropriation is made is the acquisition by purchase of a new and additional vehicular equipment including one (1) truck for use by the Department of Public Works of the Township together with all attachments, appurtenances and equipment necessary therefore or incidental thereto, all as shown on and in accordance with the specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved.

Section 3. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved, by the Director, Division of Local Government Services are on file with the Township Clerk and are available for public inspection.

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Section 4. This ordinance shall take effect after publication after final adoption, as provided by law.

Motion: O'Donnell      Second: Spinelli

YEAS: Kass, Spinelli, O'Donnell, Powell    NAYS: None    ABSENT: Cogger

Ordinance Public hearing is scheduled for March 17, 2015.

**RESOLUTIONS**

**Resolution 2015-26 offered by Mr. Kass:**

**RESOLUTION 2015-26  
Authorizing Emergency Purchase  
Pursuant to N.J.S.A. 40A:11-6**

**WHEREAS**, pursuant to the provisions of N.J.S.A. 40A:11-6, it was determined that an immediate emergency existed due to extreme weather conditions resulting in a State of Emergency being declared on January 26, 2015; and

**WHEREAS** the availability to procure bulk salt became difficult due to the emergency conditions from this event and successive weather events, and the Superintendent of the Public Works Department took necessary steps to secure delivery of said materials.

**WHEREAS**, it was determined by the Township Council of the Township of Chester that an emergency affecting the public health, safety or welfare existed and required the immediate delivery of goods and/or the performance of services concerning the receipt and delivery of materials pursuant to N.J.S.A. 40A:11-6.

**WHEREAS** due to the emergent nature of the situation the Township Council of the Township of Chester found it necessary to purchase bulk salt from Winter Technologies of Ringwood NJ. Total cost of purchase was \$50,544.06.

One certified copy of this Resolution shall be filed with the Director of Local Government Services.

Motion: Kass      Second: Spinelli

Administrator Collins stated that this resolution had been adopted at the February 17 Council meeting; however, the cost of salt purchased had to be modified upon receipt of the invoice from Winter Technologies.

YEAS: Spinelli, O'Donnell, Kass, Powell    NAYS: None    ABSENT: Cogger

**Resolution 2015-29 was offered by Mr. O'Donnell:**

**RESOLUTION 2015-29  
2014 TONNAGE GRANT**

**WHEREAS**, the mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirement as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants for 2014 will memorialize the commitment of this municipality to recycling and to indicate the assent of Chester Township Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, Such a resolution should designate the individual authorized to ensure the application is property completed and timely filed.

**NOW THEREFORE BE IT RESOLVED** by the Chester Township Mayor and Council of Chester Township that Chester Township hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Sarah Jane Noll, Certified Recycling Coordinator to ensure that the application is property filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Motion: O'Donnell      Second: Kass

YEAS: Spinelli, O'Donnell, Kass, Powell    NAYS: None    ABSENT: Cogger

**Resolution 2015-30 was offered by Mr. Kass:**

**RESOLUTION 2015-30  
Redemption of Tax Lien  
Certificate # 13-00001**

**WHEREAS**, on October 23, 2014, Tax Lien Certificate #13-00001 or property assessed to J. Peter and Laura S. Marano and known as Block 7; Lot 25, Sold to FWDSL & Associates, LP.

**WHEREAS**, redemption of Certificate # 13-00001 was made by Lakeland Bank

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Chester, that the Tax Collector, having received redemption monies from Lakeland Bank and having received Tax Lien Certificate #13-00001 from FWDSL & Associates, LP be authorized to forward said redemption monies to FWDSL & Associates, LP the amount being \$14,080.46.

**ALSO**, return the Premium paid on said lien by FWDSL & Associates, LP, the amount being \$20,000 to FWDSL & Associates, LP.

Motion: Kass      Second: O'Donnell

YEAS: Spinelli, O'Donnell, Kass, Powell    NAYS: None    ABSENT: Cogger

**Resolution 2015-31 was offered by Mr. Kass:**

**RESOLUTION 2015-31  
Appointing a Municipal Housing Liaison**

**WHEREAS**, the Governing Body of the Township of Chester petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on September 8, 2010; and

**WHEREAS**, the Township of Chester's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

**WHEREAS**, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., the Township of Chester is required to appoint a Municipal Housing Liaison for the administration of the Township of Chester's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

**WHEREAS**, the Township of Chester has amended Chapter 108 entitled Affordable Housing to provide for the appointment of a Municipal Housing Liaison to administer the Township of Chester's affordable housing program.

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of the Township of Chester in the County of Morris, and the State of New Jersey that Robin Collins is hereby appointed by the Governing Body of the Township of Chester as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Chapter 108, Article 2, Sections 9 through 11 of Chester Township's Affordable Housing Code.

Motion: Kass      Second: O'Donnell

YEAS: Spinelli, O'Donnell, Kass, Powell    NAYS: None    ABSENT: Cogger

#### **BILLS**

Motion made by Mr. Kass, seconded by Mr. O'Donnell, approving the bill list previously audited by the Finance Committee.

YEAS: Spinelli, O'Donnell, Kass, Powell    NAYS: None    ABSENT: Cogger

#### **MISCELLANEOUS**

##### **Appointment, Utility Committee**

The discussion regarding the appointment of a utility committee member was tabled to the March 17 meeting.

##### **First Aid Squad Generator**

Mr. O'Donnell stated that he has followed up with the First Aid Squad regarding the issues they have reported with their generator. The Township purchased the generator with the understanding that the First Aid Squad would be responsible for its maintenance. Black River Electric, with whom the squad currently has a service contract, has recommended the replacement of the generator. The generator was installed in June 2009 and began having issues almost immediately. Generac, the manufacturer of the generator, has been contacted.

##### **DOT Meeting Regarding Pedestrian and Bikeable Roadways**

Mr. Kass reported that he attended a kickoff meeting for this project. The DOT has hired a private consultant who will draw up a proposal. The project will encompass both Chesters. A steering committee will be formed consisting of local residents with interest in the project. Parks Consultant Bill Foelsch and a representative from the police department will be included.

##### **Oktoberfest**

Mr. Kass reported that at last night's Parks Committee meeting the Lions Club presented their application for the Oktoberfest. The Lions Club stated that they would have difficulty moving the date because their contract with the German band scheduled to perform has them locked into the weekend previously scheduled. The Lions Club stated that they would be agreeable to changing the date in the future. Mr. Kass recommended the Lions Club show demonstrable commitment to conforming to Chief Martini's safety recommendations. The Lions Club had agreed to comply with all of them with the

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exception of ending the event at 6 p.m. The Lions Club will meet with Officer in Charge Williver to ensure the inclusion of the changes to the safety plan. The Parks Committee then signed off on the Oktoberfest application.

Mr. Kass stated he recommended that the Council approve Oktoberfest for the original date proposed. Council discussed this recommendation and the Oktoberfest event. Approval of this event was tabled to the March 17 Council meeting.

**Clerk/Administrator Report**

Ms. Collins stated that a new off-hours Animal Control Officer has been contracted, Animal Control Solutions.

On February 23 computer outage was caused by the failure of a secondary server. This server had been used to verify login information: when it failed employees were unable to log in to their computers. This has now been disconnected from the network.

**Attorney Report**

Attorney Suminski advised that a Notice of Claim regarding Officer Smith was received by Ms. Collins and has been forwarded to insurance.

Attorney Suminski reported that he has spoken with Ms. Post's attorney regarding the proposed no stopping ordinance, and that he advised the location and number of no parking signs are not subject to negotiation. The placement of these signs is to be determined as recommended by the police. Mr. Kass advised that he also spoke with Ms. Post regarding this matter. A discussion ensued regarding the status of Ms. Post's lawsuit with the Construction Board of Appeals.

Attorney Suminski stated that there was a surprise inspection of the Telcordia property by the state, and that the question of the lease resurfaced. Attorney Suminski reminded the Council that the attempt to create a lease was stopped by the state. During the inspection a number of issues were noted. It was proposed that the Clerk/Administrator draft a response advising which items will be addressed, and which will not be addressed unless a lease is signed.

**Green Acres Inspection**

Mrs. Spinelli advised that a state inspection of Chester Borough's open space properties revealed illegal dumping. Ms. Collins advised that the Township had a similar inspection pending. Council discussed.

**Science Fair**

Mr. O'Donnell stated that he had been asked by Mayor Cogger to represent the Township at Saturday's science fair in Mayor Cogger's absence, but he would only be able to attend in the morning. Mrs. Spinelli stated that she could be there in the afternoon.

**PUBLIC COMMENT**

None.

With no further public business, Mr. O'Donnell moved, and Mr. Kass seconded to adjourn the meeting at 6:10 PM.

Respectfully submitted,

Robin Collins  
Township Clerk/Administrator