

TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE AGENDA
SEPTEMBER 24, 2015
September 22, 2015 Draft

Meeting Called to Order

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.

Flag Salute

Roll call

Approval of Agenda

Proclamation – Suicide Prevention Month

Reports:

Hearing of Citizens/Petitions Note: This is an opportunity for any member of the public to be heard about issues which are not topics scheduled for Public Hearings tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to three minutes.

Introduction of Ordinances

1. Ordinance 2015-16 Drones

Consent Agenda (routine items that may be passed by a single roll call vote; any Committee member may call for a separate discussion or vote on any item)

1. Resolution 2015-169 Receipt of Reports
2. Resolution 2015-170 Approving Meeting Minutes
3. Resolution 2015-171 Approving Executive Session Minutes
4. Resolution 2015-172 Releasing Escrow Balances
5. Resolution 2015-173 Approving Settlement of Dispute between Rosepond LLC & Rose Valle Condominium Association
6. Resolution 2015-174 Amendment to the Municipal Shared Services Defense Agreement

Discussion: possible ordinance or resolution

1. Installation of Stop Signs and Removal of Yield Signs

Hearing of Citizens (Time Permitting)

Executive Session* – Resolution 2015-P-11

1. Personnel: Department of Public Works

Adjourn

*In accordance with the Open Public Meetings Act, items to be discussed in Executive Session will be made public as soon as known.

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 on government owned property; 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 Township owned properties 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 and unmanned aircraft are prohibited from being launched from any government or public buildings, property, or parks within the Township.
- B. Except as otherwise provided in §12.3, drones and unmanned aircraft are prohibited from operating or flying in any airspace below 400 feet within the airspace over any government or public buildings, property, or parks within the 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 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 the use of unmanned aircraft by 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.

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.

Introduced: September 24, 2015

TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY

Adopted:

Attest:

BY: _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

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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

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- B. Except as otherwise provided in §12.3, drones and unmanned aircraft are prohibited from operating or flying in any airspace below 400 feet within the airspace over any government or public buildings, property, or parks within the 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 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 the use of unmanned aircraft by 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.

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Introduced: September 24, 2015

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MORRIS, STATE OF NEW JERSEY

Adopted:

Attest:

BY: _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

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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.

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“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.

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“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, research, 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.

Introduced: August 13, 2015

TOWNSHIP OF CHATHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY

Adopted:

Attest:

BY: _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2015-169

**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 – August
Tax Collector – August
CFO – August
Construction Official – August

Adopted: September 24, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2015-170

**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 September 10, 2015.

Adopted: September 24, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor

DRAFT

RESOLUTION 2015-171

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM APPROVING EXECUTIVE SESSION MINUTES**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on September 10, 2015.

Adopted: September 24, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2015-172

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>
Chatham Township 58 Meyersville Road Chatham, NJ 07928	22 Runnymede Road ROI 10-48.02-22	7760011303	\$222.00
James & Cheryl Brill 403 Green Village Road Green Village, NJ 07935	BOA 01-48.18-140	7200038878	\$860.59
James & Cheryl Brill 403 Green Village Road Green Village, NJ 07935	BOA 09-48.18-140-142-143	7760011262	\$680.00

Adopted: September 24, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor

RESOLUTION 2015-173

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM APPROVING SETTLEMENT OF DISPUTE OF ROSE VALLE
CONDOMINIUM ASSOCIATION, INC WITH ROSEPOND, LLC AND STERLING
PROPERTIES, LLC**

WHEREAS, Rosepond, LLC, and Sterling Properties, LLC, are the Developers of that property now managed by the Rose Valle Condominium Association, Inc.; and

WHEREAS, the Developers were to install certain landscaping at the Rose Valle Development which landscaping was part of the municipally bonded improvements by the Developers; and

WHEREAS, a dispute regarding the landscaping arose between the Developers and the Association; and

WHEREAS, the Developers and the Association resolved that dispute by the Developers directly paying the Association \$100,000.00 in lieu of installing the bonded landscaping; and

WHEREAS, because the landscaping consists of bonded improvements, the Township of Chatham is a party to the settlement; and

WHEREAS, the Developers and Association agreed to and signed the following documents memorializing the Agreement:

1. Partial Release and Settlement Agreement between Rose Valle Condominium Association, Inc., and Rosepond, LLC, and Sterling Properties, LLC;
2. Release, Hold Harmless Agreement and Acknowledgement – Landscaping and Hardscaping Issues - Rose Valle Condominium Association, Inc.; and
3. Rose Valle Condominium Association, Inc., Resolution Approving Partial Settlement of Certain Transition Claims; and

WHEREAS, the Release, Hold Harmless Agreement and Acknowledgement remain to be approved and signed by the Township of Chatham; and

WHEREAS, it is in the best interest of the parties to resolve this dispute.

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. The Mayor and Clerk are hereby authorized to sign the Release, Hold Harmless Agreement and Acknowledgement.
2. This Resolution shall take effect immediately.

Adopted: September 24, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2015-174

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AMENDING MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT FOR DECLARATORY JUDGMENT ACTION

WHEREAS, the Township of Chatham entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment Action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers, The State University of New Jersey, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers, The State University of New Jersey, exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; and

WHEREAS, the Township recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Township hereby determines that it is in the best interests of the citizens of the Township of Chatham to approve the Amendment and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the Township with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA.

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. The terms and conditions of the Amendment to the MSSDA are hereby approved and/or ratified and confirmed.
2. The Township Mayor and Clerk be and are hereby authorized to execute the aforesaid Amendment.

- 3. The Township Committee hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Township with Econsult Solutions, Inc.
- 4. The Township Committee hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Township, with the approval of the Township’s designated counsel, such agreement(s) as are necessary to effectuate the MSSDA as amended.
- 5. The Township Committee further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the Township with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided the action will not require the Township to appropriate and commit any additional funding for the MSSDA.
- 6. In the event such changes and actions require the Township to appropriate and commit any additional funding for the MSSDA, the Township shall only be responsible for such funding if it authorizes same.
- 7. This Resolution shall take effect immediately.

Adopted: September 24, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2015-P-11

**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. Personnel: Department of Public Works
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.

Adopted: September 24, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk