

**TOWNSHIP OF CHATHAM  
TOWNSHIP COMMITTEE MEETING MINUTES  
JUNE 12, 2008**

Deputy Mayor Brower called the workshop meeting of the Township Committee of the Township of Chatham to order at 7:35 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 4, 2008; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 4, 2008; and notice was filed with the Township Clerk on January 4, 2008.

Deputy Mayor Brower led the flag salute.

**Roll Call**

Answering present to the roll call were Committeeman Gallop, Committeeman O'Connor, Committeewoman Hagner and Deputy Mayor Brower. Mayor Tubbs was absent.

**Approval of Agenda**

Committeewoman Hagner asked if an ordinance regarding the placing of monuments on conservation easements could be added to the agenda. Administrator Ciccarone asked that Ordinance 2008-09 be tabled until the next meeting.

Following the Public Hearing of Ordinance 2008-09, Committeeman O'Connor moved to approve the agenda as amended. Committeewoman Hagner seconded the motion, and it carried unanimously.

**Public Hearing of Ordinance 2008-09**

**ORDINANCE 2008-09**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,  
STATE OF NEW JERSEY, REVISING THE LAND DEVELOPMENT ORDINANCE OF  
THE TOWNSHIP OF CHATHAM, CHAPTER 30 OF THE TOWNSHIP CODE.**

**BE IT ORDAINED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that Chapter XXX, Land Development Regulations, of the Code of the Township of Chatham, is hereby amended as follows:

1. Section 30-6, Definitions, is amended to provide the definition of *garage* as follows:  
*Garage* shall mean a detached accessory structure or a portion of a main structure for the parking or temporary storage of automobiles of occupants of the main building.
2. Section 30-78.11, Maximum Coverage in Residence Districts. The last sentence of this subsection is amended to read as follows:  
As used in this subsection, the maximum coverage of the principle structure shall include all area under the roofed portion of such structure.
3. Section 30-96.13, Accessory Structure, is amended to modify the following subsections:
  - a.5. Accessory structures located in side yards shall meet the sideyard setback requirements for principal structures. Except for structures, such as fences, which are regulated elsewhere in this chapter, accessory structures other than buildings shall not be located closer to a side property line than the height of the structure. No patio shall be located closer to the side property line than the sideyard setback for the principle structure.
  - a.6. Accessory structures located in rear yards shall not be located closer to a property line than the minimum sideyard requirement for a principal structure. Except for structures, such as fences, which are regulated elsewhere in this chapter, accessory

structures other than buildings shall not be located closer to a property line than the height of the structure, provided that no patio shall be located closer to the rear property line than the sideyard setback for the principle structure.

4. Section 30-96.14.e, *Projections into Required Yards*, is amended to read as follows: Notwithstanding any other provision of this section, the following may project into any front, side or rear yard required in the various zones: uncovered steps leading to the first floor of a building; chimney; and portions of a building including but not limited to eaves, bay windows, oriels, balconies, overhangs and coverings over steps, provided that no such portion of a building shall project more than three (3) feet into any required front, side or rear yard. A landing with stairs to the first floor of the structure may project three (3) feet into a required yard, provided that the stairs do not project into the yard farther than the landing.
5. Section 30-96.20, Lot Grading Plans, is amended to add a new subsection 96.20c.4(m) to read as follows:
  - (m) The lot grading plan shall show sufficient details to determine whether wetlands are present on the lot.
6. Section 30-96.24, Steep Slopes. Subsections a.2 and a.3 are amended to read as follows:
  - a.2. Not more than twenty (20%) percent of slopes ranging from twenty (20%) percent to twenty-five (25%) percent shall be disturbed and the area of disturbance of such slope area shall not exceed five (5%) percent of the total lot area, provided that this subsection shall not apply to such steep slopes with a total slope area of 500 square feet or less.
  - a.3. Not more than thirty (30%) percent of slopes ranging from fifteen (15%) percent to twenty (20%) percent shall be disturbed and the area of disturbance of such slope area shall not exceed ten (10%) percent of the total lot area, provided that this subsection shall not apply to such steep slopes with a total slope area of 500 square feet or less.
7. This ordinance shall take effect as provided by law.

Deputy Mayor Brower opened the Public Hearing on Ordinance 2008-09.

Hearing none, Deputy Mayor Brower closed the Public Hearing on Ordinance 2008-09.

Committeeman O'Connor moved to carry Ordinance 2008-09 until the June 26, 2008 meeting. Committeewoman Hagner seconded the motion, and it carried unanimously.

### **Reports**

Committeewoman Hagner reported that Administrator Ciccarone met with one of the potential vendors regarding the purchase of equipment for televising Township Committee meetings, and the vendor is expected to submit a proposal soon. Committeeman Gallop reported that he received an e-mail from Superintendent of School Jim O'Neill regarding the proposed bike path connection to Southern Boulevard School, and the Board of Education wants to know what sort of resolution they would need to approve in order to move forward with the project. Engineer Ruschke recommended that a formal review by the Planning Board is not necessary, and a simple resolution of authorization from the Board of Education would be adequate. Committeeman Gallop further reported that Banisch Associates would be presenting the bike path proposal to the Planning Board on June 16, 2008. Committeeman Gallop also reported that he discussed the issue of second-hand smoke with the Board of Health. He also has received a packet of information from NJ GASP. Deputy Mayor Brower reported that the Local Assistance Board does not have any new cases. He also discussed a situation that came before the Planning Board regarding a builder who has disregarded conditions set forth by the Planning Board. The Planning Board has since recommended that the Township Committee take action against the builder.

### **Introduction of Ordinances**

#### **ORDINANCE 2008-10**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL PROJECTS OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$625,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$593,750 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COSTS THEREOF.**

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Chatham, New Jersey, as general improvements. For the improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$625,000, including the aggregate sum of \$31,250 as the several down payments for the improvements or purposes. The down payments are now available for capital improvement purposes in the Capital Improvement Fund.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$593,750 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated costs of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows, and are more particularly described in the plans and specifications on file with the Township, which plans and specifications are hereby approved, including all work, materials and all else necessary therefor and incidental thereto:

Improvement or Purpose		Appropriation & Estimated Cost	Maximum Amount of Bonds or Notes	Useful Life
1.	Purchase of DPW equipment – (1) pickup truck with plow or hybrid utility vehicle; (1) large, portable air compressor; (1) small shop air compressor; (1) emergency generator; (1) trailer	\$125,000	\$118,750	5
2.	Misc road improvements, including engineering	50,000	47,500	15
3.	Improvements to the municipal building, including various energy efficiency upgrades; handicap accessibility improvements; improvements to the lower level multipurpose room and construction of a 9/11 memorial including landscaping, together with all engineering and architectural work necessary	300,000	285,000	15
4.	Various Fire Safety Equipment	50,000	47,500	15
5.	Underground Storage Tank Remediation, including engineering	100,000	95,000	15
TOTAL		\$625,000	\$593,750	

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale, and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes

pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained, and the name of the purchaser.

Section 5. The capital budget of the Township of Chatham is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. Any grants received by the Township for any purpose set forth in Section 3 hereof are hereby appropriated for said purpose set forth in Section 3 hereof and shall be applicable either to the direct payment of the cost of such purpose or to the payment or reduction of the obligations issued or authorized herein. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 7. The following additional matters are hereby determined, declared, recited, and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof, within the limitations of the Local Bond Law, is 13 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and bond anticipation notes provided in this bond ordinance by \$593,750. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$70,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. This bond ordinance shall take effect 20 days after publication thereof after final adoption, as provided by the Local Bond Law.

Administrator Ciccarone advised that Ordinance 2008-10 be introduced without the provision for the Firehouse improvements. Deputy Mayor Brower asked if the improvements for the Senior Center would include improvements to the exterior lights. Administrator Ciccarone explained that exterior and interior lighting improvements would be handled as part of the overall improvements to the Municipal Building. Deputy Mayor Brower also asked about adding solar panels at the sewer treatment plant. Administrator Ciccarone explained that the solar panel project would not require a capital outlay from the Township. In regard to the underground storage tank remediation, Administrator Ciccarone explained that it is an ongoing project involving gasoline tanks that were removed from the Department of Public Works facility. The fire safety equipment appropriation is for the two fire departments to purchase small capital equipment. Committeewoman Hagner asked if the Township Committee would have to approve the design for the 9-11 Memorial. Administrator Ciccarone said that the plans would be presented to the Township Committee, and it is up to the Township Committee if they want to retain discretion as to what the memorial would look like.

Committeewoman Hagner moved to introduce Ordinance 2008-10. Committeeman Gallop seconded the motion.

**Roll Call:** Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeewoman Hagner, Aye; Deputy Mayor Brower, Aye; Mayor Tubbs, Absent.

Public Hearing will be scheduled for June 26, 2008.

**Consent Agenda**

**RESOLUTION 2008-121**

**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 \$486,341.85 and the prior month's payroll of \$442,614.26 Current Fund, \$42,930.99 Sewer No. 1, \$8,149.54 Sewer No. 2, and \$6,389.84 Police Private Employment be paid.

**BE IT FURTHER RESOLVED** that taxes due to the School District of the Chathams, for the month of June 2008, in the amount of \$2,110,428.99 be paid.

**RESOLUTION 2008-122**

**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 May 22, 2008.

**RESOLUTION 2008-123**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR GREEN VILLAGE FIRE DEPARTMENT INC**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that off-premise raffles to be conducted by the Green Village Fire Department Inc on December 16, 2008, at 529 Green Village Road, are hereby approved.

**RESOLUTION 2008-124**

**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>A/C NUMBER</u>	<u>AMOUNT</u>
Garofalo/Pryor AT&T Wireless 60 Baldwin Road Suite 202 Parsippany, NJ 07054	7200038945	\$522.75

Re: 245 Green Village Road  
BOA 02-135-28

**RESOLUTION 2008-125**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, REGARDING THE RENEWAL OF ALCOHOLIC BEVERAGE LICENSES IN THE TOWNSHIP OF CHATHAM FOR THE FISCAL YEAR BEGINNING JULY 1, 2008**

**WHEREAS**, applications for the renewal of Alcoholic Beverage Licenses in the Township of Chatham for the fiscal year beginning July 1, 2008 have been made by Charlie Brown’s of Chatham, Inc. and Fairmount Country Club, Inc.;

**WHEREAS**, the applicants have complied with all the requirements of “An Act for the Manufacture, Distribution and Sale of Alcoholic Beverages”, known as the “Alcoholic Beverage Act and Amendments and Supplements thereto”, as well as the Ordinance of the Township of Chatham entitled “An Ordinance to Regulate the Sale and Distribution of Alcoholic Beverages”, as amended, including the submission of the appropriate license fees, and no objections to the renewal of said licenses have been received.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Clerk be and hereby is authorized and directed to issue and deliver plenary retail consumption licenses for the fiscal year beginning July 1, 2008, as follows:

To Charlie Brown’s of Chatham, Inc., for premises situate at 522 Southern Boulevard, Chatham Township, New Jersey (Lic. No. 1405-33-002-008).

To Fairmount Country Club, Inc., a private club for members only, for premises situate at 400 Southern Boulevard, Chatham Township, New Jersey (Lic. No 1405-33-001-002).

**BE IT FURTHER RESOLVED** that a copy of this Resolution certified by the Township Clerk be forwarded to the Division of Alcoholic Beverage Control and the State Department of Taxation and Finance, Newark, New Jersey, for their information and guidance.

**RESOLUTION 2008-126**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM REFUNDING PERMIT FEE**

**BE IT RESOLVED** that the Township Committee of the Township of Chatham approves the following refund to the depositor of record:

<u>NAME</u>	<u>AMOUNT</u>
Mr. & Mrs. Cassilo 554 Fairmount Ave. Chatham, NJ 07928	\$75.00

**RESOLUTION 2008-127**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING RECREATION PROGRAM FEE REFUNDS**

**WHEREAS**, the Recreation Director has recommended that the following requests for refunds of Recreation Program fees be approved:

<u>NAME</u>	<u>ADDRESS</u>	<u>Program</u>	<u>AMOUNT</u>
Diana Blankman	23 Kings Road Chatham, NJ 07928	Colony Pool	\$700.00
Rebecca Kipperman	6 School Ave Chatham, NJ 07928	Summer Recreation Program	\$160.00
Sue O’Donnell	28 Longwood Ave Chatham, NJ 07928	Strings Program	\$140.00

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the above listed Recreation Program refunds be approved.

**BE IT FURTHER RESOLVED** by the Township Committee of the Township of Chatham that the Township Clerk forward a certified copy of this resolution to the Township Chief Financial Officer and to the Recreation Director.

**RESOLUTION 2008-128**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING CATERING PERMIT FOR LIQUOR LICENSE**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following application for a Catering Permit is hereby approved:

<u>Name of Organization</u>	<u>Dates of Special Event</u>	<u>Place where Event will be held</u>
Randolph Restaurants LLC / Meadow Wood Manor	July 5, 2008	Great Reunion Chatham High School 255 Lafayette Ave Chatham, NJ 07928

**RESOLUTION 2008-129**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF TAXES**

**WHEREAS**, due to inadvertence, error, tax appeal settlement or judgment, an overpayment of property taxes has been made for the following property; and

**WHEREAS**, the Tax Collector has recommended the refund of such overpayment,

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following refunds be made:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER NAME &amp; ADDRESS</u>	<u>AMOUNT</u>
State 48.23	Judgement 126.04	Hickory Square Assoc., LP & The Irwin Law Firm, P.A. 80 Main Street, Suite 410 West Orange, NJ 07052	\$60,910.50

RE: 641 Shunpike Road

**RESOLUTION 2008-130**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2008 BUDGET.**

**WHEREAS**, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the Township of Chatham will receive \$4,000.00 from the New Jersey Division of Highway Traffic Safety and wishes to amend its 2008 Budget to include these funds as a revenue,

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$4,000.00 which will be available as a revenue from:

**Miscellaneous Revenues – Section F: Special Items of General revenue – Public and Private Revenues Offset with Appropriations:**

**Obey the Signs or Pay the Fines Speed Enforcement Program, and**  
**BE IT FURTHER RESOLVED**, that a like sum of \$4,000.00 be and the same is hereby appropriated under the caption of:

**Public and Private Programs Offset by Revenues:**

Obey the Signs or Pay the Fines Speed Enforcement Grant.

**BE IT FURTHER RESOLVED**, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

**RESOLUTION 2008-131**

**CAPITAL BUDGET AMENDMENT RESOLUTION**

(See Attached)

**RESOLUTION 2008-132**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE LAFAYETTE AVENUE RESURFACING PROJECT**

**WHEREAS**, the Township of Chatham is submitting a grant application to the State Department of Transportation for the resurfacing and roadway reconstruction of approximately 1.04 miles of Lafayette Avenue, from Southern Boulevard to Shunpike Road;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Chatham formally approves the grant application for the above stated project;

**BE IT FURTHER RESOLVED** that the Township Administrator and Township Clerk are hereby authorized to submit an electronic grant application identified as:

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to the New Jersey Department of Transportation on behalf of the Township of Chatham;

**BE IT FURTHER RESOLVED** that the Township Administrator and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Chatham, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Deputy Mayor Brower moved to adopt the Consent Agenda. Committeeman Gallop seconded the motion.

**Roll Call:** Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeewoman Hagner, Aye; Deputy Mayor Brower, Aye; Mayor Tubbs, Absent.

**Discussion**

**Monumentation of Conservation Easements**

**ORDINANCE 2008-11**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 30, LAND DEVELOPMENT, OF THE TOWNSHIP CODE AS RESPECTS CONSERVATION EASEMENT MONUMENTS**

**BE IT ORDAINED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that Chapter 30, Land Development, is hereby amended to add Section 30-96.28, Conservation Easement Monuments, as follows:

**1. 30-96.28 Conservation Easement Monuments.**

All conservation easements required in connection with any subdivision, site plan, or variance approval, shall be identified with concrete monuments conforming to the Map Filing Law and identified with the letter "C". Monuments shall be installed at all angle points and where the easement intersects lot lines. The location of such monuments shall be shown on the

preliminary and final plans. Such monuments shall be installed prior to the issuance of any building permit. If weather or other conditions are present, or the property is actively devoted to crop farming, so that the installation of such monuments is impractical, the applicant shall post a cash deposit with the Township in an amount determined by the Township Engineer to insure the installation of the monuments. The monuments shall be installed not more than one year from the date of approval of the subdivision, site plan, or variance. The Zoning Official may grant an additional period or periods of time for such installation. The Zoning Official may also require additional cash to be deposited in accordance with any increase in the cost of survey and setting of the monuments.

2. This ordinance shall take effect as provided by law.

Attorney Woodward explained that when conservation easements are granted, there is currently no requirement that anything be placed in the ground to guide property owners and the Township as to where the easement is, and it thus becomes necessary to use a survey. This ordinance would require that as part of any subdivision, site plan or variance approval, conservation easements would need to be identified with concrete monuments. Deputy Mayor Brower asked if it would be wise to get an estimate as to how much it would cost to monument the conservation easements.

Committeeman O'Connor moved to introduce Ordinance 2008-11. Committeewoman Hagner seconded the motion.

**Roll Call:** Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeewoman Hagner, Aye; Deputy Mayor Brower, Aye; Mayor Tubbs, Absent.

Public Hearing will be scheduled for June 26, 2008.

### **Hearing of Citizens/Petitions**

Deputy Mayor Brower opened the Hearing of Citizens.

1. Edmund Lee, Dale Drive resident, resides near the Colony Tennis Courts. At the time of the resurfacing of the tennis courts, the existing shrubs were removed. He would like to see new shrubs put in. Furthermore, the noise level at the tennis courts has increased, including profanity. Mr. Lee asked if rules of conduct could be posted at the courts, as well as hours of operation. Administrator Ciccarone said that the Department of Public Works will be planting shrubs during the next couple of weeks, and putting in screening will be investigated. Deputy Mayor Brower added that any screening would need to be taken down during the winter months.

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

Committeeman O'Connor moved to adjourn at 8:31 P.M. Committeewoman Hagner seconded the motion and it carried unanimously.

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Joy M. Wiley  
Municipal Clerk