

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
AUGUST 14, 2008**

Mayor Tubbs called the workshop meeting of the Township Committee of the Township of Chatham to order at 7:34 p.m.

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.

Mayor Tubbs led the flag salute.

Roll Call

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

Approval of Agenda

Committeeman O'Connor moved to approve the agenda. Deputy Mayor Brower seconded the motion and it carried unanimously.

Proclamations

Mayor Tubbs read the attached proclamation proclaiming September as Ovarian Cancer Awareness Month. Janet McKeown, a friend of the late Gail MacNeil, was present at the meeting to accept the proclamation. Mrs. McKeown thanked Mayor Tubbs for signing the proclamation and said volunteers would be placing teal ribbons around the town in September to bring awareness of ovarian cancer. She also spoke briefly about the Kaleidoscope of Hope Foundation's initiatives and thanked the Township for its support.

Mayor Tubbs also read the attached proclamation declaring support for the Over the Limit Under Arrest 2008 Statewide Crackdown from August 15 – September 1, 2008.

Reports

Committeewoman Hagner reported about a meeting that was held with officials from Comcast. She also reported that she and Mayor Tubbs met with officials from Chatham Borough regarding recreation. Committeeman Gallop reported that he has been in touch with Margaret McDowell regarding a community garden, and the Open Space Committee will discuss the matter. Mayor Tubbs reported that the Township would be receiving money from Madison regarding Sunset Lake. The Mayor also advised he had approached Chatham Borough about contributing to the improvements at the Senior Center. Administrator Ciccarone reported that the Township Committee should choose a date for the dedication ceremony of the 9-11 Memorial. Secondly, the Township will be able to obtain data from New Jersey American Water that would allow to base sewer charges on water consumption. Administrator Ciccarone suggested that a consultant be hired to help develop a rate structure. Following a brief discussion, Mayor Tubbs requested that the Administrator get some proposals. Attorney Woodward reported regarding fuel surcharges on garbage collection bills. The State does not regulate these surcharges. Engineer Ruschke reported that Noe Avenue milling and repaving was rescheduled to begin on August 18, 2008. The bike path project has been advertised and bids will be received on September 9, 2008. In regards to Shunpike Field, Engineer Ruschke reported that he is waiting for some information and clarification from the NJDEP.

Public Hearing/Final Adoption of Ordinances

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 only the foundation under the roofed portion of such structure and all area contiguous to the structure below an eave, bay window, oriel, balcony, or overhang which project more than three (3) feet beyond the face of the structure shall be included in the calculation of building coverage.

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 accessory 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 landing including 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.

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 information to determine whether wetlands are present on the lot.

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

Engineer Ruschke explained the intent of the ordinance was to clarify some of the sections of the land use regulations. Mayor Tubbs questioned whether a basketball backboard installed in a driveway would be considered an accessory structure. Attorney Woodward provided his opinion that it would be considered an accessory structure under the present definition. Mayor Tubbs thought this issue should be addressed before passing this ordinance. Attorney Woodward asked whether the Committee would want to create some regulation for basketball backboards to minimize the impacts on neighbors, yet allow people to use their driveways.

Mayor Tubbs opened the Public Hearing on Ordinance 2008-09.

1. Jack Hartford, Fairmount Avenue resident, inquired about the change in the ordinance that was originally introduced that included a section on steep slopes. Attorney Woodward advised the NJDEP had imposed new regulations and it was better to separate the steep slopes from these amendments. There would be discussion of steep slopes later in the meeting.

Seeing no further comment, Mayor Tubbs closed the Public Hearing.

Committeeman O'Connor moved to adopt Ordinance 2008-09. Deputy Mayor Brower seconded the motion.

The Committee discussed whether the ordinance should be modified before it is adopted. Committeeman Gallop agreed with Mayor Tubbs and thought it might be best to defer the adoption of the ordinance until the basketball backboard issue is addressed. Committeewoman Hagner also concurred it could be tabled, but reiterated her opposition to the ordinance was with the requirements concerning the projections into the rear yard and that steps should not be included.

Mayor Tubbs made a motion to table Ordinance 2008-09. Committeeman Gallop seconded the motion. The motion carried by the majority of the Committee.

ORDINANCE 2008-12

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, DESIGNATING ELIGIBILITY FOR AND EXEMPTION FROM THE DEFINED CONTRIBUTION RETIREMENT PROGRAM

WHEREAS, the State Legislature recently adopted Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) to create the Defined Contribution Retirement Program to provide retirement benefits to various county and municipal officials; and,

WHEREAS, N.J.S. 43:15C-2 requires the governing body of each county, municipality, and other local entity to adopt, as appropriate, either a resolution or ordinance to determine the positions that are substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs, and for which officials appointed to such positions shall be eligible for and shall participate in the Defined Contribution Retirement Program, subject to the provisions of law; and,

Whereas the Township Committee of the Township of Chatham has considered the guidelines issues by the Local Finance Board;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham that:

1. Pursuant to N.J.S. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:
 - a. Township Administrator, unless filled by promotion of a present active Public Employees Retirement System (PERS) member;
 - b. Public Works Manager, unless filled by promotion of a present active PERS member;
 - c. Township Attorney, when an employee and not employed pursuant to a professional service contract;
 - d. Municipal Prosecutor;
 - e. Municipal Court Judge;
2. Individuals holding a professional license or certificate to perform and who are serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S. 43:15C-2 and therefore are eligible to join or remain in PERS:
 - a. Tax Collector;
 - b. Chief Financial Officer;
 - c. Construction Code Official;
 - d. Qualified Purchasing Agent;
 - e. Tax Assessor;
 - f. Registered Municipal Clerk;
 - g. Principal Public Works Manager.
3. This ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pensions and Benefits.

4. Should any part or parts of this ordinance be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to be invalid, and all other parts shall remain in effect.
5. A copy of this ordinance shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury.
6. This ordinance shall take effect in accordance with law.

Administrator Ciccarone advised he had obtained further information about the Defined Contribution Retirement Program regulations concerning the positions of Township Administrator and Public Works Manager. Administrator Ciccarone clarified that the appointed Administrator or Public Works Manager did not need to be from the Township, but if already enrolled in PERS, the individual could remain in PERS. Administrator Ciccarone recommended a minor amendment to the ordinance deleting “from within the Township” and adding the word “active” after the word present.

Committeeman O’Connor moved to amend Ordinance 2008-12. Committeewoman Hagner seconded the motion.

Administrator Ciccarone explained the significance of the word “active”.

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

Mayor Tubbs opened the Public Hearing on Ordinance 2008-12. Hearing none, Mayor Tubbs closed the Public Hearing.

Committeeman O’Connor moved to adopt Ordinance 2008-12. Committeewoman Hagner seconded the motion.

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

ORDINANCE 2008-13

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ESTABLISHING RULES AND PROCEDURES FOR THE OPERATION OF THE COLONY RECREATION CENTER TENNIS COURTS

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that Chapter XX of the Township Code at Section 20-3 is hereby amended to establish rules and procedures for the operation of the Colony Recreation Center Tennis courts as follows:

1. The Caption of Section 20-3 is hereby amended to read: **Skate Park and Colony Recreation Center Tennis Rules and Procedures.**
2. Subsection 20-3c is hereby added to read as follows:
 Rules and procedures are established for the operation of the Colony Recreation Center tennis courts as follows:
 - a. Hours of Operation. Daily from 7:00 a.m. until dark. The tennis courts will be closed during wet, snow or icy conditions or during court maintenance periods. The Township reserves the right to close the tennis courts for any reason deemed necessary.
 - b. Rules.
 1. Minimum age for use – 7 years.
 2. No food or beverages other than water are allowed inside the tennis courts. All litter shall be deposited in the receptacles provided.
 3. Smoking, use of drugs, alcohol, profanity or abusive language or vandalism is strictly prohibited and shall result in automatic and/or permanent expulsion from this facility.
 4. Use of radios, stereos or any type of amplified sound is prohibited.

5. No skateboards, roller skates, bicycles, scooters and motorized vehicles of any kind are permitted on the courts.
6. Violation of these rules may result in expulsion from this facility and revocation of any privileges for its use.
7. No dogs or other animals are permitted on the courts.
8. Private lessons are prohibited without prior written consent of the Township Administrator.
9. Rubber soled shoes are required to be worn on the courts.
3. Existing subsection 20c, Penalties, is hereby renumbered as subsection 20d.
4. This ordinance shall take effect as provided by law.

Mayor Tubbs opened the Public Hearing on Ordinance 2008-13. Hearing none, Mayor Tubbs closed the Public Hearing.

Deputy Mayor Brower moved to adopt Ordinance 2008-13. Committeeman O'Connor seconded the motion.

Deputy Mayor Brower noted that in response to resident's concerns about the tennis courts, the Township was able to achieve the goals they pursued.

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

ORDINANCE 2008-14

BOND ORDINANCE PROVIDING FOR SOUTHERN BOULEVARD FIRE HOUSE IMPROVEMENTS IN THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING THE AMOUNT OF \$800,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$760,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COST 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 improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Chatham, New Jersey, as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated \$800,000, including the sum of \$40,000 as the down payment for the improvement or purpose. The down payment is now available for capital improvement purposes in the Capital Improvement Fund.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$760,000 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. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued, are Southern Boulevard Fire House improvements, including all work and materials necessary therefore or incidental thereto, all pursuant to plans and specifications on file with the Township, which plans and specifications are hereby approved.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

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 improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of bonds authorized by this bond ordinance, is 15 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 \$760,000. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An amount not exceeding \$80,000 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 purpose or improvement.

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.

Mayor Tubbs opened the Public Hearing on Ordinance 2008-14. Hearing none, Mayor Tubbs closed the Public Hearing.

Deputy Mayor Brower moved to adopt Ordinance 2008-14. Committeeman O'Connor seconded the motion.

Mayor Tubbs emphasized the importance of the central location to house the fire equipment that is needed and stated it is a significant step towards the future of Chatham Township. Deputy Mayor Brower was complimentary of the attractive architectural design of the firehouse.

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

ORDINANCE 2008-15

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY REVISING AND AMENDING THE TREE PROTECTION,
REMOVAL, AND REPLACEMENT ORDINANCE**

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

1. The Revised General Ordinances of the Township of Chatham, 1995, Chapter XXII, Protection of Trees, is hereby amended in its entirety, as follows:

Chapter XXII

PROTECTION OF TREES

22-1 PURPOSE.

1. To regulate the removal and replacement of trees within the Township; to protect trees on municipal lands; to establish a Tree Protection Committee; and to provide penalties for violations.

2. To preserve the maximum number of trees within the Township through both protection and replacement, as well as, to control indiscriminate destruction of trees.

This ordinance places special emphasis on the preservation and replacement of trees around the perimeter of a property. It is not intended to restrict homeowners from reasonable utilization of their property or removing dead, diseased, or hazardous trees. It is not intended to restrict homeowners from conducting routine pruning of trees or other maintenance procedures in areas of overgrown vegetation.

22-2 FINDINGS AND DETERMINATION.

a. Trees and wooded areas constitute a natural resource that contribute to the value of property throughout the Township and promote the general welfare of the community.

b. Trees are related to natural, scenic and aesthetic values, and promote a desirable visual environment, which the Township desires to protect.

c. Trees stabilize soil, help reduce water and wind erosion, reduce water pollution, reduce noise, produce oxygen, reduce carbon dioxide, help to improve air quality, provide wildlife habitat and otherwise create a pleasant atmosphere in the Township.

d. Trees provide shade and reduce energy consumption through transpiration of water vapor.

e. Mature trees require many years of growth and are not readily replaceable.

f. The preservation of wooded areas and the planting of trees, will be advanced by the establishment of rules and regulations regarding the removal and/or planting of trees on developed, undeveloped or subdividable lots within the Township.

g. By reason of the conditions and circumstances recited above, it is determined that it is necessary and proper for the protection of persons and property and for the promotion of the welfare of the Township and its inhabitants that the Township adopt reasonable rules and regulations to protect trees within the Township.

22-3 DEFINITIONS.

As used in this chapter:

Dead tree shall mean a tree which has ceased to physiologically function. Dead trees typically are devoid of leaves and have loose bark.

Diseased tree shall a tree which is terminally infected with fungus or virus or insects.

Developed lot shall mean a legally established and existing parcel of land, with boundaries determinable from official records, having a building, which is occupied or capable of being occupied, located thereon.

Diameter at Breast Height (DBH) shall mean the diameter of a tree measured 4.5 feet above the ground level on the downhill side for existing trees.

Dripline area shall mean the circular area surrounding a tree, the radius of which area shall be the distance from the trunk of the tree to the outermost branches of the tree.

Municipal land shall mean any property owned by the Township, including any lot or right of way for streets, sidewalks, walkways or municipal utilities except for

sanitary sewers and storm sewers on developed lots. For the purposes of this chapter, a right-of-way for a street, sidewalk, walkway or municipal utility which is dedicated for public use on a subdivision plot approved by the Township shall be deemed to be property owned by the Township only upon and after the formal acceptance of such right-of-way by the Township.

Person shall mean any individual, firm, partnership, corporation, company, association or other legal entity, including any trustee, receiver, assignee or other similar representative.

Replacement tree shall mean a balled 2.5 inch caliper deciduous shade tree or conifer as measured at a point 4 ½ feet above the base of the trunk, which species is native and long lasting. A list of recommended replacement trees is available from the Township Land Development Office and in Appendix A hereto.

Screening – A tree, trees or hedges, or fencing which provide a visual barrier between properties.

Subdividable lot shall mean an undeveloped portion of a legally established and existing parcel of land, which portion meets the minimum zoning requirements in the zone in which is located. Subdividable lot shall not include that portion of the parcel of land which meets the minimum zoning requirements and upon which is located a building which is occupied or is capable of being occupied.

Township shall mean the Township of Chatham in the County of Morris.

Tree shall mean any woody perennial plant with a main stem or trunk exceeding twelve (12”) inches in diameter (36.70 inches in circumference) DBH.

Township Forester shall mean a qualified tree expert, certified by the State of New Jersey pursuant to N.J.S.A. 45:15C-1 et seq. appointed by the Township Committee

Tree removal shall mean all trees permitted to be cut down. If stumps are removed they shall be disposed of properly and not buried on the property.

Tree removal permit shall mean a permit issued pursuant to the provisions of this Chapter authorizing the removal of a tree or trees located upon a developed, undeveloped lot or subdividable lot within the Township.

Undeveloped lot shall mean a legally established and existing parcel of land, with boundaries determinable from official records, which does not have a building capable of being occupied, located thereon. Whenever approval is granted by the Planning Board to an application for preliminary subdivision, each lot shown upon the subdivision plot which does not have a building located thereon shall be deemed a separate undeveloped lot for the purposes of this chapter. None of the following shall be considered an undeveloped lot for the purposes of this chapter:

- a. Municipal land as defined herein;
- b. Any parcel of land owned in fee by the United States of America, the State of New Jersey, the County of Morris or a public utility company regulated by the New Jersey Public Utilities Commission; or
- c. Any lot upon which there is conducted an income-producing business involving the removal of trees, provided that the conduct of such business is a permitted use under applicable zoning regulations or a legally recognized nonconforming use.

22-3 GENERAL PROVISIONS

22-3.1 Location of trees; Determination. A tree shall be considered to be located upon a lot if any part of the trunk or main stem of the tree is located upon such lot. If the trunk is located on one lot or more lots, the tree shall be considered be located on each such lot. If a tree is located upon two (2) or more lots for the purposes of this chapter, any application for work related to said tree shall be made upon mutual agreement of the respective owners as evidenced by their signatures upon the application.

22-3.2 Applicability. Any person who proposes to remove any tree (s) (as defined herein) on a developed lot, an undeveloped lot, a subdividable lot or on municipal land, must apply for a tree removal permit.

22-4 ACTIVITIES INVOLVING TREES ON MUNICIPAL LAND, DEVELOPED, UNDEVELOPED AND SUBDIVIDABLE LOTS

22-4.1 Responsibilities of Owner and Contract-Purchaser. An owner or contract-purchaser of a developed, undeveloped or subdividable lot who employs any person to perform any work upon such lot shall not permit such person to violate any provision of this chapter.

22-4.2 Prohibited Activities. Except as provided in this Chapter, no person shall

- a. Injure, deface, poison or damage any tree located on any developed, undeveloped or subdividable lot within the Township;
- b. Interfere with, damage, destroy or attach anything to any posts, supports or guards of any tree located upon any municipal land.

22-4.3 Regulated Activities.

- a. No person shall remove any tree from a developed lot, an undeveloped or subdividable lot until a tree removal permit has been obtained in accordance with the provisions of this Chapter with respect to such lot.
- b. No public utility shall perform or authorize the performance of any maintenance work on any overhead wires, underground pipes or conduits, wherein any pruning, defacing, scarring or removal of trees will occur, without having previously applied for and obtained approval from the Township Land Use Office. Public utilities shall follow the American National Standards Institute (ANSI) A300 for pruning and maintenance of trees.

22-4.4 Tree Replacement and Reforestation.

- a. If the removal of a protected tree(s) is requested and the lot/property is at or below the recommended density set forth in this ordinance, then replacement trees will be required for each tree removed. The Township Forester shall have the discretion to require the planting of screen species as an alternative to replacement tree(s) if it would serve to provide better screening in keeping with the purpose of this ordinance.
- b. Exceptions to the replacements may be granted by the Township Forester or designee for the following conditions: Trees that are (1) damaged by catastrophic wind or storm, (2) unsafe, (3) dead, (4) diseased or (5) where conditions will not likely lead to the planting of additional trees (e.g. meadows). If the owner reasonably believes that the tree constitutes an imminent hazard to life or property, the tree may be removed provided a permit is applied for as soon after the removal as reasonably possible

22-4.5 Tree Replacement and Reforestation Standards. The following standards shall apply to reforestation:

- a. It is recommended that the type of replacement tree(s) shall be in accordance with Appendix A hereto. Native species are preferred.
- b. Replacement trees required pursuant to this Section shall be in addition to any required pursuant to Section 30 - 63.1h.

22-4.6 Site Protection During Construction.

During any construction work the following tree protection measures shall be implemented:

- a. Tree protection measures where required shall be installed on the lot with snow fencing or other durable material and verified by the Township Forester or other designated official prior to soil disturbance.
- b. Protective barriers shall not be supported by the plants they are protecting, but shall be self-supporting. Barriers shall be a minimum of four (4') feet high and shall not be removed until construction is complete.
- c. Snow fencing used for tree protection shall be firmly secured along the drip line, but no less than six (6') feet from the trunk when the drip line is less than six (6') feet.
- d. The grade of the land located within the drip line shall not be raised or lowered more than six (6") inches unless compensated by welling or retaining wall methods; and in no event shall welling or retaining wall methods be less than six (6') feet from the trunk of a tree.
- e. No soil stockpiling, storage of building materials, parking or driving of construction equipment or vehicles shall be permitted within the drip line or within six (6') feet of any remaining trees, whichever is greater.
- f. Any clearing within the drip line, or within six (6') feet of the trunk of a remaining tree, whichever is greater, shall be done by non-mechanical equipment.
- g. Where a tree that has been noted for preservation is severely damaged and unable to survive, tree replacement shall occur as provided in Section 22-4.4.

22-5 APPLICATION FOR TREE REMOVAL PERMIT

22-5.1 Application Information. Any person desiring to remove any Tree, shall file an application for a tree removal permit with the Land Use Office and shall not

commence the regulated activity without first having been issued a tree removal permit. The application form is available in the Land Use Office or on the Township website at www.chathamtownship.org. Each application form shall include a brief statement of the particular circumstances, conditions or reasons necessitating the removal of the tree or trees. Each application shall include a tree replacement plan, if applicable. The replacement plan shall include a diagram showing the size, type and location of trees to be planted. Each filed application constitutes permission to have the site inspected by the Township Forester or other designee.

The removal, protection, and replacement of Trees, in accordance with a lot grading plan or site plan must be identified on the plan submitted with said application to the Planning Board, Board of Adjustment, Township Construction Official or Township Engineer. The plan shall include both tabular and pictorial markings of the following information:

1. Total number and size of Tree(s) to be removed
2. Total number of trees that will remain and size
3. Total number of Tree(s) to be replaced (inclusion of species option)
4. Number of Tree(s) to be protected

22-5.2 Identification of Trees; Lot Diagram Requirements. Unless the tree or trees can be identified and located by description, the application shall be accompanied by two (2) copies of a dimensioned lot diagram.

22-5.3 Filing of Applications. An application shall be considered as filed when it has been properly completed and delivered to the Township Land Use Office.

22-5.4 Acceptance of Application. A tree removal permit cannot be issued by the Township Land-use Office for any part of a subdivision, site plan, or lot grading plan, until the appropriate board has given approval (preliminary or final) for such site plan, subdivision, or lot grading plan. Applications shall be made for a tree removal permit at the time of subdivision or site plan application. The survey included with this first application must include preliminary foundation location and set backs for each lot with present and proposed final grading. The lot boundaries for all the lots must be staked as well as the outline of the infrastructure. Trees to be removed must be clearly marked.

22-6 FEES AND ESCROWS.

22-6.1 Fees. A fee shall be paid to the Township of Chatham at the time of the filing of each application for a tree removal permit according to the following schedule:

Standard Tree Permit = \$25.00

Tree Permit in connection with Lot Grading, building permit or site plans = time spent at the rate of \$90 per hour.

22-6.2 Purpose of Fees. The fees required by subsection 22-6.1 are to cover Township expenses for review of the application and inspections. No fee shall be returned to any applicant by reason of the disapproval in whole or in part of any application.

22-7 REVIEW OF APPLICATION FOR PERMIT; ISSUANCE OF PERMIT

22-7.1 Copies Provided to Members of the Tree Protection Committee. Upon filing of an application for a tree removal permit, the Secretary shall forward a copy to the Chair of the Tree Protection Committee and Township Forester, and in the case of subdivision, site plan, or lot grading plan, to the Planning Board, Board of Adjustment, or Zoning Officer as appropriate.

22-7.2 Review of Applications.

a. All standard tree removal permit applications shall be reviewed by the Director of Public Works, or his/her designee, to determine whether there is a basis for the issuance of a removal permit which may require inspection of the site that is the subject of any tree removal application. If the Director of Public Works, or his/her designee determines that no further action is needed, the application will be approved.

b. All tree removal permit applications in connection with lot grading, building permits, or site plans shall be reviewed by the Township Forester or his/her designee, to determine whether there is a basis for the issuance of a removal permit which may require inspection of the site that is the subject of any tree removal application. If the Township Forester, or his/her designee determines that no further action is needed, the application will be approved.

22.7.3 Procedures:

1. The Township Forester or any other official designee shall take into consideration the following criteria when reviewing tree removal permit applications:

- a. Whether the tree removal is proposed for an area which is to be occupied by an approved structure, building or other improvement or whether it will be within 10 feet distance to an approved structure, building or other improvement.
- b. The potential effect of the tree removal on existing drainage patterns.
- c. The density of trees in the area and the overall effect of the tree removal on the physical nature of the subject property and surrounding properties. Each lot should contain 16 trees per acre. The calculation used for recommended density: number of trees per acre multiplied by 16 trees = Density Recommendation.
- d. Whether the proposed activity would result in significant change in the screening between existing or proposed building on contiguous lots or wooded aspect of the lot as viewed from the adjacent public road.
- e. Whether the tree(s) proposed for removal is located along the street line or around the perimeter of the property.
- f. The potential hardship that would be imposed upon the applicant if the permit is denied.

22-7.4 **Time for Approval of Application.** The Township Forester or Officer shall act upon every completed application within 15 working days of its being filed.

22-7.5 **Denial of Application.** In the event that the Township Official shall deny any application, the reasons for such disapproval shall be set forth upon the application. (Ord. No. 20-72 Art, 9, para. 9.04)

22-7.6 **Issuance of Tree Removal Permit.** Whenever the Township Officials shall approve an application for a tree removal permit, the Township Land Use Office shall issue a tree removal permit in accordance with the terms of the approval together with a copy of the application bearing the signature of an official from the Land Use Office. The permit, once issued, must be posted at the site of removal in a visible area at the time during the removal and for four (4) weeks after the tree is removed. In the event that the Township Official shall disapprove an application in its entirety, the Township Land-use Office shall issue to the applicant a copy of the application bearing the reasons for disapproval.

22-7.7 **Withholding of Building or Grading Permit.** Whenever a construction or grading permit is requested and the removal of a tree(s) is required in connection with the development of the lot, the Township Construction Official shall not issue the construction permit until a Tree Removal Permit has been issued and Tree protection measures are in place.

22-8 STOPPAGE OF UNLAWFUL WORK

22-8.1 **Issuance of Stop Work Order; Service of Notice.** The Township Land Use Office may issue a stop work order for any tree work or other activity which is carried on in violation of any Tree Removal Permit or any provision of this chapter. The order shall be issued in writing and a copy served on any person engaged in tree work upon the subject lot. If no such person is present upon the lot then the order shall be served upon the applicant. If no permit has been issued for the tree work then the order shall be served upon the owner of the lot. Thereafter, any further work shall comply with the terms and conditions of any permit and the provisions of this chapter, except for that specifically authorized by the Township Land-use Office. Upon the first violation, the stop work order for any tree violation shall remain in effect until the violation has been eliminated to the satisfaction of the Township Forester or Township designee. Upon the second violation, the stop work order will be effective for a minimum of a 1 week period.

22-9. APPEAL AND HEARING

22-9.1 **Time for Appeal; Procedure; Time for Hearing.** Any person aggrieved by any action of the Tree Protection Committee pursuant to any of the provision of Section 22-8, 22-9, or 22.10 shall have the right to appeal to the Township Committee within fifteen (15) working days after the action complained of. The appeal shall be made by filing with the Township Clerk a written statement setting forth the action complained of and the grounds for the appeal. The Township Committee shall set a time and a place for the hearing of the appeal, which hearing shall be held within twenty (20) working days after the filing of the appeal, and notice of the hearing shall be given to the appellant by the Township Clerk. At the hearing, the appellant and his or her attorney may present evidence, including the testimony of witnesses. The Township Clerk shall keep minutes of the hearing and copies of the documents or exhibits referred to, if any.

22-9.2 **Decision on Appeal.** Within fifteen (15) working days after the completion of the hearing, the action taken by the Tree Protection Committee shall be affirmed, modified or reversed by the Township committee by a recorded vote of the

majority of the total members thereof. The findings and reasons for the disposition of the appeal shall be stated on the records of the Township Committee and the Township Clerk shall give a copy to the appellant.

22-10 SERVICE OF NOTICE

22-10.1 Notice to Persons; Notices to Township. Whenever, under the provisions of this chapter, any notice or order is required to be given to or served upon any person, such notice or order may be given or served by certified mail addressed to the person to be notified at the address set forth in the application filed by such person. Any notice to the Township shall be served by personal service upon the Township Clerk or by certified mail addressed to the Township Clerk at the Township Municipal Building.

22-10.2 Enforcement. In addition to the enforcement authority granted to the agencies and officers described in this Chapter, the Police Department of the Township shall also have the power to enforce this Chapter.

22-11 PENALTIES

Any person who shall violate any provision of this chapter and any person who shall fail to comply with an order issued pursuant to this chapter or the terms and conditions of any tree removal permit issued pursuant to this chapter shall, upon conviction, be subject to a fine or penalty stated in Chapter 1, Section 1-5, provided that no monetary fine or penalty shall be less than \$250.00 and no more than \$1000.00, said fine or penalty to be deposited in an account to the credit and for the use of the Tree Protection Committee. In the event of violations involving more than one (1) tree, a violation as to each such tree shall be considered a separate offense. Any person who violates this ordinance within two (2) years of the date of a previous violation shall be required to appear, upon issuance of a summons, to appear in municipal court.

22-12 TOWNSHIP FORESTER

The Township Forester shall be appointed by the Township Committee and shall function within the Township Land Use Office. The Township Forester shall review applications for tree removal permits, conduct inspections, and issue violation notices. Other municipal employees may be designated to perform the duties of the Township Forester.

22-13 TREE PROTECTION COMMITTEE.

22-13.1 Established; Membership; Terms of Office. There is hereby established a committee to be known as the Tree Protection Committee, which shall consist of five (5) regular members. The Township Administrator and the Director of Public Works (or his designee) shall be member's ex-officio and shall be voting members. The Township Committee shall appoint from Township residents five (5) members at large.

The term of office of each regular member of the Tree Protection Committee shall be two years commencing on January 1 of the year of appointment and expiring December 31 of the second year, provided that such regular member shall continue to serve until a replacement is appointed by the Township Committee. A vacancy shall be filled in the same manner as the original appointment for the unexpired term only.

Five regular members shall be appointed upon the effective date of this ordinance to serve an initial term until December 31, 2008. Thereafter, three regular members shall be appointed for initial terms of two years commencing January 1, 2009. The remaining two regular members shall be appointed for initial terms of 1 year commencing January 1, 2009 with succeeding terms of two years each.

The Tree Protection Committee shall have an annual organizational meeting, shall otherwise meet as needed and shall keep such records as necessary. Three (3) members of the Tree Protection Committee shall constitute a quorum to conduct a business meeting.

22-13.2 Chairperson. At the annual organizational meeting, the members of the Tree Protection Committee shall elect a Chairperson.

22-13.3 Duties and Powers. In addition to the duties and authority given to the Tree Protection Committee by the various provisions of this chapter, the Committee shall have the power and authority to:

a. Review and advise the Township Planning Board and the Board of Adjustment regarding tree protection in connection with subdivision, site plan, and variance applications including pre-development inspection, shade tree selection review for subdivisions (30-63.1 Chapter XXX Land Development Review) and landscape plan review for site plans (30-63.3 h of Chapter XXX Land Development Review).

b. Where applicable, compare the tree removal application with the lot grading application and comment to the Township Engineer within 20 days of receipt, if changes in grading can be effected to preserve trees.

c. Inspect trees and shrubs on municipal land and recommend to the Township Committee action for their care and treatment and removal when in its opinion removal is necessary.

d. Report to the Township Committee any cases of disease within the Township, which in its opinion require action for the protection and preservation of woody perennial plants and shrubs.

e. Formulate and submit to the Township Committee plans and programs for the planting, care and treatment of trees and shrubs on municipal land, including street rights-of-way, walkways, and other Township easements and rights-of-way.

f. Develop and distribute to citizens educational information for the planting, care and maintenance of trees and shrubs.

g. Oversee the Township's tree replacement program.

h. Maintain annual records on permit activity

i. The Committee shall consult with a tree professional as needed.

22-14 SEVERABILITY.

In the event that any provision of this ordinance determined to be invalid, such determination shall not invalidate any other provision of the ordinance.

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

Appendix A – List of Recommended Replacement Trees

<u>Scientific Name</u>	<u>Common Name</u>	<u>Notes</u>
Acer negundo	Box Elder	Found near streams. Shade and drought tolerant.
Acer rubrum	Red Maple	Fall color, tolerates wide variety of conditions
Acer saccharum	Sugar Maple	Fall color; Maple syrup
Carpinus caroliniana	Hornbeam	Shade tolerant
Carya ovata	Shagbark Hickory	Hickory nuts for wildlife
Celtis occidentalis	Hackberry	Attracts butterflies; Blue berries
Fagus grandifolia	American Beech	Grows to be a massive tree.
Fraxinus americana	White Ash	Ash trees tolerate wet. Baseball bats are made of this wood.
Fraxinus pennsylvanica	Green Ash	
Juglans nigra	Black Walnut	Provides food for wildlife.
Liquidambar styraciflua	Sweet Gum	Considered the best fall foliage tree. Be sure to select a variety without seed balls.
Liriodendron tulipifera	Tulip Tree	A very large, fast growing tree, tolerates wet conditions.
Ostrya virginia	Ironwood	
Platanus occidentalis	Sycamore	Interesting bark; can grow very large
Populus grandidentata	Large-toothed aspen	
Populus tremuloides	Quaking aspen	
Quercus alba	White Oak	Acorns; Holds dry leaves in winter
Quercus bicolor	White Swamp Oak	
Quercus rebra	Red Oak	
Tilia americana	American Linden	Popular tree in Chatham Twp.
Ulmus americana	American Elm	Large stately tree nearly extinct in wild from Dutch Elm disease. Disease resistant varieties are now available.

Evergreen

Chamaecyparis thyoides	White Cedar	One of the longest lived natives
Ilex opaca	American Holly	Berries
Juniperus virginiana	Eastern Red Cedar	Blue berries
Pinus strobus	White Pine	Mature specimens large, grows relatively fast

Small Trees

Amelanchier arborea	Shadbush, Serviceberry	High wildlife value, berries, fall color
Betula nigra	River Birch	
Ceanothus americanus	New Jersey Tea	Fixes nitrogen, attracts butterflies; more of a large shrub
Cercis canadensis	Eastern Redbud	Beautiful small pink flowers
Cornus Florida	Dogwood	Flowers in Spring, red berries
Hamamelis virginiana	Witch-hazel	Flowers very early, tolerates wet and shade
Magnolia virginiana	Sweetbay magnolia	Small fragrant flowers in summer

Trees Not to Plant

These are not native trees that are also invasive. They can all quickly re-seed themselves and crowd out native species. Some such as the Norway Maple and Sawtooth Oak will grow quickly and blot out the sun and water for other species. Sometimes this quick growth can also produce a really unstable tree.

<u>Scientific Name</u>	<u>Common Name</u>	<u>Problem</u>
Acer ginnala	Type of Japanese Maple	Produces many seeds, found along highways.
Acer plantanoides	Norway Maple	Very invasive rapid growth
Ailantus altissima	Tree of Heaven	Now found in Great Swamp
Prunus avium	Bird Cherry	European native, birds can scatter seeds, very tough. Also spreads by roots.
Quercus acutissima	Sawtooth Oak	Not native, rapid growth, many acorns.
Robinia pseudoacacia	Black Locust	Rapidly spreads.

Committeewoman Hagner said this ordinance had been worked on for a very long time and that hiring an arborist will help to facilitate this ordinance. The ordinance provides a good balance in protecting trees and taking the residents concerns into consideration. The ordinance establishes guidelines concerning density with emphasis on the perimeter of a property for screenings between neighbors.

Mayor Tubbs opened the Public Hearing on Ordinance 2008-15.

1. Margy Capecelatro, Green Village resident, inquired about tree root preservation. Committeewoman Hagner responded protective measures are in the ordinance. Ms. Capecelatro was also concerned about loopholes for vacant lots. Committeewoman Hagner said that it should not an issue since undeveloped lots were covered in the ordinance. Attorney Woodward added there is a minimum density per acre. Ms. Capecelatro was also concerned about planting of trees under wires. Mayor Tubbs replied the arborist would make recommendations about

plantings. As the result of a question about damaged trees, the Committee made one minor change on page 5 to clarify a section of the ordinance.

2. Jack Hartford, Fairmount Avenue resident, thought the public hearing on the tree ordinance should not have been scheduled in the summer. Mr. Hartford asked if perimeter is defined in the ordinance. Mr. Hartford also noted the reference to screenings and fences and stated that he thought fences should not be an acceptable substitution to trees. Mr. Hartford thought the ordinance should be clarified concerning where trees can be planted. Mayor Tubbs said the Township Committee has discussed the tree ordinance for many months, heard a lot of public comment on it, and that they want to take a vote on it. Committeewoman Hagner added the tree arborist agreed with the section on fencing, since there may not be an option to plant another tree. The arborist will work with the residents about where to plant trees.

Seeing no further comment, Mayor Tubbs closed the Public Hearing.

Committeewoman Hagner moved to adopt Ordinance 2008-15. Committeeman O'Connor seconded the motion.

Deputy Mayor Brower stated he was in favor of passing this ordinance and thought that with the addition of the arborist, the Township would finally have a control over cutting and protecting trees. Committeeman Gallop also stated support of the ordinance since it creates the proper balance between protecting trees and protecting the rights of homeowners. Mayor Tubbs expressed appreciation to Mary Olmsted and June Tullman for all their efforts and encouraged candidates for the Tree Committee.

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

Mayor Tubbs moved up the Hearing of Citizens.

Hearing of Citizens/Petitions

Mayor Tubbs opened the hearing to the public.

1. Faye Molesphini, Fairmount Avenue resident, thought the sewer fee issue discussed earlier in the meeting would be good idea. She also recommended including the sewer bill with the tax bill. Mrs. Molesphini was also concerned about the safety of the artificial turf fields and the higher rate of cancer in children. Mayor Tubbs responded the Township is looking at whether there is a more equitable way to deal with the sewer issue. Attorney Woodward advised the Township couldn't include the sewer charge with the tax bill since the Township has two separate sewer systems and some homes that are not on sewer. Mrs. Molesphini was also reassured that samples of the materials in the turf fields have been tested and come back clean.

2. Jack Hartford, Fairmount Avenue resident, was glad to see the Township Committee is moving forward with the sewer fee issue. Mr. Hartford said previously preferential treatment on a tax basis could not be applied and asked for clarification about credit against the fee type charged. Attorney Woodward responded he would need to do further research on the ways fees can be charged.

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

Consent Agenda

RESOLUTION 2008-156

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 \$734,175.32 and the prior month's payroll of \$514,916.97 Current Fund, \$42,775.91 Sewer No. 1, \$8,195.07 Sewer No. 2, and

\$16,863.24 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the County of Morris, for the Third Quarter of 2008, in the amount of \$1,841,391.89 be paid.

RESOLUTION 2008-157

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 17, 2008.

RESOLUTION 2008-158

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR CHATHAM DAY SCHOOL, INC.

BE IT RESOLVED by the Township Committee of the Township of Chatham that casino night raffles and on-premise 50/50 raffles to be conducted by Chatham Day School, Inc. on September 20, 2008, at Chatham Day School, 700 Shunpike Road, Chatham Township, are hereby approved.

RESOLUTION 2008-159

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>
Michael & Heather McCaffrey 25 Britten Road Green Village, NJ 07935	7760011200	\$192.00

Re: Block 48.18 Lot 145.02

RESOLUTION 2008-162

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING SALE OF SERVICE WEAPON TO RETIRING POLICE LIEUTENANT PETER KATSAKOS

WHEREAS, Lieutenant Peter Katsakos has announced his retirement from the Police Department of the Township of Chatham, County of Morris, State of New Jersey, and

WHEREAS, Lieutenant Peter Katsakos has requested his service weapon upon retirement, namely a Smith & Wesson Model 4566TSW, Serial Number VJH 1675.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that Lieutenant Peter Katsakos is hereby authorized to purchase the Smith & Wesson Model 4566TSW, Serial Number VJH 1675 for the sum of one dollar (\$1.00) payable to the Township of Chatham, provided, however that Lieutenant Peter Katsakos shall first produce proof of all required licenses and permits for possession of the said weapon.

RESOLUTION 2008-163

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING ONE-DAY SPECIAL PERMIT FOR LIQUOR LICENSE

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following permit for a One-Day Liquor License is hereby approved:

<u>Name of Organization</u>	<u>Dates of Social Affair</u>	<u>Place where Affair will be held</u>
Art League of the Chathams	September 19, 2008	Municipal Building 58 Meyersville Road Chatham, NJ 07928

RESOLUTION 2008-164

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 October 5, 2008, at 529 Green Village Road, are hereby approved.

RESOLUTION 2008-165

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM SETTING DUE DATE FOR TAXES

WHEREAS, due to the delay in the certification of state aid figures which in turn delayed the certification of the tax rate by the County, the tax collector has recommended that the due date for the third quarter taxes be changed from August 1, 2008 to September 4, 2008;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Chatham that September 4, 2008 be established, as the date taxes are due for the third quarter.

BE IT FURTHER RESOLVED that there shall be a ten (10) day grace period extending to September 15, 2008 at which time interest will accrue back to September 4, 2008.

RESOLUTION 2008-166

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

WHEREAS, the Township Committee has considered the request submitted by the Construction Office with regard to refunding a portion of the construction permit fee paid;

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

<u>NAME</u>	<u>AMOUNT</u>
Mr. & Mrs. Burgunder 8 Lenape Trail Chatham, NJ 07928	\$173.00

RESOLUTION 2008-167

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

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meetings held on July 17, 2008.

RESOLUTION 2008-168

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR ST. HUBERT'S GIRALDA

BE IT RESOLVED by the Township Committee of the Township of Chatham that on-premise raffles to be conducted by St. Hubert's Giralda on September 22, 2008, at Fairmount Country Club, 400 Southern Blvd., Chatham Township, are hereby approved.

Due to conflicts of interest, Resolution 2008-160 and Resolution 2008-169 were pulled from the Consent Agenda for separate roll call vote. Attorney Woodward explained the doctrine of necessity with regard to Resolution 2008-169. Committeewoman Hagner asked for clarification regarding the money spent on signs. Mayor Tubbs questioned the amount charged for the repairing the fire alarm system. Administrator Ciccarone also mentioned the fluorescent fixtures at Town Hall will be replaced with more efficient two bulb fixtures.

Deputy Mayor Brower moved to approve the Consent Agenda. Committeeman O'Connor seconded the motion.

Deputy Mayor Brower moved to amend the Consent Agenda to withdraw Resolution 2008-161 for a separate vote. Committeeman O'Connor seconded the motion. The motion carried.

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

RESOLUTION 2008-160

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR CORPUS CHRISTI CHURCH

BE IT RESOLVED by the Township Committee of the Township of Chatham that off-premise raffles to be conducted by Corpus Christi Church on November 23, 2008 at Corpus Christi Church are hereby approved.

Deputy Mayor Brower moved to pass Resolution 2008-160. Committeewoman Hagner seconded the motion.

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

RESOLUTION 2008-161

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING ONE-DAY SPECIAL PERMIT FOR LIQUOR LICENSE

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following permit for a One-Day Liquor License is hereby approved:

<u>Name of Organization</u>	<u>Dates of Social Affair</u>	<u>Place where Affair will be held</u>
Grace Church	September 27, 2008	Green Village Firehouse 529 Green Village Road Green Village, NJ 07935

Committeeman O'Connor moved to pass Resolution 2008-161. Committeeman Gallop seconded the motion.

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

RESOLUTION 2008-169

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING ONE-DAY SPECIAL PERMIT FOR LIQUOR LICENSE

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following permit for a One-Day Liquor License is hereby approved:

<u>Name of Organization</u>	<u>Dates of Social Affair</u>	<u>Place where Affair will be held</u>
Chatham Township Republican Committee	September 13, 2008	Home of Alyssa Norce 160 Van Houghton Ave. Chatham, NJ 07928

Committeeman Gallop moved to pass Resolution 2008-169. Mayor Tubbs seconded the motion.

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

Discussion

1. Bid Results for modifications to the Chatham Senior Center- Administrator Ciccarone advised the bids that were received were substantially over the amount budgeted. Discussions have been held with representatives of the Senior Center, the Borough of Chatham, and the Board of Trustees. As a result of the discussions, the recommendation is to reject the bids and authorize to rebid the Senior Center improvements with modifications. The focus will be on bidding the functional parts such as improving the restrooms with the other components such as doors and lighting as alternate bids. Mayor Tubbs advised the Borough would discuss this at their September meeting.

RESOLUTION 2008-152

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REJECTING ALL BIDS SUBMITTED FOR MODIFICATIONS TO THE CHATHAM SENIOR CENTER

WHEREAS, the Township of Chatham has prepared the necessary bid document and published the appropriate advertisement to enable it to seek bids for modifications to the Chatham Senior Center; and

WHEREAS, the bids received on July 10, 2008 substantially exceeded the estimates for the services to be provided; and

WHEREAS, upon review, the Township Committee has decided to revise the specifications to control expenses; and

WHEREAS, the bid specifications reserved to the Township the right to reject all bids and, under the circumstances, it is fully appropriate to do so;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that, for the reasons set forth above, all bids received in response to the Notice to Bidders be and the same are hereby rejected.

BE IT FURTHER RESOLVED by the Township Committee that the Township Administrator is hereby authorized and directed to make modifications to the bid specifications and re-advertise for the receipt of bids for modifications to the Chatham Senior Center.

Deputy Mayor Brower moved to pass Resolution 2008-152. Committeeman O'Connor seconded the motion.

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

2. Steep Slopes- Engineer Ruschke advised the NJDEP recently adopted new water quality management regulations that focus on wastewater management planning. One of the obligations is to adopt two model ordinances. One is related to steep slopes and the other is related to riparian zones. The plan must be submitted to the state by April 2009. Mr. Ruschke is awaiting feedback from the state with regard to the enforcement of the steep slopes ordinance and who has the authority to grant hardship cases. Mr. Ruschke has questions as to what latitude the NJDEP will give the municipalities to modify the model ordinances. Attorney Woodward also has concerns with the model ordinances with regard to the concepts of zoning and planning and the Municipal Land Use Law. Attorney Woodward will discuss this with other colleagues and obtain more information.

3. WPC Capital Improvements- Administrator Ciccarone distributed a list to the Committee recommending improvements that he would like to see included in a bond ordinance for a future meeting. The list contains items for the WPC 1 system. Included on the list are electrical repairs, a new generator, roofing and other repairs and upgrades that are necessary at the plant. Some are bid items and others are under the bid threshold. Public Works Manager Joe Barilla is also supportive of what needs to be done. Engineer Ruschke said the deterioration in the equipment could be seen upon inspection of the plant and thought the list was comprehensive. Following a brief discussion, the Township Committee authorized Administrator Ciccarone to prepare a bond ordinance for introduction at the first meeting in September.

4. Waiver of Maintenance Guarantee requirement for Fairmount Country Club- Engineer Ruschke informed the Committee that the Fairmount Country Club had applied to the Planning Board for an amended site plan approval in 2005. The performance bond has been in place and now he is recommending release of it. Since the project is complete, Mr. Ruschke is questioning the need for them to post a maintenance bond. The Township Committee agreed to waive the Maintenance Guarantee requirement in a resolution to be prepared for the next meeting.

5. 9-11 Memorial- Committeeman O'Connor asked the Committee to consider when they would like to hold the dedication for the 9-11 Memorial. Possible dates would be on September 11, 2008, prior to a Township Committee meeting, or the weekend before. Committee O'Connor suggested sending letters inviting the families and government officials, as well as advertising the dedication ceremony in the newspapers. Mayor Tubbs also mentioned the Borough would be holding their dedication on September 7, 2008. The Township Committee thought the September 11, 2008 date at 6:00 p.m. might be the best time to hold the ceremony.

Executive Session

RESOLUTION 2008-P-07

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

BE IT RESOLVED by the Township Committee of the Township of Chatham that it adjourn to an executive session to discuss the following subject matters without the presence of the public in accordance with the provisions of N.J.S.A. 10:4-2b

Potential Litigation
Contract Negotiations
Personnel

The matters discussed will be made known to the public at such time as appropriate action is taken on said matters, and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Township of Chatham; provided such disclosure will not violate Federal, State or Local Statutes and does not fall within the attorney/client privilege.

