

**TOWNSHIP OF CHATHAM
COMMITTEE MEETING MINUTES
OCTOBER 27, 2005**

Mayor O'Connor called the regular meeting of the Township Committee of the Township of Chatham to order at 7:37 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 27, 2005; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 27, 2005; and notice was filed with the Township Clerk on January 27, 2005.

Mayor O'Connor led the flag salute.

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

Approval of Agenda

Mayor O'Connor made a motion to approve the Agenda. Committeeman Tubbs seconded the motion and it carried unanimously.

Reports

Mayor O'Connor provided the following:

- A notice was received from the Morris County Park Commission stating that the Commission will be conducting a controlled white tailed deer management program. The park will be divided into three sections, with only one section closed at a time. Bow hunting will take place on weekdays only, and will run December 14 and 15, 2005 and January 12, 2006 from South Street to Kitchell Road; November 9, 10, and 30, December 1, 2005 and January 25 and 26, 2006 from Kitchell Road to Loantaka Way; and November 16 and 17, and December 28 and 29, 2005 and February 8 and 9, 2006 from Loantaka Way to Green Village Road. Loantaka Brook Reservation will be closed to the public on the dates that the program is conducted. Signs will be posted. Pre-registration is required with the Morris County Park Police.

Committeeman Hartford provided the following:

- No report is available for Colony Pool as the meeting was cancelled due to a power outage.
- The Board of Health has information relative to flu shots on the Township's website.

Deputy Mayor Brower provided the following:

- Rick Carlson, Chatham Township Police Department and hunting coordinator, informed Deputy Mayor Brower that the Kirby property has opened for bow hunting. To date, over 50 deer have been taken. The studies are showing that there are 70 deer per square mile; however, the recommended number is 20 deer per square mile. Deputy Mayor Brower asked that everyone drive carefully.

Administrator Ciccarone provided the following:

- The Municipal Building had a power outage on Tuesday, October 25, 2005 due to a tree down in Long Hill Township. The Administrator has spoken with the Manager of the Public Works Department relative to purchasing a generator. Public Works will be reviewing the Township's options with Engineer John K. Ruschke.

Attorney Woodward provided the following:

- Frank Banisch reported that the revisions to the housing element of the Master Plan will be ready by the December 20, 2005 due date.

Hearing of Citizens

Mayor O'Connor opened the Hearing of Citizens to the public.

1. Paul Payton, Candace Lane resident, supports statements relative to deer management and encourages the adoption of shotgun hunting. Concern was expressed relative to the

power outages on this side of town. After a brief discussion, Administrator Ciccarone stated that JCP&L maintains outage records and the Township can request regular reports from JCP&L.

2. Kathy Metrocavich, Aberdeen Road resident, questioned who follows up on the removal of trees. Administrator Ciccarone advised that the Township Engineer reviews applications for lot grading plans and performs inspections. Concerned residents should call the town if they want to know if a permit has been issued.
3. Joseph Kelly, Mountain Avenue resident, asked if the public utilities could be required to report the cause of power outages. Attorney Woodward stated that the power company keeps all records and complaints, and will inform the public of such causes; if they provide monthly reports, this information will be available. Attorney Woodward also suggested contacting the Police Department.
4. Andy Stillinger, Noe Avenue resident, questioned televising meetings. Administrator Ciccarone stated that a subcommittee is working on putting together the equipment list and to establish the governmental/educational access channel, not necessarily public access channel. The subcommittee is working with the school district to develop a curriculum. Mr. Stillinger suggested offering a digital version on the website. Mr. Stillinger commented on the power outages.

Mayor O'Connor closed the hearing of citizens.

Public Hearing/Final Adoption of Ordinance

ORDINANCE 2005-023

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

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

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. In connection with the use and development of land within the Township there has occurred removal of trees, causing loss of natural beauty, diminution of property values and concomitant impacts of increased surface water drainage problems, soil erosion, decreased fertility of the soil and damage to the ecology of the area.

g. Although most property owners recognize the worth of mature trees, trees on municipal lands, developed and undeveloped and subdividable lands should be protected.

h. Removal of trees can cause increased Township costs for control of stormwater runoff and other negative impacts.

i. The preservation of, and planting of trees and wooded areas, 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.

j. 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 GENERAL PROVISIONS

22-3.1 General.

a. The removal of mature, healthy trees with desirable characteristics shall be avoided, if at all possible.

b. Natural screening between buildings on contiguous lots shall be maintained to as great an extent as possible.

22-3.2 Location of trees; Determination. A tree shall be considered to be located upon a lot if: (a) any part of the trunk or main stem of the tree is located upon such lot; or (b) 60% of the dripline area is on one lot. If the trunk is on one lot and more than 40% of the dripline area is on the other, the tree shall be ruled to be on both lots. A tree may be considered as located upon two (2) or more lots for the purposes of this chapter.

22-3.3 Applicability. Any person who proposes to remove any tree (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. The following activities shall be permitted:

a. The removal of not more than 3 trees between 12 inches and 18 inches in diameter on any existing developed lot less than or equal to two (2) acres as shown on the current Tax Assessment Maps of the Township or 6 trees on any existing developed lot greater than 2 (two) acres as shown on the current Tax Assessment Maps of the Township within an eighteen month period without a requirement for replacement.

b. The removal of more than 3 trees between 12 inches and 18 inches in diameter on any existing developed lot less than or equal to 2 (two) acres as shown

on the current Tax Assessment Maps of the Township or 6 trees on any existing developed lot greater than 2 (two) acres as shown on the current Tax Assessment Maps of the Township within an eighteen month period so long as the approval includes a requirement that the applicant replace one tree for each tree removed in excess of those trees covered by subsection a above.

c. The removal of trees greater than 18 inches in diameter that are not specimen trees so long as the approval includes a requirement that the applicant replace one tree for each tree removed.

d. As respects specimen trees, if a removal permit has been issued, then one replacement tree for each tree removed shall be required.

e. The removal of trees in accordance with a site plan or subdivision plan approval by the Planning Board in conjunction with development or soil movement applications, or in accordance with a lot grading plan approved by the Township Construction Official or Township Engineer provided that the approval includes a requirement that the applicant replace one (1) tree for each tree removed.

f. Trees that are damaged by wind or storm, unsafe or diseased to the extent they are deemed unsafe, dying or dead may be removed. In such event, and 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. No replacement tree shall be required.

g. Trees infected with contagious diseases may be removed. No replacement tree shall be required.

h. Trees which are likely to adversely affect other more desirable trees may be removed. No replacement tree shall be required.

i. Notwithstanding the provisions of Section 22-4.4e above, the removal of trees necessary to construct any structure for which a permit has been issued provided that the approval includes a requirement that the applicant replace at least 25% of the trees removed.

j. Activities involving tree trimming or removal located within a public right-of-way or easements, including conservation easements, or publicly owned or controlled property, provided that Chatham Township is in responsible charge of the activities.

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

a. To the extent suitable as determined by the applicant, replacement trees shall be located on site. In the event it is not suitable for replacement trees to be located on site, then the applicant shall pay the sum of \$250.00 per tree to the Township, to be deposited in a designated fund for the purchase and planting of trees elsewhere in the Township.

b. It is recommended that the type of replacement tree(s) shall be in accordance with Appendix A hereto. Native species are preferred.

c. 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 for Undeveloped, Reconstructed and Subdividable Lots.

a. Tree protection measures where required shall be installed in the field with snow fencing or other durable material and verified by the Construction Official 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 last 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 22-6.5.

22-5 APPLICATION FOR TREE REMOVAL PERMIT

22-5.1 Application Information. Every application for a tree removal permit shall be filled out in full on forms obtained in the Land Use Office or on the Township website at www.chathamtownship.org. Each application 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 inspect the subject site.

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 Due at Time of Filing Application. A fee of ten (\$10.00) dollars shall be paid to the Township of Chatham at the time of the filing of each application for a tree removal permit.

22-6.2 Purpose of Fees. The fees required by subsection 22-8.1 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.

22-6.3 Escrows. To ensure that tree removal on undeveloped or subdividable lots is accomplished in accordance with the requirements of the tree removal permit, any person proposing such activity shall deposit with the Township an appropriate amount to be determined by the Tree Protection Committee, but in no event to exceed \$50.00 per tree. Such deposit may be applied by the Township to complete the work or to correct conditions created by such work, which are not completed or corrected by the permittee. Upon satisfactory completion or correction of the conditions created by the work, the deposit shall be refunded to the permittee, upon request. Failure of the applicant as defined above to replace a failed tree will result in the forfeiture of the escrow amount to the Township for the purpose of replacing the tree.

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 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. If warranted, the Director of Public Works, or his/her designee, will inspect the site that is the subject of any tree removal application. If the Director of Public Works determines that no further action is needed, the application will be approved.

22-7.3 Time for Approval of Application. The Township Official shall act upon every completed application within 15 working days of its being filed.

22-7.4 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) The Township Official may deny an application if the tree is a specimen tree.

22-7.5 Issuance of Tree Removal Permit. Whenever the Township Official 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. 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.

22-7.6 Withholding of Building or Grading Permit. Whenever a construction or grading permit is requested and the removal of a tree or trees 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.

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.

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, 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 TREE PROTECTION COMMITTEE.-

22-12.1 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 members ex-officio and shall be voting members. The Township Committee shall appoint from Township residents five (5) members at large. At their annual organization meetings, the following municipal agencies shall appoint, for a one (1) year term, liaison, non-voting members of the Tree Protection Committee:

Township Planning Board
Township Environmental Commission
Township Board of Adjustment

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.

Three regular members shall be appointed for initial terms of two years commencing January 1, 2006. The remaining two regular members shall be appointed for initial terms of 1 year commencing January 1, 2006 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. **22-12.2 Chairperson.** At the annual organizational meeting, the members of the Tree Protection Committee shall elect a Chairperson.

22-12.3 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 7 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. The Committee shall consult with a tree professional as needed.

22-13 DEFINITIONS.

As used in this chapter:

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 area under a foliated tree represented by the shadow formed if the sun were directly over the tree. The drip line is the circumference of such a shadow.

Escrow amount shall mean the sum of the cost or value of the tree(s) and the reasonable amount for disposal and replanting.

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.

Specimen tree shall mean any tree in fair or better condition which equals or exceeds the following diameter sizes:

- a. Large hardwoods, e.g., oaks, hickories, yellow poplars, maples - 30 inches DBH;
- b. Large softwoods, e.g., pines, evergreens - 30 inches DBH;
- c. Small trees, e.g., dogwoods, redbuds, sourwoods, - 10 inches DBH.

A tree in fair or better condition shall meet the following minimum standards: A relatively sound and solid trunk with no extensive decay or visually hollow, with no major insect or pathological problem.

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.

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

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

Mayor O'Connor opened the public hearing on Ordinance 2005-023.

1. Kathy Metrocavich, Aberdeen Road resident, expressed concern relative to buffer areas. Committeeman Tubbs stated that the Township Committee will review the buffer areas in the future and Mayor O'Connor stated that the review of various items will begin the first quarter of next year.
2. Kathy Abbot, Wynwood Road resident, expressed concern relative to the buffers, community rights versus resident rights, rear yard setbacks and steep slopes.
3. Ellen Bocklet, Oak Hill Road resident, stated that she called the Township to see if a permit was issued and by the time it was inspected, three trees had been taken down by a builder. A fine of \$250 is not adequate when the home will be sold for over \$2,000,000. Committeeman Tubbs stated that this has been a difficult area to address, however, an appearance in municipal court will be required on repeat offenses. Attorney Woodward added that the court has the discretion of raising the fine to \$1,250 per violation.
4. Tom Tether, Aberdeen Road resident, stated that the overall impression from those who have spoken is a sense of violation of one's privacy. A lot-grading plan could be submitted, but how can anyone know if it is being followed or if inspectors from the Township are following up. Before final Certificates of Occupancy can be issued, Mr. Tether believes that compliance should be enforced. Kathy Metrocavich, Aberdeen Road resident, elaborated on replanting trees. Committeeman Tubbs stated that the Tree Protection Committee will decide where trees will be replanted. Deputy Mayor Brower proposed that Attorney Woodward review the fines to establish a rolling fine that would increase with each offense. Mr. Tether questioned the lot grading plan review and the right to inspect homeowner lands. Administrator Ciccarone stated that the enforcement of this Ordinance would be done by officials of the Township as opposed to volunteers.
5. Paul Payton, Candace Lane resident, thanked the Township for all the work that has been done on this ordinance. Mr. Payton recommended that stronger sanctions should be in place if builders are found to have taken more trees than permitted and suggested that the privilege to work in the Township be suspended for a period of time. Attorney Woodward stated that State law mandates that the financial penalties cannot be higher than \$1,250. Committeeman Hartford asked if their license could be suspended and Attorney Woodward stated that what the municipality can do is limited to what the State allows. Deputy Mayor Brower stated that there are limitations and suggested that Mr. Payton research some of his suggestions and return to the Committee with more information. Mr. Payton added that some language is not clear and could be simplified. Administrator Ciccarone added that there has not been a lot of "illegal cutting of trees" as most of the trees that have been cut down have been within the rules.
6. Susan Hoag, Long Hill Lane resident and member of the Environmental Commission, expressed numerous concerns in the ordinance including changes with regard to the diameter of trees, side and rear yard setbacks, tear downs and expansion of homes, the replacement program as it relates to the size of the replacement, and the definition of the specimen tree as it disregards many trees in the Township and no replacement will be necessary. Mrs. Hoag is hopeful the Ordinance will not pass at this time; if it does pass, Mrs. Hoag urges the Township Committee to keep their commitment to strengthening the ordinance during their first quarter review in 2006.
7. Andy Stillinger, Noe Avenue resident, expressed concern that some of the land use ordinances are older and in need of being brought up to date. Mr. Stillinger believes the Township should limit the size of large homes being built and should review the Millburn's "McMansion Ordinance" recently passed. Mr. Stillinger asked Mayor O'Connor what changes he foresees and Mayor O'Connor replied that those changes will include buffers, steep slopes, and many of the issues discussed will be reviewed in February 2006. Relative to the McMansion Ordinance, Administrator Ciccarone stated that the Planning Board should

also review the ordinance as these issues are being examined relative to the Master Plan re-examination.

8. Lydia Chambers, resident and Planning Board member, wanted to address the McMansion issue as it has been discussed from time to time. Ms. Chambers stated that if enough residents come to the Township Committee on this issue, the Township Committee could ask the Planning Board to come up with a suggestion. Ms. Chambers recommended that the Township Committee review the McMansion ordinance and Committeeman Tubbs agreed.
 9. Andy Stillinger, Noe Avenue resident, stated that he is not against large homes, renovation or additions. His only concern has to do with building large homes on small lots and affecting their neighbor's quality of life. The aesthetics of the Township are not being determined by the residents, rather they are being determined by the builders.
- Mayor O'Connor closed the public hearing on Ordinance 2005-023.

Mayor O'Connor asked the Township Committee for comments.

Committeeman Hartford - Voted against introducing the ordinance as he felt it was not ready. Favors the Tree Ordinance based on the new commitment and would like to add provisions to include landscape requirements in the land use ordinance, the conservation element of the Master Plan should include the things important to preserve, and the property rights versus the rights of the community should be reviewed.

Deputy Mayor Brower - Ordinance is more resident friendly, supports it, and is committed to reviewing it and implementing necessary changes to improve it. Shares views that builders have over powered the community.

Administrator Ciccarone wanted to clarify that there are very few ways that this ordinance can be violated. Committeeman Tubbs stated that the ordinance will be considered violated if you fail to provide paperwork, take down a specimen tree after denial, do not replant when required, and/or by causing damage a tree so that it must be taken down. Administrator Ciccarone questioned when the 18-month clock begins, i.e., when the first or third tree is taken down. Attorney Woodward stated that the clock begins with the first tree. Administrator Ciccarone questioned if a builder purchases a home with the intent to demolish it and builds a new one in its place, before he takes out the demolition permit, he, as the homeowner, can remove up to three trees with no consequences. Committeeman Tubbs stated that it is a difficult situation to address. Administrator Ciccarone continued, if the homeowner/builder removes three trees, demolishes the home, builds a new home, and then sells the home, does the new owner need to comply with the existing 18-month rule or does it start anew for each owner. Committeeman Tubbs stated that the 18-month rule runs with the land.

Committeeman Tubbs added that the periodic review of this Ordinance will help to deal with these situations as they arise and believes this Ordinance is a step in the right direction. Committeeman Tubbs supports this ordinance and added the Environmental Commission is putting together informative literature and that there is a need to educate builders also.

Mayor O'Connor stated that this Ordinance has been through the democratic process and thanked everyone who provided input.

Attorney Woodward noted a couple of minor amendments that need to be corrected that will not affect the meaning of the ordinance.

Deputy Mayor Brower made a motion to adopt the amendments as noted to Ordinance 2005-023. Committeeman Tubbs seconded the motion.

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

Deputy Mayor Brower made a motion to adopt Ordinance 2005-023 as amended. Committeeman Tubbs seconded the motion.

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

Introduction of Ordinances

ORDINANCE 2005-024

BOND ORDINANCE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR THE CANCELLATION OF \$639,494 UNFUNDED AUTHORIZATION OF THE TOWNSHIP.

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 One. It is hereby determined that the following, unfunded authorization available pursuant to the ordinance described below by ordinance number, purpose of improvement and amount of unfunded authorization to be cancelled is not needed for the purposes to which it was originally provided and is hereby cancelled.

Ordinance Number	Description of Improvement	Amount of Authorization to be cancelled
2001-19 finally adopted December 6, 2001	Renovation of library	\$639,494

Section Two. The portion of the down payment associated with this unfunded authorization of \$639,494 -- \$31,974 – shall herewith be transferred to the Capital Improvement Fund.

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

Administrator Ciccarone changed the order and sequence of the ordinances as listed on the agenda to be introduced. This Ordinance 2005-024 addresses an ordinance adopted in 2001 that appropriated \$1.7 million for the expansion of the Library. At that time, Chatham Township and Chatham Borough were required to appropriate the full sum that was necessary for the construction, notwithstanding the fact that the Library was getting a State grant for a significant portion. The actual contribution that the Township made was \$639,494 less than what had been appropriated. Ordinance 2005-024 would cancel this unexpended balance and is being done in anticipation of the bond sale to be conducted in December 2005, which will free-up the previously appropriated down-payment money for the \$639,494. In turn, this will allow that money to go back into the capital improvement fund to be used for the down payment needed on an amended bond ordinance to add \$150,000 to complete the police communication system. Discussion followed relative to the new radio system and Administrator Ciccarone provided a complete review of the communication project. Administrator Ciccarone added that Ordinance 2005-027, Bond Ordinance Amending Bond Ordinance 2005-006, also recommended for introduction this evening, will provide additional monies to move forward on the police communication project.

Deputy Mayor Brower made a motion to introduce Ordinance 2005-024. Committeeman Tubbs seconded the motion.

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

The public hearing on Ordinance 2005-024 will be scheduled for November 10, 2005.

ORDINANCE 2005-027

BOND ORDINANCE AMENDING BOND ORDINANCE #2005-06, FINALLY ADOPTED MAY 12, 2005, PROVIDING FOR VARIOUS

CAPITAL PROJECTS OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, IN ORDER TO APPROPRIATE THE AGGREGATE AMOUNT OF \$1,620,000 THEREFOR, AND TO AUTHORIZE THE ISSUANCE OF \$1,539,000 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 One. Bond Ordinance #2005-06 of the Township of Chatham, finally adopted May 12, 2005, is hereby amended to read 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 \$1,620,000, including the aggregate sum of \$81,000 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 \$1,539,000 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. 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	\$175,000	\$166,250	15
2.	Purchase of Police equipment	\$510,000	\$484,500	14.22
3.	Road improvements	\$50,000	\$47,500	15
4.	Recreation improvements	\$250,000	\$237,500	15
5.	Building improvements	\$70,000	\$66,500	15
6.	Fire equipment	\$500,000	\$475,000	5
7.	Underground storage tank remediation	\$65,000	\$61,750	15
TOTAL		\$1,620,000	\$1,539,000	

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 11.6679 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 \$1,539,000. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$150,000 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.

Section Two. 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 Three. This amending bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Deputy Mayor Brower made a motion to introduce Ordinance 2005-027. Committeeman Tubbs seconded the motion.

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

The public hearing on Ordinance 2005-027 will be scheduled for November 10, 2005.

ORDINANCE 2005-025

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE OF THE TOWNSHIP AS RESPECTS OUTDOOR LIGHTING

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Code of the Township of Chatham is hereby amended as follows:

1. Section 30-96.22, Outdoor Lighting, of the Land Development Regulations is hereby amended to read as follows:

All outdoor lighting in connection with any use shall be shielded so that the direct source of the illumination is not visible from any street or any adjoining property, provided that this provision shall not apply to incandescent or fluorescent, decorative outdoor lighting fixtures of 160 watts or less in residential districts. Floodlights and spotlights in excess of 100 watts shall be shielded.

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

Attorney Woodward received input from the Board of Adjustment Chairman, Lawrence Dalziel, provided a handout of the Board of Adjustment's Attorney, Louis Wilson's comments, and incorporated Deputy Mayor Brower's comments as well. After a lengthy discussion, specifically pertaining to watts, decorative fixtures, and spotlights, the Township Committee directed Attorney Woodward to make the minor changes discussed.

Deputy Mayor Brower made a motion to introduce Ordinance 2005-025. Committeeman Tubbs seconded the motion.

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

The public hearing on Ordinance 2005-025 will be scheduled for November 10, 2005.

ORDINANCE 2005-026

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY PROVIDING FOR LOCAL ENFORCEMENT OF THE NEW JERSEY UNIFORM FIRE CODE.

WHEREAS, the Uniform Fire Safety Act (P.L. 1983, c.383) was enacted for the purpose of establishing a system for the enforcement of minimum fire safety standards throughout the State of New Jersey; and

WHEREAS, the New Jersey Department of Community Affairs has promulgated minimum fire safety standards that have been made part of the Uniform Fire Code (N.J.A.C. 5:70.1 et seq.).

WHEREAS, the Uniform Fire Safety Act authorizes municipalities to provide for local enforcement of these standards and to establish local enforcement agencies for that purpose; and

WHEREAS, it is in the best interest of the Township of Chatham to have the Uniform Fire Code enforced locally;

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

1. The indicated portion of Chapter XII, Fire Prevention, is amended to read as follows:

12-1 STATE UNIFORM FIRE SAFETY ACT ENFORCING AGENCY.

12-1.1 LOCAL ENFORCEMENT.

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983 c. 383), the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1 et seq.) shall be locally enforced in the Township of Chatham.

12-1.2 AGENCY DESIGNATION.

The local enforcing agency shall be the Township of Chatham - Fire Prevention Bureau which is hereby created therein. The Fire Prevention Bureau shall hereinafter be known as the local enforcing agency.

12-1.3 DUTIES

- a. The local enforcing agency shall enforce the Uniform Fire Code in all buildings, structures, and premises within the established boundaries of the Township of Chatham other than one and two unit owner-occupied dwellings used exclusively for dwelling purposes and buildings, structures, and premises owned or operated by Federal Government, Interstate Agencies or the State.
- b. The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

12-1.4 ORGANIZATION.

- a. The Fire Prevention Bureau established by Section 12-1.2 shall consist of the Fire Official/Marshal, who shall be the chief administrator of the Bureau, and such Fire inspectors as may be deemed necessary by the Township Committee.

- b. The Fire Prevention Bureau shall have at least one paid Fire Official and/or Inspector.

12-1.5 APPOINTMENTS, QUALIFICATIONS, TERM OF OFFICE, REPORTS, REMOVAL.

- a. Appointment and Qualifications of the Fire Official/Marshal.

The Fire Official/Marshall shall be certified by the State of New Jersey and appointed by the Township Committee.

- b. Appointment and Qualifications of Inspectors and Other Employees.

The governing body may, upon recommendation of the Fire Official/Marshal or otherwise, appoint inspectors and other employees of the enforcing agency. All life hazard use inspectors shall be certified by the State of New Jersey.

- c. Appointment of Legal Counsel.

The Township Attorney shall serve as legal counsel to assist the Fire Prevention Bureau in enforcing the Uniform Fire Code.

- d. Term of Office.

The Fire Official/Marshal shall serve for a term of one year. Any vacancy shall be filled for the un-expired term.

- e. Reports by the Fire Official/Marshal.

The Fire Official/Marshal shall report monthly in writing to the Township Mayor, Administrator and the Chiefs of the Green Village Fire Department and Chatham Township Fire Department as to all inspections made and all income received.

- f. Removal from Office.

The Fire Official/Marshal shall be subject to removal by the governing body for just cause. Before removal from office, such person shall be afforded an opportunity to be heard by the governing body or a hearing officer designated by the same.

12-1.6 LIFE HAZARD USES.

The Fire Prevention Bureau established by Section 112-1.2 of this ordinance shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.

12-1.7 NON-LIFE HAZARD USES.

- a. In addition to the registrations required by the Uniform Fire Code, the following non-life hazard uses shall register with the Bureau of Fire Prevention. These uses shall be inspected annually and billed per the following schedule:

Assembly

A-1	Eating establishment under 50	\$35
A-2	Take-out food service (no seating)	\$35
A-3	Church or synagogue	exempt

Business/Professional

B-1	Professional use 4,999 sq. ft. or less	\$35
B-2	5,000 sq. ft. up to 9,999	\$70
B-3	10,000 sq. ft. or more	\$150

Retail (mercantile)

M-1	4,999 sq. ft. per floor or less	\$35
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M-2	5,000 sq. ft. up to 9,999	\$70
M-3	10,000 sq. ft. up to 11,999	\$100

12,000 sq. ft. or greater is listed as a Life Hazard Use.

Manufacturing (factory)

F-1	4,999 sq. ft. per floor or less	\$100
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5,000 sq. ft. or greater is listed as a Life Hazard Use.

Storage S-1 (moderate hazard S-1, low hazard S-2)

S-1	4,999 sq. ft. or less	\$100
S-2	4,999 sq. ft. or less	\$50

5,000 sq. ft. or greater is listed as a Life Hazard Use.

F Residential Multi-Family Dwellings of 3 or more - Common Areas

R-1	Per 10 dwelling units	\$30
R-2	Per 10 dwelling units	\$30
R-3	Per 10 dwelling units	\$30

R-1 includes hotels/motels/shelters where occupants are transient in nature.

R-2 includes multi-family dwellings having more than two units, and includes dormitories, rooming houses, apartment and condominiums with common hallways.

R-3 includes single-family attached dwellings constructed in accordance with the Uniform Construction Code requirements for multiple single-family dwellings.

- b. R-2 & R-3 condominium dwelling units shall be inspected and charged a fee only upon sale or change of tenant for smoke detector and carbon monoxide alarm compliance. Township Ordinance Section 11-4.
- c. Uses not classified above that are subject to the Uniform Fire Code will be classified as business uses.
- d. Uses registering with the State as life hazard uses are not required to be registered under this section.
- e. In the discretion of the fire Official/Marshal, vacant buildings will be charged and inspected according to the previous use of the building.

12-1.8 PERMITS AND CERTIFICATE OF FIRE CODE STATUS.

- a. The application fees for the fire safety permits listed in N.J.A.C. 5:70-2.7(b) shall be as provided by State regulation and are currently as follows:

Type 1	\$42
Type 2	\$166
Type 3	\$331
Type 4	\$497

- b. The cost for the issuance of a Certificate of Fire Code Status to a third party shall be \$35.

12-1.9 RESPONSIBILITY FOR COLLECTION OF FEES.

- a. The Department of Community Affairs shall collect all fees for the registration of Life Hazard Uses in the Township as required by N.J.A.C. 5:71-2.6.
- b. All revenues generated pursuant to this ordinance, which are collected, shall be appropriated by the Township of Chatham to the Fire Prevention Bureau for the purpose of enforcing the Uniform Fire Code, operating expenses and for advancing fire prevention interests.

- c. The Fire Official/Marshal shall be responsible for the collection of all annual fees for the registration of non-life hazard uses, for the issuance of fire safety permits, for the processing of applications and for the issuance of certifications of Fire Code Status. Such fees shall be delivered to the Township Treasurer within forty-eight (48) hours of collection.

12-1.10 TECHNICAL AMENDMENTS.

“Reserved”

12-1.11 BOARD OF APPEALS.

Any person aggrieved by any action of the Fire Prevention Bureau shall have the right to appeal to the Construction Board of Appeals of the County of Morris.

12-1.12 ENFORCEMENT, VIOLATIONS, AND PENALTIES.

Enforcement, violations, and penalties shall be managed in conformity with the Uniform Fire Safety Act, the Uniform Fire Code and all other laws of the State of New Jersey.

- 2. All other provisions of Section 12-1, STATE UNIFORM FIRE SAFETY ACT ENFORCING AGENCY, of the Township Code are hereby repealed.
- 3. This ordinance shall take effect as provided by law.

Attorney Woodward advised that this Ordinance reflects the recommendations made by Barry Howard, Chatham Township Fire Prevention Official. The Township Committee entertained a brief discussion and Attorney Woodward provided additional clarification on the recommendations. Administrator Ciccarone also advised the Fire Prevention Official may meet with the Fire Departments.

Deputy Mayor Brower made a motion to introduce Ordinance 2005-026. Committeeman Hartford seconded the motion.

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

The public hearing on Ordinance 2005-026 will be scheduled for November 10, 2005.

Consent Agenda

Committeeman Tubbs requested information on Resolution 2005-220 Authorizing Municipal Grant Application. Administrator Ciccarone advised that the Municipal Alliance puts together school programs to educate children on drug and alcohol abuse. These joint programs are funded through grants with matching contributions from the Township and the Borough. This resolution authorizes the Municipal Alliance to file the application for 2006; the \$14,314 allocation is the amount they are eligible to receive. Committeeman Hartford asked for clarification on Resolution 2005-217 Receipt of Reports as it pertains to Patriot Media’s digital calling service and asked if there is a provision for 9-1-1. Administrator Ciccarone advised that he will look into how cable telephone service interfaces with 9-1-1.

RESOLUTION 2005-217

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS

BE IT RESOLVED by the Township Committee of the Township of Chatham that reports of departments for the month of September 2005 be acknowledged as received.

RESOLUTION 2005-218

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY MORRIS, STATE OF NEW JERSEY APPROVING DEVELOPER'S AGREEMENT WITH ROLLING HILL COMPANY

WHEREAS, the Planning Board has granted preliminary and final subdivision approval for premises located Candace Lane, Block 36, Lots 16 and 16.04, about to be designated as Block 36, Lots 16.01, 16.02 and 16.04 on the Tax Map of the Township of Chatham; and

WHEREAS, said approvals require the execution of a Developer's Agreement with the Township as a condition of said approvals, which agreement has been submitted and been found acceptable;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that said Developer's Agreement, copy attached hereto, with Rolling Hill Company, be hereby accepted and that the Mayor and Clerk are hereby authorized to execute the same.

RESOLUTION 2005-219

**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>
Rolling Hill Company, LLC 466 Southern Boulevard Chatham, NJ 07928	11058	\$500.00
Re: 7 Loantaka Lane North		
Bozena Zembrzuski 14 School Avenue Chatham, NJ 07928	11114	\$6,115.69
Re: Block 102.08, Lot 41		
Darcy School P.O. Box 510 Chatham, NJ 07928	11055	\$21,963.22
Re: 700 Shunpike Road		
NJ American Water 167 John F. Kennedy Parkway Building A Short Hills, NJ 07078	38936	\$7,869.66

RESOLUTION 2005-220

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING SUBMISSION OF GRANT APPLICATION FOR THE MUNICIPAL ALLIANCE OF THE CHATHAMS

WHEREAS, The Township Committee of the Township of Chatham, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, The Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Morris;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby authorize submission of an application for the
Municipal Alliance Committee of the Chathams grant for calendar year 2006 in the
amount of \$14,314.
2. The Township Committee acknowledges the terms and conditions for administering
the Municipal Alliance grant, including administrative compliance and audit requirements.

RESOLUTION 2005-221

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE

WHEREAS, the Township requires a performance guarantee be deposited with the Township to ensure satisfactory completion of the approved Land Disturbance Plan; and

WHEREAS, the Township Engineer has inspected the property and determined the requirements of the performance guarantee have been met;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the performance guarantee deposited for the following property may be released to the depositor of record:

<u>NAME</u>	<u>BLOCK</u>	<u>LOTS</u>	<u>AMOUNT</u>	<u>BOND NO.</u>
Arch Construction 997 Central Avenue New Providence, NJ 07974	62	59 & 60	\$11,000.00	69172971 Western Surety Co.

RESOLUTION 2005-222

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 & ADDRESS</u>	<u>AMOUNT</u>
34	22	Deana & Robert Cousin 3 Molino Drive Chatham, NJ 07928	\$4,500.00

RESOLUTION 2005-223

RESOLUTION CONFIRMING THE DETAILS OF THE SALE OF SPECIAL ASSESSMENT BONDS, SERIES 2005, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,245,516 OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST PURSUANT TO THE 2005 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

WHEREAS, the Township of Chatham (the "Local Unit"), in the County of Morris, New Jersey, has determined that there exists a need within the Local Unit to construct the Project (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2005 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's Special Assessment Bonds, Series 2005, to the Trust in an aggregate principal amount of \$630,000 (the "Trust Loan Bond") and Special Assessment Bonds, Series 2005, to the State in an aggregate principal amount of \$615,516 (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law, the Loan Agreements and the Escrow Agreement dated September 9, 2005 (the "Escrow Agreement") by and among the Trust, the State, the Local Unit and the escrow agent named therein;

WHEREAS, N.J.S.A. 40A:2-27(a) (2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust, without any public offering, all under the terms and conditions set forth herein; and

WHEREAS, in accordance with the terms of the Escrow Agreement, the Trust has sold its bonds to fund the Trust Loan, thereby enabling the Local Unit to confirm the

exact aggregate principal amount of and debt service schedule for the Local Unit Bonds.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. The sale of the Trust Loan Bond to the Trust and the Fund Loan Bond to the State is hereby confirmed. The Trust Loan Bond shall be released from escrow in accordance with the terms of the Escrow Agreement and thereby issued in accordance with the principal loan amount, interest rates and maturity schedule set forth in Schedule A attached hereto and made a part hereof. The Fund Loan Bond shall be released from escrow in accordance with the terms of the Escrow Agreement and thereby issued in accordance with the maturity schedule set forth in Schedule B attached hereto and made a part hereof.

Section 2. This resolution shall take effect immediately.

Section 3. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to Arthur T. Vanderbilt III, Esq., Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

Deputy Mayor Brower made a motion to approve the Consent Agenda, Resolution 2005-117 through Resolution 2005-223. Committeeman Tubbs seconded the motion.

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

Discussion

1. **Yarmouth Road Parking Ordinance:** Chief Goeckel advised that she designed a "no parking" ordinance 11 years ago that encompassed every road around the high school, with the exception of Spring Street so the high school students could have a designated area to park. The ordinance was rescinded when the residents of the neighborhood signed a petition. Chief Goeckel's current recommendation is two-hour parking between 7:00 a.m. and 3:00 p.m. on Yarmouth Road, so the students will need to park on Spring Street. Chief Goeckel replied to questions and comments from the Township Committee and added that the school board should notify the students. The Township Committee agreed and requested that Chief Goeckel notify the residents in the area as well as the local newspapers. This ordinance will be introduced at the December 1, 2005 meeting. The progress made on the Fairmount Avenue speeding problem was addressed and Chief Goeckel advised that between Fairmount and Pine Street a lot of time spent has been spent on selective enforcement, which will continue periodically.

Hearing of Citizens

Mayor O'Connor opened the Hearing of Citizens, however, there were no public comments and Mayor O'Connor closed the Hearing of Citizens.

Chief Goeckel interviewed a candidate for the dispatcher position and recommended the Township Committee authorize a conditional offer of employment subject to passing the appropriate tests. Mayor O'Connor made a motion to authorize Chief Goeckel to proceed with making the conditional offer of employment. Deputy Mayor Brower seconded the motion and it carried unanimously.

Deputy Mayor Brower moved to adjourn at 10:35 p.m. Committeeman Hartford seconded the motion and it carried unanimously.

Joy M. Wiley
Municipal Clerk