

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
DECEMBER 7, 2006**

Mayor O'Connor called the workshop meeting of the Township Committee of the Township of Chatham to order at 7:40 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 October 17, 2006; notice was posted on the bulletin board in the main hallway of the Municipal Building on October 17, 2006; and notice was filed with the Township Clerk on October 17, 2006.

Mayor O'Connor led the flag salute.

Roll Call

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

Approval of Agenda

Mayor O'Connor announced there would be no business for the December 21, 2006 meeting. Ordinances 2006-23 and Ordinance 2006-24 would therefore be introduced at the reorganization meeting in January.

Committeeman Tubbs moved to adopt the agenda as amended. Deputy Mayor Brower seconded the motion, and it carried unanimously.

Special Presentation- Melanoma Awareness

Mayor O'Connor introduced Carol Kelly, a resident of Chatham Township for twenty-seven years who has fought a successful battle against malignant melanoma since 1995. Mrs. Kelly stated melanoma is the number one cancer in woman ages 25 to 29 and number two in women ages 30 to 34. Additionally, 1 out of every 75 people are at risk for melanoma, and it is projected that by 2010 it will be 1 out of every 50 people. Melanoma has the third highest cancer rate in the state of New Jersey. Mrs. Kelly advised prevention is the best way to treat melanoma. Mrs. Kelly said she had sent letters to the Mayors of Chatham Township and Chatham Borough, the Superintendent of Schools and the presidents of each PTO. Mrs. Kelly is hopeful that the towns will be able to come up with a project to raise enough money to provide shaded areas at the elementary schools and covered dugouts at the playing fields. She would also hope that sunscreen will become mandatory for children participating in sports and that children will wear sun protective uniforms. Mrs. Kelly advised that melanoma is reaching epidemic proportions in the United States and is very concerned for children and teenagers. Mrs. Kelly stressed the importance of education about sun protection and providing a safe environment for our children. Mrs. Kelly proposed one way to raise money was by doing a walk. Mayor O'Connor asked Mrs. Kelly to keep in contact with them and to let them know what they can do. Administrator Ciccarone added that the township does plan to put roofs over the dugouts at the baseball facility this coming season.

Reports

Committeewoman Hagner reported that Recreation Committee came to an agreement with the Little League organization, and the baseball program will be a combination of Little League and Recreation. A memo will be sent to both organizations providing the details of the agreement. A proposal from a lacrosse group was agreed upon that would allow younger children into the program. Committeewoman Hagner also advised the online system is up and running, and online registration will take place this Saturday. There is some difficulty working the girls lacrosse program into the online registration due to the wait lists, but this issue is being worked on. They are trying to accommodate all of the children. Committeewoman Hagner also advised the Open Space Committee is working with Township Planner Frank Banisch on the bike trail.

Administrator Ciccarone has asked Mr. Banisch to provide a written report on the status of the project.

Deputy Mayor Brower asked for an update on White Buffalo. Administrator Ciccarone advised the Business Registration Certificate must be provided before the purchase order would go out.

Committeeman Tubbs reported that New Providence has extra parking spaces at their Murray Hill train station and that they are willing to provide these to the residents of Chatham Township as permit parking. Initially these would be provided on a quarterly permit basis at a cost of \$250 per quarter. A maximum of 40 spots is available. Administrator Ciccarone is working with the Administrator in New Providence to work out the details. Deputy Mayor Brower suggested that once this is publicized, the availability of the parking spaces should be done on a lottery type basis. Administrator Ciccarone said the Borough of Madison had done this on a first come first serve basis and it had worked out fairly well. He further advised that this would be posted on the Township's website. Committeeman Tubbs hoped this would be the start of a good relationship with New Providence and also said metered parking for \$5 per day would also be available. With regard to Colony Pool, Committeeman Tubbs reported the slide is in the process of being installed. Also, the availability of Colony Tennis permits is currently being researched. Deputy Mayor Brower questioned the height of the slide since a lifeguard is needed if the slide is ten feet high or more. Administrator Ciccarone will look into this.

Engineer Ruschke updated the Committee that the demolition work at the Colony Tennis Courts has been completed, the majority of the drainage has been installed and the fence posts may be installed this year. The rest of the work will be finished next spring. Administrator Ciccarone advised that online registration would be used for Colony Pool also and the logistics for this are in the process of being reviewed. Administrator Ciccarone also said that the revenues at Colony Pool were slightly up from last year, but they were still analyzing the breakdown in the registration. Committeeman Hartford inquired if a covered seating area at Colony Tennis Courts was included in the contract. Administrator Ciccarone advised it was not since they thought this was something that could be done in-house for less money.

Committeeman Hartford advised that he had followed up with Morris County about the 2.1 cents open space tax and was advised the rate could be kept at two cents if a copy of the Open Space Tax Ordinance was sent to the county each year. Administrator Ciccarone said that the bottom line would remain unaffected, as the County would simply have to round another portion of the tax bill.

Committeeman Hartford also thought the speed limit by the Mt. Vernon Avenue Bridge of 35 miles per hour should be reviewed. Administrator Ciccarone asked that Officer Curtis look into whether the speed limit could be lowered.

Report on Compost- Public Works Manager Joe Smith reported that they tried to reduce expenditures at the compost site last year by increasing the fees for landscapers. As a result, the number of landscapers decreased from twenty-two to four, and therefore the pile of material that would need to be disposed of decreased tremendously. The cost to remove grass decreased from \$16,450 last year to \$3,490 this year. The revenue received also dropped from \$6500 to \$3300. The net result is positive with a savings of about \$10,000 as well as a decreased amount of time the DPW employees spent at the site. Since the volume of material had decreased, it was much easier to maintain the site. Committeeman Hartford inquired about feedback from residents and was advised there had been a few phone calls, and a copy of the ordinance was provided to them so they knew the actual costs. Deputy Mayor Brower congratulated Joe Smith.

Public Hearing/Final Adoption of Ordinances

ORDINANCE 2006-22

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, REGARDING FEES FOR RAFFLES AND ALLOWING GAMES OF CHANCE ON SUNDAYS

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

1. **Fees for Bingo and Raffle Applications.** No fee shall be charged by the Township for the issuance of a permit to conduct bingo games or raffles, except for such fees as may be payable to the State.
2. **Sunday Games of Chance.** Pursuant to N.J.S.A. 5:8-58, games of chance are permitted to be conducted on Sundays under any license issued under the authority of said statute. Licenses issued pursuant to such law shall indicate thereon that conduct of the games on Sunday is permitted.
3. **Effective Date.** This ordinance shall take effect in accordance with law.

Mayor O'Connor opened the hearing on Ordinance 2006-22 to the public. Hearing no one, Mayor O'Connor closed the public hearing and asked the Committee for their comments.

Committeeman Hartford stated he was opposed to this ordinance because Games of Chance are regulated in New Jersey and paperwork must be completed. Committeeman Hartford feels the Township should not be asking the taxpayers to subsidize raffles, and the Township should recover the costs involved. Deputy Mayor Brower added the raffle license applicants are local organizations working for the betterment of the community, and the feedback he has received has been positive.

Deputy Mayor Brower moved to adopt Ordinance 2006-22. Committeewoman Hagner seconded the motion.

Roll call: Committeewoman Hagner, Aye; Committeeman Hartford, Nay; Committeeman Tubbs, Aye; Deputy Mayor Brower, Aye; Mayor O'Connor, Aye.

Consent Agenda

RESOLUTION 2006-200

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 October 26, 2006.

RESOLUTION 2006-207

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 \$352,019.17 and the prior month's payroll of \$393,289.54 Current Fund, \$42,939.69 Sewer No. 1, \$7,403.45 Sewer No. 2, and \$11,052.87 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to School District of the Chathams for the month of December 2006, in the amount of \$2,598,622.35 be paid.

RESOLUTION 2006-208

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

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following monthly reports of departments be acknowledged as received:

- Tax Collector's Report – September
- Fire Prevention – September
- Police Department – September
- Municipal Court – October
- Public Works – October
- Construction Official – October

Emergency Squad – October
Animal Control – October

RESOLUTION 2006-210

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR
ROSARY SHRINE GUILD**

BE IT RESOLVED by the Township Committee of the Township of Chatham that off-premise raffles and on-premise raffles to be conducted by Rosary Shrine Guild on March 22, 2007, at Corpus Christi Church, Chatham Township, are hereby approved.

RESOLUTION 2006-211

**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>
Dan & Lauren Mulligan 59 Candace Lane Chatham, NJ 07928	11107	\$120.00
Rima Numan 412 Fairmount Ave Chatham, NJ 07928	11079	\$39.50

RESOLUTION 2006-215

**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:

2005 REFUNDS

BLOCK	LOT	NAME & ADDRESS	AMOUNT
15	15.03	CARLSON, GREGG & BRANIGAN, HEATHER 848 RIVER ROAD	\$1,394.97

		CHATHAM, NEW JERSEY 07928	
35	8.09	LYNCH, SCOTT M & LINDA M 12 TREE TOP LANE CHATHAM, NEW JERSEY 07928	\$ 194.26
36	16.03	LANE, SIMON C & CARYN JOY 73 MEYERSVILLE ROAD CHATHAM, NEW JERSEY 07928	\$3,608.34
37	5.01	BERNARDO, ANTHONY & MARY 18 WINDING WAY STIRLING, NEW JERSEY 17980 (55 MOUNTAIN AVE)	\$ 453.15
48.04	6	MAIORANO, PETER & SUSAN M 12 THORNLEY DRIVE CHATHAM, NEW JERSEY 07928	\$ 11.53
48.07	19	VALLE, CARLOS A & MARIA P 35 WESTMINSTER ROAD CHATHAM, NEW JERSEY 07928	\$3,642.31
52	1	ZDANOWSKI, ALAN & CAROL ANN 29 LONGHILL LANE CHATHAM, NEW JERSEY 07928	\$ 130.52
62	68	KLARLUND, NILS & LIEN TRAN 504 RIVER ROAD CHATHAM, NEW JERSEY 07928	\$2,445.94
62	102	GIBBENS, MARK G & AMY M BRADACH 59 BUXTON ROAD CHATHAM, NEW JERSEY 07928	\$ 366.30
62.09	15	KMIECIK, MICHAEL A & NANCY J 85 SUNSET DRIVE CHATHAM, NEW JERSEY 07928	\$ 297.91
62.12	6	LEVINE, MELVIN H & BERNICE 7 BIRCH HILL DRIVE CHATHAM, NEW JERSEY 07928	\$ 21.49
63	25	CONRAD, JAY & PHYLLIS 407 RIVER ROAD CHATHAM, NEW JERSEY 07928	\$ 10.64
64.01	10.01	SHOR, DAVID & KAREN L 10G HERITAGE DRIVE CHATHAM, NEW JERSEY 07928	\$ 865.52
64.02	1.04	GOLDEN, JILL 1G TERRACE DRIVE CHATHAM, NEW JERSEY	\$ 250.00
64.03	1.19	JOHNSTON, NICOLE 6C TERRACE DRIVE CHATHAM, NEW JERSEY 07928	\$ 160.76
64.03	2.06	LARSEN, FRANCES M 7H VERNON LANE CHATHAM, NEW JERSEY 07928	\$ 125.00
64.04	7.08	NIERADKA, GLORIA 187 TERRACE DRIVE CHATHAM, NEW JERSEY 07928	\$ 807.54
64.05	2.05	GUINTER, JANICE P.O. BOX 645 MADISON, NEW JERSEY 07940 (22A HERITAGE DRIVE)	\$1,099.88
65.01	9.04	LUBECK, NORMAN C & ROBERTA C 195 MCMANE AVE BERKELEY HEIGHTS, NEW JERSEY 07922 (23G CANTERBURY ROAD)	\$1,080.87

65.02	1.01	HOWLEY, SUSAN P 7G CANTERBURY ROAD CHATHAM, NEW JERSEY 07928	\$1,396.93
70	24	SORACE, ANTHONY F & CATHERINE P 12 JOANNA WAY CHATHAM, NEW JERSEY 07928	\$2,374.89
77	2.03	TOBIN, BRIAN J & KRISTA A 49 DELLWOOD AVE CHATHAM, NEW JERSEY 07928	\$ 109.20
77	5	ENGEL, CHRISTOPHER & CATHERINE 268 WASHINGTON AVE CHATHAM, NEW JERSEY 07928	\$ 100.20
78	13	BERNARD, PETER C & LURA DUNN 220 LONGWOOD AVE CHATHAM, NEW JERSEY 07928	\$1,953.06
78	19.03	COLLINS, BETTY ANN 28 DELLWOOD AVE CHATHAM, NEW JERSEY 07928	\$ 334.80
78	19.04	MEANEY, MICHAEL P 36 DELLWOOD AVE CHATHAM, NEW JERSEY 07928 (DELLWOOD AVE)	\$ 504.09
78	20	COLLINS, BETTY ANN 28 DELLWOOD AVE CHATHAM, NEW JERSEY 07928 (DELLWOOD AVE)	\$ 199.71
78	20.01	BURLINGAME, HAROLD W & SUSANNE H 24 DELLWOOD AVE CHATHAM, NEW JERSEY 07928 (DELLWOOD AVE)	\$ 138.15
80	6	SHERMAN, LAURENCE H & MAUREEN D 80 CHANDLER ROAD CHATHAM, NEW JERSEY 07928 (CHANDLER ROAD)	\$ 12.30
82	1	MARAZITI, ROSEANNE 50 INWOOD ROAD CHATHAM, NEW JERSEY 07928	\$ 129.99
86	10	DUNNE, JEFFREY D & SHERRIE L 3 YARMOUTH ROAD CHATHAM, NEW JERSEY 07928	\$ 13.54
86	13	MARSHALL, JOHN F & COLETTE 192 LAFAYETTE AVE CHATHAM, NEW JERSEY 07928	\$ 69.51
88	30	ALBITZ, LISA B & COOK, JAMES A 10 PLYMOUTH ROAD CHATHAM, NEW JERSEY 07928	\$ 15.64
89	9	BUTLER, H ERIC & CARRIE L 25 FALMOUTH ROAD CHATHAM, NEW JERSEY 07928	\$2,800.80
90	27	ULLA, JOSEPH F & MARY ANN 138 LAFAYETTE AVE CHATHAM, NEW JERSEY 07928 (SHUNPIKE ROAD)	\$ 104.73
92	13	LARSON, LAWRENCE M & RAMONA ANN 30 EDGEWOOD ROAD CHATHAM, NEW JERSEY 07928	\$ 257.43
93	4	REICHARD, JOHN B & EILEEN MS	\$ 94.02

		49 MEADOWBROOK ROAD CHATHAM, NEW JERSEY 07928	
93	7	MYERS, JAN KEVIN & DONNA M 130 CHATHAM STREET CHATHAM, NEW JERSEY 07928	\$ 57.33
95	15	WARD, JOSHUA 24 ROSE TERRACE CHATHAM, NEW JERSEY 07928 (ROSE TERRACE)	\$ 10.23
102.01	44	GIBLIN, THOMAS P & MARY LEE 27 ROLLING HILL DRIVE CHATHAM, NEW JERSEY 07928	\$3,087.72
102.04	68	O'CONNOR, WILLIAM P & EILEEN S 46 ROLLING HILL DRIVE CHATHAM, NEW JERSEY 07928	\$ 74.58
108	113.24	RYAN, ROBERT W & AYSEGUL B 17 JAY ROAD CHATHAM, NEW JERSEY 07928	\$ 166.00
111	15	MOLLO, JAMES R & KIMBERLY A 7 MITCHELL AVE CHATHAM, NEW JERSEY 07928	\$2,105.88
115	26	GRAHAM, RICHARD & NORA 27 JAY ROAD CHATHAM, NEW JERSEY 07928	\$3,551.21
139	3.01	MASTERS, SHIRLEY B & WILLIAM F 2 SPRING VALLEY ROAD GREEN VILLAGE, NEW JERSEY 07935 (SPRING VALLEY ROAD)	\$ 13.77

RESOLUTION 2006-216

**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:
State Judgment

BLOCK	LOT	OWNER NAME & ADDRESS	YEAR	AMOUNT
62	81	Chatham Hills Inc. & The Irwin Law Firm, P.A.	2004	\$22,959.42
		The Irwin Law Firm, P.A.	2005	\$73,920.00
		80 Main Street	2006	<u>\$80,640.00</u>
		West Orange, NJ 07052	Total	\$177,519.42

Property: 420 River Road
Chatham, NJ

RESOLUTION 2006-217

**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 November 9, 2006.

RESOLUTION 2006-218

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING BUDGET TRANSFERS

WHEREAS, the Township Committee of the Township of Chatham, County of Morris has determined that certain appropriations, in the 2006 municipal budget, are not sufficient to meet anticipated expenses; and

WHEREAS, N.J.S. 40A: 4-58 authorizes the transfer from appropriations where excess exists to other appropriations that are anticipated to be insufficient.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris that the following transfers are hereby affected:

Appropriation	To	From
Colony Pool S&W	\$5,600	
Police S&W	\$5,000	
Dispatch S&W		\$10,600
Total	\$10,600	\$10,600

Prior to approving the Consent Agenda, Committeeman Tubbs advised Resolution 2006-209 would need to be voted on separately since he is a member of St. Patrick Church and he would need to recuse himself. Deputy Mayor Brower asked that Resolution 2006-214 also be pulled for a separate roll call vote. With reference to Resolution 2006-217, Deputy Mayor Brower noted a correction in the November 9, 2006 minutes on page 2, report section. The minutes should read "that deer are territorial, and that when any particular area of the Township is cleared out, it will remain cleared out." Committeeman Hartford requested that Resolution 2006-212 and Resolution 2006-213 also be pulled from the Consent Agenda to be voted on after Executive Session.

Deputy Mayor Brower moved to approve the Consent Agenda as amended. Committeewoman Hagner seconded the motion.

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

RESOLUTION 2006-209

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR ST. PATRICK CHURCH

BE IT RESOLVED by the Township Committee of the Township of Chatham that off-premise raffles to be conducted by St. Patrick Church on March 17, 2007, at Corpus Christi Church, Chatham Township, are hereby approved.

Deputy Mayor Brower moved to adopt Resolution 2006-209. Committeewoman Hagner seconded the motion.

Roll call: Committeewoman Hagner, Aye; Committeeman Hartford, Aye; Committeeman Tubbs, Recuse; Deputy Mayor Brower, Aye; Mayor O'Connor, Aye.

RESOLUTION 2006-214

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ENDORSING
THE U.S. MAYORS CLIMATE PROTECTION AGREEMENT**

WHEREAS, the U.S. Conference of Mayors has previously adopted strong policy resolutions calling for cities, communities and the federal government to take actions to reduce global warming pollution; and

WHEREAS, the Inter-Governmental Panel on Climate Change (IPCC), the international community's most respected assemblage of scientists, has found that climate disruption is a reality and that human activities are largely responsible for increasing concentrations of global warming pollution; and

WHEREAS, recent, well-documented impacts of climate disruption include average global sea level increases of four to eight inches during the 20th century; a 40 percent decline in Arctic sea-ice thickness; and nine of the ten hottest years on record occurring in the past decade; and

WHEREAS, climate disruption of the magnitude now predicted by the scientific community will cause extremely costly disruption of human and natural systems throughout the world including: increased risk of floods or droughts; sea-level rises that interact with coastal storms to erode beaches, inundate land, and damage structures; more frequent and extreme heat waves; more frequent and greater concentrations of smog; and

WHEREAS, on February 16, 2005, the Kyoto Protocol, an international agreement to address climate disruption, went into effect in the 141 countries that have ratified it to date; 38 of those countries are now legally required to reduce greenhouse gas emissions on average 5.2 percent below 1990 levels by 2012; and

WHEREAS, the United States of America, with less than five percent of the world's population, is responsible for producing approximately 25 percent of the world's global warming pollutants; and

WHEREAS, the Kyoto Protocol emissions reduction target for the U.S. would have been 7 percent below 1990 levels by 2012; and

WHEREAS, many leading US companies that have adopted greenhouse gas reduction programs to demonstrate corporate social responsibility have also publicly expressed preference for the US to adopt precise and mandatory emissions targets and timetables as a means by which to remain competitive in the international marketplace, to mitigate financial risk and to promote sound investment decisions; and

WHEREAS, state and local governments throughout the United States are adopting emission reduction targets and programs and that this leadership is bipartisan, coming from Republican and Democratic governors and mayors alike; and

WHEREAS, many cities throughout the nation, both large and small, are reducing global warming pollutants through programs that provide economic and quality of life benefits such as reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, improved transportation choices, and economic development and job creation through energy conservation and new energy technologies; and

WHEREAS, mayors from around the nation have signed the U.S. Mayors Climate Protection Agreement which, as amended at the 73rd Annual U.S. Conference of Mayors meeting, reads:

The U.S. Mayors Climate Protection Agreement

A. We urge the federal government and state governments to enact policies and programs to meet or beat the target of reducing global warming pollution levels to 7 percent below 1990 levels by 2012, including efforts to: reduce the United States' dependence on fossil fuels and accelerate the development of clean, economical energy resources and fuel—efficient technologies such as conservation, methane recovery for energy generation, waste to energy, wind and solar energy, fuel cells, efficient motor vehicles, and biofuels;

B. We urge the U.S. Congress to pass bipartisan greenhouse gas reduction legislation that includes 1) clear timetables and emissions limits and 2) a flexible, market—based system of tradable allowances among emitting industries; and

C. We will strive to meet or exceed Kyoto Protocol targets for reducing global warming pollution by taking actions in our own operations and communities such as:

1. Inventory global warming emissions in City operations and in the community, set reduction targets and create an action plan.
2. Adopt and enforce land—use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities;
3. Promote transportation options such as bicycle trails, commute trip reduction programs, incentives for car pooling and public transit;
4. Increase the use of clean, alternative energy by, for example, investing in “green tags”, advocating for the development of renewable energy resources, recovering landfill methane for energy production, and supporting the use of waste to energy technology;
5. Make energy efficiency a priority through building code improvements, retrofitting city facilities with energy efficient lighting and urging employees to conserve energy and save money;
6. Purchase only Energy Star equipment and appliances for City use;
7. Practice and promote sustainable building practices using the U.S. Green Building Council’s LEED program or a similar system;
8. Increase the average fuel efficiency of municipal fleet vehicles; reduce the number of vehicles; launch an employee education program including anti-idling messages; convert diesel vehicles to bio-diesel;
9. Evaluate opportunities to increase pump efficiency in water and wastewater systems; recover wastewater treatment methane for energy production;
10. Increase recycling rates in City operations and in the community;
11. Maintain healthy urban forests; promote tree planting to increase shading and to absorb CO₂; and
12. Help educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution.

NOW, THEREFORE, BE IT RESOLVED that the Township of Chatham endorses the U.S. Mayors Climate Protection Agreement as written and urges mayors from around the nation to join this effort.

BE IT FURTHER RESOLVED, that the Township of Chatham will work in conjunction with ICLEI Local Governments for Sustainability and other appropriate organizations to track progress and implementation of the U.S. Mayors Climate Protection Agreement.

Deputy Mayor Brower said that he thought this resolution could have a great deal of unintended consequences and that it is extremely political. Deputy Mayor Brower advised many areas of the country have discussed this and there is a great deal of disagreement with portions of this, particularly with the Kyoto treaty calling for the major producers of the world to limit their emissions output. Deputy Mayor Brower noted the major countries do not include India, China and North & South Korea, therefore putting the U.S. industry and strength of production into a risk basis. Deputy Mayor Brower said many of the recommendations are reasonable, but there are certain statements in the resolution that have not been proven. Deputy Mayor Brower feels

there is evidence of global warming, and that some of the recommendations could be adopted, but not make the resolution a product of credibility extreme. Deputy Mayor Brower stated he would not sign onto this resolution because it is a political document. Mayor O'Connor thought that while some of what Deputy Mayor Brower said is true, this community values the environment and if the resolution were adopted he would ask the Environmental Commission for some realistic proposals to start the change.

Committeeman Tubbs moved to adopt Resolution 2006-214. Committeeman Hartford seconded the motion.

Roll call: Committeewoman Hagner, Aye; Committeeman Hartford, Aye; Committeeman Tubbs, Aye; Deputy Mayor Brower, Nay; Mayor O'Connor, Aye.

Discussion: possible ordinance or resolution

Tree Ordinance

Mayor O'Connor indicated that a revised tree ordinance would be introduced in January. Committeewoman Hagner said that the current ordinance was reviewed to determine what aspects of the ordinance should be revised. Changes include having the ordinance apply equally to all property owners, regardless of the size of the property. Committeewoman Hagner also pointed out that the goal of the new tree ordinance would be to have less of a loss of trees. An additional change would be that any tree having a diameter over 18 inches must be replaced. Committeeman Tubbs said that under the new ordinance, developers could apply for a waiver from the Land Use Office, and suggested having developers consult a professional arborist to determine how many trees could be replaced and what the waiver conditions would be. Deputy Mayor Brower asked if the arborist would oversee tree removal in the township. Committeewoman Hagner indicated that the arborist would at least perform an initial site inspection, but they would not have to review requests for the removal of one or two trees. Committeeman Tubbs pointed out that the costs involved in having an arborist review all the requests involving tree removal, not just the significant projects, would cause a dramatic increase in the cost of tree removal permits, and added that it was not envisioned to have the arborist be a full-time employee. Deputy Mayor Brower suggested that the arborist should have the authority to issue a summons for violations of the tree ordinance. Committeewoman Hagner said that in addition to fines, penalties would also include remediation. She also said that the Tree Committee looked into creating a tree credit, but it was not deemed to be feasible. Deputy Mayor Brower suggested that with regard to tree credits, the dollar value of the tree should be considered. Committeeman Tubbs said they were trying to prevent "twigs" in front of the house and that replacements were based on the type of tree, not just the size. Committeeman Tubbs explained that the ordinance now allows only three trees to be removed and that even when trees are dead or dying, replacement would be required. The Planning Board had also sent a memo recommending that replacement should be required for native species that are lost. Committeewoman Hagner noted that the proposed ordinance indicates that with replacement, native trees are preferred rather than required. Administrator Ciccarone remarked that the original tree ordinance required an individual to get a permit to remove a tree 18 inches or larger in diameter. The ordinance was then amended such that someone could remove anything they want, but certain types of trees would need to be replaced. Committeeman Tubbs clarified that this draft of the ordinance would still allow an individual to take down three trees every 18 months, provided that the trees are between 12 and 18 inches in diameter. If trees more than 18 inches in diameter are removed, a replacement would be required, making this ordinance more stringent with regard to the replacement component than what is in the original ordinance. Administrator Ciccarone raised concerns about regulating single-family home development and requiring a landscaping plan in the absence of an application before the Planning Board. Committeeman Tubbs explained that a tree permit could be required whether or not a lot-grading plan is needed. Committeeman Hartford said he had supported the ordinance in the past because of the commitment by the Township Committee to strengthen the ordinance in the future. However, the request by the Environmental Commission for protecting existing trees and buffers is not in the ordinance. Committeemen Hartford also thought the concepts suggested by Joel Jacobson of the Planning Board were being ignored. Committeeman Hartford questioned what the Committee is trying to accomplish. Committeeman Tubbs responded that the Tree Committee has met regularly with the Land Use Office and Joe Smith over the past year trying to

understand what is or is not working in the current Tree Ordinance. There are some areas in the current ordinance that are not always being enforced. The Tree Committee has discussed buffers and supports them, but has yet to come up with a way that can be implemented.

Committeewoman Hagner explained with tree protection, the arborist would do the inspection and would try to enforce the protection of trees that are not in the area of the development.

Administrator Ciccarone said the ordinance does not prohibit the removal of trees, and suggested that with stricter protective measures during construction, the builder does not have the incentive to save the tree since it is easier to take it down and plant a replacement. Committeeman Tubbs noted that if trees were preserved, the planting of additional trees could be waived.

Mayor O'Connor opened the meeting to the public.

1. Mary Olmsted, member of the Tree Committee, informed the Committee that permit applications for about 12 trees were denied during the past year, but there are many people removing trees without permits. The purpose of this ordinance is to obtain a no net tree loss.
2. June Tullman, member of the Tree Committee, said they are trying to save trees, but there must be some compromise in order to come to an agreement. Mrs. Olmsted added that the issue of buffers was very difficult to incorporate into the ordinance, and she would rather give people the choice where to replace trees. Committeeman Hartford thought there should be a higher standard in the 15-foot buffer in the R3 zone, and also thought that there should be a replacement tree bank. Attorney Woodward said a recent court decision frowned upon requiring people to plant trees somewhere else without a very specific plan.
3. Kathy Abbott, Township resident, suggested that a landscape plan be required as part of the approval process on a building plan for a knockdown. Administrator Ciccarone responded that was no statutory authority to have the landscape requirement as part of the building process for single-family properties as opposed to a subdivision application. Administrator Ciccarone further pointed out that there are negative conditions that can be associated with trees along a property line, and that not every single tree should be protected. Additionally, Administrator Ciccarone said that he thinks that the tree ordinance that was in effect when he first became employed by Chatham Township was far superior to the current ordinance. He would like to see those rules and regulations readopted, so long as enforcement of the ordinance rests with Township employees and not with the Tree Protection Committee. Committeewoman Hagner suggested that the Tree Committee have the opportunity to review the original ordinance cited by Administrator Ciccarone. Mary Olmstead said that the current ordinance has a requirement that the builders use tree tables to state how many trees will be removed and how many will remain. Certificates of Occupancy are not supposed to be issued until the requisite numbers of trees are on the property. Deputy Mayor Brower said that builders are creating the most problems, and that the goal is to avoid having the clear-cutting of properties. Engineer Ruschke commented that it is difficult to save many of the mature trees due to storm water regulations and requirements for dry wells. He said that the tree ordinance referenced by Administrator Ciccarone had stricter replacement requirements. Administrator Ciccarone added that there are not many examples of clear-cutting. Attorney Woodward said that replacement requirements would help control the sizes of new houses. Also, part of the problem is with enforcement of the tree ordinance, and the people who enforce it are part-time employees. Furthermore, Attorney Woodward suggested adding into the ordinance more disincentives for tree removal. Deputy Mayor Brower asked if tax credits could be used as an incentive for the planting of trees. Attorney Woodward said that this could not be done, as there is no state law allowing for it.
4. Lydia Chambers said that the Planning Board has not been given a definitive legal opinion regarding regulation of landscaping plans for single-family homes being prohibited. She has however heard of a municipality that has landscaping regulations under general policing. Attorney Woodward said that there could be a general property maintenance code as derived from general police powers. However, single-family homes can only be regulated for zoning, not for landscaping. Mrs. Chambers said that she does not think this ordinance would be strict enough. She would like to see provisions added

that require taller-growing trees, and would like to see it be required that every tree taken down be replaced. Mrs. Chambers likes the idea of hiring an arborist, but thinks that there needs to be a review process. Engineer Ruschke indicated that what is being sought is a tree replacement plan, rather than a landscaping plan. An arborist could make determinations as to whether a tree replacement plan is acceptable. Committeeman Hartford cited legislation in Cape May Point Borough requiring that prior to the issuance of a zoning permit for additions to existing structures that increase lot coverage by more than 10 percent, a landscaping plan is required that constitutes at least 60 percent vegetative covering of the lot. It also has strict requirements regarding trees. Administrator Ciccarone suggested that these requirements might be in reference to beach protection. Mrs. Chambers read aloud a letter from Kathy Metrocavich. The letter stated that small trees should not be allowed to be removed, and that there should be a minimum number of trees required for each lot.

5. Andy Stillinger, Noe Avenue resident, spoke about a builder who opted out of taking down a tree that could have been removed. Mr. Stillinger said that discussion of the tree ordinance began approximately ten years ago when there was an upsurge in teardowns, and in response to the clear-cutting of lots. He further suggested that the real issue is the severity of change in a short period of time, and said that the Township Committee should pay more attention to matters that affect quality of life.
6. Dr. Emile DeVito, from the NJ Conservation Foundation, said that there are many non-native species of trees that are not invasive, and they should be allowed to be planted as replacement trees. In regards to Committeeman Hartford's comments about Cape May Point, Dr. DeVito said that the requirements are a response to teardowns. Dr. DeVito also suggested that the Township Committee review the Scotch Plains / Fanwood ordinance regarding rain gardens as a means to help address both extra runoff and vegetation at the same time.

Mayor O'Connor closed the public comment section on the tree ordinance. Mayor O'Connor further indicated that the tree ordinance needs to be re-examined and would continue to be a priority for next year.

Hearing of Citizens / Petitions

Mayor O'Connor opened the Hearing of Citizens.

1. Andy Stillinger, Noe Avenue resident, asked Mayor O'Connor about a comment from the previous meeting about 70-foot wide houses on 100-foot wide lots in the R3 zone. Mr. Stillinger said that he does not have a problem with houses that wide, but with the drastic short-term change from low houses with mature trees to tall houses with no trees. He also feels that his suggestion to follow Millburn's ordinance with a stepped sideyard set back is a simple plan. Mayor O'Connor stated that it was not simple to this Committee. Mr. Stillinger pointed out that by requiring houses to be narrower, many current homes would become non-conforming structures.
2. Dr. Emile DeVito, from the New Jersey Conservation Foundation (NJCF), said that the NJCF is willing to provide help with regard to the Rolling Knolls Landfill site. Dr. DeVito cited a NJ State Supreme Court decision that upheld Mt. Laurel's condemnation of a property for use as open space. Once the Rolling Knolls site is remediated, it is possible to have it remain designated as open space.

Seeing no further comment, Mayor O'Connor closed the Hearing to Citizens.

Deputy Mayor Brower addressed the leaf ordinance. He said that 15 people were cited for leaving leaves alongside the street. Deputy Mayor Brower suggested that whenever an ordinance such as this is passed, more of an effort should be made to inform residents of the law, and feels that the Police Department owes those residents who received summonses an apology. Administrator Ciccarone indicated that he looked into the matter, and added that once a summons is issued, only the courts can address the actual summons. Administrator Ciccarone also said that the Police Department was enforcing an ordinance adopted by the Township Committee, and the Township Committee had recently criticized the Police Department for not

adequately enforcing municipal ordinances. Additionally, the court appearances were required because the fines were not in the fine schedule, and the stormwater regulations adopted last year does have a provision for issuing a warning to residents before issuing summonses. Deputy Mayor Brower said that there is a perception that the Police Department is acting in a hard fashion, and there needs to be some discretion. Administrator Ciccarone said that the Township Committee should not criticize the Police Department for failing to enforce one ordinance and then proceed to be critical when the Police Department does enforce another ordinance.

Mayor O'Connor called for a five-minute recess at 10:40 PM.

Executive Session

RESOLUTION 2006-P-11

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED

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.

Deputy Mayor Brower moved to adopt Resolution 2006-P-11 to go into Executive Session at 10:45 p.m. Committeeman Tubbs seconded the motion.

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

The Committee returned from Executive Session at 11:40 P.M.

RESOLUTION 2006-212

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING JAMES J. DECAPRIO TO THE PUBLIC WORKS DEPARTMENT

BE IT RESOLVED by the Township Committee of the Township of Chatham that James J. DeCaprio be, hereby, appointed to the Department of Public Works effective January 1, 2007. The terms and conditions shall be governed by the Teamsters contract.

Deputy Mayor Brower moved to adopt Resolution 2006-212. Committeewoman Hagner seconded the motion.

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

RESOLUTION 2006-213

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING THE PROMOTION OF DONALD KIDD

WHEREAS, there exists a vacancy in the position of Streets and Roads Foreman, and
WHEREAS, Joseph Smith, Public Works Manager has recommended that Donald Kidd
be promoted to the position of Streets and Roads Foreman;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the
Township of Chatham that Donald Kidd is hereby appointed to the position of Streets and Roads
Foreman for the Township of Chatham Department of Public Works effective December 8, 2006
with an annual salary as delineated in the Agreement between the Township of Chatham and the
International Brotherhood of Teamsters Local No. 866.

Deputy Mayor Brower moved to adopt Resolution 2006-213. Committeewoman Hagner
seconded the motion.

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

Deputy Mayor Brower moved to adjourn at 11:45 P.M. Committeeman Tubbs seconded the
motion and it carried unanimously.

Joy M. Wiley
Municipal Clerk