

TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE AGENDA

April 12, 2018
April 10, 2018 Draft

Meeting Called to Order

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both The Chatham Courier and the Morris County Daily Record on January 5, 2018; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 5, 2018; and notice was filed with the Township Clerk on January 5, 2018.

Flag Salute – Chatham Township Volunteer Fire Department

Roll call

Approval of Agenda

Proclamation - Volunteer Month

Reports:

Annual Reports

1. Zoning Board of Adjustment
2. Planning Board

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

Public Hearing & Final Adoption of 2018 Municipal Budget Amendment

1. Resolution 2018-077 Adopting Amended 2018 Municipal Budget

Public Hearing/Final Adoption of Ordinances

1. Ordinance 2018-05 Repealing Subsection 30-96.9b Regarding Unregulated Pipelines
2. Ordinance 2018-07 Prohibiting Marijuana Cultivation, Production Testing, Manufacturing Facilities and Retail Stores in all Zone Districts
3. Ordinance 2018-09 Colony Pool Fees

Introduction of Ordinances

1. Ordinance 2018-10 Multi-Purpose Bond Ordinance
2. Ordinance 2018-11 Tree Management Ordinance
3. Ordinance 2018-12 Repealing Section 30-34A

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

1. Resolution 2018-078 Payment of Bills
2. Resolution 2018-079 Approving Meeting Minutes
3. Resolution 2018-080 Approving Executive Session Minutes
4. Resolution 2018-081 Refunding Overpayment of Sewer Fees
5. Resolution 2018-082 Appointing Alternate Member to the Planning Board

Discussion: possible ordinance or resolution

Hearing of Citizens (Time Permitting)

Executive Session* – 2018-P-05

1. Litigation: In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15
2. Litigation: Fair Share Housing Center v. Township of Chatham Docket No. MRS-L-000234-18

Adjourn

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

ORDINANCE 2018-05

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, AMENDING CHAPTER XXX, ARTICLE 7, TITLED “ZONING REGULATIONS”, SECTION 30-96.9, TITLED “PROHIBITED USES”, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM BY REPEALING SUBSECTION 30-96.9b REGARDING UNREGULATED PIPELINES.

WHEREAS, on December 18, 2017, the Township Committee of the Township of Chatham adopted Ordinance 2017-20 titled “Ordinance of the Township of Chatham, County of Morris, Repealing Chapter XXX, Article 6, Section 30-64.3A of the Revised General Ordinances of the Township of Chatham titled ‘Great Swamp Watershed Overlay District Stormwater Management Ordinance’ and Replacing with a New Chapter XXX, Article 7, Section 30-83 titled Watershed Protection”; and

WHEREAS, Ordinance 2017-20 provides comprehensive regulation of pipelines within the Township of Chatham in order to protect environmental resources and protect from degradation to the environment, including the lands, water and air; and

WHEREAS, Ordinance 2017-20 makes pipelines conditional uses in the Township; and

WHEREAS, Ordinance 2017-20 is in direct conflict with Section 30-96.9b, which prohibits pipelines that are not public utilities and are unregulated within the Township; and

WHEREAS, the Township Committee desires to resolve this conflict by repealing Section 30-96.9b.

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

Section 1 Chapter XXX, Article 7, titled “Zoning Regulations”, Section 30-96.9, titled “Prohibited Uses”, of the Revised General Ordinances of the Township of Chatham is hereby amended by repealing Subsection 30-96.9b, specifically:

- b. Pipelines that are not public utilities that distribute services to end users and are unregulated by the State of New Jersey Board of Public Utilities are prohibited in all zone districts.

Section 2 The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Morris County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities.

The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this section, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 3 After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Chatham for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is

directed to make and transmit to the Township Committee, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 4 If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 5 All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6 This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Introduced: February 22, 2018

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

Adopted:
Attest:

BY: _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

ORDINANCE 2018-07

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
AMENDING CHAPTER XXX, ARTICLE 7, TITLED “ZONING REGULATIONS”,
SECTION 30-96.9, TITLED “PROHIBITED USES”, OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF CHATHAM PROHIBITING MARIJUANA
CULTIVATION, PRODUCTION, MANUFACTURE, AND SALE.**

WHEREAS, the Township of Chatham has under the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., and the police power, N.J.S.A. 40:48-1, et seq., the authority to regulate land uses within its municipal boundaries; and

WHEREAS, the Township Committee of the Township of Chatham believes that it is in the best interest of the health, safety and welfare of its residents that Chapter XXX of the Land Development Regulations of the Township of Chatham, Article 7, titled “Zoning Regulations”, Section 30-96.9, titled “Prohibited Uses”, be amended to prohibit the operation of marijuana cultivation facilities, marijuana production or manufacturing facilities, marijuana testing facilities, and retail marijuana stores in all zone districts.

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

Section 1. Chapter XXX of the Land Development Regulations of the Township of Chatham, Article 7, titled “Zoning Regulations”, Section 30-96.9, titled “Prohibited Uses”, is hereby amended to add a new subsection b as follows:

30-96.9 Prohibited Uses

- a. Where a use is not specifically permitted in a zone district, it is prohibited.
- b. Marijuana cultivation facilities, marijuana production or manufacturing facilities, marijuana testing facilities, and retail marijuana stores are prohibited in all zone districts.

Section 2. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Morris County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities.

The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this section, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 3. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Chatham for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 5. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Introduced: February 22, 2018

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

Adopted:

Attest:

BY: _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

ORDINANCE 2018-09

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, ESTABLISHING POOL MEMBERSHIP FEES FOR
COLONY RECREATION CENTER COMMENCING 2018**

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that Section 20-1 of the Township Code is hereby amended to read as follows:

1. **20-1 POOL MEMBERSHIP FEES AT THE COLONY RECREATION CENTER.**

a. The following schedule of Colony Recreation Center Fees for Pool Membership is hereby established:

Chatham Township Resident Rates	
Family – includes parent(s) and children under 23 years old	\$525
Couple	\$410
Individual – 14 years and older	\$250
Senior Citizen – 62 or older	\$75
Senior Citizen couple – one must be 62 or older	\$125
Babysitter/nanny/parent helper (must accompany family member)	\$100
Adult twilight daily fee (4:30 P.M. until closing) (Township Residents only)	\$5
Non-Resident Rates	
Family – includes parent(s) and children under 23 years old	\$715
Couple	\$590
Individual – 14 years and older	\$350
Senior Citizen – 62 or older	\$125
Senior Citizen couple – one must be 62 or older	\$200
Babysitter/nanny/parent helper (must accompany family member)	\$150
Daily Guest – accompanied by Member	\$10

No refunds will be made after opening day.

b. *Reduced Fees for Emergency Response Organization Volunteers.* Active members of the Chatham Emergency Squad, Green Village Volunteer Fire Department, and Chatham Township Volunteer Fire Department, who are eligible for the Length of Service Award Program (LOSAP), shall be entitled to a fifty (50%) percent reduction in the fee for the appropriate pool membership category listed above.

2. The Township Administrator, in consultation with the Colony Recreation Center liaison, may authorize special promotional events and offer special discounts to promote Colony Recreation Center membership.

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

Introduced: March 22, 2018

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

Adopted: April 12, 2018

Attest:

BY: _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

ORDINANCE 2018-10

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$835,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

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

Section 1. The Township of Chatham, in the County of Morris, State of New Jersey (the "Township") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery and new automotive vehicles, including original apparatus and equipment, in, by and for said Township, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Acquisition of new additional or replacement equipment and machinery for the use of the Department of Public Works ("DPW"), including, but not limited to, a fuel management system for use at the DPW Yard.

Appropriation and Estimated Cost		\$
	17,500	
Down Payment Appropriated		\$ 875

Bonds and Notes Authorized	\$ 16,625
Period of Usefulness	15 years

B. Acquisition of new additional or replacement equipment and machinery and new automotive vehicles, including original apparatus and equipment, for the use of the DPW, including, but not limited to, pickup trucks with plows.

Appropriation and Estimated Cost	\$ 85,000
Down Payment Appropriated	\$ 4,250
Bonds and Notes Authorized	\$ 80,750
Period of Usefulness	5 years

C. Undertaking of improvements to various roads, as set forth on a list prepared or to be prepared by the Township Engineer and placed on file with the Township Clerk and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Township Committee, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$ 500,000
Down Payment Appropriated	\$ 25,000
Bonds and Notes Authorized	\$ 475,000
Period of Usefulness	10 years

D. Undertaking of improvements to various public buildings, including, but not limited to: (i) exterior improvements to the Municipal Building; and (ii) replacement of garage doors at DPW Building No. 1. It is hereby determined and stated that said public buildings to be improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 150,000
Down Payment Appropriated	\$ 7,500
Bonds and Notes Authorized	\$ 142,500
Period of Usefulness	15 years

E. Acquisition of new additional or replacement equipment and machinery consisting of self-contained breathing apparatus equipment and various items of firefighting, emergency and safety equipment for the use of the Volunteer Fire Departments.

Appropriation and Estimated Cost	\$ 50,000
Down Payment Appropriated	\$ 2,500
Bonds and Notes Authorized	\$ 47,500
Period of Usefulness	5 years

F. Undertaking of various improvements to Colony Pool, including, but not limited to: (i) installation of a new chlorine pump; (ii) installation of safety railing on the dock; and (iii) refurbishment of tennis courts.

Appropriation and Estimated Cost		\$
	32,500	
Down Payment Appropriated		\$ 1,625
Bonds and Notes Authorized		\$ 30,875
Period of Usefulness		15 years

Aggregate Appropriation and Estimated Cost		\$ 835,000
Aggregate Down Payment Appropriated		\$ 41,750
Aggregate Amount of Bonds and Notes Authorized		\$
	793,250	

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$20,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$41,750, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purposes. The sum of \$41,750 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$793,250 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$793,250 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 10.38 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$793,250 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 14. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 15. 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 ordinance. Said obligations shall be direct, unlimited and general obligations of the Township,

and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Introduced: April 12, 2018

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

Adopted:

Attest:

BY: _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

DRAFT

ORDINANCE 2018-11

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, REPEALING AND REPLACING CHAPTER XXII, TITLED “PROTECTION OF TREES”, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM, AND REPLACING WITH A NEW CHAPTER XXII, “TREE MANAGEMENT”.

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

Section 1. Chapter XXII, titled “Protection of Trees”, is hereby repealed.

Section 2. Chapter XXII shall be replaced as follows:

CHAPTER XXII TREE MANAGEMENT

22-1 PURPOSES.

- a. To regulate the removal and replacement of trees within the Township and to provide penalties for violations of such regulations.
- b. To preserve trees within the Township, through both protection and replacement, as well as to control indiscriminate destruction of trees. This chapter places special emphasis on the preservation and replacement of trees around the perimeter of a property. It is not intended to restrict homeowners from reasonable utilization of their property or from removing dead, diseased, or hazardous trees. It is not intended to restrict homeowners from conducting routine pruning of trees or other maintenance procedures in areas of overgrown vegetation.

22-2 DEFINITIONS.

As used in this chapter:

Conceptual Tree Management Plan shall mean an engineered plan of sufficient detail to clearly show the intended scope and design of the proposed development including, but not limited to, building footprints, changes in imperious cover, location of drainage features, and pools. The plan must also show existing property features, property lines, setback lines, and all trees located on the property. The plan shall be submitted for the sole purpose of evaluating the proposed tree removal and possible alternative designs to reduce or eliminate the removal of mature or healthy trees with desirable characteristics. The plan is not intended to be a fully engineered Lot Grading Plan and does not require architectural plans.

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

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 at a point four and one-half (4.5) feet above the ground level on the downhill side for existing trees.

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

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

Licensed Tree Expert (LTE) shall mean a person licensed to provide tree expert services in the State of New Jersey by the New Jersey Board of Tree Experts under the New Jersey Department of Environmental Protection pursuant to N.J.S.A. 45:15C-11, et. seq.

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 two and one-half (2.5) inch caliper deciduous shade tree or conifer, as measured at a point four and one-half (4.5) feet above the base of the trunk, which species is native and long lasting. A list of recommended replacement trees is available from the Township Land Development Office and in Appendix A hereto.

Screening shall mean one or more trees or hedges, or fencing, which provides a visual barrier between properties.

Subdividable lot shall mean an undeveloped portion of a legally established and existing parcel of land, which portion meets the minimum zoning requirements in the zone in which it 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 on the property.

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

Tree replacement plan shall mean a plan including tabular and pictorial markings regarding the total number and size of trees to be removed, the total number of trees that will remain and the size of said trees, the total number of replacement trees, and the total number of trees to be protected.

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

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

22-3 GENERAL PROVISIONS.

22-3.1 Location of trees; Determination.

A tree shall be considered to be located upon a lot if any part of the trunk or main stem of the tree is located upon such lot. If the trunk is located on more than one (1) lot, the tree shall be considered to be located on each such lot. If a tree is located upon two (2) or more lots for the purposes of this chapter, any application for work related to said tree shall be made upon mutual agreement of the respective owners as evidenced by their signatures upon the application.

22-3.2 Applicability.

Any person who proposes to remove any tree (as defined herein) on a developed lot, an undeveloped lot, or a subdividable lot, shall 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 located within the Township;
- b. Nail or otherwise attach anything to any tree located within the Township;
- c. Operate, place or maintain within the drip line area of any tree, or within six (6) feet of the trunk of any tree, whichever is greater, located on any undeveloped or subdividable lot within the Township, any machinery, equipment, heavy objects, stone, rocks, cement, earth, soil or other substance, which may harmfully affect such tree by unduly compressing the earth or otherwise impeding or preventing the access of water or air to the roots of such tree; or
- d. Excavate around, remove earth or soil from, or cause water to flow upon the roots of, any tree on any undeveloped or subdividable lot located within the Township in any manner that may harmfully affect such tree.

22-4.3 Regulated Activities.

- a. No person shall remove any tree from any developed lot, undeveloped or subdividable lot, until a tree removal permit has been obtained with respect to such lot in accordance with the provisions of this chapter.
- b. No public utility, except as authorized by the Vegetation Management Rules (N.J.A.C. 14:5-9.1), shall perform, or authorize the performance of, any maintenance work on any overhead wires, underground pipes or conduits, wherein any pruning, defacing, scarring or removal of trees will occur, without having previously applied for, and obtained, approval from the Township Land Use Office. Public utilities shall follow the American National Standards Institute (ANSI) A300 for pruning and maintenance of trees.

22-4.4 Tree Replacement and Reforestation.

- a. If the removal of one or more trees is requested and the lot is at, or below, the recommended density set forth in this chapter, then replacement trees shall be required for each tree removed. The Zoning Officer or designee shall have the discretion to require the planting of hedges or other screening as an alternative to replacement tree(s) if same would provide a better visual barrier and/or better serve the purpose of this chapter.
- b. Exceptions to the planting of replacement tree(s) may be granted by the Zoning Officer or designee for the following conditions: Trees that are deemed by the Zoning Officer or designee to be (1) significantly damaged by catastrophic wind or storm, (2) unsafe, (3) dead, or (4) diseased, or (5) where conditions will not likely lead to the planting of additional trees (e.g. meadows). If the owner or applicant reasonably believes that the tree constitutes an imminent hazard to life or property, the tree may be removed provided that a permit is applied for as soon after the removal as reasonably practicable.
- c. Replacement tree(s) shall be located on site, unless otherwise approved by the Zoning Officer or designee.
- d. The type of replacement trees to be planted shall be in accordance with Appendix A: hereto, unless otherwise approved by the Zoning Officer or designee. Native species are preferred.

- e. Replacement trees required pursuant to this chapter shall be in addition to any trees required pursuant to subsection 30 - 63.1h (addressing the planting of shade trees in subdivisions).
- f. Unless approved by the Zoning Officer or designee, replacement trees shall be installed within the following setbacks (i.e., trees shall be planted in the area between the property line and the setback line):

Rear Yard	25 feet
Side Yard	10 feet
Front Yard	20 feet

- g. Trees removed within the right-of-way, or within 20 feet of the front yard property line, shall be replaced (one for one) with four (4) inch caliper deciduous shade trees. Replacement trees shall be spaced a minimum of forty (40) feet apart. The maximum required number of four (4) inch caliper replacement trees in the front yard is two (2) for lots less than 110 feet wide. For wider lots, one additional tree shall be installed for every forty (40) feet of lot width greater than 110 feet.
- h. An exception to the required number of replacement trees may be granted by the Zoning Officer or designee if the Applicant's LTE determines that planting the number of required replacement trees is not feasible due to lack of canopy space, poor soils or other reasonable site constraints.

22-4.6 Site Protection During Construction.

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

- a. Tree protection measures, including snow fencing or other durable material, shall be installed on the lot around the trees to be protected, and the proper installation of said protection measures shall be verified by the Zoning Officer or designee prior to soil disturbance;
- b. Protective barriers shall not be supported by the plants or trees they are protecting, but shall be self-supporting. Barriers shall be a minimum of four (4) feet high and shall not be removed until construction is complete;
- c. Snow fencing used for tree protection shall be firmly secured along the dripline area, but not less than six (6) feet from the trunk when the dripline is less than six (6) feet;
- d. The grade of the land located within the dripline area 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 located less than six (6') feet from the trunk of any tree;
- e. No soil stockpiling, storage of building materials, parking or driving of construction equipment or vehicles shall be permitted within the dripline area or within six (6) feet of any remaining trees, whichever is greater;
- f. Any clearing within the dripline area, or within six (6) feet of the trunk of a remaining tree, whichever distance is greater, shall be done by hand or nonmechanical equipment; and
- g. Where a tree that has been designated for preservation is severely damaged and unable to survive, replacement trees shall be planted as provided in subsection 22-4.4.

22-5 APPLICATION FOR TREE REMOVAL PERMIT.

22-5.1 Application Information.

- a. An applicant, or any person desiring to remove any tree shall file an application for a tree removal permit with the Land Use Office and shall not commence the regulated activity without first having been issued a tree removal permit. The application form is available in the Land Use Office or on the Township website at www.chathamtownship.org. The applicant shall attach to the application a survey or other document satisfactory to the Zoning Officer or designee which accurately sets forth the location of the tree or trees and evidence of the ownership thereof. Each application shall include a tree replacement plan, if applicable. The Tree Replacement Plan shall accurately indicate the size, type and

location of trees to be planted. Each filed application constitutes permission to have the site inspected by the Zoning Officer or other designee. The application shall have appended to it the List of Recommended Replacement Trees set forth herein as Appendix A.

- b. The removal, protection, and replacement of trees, in accordance with a lot grading plan or site plan, must be identified on the plan submitted with said application to the Planning Board, Board of Adjustment, Township Construction Official or Township Engineer. The Tree Replacement Plan shall include both tabular and pictorial markings of the following information:
 1. Total number and size of tree(s) to be removed;
 2. Total number of trees that will remain and size;
 3. Total number of replacement tree(s) (inclusion of species required); and
 4. Number of tree(s) to be protected.
- c. A tree removal permit shall be submitted prior to any Uniform Construction Code (UCC) demolition permit being issued for a property. The application shall include a Conceptual Tree Management Plan for any proposed development on the property. Conceptual Tree Management Plans must be approved by two of the following municipal officials: Zoning Officer, Township Engineer, Construction Code Official. When no tree removal is proposed, a certification regarding same shall be provided to the Construction Code Official prior to issuance of the UCC permit.

22-5.2 Identification of Trees; Lot Diagram Requirements.

Unless the tree or trees can be identified and located by description to the satisfaction of the Zoning Officer or designee, the application shall be accompanied by two (2) copies of a dimensioned lot diagram identifying the precise location of all trees to be removed and all replacement trees.

22-5.3 Filing of Applications.

An application shall be considered filed when it has been properly completed as determined by the Zoning Officer or designee and delivered to the Township Land Use Office.

22-5.4 Acceptance of Application.

A tree removal permit shall not be issued by the Zoning Officer or designee for any part of a subdivision, site plan, or lot grading plan, until the appropriate land use 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.

22-6.1 Fees.

A fee of \$50 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 fee required by subsection 22-6.1 is to cover Township expenses for review of the application and inspections. No fee shall be returned to any applicant by reason of the disapproval, in whole or in part, of any application.

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

22-7.1 Review of Applications.

- a. All tree removal permit applications shall be reviewed by the Zoning Officer or designee, to determine whether there is a basis for the issuance of a tree removal permit, which review may require inspection of the site that is the subject of the tree removal permit application.

- b. All tree removal permit applications in connection with lot grading plans, building permits, or site plans, shall be reviewed by the Zoning Officer or designee, to determine whether there is a basis for the issuance of a removal permit, which review may require inspection of the site that is the subject of the tree removal permit application.
- c. The following criteria shall be considered in reviewing applications for tree removal permits:
 1. The removal of mature, healthy trees with desirable characteristics shall be avoided. If tree removal is part of a development project, a Conceptual Tree Management Plan shall be submitted demonstrating that saving the subject tree(s) is not reasonably practical. The reduction of the building, or impervious, coverage area to a ratio below the maximum permitted coverage on the property by ordinance, shall not be deemed a reasonably practical basis for saving a tree(s);
 2. Dead and diseased trees may be removed. A certification from an LTE shall be provided with the application to support such tree removal;
 3. Trees which are likely to adversely affect other more desirable trees may be removed. A certification from an LTE shall be provided with the application to support such tree removal;
 4. Trees within 5 feet of a property line shall not be removed unless an evaluation and certification is provided by an LTE concluding that the tree must be removed for public safety reasons, or because it will be negatively impacted by proposed site improvements (e.g., building construction, underground utility/drainage facility installation, in-ground pool construction). The LTE shall make his or her evaluation in accordance with recognized guides and treatises, including, but not limited to, those set forth in subparagraph d of this paragraph;
 5. Trees within 20 feet of the front yard property line shall not be removed if the subject tree or trees is/are consistent with the existing landscape features along the roadway. Removal of trees within 20 feet of the front yard property line shall require the approval of two of the following municipal officials: Zoning Officer, Township Engineer, Construction Code Official;
 6. Trees under, and adjacent to, overhead utilities may be removed if maintaining said trees requires removal of more than 20% of their natural volume and shape;
 7. Whether the tree removal is proposed for an area which is to be occupied by an approved structure, building or other improvement, or whether it will be within ten (10) feet of such an approved structure, building or improvement; and
 8. Density
 - i. The density of trees in the area and the overall effect of the tree removal on the physical nature of the subject property and surrounding properties. Each lot shall contain a minimum density of one tree for every 2,500 square feet of lot area. In determining the minimum required density in Residential Zones, no more than four (4) trees in any side, front or rear yard setback area shall be included in the calculation.
 - ii. In calculating tree density, only trees with a diameter greater than 12 inches shall be considered one (1) tree.
- d. The condition of all trees that are proposed to be saved, which are located within the proposed area of disturbance associated with a site plan or lot grading plan, shall be evaluated prior to, and following, site development, by the Applicant's LTE, by the use of recognized guides and treatises, including, but not limited to, the following:
 1. Evaluation of Hazard Trees in Urban Areas, ISA Books, Nelda Matheny and James R. Clark;
 2. Urban Tree Risk Management, United States Department of Agriculture (USDA) Forest Service, Northeastern Area; and/or
 3. American National Standards Institute (ANSI) Tree Risk Assessment.

22-7.3 Denial of Application.

In the event that the Zoning Officer or designee shall deny an application, the reasons for said denial shall be set forth in writing.

22-7.4 Issuance of Tree Removal Permit.

Whenever the Zoning Officer or designee shall approve an application for a tree removal permit, the Township shall issue a tree removal permit in accordance with the terms of the approval, together with a copy of the application bearing the signature of an official from the Land Use Office. The permit, once issued, must be posted at the site of the tree removal, in a visible area, during the time of the removal and for four (4) weeks after the tree is removed.

22-7.5 Withholding of Building or Grading Permit.

Whenever a construction or grading permit is requested and the removal of a tree(s) is required in connection with the development of the lot, the Township Construction Official shall not issue the construction permit until a tree removal permit has been issued and tree management measures are in place.

22-7.6 Time for Approval of Application.

The Zoning Officer or designee shall act upon every filed and deemed complete application for a tree removal permit within 30 days of the application being filed and deemed complete.

22-8 APPEAL AND HEARING.

22-8.1 Tree Management Appeals Committee

The Tree Management Appeals Committee shall consist of the Chairperson of the Zoning Board of Adjustment, the Chairperson of the Planning Board, and a resident of the Township who is not a public official. The resident member of the Tree Management Appeals Committee shall be appointed by the Mayor and shall serve at his or her pleasure.

22-8.2 Time for Appeal; Procedure; Time for Hearing.

Any person aggrieved by any action of the Zoning Officer or designee pursuant to any of the provisions of this section shall have the right to appeal to the Tree Management Appeals Committee within fifteen (15) business 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. A fee of \$50 shall be required to file the appeal. The Tree Management Appeals Committee shall set a time and a place for the hearing of the appeal, which hearing shall be convened within twenty (20) business 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.

22-8.3 Decision on Appeal.

Within fifteen (15) business days after the completion of the hearing, the action taken by the Zoning Officer or designee shall be affirmed, modified or reversed by the Tree Management Appeals 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 Tree Management Appeals Committee and the Township Clerk shall give a copy to the appellant.

22-9 STOPPAGE OF UNLAWFUL WORK.

22-9.1 Issuance of Stop Work Order; Service of Notice.

The Zoning Officer or designee, in consultation with the Township Engineer, may issue a stop work order for any tree work or other regulated development activity which is carried out in violation of a tree removal permit or any provision of this chapter. The stop work order shall be issued in writing and a copy served on the applicant and any person engaged in the tree work or other regulated development activity at the subject lot. If no permit has been issued for the tree work, then the stop work order shall be served upon the owner of the lot. After said service of the stop work order, any further tree work or other regulated activity shall comply with the terms and conditions of any permit and the provisions of this chapter, except for tree work or activity

specifically authorized by the Zoning Officer or designee. The stop work order for any violation shall remain in effect until the violation has been eliminated to the satisfaction of the Zoning Officer or designee.

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.

22-11 PENALTIES.

Any person who shall violate any provision of this chapter, or who shall fail to comply with an order issued pursuant to this chapter, or who shall violate any terms and conditions of any tree removal permit issued pursuant to this chapter, shall, upon conviction, be subject to imprisonment in the county jail or in any place provided by the Township for the detention of prisoners, for any term not exceeding 90 days; or by a fine not exceeding \$2,000 or the maximum then permitted under N.J.S.A. 40:49-5 or then applicable state law; or by a period of community service not exceeding 90 days. In the event of violations involving more than one (1) tree, a violation as to each such tree shall be considered a separate offense.

22-12 CONTRACTOR REGISTRATION.

Any contractor who removes a tree pursuant to a tree removal permit shall be registered with the Township. Registration shall be done annually, by the Construction Office on a calendar year basis. The registration fee shall be \$25 per calendar year. The registration requires that all contractors certify that they have read and understand the Township Tree Management Ordinance. The registered contractors are subject to the aforementioned penalties and fines, as are the subject property owners.

Appendix A - List of Recommended Replacement Trees

Scientific Name	Common Name	Notes
Acer negundo	Box Elder	Found near streams, shade and drought tolerant
Acerrubrum	Red Maple	Fall color, tolerates wide variety of conditions
Acer saccharum	Sugar Maple	Fall color; Maple Syrup
Carpinus caroliniana	Hornbeam	Shade tolerant
Carya ovata	Shagbark Hickory	Hickory nuts for wildlife
Celtis occidentalis	Hackberry	Attracts butterflies; blue berries
Fagus grandifolia	American Beech	Grows to be a massive tree
Fraxinus americana	White Ash	Ash trees tolerate wet. Baseball bats are made from this wood
Fraxinus pennsylvanica	Green Ash	
Juglans nigra	Black Walnut	Provides food for wildlife
Liquidambar styraciflua	Sweet Gum	Considered best foliage tree. Be sure to select a variety without seed balls
Liriodendron tulipifera	Tulip Tree	A very large fast growing tree, tolerates wet conditions

<i>Ostrya virginia</i>	Ironwood	
<i>Platanus occidentalis</i>	Sycamore	Interesting bark; can grow very large
<i>Populus grandidentata</i>	Large-toothed aspen	
<i>Populus tremuloides</i>	Quaking aspen	
<i>Quercus alba</i>	White Oak	Acorns; Holds dry leaves in winter
<i>Quercus bicolor</i>	White Swamp Oak	
<i>Quercus rebra</i>	Red Oak	
<i>Tilia americana</i>	American Linden	Popular tree in Chatham Township
<i>Ulmus americana</i>	American Elm	Large stately tree nearly extinct in wild from Dutch Elm disease. Disease resistant varieties are now available

Evergreens

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

Small Trees

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

PROHIBITED TREES.

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

Scientific Name	Common Name	Notes
<i>Acer ginnala</i>	Type of Japanese	Produces many seeds, found along highways
<i>Acer Plantanoides</i>	Norway Maple	Very invasive rapid growth
<i>Ailantus altissima</i>	Tree of Heaven	Now found in Great Swamp

Prunus avium	Bird Cherry	European native, birds can scatter seeds, very tough. Also spreads by roots
Quercus acutissima	Sawtooth Oak	Not native, rapid growth, many acorns
Robinia pseudoacacia	Black Locust	Rapidly spreads

Section 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 4. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Introduced: April 12, 2018

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

Adopted:

Attest:

BY: _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

DRAFT

ORDINANCE 2018-12

**ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
REPEALING SECTION 30-34A, TITLED "REFERRAL TO TREE PROTECTION
COMMITTEE" OF THE TOWNSHIP OF CHATHAM**

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

Section 1. Section 30-34A, titled "Referral to Tree Protection Committee", is hereby repealed.

Section 2. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Introduced: April 12, 2018

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

Adopted:

Attest:

BY: _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

SECTION 2 - UPON ADOPTION FOR YEAR 2018

(Only to be included in the Budget as Finally Adopted)

RESOLUTION 2018-077

Be It Resolved by the _____ Governing Body _____ of the _____ Township
of _____ Chatham _____, County of _____ Morris _____ that the budget herein before set forth is hereby
adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 8,826,768.91 (item 2 below) for municipal purposes and
- (b) \$ _____ (item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) \$ _____ (item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in
Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of
the following summary of general revenues and appropriations.
- (d) \$ 319,219.95 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) \$ 1,086,073.00 (Item 5 below) Minimum Library Tax

Abstained

RECORDED VOTE

(insert last name)

AYES

Nays

ABSENT

SUMMARY OF REVENUES

1. General Revenues			
Surplus Anticipated	08-100	\$	3,000,000.00
Miscellaneous Revenues Anticipated	13-099	\$	2,425,165.43
Receipts from Delinquent Taxes	15-499	\$	550,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	07-190	\$	8,826,768.91
3. AMOUNT TO BE RAISED BY TAXATION FOR <u>SCHOOLS IN TYPE I</u> SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 11	07-195	\$	
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$	
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only			
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR <u>SCHOOLS IN TYPE II</u> SCHOOL DISTRICTS ONLY:			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$	
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY	07-192	\$	1,086,073.00
Total Revenues	13-299	\$	15,888,007.34

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:	xxxxxxx	xxxxxxxxxxxxx
Within "CAPS"	xxxxxxx	xxxxxxxxxxxxx
(a&b) Operations Including Contingent	34-201	\$ 11,550,889.00
(e) Deferred Charges and Statutory Expenditures - Municipal	34-209	\$
(g) Cash Deficit	46-885	\$
Excluded from "CAPS"	xxxxxxx	xxxxxxxxxxxxx
(a) Operations - Total Operations Excluded from "CAPS"	34-305	\$ 1,681,971.43
(c) Capital Improvements	44-999	\$ 10,000.00
(d) Municipal Debt Service	45-999	\$ 1,065,542.00
(e) Deferred Charges - Municipal	46-999	\$
(f) Judgements	37-480	\$
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)	29-405	\$
(g) Cash Deficit	46-885	\$
(k) For Local District School Purposes	29-410	\$
(m) Reserve for Uncollected Taxes (Include Other Reserves If Any)	50-899	\$ 1,579,604.91
6. SCHOOL APPROPRIATIONS - TYPE 1 SCHOOL DISTRICTS ONLY (N.J.S.A. 40A:4-13)	07-195	\$
Total Appropriations	34-499	\$ 15,888,007.34

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 22nd day of March, 2018. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2017 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 22nd day of March, 2018, _____, Clerk

Signature

RESOLUTION 2018-078

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 \$1,607,509.03 and the prior month's payroll of \$422,276.58 Current Fund, \$54,322.59 Sewer No. 1, \$10,812.18 Sewer No. 2, and \$14,959.76 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of April 2018, in the amount of \$3,036,968.00 be paid.

Adopted: April 12, 2018

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2018-079

**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 March 22, 2018.

Adopted: April 12, 2018

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2018-080

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

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on March 22, 2018.

Adopted: April 12, 2018

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2018-081

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

WHEREAS, an overpayment of property sewer fees has been made for the following properties; 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>NAME & ADDRESS</u>	<u>AMOUNT</u>
64.04	26.01	Christopher Gardner 33 Hudson Street, Apt 2406 E Jersey City, NJ 07302 Former Owner of: 261 Riveredge Drive Chatham Township, NJ	\$142.50 1 st Quarter 2017 & \$142.50 3 rd Quarter 2017 Overpayment of Sewer Fees

Adopted: April 12, 2018

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

RESOLUTION 2018-P-05

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

WHEREAS, N.J.S.A. 10:4-12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Chatham is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Litigation: In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15
 - b. Litigation: Fair Share Housing Center v. Township of Chatham Docket No. MRS-L-000234-18
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Adopted: April 12, 2018

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk