

**MINUTES  
TOWNSHIP COMMITTEE  
REGULAR MEETING  
APRIL 26, 2018**

Mayor Ritter called the Regular Meeting of the Township Committee of the Township of Chatham to order at 7:34 P.M.

**Adequate Notice** of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both *The Chatham Courier* and the *Morris County Daily Record* on January 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.

Mayor Ritter led the flag salute.

**Roll Call**

Answering present to the roll call were Committeeman Selen, Committeeman Kelly, Committeeman Sullivan, Deputy Mayor Swartz and Mayor Ritter.

**Approval of Agenda**

Committeeman Kelly moved to approve the agenda. Deputy Mayor Swartz seconded the motion, which carried unanimously.

**Reports**

Committeeman Kelly reported that the Department of Public Works (DPW) has been busy with storm debris cleanup, and the cleanup is about finished on Township roads. The County was originally going to clean up the County roads, however the Township will now be taking care of that. Committeeman Kelly also reported that road repaving will commence on May 1<sup>st</sup>, beginning with milling on Bridge Ave, Central Ave, Henry Drive, Gibbons Place, Memorial Way and the Green Village Fire Department parking lot. Committeeman Kelly further noted that the houses on the recently acquired open space properties at the corner of River Road and Southern Boulevard are scheduled for demolition, and coordinating with utility companies had caused a delay in the work.

Deputy Mayor Swartz reported that the Senior Center's Shred Event is being held on Saturday, April 28<sup>th</sup> at the Chatham Train Station. Tickets for the Glorious Garden Tour are also available. The Chatham Township Volunteer Fire Department is having a Ladies Night event on May 11<sup>th</sup>. Deputy Mayor Swartz noted that the Environmental Commission held a river cleanup event, and will be giving out seedlings.

Mayor Ritter reported that Morris County mayors met with Governor Murphy recently to discuss various issues facing the state, including problems with NJ Transit and the recent JCP&L power outages. A meeting was also held recently with officials from the Board of Education and Chatham Borough regarding having Class III Officers in schools. Mayor Ritter also reported that Morris County is transitioning to a new alert system, and residents who are currently using the Everbridge system will have to re-register for the new system.

Administrator Ciccarone reported that there is a resolution on the Consent Agenda to extend the tree debris cleanup work being performed by private contractors. He also reported that the temporary cell tower at Esternay Field has been removed, and the replacement playground is ready to be installed.

**Annual Reports**

**Chatham Township Environmental Commission**

The Annual Report of the Environmental Commission was presented by Chairperson Dot Stillinger. She said that the Environmental Commission consists of 9 volunteers, and they are concurrently the Township's Green Team. They are currently working toward bronze-level

recertification for Sustainable Jersey. The Environmental Commission hosts work days, keeps track of recycling, and holds wildlife events. They also conduct environmental advocacy at the State level. Commission members also take part in training. Mrs. Stilling thanked the Township Committee for their support. She also thanked Chatham Disposal for the free pickup of the trash collected during the Earth Day River Cleanup, and ShopRite of Chatham for donating supplies to the event. Mrs. Stilling also noted DPW's assistance with the event. Mrs. Stilling also thanked the Commission members for all of their hard work. She further promoted the seedling giveaway event being held on April 28<sup>th</sup> at the Tanglewood Recycling Center. Mrs. Stilling also acknowledged Cara Feeser and the work she has put into running the seedling sale.

Committeeman Sullivan asked what environmental threats there are to Chatham Township beyond overdevelopment and the Pilgrim Pipeline. Mrs. Stilling said that overdevelopment is changing the character of Chatham Township, and she said the proposed tree protection ordinance is a step in the right direction. She also praised the pipeline ordinance, and said that the State has taken similar action.

Committeeman Sullivan also asked about teaching children about individual responsibility on environmental matters. Mrs. Stilling said that it is often children who are teaching adults about environmental responsibility. She also encouraged parents to bring their children to environmental events. Mrs. Stilling noted that the School District is doing a good job with environmental education.

### **Hearing of Citizens**

Mayor Ritter opened the Hearing of Citizens.

1. Jamie McLaughlin, 244 Riveredge Drive, said that she is a member of the Morristown Chapter of Moms Demand Action, and she introduced the leaders of the chapter.
2. Theresa Piliero, 23 Pippins Way (Morris Township), a member of Moms Demand Action, said that they are a grassroots organization that supports the second amendment and common sense gun action. She asked the Township Committee to support Wear Orange Day on June 2<sup>nd</sup>, which is a Gun Violence Awareness Day. She also asked Mayor Ritter to support Mayors Against Illegal Guns.
3. Mrs. McLaughlin said that she is a gun violence survivor. She became an advocate for gun reform after the Sandy Hook incident, and she provided statistics on gun violence. Mrs. McLaughlin spoke in favor of the request for action by the Township Committee to support gun reform.
4. Edward "Lefty" Grimes, 84 Hanover Road (East Hanover), questioned the purpose of human life. He also described his experience working with sick children who use cannabis. Mr. Grimes also described disabled veterans who use medicinal cannabis.
5. Rose McGill, 50 Eggerts Crossing Road (Lawrenceville), said that scientific information about the medical use of cannabis can be found on the internet. She proposed that alcohol and sugar should be banned before cannabis, and said that people in Chatham seem to be afraid of the cannabis subculture. Mrs. McGill also said that hemp was banned, despite its various industrial uses.
6. Nancy Bloom, 40 Thornley Drive, expressed her support for decriminalization and legalization of marijuana, and supports the expungement of criminal records of those who have been convicted of possession of small quantities of marijuana, as she believes criminal records discriminate against people of color. Mrs. Bloom also voiced her support of Moms Demand Action.

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

### **Public Hearing/Final Adoption of Ordinances**

**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

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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.

Mayor Ritter opened the Public Hearing on Ordinance 2018-10.  
Seeing no public comment, Mayor Ritter closed the Public Hearing.

Committeeman Kelly moved to adopt Ordinance 2018-10. Deputy Mayor Swartz seconded the motion.

**Roll call:** Committeeman Selen, Aye; Committeeman Kelly, Aye; Committeeman Sullivan, Aye; Deputy Mayor Swartz, Aye; Mayor Ritter, Aye.

#### Ordinance 2018-11

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

**Evergreens**

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

**Small Trees**

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

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

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.

Committeeman Sullivan said that no ordinance will ever satisfy everybody, however this ordinance is a great step forward. He said that it addresses what appears to be clear-cutting conducted by developers, as well as several other factors.

Committeeman Kelly complimented the Planning Board on the proposed ordinance. He also said that a suggestion was made by a resident about tracking the number of trees removed, and if that is something the ordinance should address. Committeeman Sullivan said that the old ordinance contained provisions which were not being carried out, and cautioned about including such provisions in the future. He proposed that it be handled administratively. Administrator Ciccarone said that a report on the number of trees permitted to be removed can be handled administratively. He also said that such a report only shows a portion of the overall picture, as residents often plant trees without having removed any, and not every tree being removed needs to be replaced. Administrator Ciccarone opined that there is not as much of an overall loss of trees as people may suspect. He also noted that there are areas of the Township which used to be dairy farms, and the current stock of trees were planted by man.

Mayor Ritter opened the Public Hearing on Ordinance 2018-11.

1. Todd Goodman, 4 Woodlawn Drive, said that the idea that this ordinance has anything to do with individuals planting seedlings is silly, and the concerns which resulted in the drafting of this ordinance are about builders clear cutting lots. Mr. Goodman also said that some trees are special when they provide screenage from new homes which he finds aesthetically displeasing. He thanked the Planning Board for the hard work on the development of this ordinance. Mr. Goodman suggested that the ordinance should require the Zoning Officer to do site visits, rather than say that he “may” do visits. He also suggested that there should be three people approving tree removal. Mr. Goodman also asked for public notice when trees are to be removed. He also commented on the width of replacement trees, and said that the minimum width should be increased. Mr. Goodman also proposed that builders who violate the tree ordinance should be banned for a period of two years after completing current projects. He also asked when the ordinance will take effect. Attorney Cruz said that the ordinance will take effect seven days following publication of final adoption, which would be May 10<sup>th</sup> assuming the ordinance is passed at this evening. Attorney Cruz also said that in order for Mr. Goodman’s comments to be included in the ordinance, an amended ordinance would need to be introduced. Regarding notice to neighbors, such notice is governed by the Municipal Land Use Law. Attorney Cruz also commented on Mr. Goodman’s

suggestion that a private citizen should be included in the tree permit approval process, and said that it would be inappropriate and inconsistent with State law to have someone who is not a Township employee to exercise the Township's police powers. Mr. Goodman asked if the Township Committee could make amendments to the ordinance at this meeting by voice vote. Attorney Cruz said that only non-substantive amendments could be made and have the ordinance still be adopted at this meeting. Mr. Goodman also asked about a citizen's authority. Attorney Cruz said that a citizen sitting on the appeals committee is a different matter. He also said that a citizen should not interfere with the work of the Zoning Officer. Mayor Ritter asked about the creation of new fines. Attorney Cruz said that the Township Committee would have to be specific when creating new fines. Committeeman Sullivan commented on the pre-application process, and its anticipated effect on preserving trees. Engineer Ruschke also addressed how the pre-application process will help preserve trees. Mr. Goodman asked how builders will be notified of the ordinance. Administrator Ciccarone described the notification process. Administrator Ciccarone also addressed allegations made by Mr. Goodman about violations by East Park Builders, and said that builders are not taking down trees and paying fines rather than getting proper permits.

2. Joe Basralian, 24 Fairfax Terrace, expressed his support for the ordinance as written, and thanked those involved with the development of the ordinance. He said that it is much improved over the current regulations, and is an example of why he brags to his friends about how Chatham Township is a great place to live.

Seeing no public comment, Mayor Ritter closed the Public Hearing.

Committeeman Sullivan moved to adopt Ordinance 2018-11. Deputy Mayor Swartz seconded the motion.

**Roll call:** Committeeman Selen, Aye; Committeeman Kelly, Aye; Committeeman Sullivan, Aye; Deputy Mayor Swartz, Aye; Mayor Ritter, Aye.

### **Consent Agenda**

#### **RESOLUTION 2018-085 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:

CFO – March  
Construction Official – March  
Police Department – March  
State Training Fees – 1<sup>st</sup> Quarter  
Registrar of Vital Statistics - 1<sup>st</sup> Quarter  
Dog Licensing Official - 1<sup>st</sup> Quarter

#### **RESOLUTION 2018-086 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 April 12, 2018.

#### **RESOLUTION 2018-087 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM CERTIFYING REVIEW OF THE ANNUAL AUDIT**

**WHEREAS, N.J.S.A. 40A:5-4** requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, The Local Finance Board has promulgated N.J.A.C. 5:30-6-5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations” as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Chatham, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**RESOLUTION 2018-088**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
ACKNOWLEDGING RECEIPT OF CORRECTIVE ACTION PLAN RELATIVE TO 2017  
AUDIT**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that it, hereby, acknowledges receipt of the Chief Financial Officer’s Corrective Action Plan relative to the 2017 Audit.

**BE IT FURTHER RESOLVED** that a copy of the Corrective Action Plan be forwarded to the Department of Community Affairs as required by State regulations.

**RESOLUTION 2018-089**

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

**WHEREAS**, an overpayment of property taxes has been made for the following properties; and

**WHEREAS**, the Chief Financial Officer 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 &amp; ADDRESS</u>	<u>AMOUNT</u>
64.01	11.05	Elizabeth Massing 9 A Heritage Drive Chatham Township, NJ	\$859.61 2 <sup>nd</sup> Quarter 2017
102.10		Wells Fargo Real Estate Tax Services 1 Home Campus MAC X2302-04D Des Moines, IA 50328  RE: Thomas, David & Jennifer 51 Rolling Hill Drive Chatham, New Jersey	\$8,183.57 (1st QTR 2017) \$8,183.57 (2 <sup>nd</sup> QTR 2017) \$16,367.14 Total  Overpayment of Taxes

**RESOLUTION 2018-090**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH TILCON NEW YORK INC.  
FOR 2018 ROAD RESURFACING – PHASE I.**

**WHEREAS**, Tilcon New York, Inc of 9 Entin Road, Parsippany, New Jersey has been awarded the 2018 Contract #6: Road Resurfacing for District #1 under the Morris County Cooperative Pricing Council; and

**WHEREAS**, Chatham Township is a member of the Morris County Cooperative Pricing Council and located in District No. 1; and

**WHEREAS**, Chatham Township awarded the resurfacing of Bridge Avenue, Central Avenue, Hickory Place, Gibbons Place, Henry Drive, and Memorial Drive, collectively referred to as “2018 Road Resurfacing – Phase I”, in the amount of \$173,269.95 to Tilcon New York, Inc.; and

**WHEREAS**, Chatham Township wishes to amend the scope of work to include approximately 300 additional tons of surface course and approximately 2,200 additional square yards of 2-inch milling under the applicable unit prices and contract provisions of the Morris County Cooperative Pricing Council for the partial milling and resurfacing of the Green Village Fire House parking lot; and

**WHEREAS**, a Change Order is necessary for base repairs within said parking lot, as base repairs are not included in the Morris County Cooperative contract. The cost of base repairs under the change order is approximately \$18,000.00.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that it hereby approves a Contract increase to amend the scope of work under the Contract. The amended Contract amount shall be \$216,634.95.

**RESOLUTION 2018-091**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN  
THE COUNTY OF MORRIS, ESTABLISHING EMPLOYEE SALARIES FOR THE YEAR 2018**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham, in the County of Morris, New Jersey, that annual salaries of non-contractual employees are hereby established as shown below and shall be effective January 1, 2018. Seasonal salaries shall be effective June 1, 2018. Employees terminating their employment prior to the effective date of this resolution shall not be eligible for any retroactive increase.

Township Committee Member	\$1,200
Township Administrator	\$187,043
Chief of Police	\$155,295
Chief Financial Officer	\$107,000
Township Clerk/Registrar	\$68,512
Tax Collector/Utility Collector	\$73,000
Public Works Manager	\$112,200
Secretary Board of Health	\$5,169
Deputy Clerk	Vacant
Dog Licensing Clerk	\$4,000
Accounts Payable/Payroll Clerk	\$51,057
Assistant Treasurer/HR Assistant/Escrow Account Manager	\$40,800
DPW Administrative Assistant/Recycling Coordinator	\$46,920
Police Administrative Assistant	\$38,760
Police Administrative Assistant/Records Manager	\$48,115
Ass't. Public Works Manager	Vacant
Assistant Tax and Utility Collector	\$44,211
Tax Assessor (PT)	\$30,329
Assistant Assessor (PT)	\$25,600
Planning Board Secretary	\$250 per meeting
Zoning Board Secretary	\$250 per meeting
Construction Office Control Person/Bd. Manager	\$58,140
Deputy Zoning Officer(s)	\$3,500
Construction Office Administrative Assistant	\$38,760
Construction Official/Building Sub-code Official	\$106,876
Electrical Sub-code Official/Inspector	\$40.00Hr.
Fire Sub-code Official/Inspector	\$19,126
Plumbing Sub-code Inspector	\$40.00Hr.
Fire Prevention Official/Inspector	\$12,600
Building Inspector (PT)	vacant

Governmental Access TV Manager/Video Producer	\$6,500 plus \$25 HR for special services
Pool Manager	\$18,870
Assistant Pool Manager	\$17,850
Second Assistant Pool Manager	\$15.00 HR
Swim Team Coach	\$3,500
Assistant Swim Team Coach	\$1,500
Lifeguard 1 <sup>st</sup> year	\$9.50 Hr.
Lifeguard 2 <sup>nd</sup> year	\$10.00 Hr.
Lifeguard 3 <sup>rd</sup> year and up	\$10.50 –17.50Hr.
Substitute Lifeguard 1 <sup>st</sup> year	\$9.00 Hr.
Substitute Lifeguard 2 <sup>nd</sup> year	\$9.25 Hr.
Substitute Lifeguard 3 <sup>rd</sup> year and up	Add \$.25 Hr.
Water Safety Instructor (added to lifeguard wages)	\$.50 Hr.
Gate Attendants	\$7.50 -\$15.00Hr.
Laborer (PT or seasonal)	\$8.50 - \$15.00 Hr.
Crossing Guards	\$10.00- \$25.00Hr.
Clerk/Typist (PT)	\$10.00- \$20.00Hr

**RESOLUTION 2018-092**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2018 BUDGET**

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

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

**WHEREAS**, the Township of Chatham will receive \$190,000 NJDOT Municipal Aid Program for Long Hill Neighborhood Resurfacing and wishes to amend its 2018 Budget to include these funds as a revenue,

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$190,000 which will be available as a revenue from:

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

**NJDOT Municipal Aid Long Hill Neighborhood Resurfacing, and**

**BE IT FURTHER RESOLVED**, that a like sum of \$190,000 be and the same is hereby appropriated under the caption of:

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

NJDOT Municipal Aid Long Hill Neighborhood Resurfacing.

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

**RESOLUTION 2018-093**

**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING RESOLUTION 2018-083 ACCEPTING THE BID OF LEO G. HINDS AND CHATHAM DISPOSAL FOR TREE AND DEBRIS REMOVAL SERVICES**

**WHEREAS**, the Township of Chatham adopted Resolution 2018-083 on April 12, 2018 awarding contracts to Leo G. Hinds & Sons and Chatham Disposal Co. for services related to tree and debris removal necessitated by winter storms; and

**WHEREAS**, the services to be provided by Leo G. Hinds were not to exceed \$10,000 and the services to be provided by Chatham Disposal was not to exceed \$22,000 and

**WHEREAS**, the services are needed for an additional period of time,

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that, the contract for Leo G. Hinds is extended for an additional amount , not to exceed \$5,000 and the contract with Chatham Disposal is extended for an additional amount not to exceed \$11,000 in accordance with the bid specifications.

**BE IT FURTHER RESOLVED** that this award is contingent upon approval by the New Jersey Department of Transportation and Certification of Funds by the Township’s Chief Financial Officer.

Deputy Mayor Swartz moved to approve the Consent Agenda. Committeeman Selen seconded the motion.

**Roll call:** Committeeman Selen, Aye; Committeeman Kelly, Aye; Committeeman Sullivan, Aye; Deputy Mayor Swartz, Aye; Mayor Ritter, Aye.

### **Discussion**

#### **Floor Area Ratio**

Mayor Ritter asked that the Planning Board discuss the suggestions that have been made regarding a floor area ratio. Committeeman Sullivan said that the topic will be discussed by the Planning Board.

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

Mayor Ritter opened the Hearing of Citizens.  
Seeing no public comment, Mayor Ritter closed the Hearing of Citizens.

### **Executive Session**

**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.

Committeeman Sullivan moved to pass Resolution 2018-P-05 to enter Executive Session at 9:04 PM. Committeeman Selen seconded the motion.

**Roll call:** Committeeman Selen, Aye; Committeeman Kelly, Aye; Committeeman Sullivan, Aye; Deputy Mayor Swartz, Aye; Mayor Ritter, Aye.

The Township Committee returned to Public Session at 9:59 PM.

Committeeman Kelly moved to adjourn at 9:59 PM. Deputy Mayor Swartz seconded the motion, which carried unanimously.

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Gregory J. LaConte  
Municipal Clerk