

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
MAY 23, 2019**

Mayor Selen called the Regular Meeting of the Township Committee of the Township of Chatham to order at 7:31 P.M.

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both The Chatham Courier and the Morris County Daily Record on January 4, 2019; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 4, 2019; and notice was filed with the Township Clerk on January 4, 2019.

Mayor Selen asked the Jamie McLaughlin and Jamie O'Brien of Moms Demand Action to lead the flag salute.

Roll Call

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

Approval of Agenda

Attorney Cruz asked that Resolution 2019-123 be removed from the agenda so that Township staff can conduct additional research on the matter.

Deputy Mayor Kelly moved to approve the Agenda as amended. Committeewoman Ness seconded the motion, which carried unanimously.

Proclamations

Parents Who Host Lose the Most

Mayor Selen read aloud the attached proclamation for the Parents Who Host Lost the Most campaign.

Vince Fiorito from the Municipal Alliance Committee of the Chathams was present to receive the proclamation. Mr. Fiorito thanked the Township Committee for supporting the campaign. He also thanked the Police Department for helping put up banners. He also noted that there is a crash car at the Chatham High School, which was donated by DeFalco Towing.

Mr. Fiorito also noted that the submission of the Municipal Alliance Supplemental Grant is on the agenda for approval. MACC Coordinator Kelly Loofbourrow said that SAC Counselors will be extending the Challenge Day Program to the Chatham Middle School, and the Supplemental Grant will be used for that program.

Gun Violence Awareness Day

Mayor Selen read aloud the attached proclamation for Gun Violence Awareness Day.

The proclamation was accepted by Moms Demand Action. Jaime McLaughlin addressed gun safety, and thanked the Township Committee for the proclamation.

EMS Week

Mayor Selen read aloud the attached proclamation for EMS Week. The proclamation was accepted by Chatham Emergency Squad member Celeste Fondaco.

Resolutions

RESOLUTION 2019-118

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, HONORING
THOMAS H. SALVAS**

WHEREAS, after retiring from a successful career in corporate communications Tom Salvas began his career with the Township Of Chatham as a volunteer on the Cable TV Committee, assisting in franchise agreement negotiations with Comcast, securing \$38,000 in grant funding followed by an agreement with Verizon that created the two government access video channels at the municipal building; and

WHEREAS, Tom Salvas produced the Chatham Township Perspectives video series that showcases Township employees, first responders and volunteers who provide services and contribute to the health and welfare of residents; and

WHEREAS, Tom Salvas Collaborated with the Township Committee to enhance communications with residents with a focus on community-based educational and informational videos on important health issues.

WHEREAS, Tom Salvas Partnered with Chatham Borough and the Chatham Athletic Foundation in creating a video to promote the Buy-a-Brick campaign to fund the lighting installations for the Shunpike Field Restoration Project; and

WHEREAS, Tom Salvas recorded and broadcast 225 consecutive Township Committee meetings and more than 70 Board of Education meetings over a 10 year period making him one of the Iron Persons of Chatham; and

WHEREAS, Tom Salvas is also a veteran of the United States Air Force, holding the rank of Captain and served for 5 years active duty including overseas postings; and

WHEREAS, Tom Salvas is remaining active in the community as a Chatham Township Historical Society Trustee and a Township representative on the Mayor's Wellness Committee.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham honors and recognizes Tom Salvas for his dedicated, devoted service and calls upon the citizens of Chatham Township to join in expressing our heartfelt gratitude and best wishes to him as he enters the next chapter of his life.

Mayor Selen read aloud Resolution 2019-118.

Committeewoman Swartz moved to adopt Resolution 2019-118. Deputy Mayor Kelly seconded the motion.

Roll call: Committeewoman Ness, Aye; Committeewoman Swartz, Aye; Committeeman Ritter, Aye; Deputy Mayor Kelly, Aye; Mayor Selen, Aye.

Mr. Salvas commented that he participated in the Township's negotiations with Comcast for a franchise agreement 20 years ago, and the process included discussions about installing equipment for televising Township Committee meetings. Mr. Salvas thanked the Township Committee, former Mayors Nicole Hagner and Kevin Tubbs, and all the former Township Committee members who supported that process for televising Township Committee meetings.

Reports

Committeewoman Swartz thanked Mr. Salvas for his work televising Township Committee meetings and in developing the Perspectives video series. Committeewoman Swartz also reported that the Department of Public Works has been busy preparing Colony Pool for the 2019 season. She also reported that DPW is a few men short and seeking new staff members. Committeewoman Swartz also reported that the Green Village Fire Department will be hosting their annual Memorial Day Service. Committeewoman Swartz further reported that people need to make sure they lock their cars at night to avoid car thefts.

Committeewoman Ness thanked Tom Salvas for all his work with televising Township Committee meetings and participating in franchise agreement discussions with Comcast. Committeewoman Ness further reported that there were not enough registrants to hold the Colony Pool Summer Camp this year. She thanked the members of the Colony Pool Advisory Committee who had developed the camp proposal. Committeewoman Ness also commented on Colony Pool membership rates and the activities that are planned for 2019. She also reported that Administrator Hoffmann met with a lighting company about new lights for Nash Field, and a grant is being sought from the Chatham Athletic Foundation to help fund the lights.

Deputy Mayor Kelly thanked Mr. Salvas for all his service to the Township, and noted what a pleasure it was to work with him. Deputy Mayor Kelly also commented on the three proclamations issued this evening, and noted that all three were regarding life and death matters. He thanked those involved with MACC, Moms Demand Action and the Chatham Emergency Squad.

Engineer Ruschke commented on a Safe Routes to School Grant received for sidewalks on the northern side of Shunpike Road. He said that he has asked the DOT if the design contract for the sidewalk on the southern side of Shunpike Road can be amended to include both sides of the road. Committeewoman Swartz commented on the need for this sidewalk to help children walk to Washington Avenue School. She also asked about installation of crosswalks.

Mayor Selen thanked Mr. Salvas for his years of service. He also thanked the Colony Pool Committee for their efforts. Mayor Selen also thanked Administrator Hoffmann for his work overseeing Colony Pool, and thanked Engineer Ruschke for his work in helping the Township get the sidewalk grants.

Transcontinental Pipeline Maintenance Project Update

Richard Scott, an attorney representing the Transcontinental Gas Pipeline Company (Transco), provided some background on the company. He also described a valve replacement project. Mr. Scott said that there have been delays in the project due to weather, and the required outage needs to be complete by June 9th. He also said that Transco would like to work extended hours on weekdays and to work on Sundays to catch up. Mr. Scott said that the extended hours are only needed until June 9th. Restoration of the site will continue through June.

Mayor Selen asked about the outage. Mr. Scott said that there is a slight impact to PSE&G customers. He also said that the impetus for the project is so that the valve is up to code.

Committeewoman Ness asked about noise from jack-hammering. Mr. Scott said that the noise issue should only last for two more weeks. Committeeman Ritter asked if any jack-hammering could begin at 10:00 AM rather than 8:00 AM, and that the two hours be tacked on to the back end.

Attorney Cruz said that there is a notice about the project on the Township website. He also said that the Construction Official has the authority to waive the noise ordinance restrictions as requested, and Transco's presence at this meeting is so that the public can be informed of the project. Attorney Cruz also said that the Township Clerk spoke with the Board of Health President to advise him of the matter, and the Board of Health President had signified his consent to the waiver.

Committeeman Ritter asked if residents are ever compensated for the inconvenience of such projects. Mr. Scott said that on a case-by-case basis, some situations can merit compensation or other considerations.

Committeewoman Swartz asked why the jack-hammering is necessary. Mr. Scott said that there is bedrock around the valve that cannot be easily excavated. Committeewoman Swartz also noted that there is a firehouse across the street from the worksite's ingress/egress, and she asked for assurance that the project will not interfere with the Fire Department's activity.

Hearing of Citizens

Mayor Selen opened the Hearing of Citizens.

1. Kelly Loofbourrow, Coordinator of the Municipal Alliance Committee of the Chathams, addressed statistics regarding substance abuse among teenagers. Mrs. Loofbourrow also addressed substance abuse prevention. Committeewoman Swartz noted that Mrs. Loofbourrow is stepping down as Coordinator, and thanked Mrs. Loofbourrow for her service.

2. April Kabbash, 60 Watchung Ave, advocated on behalf of the children who use the Skate Park. She asked about efforts to relocate the Skate Park. Committeewoman Ness said that there is a question whether the existing Skate Park can be relocated. She also said that Engineer Ruschke and Administrator Hoffmann have been seeking locations for the Skate Park's relocation. Engineer Ruschke commented on the relocation efforts, and noted that much of the open space in the Township is restricted due to environmental conditions or other issues. Committeewoman Ness asked if the Township should approach the developer about relocating the Skate Park. Attorney Cruz advised that the Township Committee should not be directly involved in the Planning Board application.
3. Sharon Roche, 333 Green Village Road, asked about the timeline for the closure of the Skate Park, and if an ad hoc committee would be formed to help relocate the Skate Park. Mrs. Roche also said that she is excited about potential upgrades at Nash Field.

Engineer Ruschke noted that the potential project at Nash Field is subject to DEP permits and wetlands constraints.

4. Kathy Abbott, 40 Wynwood Road, said that the Safe Routes to School Committee achieved Gold Recognition for the elementary schools. Mrs. Abbott asked about the timing of sidewalk construction, as the Township was awarded grants for sidewalks that have not yet been built. Engineer Ruschke said that work cannot begin without DOT approval, and he described the plan review process.
5. Dorothy Lee, 10 Pembroke Road, thanked the Township Committee for allowing the Colony Pool Advisory Committee to attempt to establish the Colony Pool Summer Camp.

Seeing no comment, Mayor Selen closed the Hearing of Citizens.

Public Hearing/Final Adoption of Ordinances

Ordinance 2019-08

ORDINANCE 2019-08

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, AMENDING CHAPTER IV, TITLED "GENERAL LICENSING", SECTION 4-1, TITLED "LICENSING OF PEDDLERS, SOLICITORS AND CANVASSERS" OF THE REVISED GENERAL ORDINANCES TO REQUIRE THAT LICENSES OR PERMITS BE ISSUED WITHIN TEN (10) DAYS AFTER THE FILING OF AN APPLICATION AND ESTABLISHING THE HOURS TO ENGAGE IN THESE ACTIVITIES AS BETWEEN 9:00 A.M. TO 9:00 P.M.

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, that Chapter IV, titled "General Licensing", Section 4-1, titled "Licensing of Peddlers, Solicitors and Canvassers" of the Revised General Ordinances is amended as follows:

Section 1. Section 4-1.5, titled "Issuance of Peddler's License", the first full paragraph, is partially amended as follows: The Township Clerk shall, subject to the provisions of subsection 4-1.26 of this chapter, issue a peddler's license within ten (10) days after the filing of a proper application therefore.

Section 2. Section 4-1.11, titled "Issuance of Solicitor's Permit", the second full paragraph, is partially amended as follows: The Chief of Police shall, subject to the provisions of subsection 4-1.26, issue a solicitor's permit within ten (10) days after the filing of a proper application therefore.

Section 3. Section 4-1.17, titled "Issuance of Canvasser's Permit", the second full paragraph, is partially amended as follows: The Chief of Police shall, subject to the provisions of subsection 4-1.26, issue a canvasser's permit within ten (10) days after the filing of a proper application therefore.

Section 4. Section 4-1.21 titled "Hours" is amended as follows: No peddler, solicitor or canvasser shall engage in such activities on Sundays or legal holidays, nor on any weekdays or Saturdays except between the hours of 9:00 a.m. and 9:00 p.m., prevailing time.

Section 5. Unless otherwise specifically amended, Chapter IV, titled “General Licensing”, Section 4-1, titled “Licensing of Peddlers, Solicitors and Canvassers” is unchanged.

Section 6. 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 7. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 8. This Ordinance shall take effect immediately.

Attorney Cruz reviewed the purpose of the ordinance. Committeeman Ritter asked about the new timeframe that canvassers and solicitors are allowed to operate. Attorney Cruz said that 9:00 PM is a standard set by case law.

Mayor Selen opened the Public Hearing on Ordinance 2019-08. Seeing no comment, Mayor Selen closed the Public Hearing.

Deputy Mayor Kelly moved to adopt Ordinance 2019-08. Committeewoman Swartz seconded the motion.

Roll call: Committeewoman Ness, Aye; Committeewoman Swartz, Aye; Committeeman Ritter, Aye; Deputy Mayor Kelly, Aye; Mayor Selen, Aye.

Introduction of Ordinances

Ordinance 2019-09

ORDINANCE 2019-09

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ACCEPTING DRAINAGE EASEMENT FROM JUDE E. TARASCA AND PATRICIA M. TARASCA, HUSBAND AND WIFE, ON AND OVER A PORTION OF LOT 3, BLOCK 105, AS SHOWN ON THE TOWNSHIP OF CHATHAM TAX MAP AND COMMONLY KNOWN AS 55 FLORAL STREET

WHEREAS, Jude E. Tarasca and Patricia M. Tarasca, husband and wife, are the owners in fee of real property located at 55 Floral Street and designated on the Township of Chatham Tax Map as Lot 3, Block 105 (“Property”); and

WHEREAS, Jude E. Tarasca and Patricia M. Tarasca, husband and wife, have agreed to subject a portion of the Property to a drainage easement as described in “Description of a Permanent Drainage Easement Portion of Lot 3, Block 105, Township of Chatham, Morris County, New Jersey” prepared by Thomas F. Miller, P.L.S., NJ License No. 24GS03626400, and as depicted on “Drainage Easement Exhibit Sketch, Block 105, Lot 3, Township of Chatham, Morris County, New Jersey”, also prepared by Thomas F. Miller, P.L.S.

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. The attached Drainage Easement is hereby accepted.

Section 2. 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 3. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect according to law.

Engineer Ruschke described the need for the drainage easement, and said that the Township has been working with the homeowner. Engineer Ruschke also recommended outsourcing the work.

Committeewoman Ness asked how this situation compares to a drainage easement on Dellwood. Engineer Ruschke described the Dellwood easement.

Committeewoman Swartz moved to introduce Ordinance 2019-09. Mayor Selen seconded the motion.

Roll call: Committeewoman Ness, Aye; Committeewoman Swartz, Aye; Committeeman Ritter, Aye; Deputy Mayor Kelly, Aye; Mayor Selen, Aye.

Public Hearing on Ordinance 2019-09 will be scheduled for June 13, 2019.

Ordinance 2019-10

ORDINANCE 2019-10

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, AMENDING CHAPTER XXX, TITLED "LAND DEVELOPMENT", SUBSECTION 30-96.20, TITLED "LOT GRADING PLANS" OF THE REVISED GENERAL ORDINANCES 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. Chapter XXX, Article 7, Section 30-96.20 titled "Lot Grading Plans", is hereby repealed.

Section 2. Chapter XXX, Article 7, Section 30-96.20 shall be replaced as follows:

30-96.20 Lot Grading Plans.

- a. *Applicability.* In order to provide against the adverse consequences of uncontrolled surface water drainage and to prevent soil erosion and control sediment deposition associated with land disturbance including but not limited to construction activities, a lot grading plan shall be submitted and approved prior to the issuance of a construction/zoning permit for the following activities:
 1. The erection of any new structure, any addition, repair or renovation to an existing structure involving an extension of the foundation of the existing structure, any of which is not shown upon an approved site plan; or
 2. Any of the following activities:
 - (a) Land disturbance, except for the purposes of sod replacement, greater than one thousand (1,000) square feet; or
 - (b) Land disturbance of less than one thousand (1,000) square feet if the project affects any critical areas; or
 - (c) Land disturbance within five (5) feet of the property line that impacts drainage.
 3. The demolition of a structure if the land disturbance beyond the footprint of the structure exceeds 1,000 square feet (excluding the square feet of the structure).
- b. *Waiver.*
 1. The Township Construction Official may grant a waiver from the requirements of this subsection with respect to an addition to a single-family dwelling if the Township Construction Official determines that the addition involves less than one thousand (1,000) square feet of impervious coverage, does not affect any steep slopes or critical areas, and does not require any significant changes in the existing grading of the lot. Any such determination shall be made upon the basis of the construction plans and such further information as may be requested from the owner of the property by the Township Construction Official.
- c. *Lot Grading Plan Details.* A lot grading plan showing the proposed final grading of the lot shall be reviewed and approved by the Township Engineer in accordance with the provisions of this subsection and more specifically as follows:
 1. The lot grading plan shall be approved by the Township Engineer prior to the issuance of a construction permit. Initially, said approval shall constitute authorization only to construct the foundation of the building. The lot grading plan shall be accompanied by architectural plans showing the height of the building in order to allow determination of compliance with the height limit established by this chapter, in accordance with the procedure set forth in this subsection. The first floor elevation of the building shown on the lot grading plan shall be within eighteen (18) inches of the first floor elevation shown on any grading plan, which was part of an approved subdivision plat.
 2. Drywells, if required, shall be installed at the same time as the building foundation is being constructed. Upon construction of the foundation and drywells, and prior to framing or other further construction, the applicant shall submit an "as-built" foundation survey confirming

that the first floor elevation of the building is within the eighteen (18) inches of the first floor elevation as shown on said approved subdivision plat. If the property is not the subject of a grading plan on an approved subdivision plat, the "as-built" foundation survey shall confirm that the first floor elevation is located within eighteen (18) inches of the elevation as shown on the lot grading plan. The foundation survey shall also illustrate the "as-built" location of the drywells. An engineer's certification that the drywell has been installed in accordance with NJDEP BMP manual must be provided with the foundation survey. Any exceptions shall be noted in the Engineer's certification. No further construction shall be authorized unless the "as-built" elevation drawings indicate that the height of the building satisfies the height limit established by this chapter and that the drywells will function properly.

3. Following approval by the Township Engineer of the "as-built" foundation survey, and upon framing to the ridge of the roof, but prior to any sheathing or other construction, "as-built" elevation drawings of the building shall be submitted. No further construction shall be authorized unless the "as-built" elevation drawings indicate that the height of the building satisfies the height limit established by this chapter.
4. The plan shall be prepared by a professional engineer licensed in New Jersey and shall be drawn to a scale of not less than one (1) inch equals thirty (30) feet, but may be supplemented by a key map of smaller scale, and shall be prepared in sufficient detail to show the following:
 - (a) The existing surface drainage pattern as it affects the subject property and all abutting land; Existing drainage areas of stormwater runoff onto the subject lot shall be fully illustrated on the Lot Grading Plan.
 - (b) The elevation of the street at each limit of the frontage of the subject property and a permanent feature such as a manhole rim or set corner or similar structure;
 - (c) The location of any existing streams, wetlands, wetland buffers, watercourses, riparian buffers ponds, storm sewers or drainage facilities which relate to drainage of surface waters from or to the subject property;
 - (d) Any proposed storm sewers, ditches or other drainage facilities which will receive surface waters from or to the subject property;
 - (e) The proposed location of all surface and subsurface structures for which a construction permit is being sought;
 - (f) The elevation of the finished garage floor, top of foundation, first floor of the structure, and top of finished roof ridge proposed for the subject property, and the proposed lowest elevation within fifteen (15) feet of the proposed structure;
 - (g) The proposed location of all roof leader drains, driveways, dry wells, underdrains, utility lines below ground and any individual sewage disposal system; All underground structures and piping either proposed or existing shall be illustrated on the lot grading plan.
 - (h) The outer limits of all areas in which any grading or filling is proposed on the subject property;
 - (i) Any proposed changes in the existing surface drainage pattern which will result from the construction proposed for the subject property including any proposed changes on abutting lands;
 - (j) All existing trees with trunks exceeding five (5) inches in diameter measured at a point four (4) feet above the existing ground level, which trees are located within the outer limits of the areas mentioned in paragraph (h) above as well as within ten (10) feet of the outer limits of any such areas.
 - (k) Topography reflecting contours at two (2) foot intervals and identifying slopes in the following ranges: Less than 15%, 15% to 20%, 20% to 25%, and 25% and greater. Land disturbances shall conform to the requirements of the steep slopes (subsection 30-96.24) of this chapter.
 - (l) Top of wall and toe of wall elevations of all proposed retaining walls shall be clearly delineated at regular intervals on the plan. Retaining walls shall conform to the requirements of the walls and fences (subsection 30-96.15) of this chapter.
 - (m) A letter of Interpretation (LOI) from the New Jersey Department of Environmental Protection (NJDEP) shall be obtained if wetlands or wetlands buffer are present on the subject property
 - (n) Appropriate storm drainage facilities shall be provided for protection of downstream properties.

- (o) Any proposed building or structure or attendant protective measures will not impede the flow of surface water through any watercourse. Only a nominal increase in water surface elevation and velocities will be allowed due to construction.
 - (p) Any proposed vehicular facilities including roads, drives or parking areas, shall be so designed that any land disturbances shall not cause erosion. Both the vertical and horizontal alignment of vehicular facilities shall be so designed that hazardous circulation conditions will not be created.
 - (q) Any fill placed on the lot shall be properly stabilized and, when found necessary depending upon existing slopes and soil types, supported by retaining walls or other appropriate structures as approved by the Township Engineer.
 - (r) All cuts shall be supported by retaining walls or other appropriate retaining structures when, depending upon the nature of the soil characteristics, such structures are found necessary in order to prevent erosion.
 - (s) Upon installation of roofing material on a structure, temporary gutters and downspouts should be immediately installed and connected to the drywells.
 - (t) For all lots with proposed disturbance of a steep slope area greater than one thousand (1,000) square feet. The lot grading plan shall also include, but not be limited to, mapping/quantification of steep slope areas and mapping/quantification of steep slope disturbance. The design standards for disturbance of steep slopes shall be pursuant to the following standards:
 - (1) Proposed disturbance of soil shall be executed in a manner that will not cause soil erosion.
 - (2) Provision shall be made for any structure or protective measures that proposed slopes may require for the protection of the public safety, including but not limited to retaining walls, guide rails, headwalls and fences.
 - (3) Sequencing of construction so that the total area of steep slopes disturbed at one time is one thousand (1,000) square feet or, if approved by the Township, minimized to the maximum extent possible. Detailed plans must be submitted to illustrate compliance with this requirement.
 - (4) Installation of secondary soil erosion and sediment control (SESC) measures as necessary to act as additional protection of downstream properties in the case of possible breach or failure of primary SESC measures.
 - (5) Where practical, temporary sedimentation basins should be constructed.
 - (6) Snow fencing should be installed at the proposed limit of disturbance to prevent further disturbance.
 - (7) All silt fence shall be "super" silt fence as defined in standards for SESC in New Jersey as promulgated by the NJDA State Soil Conservation Committee.
- d. *Fees.* Four (4) copies of each required lot grading plan shall be filed with the Township Construction Official, together with an application fee as determined below:
1. One thousand (\$1,000.00) dollars for a lot grading plan that involves a new or substantially improved principal structure.
 2. Four hundred (\$400.00) dollars for an addition to an existing structure, accessory structure or land disturbance of over one thousand (1,000) square feet.
 3. An additional application fee, in an equal amount to the original must be submitted for each revised plan as determined by the Township Engineer. This fee is to cover the costs of the review of the plan by the Township Engineer of the submitted plans
 4. In addition to standard lot grading fees, all applications proposing to disturb steep slopes shall also pay an inspection fee for Township officials to monitor construction activities. The initial inspection fee shall be twenty-five (\$0.25) cents per square foot of steep slope disturbance. Any violations of the approved lot grading plan may result in additional inspection fees being imposed.
 5. *Additional Inspections.* In the event that more than one (1) inspection of a property are required to be made by the Township Engineer either by reason of a provision for temporary measures to prevent adverse effects upon abutting lands or by reason of a failure to comply with an approved lot grading plan, then the owner of the property shall pay to the Township an inspection fee for each additional inspection. Inspection fee shall be calculated in accordance with contractual prevailing rates with the Township's professionals. All fees for any such additional inspections shall be paid to the Township prior to the issuance of a certificate of occupancy for the new structure or within 30 days upon the Township's receipt of the costs incurred.

6. Engineering and legal costs incurred by the Township in addressing or resolving violations of this chapter shall be paid to the Township by the applicant in accordance with contractual prevailing rates with the Township. Payment of costs shall be made within 30 days upon the Township's receipt of the costs incurred.
- e. *Review by Township Engineer.* The lot grading plan shall be filed with the Construction Official and shall be reviewed by the Zoning Officer for zoning compliance. Upon the filing of a lot grading plan, the receipt of the required fee, and completion of Zoning Officer review, the Township Construction Official shall submit three (3) copies of the plan to the Township Engineer.
 - f. *Subsurface Sewage Disposal System.* In the event that the property subject of the lot grading plan will be served by an individual subsurface sewage disposal system, then a complete plan for the system as approved by the Township Board of Health shall be submitted to the Township Engineer along with the proposed lot grading plan. In reviewing the proposed lot grading plan, the Township Engineer shall consider not only the impacts which the lot grading plan may have upon the proper functioning of the individual subsurface sewage disposal system but also any surface drainage impacts which the system, especially a system with a mound disposal field, may have upon surface drainage on the subject property and abutting lands.
 - g. *Standards for Approval.* The Township Engineer shall not approve a lot grading plan or revised plan unless the Township Engineer determines that the plan is designed to control surface waters in a manner that will minimize the adverse effects of such waters upon the subject property and abutting lands. In addition, a lot grading plan shall not be approved unless the following conditions are met:
 1. Driveway grades shall not exceed fifteen (15%) percent, except that under unusual conditions and for short distances the Township Engineer may approve grades not exceeding eighteen (18%) percent, provided the average centerline grade of the driveway does not exceed fifteen (15%) percent.
 2. There shall be no change in existing grade that raises the elevation of the lot within five (5) feet of a property line. Furthermore, there shall be no change in existing grade, which raises any portion of the lot within fifteen (15) feet of a property line to an elevation that is more than four (4) feet above the existing ground level at the property line. Any new grade shall be at an even slope with the toe of the slope at the ground level which exists at five (5) feet inside the property line, provided, however, that, when necessary, swales shall be created in order to control surface waters in a manner that will protect abutting lands. Retaining walls shall not exceed six (6) feet in height provided that for each six (6) inches in height above the pre- or post- construction grade at the toe of the wall, a retaining wall shall be set back one (1) foot from the property line to which it is adjacent. Distances from property lines shall be measured at right angles to straight portions and radial to curved portions.
 3. Grades steeper than 1 (vertical) to 3 (horizontal) should be avoided. In cases where these grades are unavoidable, provisions for soil stabilization, access and maintenance of those areas must be provided to the Township Engineer for approval.
 4. An area of at least ten (10) feet in width around the foundation of any building shall be graded downward, away from the foundation, in accordance with the requirements of the New Jersey Uniform Construction Code.
 5. The lot grading plan complies with the terms and conditions of any Development Permit issued with respect to the lot pursuant to the provisions of Article 10 (Section 30-113, et seq.).
 6. Roof runoff from any roofed area shall be in accordance with the New Jersey Uniform Construction Code.
 7. On-Site Storm Water Management. The applicant shall establish adequate measures for on-site storm water management, including BMPs, meeting the following requirements:
 - (a) The peak rate of the runoff from the site following completion of the development shall be reduced to fifty (50%) percent and seventy-five (75%) percent of the predevelopment rates for the 2-year and 10-year storms, respectively. The post-development peak rate of runoff for the 100-year storm shall not exceed that which existed prior to development. Every practicable effort shall be made to minimize any increase in volume and to maintain and/or improve the quality of runoff which existed prior to development. Stormwater runoff rates and volumes are to be computed in accordance with Chapter 5 of New Jersey Department of Environmental Protection's Stormwater Best Management Practices Manual.
 - (b) Maximum use shall be made of presently existing stormwater runoff control devices, mechanisms or areas such as existing berms, terraces, grass waterways, favorable

- hydrologic soils, swamps, swales, watercourses, woodlands, floodplains, as well as any proposed retention structures.
- (c) The plans shall avoid the concentration of flow and shall provide for dissipation of velocities at all concentrated discharge points.
 - (d) For calculating runoff and controls, the applicant may use the Soil Conservation Service Method or the Rational Method depending upon which is more appropriate in the particular instance. Computations shall cover the 2-, 10-, and 100-year storm frequencies.
 - (e) All outfalls are to be designed in a manner to retard velocities at the outfall and provide stream channel protection.
 - (f) Due consideration shall be given to the relationship of the subject property to the natural or established drainage pattern of the watershed(s) of which it is a part. Surface water runoff shall not be transferred from one watershed to another.
 - (g) The use of conservation restrictions is encouraged.
 - (h) All water carrying structures and/or retention areas shall be completed and stabilized prior to diversion of water to them.
 - (i) Innovative stormwater runoff control and recharge devices, such as rooftop storage, drywells, cisterns, roof drain infiltration trenches, and rain gardens are encouraged provided they are accompanied by detailed engineering plans and performance capabilities.
 - (j) Design and construction of drywells shall comply with New Jersey Department of Environmental Protection's Stormwater Best Management Practices Manual.
 - (k) Nonstructural stormwater management strategies as are set forth in N.J.A.C. 7:8-1 et seq. shall be incorporated into the stormwater management plan whenever possible.
 - (l) Chatham Township's Standard soil erosion and sediment control notes shall be included in text form on the plan.
8. The lot grading plan shall comply with New Jersey's soil erosion and sediment control standards.
 9. If the lot grading plan contains a structural retaining wall, a copy of the structural calculations, signed and sealed by an engineer or architect licensed in the State of New Jersey shall accompany the plans. All structural retaining walls must conform to the requirements of subsection 30-96.15.
 10. For increases of impervious cover greater than 1,000 s.f. the minimum design and performance standards for groundwater recharge shall be as follows:
 - [a] Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain one hundred (100%) percent of the average annual preconstruction groundwater recharge volume for the site; or
 - [b] Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from preconstruction to post-construction for the 2-year storm is infiltrated.
 11. The lot grading plan shall fully comply with the Township of Chatham's present ordinance Chapter XXII - Tree Management. If applicable, a tree permit must be obtained.
 12. The lot grading plan shall fully comply with the Township of Chatham's present ordinance Chapter XIX Streets and Sidewalks. As applicable, a road opening permit must be obtained for work within the municipal right-of-way.
- h. *Completion of Review.* The Township Engineer shall approve or disapprove a lot grading plan or revised plan forwarded by the Construction Official within twenty (20) business days after the plan or revised plan is submitted to him. If additional information is needed to completely evaluate the impact of the application, the Township Engineer shall notify the applicant. From the date the Township Engineer sends such notification until the date of response from the applicant, the time for completion of review of the application is tolled. The Township Engineer shall furnish a written statement of the reasons for disapproval. If the Township Engineer's written statement does not, in the opinion of the applicant, address their concerns, a review by the Township Administrator will be conducted to resolve any remaining issues concerning the application.
 - j. *Temporary Measures.* Whenever the Township Engineer considers it necessary or appropriate, he may require that a lot grading plan include temporary measures to be taken during the performance of any construction work to prevent adverse effects upon abutting lands.

- k. *Violations.* The failure of an owner of property to comply with an approved lot grading plan for such property, including any temporary measures to be taken during the performance of construction work, shall constitute a use of the subject property in violation of this chapter. If a notice of violation is issued the applicant shall submit an amended lot grading plan within ten (10) days of the notice. Failure to resubmit an amended lot grading plan within the specified timeframe shall result in an immediate stop work order and void the lot grading plan approval. The amended plan shall identify the cause of the violation and revise the lot grading plan accordingly to prevent a reoccurrence of the violation. The amended plan shall be resubmitted regardless of the extent of the change required. The issuance of an amended plan shall void prior approvals.
- l. *"As-built" Certification.* A Certification by the applicant's engineer, based on field inspections, and as necessary, laboratory tests, that the site is in full compliance with the approved Lot Grading Plan and that permanent soil stabilization, including soil preparation, acceptable top soil and proper vegetative cover including compaction of fill meeting New Jersey Soil Erosion and Sediment Control Standards must be provided prior to final grading inspection. Any exceptions to the requirements of the approved lot grading plan shall be included in the certification.
- m. *Adverse Conditions.* In the event that the Township Engineer determines that current conditions do not permit the completion of work to effectuate full compliance with a lot grading plan, The Township Engineer shall so state in the engineer's report and shall also set forth the following:
 1. All work remaining to be performed in order to effectuate full compliance with the lot grading plan;
 2. The estimated cost of each phase of the work to be performed, and;
 3. The date by which all remaining work shall be completed.
- n. *Performance Bond.* Notwithstanding any other provision of this chapter, the Zoning Officer may issue an occupancy/zoning permit prior to full compliance with a lot grading plan if the Zoning Officer received written evidence of the existence of a cash performance bond in the amount of the estimated cost effecting full compliance with the plan as determined by the Township Engineer, and if the Zoning Officer receives a written statement from any contract-purchaser requesting the issuance of a certificate of occupancy pursuant to the provisions of this section.

If a certificate of occupancy is issued for a property prior to full compliance with a lot grading plan and full compliance is not affected by the date set forth in the report of the Township Engineer, then continued occupancy of such property after such date shall constitute a use of such property in violation of this chapter.
- o. *Notice to Proceed.* All SESC measures (silt fence, tracking pad, and all other approved measures.) shall be installed prior to the start of any land disturbance. SESC measures must be inspected by a Township Representative and a Notice to Proceed issued before the next phase of construction may commence.
- p. *Inspections.* Neither an occupancy/zoning permit nor a certificate of occupancy shall be issued for any property which is the subject of a lot grading plan until the applicant's engineer certifies in writing that the property conforms to the lot grading plan. The Township Engineer shall make an inspection and issue a report within five (5) days after notification from the Construction Official of an application for a certificate of occupancy.
- q. *Penalties for Violations.* Any person who shall violate any provision of this section shall, upon conviction, be liable to the penalty stated in Chapter I, Section 1-5. Each day that a violation is permitted to exist or continue to occur shall constitute a separate offense.

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.

Engineer Ruschke said that he has proposed some modifications to the lot grading regulations based on issues that have come up over the years. He also explained the proposed changes.

Committeewoman Swartz asked who would inform a property owner that stormwater is impacting a neighbor's property, and if that is discovered as part of the normal inspection process. Engineer Ruschke said that such problems are usually brought to light when complaints are received. He also said that lot grading plans work well when they are followed, and problems usually arise when contractors do not follow the approved plan.

Deputy Mayor Kelly moved to introduce Ordinance 2019-10. Committeewoman Swartz seconded the motion.

Roll call: Committeewoman Ness, Aye; Committeewoman Swartz, Aye; Committeeman Ritter, Aye; Deputy Mayor Kelly, Aye; Mayor Selen, Aye.

Public Hearing on Ordinance 2019-10 will be scheduled for June 27, 2019.

Consent Agenda

**RESOLUTION 2019-119
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 – April
Tax Collector – March, April

**RESOLUTION 2019-120
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 May 9, 2019.

**RESOLUTION 2019-121
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 May 9, 2019.

**RESOLUTION 2019-122
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 2018 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 2019-124
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING MACC SUPPLEMENTAL GRANT APPLICATION**

WHEREAS, the Municipal Alliance Committee of the Chathams will be submitting an application to the County of Morris for a supplemental grant; and

WHEREAS, the grant is in the amount of \$3000 with the following breakdown:

\$1,500 requested for the Township of Chatham

\$1,500 requested for the Borough of Chatham

WHEREAS, the term of the grant is from January 1, 2019 to December 31, 2019; and

WHEREAS, the application required the signature of the Mayor; and

WHEREAS, the Township intends to make a 50% match in the amount of \$750.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the Municipal Alliance is authorized to submit an application for a supplemental grant, and the Mayor is authorized to sign the application on behalf of the Township.

Committeewoman Ness moved to approve the Consent Agenda. Deputy Mayor Kelly seconded the motion.

Roll call: Committeewoman Ness, Aye; Committeewoman Swartz, Aye; Committeeman Ritter, Aye; Deputy Mayor Kelly, Aye; Mayor Selen, Aye.

Discussion

2019 Capital Projects

Administrator Hoffmann said that the 2019 Municipal Budget includes \$92,505 for capital project down payments. He said that there are funds for pavement of roads that the Township Committee has already authorized to be repaved. Committeeman Ritter asked if the paving will be performed by the same contractor as last year. Engineer Ruschke said that the Morris County Co-op is still using the same vendor. Committeeman Ritter said that there have been issues with the recently repaved roads in the Huron neighborhood.

Administrator Hoffmann said that it is anticipated that a bond ordinance will be introduced at the June 13th Township Committee meeting.

Committeewoman Ness asked if a neighborhood near Noe Avenue will be repaved in 2020. Administrator Hoffmann said that it is anticipated, and a grant application will be submitted for that project. Committeewoman Ness asked if a decision needs to be made about curbing on Lenape Trail. Engineer Ruschke said that the Township Committee previously decided not to have the Township install curbing, and letters are being sent to homeowners informing them of the time frame to have curbing installed privately if they choose to do so.

Committeeman Ritter asked about the fire trucks to be purchased. Administrator Hoffmann said that a brush truck and a ladder truck will be purchased.

Grant Applications

Engineer Ruschke said that the Morris County Parks Department has a grant program for improvements to open space properties. He said that a proposal has been made to develop a trail on the Hillside Ave open space property. A letter of intent from the Township Administrator is needed at this point, with a resolution at a later time. Deputy Mayor Kelly said that he and Engineer Ruschke met with Open Space Committee Chairman Joe Basralian, and he is supportive of the project.

Engineer Ruschke also addressed the NJDOT Municipal Aid Grant Program, and a grant will be applied for to repave Noe Ave and a section of River Road. A resolution will be on a June agenda.

Do Not Knock Ordinance

Attorney Cruz said that a draft ordinance has been circulated for Township Committee review.

Committeeman Ritter asked if those who sign up for the list will need to post signs at their home. Attorney Cruz said that signage will not be required. Committeeman Ritter also asked about the exemption for discharged veterans and volunteer fire departments. Attorney Cruz said that there is a statutory reference for those specific exemptions.

Committeewoman Ness asked if signing up for the list will be an online function. Attorney Cruz said that it will be an administrative decision how the signups work.

Committeeman Ritter asked about penalties. Attorney Cruz said that the draft refers to the general penalties section of the Township Code. Committeeman Ritter also asked how residents would report violations.

The Township Clerk said that he will reach out to the Police Chief to discuss some of the administrative details regarding the Do Not Knock list.

Committeewoman Ness said that the Police Department's website is going to be redone, and suggested that an online version of the form included in the new website.

Hearing of Citizens/Petitions

Mayor Selen opened the Hearing of Citizens.

1. Kathy Abbott asked about the proposed sidewalk on Fairmount Ave, and if it will be in the 2019 Budget or the 2020 Budget. Administrator Hoffmann said that the grant was approved, and it is anticipated that the 2020 Budget will include the project.

Committeewoman Swartz asked if the grant for a sidewalk on Shunpike is enough to fund the project. Engineer Ruschke said that the Federal program is for 100% of the costs, whereas the NJDOT program is for specific limits and they do not fully fund a project. He also commented on the delays in the projects.

Mrs. Abbott asked if the Township could request that the State allow Mr. Ruschke to design the sidewalk. She also asked if there are preliminary figures for the Municipal Aid grant. Mayor Selen said it would be for 80% of the project costs.

Committeewoman Ness asked if a Safe Routes to School application could be added for the same project. Engineer Ruschke said that there would not be a Safe Routes to School grant available for that project at this time. Mrs. Abbott noted that the Safe Routes to School Committee is seeking volunteers.

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

Executive Session

RESOLUTION 2019-P-08

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
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.

Deputy Mayor Kelly moved to adopt Resolution 2019-P-08 to enter Executive Session at 10:05 PM. Committeewoman Ness seconded the motion.

Roll call: Committeewoman Ness, Aye; Committeewoman Swartz, Aye; Committeeman Ritter, Aye; Deputy Mayor Kelly, Aye; Mayor Selen, Aye.

The Township Committee returned from Executive Session at 11:42 PM.

Committeewoman Swartz moved to adjourn at 11:42 PM. Mayor Selen seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk