

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
OCTOBER 26, 2017**

Mayor Ritter called the Regular Meeting of the Township Committee of the Township of Chatham to order at 7:33 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 6, 2017; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 6, 2017; and notice was filed with the Township Clerk on January 6, 2017.

Mayor Ritter led the flag salute.

Roll Call

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

Approval of Agenda

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

Reports

Committeeman Kelly reported that the Skate Park repairs are ahead of schedule, and the Skate Park should be open in time for the weekend. He also reported that the compactor at the Tanglewood Recycling Center has been in use for a month, and is still in the testing period. He asked residents to remain patient with the new traffic patterns. Committeeman Kelly also noted that it is time for members of the Community Garden to submit their forms to keep their plots for next year, and new gardeners can also submit a form to get on the waiting list.

Committeeman Sullivan reported that the Historical Society recently met, and Martha Wells will now serve as President, rather than as Co-President. He noted that Pat Wells served for a long time as Co-President. Committeeman Sullivan also reported that Tom Salvas is now a member of the Historical Society Board of Trustees.

Mayor Ritter reported that the Chatham Township Fire Department is seeking volunteers to assist with the annual Christmas tree sale. Mayor Ritter also reported that the 9th annual Chatham Turkey Trot will be held on Thanksgiving, and registrations are now open.

Administrator Ciccarone reported that the Woodland Road Walkway Project is almost complete, and some utility poles need to be relocated. The shoulders on the roadway will also be milled and paved. Administrator Ciccarone also reported that the State has certified the 2018 budget cap at 2.5%. He also noted a resolution on the Consent Agenda switching to the State Health Benefits Dental Plan, which will save the Township approximately \$25,000 per year. Administrator Ciccarone also reported that added assessments for 2017 are \$51 million, and he explained that the added that this does not make a significant influence on the budget as the total ratable base is over \$3 billion.

Chief Hennelly reported that Saturday is National Prescription Drug Take Back Day. Medications can be kept in their original containers, however used syringes cannot be accepted. Chief Hennelly also reported that the PBA Trunk-or-Treat will be held on Saturday from 2:00 to 4:00 at Chatham High School.

Hearing of Citizens

Mayor Ritter opened the Hearing of Citizens.

1. Sue Hoag, 78 Canturbury Road, said that she is representing the Briarwood-Coachlight Community Association Board. Mrs. Hoag said that the attorney representing the potential developer of the Dixiedale Farm property mentioned at a recent Planning Board

meeting that the developer plans to develop 30% of the property, and 40% will remain open space. Mrs. Hoag said that she assumes that the 40% to be preserved as open space is probably the portion in which steep slopes inhibit development. As a former member of the Open Space Committee, Mrs. Hoag requested that whomever from the Township is working with the developer do what they can to get as much of undeveloped section of the property preserved as open space as possible.

2. Dot Stillinger, 216 Noe Avenue, Chairwoman of the Chatham Township Environmental Commission, said that Long Hill Township's sewage treatment plant is failing. Long Hill Township is in the process of selling their treatment plant to New Jersey American Water, and she is curious to see how that will affect Long Hill residents' sewer utility fees. Mrs. Stillinger also said that it may be worthwhile for the Township to consider selling the treatment plant as an option. Administrator Ciccarone said that he has looked into that option, but the process has not gotten very far. Also, the Township's sewer plant is not failing. Mrs. Stillinger also commented that it is worthwhile for residents to pay attention to developments with the Pilgrim Pipeline. She asked where any proposed ordinances to address pipelines stand. Mayor Ritter said that Engineer Ruschke is still working on proposed language for a pipeline ordinance.

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

Public Hearing/Final Adoption of Ordinances

Ordinance 2017-13

ORDINANCE 2017-13

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, REPEALING CHAPTER XIX OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM TITLED "STREETS AND SIDEWALKS" AND REPLACING WITH A NEW CHAPTER XIX ALSO TITLED "STREETS AND SIDEWALKS" TO REGULATE ROAD OPENING PERMITS

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

1. **SECTION 1.** Chapter XIX of the Revised General Ordinances of the Township of Chatham titled "Streets and Sidewalks" is hereby repealed and replaced with a new Chapter XIX also titled "Streets and Sidewalks" to regulate road opening permits.
2. **SECTION 2.** New Chapter XIX shall be as follows:

CHAPTER XIX STREETS AND SIDEWALKS

Article I Streets

19-1 EXCAVATION OF STREETS AND SIDEWALKS.

19-1.1 Definitions.

As used in this chapter:

Person shall mean any individual, corporation, partnership, joint venture, firm or other legal entity, and the singular shall include the plural.

Sidewalk pavement shall mean the surface of any pedestrian walkway within a street right-of-way and parallel thereto whether such surface is of concrete, macadam, stone, gravel, flagstone, slate or other material.

Street shall mean any street or road shown upon the Tax Map of the Township and shall include all parts of the full right-of-way thereof as shown thereon.

Street pavement shall mean the surface of any street right-of-way which is available for vehicular travel whether such surface is of concrete, macadam, stone, gravel, dirt or other material.

19-1.2 Prohibited Activities.

No person shall cause:

- a. Any earth, soil, stone, rock, dirt, mud, dust, wastes, debris or other material of any kind whatsoever to be placed, spilled, dropped, thrown, scattered, blown, tracked, washed by water or otherwise deposited upon any street unless such material shall be removed as soon as reasonably practicable in a manner that will leave the street in an unobstructed, safe and clean condition;
- b. Any water to flow upon any street pavement or sidewalk pavement, subject to freezing conditions;

- c. Any damage to any tree or plantings within any street;
- d. Any bulldozer, grader, street roller, backhoe or other vehicle or equipment having metal cleated treads to be operated upon, across or along the surface of any street pavement or sidewalk pavement;
- e. Any bulldozer, grader, sheet roller, backhoe or other vehicle or equipment to be operated upon, across or along any street pavement, street curbing or sidewalk pavement, unless adequate means are used to prevent any damage to such pavement or curbing;
- f. Leaves or other material to be burned upon any street pavement or sidewalk pavement; or
- g. Any culvert, gutter, storm drain or catch basin to be blocked, obstructed or interfered with in any manner.

19-1.3 Regulated Activities.

No person shall, unless such person shall have a currently valid permit issued pursuant to the provisions of this section:

- a. Make any opening or excavation in, or disturb the surface of any street;
 - b. Construct, install, repair, remove, alter or otherwise affect any street pavement, sidewalk pavement, curb, gutter, culvert, catch basin, manhole, storm sewer, sanitary sewer, pipeline, conduit, underground cable, or any connection with any of the foregoing, in, upon, over, under or along any street; or
 - c. Erect, place or maintain any barricade, barrier, wire, cable or other object in, upon, across, along or above any street; unless such person shall have a currently valid permit therefor issued pursuant to the provisions of this section.
- d. Construct, install, alter or otherwise affect any utilities within a municipal easement.

19-1.4 Exempt Activities.

Notwithstanding any provision of this section, this section shall not apply to the installation of overhead electric and telephone wires, cables and poles by public utility companies, to work within a street solely for the purpose of the maintenance of earth surface, or to work related to sanitary sewer installation or maintenance, provided that the street pavement or sidewalk pavement is not affected.

19-1.5 Application for Permits.

- a. *County Roads.* Application for a permit to open or do any work upon a County road shall be made directly to the County of Morris and the applicant shall comply with all County rules and regulations and the special terms and conditions of any permit issued by the County of Morris.
- b. *Township Streets, Right-of-Ways, and Easements.*
 - 1. Form of Application. Every application for a permit to undertake any of the activities enumerated in subsection 19-1.3 of this chapter shall be made on forms obtained from the office of the Construction Code Official.
 - 2. Application shall be made in writing for a permit for any excavation within any roadway, the maintenance of which is the responsibility of the Township, for any purpose whatsoever. The application shall state the purpose of the excavation, namely, sewer, water, gas, telephone or any other purpose. The application shall be accompanied by an engineered plan, or sketch, drawn to scale, of the area to be disturbed, including proposed dimensions and restoration details, and shall also be accompanied by an application
 - 3. Submission of Plans. The permittee shall submit an engineering plan or sketch in duplicate to the Township for approval. The plan shall have sufficient details to illustrate the proposed work to be performed. All temporary stock-piling areas and equipment storage areas shall also be identified on the plan.
 - 4. Review of Application. The Township Engineer or Director of Public Works shall review every application and either approve the issuance of a permit, with or without modifications or conditions endorsed thereon, or disapprove the application for reasons endorsed thereon. Whenever the issuance of a permit is approved, the Township Engineer shall calculate the fee therefor in accordance with the provisions of subsection 19-1.6b. of this chapter.
 - 5. No opening or excavation shall be permitted within the surface of any public road, street or right-of-way under the control of the Township upon which a permanent pavement has been placed within five years of the date of the application of such pavement, except in the event of an emergency. Notwithstanding the foregoing, the Township Engineer may issue a permit

for a road opening or excavation on a public road, street or right-of-way upon which a permanent pavement has been placed within less than five years from the date of application upon a demonstration by the applicant that denial of the permit would cause undue hardship.

6. Street openings within the paved or improved surface of any road, street or right-of-way shall be restricted between November 1 and April 15, except that the Township Engineer, after consultation with the superintendent of public works, shall have the authority to waive these requirements in instances where he determines that suitable weather conditions exist.

19-1.6 Issuance of Permit; Fee; Expiration of Permit; Performance Guarantee.

- a. *Issuance of Permit.* Upon approval of the issuance of a permit by the Township Engineer or Director of Public Works, the Township Clerk shall issue the permit upon payment of the fee required by paragraph b., and filing of the certificate of insurance required by paragraph c., below. The application and any modifications or conditions shall constitute the terms of the permit issued.
- b. *Fee.* Application shall be made in writing for a permit for any excavation within any roadway, the maintenance of which is the responsibility of the Township, for any purpose whatsoever. The application shall state the purpose of the excavation, namely, sewer, water, gas, telephone or any other purpose. The application shall be accompanied by an engineered plan, or sketch, drawn to scale, of the area to be disturbed, including proposed dimensions and restoration details, and shall also be accompanied by an application fee of one hundred (\$100.00) dollars and an escrow deposit to cover the costs of inspections of:

1. Three hundred (\$300.00) dollars for all openings up to 50 linear feet.
2. Five hundred (\$500.00) dollars for all openings consisting of from 50 to 100 linear feet.
3. One thousand (\$1,000.00) dollars for openings more than 100 linear feet.

If a hardship waiver is obtained for a road opening permit where the road was paved within five (5) years, the permit fee shall be increased as follows:

- | | | |
|----|------------|--|
| a. | \$1,000.00 | If road was paved within the last two (2) years. |
| b. | \$750.00 | If road was paved three (3) to four (4) years ago. |
| c. | \$500.00 | If road was paved five (5) years ago. |

- c. *Certificate of Insurance.* Every person, including a public utility company, to whom a permit is issued pursuant to this section shall file a certificate of insurance naming the Township as an additional insured showing that the person or persons performing the work for which the permit is issued is currently insured as follows:
 1. Workers Compensation Insurance as required by the laws of the State of New Jersey.
 2. Employer's Liability Insurance with limits equal to or greater than that of the Workers Compensation Insurance.
 3. Comprehensive General Liability Insurance equal to or greater than:
 - (a) \$1,000,000.00 each occurrence
 - (b) \$2,000,000.00 general aggregate
 - (c) \$2,000,000.00 products completed operations
 - (d) \$1,000,000.00 personal injury/advertising
 - (e) \$100,000.00 fire damage (any one fire)
 - (f) \$10,000.00 medical payments
 4. Commercial Umbrella or Excess Liability Insurance equal to or greater than \$1,000,000.00.
 5. Commercial Automobile Liability with limits not less than \$1,000,000.00 combined single limit.
- d. *Expiration of Permit.* Every permit shall state thereon the date by which the work covered by the permit shall be completed, and the permit shall expire upon such date or six (6) months after the approval of the permit whichever occurs later.
- e. *Performance Guarantee.* Whenever any street pavement or sidewalk pavement is to be opened or excavated, the applicant shall deposit an additional amount calculated as follows:
 1. No person shall be granted a permit to open any street or roadway or do any work within a Township right-of-way unless a restoration deposit in accordance with the following schedule

has been submitted to guarantee the proper restoration, replacement or repair of property damaged or destroyed by the permittee:

- (a) Lawn areas: \$10.00 per square yard.
- (b) Shoulder areas: \$20.00 per square yard.
- (c) Paved roads: \$30.00 per square yard.
- (d) Sidewalks: \$60.00 per square yard.
- (e) Curbs: \$25.00 per linear foot.
- (f) Dirt or gravel roads: \$15.00 per square yard.

2. The minimum required deposit shall not be less than five hundred (\$500.00) dollars and the Township Engineer may require deposits in excess of those listed above when, in his opinion, costs will exceed the stipulated amounts.
3. In lieu of posting a cash guarantee for the restoration deposit, the permittee may post a combination of cash and surety bond or irrevocable letter of credit, except that the minimum deposit of five hundred (\$500.00) dollars, shall be cash only. The cash portion shall be not less than 50 percent of the total amount required and in the form of a certified check or money order. The remaining balance shall be guaranteed by the posting of a surety bond or an irrevocable letter of credit in form satisfactory to the Township Attorney. Upon written request by a permittee, the Township Engineer shall cause an inspection of the excavation to be made and shall submit his recommendations to the Township Council for determination of a satisfactory restoration deposit.
4. In the event that a utility company or other similar entity will be regularly excavating within the Township, a restoration deposit in the form of a surety bond may be posted with the Township clerk. The form and amount of said bond shall be approved by the Township Engineer prior to the issuance of any street opening permits.

The purpose of this guarantee is to ensure the Township's ability to restore the disturbed pavement to its original or better condition upon the applicant's inability or perform same. The guarantee may be in the form of cash, certified check, or bond acceptable to the Township Attorney.

19-1.7 Notice of Issuance of Permit to Departments Concerned.

Copies of approved applications, permits and any extensions thereof shall be forwarded by the Township Clerk to the Township Engineer, the Manager of the Department of Public Works, and Chief of Police.

If any contemplated project will completely obstruct any thoroughfare or make a length of more than two hundred (200) feet of any thoroughfare inaccessible for vehicular traffic for a period in excess of twenty-four (24) hours, then a period of not less than seventy-two (72) hours shall elapse after the issuance of the permit before the operation may be started. Unless otherwise approved by the Township Engineer, where an excavation is to extend the full width of the road, only one-half (1/2) of the excavation shall be made at one (1) time, and shall be properly backfilled in accordance with subsection 19-1.8 of this chapter before the other half is excavated.

19-1.8 Conduct of Work.

- a. *General.* A permit issued pursuant to this section does not carry with it any right to make connections with any sanitary sewer or public utility. Separate permits to make such connections must be obtained from the Township Clerk or utility company concerned.

Whenever the work done under any permit requires that water, gas or other public utility services will be interrupted, the person to whom the permit has been issued under subsection 19-1.6 of this chapter shall notify affected users of the periods of time when the services will not be available. Such notice shall be delivered in writing at least twenty-four (24) hours prior to the interruption of service.

The applicant shall notify the Township Engineer and the Department of Public Works of its intent to commence any work in the Township's right-of-way no later than forty-eight (48) hours prior to the commencement of work.

The applicant shall supply a current New Jersey "One-Call" confirmation number, to document compliance with the underground utility location law.

- b. *Traffic Protection.* Every person to whom a permit is issued pursuant to this section shall be responsible for protecting both vehicular and pedestrian traffic from accident or injury. Such person shall provide suitable barriers, notices, caution signs, and nighttime flashing lights. All signs and signals shall be in accordance with the provisions of Title 39 of the New Jersey Statutes and amendments and supplements thereto.

- c. *Inspection of Work.* The Township Engineer may determine that the nature of the proposed work requires inspection to insure that the approved plans and specifications are complied with.
- d.

Backfill and Replacement of Pavement. Every person to whom a permit is issued pursuant to this section shall backfill any excavation with temporary or permanent pavement in accordance with Section 19-1.11.

- e. *Conformance to Residential Site Improvement Standards.* Every person to whom a permit is issued pursuant to this section shall perform any and all work to the Residential Site Improvement Standards as set forth at N.J.A.C. 5:21-1.1 et seq., the provisions of which are incorporated herein as though set forth at length.
- f. *As-Built Drawing.* If deemed necessary, upon completion of the entire work, the permittee shall file plans with the Township Engineer showing in full detail all the completed work.

19-1.9 Performance Guarantee Release.

The Township Engineer shall inspect the completed work no later than two (2) years following inspection and completion of the work and determine whether additional work is necessary to correct any construction or road condition deficiencies that may have become apparent. If additional work is deemed necessary, the Township Engineer shall notify the applicant by certified mail of the applicant's obligation to perform the additional work.

Failure of the applicant to make required repairs within ten (10) days of the date of the above-referenced certified mailing will authorize the Township to make such repairs and utilize the performance guarantees as well as to secure from the applicant any additional monies that may be needed to restore the street properly according to the Township Engineer.

The Township shall be authorized to make such immediate repairs as may be necessary to correct emergency road conditions resulting from any road opening work at the cost of the applicant.

19-1.10 Guarding.

- a. It shall be the duty of the permittee to properly guard any excavation and storage piles by erecting suitable bafflers during the day and lights during the night, or warning signs and by providing a watchman if deemed necessary by the police and/or the superintendent of public works, or his designee, and/or the Township Engineer. All traffic control devices used on road or street construction or maintenance work shall conform to Chapter IV, "Work Zone" of the Manual on Uniform Traffic Control Devices (MUTCD). The permittee shall be liable for any neglect in safeguarding the traveling public. If the excavation extends the full width of the road, only one-half of the excavation shall be made at one time which shall be backfilled before the other half is excavated, so as not to interfere with traffic.
- b. The plan for proposed interruptions or detouring of traffic shall be submitted to the police department for approval. Permittee shall notify the municipal clerk, police department, fire department, emergency medical services and transportation coordinator of all boards of education serving the project area of approved traffic detour plans at least 48 hours prior to their implementation. Interference with pedestrian or vehicular traffic shall be reduced to a minimum and no greater part of the roadway shall be opened at any time than that approved by the Engineer. Transverse openings shall be restricted so that not more than one-half of the traveled way shall be obstructed at any time. Work shall be scheduled and executed to present a minimum of inconvenience to the public. Where feasible, transverse subsurface installations shall be made by the boring or jacking method. Steel plates shall be used as a protection on openings maintained overnight in the traveled way.

19-1.11 Restoration of Surface.

- a. Any Township road surface, sidewalk, curb, gutter, shoulder or grassed areas disturbed or destroyed by the permittee shall be restored by the permittee at his cost and expense to the same or better condition than it was before commencement of the work. No roads shall be encumbered for a longer period than is necessary to execute the work. If the work is not completed to the satisfaction of the Township Engineer within a reasonable time, and after due notice to the permittee, the Township public works department may finish the work and deduct the cost of the same from the total deposit. After the work is completed by the Township, any balance remaining from the total escrow deposit shall be returned to the permittee.
- b. The entire excavation shall be backfilled with dense graded aggregate, or other suitable, well-drained, select material. The Township Engineer shall approve all backfill material used by the permittee. The backfill material shall be placed and tamped in layers not exceeding one foot in depth.

- c. Temporary pavement replacement shall be completed daily. During the interval between completion of backfill and the time of placement of base paving, all areas shall be maintained in a safe and satisfactory condition for normal traffic use. This shall be done by the use of minimum 12-inch thickness of dense graded aggregate (DGA) or an approved equal. All new pavement replacement shall be made in kind, except that in no case shall it be less than a total of six inches compacted thickness. Unless otherwise directed by the Township Engineer, temporary pavement shall consist of 6-inch compacted thickness bituminous stabilized base course (NJDOT No. I-2) applied and rolled over a 6-inch thickness of DGA to remain permanently in place as a sub-base. The finish surface of this course shall be brought to the existing pavement elevation. Pavement replacement in areas requiring more than six inches overall thickness shall consist of a minimum of three lifts of asphalt, and in no case shall one individual lift exceed four inches compacted thickness. The temporary pavement shall remain in place for a minimum of six months.
- d. After the approved settlement period, the permittee shall complete final restoration by using a milling machine to remove the top two inches of temporary pavement and a 6-inch width of the existing pavement along either side of the road opening. The milling shall be conducted so as to produce clean and straight edges. The temporary surface shall be broom swept free of dirt and debris. The existing temporary pavements surface shall receive a tack coat of asphaltic oil, Grade RC-O, or emulsified asphalt, Grade RS-1. The surface course shall then be placed and rolled even with the existing pavement. A 2-inch thick (compacted thickness) bituminous concrete surface course of FABC Mix I-5 top (NJDOT No. I-5) shall be placed thereon, adequately crowned to provide drainage.
- e. For gravel surfaces, the surface course shall be six inches compacted thickness of Type 5, Class A, soil aggregate, or dense graded aggregate (DGABC).
- f. All materials and methods of construction shall comply with the New Jersey Department of Transportation Standard Specification for Road and Bridge Construction, dated 2007, and all revisions and amendments thereto.
- g. Unless otherwise approved by the Township Engineer, all construction details shall comply with New Jersey Residential Site Improvement Standards.
- h. When it becomes necessary to open the paved section of any road, such opening shall not be less than two feet wide nor more than three feet at the top, nor shall any opening be less than eight feet square and the sides of such opening shall be perpendicular at the top converged towards the bottom so that the width at the bottom shall be less than, but not greater than, the width at the surface of the pavement.
- i. The permittee shall cut all pavement with saw or other equipment approved by the Engineer prior to excavation. The permittee shall cut back existing pavements using a milling machine, or equal means, to produce straight and clean lines along the existing pavement prior to placing final pavement.
- j. Shoulders shall be replaced in kind or as otherwise directed by the Engineer. Where conditions require, surface treated gravel shoulders or any portion thereof shall be restored by applying two inches of bituminous material in place of the oil treatment. The base of all shoulders shall be restored as originally constructed.

19-1.12 Emergency Opening.

Street openings may be made without the necessity of a written application in emergency situations, such as broken or frozen water mains or ruptured gas mains or other situations which would endanger public life, health and safety, provided that notice shall be immediately given to the police department and department of public works and that written application for a permit shall be made to the department of public works for approval by the Township Engineer as soon as practical and, in any event, not exceeding 48 hours from the start of the excavation. The Township Engineer may impose special conditions to restore the structural integrity of the new pavement.

19-1.13 General Rules and Regulations.

- a. No person shall place material of any description whatsoever, or vehicles or other equipment of any nature, upon any road or street, so as to interfere with the flow of water along the gutters or with traffic.

- b. No excavation shall be opened for a distance of more than 200 feet at any single time. All excavations shall be backfilled and all equipment removed from the public right-of-way at the end of each day's work and at such times as may be required for noninterference with snow removal.
- c. The Township Engineer, department of public works and the police department shall be notified 48 hours in advance of the exact time of starting work on all excavations, and 72 hours in advance of the replacement of the pavement base and surface courses.
- d. All work performed and material furnished shall be in compliance with the rules, regulations and specifications of the Township.
- e. Work shall be completed to eliminate interference with subsurface utilities and their appurtenances unless permission for interference has been obtained from the proper authorities. No excavation which could endanger or damage trees or shrubbery shall be made without the Engineer's approval. Blasting is not generally approved and will only be permitted by special consent of the Township Engineer.
- f. The Township Engineer reserves the right to impose special conditions when warranted.
- g. The permittee shall indemnify and hold harmless the Township of Chatham, its officers, employees and agents against all suits and costs of every name and description and from all damages and injuries.
- h. If required by the Township Engineer, permittee shall provide adequate public notice, to all impacted roads, not later than 72 hours prior to the construction.

19-1.14 Enforcement.

The Township Engineer is hereby designated as the officers to enforce the provisions of this section. This provision shall not, however, be construed as depriving members of the Township Police Department of the power to prosecute violations of this section.

19-1.15 Penalties.

Any person who violates any of the provisions of this section or who fails to comply with any of the requirements hereof shall be liable to a fine of not more than two hundred (\$200.00) dollars or to imprisonment for not more than ninety (90) days, or to both such fine and imprisonment. Each and every day such violation continues shall be considered a separate offense.

19-2 - 19-9 RESERVED.

SECTION 3. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.

SECTION 4. This Ordinance shall take effect immediately upon (1) adoption; and (2) publication in accordance with the laws of the State of New Jersey.

Mayor Ritter opened the public hearing for Ordinance 2017-13. Seeing nobody coming forward, Mayor Ritter closed the public hearing.

Committeeman Sullivan moved to adopt Ordinance 2017-13. Committeeman Selen seconded the motion.

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

Ordinance 2017-14

**ORDINANCE 2017-14
ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE
OF NEW JERSEY ACCEPTING DEED OF CONSERVATION EASEMENT FOR
BLOCK 20, LOT 15, 43 SUSAN DRIVE**

WHEREAS, Mariam Vaziri is the owner of 43 Susan Drive, Block 20, Lot 15 on the Tax Map, and has, pursuant to a resolution of the Board of Adjustment, agreed to convey a deed of Conservation Easement to the Township; and

WHEREAS, the Township Committee wishes to accept and authorize the Mayor and Clerk to execute such easement agreement;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the above described conservation easement is hereby accepted and the Mayor and Clerk are hereby authorized to execute a conservation easement agreement, in form similar to that attached hereto, with the owners of 43 Susan Drive, Block 20, Lot 15, which easement shall be approved by the Township Attorney.

Mayor Ritter opened the public hearing for Ordinance 2017-14.
Seeing nobody coming forward, Mayor Ritter closed the public hearing.

Committeeman Sullivan moved to adopt Ordinance 2017-14. Committeeman Selen seconded the motion.

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

Consent Agenda

**RESOLUTION 2017-184
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 – September
- Construction Official – September
- Police Department – September
- Tax Collector – September
- Vital Statistics – 3rd Quarter
- Dog Licensing Official – 3rd Quarter
- Raffle Licenses – 3rd Quarter
- State Training Fees – 3rd Quarter

**RESOLUTION 2017-185
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 meetings held on October 12, 2017.

**RESOLUTION 2017-186
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF
MORRIS, STATE OF NEW JERSEY, RELEASING DEVELOPER ESCROW ACCOUNT
AND/OR PERFORMANCE BOND BALANCES**

WHEREAS, developers are required to deposit monies with the Township for the purposes of offsetting Township professional costs to review plans or to inspect approved development and for the purpose of ensuring the satisfactory completion of public or private improvements; and

WHEREAS, these deposited monies, following all necessary withdrawals to cover Township expenses or costs, may be released upon satisfactory completion of work, receipt of review board decisions, or completion of guaranteed work, upon passage of a Township resolution authorizing such release.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following guarantee amount or account balances, with interest adjustments as prescribed by state and local laws, may be released to the depositor of record:

NAME	<u>Project</u>	<u>A/C NUMBER</u>	<u>AMOUNT</u>
Chun Lian Ling 798 River Road Chatham, NJ 07928	BOA 16-23-18	7763180195	\$240.00

Craftsman Quality Homes Attn: John DeSimone 420 River Road, Apt. F-9 Chatham, NJ 07928	ENG 16-128-14.01-14 Re: 509 & 511 Shunpike Road	7763180054	\$82.50
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RESOLUTION 2017-187

AMENDED RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING AND APPROVING THE RESOLUTION OF THE PLANNING BOARD RECOMMENDING THAT THE SKATE PARK, ALSO KNOWN AS A PORTION OF BLOCK 48.16, LOT 117.27, BE DESIGNATED AS A NON-CONDEMNATION REDEVELOPMENT AREA AS DEFINED IN CHAPTER 79 OF THE LAWS OF 1992 OF NEW JERSEY, N.J.S.A. 40A:12-1 ET SEQ., AS AMENDED.

WHEREAS, on October 12, 2017, the Township Committee (“Committee”) of the Township of Chatham (“Township”) adopted Resolution 2017-183; and

WHEREAS, the Township Committee desires to amend Resolution 2017-183; and

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“Redevelopment Law”) authorizes municipalities to determine whether certain parcels of land located within the municipality constitute areas in need of non-condemnation redevelopment; and

WHEREAS, on November 10, 2016, the Committee, by Resolution 2016-182, authorized and directed the Township of Chatham Planning Board (“Planning Board”) to conduct a preliminary investigation pursuant to the Redevelopment Law to determine whether the property identified as Block 48.16, Lot 117.27, as shown on the Tax Map of the Township (“Study Area”), constitutes an area in need of non-condemnation redevelopment in accordance with the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Study Area consists of one (1) parcel fronting on Southern Boulevard owned by the Township; and

WHEREAS, on November 10, 2016, the Committee, by Resolution 2016-182, authorized Frank Banisch, P.P. (“Planning Consultant”), to conduct an investigation to determine whether the Study Area, or any portion thereof, constitutes an area in need of non-condemnation redevelopment in accordance with the Redevelopment Law, and to prepare a preliminary investigation report of the Study Area; and

WHEREAS, the Planning Consultant prepared a Study, dated May 2017 (“Report”), which details the findings and recommendations relevant to whether the Study Area should be designated as an area in need of non-condemnation redevelopment; and

WHEREAS, the Planning Board, having provided the requisite notice and all jurisdictional requirements of the Redevelopment Law having been met, conducted a public hearing on June 19, 2017, where the Planning Consultant, being sworn and qualified as an expert in professional planning, made a presentation of the Report to the Planning Board; and

WHEREAS, in addition to the presentation of the Planning Consultant, the Planning Board held a public hearing; and

WHEREAS, the Planning Consultant concluded that the Study Area satisfies the criteria of the Redevelopment Law, N.J.S.A. 40A:12A-5 as follows: Portion of Block 48.16, Lot 117.27 - Criteria (c), (d) and (h) and that the Study Area is an area in need of non-condemnation redevelopment; and

WHEREAS, the Planning Board did not receive any written comments or objections to Report prior to the close of the public hearing on June 19, 2017; and

WHEREAS, at the conclusion of the public hearing, the Planning Board found that the Planning Consultant’s conclusions in the Report and his testimony provide substantial evidence to support the findings that a portion of the Study Area satisfies the criteria of the Redevelopment Law, N.J.S.A. 40A:12A-5, and that the designation of a portion of the Study Area as an area in need of non-condemnation redevelopment is necessary for the effective redevelopment of the Study Area; and

WHEREAS, the Planning Board voted to recommend that the Township Committee find that the Study Area be designated as an area in need of non-condemnation redevelopment meeting the criteria of the Redevelopment Law, N.J.S.A. 40A:12A-5, as set forth by the Planning Consultant; and

WHEREAS, on June 19, 2017, the Planning Board adopted a Resolution memorializing the public hearing and decision on that date; and

WHEREAS, the Planning Board submitted the memorializing Resolution, along with a copy of the Report and all exhibits presented at the public hearing to the Township Clerk for distribution to the Mayor and Township Committee for consideration thereof; and

WHEREAS, after review and consideration of the Planning Board’s recommendation, including all documents submitted therewith, the Township Committee agrees with the conclusion of the Planning Board that the Study Area meets the aforementioned criteria for a non-condemnation redevelopment area designation, and the Township Committee finds that such conclusion is supported by substantial evidence; and

WHEREAS, the Township Committee further agrees with the recommendation of the Planning Board that a portion of the Study Area be designated as an area in need of non-condemnation redevelopment pursuant to the Redevelopment Law; and

WHEREAS, the Township Committee now desires to designate a portion of the Study Area as an area in need of non-condemnation redevelopment, pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the Township Committee further desires to authorize and direct the Planning Consultant to work with the Planning Board to prepare a redevelopment plan for a portion of the Study Area and present same to the entire Township Committee pursuant to N.J.S.A. 40A:12A-7f.

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

1. The aforementioned recitals, including the Report and exhibits presented at the June 19, 2017 public hearing before the Planning Board, are incorporated herein as though fully set forth at length.

2. The Township Committee hereby designates a portion of the Study Area as an area in need of non-condemnation redevelopment pursuant to N.J.S.A. 40A:12A-6, satisfying criteria of the Redevelopment Law, N.J.S.A. 40A:12A-5 as follows:

Portion of Block 48.16, Lot 117.27 - Criteria (c), (d) and (h)

3. The Planning Consultant is hereby directed to work with the Township Planning Board to prepare a redevelopment plan for a portion of the Study Area (to be hereinafter referred to as the Redevelopment Area), and present same to the entire Township Committee pursuant to N.J.S.A. 40A:12A-7f.

4. The Clerk of the Township shall forward a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs for review and approval by regular and certified mail (return receipt requested).

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

RESOLUTION 2017-188

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AUTHORIZE PARTICIPATION IN THE NEW JERSEY STATE HEALTH BENEFITS PROGRAM ACT OF THE STATE OF NEW JERSEY FOR SHBP DENTAL PLAN COVERAGE

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

1. The Township of Chatham, a participating employer in the State Health Benefits Program, hereby elects to participate in the SHBP Employee Dental Plans provided by the New Jersey State Health Benefits Act of the State of New Jersey (N.J.S.A. 52:14-17.25 et seq.) and to authorize coverage for all the employees and their dependents thereunder in accordance with the statute and regulations adopted by the State Health Benefits Commission.
2. As a participating employer we will remit to the State Treasury all charges due on account of employee and dependent coverage and periodic charges in accordance with the requirements of the statute and the rules and regulations duly promulgated thereunder.
3. As the employer I understand that the employer is responsible for at least 75% of the dental premium.
4. We hereby appoint the Township Administrator to act as Certifying Officer in the administration of this plan.
5. This resolution shall take effect immediately and coverage shall be effective as of January 1, 2018 or as soon thereafter as it may be effectuated pursuant to the statutes and regulations.

Committeeman Sullivan commented on the new dental plan, and congratulated Administrator Ciccarone on the cost savings. Committeeman Sullivan noted that Township employees will be getting a better plan at a lower cost. Administrator Ciccarone added that employees will have additional choices with the State Health Benefits Program.

Committeeman Sullivan 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, Absent; Mayor Ritter, Aye.

Discussion

Rezoning Dixiedale Farm Property, Block 66 Lot 1

Administrator Ciccarone said that the Planning Board considered a request to rezone the Dixiedale Farm property to allow for 25 duplex units, along with the conversion of the manor home into four condos and a clubhouse. The Planning Board has recommended that the Township Committee adopt an ordinance to make the requested zoning change. Administrator Ciccarone said that the Planning Board also considered a redevelopment plan for the Skate Park.

Formal action has not yet been taken on the redevelopment plan, as the developer has not yet received a letter of interpretation from the NJDEP regarding the wetlands delineation.

Attorney Cruz noted various dates at which various aspects of this topic were discussed at public meetings. He also said that if the Township Committee introduces the ordinance as recommended, it will be referred back to the Planning Board for a determination that the ordinance is not inconsistent with the Master Plan. Upon introduction, the Planning Board will have 35 days to make a determination regarding Master Plan consistency.

Mayor Ritter asked if a final layout of the roadways for the the potential development is available. Administrator Ciccarone explained that the full engineering for an application has not yet been done by the developer. He added that due to the cost of engineering, the developer will not likely move forward until they are sure that they will be able to submit a full application. Administrator Ciccarone also commented on the roadway element of the concept plan. Mayor Ritter asked what role the Township Committee would have with the application. Administrator Ciccarone said that the application would go before the Planning Board, not the Township Committee.

Attorney Cruz pointed out that the proposed ordinance follows the same adoption process as any other zoning ordinance, and that the application would go to the Planning Board.

Committeeman Kelly asked if the public hearing and final adoption has to occur in the same calendar year in which an ordinance is introduced. Administrator Ciccarone said that it would have to be in the same year, or the process would have to start over. He also noted that there is a possibility that the vacancy currently being filled by Committeeman Selen is up for election in November, and could potentially be filled by his challenger.

Committeeman Kelly asked about having the public hearing at the time of final adoption. Attorney Cruz said that the legal procedure is to have the public hearing at a meeting following the introduction. Committeeman Kelly asked if any timing problems can be avoided by having an additional public presentation at the time of introduction. Mayor Ritter suggested that the developer could make a presentation to the Township Committee similar to the one presented to the Planning Board. Committeeman Sullivan noted that the presentation would be different from a public hearing. He also asked how the Township Committee could handle public comment. Attorney Cruz specified that the public hearing cannot be on the same night as introduction. He also noted that each meeting of the Township Committee has two opportunities for general public comment.

Committeeman Selen asked what would happen if the current potential developer backs out of the project at a future time. Attorney Cruz said that the ordinance would tie the development of the Dixiedale Farm property with the affordable housing component at the Skate Park. Administrator Ciccarone added that the Township Committee could leave the proposed ordinance in place, or could further rezone the property should the current potential developer back out of the project.

Committeeman Kelly spoke in favor of having the developer make a presentation before the Township Committee.

Meeting Schedule

Mayor Ritter said that the next Township Committee meeting is scheduled for November 9th. As he will be away that evening, and he suspects other residents may be away, Mayor Ritter proposed moving the meeting to November 8th at 7:30 PM.

Committeeman Sullivan expressed a concern that people expect meetings to be on Thursday evenings. Mayor Ritter noted that all possible efforts will be made to get word out of the change.

Hearing of Citizens/Petitions

Mayor Ritter opened the Hearing of Citizens.

1. Alex Tyo, 280 Hillside Ave, said that in reviewing the minutes of past Township Committee meetings, he saw that the Township had considered purchasing the Dixiedale Farm property, and he asked what had happened. Mr. Ciccarone said that the potential purchase of Dixiedale by the Township was at the same time that the purchase

of the Giralda Farms Preserve was taking place, and there was not enough money available to purchase both. Mr. Tyo also asked for clarification about the process for evaluation of the rezoning ordinance for Dixiedale, and what is being evaluated. Attorney Cruz said that if the ordinance is introduced, it is referred to the Planning Board for a determination on the ordinance's consistency with the Master Plan. He said that if the ordinance is deemed inconsistent with the Master Plan, the Township Committee can still adopt the ordinance, and would also have to adopt a resolution stating the reasons why the ordinance is being adopted. Mr. Tyo asked if the introduction is done by a vote of the Township Committee. Attorney Cruz said that there would be a motion to introduce the ordinance, which is a procedural motion.

2. Tracy Ness, 31 Geoffrey Court, asked when Giralda Farms Preserve was purchased. Attorney Cruz said it was purchased at the end of 2014. Mrs. Ness asked if discussions about potentially purchasing Dixiedale were concurrent with discussions to purchase the Giralda Farms Preserve, and Attorney Cruz said they were. Mrs. Ness how much money the Township contributed to the purchase of the Giralda Farms Preserve. Administrator Ciccarone said he will have to look up that information, and he thinks it was about \$1 million. Mrs. Ness asked why the Township was not able to partner with the same organizations that helped purchase the Giralda Farms Preserve to also help fund the purchase of Dixiedale Farm. Administrator Ciccarone said that the Township had to decide which application to pursue with the Morris County Open Space Trust, and the Township did not feel strategically able to pursue a second application at that time. He also said that subsequent to the purchase of the Giralda Farms Preserve, the owners of Dixiedale sought other options. Mrs. Ness asked about the impetus of the rezoning ordinance. Administrator Ciccarone said that it is tied in with the development of affordable housing near the Skate Park. Mrs. Ness asked when the Township will learn what the affordable housing obligation will be, and she asked if the Township should wait until the obligation is known before moving forward with any rezoning. Administrator Ciccarone said that the obligation is subject to pending litigation, and it will take some time before that number is known. Mrs. Ness also asked about the Safe Routes to School Grant for Lafayette Avenue sidewalks. Administrator Ciccarone said that the State is holding up the project, as the NJDOT has not yet selected a design engineer for the project.
3. Derek Gardella, 155 Hillside Ave, asked about the potential traffic impact of the potential development of the Dixiedale Farm, and what has been proposed to alleviate congestion. Attorney Cruz said that traffic impact details will be discussed at the Planning Board when an application has a public hearing. Mr. Gardella asked if traffic studies will be performed by the Township or just the developer. Attorney Cruz said that the applicant would present an initial traffic study, and it would be up to the Planning Board to decide if they wish to commission an additional traffic study. Mr. Gardella asked if the Township Committee has discussed the potential impact of Dixiedale Farm development with the Chatham Borough Council and Mayor. Committeeman Sullivan said that he has had informal discussions with Mayor Harris. Administrator Ciccarone said that he has also discussed it with the Borough's engineer and administrator.

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

Executive Session

RESOLUTION 2017-P-15 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED

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.

Committeeman Kelly moved to adopt Resolution 2017-P-15 to enter Executive Session at 8:57 PM. Committeeman Sullivan seconded the motion.

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

Committeeman Sullivan moved to adjourn at 9:34 PM. Committeeman Kelly seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk