

Regular Council Meeting Minutes
December 11, 2006

REGULAR COUNCIL MEETING
December 11, 2006 8:00 p.m.

The Regular Council Meeting of the Borough of Chatham was held on Monday December 11, 2006 beginning at 8:00 p.m. in the Council Chambers, in the Municipal Building.

The meeting was called to order at 8:00 p.m.; Mayor Richard L. Plambeck presiding

The Mayor and Borough Council saluted the flag.

Mayor's statement regarding Adequate Notice of Meeting

Pursuant to the requirements of R.S. 10:4-10, adequate notice of this meeting has been provided by including same in the Annual Notice, copies of which were posted on the Municipal Bulletin Board, on the Main floor of the Municipal Building, mailed to the Chatham Courier, the Morris County Daily Record, the New Jersey Star Ledger and emailed to the Independent Press and filed with the Borough Clerk, all on December 30, 2005.

On a call of the roll the following officials were present:

Council President Cordelia O. Fuller
Council Member Stephen W. Williams
Council Member Richard E. Crater, Jr.
Council Member Bruce A. Harris
Council Member Jayme V. La Jeunesse
Council Member James J. Collander
Mayor Richard L. Plambeck
Robert J. Falzarano, Borough Administrator
David J. Lloyd, Borough Attorney
Susan Caljean, Municipal Clerk

DISCUSSION ITEM

Ogden Church Update-Mr. Lloyd

Mr. Lloyd gave some history on Ogden Memorial Church; the main church was built before the turn of the century. The middle building was built in 1926 and the addition where the Montessori School is located was built in 1957. The ordinance forming the Planning Board was adopted in 1953. Although the use has increased over the years it is still a conforming use. Mr. Lloyd did some research on nonconforming use. Mayor Plambeck questioned if there are a restrictions on the number of seats or capacity of the building. Mr. Lloyd explained that the Zoning and Fire Codes have all been met. Council Member Collander stated they had to get a CCO when the tenant changed and the church/school were inspected and passed.

RESOLUTION #06-305
RESOLUTION TO ADOPT COUNCIL MEETING MINUTES

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that the minutes from the following meeting are approved as typed and filed in the Borough Clerk's office:

Council Meeting, October 23, 2006
Council Meeting, November 13, 2006

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Chatham that portions of minutes from the following Executive Session meetings shall be unredacted at the recommendation of the Borough Attorney:

Executive Session, July 14, 2003	Executive Session, February 27, 2006
Executive Session, September 22, 2003	Executive Session, April 10, 2006
Executive Session, October 14, 2003	Executive Session, April 24, 2006
Executive Session, January 26, 2004	Executive Session, May 8, 2006
Executive Session, July 12, 2004	Executive Session, May 22, 2006
Executive Session, August 9, 2004	Executive Session, June 12, 2006
Executive Session, October 12, 2004	Executive Session, October 10, 2006
Executive Session, November 22, 2004	
Executive Session, August 22, 2005	
Executive Session, September 12, 2005	
Executive Session, February 13, 2006	

Council Member Harris moved to approve Resolution # 06-305 and Council Member Williams seconded, a vote was taken and it was approved unanimously.

Council Member La Jeunesse, Council Member Crater, Council Member Harris and Council Member Collander abstained from Executive Session of July 14, 2003. Council Member Harris, Council Member La Jeunesse and Council Member Collander abstained from Executive Session of September 14, 2003. Council Member Harris, Council Member La Jeunesse and Council Member Collander abstained from Executive Session of October 14, 2003. Council President Fuller, Council Member Harris, Council Member La Jeunesse and Council Member Collander abstained from Executive Session of January 26, 2004. Council Member Collander abstained from Executive Session of July 12, 2004. Council Member Collander and Council Member Williams abstained from Executive Session of August 9, 2004. Council Member Collander abstained from Executive Session of October 12, 2004. Council Member Collander and Council Member Williams abstained from Executive Session of November 22, 2004. Council Member Williams abstained from Executive Session of August 22, 2005. Council Member Williams abstained from Executive Session of September 12, 2005. Council Member Williams and Council Member Crater abstained from Executive Session of February 13, 2006. Council Member Williams and Council Member La Jeunesse abstained from Executive Session of February 27, 2006. Council Member Williams abstained from Executive Session of April 10, 2006. Council Member Williams abstained from

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Executive Session of May 22, 2006. Council Member La Jeunesse and Council President Fuller abstained from Executive Session of June 12, 2006. Council Member Williams abstained from Executive Session of October 10, 2006.

COUNCIL LIAISON REPORTS

Historic Preservation Commission

Council President Cordelia O. Fuller reported that at the last meeting on November 21st the Commission reviewed plans for the HSBC Bank. The plans were very generic and the Commission asked for more details; if they are received there will be a meeting on December 19th. If not the meeting will probably be cancelled.

Local Assistance Board

Council President Cordelia O. Fuller reported there is one active general assistance case and one pending case. Two Thanksgiving Baskets were delivered to families in Chatham. Holiday gifts were arranged for those who were referred by the School System.

Streetscape Committee

Council President Cordelia O. Fuller reported the Center Street lot was paved and should be lined soon. The handicap space near the old Post Office has been completed.

Council Member Fuller reported she attended the Mayor's box lunch at the League Convention in Atlantic City. She also looked at the machinery on display for the DPW. Council President Fuller attended several seminars one on Protecting Land and Water Resources.

Board of Education

Council Member Richard E. Crater, Jr. reported the Teacher's Association and the Board are in nonbinding mediation talks; he is hoping they will settle soon. The discussions are concerning wages, health care and tuition reimbursement. The building projects are on schedule.

Chamber of Commerce

Council Member Richard E. Crater, Jr. reported Santa came to Chatham last Thursday at the Library. It was very well attended. The Chamber will have their Holiday Party on January 4th at the Hilton. The next meeting will be Thursday Dec. 14th.

Council Member Crater reported on the League Conference he stated he attended seminars on Public Safety, Labor Relations, Gang Violence in New Jersey and Streetscape. Council Member Crater stated he has attended the conference many times and it is always well worth it.

Environmental Commission

Council Member Bruce A. Harris reported he was not at the last meeting but they discussed reorganization for next year and projects for next year.

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Open Space Committee

Council Member Bruce A. Harris reported the Open Space Committee will set their agenda for next year at the next meeting. The Committee is planning on having a public meeting next year on the possible vacation of Greenwood Avenue.

Planning Board

Council Member Bruce A. Harris reported Dunkin Donuts will be on the agenda at next Wednesday's meeting. The Board is also working on the issue of set backs.

Council Member Harris attended seminars on Streetscape, Team Building, and Property Tax Reform, at the League Conference.

Traffic Committee

Council Member Jayme V. La Jeunesse reported there was no Traffic Committee meeting this month.

Recreation Committee

Council Member Jayme V. La Jeunesse reported he did not attend the meeting this month.

Carol Nauta requested permission to do a K through 12 Lacrosse Clinic by US Lacrosse.

Board of Health

Council Member James J. Collander reported the next meeting is Thursday.

Shade Tree Commission

Council Member James J. Collander reported the fall plantings are complete. There will be 68 trees planted in the spring.

Council Member Collander stated he attended seminars on Streetscape, Team Building, Smart Growth, Property Tax Reform, and Pension and Healthcare Issues at the League Conference.

ADMINISTRATOR'S REPORT

Bob Falzarano reported that he attended seminars on Team Building and Goal Setting, Ethics Reform, and Director vs. Police Chief at the League Conference. The Bond Sale was held on December 5th. Citigroup was the successful bidder the rate is 3.79% which is better than the 2003 rate. Chatham's Bond rating is AA-1. Work on the 2007 budget continues, there are some issues concerning the cap. Chatham received a grant from the state for \$175,000.00 to pave Van Doren Avenue. The 2007 calendars will be delivered to residents next week. The League gave Chatham's calendar an award for communications.

Mayor Plambeck reported he attended seminars on Streetscape, State Plan, Cable Franchise Bill, and Shared Services, at the League Conference

RESOLUTION #06-323
RESOLUTION RECOGNIZING STEPHEN W. WILLIAMS AS COUNCIL MEMBER
WITH NINE YEARS OF DEDICATED SERVICE

WHEREAS, Stephen W. Williams served as a Council Member for nine years; and

WHEREAS, Council Member Williams has donated countless volunteer hours to improving the quality of life for the residents of Chatham Borough; and

WHEREAS, Stephen W. Williams served as Council Member, Member of the Chatham Volunteer Fire Department, Member Heavy Rescue Unit, Chairman of the Finance, Personnel and Insurance Committee and liaison to the Board of Education and Local Assistance Board, Chairman and Vice-Chair of the Water & Sewer Committee, Vice-Chair to the Madison-Chatham Joint Operating Committee, Chairman of Public Safety and Emergency Services Committee, President, Vice President and Member of the Board of Health, and Chairman on Solid Waste Recycling Committee and;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Chatham that Council Member Williams will be missed.

BE IT FURTHER RESOLVED, that your service to the community is appreciated, you made Chatham Borough a better place to live...Thank you Council Member Williams!

Council Member Crater moved to approve Resolution # 06-323 and Council Member Harris seconded, a vote was taken and it was approved unanimously.

Mayor Plambeck presented Council Member Williams with a framed copy of the Resolution and a chair from the old Council Chambers.

RESOLUTION #06-324
RESOLUTION RECOGNIZING JAYME V. LAJEUNESSE AS COUNCIL MEMBER
WITH OVER TWO YEARS OF DEDICATED SERVICE

WHEREAS, Jayme V. La Jeunesse served as a Council Member for over two years; and

WHEREAS, Council Member LaJeunesse has donated countless volunteer hours to improving the quality of life for the residents of Chatham Borough; and

WHEREAS, Jayme V. LaJeunesse served as Council Member, Chairman and liaison of the Traffic Safety Committee, Member of the Department of Public Works/Engineering/Water & Sanitary Sewer Committee, Chairman of the Solid Waste Committee, Member of the Madison-Chatham Joint Meeting Finance Committee, Member of the Public Safety & Emergency Services Committee and continues to serve on the Chatham Emergency Squad and;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Chatham that Council Member LaJeunesse will be missed.

BE IT FURTHER RESOLVED, that your service to the community is appreciated, you made Chatham Borough a better place to live...Thank you Council Member LaJeunesse!

Council President Fuller moved to approve Resolution # 06-324 and Council Member Crater seconded, a vote was taken and it was approved unanimously.

Mayor Plambeck presented Council Member La Jeunesse with a framed copy of the Resolution and a chair from the old Council Chambers.

MEETING OPEN TO THE PUBLIC

MAYOR'S NOTICE OF PUBLIC COMMENT TIME LIMIT

Hearing of citizens during the Public Comment Section of the Agenda is an opportunity for any member of the public to be heard about issues which are/are not topics scheduled for Public Hearing tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to three minutes.

Joe Marts of 14 West Coleman Avenue thanked the Mayor and Council for attending the League Conference. Mr. Marts commended Susan Caljean for the award the calendar won. He also commended the DPW for the response to the wind storm and cleaning up the downed trees. Mr. Marts stated Ogden has been a good neighbor.

Bob Leverich of 43 Elmwood Avenue presented the Mayor and Council with a petition signed by 26 residents of Elmwood Avenue in which they say the one plan presented by the church is unacceptable. Council Member Harris had some questions.

Brenda Hines of 29 Elmwood Avenue had several comments about the parking at Ogden Church.

Council President Fuller stated she and Council Member Collander had attended the last meeting at the church and there were only 5 residents in attendance.

Brenda Hines replied that the meeting prior to that had 50 residents in attendance.

Mr. Knoll of Ogden Memorial Church stated the church does not want to put parking on the front lawn. Mr. Knoll stated plans should be available for the Planning Board in approximately two months.

Eileen Dexheimer of 54 Elmwood Avenue stated the biggest concern is safety for the children. She would like to have the street one way and no left turn onto Main Street.

Mr. Vella of 58 North Summit Avenue stated the recycling company is throwing the garbage pails in the street or driveway not putting them back on the curb. Mr. Vella asked Mr. Falzarano to call the company. Mr. Falzarano stated he would call them and that he had done that several weeks ago. Mr. Vella asked if there are problems during the installation of the artificial turf if the cost would be split between the three parties. Mayor Plambeck stated there

is an agreement that the cost will be split. The maintenance of the field is the responsibility of the Borough. Mr. Vella had questions about the transfer of money from one account to another. Mayor Plambeck explained.

Council Member Crater proposed that Elmwood Avenue should be made a one way from north to south and right turn only on to Main Street.

Council Member Harris had concerns about making Elmwood Avenue a one way.

Mayor Plambeck also had concerns about making the street a one way. Mayor Plambeck would like a traffic study done.

Michael Dean of 181 North Passaic Avenue had several questions. Mayor Plambeck explained. Mr. Dean asked for an update on the 9-1-1 memorial and Woodland Park. Mayor Plambeck stated no money has been spent on Woodland Park and he has talked to family members about the 9-1-1 memorial.

Richard Friday of 40 Elmwood Avenue stated all residents on Elmwood Avenue are opposed to the activities at Ogden Memorial Church.

Chris Weiss of 70 Elmwood Avenue stated Ogden Memorial Church should come up with a solution that has the support of the community.

Ed Leithead of 62 Fairview Avenue has concerns about speeding on Fairview Avenue and the safety of the approximately 40 small children that live on the street. Mr. Leithead thanked the Chatham Police for their presents on Fairview Avenue.

Martha May of 20 Kimball Street wished Council Member Williams and Council Member La Jeunesse well and thanked them for their service.

CONSENT AGENDA

The following items are considered to be routine by the Chatham Borough Mayor and Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

Resolution #06-306 through Resolution #06-320 have been placed on the Consent Agenda.

RESOLUTION #06-306 RESOLUTION TO APPROVE PAYMENT OF VOUCHERS

WHEREAS, vouchers for payment have been submitted to the Mayor and Borough Council by the various municipal departments.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Chatham that all vouchers approved by the Finance Chairman be paid subject to the certification of the availability of funds by the Chief Financial Officer.

**RESOLUTION #06-307
RESOLUTION TO REFUND PROPERTY TAXES**

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that a refund of property taxes be issued to the individuals listed below as follows:

BLOCK/LOT	OWNER & PROPERTY ADDRESS	AMOUNT	YEAR/QTR
6/3	Barrett, Daniel & Patricia 221 Washington Avenue	\$843.25	2006/3 Qtr overpaid

**RESOLUTION #06-308
ESTABLISHING A NEW PETTY CASH FUND**

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund in any county of municipality by application and resolution, and;

WHEREAS, it is the desire of the Mayor and Council of Borough of Chatham, County of Morris, State of New Jersey to establish such a fund for Petty Cash in the amount of \$50.00; and

WHEREAS, the custodian for this fund is, Barbara Bate, who is bonded for the amount of up to 2 million dollars; such custodian shall maintain records for this fund in a manner conducive to proper accounting and auditing procedures;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Chatham hereby authorizes such action and that two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

**RESOLUTION #06-309
RESOLUTION TO REFUND PRO-RATED MONEY FOR THE FOLLOWING
PARKING PERMITS**

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that a refund for the return of parking permits be given to the following listed below:

Rayment, Steven \$72.00
PO Box 1506
Hoboken, NJ 07303

Bussinelli, Lisa \$50.00
109 Lafayette Avenue
Chatham, NJ 07928

Caggiano, Anthony \$25.00
64 Lincoln Avenue
Chatham, NJ 07928

RESOLUTION #06-310
RESOLUTION TO AUTHORIZE THE CHIEF OF POLICE OF THE BOROUGH OF
CHATHAM TO ENTER INTO A CONTRACT WITH NEW JERSEY BUSINESS
SYSTEMS INC. UNDER STATE CONTRACT #T0483 FOR ENFORSYS
HARDWARE AND SOFTWARE SYSTEMS AND TRAINING

WHEREAS, the Chief of Police has informed the Borough of Chatham governing body that it has need for the installation Enforsys hardware and software systems [“deliverables”], and training consequent to the installation thereof; and

WHEREAS, the New Jersey Business Systems Inc. has offered these deliverables and training pursuant to State Contract T0143 to local governmental units; and

WHEREAS, New Jersey Business Systems Inc. has submitted a proposal for said deliverables and training in the amount of \$65,450.00 and an additional initial Annual Maintenance Fee of \$9,020.00 which will apply after the ninety (90) day warranty period ends; and

WHEREAS, the Chief Financial Officer has certified that funds are available; and

WHEREAS, these types of deliverables and training were previously authorized for installation, training and use on behalf of the Chatham Borough Police Department under a prior contract for these types of systems from a prior vendor, Positron, which contract has been terminated at no cost to the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that the Chief of Police is authorized to sign and Municipal Clerk attest to an agreement with New Jersey Business Systems, Inc. to purchase deliverables and training pursuant to State Contract T0143 in the amount of \$65,450.00 and maintenance in the amount of \$9,020.00, subject to the approval of the Contract by the Borough Attorney.

RESOLUTION #06-311
RESOLUTION TO AMEND RESOLUTION #06-95 TO INCREASE THE
STIPULATED AMOUNT FOR SERVICES TO BE RENDERED FROM \$17,500 TO
\$22,500 UNDER CONTRACT FOR PROFESSIONAL APPRAISAL SERVICES
WITH INTEGRA REALTY RESOURCES

WHEREAS, by Resolution #06-95 the Borough of Chatham authorized the services of Integra Realty Resources, a professional appraisal services firm, in the amount not to exceed \$17,500.00; and

WHEREAS, the Borough of Chatham has had unanticipated need for such services, specifically including a written appraisal evaluation of the Upper Level of the Municipal

Building for lease purposes, which was not contemplated by the parties at the time the contract was negotiated; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that funds are available;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Chatham authorizes an increase from \$17,500 to \$22,500 under contract for professional appraisal services with Integra Realty Resources, amending Resolution #06-95.

**RESOLUTION #06-312
RESOLUTION TO REFUND COMMON ROOM DEPOSIT**

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that a refund of a deposit be issued to the individual listed below as follows:

Axelrod, Helena \$15.00
41 Coleman Avenue West
Chatham, NJ 07928

**RESOLUTION #06-313
RESOLUTION TO RESCIND RESOLUTION #06-239 FOR THE PURCHASE OF
ONE NEW AND UNUSED PLANT/CML VESTA PALLAS 9-1-1 SYSTEM FOR THE
CHATHAM BOROUGH POLICE DEPARTMENT FROM JOHNSTON
COMMUNICATIONS VOICE & DATA**

WHEREAS, the Mayor and Council of the Borough of Chatham passed Resolution #06-239 on August 14, 2006 for the purchase of one new and unused Plant/CML VESTA PALLAS 9-1-1 System for the Chatham Borough Police Department from Johnston Communications Voice and Data; and

WHEREAS, the Resolution stipulated that the purchase was under State Contract #A42287 T1316; and

WHEREAS, Johnston Communications Voice and Data has recently informed the Chief of Police that it is not a qualified vendor under State Contract #A42287 T1316;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Resolution #06-239 is rescinded; and it is further

RESOLVED, that the Chief of Police is directed to notify Johnston Communications Voice and Data of the cancellation of the purchase of the hereinbefore described 9-1-1 System.

RESOLUTION #06-314

**RESOLUTION TO AUTHORIZE ENTRY INTO A LEASE/PURCHASE
AGREEMENT PURSUANT TO STATE CONTRACT A49367 FOR MODEL 8045
DIGITAL SYSTEM SAVIN COPIER FROM STEWART BUSINESS SYSTEMS FOR
THE CHATHAM BOROUGH POLICE DEPARTMENT**

WHEREAS, the Chief of Police has informed the Borough Administrator that the Chatham Borough Police Department has need for the above referenced photocopier machine; and

WHEREAS, the State of New Jersey has offered pursuant to N.J.S.A. 40A:11-12, a lease of the above referenced photocopier machine from Stewart Business Systems to local governmental units; and

WHEREAS, Stewart Business Systems has submitted a proposal for the lease of Model 8045 Digital System Savin Copier and accessories at a total cost of \$368 per month/60 months per attached proposal, maintenance and supply to be added to the existing agreement; and

WHEREAS, the Chief Financial Officer has certified that funds are available.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Chatham that the Mayor is authorized to sign and Municipal Clerk attest to an agreement with Stewart Business Systems, Inc. to lease/purchase Model 8045 Digital System Savin Copier and accessories for a total cost of \$368.00 per month for 60 months for the Chatham Borough Police Department; and

BE IT FURTHER RESOLVED, that funds for this expenditure are available in the 2007 Budget Appropriation for the first year of said lease/purchase and subject to the availability of funds in future years.

RESOLUTION #06-315

**RESOLUTION URGING THE STATE OF NEW JERSEY ADMINISTRATION AND
212th LEGISLATURE TO SUPPORT ASSEMBLY, BILL No. 3563 TO REQUIRE
THE ATTORNEY GENERAL TO DEFEND CERTAIN LAW ENFORCEMENT
OFFICERS**

WHEREAS, Assemblyman Alex DeCroce (District 26 [Morris and Passaic]) and Assemblyman Christopher “Kip” Bateman (District 16 [Morris and Somerset]) are Co-Sponsors of Assembly, Bill No. 3563 which requires the State of New Jersey Attorney General to defend certain law enforcement officers, amending P.L. 1972, c. 48 (NJSA59:10A-1); and

WHEREAS, the “Statement” to Bill No. 3563 provides:

“This bill would require the Attorney General to defend local law enforcement officers who are subject to a legal action arising out of the lawful exercise of their police powers while assigned to and working under the supervision of a State law enforcement officer or agency.

On occasion, local law enforcement officers are assigned to special task forces and investigative units organized and supervised by the county prosecutor or other State law enforcement officers or entities. These multi-jurisdictional law enforcement initiatives are effective crime fighting instruments.

Recently, the Attorney General refused to defend a group of local law enforcement officers who were sued for police actions they had taken while serving on a special county task force under the direct supervision of the county prosecutor. If the State refuses to defend local law enforcement officers while they are serving on these special task forces, their employing jurisdictions may hesitate in permitting them to participate in these critical law enforcement operations, citing the local government's potential liability in law suit.

Requiring the Attorney General to defend local law enforcement officers in legal proceedings arising from their police work as part of special State organized and supervised task forces will eliminate this stumbling block by limiting the liability local governmental units might incur as a result of permitting their law enforcement officers to participate in these special task forces and investigative units."

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, in the County of Morris and State of New Jersey, that the Borough of Chatham respectfully urges the State of New Jersey 212th Legislative Session to pass Assembly, Bill No. 3563 and for Governor Jon S. Corzine to sign the legislation into law as soon as practicable;

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to forward a copy of this Resolution to Governor Jon S. Corzine; the Attorney General; the Legislative Representatives of the 26th Legislative District; the Freeholders of the County of Morris; Morris County Prosecutor Michael M. Rubbinaccio; the New Jersey Police Chiefs' Association and all Morris County Municipalities.

**RESOLUTION #06-316
RESOLUTION TO APPROVE THE BY-LAWS OF THE CHATHAM JOINT
RECREATION ADVISORY COMMITTEE**

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the form of By-Laws annexed hereto as adopted as the By-Laws of the Chatham Joint Recreation Advisory Committee are hereby approved.

**RESOLUTION #06-317
RESOLUTION TO CANCEL APPROPRIATION TO OPERATIONS IN CURRENT
YEAR**

WHEREAS, there appears to be sufficient funds in the following accounts over and above the demand deemed for the balance of the current year Current Fund,

Account Number 6-01-29-390-201 Maintenance of Joint Free Public Library

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of R.S. 40A:4-58, the Borough Council of the Borough of Chatham authorizes the Chief Financial Officer to make the following cancellation into Operations:

Library Appropriation 6-01-29-390-201 \$109,368.00

RESOLUTION #06-318
RESOLUTION TO PURCHASE A 20-LINE/PLANT/MAARS ELECTROKEY 9-1-1 SYSTEM FROM VERIZON BUSINESS SYSTEMS UNDER STATE CONTRACT #A 51015

WHEREAS, Chief Drake has submitted a recommendation to the Borough Administrator to purchase a 20-line [MAARS Electrokey 9-1-1 System] MAARS is an acronym for Modular ANI/ALI Retrieval System from Verizon Business Systems under State Contract #A 51015; and

WHEREAS, the Borough Council has approved the purchase and installation of new replacement communications equipment, including a 9-1-1 System for the Police Department; and

WHEREAS, the Chief Financial Officer has certified that funds are available;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Chatham that the Police Department is hereby authorized to purchase a 20-Line MAARS Electrokey 9-1-1 System from Verizon Business System in the amount of \$82,245.71 under State Contract #A 51015 which includes the system installation, testing, training and turn-up. The training will be on-site for 24 employees.

RESOLUTION #06-319
RESOLUTION TO TRANSFER MONIES BETWEEN ACCOUNTS

WHEREAS, there appears to be insufficient funds in the following accounts to meet the demands thereon for the expenses of the current year Current Fund in the following accounts;

Account Number	20-105-2	Labor Attorney
	43-490-1	Court S & W

WHEREAS, there appears to be sufficient funds in the following accounts over and above the demand deemed to be necessary for the balance of the current year Current Fund,

Account Number	25-265-1	Fire S & W
	31-455-1	Sewer S & W

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S.A. 40A:4-58, the Borough Council of the Borough of Chatham authorizes the Chief Financial Officer to the make the following transfers:

<u>Transfer To:</u>		<u>Transfer From</u>	
<u>Account #</u>	<u>Amount</u>	<u>Account #</u>	<u>Amount</u>
Current Fund 20-105-2	\$3,000.00	25-265-1	\$3,000.00
43-490-1	<u>\$5,200.00</u>	31-455-1	<u>\$5,200.00</u>
	\$8,200.00		\$8,200.00

RESOLUTION #06-320

RESOLUTION TO PURCHASE A BARCODED EVIDENCE ANALYSIS, STATISTICS, AND TRACKING POLICE SYSTEM FROM ENFORSYS POLICE SYSTEMS, INC., 3 BECKER FARM ROAD, 3RD FLOOR, ROSELAND, NJ 07068

WHEREAS, Chief Drake has submitted a recommendation to the Borough Administrator to purchase a Barcoded Evidence Analysis, Statistics and Tracking Police System (hereinafter referred to by its acronym of "BEAST"), which is a police evidence tracking system; and

WHEREAS, the Borough Council has approved the purchase and installation of new hardware and software communications equipment, including the BEAST System for the Police Department; and

WHEREAS, Enforsys Police Systems, Inc. is the only vendor and sole source for the purchase of this product, and the cost of the product is below the statutory threshold of \$17,500 pursuant to N.J.S.A. 40A:11-3; and

WHEREAS, the BEAST System is compatible with current Chatham Borough Police Department software and associated hardware and with the software and associated hardware which will be installed by New Jersey Business Systems Inc.; and

WHEREAS, the Chief Financial Officer has certified that funds are available;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Chatham that the Police Department is hereby authorized to purchase the BEAST System from Enforsys Police Systems, Inc. in the amount of \$14,532.30.

MONTHLY REPORTS

Accept Monthly Reports received from the following Departments:

- | | |
|---------------------------|--|
| Council Member Williams | Bills & Warrants List (November 2006)
Monthly Financial Statement |
| Council Member LaJeunesse | Recreation Committee (November 2006) |

Council President Fuller	Department of Public Works (November 2006)
Council Member Crater	Police Report (November 2006) Emergency Squad (November 2006) Municipal Court (October & November 2006) Fire Department Report (November 2006) Emergency Management (November 2006)
Council Member Harris	Building & Zoning Report (November 2006) Fire Inspections (November 2006)

CONSENT AGENDA VOTE

Resolutions #06–306 through #06–320 and the Monthly Reports

Council Member Williams moved to approve the Consent Agenda and Council Member Collander seconded.

Mayor Plambeck asked to remove Resolution # 06-321 from the Consent A
A vote was taken and it was approved unanimously.

RESOLUTION #06-321

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE REPAIR, RENOVATION AND REFURBISHMENT OF “LUM FIELD,” INCLUDING BUT NOT LIMITED TO THE INSTALLATION OF ARTIFICIAL TURF, TO DAKOTA EXCAVATING CONTRACTORS, INC. OF 481 HACKENSACK AVENUE, HACKENSACK, NJ 07601 IN THE AMOUNT OF THE BASE BID OF \$743,338. AND IN ADDITION FOR:

**ALTERNATE- B \$92,400.-INDUSTRIAL STRENGTH FENCING
ALTERNATE- C \$19,600.-4 BRICK COLUMNS**

FOR A TOTAL CONTRACT PACKAGE IN THE AMOUNT OF \$855,338.

WHEREAS, Neglia Engineering Associates has undertaken to advertise for bids for the repair, renovation and refurbishment of “Lum Field,” including but not limited to the installation of artificial turf (hereinafter “Lum Field Project”), in accordance with Resolution #06-197 and pursuant to the “Local Public Contracts Law,” N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, six (6) bids have been received by the Borough of Chatham, and the base bid of Dakota Excavating Contractors, Inc. is in the amount of seven-hundred and forty-three thousand three hundred and thirty-eight dollars [\$743,338.], which is the lowest amount submitted from the six (6) bids received by the Borough of Chatham for the Lum Field Project; and

WHEREAS, David J. Lloyd, the Borough Attorney, has determined that the bid to be awarded is in proper form and order; and

WHEREAS, Vincent DeNave, the Borough Engineer, has determined that Dakota Excavating Contractors, Inc. is both qualified and responsible for the type of work contemplated; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that funds are available for this Project.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, County of Morris, State of New Jersey that a contract be processed and awarded to Dakota Excavating Contractors, Inc. and that the Mayor and Municipal Clerk are hereby authorized and directed to execute a contract for the base bid of \$743,338. and in addition for:

ALTERNATE- B \$92,400. – industrial strength fencing
ALTERNATE- C \$19,600.- 4 Brick columns

for a total contract package in the amount of \$855,338 for the Lum Field Project.

Council Member La Jeunesse moved to approve Resolution #06-321 and Council Member Collander seconded.

Council Member Crater moved to remove Alternate D seconded by Council Member Collander. A vote was taken and it was approved unanimously. Council member Harris abstained.

A vote was taken and it was approved on a vote of 5 to 1. Council Member Harris voted no.

RESOLUTION #06-325
RESOLUTION TO AWARD NEGOTIATED CONTRACT FOR THE FURNISHING
AND DELIVERY OF LIGHTING EQUIPMENT FOR THE STREETSCAPE
PROJECT TO TURTLE & HUGHES, INC. OF LINDEN, NJ

WHEREAS, the “Local Public Contracts Law,” N.J.S.A. 40A:11-1 et. seq., Section 5 entitled “Exceptions” permits a municipality to negotiate a contract because bids have been advertised pursuant to Section 4 entitled “Contracts and agreements required to be advertised” on two occasions and the governing body has rejected such bids because it has been determined that they were not reasonable as to price; and

WHEREAS, the Council of the Borough of Chatham authorized the Borough Administrator to negotiate a contract for the purchase of streetscape lighting for the Streetscape Project having rejected bids on July 8, 2004 by Resolution No. 04-237 and again having rejected bids on August 2, 2004 by Resolution No. 04-275; and

WHEREAS, Turtle & Hughes, Inc., a corporation duly incorporated in the State of New Jersey, has submitted a negotiated contract price of \$82,046.49 for the furnishing and delivery of forty-seven (47) decorative lighting standards and luminaries pursuant to Quote #26297, dated October 16, 2006, attached to this Resolution and made a part hereof; and

WHEREAS, Vincent J. DeNave, P.E., Borough Engineer, has stated that Turtle & Hughes, Inc. is both qualified and responsible for the type of work contemplated; and

WHEREAS, the Finance Director has determined sufficient funds are available in the amount of \$82,046.49;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Chatham, County of Morris, State of New Jersey that a contract be processed and awarded to Turtle & Hughes, Inc. and that the Mayor and Clerk are hereby authorized and directed to execute a contract with Turtle & Hughes, Inc. for the furnishing and delivery of forty-seven (47) decorative lighting standards and luminaries pursuant to Quote #26297, dated October 16, 2006, attached to this Resolution and made a part hereof.

Council President Fuller moved to approve Resolution #06-325 and Council Member Crater seconded. A vote was taken and it was approved unanimously.

RESOLUTION #06-326

RESOLUTION TO AUTHORIZE COUNCILMAN ELECT JOSEPH MIKULEWICZ AND COUNCILMAN ELECT NEAL T. COLLINS TO ATTEND THE DECEMBER 11, 2006 EXECUTIVE SESSION OF THE CHATHAM BOROUGH GOVERNING BODY

WHEREAS, Councilman Elect Joseph Mikulewicz and Councilman Elect Neal T. Collins requested by letter, dated December 11, 2006, to attend the December 11, 2006 Executive Session of the Chatham Borough Governing Body; and

WHEREAS, under the Open Public Meetings Act, matters discussed in Executive Sessions are deemed privileged and confidential, as more fully set forth in Resolution #06-322; and

WHEREAS, the Council under the circumstances deems it proper and prudent to permit Councilman Elect Joseph Mikulewicz and Councilman Elect Neal T. Collins to attend the December 11, 2006, Executive Session of the Chatham Borough Governing Body, provided, however, that both agree to sign a Waiver Agreement:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Councilman Elect Joseph Mikulewicz and Councilman Elect Neal T. Collins are invited to attend the December 11, 2006, Executive Session of the Chatham Borough Governing Body, provided, however, that each undertake to sign the Waiver Agreement attached to this Resolution.

Council President Fuller moved to approve Resolution #06-326 and Council Member Harris seconded. A vote was taken and it was defeated with a vote of 4 to 2. Council Member Harris and Council Member Collander voted yes.

RESOLUTION #06-322
RESOLUTION TO RECESS INTO CLOSED SESSION

BE IT RESOLVED by the Borough Council of the Borough of Chatham that it adjourn to executive session to discuss the following subject matter(s) without the presence of the public in accordance with the provisions of R.S. 10:4-12b:

CONTRACT NEGOTIATIONS: 1. ECLC School Lease

PERSONNEL: 1. Professional Service provider evaluations
2. Health Benefits contract

The matter(s) discussed will be made known to the public at such time as appropriate action is taken on said matter(s), and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Borough of Chatham, provided such disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege.

Council Member Collander moved to approve Resolution # 06-322 and Council Member Harris seconded. A vote was taken and it was approved unanimously.

Adjourn 10:45 pm

Respectfully Submitted:

Susan Caljean
Municipal Clerk