

**REGULAR COUNCIL MEETING**  
**April 9, 2007 8:00 p.m.**

The Regular Council Meeting of the Borough of Chatham was held on Monday April 9, 2007 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, emailed to the Morris County Daily Record, the Star Ledger, the Chatham Courier and Independent Press and filed with the Borough Clerk, all on December 29, 2006.

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

On a call of the roll the following officials should be present:

Council Member Cordelia O. Fuller  
Council Member Richard E. Crater, Jr.  
Council President Bruce A. Harris  
Council Member James J. Collander  
Council Member Joseph Mikulewicz  
Council Member Neal T. Collins\*  
Mayor Richard L. Plambeck  
Robert J. Falzarano, Borough Administrator  
David J. Lloyd, Borough Attorney  
Susan Caljean, Municipal Clerk

\*speakerphone

Council Member Fuller read the following proclamation.

**PROCLAMATION**

**PROCLAIMING APRIL 9<sup>TH</sup>, 2007 AS RUBY FELT DAY**

**WHEREAS**, Ruby Felt has lived in Chatham 74 years; and

**WHEREAS**, Ruby Felt is 100 years old today; and

**WHEREAS**, Ruby Felt was an active volunteer for many years in Chatham, and at Greystone Park where she baked approximately 175 apple pies for fund-raising for the institution each year; and

**WHEREAS**, Ruby Felt would grow these apples on her own trees; and

**WHEREAS**, Ruby Felt had an amazing mini-farm in her backyard growing lettuce, squash, corn, tomatoes, beans, etc; and

**WHEREAS**, Ruby Felt preserved and consumed them during the winter months, which probably explains her longevity, at least in part.

**BE IT RESOLVED**, that Ruby Felt is well respected and admired by her neighbors and the community and is truly a remarkable lady!

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council that Ruby Felt be recognized as an inspiration to future generations in Chatham Borough.

### **DISCUSSION ITEMS**

Chatham Fest "07" Carolyn Cherry and Andy Copp reported there has been a tremendous response from vendors. The Chatham Fest will run on June 9<sup>th</sup> from 10 am. to 4 p.m. There will be entertainment at the gazebo. Volunteers can contact the Chamber of Commerce.

Library Centennial Celebration Fran Fauver and Debra Pocci outlined what the celebration will include; it will take place from 12 noon to 2 p.m. on June 9<sup>th</sup>. There will be a time capsule; the library has requested items from various organizations. They will erect banners in Chatham Borough and Chatham Township to advertise the celebration.

Mr. DeNave reported there will be a public information session in the near future about the road program for South Passaic Avenue, Burgess Street and Chandler Road. The Jackson Avenue Lift Station should be out to bid in the near future. The Streetscape lights are at the DPW. The lights should be installed in a month and a half. The fence around Lum Field should be installed in a few weeks and the field should be ready in May.

Van Doren Avenue Resurfacing Mr. DeNave stated the DOT gave us a grant of \$175,000.00 to resurface Van Doren Avenue from Main Street to Weston Avenue. Mr. DeNave suggested the project be split into two phases and that the Borough request from DOT more funding next year to complete the second phase.

Water Lead Testing Results Mr. DeNave stated Tony Terrello has done an excellent job he has been very proactive. Mr. DeNave explained about the water tests taken last year. Three samples came back over the .015 mg per liter action level. There was no lead contamination at the three source wells. The main lines where tested on the streets were the positive tests came back and nothing was over the limit.

Lum Field Backstops Mr. DeNave explained that they had originally planned on using portable backstops; but after seeing them it was suggested that they install permanent back stops. Carol Nauta explained why they would like to install the permanent backstops rather than using the portable backstops. There will be an increase in the cost of \$30,000.00 for this change. Bob Falzarano will discuss this with the Chatham Athletic Foundation and the Chatham Township Administrator.

**RESOLUTION #07-138**  
**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, March 12, 2007  
Council Meeting, March 26, 2007

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Executive Session minutes be adopted herein as approved and redacted by the Borough Attorney:

Executive Session Meeting, February 12, 2007  
Executive Session Meeting, February 26, 2007

Council Member Mikulewicz moved to approve Resolution # 07-138 and Council Member Crater seconded. A vote was taken and it was approved unanimously.

**COUNCIL LIAISON REPORTS**

Senior Center

Council Member Cordelia O. Fuller stated the last meeting was held on March 10<sup>th</sup>; the next meeting will be on April 14<sup>th</sup> at 9:00 a.m. The Senior Center is ready to mail their Forget Me Not Annual Campaign for funds for the Senior Center.

Historic Preservation Commission

Council Member Cordelia O. Fuller stated the next meeting has been canceled because the HSBC Bank called to say they were not prepared to present to the Commission.

Streetscape Committee

Council Member Cordelia O. Fuller stated there will be an information session at the Borough Hall once they have specific information.

Chamber of Commerce

Council Member Richard E. Crater, Jr. reported the Chamber is having a Comedy Night on Saturday at the Fish and Game Club. The Chatham Fest needs volunteers; they can contact the Chamber of Commerce.

Shade Tree Commission

Council Member Richard E. Crater, Jr. reported the Commission will plant 68 trees in April.

Environmental Commission

Council President Bruce A. Harris reported some members will look at Wuhala Woods and the conservation lands off of River Road. The annual trail clean up at Shepard Kollack Park will be held April 21<sup>st</sup> at 9 a.m.

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Open Space Committee

Council President Bruce A. Harris reported the Committee is continuing to look at paper streets and the Open Space Tax.

Planning Board

Council President Bruce A. Harris reported the Board is working on side yard set backs. They are also looking at storm water regulations that would apply to residential property. There will be an application for 221 Main Street before the Board this Wednesday.

Traffic Committee

Council Member James J. Collander will meet Wednesday night to discuss the traffic issues at Washington Avenue School. They will also discuss Kings Road and Fairview Avenue.

Recreation Committee

Council Member James J. Collander reported opening day is April 14<sup>th</sup> the Mayors will throw out the first pitch. The fence is being installed at Shepard Kollack Park. The next meeting is tomorrow night at 7:30 p.m.

Board of Education

Council Member Joseph Mikulewicz reported the construction at the Middle School is ahead of schedule. The School Board elections will take place on April 17<sup>th</sup>. There will be a redistricting meeting on April 30<sup>th</sup>.

Council Member Joseph Mikulewicz explained information that he received from the Farmer's Council. Council Member Joseph Mikulewicz suggested a Farmer's Market Committee should be formed.

Board of Health

Council Member Neal T. Collins stated he has nothing to report; the meeting is on Thursday.

Local Assistance Board

Council Member Neal T. Collins reported they have no one requiring the services of the Assistance Board.

**ADMINISTRATOR'S REPORT**

Bob Falzarano stated the house at Woodland Park has been demolished. Summer hours for Borough Hall will start on June 1<sup>st</sup>; the Borough Hall will close on Fridays at 1 o'clock from June 1<sup>st</sup> to September 7<sup>th</sup>. The back stop at Milton Avenue School was painted by volunteers. The Mayors, Administrators and Recreation Liaisons of Chatham Borough and Chatham Township met to discuss the joint recreation program. Both towns are contributing equally to the program. The Borough will receive a grant of \$24,215.00 to plant trees on school property.

## **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.

Bernie Vella of 58 North Summit Avenue asked for an explanation of Resolution #07-143. Mayor Plambeck explained.

Martha May of 20 Kimball Street asked if you could walk at Woodland Park. Mayor Plambeck said you could walk on the property but to be careful.

## **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.

Resolutions #07-139 through #07-146 and the Monthly Reports

### **RESOLUTION #07-139**

#### **RESOLUTION TO REFUND PRO-RATED MONEY FOR THE FOLLOWING PARKING PERMITS AND PARKING TOKENS**

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

Graziano, Len                                 \$ 56.00  
101 Sun Valley Way  
Florham Park, NJ 07932

Zingone, Ralph                                 \$148.00  
27 Edgewood Road  
Chatham, NJ 07928

Guider, Paul                                     \$ 4.00  
16 Parkview  
Chatham, NJ 07928

Prost, Norman                                 \$ 24.00  
59 Minton Avenue  
Chatham, NJ 07928

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Lee, Shu \$ 12.00  
46 Nicholson Drive  
Chatham, NJ 07928

Chin, Mary \$ 80.00  
101 Washington Avenue  
Chatham, NJ 07928

Ake, Ted \$ 84.00  
238 Lafayette Avenue  
Chatham, NJ 07928

Perlmutter, Michael \$ 24.00  
22 Stafford Road  
Chatham, NJ 07928

Butterworth, T. Lynn \$ 80.00  
53 Highland Avenue  
Chatham, NJ 07928

Krill, Konrad \$ 64.00  
19 Scenery Hill Drive  
Chatham, NJ 07928

Gay, Jasper/Judy \$ 48.00  
805 Sun Valley Way  
Florham Park, NJ 07932

Henrich, Gregory \$ 52.00  
35 Edgehill Avenue  
Chatham, NJ 07928

O'Meera, Joy \$ 96.00  
10 Rosemary Court  
Florham Park, NJ 07932

Fredrikson, James \$ 28.00  
760 Forest Avenue  
Glen Eilyn, IL 60137

Finlan, Stephen \$ 20.00  
7 Yarmouth Drive  
Chatham, NJ 07928

O'Brien, Paul \$ 40.00  
358 Fairmount Avenue  
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Kushla, Maren J. 71 Townsed Drive Florham Park, NJ 07932-2319	\$ 72.00
High, Timothy 10 Inwood Circle Chatham, NJ 07928	\$ 56.00
Guerreno, Mona S. 575 Main St. #17C Chatham, NJ 07928	\$ 68.00
Pignatelli, Donna 24 Huron Drive Chatham, NJ 07928	\$ 28.00
Doherty, Jeanne 44 Lisa Drive Chatham, NJ 07928	\$120.00
Polanin, Bridget 27 Lenape Tr. Chatham, NJ 07928	\$ 36.00
Lee, Anthony 7 Annabelle Lane Florham Park, NJ 07932	\$ 16.00
Bowles, James 69 Hall Road Chatham, NJ 07928	\$261.00
Laisen, Kelly 10 Yarmouth Road Chatham, NJ 07928	\$ 60.00
Andres, Nicole Primack- c/o Credit Suisse Eleven Madison Avenue New York, NY 10010	\$ 2.00
Diforio, James 26 Glenmere Drive Chatham, NJ 07928	\$ 44.00

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Murray, Thomas                      \$ 52.00  
46 Chandler Road  
Chatham, NJ 07928

Fasold, Peter                         \$ 64.00  
7 Runnymede Road  
Chatham, NJ 07928

**RESOLUTION #07-140  
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 #07-141  
RESOLUTION SUPPORTING THE *CLICK IT OR TICKET* MOBILIZATION OF  
MAY 21 THROUGH JUNE 3, 2007**

**WHEREAS**, there were 773 motor vehicle fatalities in New Jersey in 2006; and

**WHEREAS**, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a safety belt; and

**WHEREAS**, use of a safety belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

**WHEREAS**, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

**WHEREAS**, the State of New Jersey will participate in the nationwide *Click It or Ticket* safety belt mobilization from May 21-June 3, 2007 in an effort to raise awareness and increase safety belt usage through a combination of enforcement and education; and

**WHEREAS**, the Division of Highway Traffic Safety has set a goal of increasing the safety belt usage rate in the state from the current level of 90% to 92%; and

**WHEREAS**, a further increase in safety belt usage in New Jersey will save lives on our roadways;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough of Chatham declares its support for the *Click It or Ticket* safety belt mobilization both locally and nationally from May 21-June 3, 2007 and pledges to increase awareness of the mobilization and the benefits of safety belt use.

**RESOLUTION #07-143**  
**RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT OF WAY USE**  
**AGREEMENT BETWEEN THE BOROUGH OF CHATHAM AND**  
**4CONNECTIONS, LLC TO PERMIT THE INSTALLATION, USE AND**  
**MAINTENANCE OF TELECOMMUNICATIONS FACILITIES WITHIN THE**  
**MUNICIPAL RIGHT OF WAY FOR PURPOSES OF PROVIDING**  
**TELECOMMUNICATIONS SERVICES**

**WHEREAS**, 4Connections, LLC (“User”) has been approved by the New Jersey Board of Public Utilities to provide local exchange and interchange telecommunications services throughout the State of New Jersey pursuant to an Order of Approval in Docket No. TE002010035, dated March 22, 2002; and

**WHEREAS**, pursuant to the aforementioned Order of Approval the User has the authority to locate, place, attach, install, operate and maintain its facilities within the municipal right-of-way for purposes of providing telecommunications services; and

**WHEREAS**, the placement of such telecommunications facilities will provide a public benefit to the citizens of the Borough of Chatham, County of Morris, State of New Jersey; and

**WHEREAS**, the User and the Borough of Chatham negotiated a Right of Way Use Agreement to place its telecommunications facilities aurally on existing utility poles located throughout the Borough of Chatham’s municipal right-of-way for the purpose of owning, constructing, installing, operating and maintaining a telecommunications system pursuant to the terms and conditions of a Right of Way Use Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Chatham, County of Morris and State of New Jersey, that the Mayor and Municipal Clerk are hereby authorized to execute a Right of Way Use Agreement to 4Connections, LLC in substantially similar form to the Agreement attached hereto and made a part hereof, for the construction, installation, operation and maintenance of telecommunications systems within the Borough of Chatham’s municipal right of way pursuant to the terms and conditions of the attached Right of Way Agreement.

**RESOLUTION#07-144**  
**RESOLUTION TO PURCHASE ONE NEW AND UNUSED 2007 FORD CROWN**  
**VICTORIA MARKED VEHICLE FOR THE POLICE DEPARTMENT**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham that the Police Department is hereby authorized to purchase one new and unused 2007 Ford Crown Victoria marked patrol vehicle under State of New Jersey Contract #A67129. The total cost of the vehicle with options is \$22,193.84. The vehicle will be purchased from Warnock Automotive in East Hanover, NJ.

**RESOLUTION #07-145**  
**RESOLUTION TO REFUND RECREATION FEES**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that these following recreation fees are refunded to the following listed below:

<b>Last Name</b>	<b>Amount</b>	<b>Account</b>
LeMon	\$180.00	851-405
LeMon	125.00	851-410
LeMon	180.00	851-406
Cappucci	80.00	851-406
Marcucci	125.00	851-410
Conlan	25.00	851-405
Donahue	80.00	851-406
Wilson	90.00	851-405
Mulcahy	150.00	851-410
Howarth	90.00	851-406
Winschuh	155.00	851-409
Kehoe	55.00	851-405
Clark	180.00	851-406
Hauck	90.00	851-406
Craig	110.00	851-410
Knightly	180.00	851-406
MacCallum	90.00	851-405
Brown	90.00	851-405
Bugajski	180.00	851-405
Landry	50.00	851-405
Johe	25.00	851-405

**MONTHLY REPORTS**

Accept Monthly Reports received from the following Departments:

Council Member Collander	Bills & Warrants List (March 2007) Monthly Financial Statement
Council Member Collander	Recreation Committee (March 2007)
Council Member Fuller	Department of Public Works (March 2007)
Council Member Crater	Police Report (March 2007) Emergency Squad (March 2007) Municipal Court (February 2007) Fire Department Report (March 2007) Emergency Management (March 2007)

Council President Harris

Building & Zoning Report (March 2007)  
Fire Inspections (March 2007)

**CONSENT AGENDA VOTE**

Council Member Mikulewicz asked to have Resolution #07-142 and Resolution #07-146 removed from the Consent Agenda

Resolution #07-139 through Resolution #07-141 and Resolution #07-143 through Resolution #07-145 -and the Monthly Reports have been placed on the Consent Agenda

Council Member Collander moved to approve the Consent Agenda; Council President Harris seconded. A vote was taken and it was approved unanimously.

**RESOLUTION #07-142  
RESOLUTION TO ADOPT CHATHAM BOROUGH MISSION STATEMENT AND  
CHATHAM BOROUGH TABLE OF ORGANIZATION**

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Chatham adopt the Chatham Borough Mission Statement and Chatham Borough Table of Organization; and it is further

**RESOLVED**, that the Borough Administrator is directed to place the Mission Statement in a prominent area of the Municipal Building, and to promote and to publish both the Mission Statement and the Table of Organization as he may determine in his sound discretion, such as the Chatham Borough Annual Report and the website, [www.chathamborough.org](http://www.chathamborough.org)

Council Member Mikulewicz read the Mission Statement.

Council President Harris moved to approve Resolution #07-142; Council Member Fuller seconded. A vote was taken and it was approved unanimously.

**RESOLUTION #07-146  
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN  
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES TO THE  
ENGINEERING FIRM OF NEGLIA ENGINEERING ASSOCIATES**

**WHEREAS**, the Borough of Chatham has a need to acquire professional engineering services to conduct on-site construction administration for the Lum Field Project, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, such services are a “professional service” as defined by N.J.S.A. 40A:11-2(6), and which is permitted by N.J.S.A. 40A:11-5(1)(a) to be contracted for without public bidding; and

**WHEREAS**, the Chief Financial Officer has determined and certified in writing that the value of the professional engineering services are \$19,600 and that funds are available; and

**WHEREAS**, the anticipated term of this contract is for one year; and

**WHEREAS**, NEGLIA ENGINEERING ASSOCIATES has submitted a proposal dated April, 2007 indicating the firm will provide professional engineering services for the hourly rates set forth therein; and

**WHEREAS**, the Borough Engineer has confidence in the firm of NEGLIA ENGINEERING ASSOCIATES by reason of the quantity and quality of special knowledge and experience demonstrated by the firm, and further by reason of the scope of services and schedule of compensation proposed by the firm, as more fully set forth in its proposal, as well as the fact that NEGLIA ENGINEERING ASSOCIATES provided the design for the Lum Field Project; and

**WHEREAS**, NEGLIA ENGINEERING ASSOCIATES has completed and submitted a Business Entity Disclosure Certification which certifies that NEGLIA ENGINEERING ASSOCIATES has not made any reportable contributions to a political or candidate committee in the Borough of Chatham in the previous one year, and that the contract will prohibit NEGLIA ENGINEERING ASSOCIATES from making any reportable contributions through the term of the contract.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Chatham authorizes the Mayor to enter into a contract with NEGLIA ENGINEERING ASSOCIATES as described herein; provided, however that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and it is further

**RESOLVED**, that notice of this Resolution be published once in the official newspaper of the Borough as required by N.J.S.A. 40A:11-5(1)(a).

Mr. DeNave explained why they need to hire Neglia Engineering to oversee the work at Lum Field.

Council Member Fuller moved to approve Resolution #07-146; Council Member Crater seconded. A vote was taken and it was approved unanimously.

**RESOLUTION #07-147  
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:

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- CONTRACT NEGOTIATIONS: 1. Professional Service Providers Evaluation-  
Mr. Harris  
2. License Agreement- Center Avenue- Mr. Lloyd

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 Mikulewicz moved to approve Resolution # 07-147 and Council President Harris seconded. A vote was taken and it was approved unanimously.

Adjourn 10:00 p.m.

Respectfully Submitted:

Susan Caljean  
Municipal Clerk