

REGULAR COUNCIL MEETING
April 23, 2007 8:00 p.m.

The Regular Council Meeting of the Borough of Chatham was held on Monday April 23, 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:

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

Mayor Plambeck asked for a moment of silence for the families of the Virginia Tech Students.

MOMENT OF SILENCE
Families of Virginia Tech Students

DISCUSSION ITEMS

Request for Dedication of Park Bench- Council Member Fuller stated she was approached by a family who would like to donate a park bench dedicated to their granddaughter. The Council discussed whether they should write a policy on this practice; and what the policy should contain. Mayor Plambeck would like a Resolution prepared for the next Council Meeting. The Mayor also would like research done to see the policies of other municipalities.

Lum Field-Days and Hours of Usage-Mrs. Nauta explained the hours that Lum Field would be used; during the school year the field would be utilized weekdays 4:00 p.m. to 8:00 p.m., Saturday 9:00 a.m. to 8:00 p.m. and Sunday 1:00 p.m. to 8:00 p.m. When school is not in

session the hours on weekdays and Saturdays would be 9:00 a.m. to 8:00 p.m. and Sundays 1:00 p.m. to 8:00 p.m. In the fall the lights would be at the field for football practice on Tuesday and Thursday from 4:00 p.m. to 8:00 p.m. Mayor Plambeck asked if the hours at the other fields are the same. Mrs. Nauta stated the hours are the same for all the fields with the exception of Nash Field where they have lights. The Council discussed and decided to change the hours at Lum Field to end at 6:00 p.m. on Saturdays and Sundays.

Mayor Plambeck read the following Proclamation.

PROCLAMATION TO HONOR GERTRUDE BLACHLY

WHEREAS, Gertrude Blachly will be 100 years old on Sunday, May 13, 2007; and

WHEREAS, Gertrude Blachly was born in East Orange and moved to Chatham in 1974; and

WHEREAS, Gertrude Blachly was educated as a school teacher and starting at the tender age of 19, she taught in the New Vernon and Maplewood School systems; and

WHEREAS, some of our Chatham residents were her students; and

WHEREAS, she worked as a vice principal, but found teaching more enjoyable and returned to the classroom to teach math for the remainder of her teaching career; and

WHEREAS, during the summers and after retirement, she traveled extensively in the United States and abroad; and

WHEREAS, one of her favorite trips was a 13,000 mile trip to the western part of the US when gasoline was 11 cents per gallon and the total cost of the trip was \$280.00 per person; and

WHEREAS, Gertrude joined the Navy and was commissioned Lieutenant in the WAVES stationed in Dahlgren, VA in 1944, where she used her math skills in technical work that supported the huge 16 inch bore guns used on battleships; and

WHEREAS, Gertrude is still an active member of the Martha-Naomi Circle at the Chatham Methodist Church and hosts a meeting at the Fellowship Village annually;

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

Mayor Plambeck read the following Proclamation.

ARBOR DAY PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE, I, Richard L. Plambeck, Mayor of the Borough of Chatham, do hereby proclaim April 27th, 2007 as

ARBOR DAY

in the community of the Borough of Chatham. I urge all citizens to support efforts to protect our trees and woodlands, to support our city's urban forestry program, and

Further, I urge all citizens to plant trees to gladden hearts and promote the well-being of present and future generations.

Mayor Plambeck stated in recognition of Arbor Day a tree will be planted at the Library on May 5th.

COUNCIL COMMITTEE REPORTS

Budget and Finance

Council Member James J. Collander reported the Committee met with Mr. Falzarano last week and he would discuss the meeting during the Administrator's Report.

Communications

Council Member Bruce A. Harris stated the Committee is reviewing recommendations for the web site and broadcasting.

Infrastructure & Strategic Planning

Council Member Cordelia O. Fuller stated the Committee needs to gather some information and then they will have a meeting.

Personnel

Council Member Neal T. Collins stated they have not had a meeting since last month.

Public Safety & Emergency Services

Council Member Richard E. Crater, Jr. stated the next meeting will be on May 24th.

Shared Services & 3rd Party Agreements

Council Member Joseph Mikulewicz stated the next meeting will be the third week in May.

ADMINISTRATOR'S REPORT

Bob Falzarano reported that Mr. Lloyd will prepare a resolution on the field hours for review at the May 14th Council Meeting. Mr. DeNave and Mr. Venezia met with the residents of Woods Lane to discuss the lead levels. Mr. Falzarano is working on two policies; one policy is for video taping of public meetings by the public, the other policy is for posting information on the Community Bulletin Board. Verizon will be installing fiber optic cable in the Borough in a few weeks. There will be boxes attached to the existing telephone poles. The Borough has received the DEP permit for the Jackson Avenue Lift Station; the bid opening will be on May 15, 2007; the project should start on June 15th. The parking restriction signs should be installed on Elmwood Avenue in 1 to 2 weeks. In response to a question from Council President Harris, Mr. Lloyd stated one property owner on upper Greenwood Avenue paper street had lost interest in the street vacation, but is now interested again.

The Mayor mentioned that he had received e-mails and calls regarding a rumor that the Borough planned to construct affordable housing on the vacant parcels of Borough owned land on Center Avenue. The Mayor and Council President Harris stated there was no valid basis for this rumor, and that the Borough had no such plans. The Mayor encouraged residents to contact Borough Officials when they are concerned by a rumor.

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.

Jim Young of 157 Center Avenue is concerned about property development on Center Avenue.

Rich Riordan of 29 Van Doren Avenue is getting erosion from Days Brook and does not want water piped into Days Brook from upper Washington Avenue and towards his property.

Rich Ford of 37 Dellwood Avenue thanked the Fire Department for pumping out 350,000 gallons of water from his backyard. Mr. Ford stated he thought the installation of seepage pits has made the problem worse. He is asking the town to resolve the water issues.

Matt Jones of 33 Dellwood Avenue asked when the Borough will get back to them about the stormwater problem. Vince DeNave stated he would have information on potential options at the May 29th Council Meeting.

Ms. Perrone of 18 Fairmount Avenue thanked the Council for recommending a reduction in the hours at Lum Field. She requested to have a “no parking here to corner” sign installed by her house.

**RESOLUTION #07-148
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, April 9, 2007

Council President Harris moved to approve Resolution #07-148 Council Member Fuller seconded. A vote was taken and it was approved unanimously.

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 #07-149 through Resolution #07–157 have been placed on the Consent Agenda.

**RESOLUTION #07-149
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
124/13	Posada, Jorge & Maria 59 Summit Avenue	\$4,367.99	2006/4Qtr. & 2007/1Qtr.
	*Make check payable to: Wells Fargo Real Estate Tax Services, LLC 1 Home Campus Des Moines, IA 50328-0001		
85/17	Town Hall Associates 14 Fairmount Avenue	\$2,768.88	2005/4 Qtr.
	*Make check payable to:	<u>+\$2,988.00</u>	2006/4 Qtr.
		\$5,756.88 Total Refund	

April 23, 2007

The Irwin Law Firm, PA & Town Hall Assoc. *2005 NJ Tax Court Judgement

Mail to: The Irwin Law Firm, P.A.
80 Main Street
West Orange, NJ 07052

RESOLUTION #07-150
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:

Kang, Hyesook \$ 80.00
462 Fairmount Avenue
Chatham, NJ 07928

Belusa, Henry \$ 84.00
26 Scenery Hill Drive
Chatham, NJ 07928

Spawn, Robert \$116.00
6 Van Houton Avenue
Chatham, NJ 07928

Bauer, Barbara \$ 4.00
149 River Edge Drive
Chatham, NJ 07928

RESOLUTION #07-151
RESOLUTION TO ACCEPT THE RESIGNATION OF IAN PERSSON AS A FULL-
TIME TELECOMMUNICATOR FOR THE CHATHAM BOROUGH POLICE
DEPARTMENT AND TO CONTINUE HIS EMPLOYMENT WITH CHATHAM
BOROUGH AS A TEMPORARY TELECOMMUNICATOR

WHEREAS, by letter dated April 16, 2007 Ian Persson has advised that he is resigning as a full-time telecommunicator for the Chatham Borough Police Department, effective April 30, 2007; and

WHEREAS, Ian Persson has agreed to continue as a temporary telecommunicator for the Chatham Borough Police Department at the rate of \$17.16 per hour.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Chatham that it accepts the resignation of Ian Persson as a full-time telecommunicator for the Chatham Borough Police Department, effective April 30, 2007; and it is further

RESOLVED, that Ian Persson will continue his employment with Chatham Borough as a temporary telecommunicator at the rate of \$17.16 per hour.

RESOLUTION #07-152
RESOLUTION TO GRANT PERMISSION TO THE KIWANIS CLUB OF THE CHATHAMS TO HOLD A CAR SHOW ON SATURDAY SEPTEMBER 15, 2007, AND TO AUTHORIZE THE CHIEF OF POLICE TO CLOSE CERTAIN DESIGNATED PARKING LOTS AND TO CONTROL AND TO REGULATE TRAFFIC CONDITIONS CONSEQUENT THERETO

WHEREAS, the Kiwanis Club of the Chathams will hold a Car Show scheduled for Saturday, September 15, 2007; and

WHEREAS, the Chief of Police has reviewed traffic conditions created by the Kiwanis Club of the Chathams Car Show and has recommended to the Borough Administrator that certain designated parking lots be closed in order to facilitate the public activity created by Kiwanis Club of the Chathams Car Show and to control and to regulate traffic conditions consequent thereto.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Chatham authorizes the Chief of Police to close the following parking lots from 8 a.m. to 3 p.m. on Saturday, September 15, 2007 to facilitate the public activity created thereby:

PARKING LOT NO. 1 or PLAZA NORTH

and it is further

RESOLVED, that the Chief of Police is authorized to undertake such traffic measures to control and to regulate traffic conditions created consequent to the closure of the aforesaid lot.

RESOLUTION #07-153
RESOLUTION TO AUTHORIZE THE CHIEF OF POLICE TO CLOSE CERTAIN DESIGNATED PARKING LOTS AND TO CONTROL AND TO REGULATE TRAFFIC CONDITIONS CONSEQUENT THERETO FOR THE 2007 CHATHAMFEST TO BE HELD SATURDAY, JUNE 9, 2007 SPONSORED BY THE CHATHAM AREA CHAMBER OF COMMERCE

WHEREAS, the 2007 Chatham Fest sponsored by the Chatham Area Chamber of Commerce is scheduled for Saturday, June 9, 2007; and

WHEREAS, the Chief of Police has reviewed the traffic conditions created by Chatham Fest and has recommended to the Borough Administrator that certain designated parking lots be closed in order to facilitate the public activity created by this event and to control and to regulate traffic conditions consequent thereto;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham authorize the Chief of Police to close the following parking lots from 10:00 a.m. to 6:00 p.m. on Saturday, June 9, 2007 to facilitate the public activity created by this event:

- A. PARKING LOT NO. 1 or PLAZA NORTH
- B. PARKING LOT NO. 4 or PASSAIC AVENUE LOT
- C. PARKING LOT NO. 7 or FIREHOUSE PLAZA LOT.

and

BE IT FURTHER RESOLVED, that the Chief of Police is authorized to undertake such traffic measures to control and to regulate traffic conditions created consequent to the closure of the aforesaid parking lots.

**RESOLUTION #07-154
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.

CONSENT AGENDA VOTE

Council Member Collander asked to have Resolution #07-156 removed from the Consent Agenda, and Council Member Harris asked to have Resolution #07-155 and #07-157 removed from the Consent Agenda.

Resolutions #07-149 through Resolution #07-154 have been placed on the Consent Agenda.

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

**RESOLUTION #07-155
RESOLUTION TO BECOME A ONE YEAR MEMBER OF THE NEW JERSEY
COUNCIL OF FARMERS AND COMMUNITIES**

WHEREAS, the governing body of the Borough of Chatham desires to establish a Farmer's Market for the benefit of the community; and

WHEREAS, the selection and availability of farmers for the market can be expedited with the assistance of the New Jersey Council of Farmers and Communities (NJCFC); and

WHEREAS, membership with the New Jersey Council of Farmers and Communities also provides the following services:

1. Provide regional and local farmers market advertising and promotional material
2. Assist with recruiting growers for our farmers market
3. Provide information on growers crop plans
4. Support and monitor the farm inspection program including timely and relevant information
5. Distribute market schedules of all participating markets, dates and times
6. Inspection of each member market once per season
7. Provide Jersey Fresh produce education in regards to season, varieties and growing requirements as well as verifying the source of produce sold at our market

WHEREAS, membership for one year is \$300.00 and is refundable in the event that a Farmer's Market is not established in the Borough of Chatham; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Chatham that participation by the Borough of Chatham in the County of Morris as member of the New Jersey Council of Farmers and Communities benefits and assists the Borough of Chatham in establishing a Farmer's Market and sustains New Jersey agricultural resources while protecting farmland in our region.

BE IT FURTHER RESOLVED that the Administrator, Clerk or Mayor is hereby authorized to complete, mail and sign membership application.

Council Member Mikeluwicz moved to approve Resolution #07-155 and Council Member Crater seconded.

There was some discussion about the location of the market.

A vote was taken and it was approved unanimously.

RESOLUTION #07-156
RESOLUTION TO AWARD NEGOTIATED CONTRACT FOR MAIN STREET
STREETSCAPE – PHASE IIB LIGHTING IMPROVEMENTS TO FAI-GON
ELECTRIC INC., 140 11th STREET, PISCATAWAY, NEW JERSEY08854

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 installation of streetscape lighting for the

Streetscape Project having rejected bids on August 9, 2004 by Resolution No. 04-237 and having rejected bids on October 12, 2004 by Resolution No. 04-275; and

WHEREAS, Fai-gon Electric Inc., a corporation duly incorporated in the State of New Jersey, has submitted a negotiated contract price of \$480,000 for Main Street Streetscape – Phase IIB Lighting Improvements consisting of 39 light poles and luminaries including concrete footings/bases, conduit, conductors, control boxes, meters, breakers, breaker panels, including all traffic control services, site safety requirements, coordination with the lighting equipment contractor, NJDOT, utilities, site restoration and all else required for a complete and operational system; and

WHEREAS, Vincent J. DeNave, P.E., Borough Engineer, has informed the Borough Administrator that Fai-gon Electric Inc., 140 11TH Street, Piscataway, New Jersey 08854 is both qualified and responsible for the type of work contemplated; and

WHEREAS, the Borough Attorney has reviewed the bid and has notified the Borough Administrator that the negotiated contract bid is in proper form and order; and

WHEREAS, the Finance Director has determined sufficient funds are available in the amount of \$480,000;

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 Fai-gon Electric Inc., 140 11th Street, Piscataway, New Jersey 08854, and that the Mayor and Clerk are hereby authorized and directed to execute a contract with Fai-gon Electric Inc. for Main Street Streetscape – Phase IIB Lighting Improvements consisting of 39 light poles and luminaries including concrete footings/bases, conduit, conductors, control boxes, meters, breakers, breaker panels, including all traffic control services, site safety requirements, coordination with the lighting equipment contractor, NJDOT, utilities, site restoration and all else required for a complete and operational system.

Council Member Fuller moved to approve Resolution #07-156 and Council Member Crater seconded.

Council Member Collander had questions about the project and the contractor. Mr. DeNave explained.

A vote was taken and it was approved unanimously.

RESOLUTION #07-157
RESOLUTION ADOPTING CHANGE ORDER NO. 1 TO A CONTRACT BETWEEN
THE BOROUGH OF CHATHAM AND DAKOTA EXCAVATING CONTRACTORS,
INC. FOR THE LUM AVENUE FIELDS IMPROVEMENTS

WHEREAS, Change Orders are regulated by Local Finance Board regulation N.J.A.C. 5:34-4; and

WHEREAS, approval by the Mayor and Council is required for all Change Orders;
and

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

WHEREAS, Robert J. Falzarano, Borough Administrator and Vincent J. DeNave, Borough Engineer, have recommended that the Mayor and Council approve Change Order No. 1 as follows:

Change Order #1

A. First Supplemental

Permanent Backstop w/galvanized chain link, installed in concrete footings.

	<u>Amount</u>	\$32,000.00
Less credit for:		
Prefabricated Portable Backstop		(\$ 6,000.00)
	Net Increase	\$26,000.00

B. Second Supplemental

Concrete pads for underneath the benches; "Not to Exceed \$15,000.00."

C. Third Supplemental

Breakaway Bases: "Not to Exceed \$ 3,000.00"

WHEREAS, the adjusted amount of this contract, based upon Change Order No. 1 is \$26,000.00, together with the Second Supplemental of "Concrete pads for underneath the benches: 'Not to Exceed \$15,000.00,'" and Third Supplemental of "Breakaway Bases: 'Not to Exceed \$ 3,000.00'".

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Chatham in the County of Morris as follows:

1. Change Order No. 1 to the contract between the Borough of Chatham and Dakota Excavating Contractors, Inc. is authorized by the Borough; and
2. The Mayor is hereby authorized to execute Change Order No. 1.

Council Member Collander moved to approve Resolution #07-157 and Council Member Fuller seconded. A vote was taken and it was approved unanimously.

NEW BUSINESS

ORDINANCE #07-18

INTRODUCTION AND FIRST READING OF AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF CHATHAM, CHAPTER 165 THEREOF, ENTITLED "LAND DEVELOPMENT ORDINANCE", TO AMEND SECTION 165-10 THEREOF IN ORDER TO REDEFINE SIDE YARDS, AND TO AMEND SECTION 165-14 TO AMEND THE SIDE YARDS ALLOWED IN RESIDENTIAL DISTRICTS

Council President Harris introduced Ordinance # 07-18 on first reading and moved that a public hearing be held on May 14, 2007 at 8:00 p.m. in the Council Chambers of the Chatham Borough Municipal Building and prior to the hearing this ordinance shall be published according to law, and was seconded by Council Member Fuller.

Mayor Plambeck asked for a vote. A vote was taken and Ordinance #07-18 was introduced with a vote of 6 to 0.

ADJOURN

There being no further business the meeting was adjourned at 10:08 pm.

Respectfully Submitted:

Susan Caljean
Municipal Clerk