

**REGULAR COUNCIL MEETING**  
**November 12, 2007 8:00 p.m.**

The Regular Council Meeting of the Borough of Chatham was held on Monday November 12, 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

Mayor Plambeck asked for a moment of silence for all of our veterans.

**RESOLUTION #07-266**  
**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 22, 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, October 9, 2007  
Executive Session, October 22, 2007

Council Member Collins moved to approve Resolution # 07-266 and Council President Harris seconded. A vote was taken and it was approved unanimously.

### **DISCUSSION ITEMS**

Holiday Displays-David Lloyd explained the difference between secular and sectarian displays. He also explained some cases that had been discussed in court and the courts' decisions. He suggested that the Borough put some regulations in place to regulate the size and style of the display. David Lloyd recommended that the Council approve the Menorah display. Council Member Fuller questioned why we would put up a sectarian display now when we have never had such a display. Council Member Collander had several questions. Mayor Plambeck would like another sectarian display at the park with the Menorah.

Recreation 2008 Budget- Carol Nauta explained the problems with the kiddy pool at Memorial Field. She would like to have money in the budget to properly repair the pool. Mrs. Nauta also requested some improvements to Lower Lum Field and to the Tennis Courts.

Engineering 2008 Capital Budget- Vince DeNave explained that he is requesting a large amount of money because he would like to replace the water lines when a road is resurfaced. Mr. Venezia explained the water lines need to be replaced because they are only 4" lines and they should be 6" to 8". Mr. DeNave explained which roads he would like to resurface, replace the water lines and improve the drainage. Mr. DeNave would like to see the sidewalk Ordinance enforced, it states the homeowner is responsible to repair the sidewalks in front of their property. Also included in the 2008 budget would be money to repair the Parrott Mill and Riverview lift stations. Mr. DeNave also suggested some improvements to Shepard Kollack Park. Mr. DeNave would like to purchase a G.I.S system.

Recreation Background Check Ordinance- David Lloyd explained that the Chatham Township Ordinance would require background checks only every 36 months. Chatham Borough would like to have the check done more often. The spring sport program would require between 500 and 700 background checks.

Madison Open Space Acquisition- Bruce Harris reported Madison Borough received 6 million dollars from Morris County to purchase 53 acres in Florham Park. The property is part of the old Exxon property. Madison may be interested in partnering with other municipalities and developing the property into recreation fields. Mr. Harris recommended that the Council take the lead on getting the Chatham Joint Recreation Committee, Chatham Athletic Foundation, and others interested parties in the Borough and Township together to investigate whether we could benefit from such a partnership.

### **COUNCIL LIAISON REPORTS**

#### Senior Center

Council Member Cordelia O. Fuller reported the Senior Center has one year of support for the organization. There are three grants pending.

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Historic Preservation Commission

Council Member Cordelia O. Fuller reported the Commission has reviewed the plans for the HSBC Bank. The next meeting is scheduled for November 20<sup>th</sup>, if needed.

Streetscape Committee

Council Member Cordelia O. Fuller reported the next meeting is December 4<sup>th</sup> at 2:30 pm. They will be discussing sidewalk patterns and the lighting.

Chamber of Commerce

Council Member Richard E. Crater, Jr. reported the Chamber is hosting an educational breakfast at Charlie Browns November 23<sup>rd</sup>. They will be decorating the tree at the Gazebo on November 23<sup>rd</sup>. Santa will visit the Library on December 6<sup>th</sup> and Rotary Park on December 13<sup>th</sup>. The White Lights Senior Bus Tour will be on December 10<sup>th</sup>. On November 27<sup>th</sup> there will be a meeting at Borough Hall to discuss Business Improvement Districts and Downtown Associations.

Shade Tree Commission

Council Member Richard E. Crater, Jr. reported the last meeting was held last Tuesday. 60 trees will be planted this spring. 49 trees will be planted at the schools this Saturday.

Environmental Commission

Council President Bruce A. Harris stated the next meeting will be November 28<sup>th</sup>.

Open Space Committee

Council President Bruce A. Harris reported the Committee is happy the Open Space Tax was passed.

Planning Board

Council President Bruce A. Harris reported at the last meeting the HSBC Bank was discussed and the Ogden Church Application was approved.

Traffic Committee

Council Member James J. Collander stated the Committee is working on signage for Elmwood Avenue. The radar units are being moved around town. The Committee is working on the intersection at Coleman Avenue and Main Street.

Recreation Committee

Council Member James J. Collander stated the next meeting will be on November 20<sup>th</sup> in the Township.

Board of Education

Council Member Joseph Mikulewicz reported the last meeting was held on November 5<sup>th</sup>. There was a discussion of the lights at Haas and Cougar Fields. The next meeting will be November 19<sup>th</sup> at 7:30 pm.

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Board of Health

Council Member Neal T. Collins stated the next meeting will be on November 8<sup>th</sup>.

Local Assistance Board

Council Member Neal T. Collins stated the Board has not met since his last report.

**ADMINISTRATOR'S REPORT**

Bob Falzarano reported that the Borough has recycled 2,000 pounds of textiles. Mr. Falzarano contacted JCP&L about removing the old style lights on Main Street; they will determine who owns the lights so that he can talk with them about removal. Bob Venezia contacted several towns about sharing recreation field maintenance equipment. The equipment has been removed from the budget and Mr. Venezia will work out an interlocal agreement to share the equipment with other towns. The White Lights on Main Street are being installed. Mr. Falzarano and Mr. Ciccarone discussed the background investigation procedure. They also spoke about the recreation budget. NJ Transit has begun railroad tie replacement, which will be done at night. NJ DEP informed the Borough that we will receive the Storm Water Management Award. Two water test sites have tested positive for coliform, but retests were all negative.

Recess 10:00 pm

Reconvene 10:08 pm

**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.

Rabbi Shalom Lubin thanked the Mayor and Council for considering the placement of a Menorah at Fire House Plaza.

Len Resto of 35 Center Street thanked the Mayor and Council and the DPW for winning the DEP Storm Water Management Award.

Donna Cali-Charles of 131 Center Avenue had several questions about the Agenda. Mayor Plambeck, Bob Falzarano and Mr. DeNave explained.

Joe Marts of 14 West Coleman Avenue had questions about the traffic survey. Mayor Plambeck explained.

Jeff Truppo of 10 Overlook Road asked when a decision on the Menorah would be made. Mayor Plambeck stated he expected a decision to be made at the next meeting.

Michael Dean of 181 North Passaic Avenue had questions about the Exxon Resolution. Mayor Plambeck explained. Mr. Dean asked if Mr. Marts and Mr. Vaughan could attend the Executive Session. Mayor Plambeck stated there had not been a request made.

Nelson Vaughan of 69 Elmwood Avenue asked that he and Mr. Marts be allowed to attend the Executive Session.

### **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 #07-267 through Resolution #07-274 have been placed on the Consent Agenda.

#### **RESOLUTION #07-267 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 #07-268 RESOLUTION FOR SECTION 125 PREMIUM ONLY PLAN**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham that the form of Amended Section 125 Cafeteria Plan effective November 1, 2007, presented to this meeting is hereby approved and adopted and that the proper officers of the Employer are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan; and

**BE IT FURTHER RESOLVED** that the Administrator shall be instructed to take such actions that are deemed necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan;

**NOW, THEREFORE, BE IT RESOLVED** that the proper officers of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of the Cafeteria Plan by delivering to each employee a copy of the summary description of the Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby approved.

#### **RESOLUTION #07-269 RESOLUTION TO APPOINT BARBARA L. BATE AS MUNICIPAL REGISTRAR EFFECTIVE JANUARY 1, 2008 THROUGH DECEMBER 31, 2010**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham that Barbara L. Bate be reappointed as the Municipal Registrar effective January 1, 2008 through December 31, 2010.

**RESOLUTION #07-270**  
**RESOLUTION TO REFUND PRO-RATED MONEY FOR THE FOLLOWING**  
**PARKING PERMITS AND PARKING MACHINE REFUNDS**

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

Levi, Dorothy                                 \$28.00  
515 Main Street  
Apt. 3A  
Chatham, NJ 07928

Glaessner, Elizabeth                         \$23.45  
14 Fairfax Terrace  
Chatham, NJ 07928

Garrity, Paul                                 \$82.00  
31 Hillside Avenue  
Madison, NJ 07940

Bartusik, Robert                             \$ 5.75  
27 Byron Place  
Colonia, NJ 07067

Zucchi, Anne                                 \$55.75  
99 Van Doren Avenue  
Chatham, NJ 07928

**RESOLUTION #07-272**  
**RESOLUTION ADOPTING CHANGE ORDER NO. 2 TO A CONTRACT BETWEEN**  
**THE BOROUGH OF CHATHAM AND DAKOTA EXCAVATING CONTRACTOR**  
**FOR LUM FIELD IMPROVEMENTS**

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

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

**WHEREAS**, the Engineer, and the Borough Administrator recommend that the Council approve Change Order No. 2 in the total amount of \$15,850.00, from the original

contract price of \$855,338.00 to the adjusted contract price of \$915,188.00 and the Change Orders to date are \$59,850.00; and

**WHEREAS**, the amount set forth in Change Order No. 2 is the amount of supplementary item added to the project:

|   |                    |
|---|--------------------|
| Installation of one (1) additional gate     | \$ 500.00          |
| Installation of team benches                | \$ 2,000.00        |
| Installation of additional chain link fence | <u>\$13,350.00</u> |
| <b>Total</b>                                | <b>\$15,850.00</b> |

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Chatham that Change Order No. 2 to the Contract between the Borough of Chatham and Dakota Excavating Contractors in the amount of \$15,850.00 is authorized by the Borough; and

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to execute Change Order No. 2.

**RESOLUTION #07-273**

**RESOLUTION ADOPTING CHANGE ORDER NO. 2 TO A CONTRACT BETWEEN THE BOROUGH OF CHATHAM AND ARNOLDS ROADS FOR THE WATCHUNG AVENUE SIDEWALKS PROJECT**

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

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

**WHEREAS**, the Engineer, and the Borough Administrator recommend that the Council approve Change Order No. 2:

|            |                             |                    |
|------------|-----------------------------|--------------------|
| Reduction: | Detectable Warning Surface  | \$ 704.00          |
|            | Modular Concrete Block Wall | \$23,688.00        |
|            | Chain Link Fence-6" high    | \$ 7,830.00        |
|            | Tree Removal, 15"-18"       | \$ 2,400.00        |
|            | <b>Total reductions</b>     | <b>\$34,622.00</b> |

|        |                             |                    |
|--------|-----------------------------|--------------------|
| Extra: | Concrete Curb, Type I       | \$ 1,470.00        |
|        | Granite Block Curb          | \$ 3,150.00        |
|        | Concrete Sidewalk, 4" thick | \$11,502.00        |
|        | Tree Removal, 30"-36"       | \$ 7,200.00        |
|        | <b>Total Extra</b>          | <b>\$23,322.00</b> |

|                |                            |                    |
|----------------|----------------------------|--------------------|
| Supplementary: | Traffic Control Officers   | \$ 2,657.50        |
|                | <b>Total Supplementary</b> | <b>\$ 2,657.50</b> |

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Chatham that Change Order No. 2 to the Contract between the Borough of Chatham and Arnolds Roads is a net change of \$1,357.50. Original Contract bid price was \$146,141.00 with a revised contract price of \$147,498.50 is hereby authorized by the Borough; and

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to execute Change Order No. 2.

**RESOLUTION #07- 274**

**RESOLUTION AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF CHATHAM AND THE COUNTY OF MORRIS FOR THE AUTHORIZATION OF A PROJECT TO ANALYZE TRAFFIC AT FIVE (5) INTERSECTIONS TO DETERMINE POTENTIAL IMPROVEMENTS DUE TO BUILD OUT OF THE FORMER EXXON RESEARCH FACILITY ON PARK AVENUE**

**WHEREAS**, the Interlocal Service Act, *N.J.S.A. 40:8A-1 et seq.*, provides that any local unit of the State may enter into a contract with any other local unit or units for the joint provision within their jurisdictions of any service which any party to the Agreement is empowered to render within its own jurisdiction; and

**WHEREAS**, the Borough of Chatham wishes to enter into an Interlocal Services Agreement with the County of Morris for the authorization of a project to analyze traffic at five (5) intersections to determine potential improvements due to build out of the former Exxon Research Facility on Park Avenue pursuant to the terms and conditions as set forth in the Interlocal Services Agreement, a copy of which is attached hereto and which is incorporated herein by reference;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham in the County of Morris, New Jersey, that the Mayor and Borough Clerk are hereby authorized and directed to execute the Interlocal Services Agreement, a copy of which is attached hereto and which is incorporated herein by reference; and it is further

**RESOLVED**, that the Clerk shall thereupon forward a copy of the signed Interlocal Services Agreement, together with a copy of the Resolution to the Clerk of the Morris County Board of Chosen Freeholders for signature; and it is further

**RESOLVED**, that this Interlocal Services Agreement shall take effect upon adoption of the appropriate resolutions by all the parties thereto as set forth in the Agreement.

**MONTHLY REPORTS**

Accept Monthly Reports received from the following Departments:

Council Member Collander

Bills & Warrants List (October 2007)  
Monthly Financial Statement

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|                          |  |
|--------------------------|--|
| Council Member Collander | Recreation Committee (October 2007)  |
| Council Member Fuller    | Department of Public Works (October 2007)  |
| Council Member Crater    | Police Report (October 2007)<br>Emergency Squad (October 2007)<br>Municipal Court (October 2007)<br>Fire Department Report (October 2007)<br>Emergency Management (October 2007) |
| Council President Harris | Building & Zoning Report (October 2007)<br>Fire Inspections (October 2007)   |

**CONSENT AGENDA VOTE**

Resolutions #07-267 through #07-270 and Resolution #07-272 through #07-274 and the Monthly Reports

Council Collander asked to have Resolution #07-271 removed from the Consent Agenda.

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

**RESOLUTION #07-271  
RESOLUTION TO TRANSFER FUNDS FOR BUDGET YEAR 2007**

**WHEREAS**, N.J.S.A. 40A: 4-58 provides that during the last two months of any fiscal year, when the amount of any appropriation for the year is insufficient to pay the claims authorized or incurred during said year which were chargeable to said appropriation, and there shall be an excess in any appropriation over and above the amount deemed to be necessary to fulfill its purpose, the municipality may transfer from accounts in which there are excess amounts of appropriations to an appropriation deemed insufficient; and

**WHEREAS**, no transfers shall be made from appropriation for contingent expenses or deferred charges;

**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 Chief Financial

Officer is hereby authorized to make the following line-item transfers in the Current Fund Budget:

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| <b>Transfer From</b> |                    |               | <b>Transfer To:</b> |                    |               |
|----------------------|--------------------|---------------|---------------------|--------------------|---------------|
| <b>Account #</b>     |                    | <b>Amount</b> | <b>Account #</b>    |                    | <b>Amount</b> |
| 22-195-010           | Construction S & W | \$5,000.00    | 20-100-010          | Adm. S & W         | \$2,000.00    |
| 25-240-010           | Police S & W       | \$18,500.00   | 20-100-201          | Adm. OE            | \$5,000.00    |
| 25-252-010           | Emerg.Mgmt.S & W   | \$3,500.00    | 20-165-201          | Engineering        | \$9,000.00    |
| 25-265-010           | Fire S & W         | \$8,000.00    | 25-245-010          | Parking OE         | \$1,500.00    |
| 25-265-301           | Fire Homeland      | \$10,000.00   | 26-290-010          | DPW S & W          | \$10,000.00   |
| 25-266-010           | Fire Safety S & W  | \$5,000.00    | 30-420-201          | Celebrt Public Eve | \$7,000.00    |
| 28-370-012           | Recreation S & W   | \$10,000.00   | 31-430-200          | Electric           | \$12,000.00   |
| 31-446-200           | Natural Gas        | \$15,000.00   | 31-435-200          | Street Lights      | \$13,500.00   |
|                      |                    |               | 31-460-200          | Gasoline           | \$12,000.00   |
|                      |                    |               | 43-490-010          | Court S & W        | \$3,000.00    |
|                      |                    | \$75,000.00   |                     |                    | \$75,000.00   |
|                      |                    |               |                     |                    |               |

Council Member Collander moved to approve Resolution # 07-271 and Council Member Crater seconded.

Bob Falzarano explained the Resolution.

A vote was taken and it was approved unanimously.

Council Member Collins asked to move a Resolution to approve placing a Menorah at Fire House Plaza. Council President Harris seconded. Council Member Collander questioned passing a Resolution not on the Agenda. Council Member Mikulewicz stated since we do not have bylaws this would be permissible. Council Member Crater suggested the Resolution be put on the next Agenda, so that Mr. Lloyd could write a Resolution to be voted on at the next meeting.

A vote was taken and the motion to approve a Resolution approving the placement of the Menorah was approved on a vote of 4 to 1. Council Member Fuller voted no. Council Member Mikulewicz abstained.

Mr. Lloyd read the following:

Eschewing the suggestion that Chanukah is a “secular holiday” or that “the menorah has a secular dimension,” she pointedly wrote that “the menorah is the central religious symbol and ritual object of [a] religious holiday.” 492 U.S. at 633-34, 109 S.Ct. 3086.

**UNFINISHED BUSINESS**

**ORDINANCE #07-29**

**SECOND READING AND PUBLIC HEARING OF AN ORDINANCE TO AMEND  
CHAPTER 79 OF THE CODE OF THE BOROUGH OF CHATHAM ENTITLED  
“ANIMALS AND RABIES CONTROL” SECTION 18 THEREOF ENTITLED  
“Violations and Penalties”**

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Council Member Collins made a motion to open the public hearing on Ordinance #07-29 seconded by Council President Harris, and it was approved unanimously.

No Public Comment.

Council Member Collins made a motion to close the public hearing on Ordinance #07-29, seconded by Council President Harris, and it was approved unanimously. Council Member

Collins moved Ordinance #07-29, seconded by Council President Harris and it was approved on vote as follows:

| Council Member | Yes | No | Abstain | Absent |
|----------------|-----|----|---------|--------|
| Fuller         | x   |    |         |        |
| Crater         | x   |    |         |        |
| Harris         | x   |    |         |        |
| Collander      | x   |    |         |        |
| Mikulewicz     | x   |    |         |        |
| Collins        | x   |    |         |        |

**ORDINANCE #07-30**

**SECOND READING AND PUBLIC HEARING OF AN ORDINANCE TO AMEND  
ORDINANCE #06-23 ENTITLED AN ORDINANCE TO PROVIDE SALARIES AND  
WAGES FOR CERTAIN MUNICIPAL POSITIONS OF THE BOROUGH OF  
CHATHAM FOR THE YEAR 2008.**

Council Member Collins made a motion to open the public hearing on Ordinance #07-30 seconded by Council President Harris, and it was approved unanimously.

No Public Comment.

Council Member Collins made a motion to close the public hearing on Ordinance #07-30, seconded by Council Member Crater, and it was approved unanimously. Council Member Collins moved Ordinance #07-30, seconded by Council Member Crater and it was approved on vote as follows:

| Council Member | Yes | No | Abstain | Absent |
|----------------|-----|----|---------|--------|
| Fuller         | x   |    |         |        |
| Crater         | x   |    |         |        |
| Harris         | x   |    |         |        |
| Collander      | x   |    |         |        |
| Mikulewicz     | x   |    |         |        |
| Collins        | x   |    |         |        |

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Council Member Mikulewicz made a motion to include Mayor Elect Vaughan and Council Member Elect Marts in the Executive Session. Council Member Collins seconded. A vote was taken and it was approved on a vote of 5 to 0. Council Member Fuller abstained.

**RESOLUTION #07-275**  
**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:

PERSONNEL: 2008 Employee Salaries

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 # 07-275 and Council Member Collins seconded. A vote was taken and it was approved unanimously.

Adjourn 11:00 p.m.

Respectfully Submitted:

Susan Caljean  
Municipal Clerk