

**REGULAR COUNCIL MEETING  
December 10, 2007 8:00 p.m.**

The Regular Council Meeting of the Borough of Chatham was held on Monday December 10, 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

**MOMENT OF SILENCE FOR HAROLD (DEWEY) A. SHEATS**

**RESOLUTION #07-283**

**RESOLUTION TO PROMOTE OFFICER BRIAN GIBBONS AND TRAFFIC  
OFFICER ROY GEORGE TO THE POSITION OF SERGEANT IN THE CHATHAM  
BOROUGH POLICE DEPARTMENT**

**WHEREAS**, Chapter 48 entitled "Police Department" Section 5 entitled "Appointment of Police Officers" Subparagraph B provides: "Appointments to the Chatham Police Department shall be made in accordance with the 'Personnel Recruitment' provisions of the Borough of Chatham Personnel Policies and Procedures as adopted by resolution of the Borough Council;" and

**WHEREAS**, the Police Promotion Board conducted interviews for the position of Sergeant, in accordance with the Borough's Police Promotion Policy and procedures, adopted by Resolution #02-180, effective May 28, 2002; and

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**WHEREAS**, the Chief of Police has advised the Mayor and Council that there are two (2) vacancies for the position of Sergeant to be filled; and

**WHEREAS**, the Police Promotion Board has recommended that Officer Brian Gibbons and Traffic Officer Roy George are the two (2) most qualified candidates for the position of Sergeant;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Chatham that Officer Brian Gibbons and Traffic Officer Roy George be promoted to the rank of Sergeant effective December 10, 2007, each at an annual salary of \$96,856.00 to be prorated for the remainder of 2007.

Council Member Crater moved to approve Resolution # 07-283 and Council Member Collander seconded. A vote was taken and it was approved unanimously.

Borough Clerk Susan Caljean administered the Oath of Allegiance to Officer Brian Gibbons and Traffic Officer Roy George.

Chief John Drake made a brief statement about the accomplishments of Sergeants Brian Gibbons and Roy George.

**RESOLUTION #07-284**

**RESOLUTION TO APPOINT LEONARD RESTO TO THE HISTORIC PRESERVATION COMMISSION AS 2<sup>ND</sup> ALTERNATE WITH A TERM ENDING DECEMBER 31, 2009**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that Leonard Resto be hereby appointed to the Historic Preservation Commission as 2<sup>nd</sup> Alternate with a term ending December 31, 2009.

Council President Harris moved to approve Resolution # 07-284 and Council Member Fuller seconded. Council Member Collins asked to wait until after the Public Comment Section of the Agenda to vote on Resolution #07-284. Council Member Collins made a motion to hold the appointment. Council Member Mikulewicz seconded. A vote was taken on the motion to delay the appointment. It was defeated with a vote of 4 to 2. Council Members Collins and Mikulewicz voted yes. A vote was taken on Resolution # 07-284 and it was approved with a vote of 4 to 2. Council Members Collins and Mikulewicz voted no.

Borough Clerk Susan Caljean administered the Oath of Allegiance to Leonard Resto.

**Mayor's Farewell Message**

As this is the last Council meeting for 2007 and my last as your Mayor and Cory Fuller's last as a Council member, I would like to take this opportunity to reflect back on the

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progress we have made over the last several years. Throughout my career in business and in public life I have been fortunate to be a part of several high-performing and highly successful teams. This has been especially true recently with the Council, staff and volunteers in Chatham Borough. Organizations as varied as Rutgers University, the New Jersey Department of Environmental Protection, the Morris County Municipal Utilities Authority, the Morris County Joint Insurance fund, the Commission on Accreditation for Law Enforcement Agencies, New Jersey Monthly and Money magazines have all recognized Chatham Borough for the professionalism and forward thinking of its government and the high quality of life it provides to its citizens.

Over the last decade we have accomplished many goals we set for ourselves, including: establishing an Open Space Trust, purchasing properties for recreation and natural resource protection, rezoning natural areas for conservation and revising our zoning laws to protect our neighborhoods, updating and rewriting our Borough Code Book and putting it online, creating and continually enhancing our Borough website, providing online access for bill payments and recreation signups, revamping our physical facilities in Borough Hall to improve the security and usefulness of our Courtroom and Council Chambers, department offices and Police dispatching operation, improving our recreation facilities, expanding the Library and Firehouse, establishing a government television channel and community bulletin board, televising Council and other important Board and Committee meetings, improving the infrastructure of our water supply and sewer systems, expanding and upgrading our municipal parking lots and installing new lighting and crosswalks along Main Street.

At the same time we have been updating and documenting our internal Operating Procedures and Policies, providing more professional training and cross-training for our personnel and making sure they had adequate equipment, vehicles and computing and communication equipment to handle the more complex, and rapidly-changing world in which we now live. Having these in place has improved our risk management scores and reduced our insurance costs.

Shared Services are now a major emphasis in this state, but Chatham Borough has been well ahead of the curve in this arena. The Madison-Chatham Joint Meeting wastewater treatment plant was the first joint venture of its kind in this state when it was built in 1910. The Library of the Chathams is one of only six joint libraries in the state. We have a joint recreation program and a combined Emergency Squad with Chatham Township, share Health services with Madison Borough, share public works equipment with Long Hill Township, Summit and the School District, and we have started joint personnel training with New Providence. We also have mutual aid agreements with Morris County, Millburn, Summit, Chatham Township and Madison for emergency services. We are currently working with Morris County on the planning for other joint efforts, shared services and equipment, and strategic alliances for the future.

Chatham Borough has kept tight financial controls on its budgets over the last decade, taking advantage of shared services, but also aggressively pursuing grants and low cost financing, and expanding other revenue streams, such as leasing space in and on municipal facilities, and auctioning off surplus assets. We have not been afraid to delay a project when

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other priorities were higher or bids were too high. We have been under the same pressures as other municipalities during this time, such as the rapid growth in pension and health care costs and state regulatory mandates without increased state aid, but we have managed to keep our municipal tax rate growth lower than our peers, and we have conservatively managed our surplus. In the last five years our bond rating has improved, and our municipal tax rate has gone from the 14<sup>th</sup> lowest to the 5<sup>th</sup> lowest of the 39 towns in Morris County. Our per capita taxes are less than most of our neighbors. Our utility rates have remained flat for three years and are lower than many of our neighbors, and we provide services such as leaf pickup that many other towns don't.

We also receive a very significant boost from the many volunteers that staff the Emergency Squad, Fire Department and the numerous Boards, Commissions and Committees. We have not bowed to partisan political pressures when choosing qualified persons for professional staff positions or appointments to Boards and Commissions. We have also been fortunate to have groups such as the Chatham Education Foundation, Chatham Athletic Foundation, Friends of the Library and Friends of the Shade Trees contributing time and money toward many projects that enhance our community. Boy Scouts, Girl Scouts, Chamber of Commerce, Kiwanis, Rotary, Jaycees, and other organizations have also made significant contributions to improving our community.

We are a relatively small town, but we continue to be a very desirable town because we have kept what is good and built upon what our predecessors put in place. We have not futilely chased ratables nor pushed massive redevelopment projects to try to keep our taxes stable, but new businesses have sought us out because of our reputation as a desirable community. My hopes for the future of Chatham are that we remain true to our history, stay cost-effective and inclusive, and continue to improve the services and facilities our citizens need and expect.

In closing, I would like to thank all the members of our staff for their friendship and their many fine ideas and contributions over the years, and especially our Administrator, Bob Falzarano, for continuously challenging and guiding the team to achieve success. To all the volunteers that I have served with as Mayors, Councilpersons and Board and Commission members – the generous gifts of your time and your talents have constantly inspired me. And to my very patient wife Barbara, I love you, and I thank you for your continuous support and encouragement. Oh, and those projects and travel plans we've postponed can now become reality starting in January.

**Richard L. Plambeck**  
**December 10, 2007**

**RESOLUTION #07-281**

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**RESOLUTION RECOGNIZING MAYOR RICHARD L. PLAMBECK FOR ELEVEN YEARS OF DEDICATED SERVICE**

**WHEREAS**, Richard L. Plambeck served as Council Member for seven years; and

**WHEREAS**, Richard L. Plambeck was elected Mayor in 2004; and

**WHEREAS**, Richard L. Plambeck has donated countless volunteer hours to improving the quality of life for the residents of Chatham Borough; and

**WHEREAS**, Richard L. Plambeck served as Mayor and Council Member, Council President in 2002, Finance and Personnel Committee Chairperson, Liaison to the Environmental Commission, member of the Planning Board from 2000 to present, Chair and Vice-Chair of Madison Chatham Joint Meeting pollution control plant, and Chair and Vice-Chair of it's Operating Committee, and founding Co-Chairman of the Open Space Committee, and served as a member of the Streetscape Committee, Cable Television and Communications Technology Committees and Regional Development and Traffic Study Groups; and

**WHEREAS**, Richard L. Plambeck is involved in many activities in the community: Vice-Chairman & Trustee for Passaic River Coalition, Chairman of Upper Passaic Conservation Committee, Chairman of Passaic Valley Ground Water Protection Committee, Board of Trustees of the Leadership New Jersey Graduate Organization, Technical Advisory Committee for Morris County Water Balance Study, Board of Trustees for Morris County Municipal Utilities Authority, and Morris County Open Space Advisory Committee; and also a Boy Scout Counselor for Citizenship in the Community, Citizenship in the Nation and Citizenship in the World merit badges; and

**WHEREAS**, Richard L. Plambeck has served four years on the Joint Free Library of the Chathams Board of Trustees; and

**WHEREAS**, Richard L. Plambeck carried out the responsibilities as Council Member and Mayor in a conscientious and humanitarian manner.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that Mayor Plambeck will be missed.

**BE IT FURTHER RESOLVED**, that your service to the community is appreciated, you made Chatham Borough a better place to live... Thanks to you, Mayor Plambeck.

Council Member Fuller moved to approve Resolution # 07-281 and Council President Harris seconded. A vote was taken and it was approved unanimously.

**RESOLUTION #07-282**

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**RESOLUTION RECOGNIZING COUNCIL MEMBER FULLER FOR TWELVE YEARS OF DEDICATED SERVICE**

**WHEREAS**, Cordelia O. Fuller served as Council Member for twelve years; and

**WHEREAS**, Cordelia O. Fuller has donated countless volunteer hours to improving the quality of life for the residents of Chatham Borough; and

**WHEREAS**, Cordelia O. Fuller served as Council Member 1996 to present, Council President in 2001 and 2006, Streetscape Committee Chairwoman, Liaison to the Department of Public Works, Finance Committee, Madison Chatham Joint Meeting, Public Safety Liaison, Planning Board, Historic Preservation Commission, NJ State League of Municipalities Executive Board and Legislative Committee, Land Use Committee, Water/Sewer Advisory Committee Chairwoman and Land Use Committee Morris County League of Municipalities; and

**WHEREAS**, Cordelia O. Fuller is involved in many activities in the community: Chamber of Commerce, Morris Tomorrow Board Member, Fishawack Festival Co-Chair: 1994 & 1996, Chatham Centennial Celebration Chairwoman, League of Women Voters, Kiwanis President, St. Patrick's Parish Council, Morris County Women's Republican Club, NJ Shakespeare Festival Board of Trustees: Vice President 1993, Suburban Community Music School, Founding Board Member 1984; and

**WHEREAS**, Cordelia O. Fuller carried out the responsibilities as Council Member in a conscientious and humanitarian manner.

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

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

Council President Harris moved to approve Resolution # 07-282 and Council Member Crater seconded. A vote was taken and it was approved unanimously.

Council Member Fuller stated it has been a pleasure to work with Mayor Plambeck and that his expertise will be missed by everyone. Council Member Fuller stated in the last 12 years that I have worked on the Council I have been devoted to the community of which I grew up. Council Member Fuller said the Borough is ahead of the curve at the state level with compliance and suggested good government practices and have received many awards both state and local. Her greatest joy was working with the residents and employees.

**RESOLUTION #07-285**

**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, November 12, 2007  
Council Meeting, November 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, November 12, 2007  
Executive Session, November 26, 2007

Council Member Collander moved to approve Resolution # 07-285 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 there was no meeting in December; the next meeting will be in January.

Historic Preservation Commission

Council Member Cordelia O. Fuller reported the Commission reviewed the HSBC Bank plans and made recommendations. The next meeting will be December 18<sup>th</sup>.

Streetscape Committee

Council Member Cordelia O. Fuller stated the Committee met last week. A preliminary budget was presented for the completion of the Streetscape project.

Chamber of Commerce

Council Member Richard E. Crater, Jr. reported Santa will be at Rotary Park on December 13<sup>th</sup>. The merchants are open Thursday night and Sunday afternoon until Christmas. The senior White Lights Tour is next week.

Shade Tree Commission

Council Member Richard E. Crater, Jr. stated the next meeting will be on January 8, 2008.

Environmental Commission

Council President Bruce A. Harris reported the Commission talked to the Chatham Township Environmental Commission on the no idling program.

Open Space Committee

Council President Bruce A. Harris reported they discussed the renewal of the Open Space tax. They also discussed some projects for the future.

Planning Board

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Council President Bruce A. Harris reported the HSBC Bank application was approved. The lighting at the bank was the biggest issue. The next meeting will be in January.

### Traffic Committee

Council Member James J. Collander stated the next meeting will be December 19<sup>th</sup>. The street lights on the corner of Main Street and Coleman Avenue have been upgraded to better illuminate the intersection.

### Recreation Committee

Council Member James J. Collander reported sign ups for softball, baseball and lacrosse are being taken. A discussion of the back ground checks of 600 to 700 people were discussed at the last meeting. The next meeting will be January 8<sup>th</sup> in the Commons Room at 7:30 pm. Chatham Athletic Foundation presented a final check for the Lum Project of \$284,318.00.

### Board of Education

Council Member Joseph Mikulewicz stated the next Board of Education meeting will be January 7<sup>th</sup> at 7:30 pm. There will be an open Facilities Meeting prior to the Board meeting.

### Board of Health

Council Member Neal T. Collins reported the Flu Clinic was attended by 250 residents. The Rabies Clinic will be held January 5<sup>th</sup> from 9 am to 10 am at the Fire House. The next meeting will be December 13<sup>th</sup> in room 212 at 8 pm.

### Local Assistance Board

Council Member Neal T. Collins reported the last meeting was held December 4<sup>th</sup>. At that meeting Linda Durney updated them on the Care and Share program.

## **ADMINISTRATOR'S REPORT**

Bob Falzarano reported there is need for a 2<sup>nd</sup> textile bin at the Recycling Depot. JCP&L stated there are 10 lights between Hillside Avenue and Fairmount Avenue they may be able to remove and approximately 6 lights they will leave at the intersections. Barbara Bate will retire on April 1<sup>st</sup>. The Mulch Area will be open until December 22<sup>nd</sup>.

## **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.

Martha May of 20 Kimball Street asked if the background checks would include the umpires and referees. Council Member Collander stated he would investigate to see if there is a

background check done on the umpires and referees but they are not included in the Borough Ordinance.

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Christine Grobert of 7 Hedges Avenue thanked Mayor Plambeck, Council Member Fuller and Barbara Bate. Ms. Grobert read a statement in support of the Local Assistance Board and Linda Durney.

Bernie Vella of 58 North Summit Avenue stated the trial date for the Dunkin Donut's litigation is scheduled for December 19<sup>th</sup> at 11:00 a.m. Mr. Vella stated that North Summit Avenue has only one storm drain and when it rains resident's sump pumps drain into the street and flood the street. He asked if money could be included in budget for storm drains.

Donna Cali-Charles of 131 Center Avenue had questions about the background checks on coaches. Ms. Cali-Charles stated that Board of Education meetings are on the same nights as the Council Meetings and could something be done to get the Board of Education to change their meetings. Council Member Mikulewicz stated the Board of Education is trying to schedule their meeting so that they do not fall on the same night as the Council Meetings. Ms. Cali-Charles had questions about several Resolutions.

Peggy Sweitzer of 9 Rowan Road has been a member of the Local Assistance Board for over 15 years. Ms. Sweitzer read a statement in support of the Local Assistance Board and Linda Durney. Ms. Sweitzer stated she does not want the County to take over the functions of the Assistance Board.

Council Member Fuller spoke in support of Linda Durney.

Derick Hallahan 189 Watchung Avenue thanked the Council and Vince DeNave for the installation of sidewalks on Watchung Avenue.

Michael Dean of 181 North Passaic Avenue had questions about the Historic Preservation Commission appointment. Mayor Plambeck explained. Mr. Dean also had questions about Resolution #07-291. Mayor Plambeck explained. Michael Dean asked that the voting on this Resolution be postponed until next year.

recess 9:25 pm  
reconvene 9:30 pm

## **DISCUSSION ITEMS**

Local Assistance Function Assignment to Morris County- Mr. Collins stated that the Council Personnel Committee has recommended that the local assistance function be transferred to the County in order to save the Borough approximately \$15,000.00. Mr. Collins introduced Priscilla Colvin who explained the services offered at the County's Social Service Agency. The Council Members had several questions. The Council Members asked Linda Durney what the activity has been in the last two years. Linda Durney explained the support the Local Assistance Board has given to residents in the last two years; and the difference between the services provided locally and then by the County. Council President Bruce Harris stated that

the Personnel Committee's recommendation are based on budget pressures and the fact that Mr. Collins has consistently reported that the Local Assistance Board had no cases, giving the impression that the local function was not needed. He stated that the Local Assistance Board

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should focus on producing regular reports on it's activities and that Council Member Collins should ensure that such reports are shared with the Council. Any discussion to transfer this function to the County should be postponed for now.

Leaf Removal Program- Robert Venezia explained the problems with the leaf removal program this year due to the warm autumn causing a late drop of leaves. The pick up of bagged leaves has been extended to December 21st. Mulch Area weekday hours have been extended to December 21<sup>st</sup> and Saturday hours to December 22<sup>nd</sup>. The Council agreed with Mr. Venezia's recommendations to switch the trucks to deicing and snow removal and continue leaf pickup only by bags.

**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 #07-286 through Resolution #07-296 have been placed on the Consent Agenda.

**RESOLUTION #07-286**

**RESOLUTION TO SET THE ANNUAL RATES OF COMPENSATION FOR BOROUGH EMPLOYEES FOR THE YEAR 2008**

**WHEREAS**, Ordinance #07-30 being adopted by the Mayor and Council of the Borough of Chatham establishes the minimum and maximum rate of pay for the various positions in the Borough of Chatham; and

**WHEREAS**, specific rates of pay must be established for each individual employee of the Borough.

<b>TITLE</b>	<b>Name</b>	<b>2008 SALARY</b>
Tax Assessor	Aceto, Pasquale	\$ 26,969
Parking Enforcement Officer	Balsamo, Nicolina	\$ 40,753
Administrative Secretary I	Bate, Barbara,	\$ 48,862
Registrar of Vital Statistics	Bate, Barbara	\$ 4,812
Deputy Welfare Director	Bate, Barbara	\$ 613
Deputy Clerk	Baldwin, Catherine	\$ 25,859
Asst. Construction Control Person	Baldwin, Catherine	\$ 17,239
Municipal Clerk	Caljean, Susan	\$ 71,447
Deputy Registrar/ Sec. Bd of Health	Caljean, Susan	\$ 2,845
Deputy Court Administrator	Egan, Joan	\$ 31,785
Firefighter / Driver	D'Ambrosio, Chris	\$ 52,955
Police Chief	Drake, John	\$ 130,000
Welfare Director P/T	Durney, Linda	\$ 11,174
Deputy Public Works Director	Dziedzic, Charles	\$ 91,372
Sanitarian P/T	Faitoute, William	\$ 10,811
Administrator	Falzarano, Robert	\$ 146,000
Electrical Subcode Official P/T	Giampietro, Anthony	\$ 15,287
Fire Chief	Glogolich, Peter	\$ 16,727

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Telecommunicator	Grimm, Melon	\$ 37,172
Telecommunicator	Herchick, Eugene	\$ 37,172
Minute Clerk	Holler, Liz	\$ 33,119
Construction Official, Fire Sub	Jankowski, William	\$ 86,381
Chief Finance Officer	Klein, Dorothy	\$ 88,000
Information Management Coord	Klein, Dorothy	\$ 4,460
Minute Clerk Board of Health	Laux, Elizabeth	\$ 1,422
Telecommunicator	Lucas, John	\$ 37,172
Accounts Payable Clerk	Mandal, Anne	\$ 31,206
Senior Assessing Clerk	Mandal, Anne	\$ 23,977
Deputy Registrar	Mandal, Anne	\$ 624
Construction Control Person	Maramonte, Maria	\$ 49,392
Municipal Court Judge	McMann, Vincent	\$ 43,502
Assistant Finance Officer	Milian, Tyrina	\$ 56,598
Utility Billing Representative	Morris, Cheri	\$ 51,500
Municipal Court Administrator	Musorofitti, Joanne	\$ 61,916
Recreation Director	Nauta, Carolyn	\$ 64,000
Media Programming Supervisor	Nauta, Carolyn	\$ 2,000
Emergency Mgmt. Coordinator	Nauta, William	\$ 11,542
Fire Inspector (UFC)	Nugent, Walter	\$ 32.18
Fire Official (UFC)	Nugent, Walter	\$ 32.18
Plumbing Subcode Official P/T	Olinger, William	\$ 12,929
Police Secretary	Marybeth Ciccarone	\$ 46,167
Tax Collector	Polidor, Madeline	\$ 47,892
Tax Search Officer	Polidor, Madeline	\$ 2,517
Safety Coordinator	Serbanica, Stan	\$ 746
Police Captain	Sullivan, Karen	\$ 119,000
Licensed Water Treatment Oper.	Tony Torello	\$ 535
Director of Public Works	Venezia, Robert	\$ 103,893
Crossing Guards	Hourly Rate	\$ 17.73

**RESOLUTION #07-287  
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 #07-288  
RESOLUTION TO REFUND PRO-RATED MONEY FOR THE FOLLOWING  
PARKING PERMITS AND SMART CARD REFUNDS**



**RESOLUTION #07-290  
SUPPORTING THE OVER THE LIMIT UNDER ARREST 2007 YEAR END  
CRACKDOWN**

**WHEREAS**, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

**WHEREAS**, 34% of motor vehicle fatalities in New Jersey are alcohol-related; and

**WHEREAS**, an enforcement crackdown is planned to combat impaired driving; and

**WHEREAS**, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

**WHEREAS**, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout several counties to participate in the *Over the Limit Under Arrest 2007 Year End Crackdown*; and

**WHEREAS**, the project will involve increased impaired driving enforcement from December 7, 2007 through January 2, 2008; and

**WHEREAS**, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

**NOW, THEREFORE, BE IT RESOLVED**, that Chatham Borough governing body declares its support for the *Over the Limit Under Arrest 2007 Year End Crackdown* from December 7, 2007 through January 2, 2008 and pledges its assistance and support of the Chatham Borough Police Department as it undertakes to increase awareness of the dangers of drinking and driving this holiday season.

**RESOLUTION #07-293  
RESOLUTION TO REFUND TREE REMOVAL PERMIT FEE**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham that a refund for a tree removal permit fee be hereby granted to the following:

Murphy, Joseph M.                    \$20.00  
41 N. Summit Avenue  
Chatham, NJ 07928

**RESOLUTION #07-294  
RESOLUTION AUTHORIZING THE PURCHASE OF IN CAR DIGITAL VIDEO  
SYSTEMS FOR THE CHATHAM BOROUGH POLICE DEPARTMENT**

**WHEREAS**, the Borough of Chatham, pursuant to N.J.S.A. 40A:11-5(2) entitled "Exceptions," may by resolution and without advertising for bids, purchase any goods or

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services under state contract or County Cooperatives at new and unused state contract and County Cooperatives prices; and

**WHEREAS**, the Borough of Chatham Police Department has the need to purchase the following electronic equipment:

- 5 ICOP Model 20/20-W In-Car Video Systems
- 5 Multi-Function Routers
- 1 Max Tower Server for digital video storage
- 1 ICOP Video Management System Software
- 1 ICOP PC Observer Licenses (supports up to 5 concurrent users)
- 1 Wireless Access Point

and

**WHEREAS**, ICOP Digital, Inc. "Vendor", 16801 West 116<sup>th</sup> Street, Lenexa, Kansas 66219 has this electronic equipment available for sale under the Union County Cranford Cooperative, Contract # 47CPCPS at \$34,489.37; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough of Chatham authorizes the Purchasing Agent to purchase the aforescribed electronic equipment from the aforementioned Vendor.

**RESOLUTION #07-295**

**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 2007 Current Fund Budget:

<i><b>Transfer From</b></i>		<i><b>Transfer To:</b></i>			
<u>Account #</u>		<u>Amount</u>	<u>Account #</u>		<u>Amount</u>
23-220-2	Group Insurance	\$6,100.00	25-245-2	Parking OE	\$1,000.00
25-240-010	Police S & W	\$12,000.00	21-180-2	Planning OE	\$5,000.00

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			27-335-1	Environmental S&W	\$100.00
			20-155-2	Legal	\$12,000.00
		\$18,100.00			\$18,100.00

**RESOLUTION #07-296  
RESOLUTION SUPPORTING THE RECYCLING ENHANCEMENT ACT AND  
PETITIONING MEMBERS OF THE MORRIS COUNTY LEGISLATIVE  
DELEGATION TO SUPPORT PASSAGE OF THE RECYCLING ENHANCEMENT  
ACT**

**WHEREAS,** The “Statement” at the end of the proposed “Recycling Enhancement Act” provides in full:

“This bill would impose a recycling tax on solid waste generation in order to provide financial support to municipalities and counties for recycling programs.

The recycling tax would be levied on every solid waste collector at the rate of \$3.00 per ton on all solid waste collected from solid waste generators serviced by the solid waste collector.

The revenues from the recycling tax would be deposited in the State Recycling Fund. It is estimated that the recycling tax would generate an estimated \$34 million annually. Moneys in the Fund, which is administered by the Department of Environmental Protection, would be appropriated annually solely for the following purposes:

- (1) 60% of the estimated annual balance of the Fund would be used for the annual expenses of a program for direct recycling grants to municipalities or counties in those instances where a county, at its own expense, provides for the collection, processing and marketing of recyclable materials on a regional basis.

Whenever a municipality operates a municipal service system for solid waste collection pursuant to R.S.40:66-1, or provides for regular solid waste collection service pursuant to the provisions of the “Local Public Contracts Law,” P.L.1971, c.198 (C.40A:11-1 et. seq.) the amount of grant moneys received by the municipality may not be less than the annual amount of recycling tax paid by the municipality;

- (2) 10% of the estimated annual balance of the Fund would be used for State recycling program planning and program funding, including administrative expenses;

- (3) 25% of the estimated annual balance of the Fund would be used by counties for household hazardous waste collection, recycling program planning and program funding, including administrative expenses; and

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(4) 5% of the estimated annual balance of the Fund would be used by counties for public information and education programs concerning recycling activities.”

and

**WHEREAS**, municipal Solid Waste Recycling provides economic and environmental benefits to all of the citizens of the Borough of Chatham as well as the State of New Jersey; and

**WHEREAS**, the environmental benefits of Recycling include energy savings enough to fuel 1.3 million cars; and

**WHEREAS**, if municipal Solid Waste Recycling is increased to reach fifty (50%) percent, greenhouse gas emissions will be reduced by 8 million metric tons, the equivalent to the emissions from 1.7 million cars, thus aiding our air and water; and

**WHEREAS**, municipal recycling of one ton of aluminum cans alone saves 263 gallons of fuel; and

**WHEREAS**, in addition to the environmental benefits of recycling, the economic benefits of current recycling help 2,000 businesses, have created 27,000 jobs and are responsible for 59 billion dollars in annual sales; and

**WHEREAS**, this new Fund would create an additional 7,000 jobs when it reaches the fifty (50%) percent municipal Solid Waste Recycling goal.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Chatham, in the County of Morris and State of New Jersey as follows:

1. The Borough of Chatham governing body enthusiastically embraces the goals and objectives set forth in the Recycling Enhancement Act and supports its passage by the New Jersey Legislature and signature of the Governor to become law; and

2. That a certified copy of this resolution shall be transmitted to the Governor, the Speaker of the General Assembly, the President of the State Senate, the elected Legislative Representatives of the 26th Legislative District, the Morris County Board of Chosen Freeholders, the Association of New Jersey Recyclers, the Morris County League of Municipalities, the Morris County Municipal Utility Authority, and all Morris County municipalities.

**MONTHLY REPORTS**

Accept Monthly Reports received from the following Departments:

Council Member Collander	Bills & Warrants List (November 2007) Monthly Financial Statement
Council Member Collander	Recreation Committee (November 2007)

Council Member Fuller	Department of Public Works (November 2007)
Council Member Crater	Police Report (November 2007) Emergency Squad (November 2007) Municipal Court (November 2007) Fire Department Report (November 2007) Emergency Management (November 2007)
Council President Harris	Building & Zoning Report (November 2007) Fire Inspections (November 2007)

**CONSENT AGENDA VOTE**

Resolutions #07-286 through #07-290 and Resolution #07-193 through #07-296 and the Monthly Reports

Council Member Collins asked to have Resolution #07-291 and Resolution #07-292 removed from the Consent Agenda.

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

**RESOLUTION #07-291**

**RESOLUTION TO AUTHORIZE THE BOROUGH OF CHATHAM POLICE DEPARTMENT TO ESTABLISH AND MAINTAIN A LIST OF ELIGIBLE CANDIDATES FOR APPOINTMENT TO THE POSITION OF SERGEANT IN THE CHATHAM BOROUGH POLICE DEPARTMENT IN ACCORDANCE WITH CHAPTER 48 SECTION 5 OF THE CODE OF THE BOROUGH OF CHATHAM**

**WHEREAS**, Chapter 48 entitled “Police Department” Section 5 entitled “Appointment of Police Officers” Subparagraph B provides: “Appointments to the Chatham Police Department shall be made in accordance with the ‘Personnel Recruitment’ provisions of the Borough of Chatham Personnel Policies and Procedures as adopted by resolution of the Borough Council;” and

**WHEREAS**, as a matter of best practices in recruitment, the Chatham Borough Chief of Police recommends that the Chatham Borough Police Department (hereinafter “CBPD”)

establish and maintain a list of eligible candidates for appointment to the position of Sergeant in the CBPD in accordance with the provisions of Chapter 48 Section 5 of the Code of the Borough of Chatham; and

**WHEREAS**, the CBPD will retain the list of eligible candidates for the position of sergeant for a period of twenty-four (24) months, so that the list of eligible candidates for the position of sergeant will terminate on Thursday, December 10, 2009;

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**NOW, THEREFORE, BE IT RESOLVED**, BY THE COUNCIL OF THE BOROUGH OF CHATHAM, that the Council authorizes the CBPD to establish and maintain a list of eligible candidates for appointment to the position of sergeant in the CBPD, which candidates have already been reviewed and approved pursuant to the CBPD personnel selection process, all in accordance with recommended best practices for recruitment of police officers; and it is further

**RESOLVED**, that this CBPD list of eligible candidates for the position of sergeant will terminate on Thursday, December 10, 2009.

Council Member Crater moved to approve Resolution # 07-291 and Council Member Fuller seconded.

Council Member Collins suggested the Resolution be voted on next year.

Chief Drake explained the Resolution.

A vote was taken and it was approved unanimously.

**RESOLUTION #07-292**

**RESOLUTION TO AUTHORIZE THE EXTENSION OF AN AGREEMENT BY AND BETWEEN THE BOROUGH OF CHATHAM AND THE VESTRY OF ST. PAUL'S CHURCH, CHATHAM, NJ TO PROVIDE FOR A MONTH BY MONTH TERM FROM DECEMBER 31, 2007, THE MONTH BY MONTH TERM TO BE EFFECTIVE UNTIL SUCH TIME AS A SUPERCEDING RESOLUTION IS ADOPTED**

**WHEREAS**, Paragraph 8 of an Agreement by and between the Borough of Chatham and the Vestry of St. Paul's Church, dated February 2004, provides that: "This Agreement shall be binding upon both parties and shall remain in full force and effect until December 31, 2007, except as a mutual termination may be agreed upon by both parties."; and

**WHEREAS**, both parties agree that it will be in their mutual best interests to extend the Agreement now to provide for a month by month term from December 31, 2007, the month by month term to be effective until such time as a superceding resolution is adopted;

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, that the Council authorizes the extension of the Agreement by and between the Borough of Chatham and the Vestry of St. Paul's Church, dated February 2004, the Agreement now to provide for a month by month term from December 31, 2007, the month by month term to be effective until such time as a superceding resolution is adopted.

Council Member Collins recused himself from Resolution #07-292

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Council Member Mikulewicz moved to approve Resolution # 07-292 and Council Member Collander seconded. A vote was taken and it was approved unanimously.

## **UNFINISHED BUSINESS**

### **ORDINANCE 07-31**

#### **SECOND READING AND PUBLIC HEARING OF AN ORDINANCE OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ESTABLISHING CRIMINAL HISTORY BACKGROUND CHECKS FOR EMPLOYEES AND FOR VOLUNTEERS IN JOINT RECREATION PROGRAMS**

Council Member Collander made a motion to open the public hearing on Ordinance #07-31 seconded by Council Member Crater, and it was approved unanimously.

No Public Comment.

Council Member Collander made a motion to close the public hearing on Ordinance #07-31, seconded by Council Member Crater, and it was approved unanimously. Council Member Collander moved Ordinance #07-31, 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			

### **RESOLUTION #07-297**

#### **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:

LITIGATION: 1. Palmer Tax Appeal- Mr. Lloyd  
2. 221 Main Street-Mr. Falzarano

CONTRACTS: ECLC Lease Extension- Mr. Lloyd

PERSONNEL: Fulltime Engineer Appointment- Mr. Falzarano

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

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Chatham, provided such disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege.

Council Member Collins moved to approve Resolution # 07-297 and Council President Harris seconded.

Council Member Mikulewicz made a motion to amend Resolution #07-297 to include Mayor Elect Vaughan and Council Member Elect Marts in the Executive Session.

A vote was taken and it was approved unanimously.

Adjourn 10:50 p.m.

Respectfully Submitted:

Susan Caljean  
Municipal Clerk