

REGULAR COUNCIL MEETING
June 11, 2007 8:00 p.m.

The Regular Council Meeting of the Borough of Chatham was held on Monday June 11, 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

* absent

PRESENTATION

Accreditation- Lt. Crosson introduced Officer Gibbons.

Office Gibbons explained the process for accreditation. Auditors will come in September to determine if the Police Department has met compliance with all the standards. 128 Law Enforcement Agencies in New Jersey are seeking accreditation in either the State or National program. 19 Agencies are seeking or have received National accreditation. Chatham would be the 7th agency to receive National Accreditation in September. June 25th through the 29th there will be a mock assessment. The national onsite will be September 15th through the 19th.

DISCUSSION ITEMS

Petition presentation regarding Council Meeting and Agenda-Mr. Mikulewicz introduced Janice Perrone who handed out copies of her presentation. Ms. Perrone stated the petition signed by the residents is asking for open and fair government in Chatham Borough. Ms. Perrone stated that at two different Council Meetings the Council voted on items not on the agenda and refused to allow the public to make comments at the meetings before the vote. Ms. Perrone would

like an Ordinance passed prohibiting the Council from voting on items not on the agenda and having a public comment session at the beginning of meetings.

Mayor Plambeck explained Robert's Rules of Order and how the agenda is determined. He further explained that, in both cases cited by Ms. Perrone, the Council had discussed the subjects on which it was voting at prior Council Meetings and had listened to public comments.

Council Member Mikulewicz asked that an Ordinance be written to arrange the meetings so that the public comment session would be in the beginning of the meeting.

Council Member Collander recommended that a strict time limit should be placed on public comments.

**RESOLUTION #07-188
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, May 29, 2007

Council President Harris moved to approve Resolution # 07-188 and Council Member Crater seconded. A vote was taken and it was approved unanimously.

COUNCIL LIAISON REPORTS

Senior Center

Council Member Cordelia O. Fuller was absent.

Historic Preservation Commission

Council Member Cordelia O. Fuller was absent.

Streetscape Committee

Council Member Cordelia O. Fuller was absent. Council Member Crater reported he attended the Streetscape Committee meeting and the lighting installation will be started this week. The street lights will be installed block by block starting at Hillside Avenue. The lights should be installed by the end of July or early August.

Chamber of Commerce

Council Member Richard E. Crater, Jr. reported the ChathamFest went off very well. The library had its 100th Anniversary Celebration and Lum Avenue Field was dedicated. The Chamber's next meeting will be June 18th.

Shade Tree Commission

Council Member Richard E. Crater, Jr. reported the next meeting will be July 10th.

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Environmental Commission

Council President Bruce A. Harris the next meeting will be June 20th.

Open Space Committee

Council President Bruce A. Harris reported the next meeting will be June 14th; the Committee will be discussing the Open Space Tax and purchasing some steep slope property. The meeting will be televised.

Planning Board

Council President Bruce A. Harris reported the Board discussed the Ogden Memorial Church's parking proposal. There was also discussion of a subdivision on Hillside Avenue.

Traffic Committee

Council Member James J. Collander reported the Committee will be discussing Fairview Avenue, which continues to experience traffic problems.

Recreation Committee

Council Member James J. Collander reported that Summer Camp registration is continuing. The Recreation Committee is working with Community Pass to have field availability on the internet. Fall registration has started.

Board of Education

Council Member Joseph Mikulewicz reported construction is continuing and it should be completed earlier than scheduled and under budget. The Chatham Education Foundation is donating \$100,000.00 to the High School for a cyber café to be located in the cafeteria.

Board of Health

Council Member Neal T. Collins reported the Board of Health meets this Thursday. There will be a report on Noah's Bagels and the use of trans fat by Chatham restaurants.

Local Assistance Board

Council Member Neal T. Collins reported they have not met since the last meeting.

ADMINISTRATOR'S REPORT

Bob Falzarano reported he met with NJ Transit they are going to repair the tunnel at the train station. The work is scheduled for the fall of 2007. The SLAP program will clean the exit from Route 24 into Chatham. The proposed Overlook Road name change is scheduled for the September 10th Borough Council meeting. Mr. Falzarano and John Thesee met to discuss the inspection of commercial dumpsters.

Vince DeNave explained the sewer backups at the end of Wilson Street; and possible ways to solve the problem.

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.

Mr. Osman representing 221 Main Street stated the Planning Board gave their approval to the project. Mr. Osman would like the Borough to give them written assurance that the access to the parking spaces under the building will not ever be blocked, as was required by the Planning Board.

Joe Marts of 14 West Coleman Avenue stated the sewer backups are an emergency situation. The DEP should expedite their approval. He thanked Janice Perrone and Council Member Mikulewicz for bringing up the issue of open meetings.

Martha May of 20 Kimball Street asked if the Shade Tree Commission could look at the trees on the Hedges Avenue property. Ms. May does not like some of the colors on Lum Field.

Bernie Vella of 58 North Hillside Avenue stated the Planning Board voted to hire an attorney to fight the litigation from the Hedges and Main Advocacy Group in spite of objections.

Michael Dean of 181 North Passaic Avenue asked what is the budget for the litigation with the Hedges and Main Advocacy Group. The Mayor stated there is no budget for hiring an attorney. It is taken out of the annual budget.

Janice Perrone of 82 Fairmount Avenue stated she did not remember discussing the colors on Lum Field. She thought the colors would be muted.

Donna Cali-Charles of 131 Center Avenue asked what the procedure is to get an item on the Agenda. Mayor Plambeck explained that you need to bring it to the attention of someone at the Borough Hall.

DISCUSSION ITEM

Koronkiewicz Easement

Mr. Woodward attorney for Karen Koronkiewicz of 4 Lincoln Avenue stated she wants to put a 2nd story on her garage. There is a problem because there is a sewer easement under the garage. Mr. Woodward suggested a license agreement be drawn up between Ms. Koronkiewicz and the Borough. Mayor Plambeck expressed concern that with the added weight of a 2nd story the foundation will settle and damage the sewer line. Mr. Woodward stated a structural engineer examined the footings of the garage and they will support the 2nd addition and not threaten the sewer line.

Council Member Collins moved to have a License Agreement developed, seconded by Council President Harris. Council President Harris moved to amend the agreement to make the property owner responsible for the Borough's legal and engineering fees. The amendment was voted on and approved. A vote was taken and the amended License Agreement was approved unanimously.

Recess 10:13 p.m.
Reconvene 10:25 p.m.

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 #07-189 through Resolution #07-195 have been placed on the Consent Agenda.

RESOLUTION #07-189 RESOLUTION TO RENEW ALCOHOLIC BEVERAGE LICENSES FOR THE YEAR JULY 1, 2007 THROUGH JUNE 30, 2008

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that the Municipal Clerk is hereby authorized and directed to issue renewal of the following Alcoholic Beverage Licenses for the year July 1, 2007 through June 30, 2008.

BE IT FURTHER RESOLVED that said licenses will become effective subject to any and all conditions imposed, where applicable, on certain licenses.

PLENARY RETAIL DISTRIBUTION LICENSE		BORO/STATE FEE
#1404-44-004-004	S.D.R. Liquors, Inc.	\$1,368.00/\$200.00
#1404-44-001-005	OMGS, LLC	\$1,368.00/\$200.00

PLENARY RETAIL CONSUMPTION LICENSE		BORO/STATE FEE
#1404-33-002-004	Chatham Towne Tavern, Inc.	\$1,944.00/\$200.00
#1404-33-008-001	Charley's Aunt Inc.	\$1,944.00/\$200.00

RESOLUTION #07-190 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
79/15	Preim Associates, LLC 368 Main Street	\$1,238.24 (1,200.00 + 38.24 interest) NJ Tax Court Judgement	2006/4 Qtr.

***Please make check payable & send to:**

**McCarter & English, Attorneys at Law
4 Gateway Center
100 Mulberry Street
PO Box 652
Newark, NJ 07102**

**RESOLUTION #07-192
RESOLUTION TO REFUND PRO-RATED MONEY FOR THE FOLLOWING
CONSTRUCTION PERMIT**

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

Patrick Foley	\$54.00
42 Dellwood Avenue	
Chatham Township	

**RESOLUTION #07-193
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 #07-194
RESOLUTION TO REFUND PRO-RATED MONEY FOR THE FOLLOWING
PARKING PERMITS AND PARKING TOKENS 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 tokens be given to the following listed below:

Walsh, Matt	\$28.00
53 Rolling Hill Drive	
Chatham, NJ 07928	

Engel, Meredith	\$20.00
268 Washington Avenue	
Chatham, NJ 07928	

Russo, Helen S.	\$68.00
13 Woods Lane	
Chatham, NJ 07928	

Workman, William \$40.00
9 Penn Terrace
Chatham, NJ 07928

Sy, Susan \$84.00
403 Springdale Greendell Rd.
Newton, NJ 07860

RESOLUTION #07-195
RESOLUTION TO INSERT AN ITEM OF REVENUE IN THE 2007 BUDGET

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item or appropriation for an equal amount.

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

1. That the Borough of Chatham hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2007 in the sum of \$338.28; which item is now available as a revenue from the State of New Jersey Alcohol Ed. Rehab. Enforcement Fund pursuant to the provisions of statute, and
2. That the sum of \$338.28, be made and the same is hereby appropriated under the caption of:

Alcohol Ed. Rehab. Enforcement Fund
Account # G-01-41-702-000
Amount \$338.28
3. That the above is the result of monies being provided to the municipality under the above mentioned act.
4. That two certified copies of this resolution be forwarded to the Office of the Director of Local Government Services.

MONTHLY REPORTS

Accept Monthly Reports received from the following Departments:

Council Member Collander

Bills & Warrants List (May 2007)
Monthly Financial Statement

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

CONSENT AGENDA VOTE

Resolutions #07-189 through #07-190 and Resolution # 07-192 through #07-195 and the Monthly Reports

Council Member Mikulewicz asked to have Resolution #07-191 removed from the Consent Agenda.

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

**RESOLUTION #07-191
RESOLUTION TO REJECT THE BID RECEIVED FOR THE 2008 GRASS
MAINTENANCE CONTRACT**

WHEREAS, the Borough of Chatham has received one (1) bid document for the referenced project, which bid permits the Borough of Chatham the right to reject any or all bids received;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Chatham that the bid received for the 2008 Grass Maintenance contract is hereby rejected and the Borough Administrator is authorized to rebid the project.

Borough Administrator Falzarano explained the benefits of hiring a contractor to do this work and pointed out that this is for work to be done in 2008, and not this year.

Council Member Collander moved to approve Resolution #07-191 and Council Member Crater seconded. A vote was taken and it was approved unanimously.

UNFINISHED BUSINESS

ORDINANCE #07-23

SECOND READING AND PUBLIC HEARING OF AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF CHATHAM, CHAPTER 48 THEREOF ENTITLED "POLICE DEPARTMENT," TO PROVIDE FOR THE DELEGATION OF CERTAIN DUTIES TO THE BOROUGH ADMINISTRATOR AS THE APPROPRIATE AUTHORITY RATHER THAN THE GOVERNING BODY

Council Member Crater made a motion to open the public hearing on Ordinance #07-23 seconded by Council Member Mikulewicz, and it was approved unanimously.

Martha May of 20 Kimball Street asked if the Ordinance could be changed if the current Administrator left the Borough. Council Member Collander stated the Ordinance could be looked at on a year to year basis if necessary.

Michael Dean of 181 North Passaic Avenue stated his support of the Ordinance.

Joe Marts of 17 West Coleman Avenue stated his support of the Ordinance.

Council Member Crater made a motion to close the public hearing on Ordinance #07-23, seconded by Council Member Mikulewicz, and it was approved unanimously. Council Member Crater moved Ordinance #07-23, seconded by Council Member Collander and it was approved on vote as follows:

Council Member	Yes	No	Abstain	Absent
Mrs. Fuller				x
Mr. Crater	x			
Mr. Harris		x		
Mr. Collander	x			
Mr. Mikulewicz	x			
Mr. Collins	x			

ORDINANCE #07-24

SECOND READING AND PUBLIC HEARING OF AN ORDINANCE TO AMEND ORDINANCE #07-07 REGARDING THE GENERAL CAPITAL IMPROVEMENT FUND ADOPTED FEBRUARY 12, 2007.

Council Member Collander made a motion to open the public hearing on Ordinance #07-24 seconded by Council President Harris, and it was approved unanimously.

No Public comment.

Council Member Collander made a motion to close the public hearing on Ordinance #07-24, seconded by Council President Harris, and it was approved unanimously. Council Member Collander moved Ordinance #07-24, seconded by Council Member Mikulewicz and it was approved on vote as follows:

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Council Member	Yes	No	Abstain	Absent
Mrs. Fuller				x
Mr. Crater	x			
Mr. Harris	x			
Mr. Collander	x			
Mr. Mikulewicz	x			
Mr. Collins	x			

ORDINANCE #07-25

SECOND READING AND PUBLIC HEARING OF AN ORDINANCE TO PROVIDE FOR VARIOUS PURCHASES AND TO MAKE CERTAIN IMPROVEMENTS FOR THE BOROUGH OF CHATHAM FOR THE YEAR 2007 AND TO APPROPRIATE A TOTAL AMOUNT OF \$599,908 FROM THE GENERAL CAPITAL FUND

Council Member Collander made a motion to open the public hearing on Ordinance #07-25 seconded by Council President Harris, and it was approved unanimously.

Joe Marts of 14 West Coleman Avenue asked to have the large capital items explained. Council Member Collander explained.

Council Member Collander made a motion to close the public hearing on Ordinance #07-25, seconded by Council Member Crater, and it was approved unanimously. Council Member Collander moved Ordinance #07-25, seconded by Council Member Mikulewicz and it was approved on vote as follows:

Council Member	Yes	No	Abstain	Absent
Mrs. Fuller				x
Mr. Crater	x			
Mr. Harris	x			
Mr. Collander	x			
Mr. Mikulewicz	x			
Mr. Collins	x			

Adjourn 10:40 p.m.

Respectfully Submitted:

Susan Caljean
Municipal Clerk