

AGENDA

Monday, August 11, 2008

**Regular Meeting
Mayor and Council**

**Borough of Chatham
54 Fairmount Avenue
Chatham, NJ 07928**

CALL MEETING TO ORDER The meeting will be called to order at 8:00 p.m.

SALUTE TO FLAG

**ADEQUATE
NOTICE**

Statement re: 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 Independent Press, the Morris County Daily Record, the Star Ledger, and Chatham Courier and filed with the Borough Clerk, all on January 4, 2008.

ROLL CALL

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

Council Member Richard E. Crater, Jr.
Council Member Bruce A. Harris
Council Member James J. Collander
Council President Joseph Mikulewicz
Council Member Neal T. Collins, M.D.
Council Member Joseph L. Marts
Mayor V. Nelson Vaughan, III
Joseph J. Bell, Borough Attorney
Robert J. Falzarano, Borough Administrator
Susan Caljean, Municipal Clerk

MOMENT OF SILENCE

Mr. Lloyd Wise-Former Planning Board Chairman

RESOLUTION #08-254

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. Cougar Field/Appointment of Legal Counsel-
Anne Marie Rizzuto, Esq.

Personnel: 1. Request from employee to adjust work hours- Mr. Plosia, Esq.

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.

The Mayor and Council will reconvene into Public Session.

**RESOLUTION #08-255
RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE
BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY
HONORING THE LIFE OF LLOYD W. WISE, JR.**

WHEREAS, Lloyd W. Wise, Jr., a long time resident of the Borough of Chatham (forty-two years) died on Friday, July 25, 2008; and

WHEREAS, Lloyd served his country and his community in an exemplary manner, joining the United States Navy in 1944 and upon completion of his military duty, graduated from Yale University; and

WHEREAS, Lloyd spent his working life in the wholesale lumber business where he was the President of Lloyd Wise Lumber Company in New York; and

WHEREAS, prior to his death he had been a member of the Kiwanis Club of the Chathams, the Chatham Fishing and Game Protective Association and the Canoe Brook Country Club; and

WHEREAS, he joined the Borough's Planning Board in 1981 and served unselfishly through 2002 and for thirteen (13) of those years, he was the Board's Chairman; and

WHEREAS, he was named Chatham's "Person of the Year" by the Junior Chamber of Commerce; and

WHEREAS, Lloyd is survived by his wife, Alice Walker Wise, of fifty-five (55) years; his son, Peter; and his daughters, Tracy and Alice.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Chatham, Morris County, New Jersey honoring the life of Lloyd W. Wise, Jr.; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be presented to his widow and family members.

This resolution shall take effect as provided by law.

**RESOLUTION #08-256
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, July 14, 2008

MEETING OPEN TO THE PUBLIC

Discussion on Resolutions #08-257 and #08-258

**RESOLUTION #08-257
RESOLUTION TO APPROVE CERTAIN HOURS FOR SCHEDULING
ORGANIZED PLAY AT LUM FIELD AND THE POSTING OF "NO PETS
ALLOWED" SIGNAGE**

WHEREAS, the governing body has undertaken due diligence regarding the use of Lum Field for organized play and determined that field use must be limited to certain hours in the public interest;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham authorize the use of Lum Field for organized play limited to the following hours based upon a weekly schedule as follows:

When ECLC is in session:

Weekdays: 3-8 no start of a new inning/quarter after 8 pm
Saturdays: 9-6 no start of a new inning/quarter after 6 pm
Sundays: 1-6 no start of a new inning/quarter after 6 pm

When ECLC is not in session:

Weekdays: 9-8 no start of a new inning/quarter after 8 pm
Saturdays: 9-6 no start of a new inning/quarter after 6 pm
Sundays: 1-6 no start of a new inning/quarter after 6 pm
and it is further

RESOLVED, that the foregoing hours of use are subject to weather and lighting conditions for safe play; and it is further

RESOLVED, that portable and temporary light units will be allowed in 2008 on no more than two nights per week from 6 pm to 8 pm in the fall for football only and only as needed; and it is further

RESOLVED, that “NO PETS ARE ALLOWED” on Lum Field and appropriate signage will be placed at the field regarding this prohibition; and it is further

RESOLVED, that certain provisions of Chapter 79 entitled “Animal and Rabies Control,” specifically Section 79-10 entitled “Defiling or damaging property” and Section 79-11 entitled “Disposal of pet waste” as well as Section 79-18 entitled “Violations and penalties” are incorporated into this Resolution by reference.

RESOLUTION #08-258

**RESOLUTION TO APPROVE TEMPORARY PORTABLE LIGHTS
AT SHEPARD KOLLOCK FIELD**

WHEREAS, the governing body has undertaken due diligence regarding the use of Shepard Kollock Field

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham authorize the use of portable and temporary light units for 2008 on no more than two nights per week from 6 pm to 8 pm in the fall for football only and only as needed; and it is further

RESOLVED, that “NO PETS ARE ALLOWED” on Shepard Kollock Field and Lum Field and appropriate signage will be placed at the field regarding this prohibition; and it is further

RESOLVED, that certain provisions of Chapter 79 entitled “Animal and Rabies Control,” specifically Section 79-10 entitled “Defiling or damaging property” and Section 79-11 entitled “Disposal of pet waste” as well as Section 79-18 entitled “Violations and penalties” are incorporated into this Resolution by reference.

DISCUSSION ITEMS

1. Rich Ford Drainage- Mr. DeNave
2. Leaf Collection Procedure- Mr. Venezia
3. Open Space Organizational Discussion- Mayor Vaughan
4. Green Fair- Lee Byrd & Len Resto

MAYOR’S ACTIVITIES REPORT

MEETING OPEN TO THE PUBLIC

**MAYOR’S NOTICE
OF PUBLIC COMMENT
TIME LIMIT**

Hearing of citizens during the Public Comment Sections 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 a reasonable length of time.

COUNCIL LIAISON REPORTS

Madison Chatham Joint Mtg.	James J. Collander
Recreation Committee	James J. Collander
Traffic Safety Committee	James J. Collander
Board of Health	Neal T. Collins, M.D.
Local Assistance	Neal T. Collins, M.D.
Municipal Alliance	Neal T. Collins, M.D.
Chamber of Commerce	Richard E. Crater, Jr.
Shade Tree Commission	Richard E. Crater, Jr.
Streetscape Committee	Richard E. Crater, Jr.
Communications Tech.	Bruce A. Harris
Environmental Comm.	Bruce A. Harris
Historic Pres. Commission	Bruce A. Harris
Planning Board	Bruce A. Harris
9/11 Memorial Committee	Joseph L. Marts
Board of Education	Joseph Mikulewicz
Community Development	Joseph Mikulewicz
Farmers Market Committee	Joseph Mikulewicz
Library Board of Trustees	V. Nelson Vaughan, III
Senior Center	V. Nelson Vaughan, III

Administrator's Report Robert J. Falzarano

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 #08-259 through Resolution #08-277 have been placed on the Consent Agenda.

RESOLUTION #08-259

RESOLUTION TO APPROVE ISP SEWER BILLING RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY APPROVING A SIXTY-FIVE PERCENT (65%) REDUCTION TO THE ANNUAL SEWER BILL FOR ISP CHEMICAL COMPANY RETROACTIVE TO 2007 AND GOING FORWARD

WHEREAS, ISP Chemical Company, located at 116 Summit Avenue in the Borough of Chatham, County of Morris, State of New Jersey, has filed an appeal and request to have a reduction of its annual sewer bill in the amount of seventy percent (70%); and

WHEREAS, the Borough Engineer has reviewed the request of ISP Chemical Company, undertaken a tour of the facilities of ISP Chemical Company and evaluated data provided by ISP Chemical Company that is relevant to the evaluation of such appeal and request; and

WHEREAS, the Borough Engineer has observed that the current process used at ISP Chemical Company for the manufacture of their products does utilize a significant amount of water; and

WHEREAS, the Borough Engineer has observed that ISP Chemical Company's reduction of sewer usage is due to the following: (1) spray dried steam is created within the process; (2) the end product contains a significant amount of water as preservative for cosmetics; (3) floor wash is shipped off site; and (4) by-product Alby is shipped off site; and

WHEREAS, ISP Chemical Company has provided supporting documentation that includes shipping receipts for product removed from the site and product water content reports; and

WHEREAS, Borough Ordinance requires that a Resolution by the Governing Body is required in order for credit to be given for any appeal; and

WHEREAS, the Borough Engineer has recommended that ISP Chemical Company be given a reduction to its annual sewer bill in the amount of sixty-five percent (65%) retroactive to 2007 and going forward; and

WHEREAS, the Mayor and Borough Council have undertaken due diligence regarding the review of the appeal and request of ISP Chemical Company for a reduction to its annual sewer bill in the amount of seventy percent (70%).

WHEREAS, the Borough Engineer has certified that ISP has submitted the required proofs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Chatham, County of Morris, State of New Jersey, the Borough of Chatham approves a reduction to the annual sewer bill of ISP Chemical Company in the amount of sixty-five percent (65%) retroactive to 2007 based on the data provided by ISP Chemical Company; and it is further

RESOLVED that the Borough of Chatham approves a reduction to the annual sewer bill of ISP Chemical Company in the amount of sixty-five percent (65%) going forward based on the data provided by ISP Chemical Company.

RESOLUTION #08-260
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 #08-261
RESOLUTION TO REFUND PARKING MACHINE FEES AND PARKING PERMITS

BE IT RESOLVED, by the Mayor and Council that the following be Parking Machine fee be hereby refunded:

O'Rourke, John 11 Glenmere Drive Chatham, NJ 07928	\$100.00
Wang, Yubo 806 Kensington Lane Livingston, NJ 07039	\$ 20.00
Munsey, Bob 138 Ormont Road Chatham, NJ 07928	\$ 40.00

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, that the Mayor and Council of the Borough of Chatham, in the County of Morris, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$10,000., which is now available as revenue from the Chatham Business Improvement District Feasibility Study pursuant to the provision of the statute, and

BE IT FURTHER RESOLVED that the like sum of \$10,000. is hereby appropriated under the caption BID Grant; Account #G-01-41-785-000.

BE IT FURTHER RESOLVED that the sum of \$10,000. representing the amount required for the municipality's share of the aforementioned undertaking or improvement appears in the budget of the year 2008 under the caption "Other Matching Funds for Grants" and is hereby appropriated under the caption of "BID Grant-Match" Account #G-01-41-785-200.

BE IT FURTHER RESOLVED, that the above is a result of a State grant of \$10,000. from the State Department of Community Affairs.

RESOLUTION #08-265
RESOLUTION TO CANCEL APPROPRIATION TO OPERATIONS IN
CURRENT YEAR

WHEREAS, there appears to be sufficient funds in the following accounts over and above the demand needed for the balance of the current year Current Fund,

Account Number #8-01-29-390-201 Maintenance of Joint Free Public Library

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of R.S. 40A:4-58, the Borough Council of the Borough of Chatham authorizes the Chief Financial Officer to make the following cancellation into Operations:

Library Appropriation 8-01-29-390-201 \$151,161.36

RESOLUTION #08-266
RESOLUTION TO CANCEL TAX OVERPAYMENTS

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Tax Collector is hereby authorized to cancel the following tax overpayments:

For the year 2002 in the amount of \$38,091.89; and

For the year 2003 in the amount of \$46,289.14; and

For the year 2005 in the amount of \$23,184.41.

Total amount-\$107,565.44

NOW, THEREFORE, BE IT RESOLVED, that the Borough Tax Collector is authorized to cancel \$107,565.44 of tax overpayments from the year's 2002, 2003 and

2005 as per the list maintained by the Chatham Borough Tax Collector to the Current Fund Balance.

RESOLUTION #08-267

RESOLUTION TO EXTEND THE 3RD QUARTER DUE DATE FOR PROPERTY TAXES FROM AUGUST 1, 2008 TO AUGUST 25, 2008

WHEREAS, the Morris County Tax Board will certify the Borough of Chatham tax rate; and

WHEREAS, the taxpayer by law has 25 days from the date of mailing of the tax bill to pay taxes due without interest of penalty; and

WHEREAS, the time required from notice of the tax rate to have the bills printed and mailed is three weeks; and

WHEREAS, the next tax payment is due August 1 with interest and penalties charged for any payments received after August 10; and

WHEREAS, the taxpayer would have less than the required 25 day period from the date of mailing to the August 1 due date;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that the date by which the tax payment due August 1, 2008 may be paid without interest or penalty is extended to August 25, 2008.

BE IT RESOLVED, that there is no additional grace period beyond August 25, 2008 and any payment received after that date shall be late and accrue the applicable interest and penalties.

RESOLUTION #08-268

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AWARDING A PROFESSIONAL SERVICES CONTRACT WITH DYNAMIC ENGINEERING CONSULTANTS, P.C. LIMITED TO AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS (\$10,000.00) SAID CONTRACT BEING NON-FAIR AND OPEN

WHEREAS, there exists a need for Engineering Consultants for the Administrative Support Services to the Borough Engineer for the NJDOT Local Aid Projects which will include contract administration, part-time inspection, NJDOT paperwork submissions and reimbursement process on Woodland Road and Van Doren Avenue and funds are or will be available for this purpose; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 requires that the resolution awarding a contract for professional services without competitive bidding be printed once in a newspaper of general circulation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Chatham, County of Morris, State of New Jersey, that a contract not to exceed \$10,000.00 be awarded to Dynamic Engineering Consultants, PC with offices located at Lake Como, New Jersey to provide Engineering Consultant Services; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to sign the annexed contract with Dynamic Engineering Consultants, P.C. and the Borough of Chatham; and

BE IT FURTHER RESOLVED, that this contract is made without competitive bidding as a professional service under the provisions of the Local Public Contracts Law because of the qualitative nature of the consulting services involved; and

BE IT FURTHER RESOLVED, that a copy of this resolution be published as required by law.

RESOLUTION #08-269

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY AUTHORIZING EXECUTION OF DEVELOPER'S AGREEMENT WITH 221 MAIN STREET, L.L.C.

WHEREAS, the Planning Board of the Borough of Chatham (hereinafter, "Board") granted Developer preliminary and final site plan approval with variances and a *de minimus* exception, to demolish an existing building, and to construct a new building which is to contain permitted retail and residential uses for the property located at 221 Main Street, known as Block 121, Lot 6 on the Tax Map of the Borough of Chatham, as more particularly described in the resolutions of the Board adopted on July 9, 2008, and June 6, 2007; and

WHEREAS, the variance and site plan approvals of the Borough of Chatham's Planning Board for the above mentioned plans were conditioned upon the Developer entering into a Developer's Agreement with the Municipality; and

WHEREAS, the Developer filed suit in the Superior Court of New Jersey, Law Division, Morris County, entitled 221 Main Street, LLC v. Borough of Chatham and Planning Board of the Borough of Chatham under Docket No. MRS-L-3537-07; and

WHEREAS, a resolution of the litigation had been reached between the Developer and the Borough of Chatham, and the Developer and the Borough have agreed and are desirous of entering into a Developer's Agreement; and

WHEREAS, the Borough Attorney has approved the Developer's Agreement on file with the Borough Clerk's office.

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

1. The Developer's Agreement on file in the office of the Borough Clerk with 221 Main Street, L.L.C. is approved and the Mayor and Borough Clerk are authorized to execute the same.

2. This Agreement shall be recorded in the office of the Morris County Clerk and is available for inspection in the Borough Clerk's office.

This resolution shall take effect immediately.

RESOLUTION #08-270

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE AN AGREEMENT WITH THE HOUSING PARTNERSHIP FOR MORRIS COUNTY TO PROVIDE SERVICES TO ADMINISTER THE RESALE OF THE MUNICIPALITY'S AFFORDABLE HOUSING UNITS LOCATED AT 44 SCHINDLER COURT AND TO APPROPRIATE AN ADMINISTRATION FEE OF FIVE HUNDRED DOLLARS (\$500.00)

WHEREAS, the Housing Partnership for Morris County has provided a form of agreement whose purpose is to include increasing the accessibility and availability of Affordable Housing in Morris County; and

WHEREAS, the Agreement, which is available for public inspection in the offices of the Municipal Clerk, is to provide services to administer the resale of the

Municipality's Housing Unit at 44 Schindler Court in the Borough of Chatham as well as imposes a Five Hundred Dollar (\$500.00) administration fee upon closing of the unit.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Chatham, County of Morris, State of New Jersey authorizing the Mayor and Municipal Clerk to execute an Agreement by and between the Housing Partnership of Morris County and the Borough of Chatham and to further provide and tender an administration fee of Five Hundred Dollars (\$500.00).

RESOLUTION #08-271

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY AUTHORIZING A GREEN FAIR FESTIVAL TO BE HELD IN THE RAILROAD PARKING LOT FROM THE HOURS OF 7:00 A.M. TO 6:00 P.M. ON SATURDAY, SEPTEMBER 13, 2008

WHEREAS, Green Festivals celebrate what's working in our communities – for people, businesses and the environment; and

WHEREAS, Green means safe, healthy communities in a strong local economy; and

WHEREAS, it has been represented that the Green Fair will attract many vendors and showcase technology performance workshop sustainability, demonstrations, community campaigns; and

WHEREAS, the Green Fair only uses energy and power from the wind, sun and bicycles so that the surrounding residents will not hear any noise of generators or smell any diesel fumes; and

WHEREAS, the purpose of the Fair is to promote sustainable technology, community empowerment, fair trade, animal rights, peace and reconciliation and wide ranging environmental solutions; and

WHEREAS, it is proposed that the Green Fair will be held on Saturday, September 13, 2008 from 7:00 a.m. to 6:00 p.m. and the police will cordon off the area in order to insure the safety of the residents.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Chatham, County of Morris, State of New Jersey authorizing a Green Fair Festival to be held in the Railroad Parking lot from the hours of 7:00 a.m. to 6:00 p.m. on Saturday, September 13, 2008.

RESOLUTION #08-272

RESOLUTION TO APPOINT A SUBSTITUTE LIFEGUARD FOR THE MUNICIPAL POOL

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Justin Moodie be appointed Substitute Lifeguard for the Municipal Pool with a hourly salary of \$8.20.

RESOLUTION #08-273

RESOLUTION TO APPOINT ANNE MANDAL AS CERTIFIED MUNICIPAL REGISTRAR EFFECTIVE MARCH 24, 2008 THROUGH MARCH 24, 2010

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that Anne Mandal be appointed as the Municipal Registrar effective March 24, 2008 through March 24, 2010.

**RESOLUTION #08-274
RESOLUTION TO REAPPOINT SUSAN CALJEAN AS CERTIFIED
MUNICIPAL REGISTRAR (DEPUTY) EFFECTIVE AUGUST 13, 2008
THROUGH AUGUST 13, 2010**

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that Susan Caljean be reappointed as the Certified Municipal Registrar (Deputy) effective August 13, 2008 through August 13, 2010.

**RESOLUTION #08-275
RESOLUTION TO APPOINT CHERI MORRIS AS CERTIFIED MUNICIPAL
REGISTRAR (ALTERNATE DEPUTY) EFFECTIVE AUGUST 13, 2008
THROUGH AUGUST 13, 2010**

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that Cheri Morris be appointed as the Alternate Deputy Registrar effective August 13, 2008 through August 13, 2010.

**RESOLUTION #08-276
RESOLUTION FOR A PLACE-TO-PLACE TRANSFER OF LIQUOR LICENSE
#1404-44-001-005 O.M.G.S., LLC D/B/A COTTAGE DELI (EXPANSION OF
PREMISES)**

WHEREAS, an application has been filed for a Place-To-Place transfer of a Plenary Retail Distribution Liquor License #1404-44-001-005 located at 23-25 South Passaic Avenue, Chatham, NJ 07928; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Chatham does hereby approve, effective August 11, 2008, the Place-To-Place Transfer of the aforesaid Plenary Retail Distribution Liquor License for an expansion of premises located at 23-25 South Passaic Avenue, Chatham, NJ 07928.

**RESOLUTION #08-277
RESOLUTION APPOINTING SPECIAL LEGAL COUNSEL
IN THE COUGAR FIELD LITIGATION**

WHEREAS, the Borough of Chatham (“Borough”), the Borough of Chatham Planning Board (“Planning Board”) and the Borough of Chatham Board of Adjustment (“Board of Adjustment”) (collectively, the “Borough entities”) have been named as defendants in the matter entitled Cougar Field Neighborhood Preservation Association, A New Jersey Non-Profit Corporation v. School District of the Chathams Board of Education, *et als.*, Docket # MRS-L-2015-08 (“Cougar Field Litigation”);

WHEREAS, the Mayor and Council of the Borough of Chatham have determined that there is a need to retain Special Legal Counsel to represent the Borough entities with respect to the Cougar Field Litigation matter;

WHEREAS, the Mayor and Council have determined that it is cost-effective to retain one law firm, as the interests of all three Borough entities in the Cougar Field Litigation are the same;

WHEREAS, the Mayor and Council have determined to appoint the Borough’s Planning Board Attorney, Anne Marie Rizzuto, Esq., and the law firm of McManimon & Scotland, L.L.C., since Ms. Rizzuto has been handling the Cougar Field matter for several months before the litigation was instituted;

WHEREAS, McManimon & Scotland, L.L.C. has already been retained under a professional services agreement obtained after a competitive process seeking requests for proposals;

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. Anne Marie Rizzuto, Esq. and the law firm of McManimon & Scotland, L.L.C. are hereby appointed as Special Legal Counsel to the Borough, the Planning Board, and the Board of Adjustment, for the purpose of representing these entities in the Cougar Field Litigation;
2. Paragraph C of the Retainer previously entered into for the services of Ms. Rizzuto shall be amended to provide that the Borough and the Board of Adjustment shall be included as entities to be represented in litigation as may appointed by the Governing Body or the Board of Adjustment;
3. The Mayor is authorized to execute the revised Professional Services Agreement, and the Clerk is authorized to witness the signature of the Mayor;
4. Anne Marie Rizzuto, Esq. and the Borough Administrator are directed to work out cost-effective procedures for communication to the Borough entities as the Cougar Field Litigation progresses.

MONTHLY REPORTS Accept Monthly Reports received from the following Departments:

Council Member Collander	Bills & Warrants List (July 2008) Monthly Financial Statement
Council Member Collander	Recreation Committee (July 2008)
Council Member Crater	Department of Public Works (July 2008)
Council Member Marts	Police Report (July 2008) Emergency Squad (July 2008) Municipal Court (July 2008) Fire Department Report (July 2008) Emergency Management (July 2008)
Council Member Harris	Building and Zoning Report (July 2008) Fire Inspections (July 2008)

CONSENT AGENDA VOTE

Resolutions #08-259 through #08-277 and the Monthly Reports

Moved: _____ Seconded: _____ Voice Vote: in favor [] against []

UNFINISHED BUSINESS

**ORDINANCE #08-16
SECOND READING AND PUBLIC HEARING OF AN
ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF
THE BOROUGH OF CHATHAM, CHAPTER 165, ENTITLED
“LAND DEVELOPMENT REGULATIONS”**

Council Member	Yes	No	Abstain	Absent
Mr. Collander	_____	_____	_____	_____
Mr. Collins	_____	_____	_____	_____
Mr. Crater	_____	_____	_____	_____
Mr. Harris	_____	_____	_____	_____
Mr. Marts	_____	_____	_____	_____

Mr. Mikulewicz _____

Moved: _____ Seconded: _____ VOICE VOTE: in Favor [] Against []

NEW BUSINESS

ORDINANCE #08-17

INTRODUCTION AND FIRST READING OF AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL IN THE BOROUGH OF CHATHAM, MORRIS COUNTY, NEW JERSEY ADOPTING CHAPTER 92 OF THE LAWS OF 2007 (N.J.S. 43:15c-1, ET. SEQ.) TO CREATE THE DEFINED CONTRIBUTION RETIREMENT PROGRAM TO PROVIDE RETIREMENT BENEFITS TO VARIOUS COUNTY AND MUNICIPAL OFFICIALS

Moved: _____ Seconded: _____ VOICE VOTE: in Favor [] Against []

ORDINANCE #08-18

INTRODUCTION AND FIRST READING OF AN ORDINANCE OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 139 "VEHICLES AND TRAFFIC" OF THE CODE OF THE BOROUGH OF CHATHAM, 2005, SAVED FROM REPEAL

Moved: _____ Seconded: _____ VOICE VOTE: in Favor [] Against []

RESOLUTION #08-278

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:

- Contracts:
1. St. Paul's Agreement- Mr. Falzarano
 2. DPW & PBA Contract Negotiations- Mr. Falzarano
 3. Appointment of Planner- Mayor Vaughan

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.