

AGENDA

Monday, April 12, 2010

**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 7:30 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 December 31, 2009.

ROLL CALL

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

Mayor V. Nelson Vaughan, III
Council President James J. Collander
Council Member Bruce A. Harris
Council Member Joseph L. Marts
Council Member James Lonergan
Council Member John Holman
Council Member Leonard Resto
Robert J. Falzarano, Borough Administrator
Joseph J. Bell, Borough Attorney
Susan Caljean, Municipal Clerk

OATH OF ALLEGIANCE

NEW BUSINESS

A. Appointments:

RESOLUTION #10-143

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPOINTING PHILIP J. CROSSON, JR. AS THE CHIEF OF POLICE IN AND FOR THE BOROUGH OF CHATHAM

WHEREAS, Police Chief John Drake had submitted his letter of retirement effective December 17, 2009 and had been placed on terminal leave that expired or concluded on April 1, 2010; and

WHEREAS, during this interim time period commencing on December 17, 2009 Philip J. Crosson, Jr., has served as the Acting Chief of Police for the Chatham Borough Police Department, and during this interim period he has demonstrated a strong and exemplary understanding of leadership, management, and personnel skills; and

WHEREAS, the Borough of Chatham is desirous of naming a Chief of Police who shall be duly responsible for the efficiency and the routine day-to-day operation of the Department on a permanent basis; and

WHEREAS, Acting Chief Philip J. Crosson, Jr., is qualified and has continually demonstrated his ability to serve during this period after honorably serving this municipality as a Dispatcher in 1992 and being permanently appointed as a Patrol Officer in 1995; and

WHEREAS, he has also served in the position of Detective and has been appointed to the ranks of Sergeant and Lieutenant; and

WHEREAS, he has received an Executive Certification from the New Jersey State Chiefs of Police as a Certified Law Enforcement Officer providing the requisite credentials to serve in this most important capacity.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Chatham in the County of Morris, New Jersey appointing Philip J. Crosson, Jr., as Chief of Police in and for the Borough of Chatham on a permanent basis; and

BE IT FURTHER RESOLVED that pursuant to the conditions of this service to the Borough of Chatham, Philip J. Crosson, Jr., shall be remunerated the salary of the Chief of Police in the annual amount of One Hundred Thirty Thousand Dollars (\$130,000.00), which for calendar year 2010 shall be prorated from the date of the appointment; and

BE IT FURTHER RESOLVED, this appointment is made on a permanent basis by the Mayor and Governing Body.

Councilmember _____:

I would like to make a motion to appoint Philip J. Crosson to the position of Chief of Police at the salary of \$130,000 effective April 1, 2010.

Seconded by: _____

Mayor Vaughan: Roll Call, please?

Name	Motion	Second	Yes	No	Abstain	Absent
Harris						
Collander						
Marts						
Lonergan						
Holman						
Resto						

GIFT OF LIFE PROCLAMATION

WHEREAS, Overlook Hospital's Auxiliary established an Organ and Tissue Donor Awareness Committee in May 1995 whose goal is to make the public aware of organ and tissue donor needs and programs, and

WHEREAS, in the United States there are almost 105,000 people waiting for organs (liver, heart, kidney, lungs, pancreas) almost 4,000 of whom are from New Jersey, and

WHEREAS, approximately 20 people die daily waiting for organs-the Gift of Life, and

WHEREAS, those needing tissues (bones, ligaments, heart valves, corneas, skin) are waiting to improve their quality of life,

NOW, THEREFORE, I NELSON VAUGHAN, Mayor of the Borough of Chatham, New Jersey, do hereby proclaim the month of April 2010 as **Donate Gift of Life Month** in the Borough of Chatham and encourage the citizens of the Borough of Chatham to become donors through their driver's license or living will. Citizens are asked to share this decision with their families because it becomes a legal document.

RESOLUTION #10-144

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY CONGRATULATING THE JAYCEES ON 50 YEARS OF SERVICE TO THE BOROUGH AND ITS RESIDENTS

WHEREAS, the Jaycees of Chatham are members of the United States Junior Chamber of Commerce, a worldwide federation of young professionals and entrepreneurs with more than 8,000 chapters in 123 nations; and

WHEREAS, traditionally the purpose of a local chapter of Jaycees is to become a force for good in the community, determining community needs and providing solutions by planning and facilitating community service projects; and

WHEREAS, historically, Chatham volunteers were originally members of the Summit Jaycees and eventually founded their own chapter and held their first meeting in the Borough on March 21, 1960; and

WHEREAS, the Jaycees sponsor events such as the Fishawack Race, a one to four mile run; the sale of Christmas trees; and present the Distinguished Service Award to those volunteers who have selflessly provided their time and energy in making the Borough a better place in which to live.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Chatham, County of Morris, State of New Jersey, acknowledging and congratulating the Chatham Borough Jaycees for their 50 years of service to the Borough of Chatham and its residents;

BE IT FURTHER RESOLVED that this resolution shall take effect as provided by law.

**RESOLUTION #10-145
RESOLUTION TO CHANGE THE STATUS OF THE FOLLOWING FIREFIGHTERS
FROM PROBATIONARY TO REGULAR FULL MEMBERS**

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the following Firefighters are to be recognized as Regular Full Members of the Borough of Chatham Fire Department:

Daniel McGookin- Hose Company
Brendt de St. Paer- Engine Company 2
David Allen- Rescue Company
Christopher Nadzem- Rescue Company

Councilmember _____:

I would like to make a motion to appoint the following members from probationary to Regular Full Members of the Chatham Borough Fire Department.

Seconded by: _____

Mayor Vaughan: Roll Call, please?

Name	Motion	Second	Yes	No	Abstain	Absent
Harris						
Collander						
Marts						
Loneragan						
Holman						
Resto						

DISCUSSION ITEMS

1. Shepard Kollock Renovations- Mr. DeNave
2. 2010 Municipal Budget- Mr. Collander/Pool- Mr. Lonergan

RESOLUTION #10-146

RESOLUTION TO INTRODUCE THE BOROUGH OF CHATHAM 2010 MUNICIPAL BUDGET

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the local Municipal Budget for the year 2010; and

BE IT FURTHER RESOLVED, that said Budget be published in the Chatham Courier in the issue of April 29, 2010 together with a notice to the public that the public hearing will be held in the Municipal Building on May 10, 2010 at 7:30 p.m. or as soon thereafter as the matter can be reached by the Governing Body of the Borough of Chatham, and does hereby appropriate the following as the budget for the year 2010:

Appropriations	
Municipal Purposes	\$
Reserve for Uncollected Taxes	\$
Total General Appropriations	\$
Less Anticipated Revenue other than	

9/11 Memorial Advisory Committee	Joseph L. Marts
Land and Hist. Conservancy Committee	Joseph L. Marts
Project Community Pride	Joseph L. Marts
Streetscape Committee	Joseph L. Marts
Board of Education	James Lonergan
Chamber of Commerce	James Lonergan
Local Assistance Board (Member)	James Lonergan
Municipal Pool/Memorial Park	James Lonergan
Shade Tree Commission (Member)	James Lonergan
Green Initiatives Committee	Leonard Resto
Historic Preservation Commission	Leonard Resto
Municipal Alliance Committee (Member)	Leonard Resto

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 #10-148 through Resolution #10-153 have been placed on the Consent Agenda.

ART WORK DISPLAYS

RESOLUTION #10-148

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION AND USE OF BOROUGH PROPERTY TO DISPLAY THE SCULPTURE ENTITLED "CRESCENT" BY THE PUBLIC ARTS COUNCIL (PAC)

WHEREAS, the Public Arts Council (PAC) has successfully acquired by way of loan from the Sculpture Foundation a sculpture of Richard Jolley's "Crescent" for public display; and

WHEREAS, the Public Arts Council (PAC) will ensure shipping/delivery and that insurance concerns under the auspices of the Morris County Joint Insurance Fund are provided; and

WHEREAS, the Public Arts Council (PAC) has considered locating the exhibit on Borough owned property adjacent to the Chatham Train Station thereby ensuring visibility by commuters and residents; and

WHEREAS, the exact location will be coordinated with the Borough Engineer and Supervisor of the Department of Public Works and remediation of the site after the display period has concluded; and

WHEREAS, the Mayor and Borough Council wish to publicly acknowledge its gratitude to the Public Arts Council (PAC) for making Chatham a better place to showcase the arts.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Chatham, County of Morris, State of New Jersey that the Mayor and Borough Council authorizes the acquisition by way of loan from the Sculpture Foundation and use of public property by the Public Arts Council (PAC) for the display of “Crescent”; and

BE IT FURTHER RESOLVED that the Mayor and Borough Council public acknowledges and commends the Public Arts Council (PAC) for making Chatham a better place to enjoy the arts.

RESOLUTION #10-149

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION AND USE OF BOROUGH PROPERTY TO DISPLAY THE SCULPTURE ENTITLED “THE SEARCH” BY THE PUBLIC ARTS COUNCIL (PAC)

WHEREAS, the Public Arts Council (PAC) has successfully acquired by way of loan from the Sculpture Foundation a sculpture of Seward Johnson’s “The Search” for public display; and

WHEREAS, the Public Arts Council (PAC) will ensure shipping/delivery and that insurance concerns under the auspices of the Morris County Joint Insurance Fund are provided; and

WHEREAS, the Public Arts Council (PAC) has considered locating the exhibit on Borough owned property adjacent to the Chatham Train Station thereby ensuring visibility by commuters and residents; and

WHEREAS, the exact location will be coordinated with the Borough Engineer and Supervisor of the Department of Public Works and remediation of the site after the display period has concluded; and

WHEREAS, the Mayor and Borough Council wish to publicly acknowledge its gratitude to the Public Arts Council (PAC) for making Chatham a better place to showcase the arts.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Chatham, County of Morris, State of New Jersey that the Mayor and Borough

Council authorizes the acquisition by way of loan from the Sculpture Foundation and use of public property by the Public Arts Council (PAC) for the display of "The Search"; and

BE IT FURTHER RESOLVED that the Mayor and Borough Council public acknowledges and commends the Public Arts Council (PAC) for making Chatham a better place to enjoy the arts.

FINANCE

**RESOLUTION #10-150
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 #10-151
RESOLUTION TO REFUND A FOOD LICENSE PERMIT**

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that a refund should be issued to the individual listed below:

Cottage Deli Grocery & Liquor \$100.00 (Duplicate payment)
23 South Passaic Avenue
Chatham, NJ 07928

**RESOLUTION #10-152
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
110/6	Gianusso, Peter & Bethany 8 Overlook Road	\$2,261.93	2010 1 st Qtr.

***Please make check payable and mail to:
Gianusso, Peter & Bethany
c/o Samuel F. DeAngelis, Esq.
36 Main Street**

Madison, NJ 07940-1814

107/15	Pearce, Jeremy & Rita 161 Hillside Avenue	\$ 265.35	2009 3 Qtr. (Overpayment)
62/1	Junqua, Robert & Donna 86 Weston Avenue	\$3,087.61	2010 1 st Qtr. (Duplicate payment)
25/7	Shendell/Tuohy & Derek/Margaret 32 Essex Road	\$ 349.25	2009 3 rd Qtr. (Overpayment)

RESOLUTION #10-153

RESOLUTION TO ADOPT THE 2010 GOALS AND OBJECTIVES

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the 2010 Goals and Objectives be hereby approved.

AGREEMENTS

RESOLUTION #10-154

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, APPROVING A LICENSE AGREEMENT BETWEEN THE BOROUGH OF CHATHAM AND SABA HEKMAT AND LAURIE HEKMAT, RESIDENTS OF ONE WOODS LANE

WHEREAS, the Borough of Chatham entered into a license agreement on or about November 9, 2004 with Charles J. Spinelli and Maria V. Spinelli, the residents of the real property located at One Woods Lane in the Borough of Chatham, also known as Block 99, Lot 1.01 in the Borough of Chatham, Morris County, New Jersey; and

WHEREAS, the license agreement provided a license to the real property owners to make specified permitted uses for landscaping purposes only within an easement located at One Woods Lane as shown on a survey prepared by Thomas S. Benjamin, Benjamin & Wizorek, Inc., dated October 5, 2004; and

WHEREAS, Charles J. Spinelli and Maria V. Spinelli, the owners and residents of One Woods Lane are in the process of selling the real property known as One Woods Lane to Saba Hekmat and Laurie Hekmat; and

WHEREAS, Saba Hekmat and Laurie Hekmat have expressed interest in reaching a similar or identical license agreement in connection with the ownership, use, and residing at One Woods Lane; and

WHEREAS, the Borough of Chatham is willing to enter into a license agreement with Saba Hekmat and Laurie Hekmat for the same use as previously approved for Charles J. Spinelli and Maria V. Spinelli.

NOW, THEREFORE, be it resolved by the Borough Council of the Borough of Chatham in the County of Morris and State of New Jersey, as follows:

1. The Borough of Chatham hereby approves entering into a license agreement with Saba Hekmat and Laurie Hekmat for the provision of a license to the real property owners to make specified permitted uses for landscaping purposes only within an easement located at One Woods Lane as shown on a survey prepared by Thomas S. Benjamin, Benjamin & Wizorek, Inc., dated October 5, 2004.

2. A copy of this license agreement shall be filed and recorded in the offices of the Morris County Clerk, Morris County, New Jersey.

CONSENT AGENDA VOTE

Resolutions #10-147 through #10-154 and the monthly reports

Mayor Vaughan asks Councilman _____ to proceed with the Resolutions listed on the agenda.

Councilmember _____: I would like to make a motion to allow the resolution on this evening's agenda to be approved by consent of the Council.

Seconded by: _____

Roll Call:

Name	Motion	Second	Yes	No	Abstain	Absent
Harris						
Collander						
Marts						
Lonergan						
Holman						
Resto						

UNFINISHED BUSINESS

SECOND READING ORDINANCE PROCEDURE

Mayor Vaughan asks Councilmember _____ to proceed with Ordinance #10-12

Councilmember _____ reads Ordinance #10-12 entitled:

ORDINANCE #10-12

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF CHATHAM, CHAPTER 139, THEREOF ENTITLED "VEHICLES AND TRAFFIC" TO ADD A CERTAIN "NO STOPPING OR STANDING" PARKING REGULATION ON A PORTION OF ELMWOOD AVENUE

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on March 22, 2010.

Mayor Vaughan asks the Clerk to give a summary of the legal notice.

The Clerk states: A legal notice was published indicating that Ordinance #10-12 was introduced and passed on first reading at the March 22, 2010 meeting indicating that second reading and public hearing would be held at 7:30 p.m. on April 12, 2010 for consideration of final adoption. Copies were made available to the general public and posted in accordance with the law.

Mayor Vaughan: The meeting is now open for a public hearing on the Ordinance and any taxpayer of the Borough or any party or persons in interest may be heard.

Mayor Vaughan: I will now close the meeting to the Public.

Councilmember _____: I offer the following Ordinance and move its adoption:

Resolved, that this Ordinance as read by title on second reading, at this regular meeting, be adopted and finally passed.

Councilmember _____ seconds the motion.

Name	Motion	Second	Yes	No	Abstain	Absent
Harris						
Collander						

Marts						
Lonergan						
Holman						
Resto						

Mayor Vaughan: I declare this Ordinance adopted and finally passed. I hereby request the Clerk to public the proper notice of this adoption in the newspaper and to record the Ordinance in the proper places.

FIRST READING ORDINANCE PROCEDURE

- (1) Mayor Vaughan asks Councilmember to introduce Ordinance #10-09.
- (2) Councilmember _____ introduces Ordinance #10-09 by title as follows:

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 165, LAND DEVELOPMENT REGULATIONS, OF THE BOROUGH CODE

- (3) Councilmember _____ explains the purpose of the Ordinance and moves for adoption on the First Reading.
- (4) Councilmember _____ seconds the motion.
- (5) Mayor Vaughan asks the Clerk for a roll call.

Name	Motion	Second	Yes	No	Abstain	Absent
Harris						
Collander						
Marts						
Lonergan						
Holman						
Resto						

Councilmember _____ reads:

WHEREAS, the above Ordinance was introduced, ready by title at this Council meeting held on April 12, 2010.

NOW, THEREFORE, BE IT HEREBY RESOLVED that at the Council meeting to be held on April 26, 2010 at 7:30 p.m. prevailing time, at the Borough Hall in said Borough, this Council will further consider this Ordinance for a second reading and final passage.

AND BE IT FURTHER RESOLVED that the Clerk of this Borough is hereby requested to published the proper notice thereof, including this Ordinance, post the Ordinance on the bulletin board in the Municipal Building and make copies available to members of the general public.

- (6) Councilmember _____: I move for approval of this Ordinance on first reading.
- (7) Councilmember _____ seconds the motion.
- (8) Mayor asks Clerk for a roll call.

Name	Motion	Second	Yes	No	Abstain	Absent
Harris						
Collander						
Marts						
Lonergan						
Holman						
Resto						

RESOLUTION #10-155
RESOLUTION TO RECESS INTO CLOSED SESSION

BE IT RESOLVED by the Borough Council of the Borough of Chatham that it reconvene into Public Session after the 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: 1. Employee disciplinary matter- Mr. Plosia
 2. Joint Recreation Director selection- 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.

Reconvene into Public Session