

# **AGENDA**

## **Monday, May 9, 2011**

**Regular Meeting**  
**Mayor and Council**

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

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**CALL MEETING TO ORDER** The meeting will be called to order at 7:30 p.m.

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**SALUTE TO FLAG**

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**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 30, 2010.

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**ROLL CALL**

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

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

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### **DISCUSSION ITEMS**

1. OPRA Resolution- Mr. Lonergan
2. Local Assistance Board- Mr. Lonergan

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**RESOLUTION #11-179**  
**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, April 25, 2011

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**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.

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**SECOND READING ORDINANCE PROCEDURE**

Mayor Vaughan asks **Council Member Collander** to proceed with Ordinance #11-08

**Council Member Collander** reads Ordinance #11-08 entitled:

**ORD #11-08-AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 139, VEHICLES AND TRAFFIC, SECTION 27 SCHEDULE V: HANDICAPPED PARKING**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on April 25, 2011.

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

The Clerk states: A legal notice was published indicating that Ordinance #11-08 was introduced and passed on first reading at the April 25, 2011 meeting and indicating second reading and public hearing would be held at 7:30 p.m. on May 9, 2011 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 member of the public may be heard.

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

**Council Member Collander:** 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.

Council Member \_\_\_\_\_ seconds the motion.

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

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

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**SECOND READING ORDINANCE PROCEDURE**

Mayor Vaughan asks **Council President Lonergan** to proceed with Ordinance #11-09

**Council President Lonergan** reads Ordinance #11-09 entitled:

**ORD #11-09-CAPITAL ORDINANCE OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY AUTHORIZING THE FUNDING OF THE BOROUGH'S PORTION OF THE COST OF THE INSTALLATION OF LIGHTING AT SHUNPIKE FIELD IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$112,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL FUND BALANCE OF THE BOROUGH.**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on April 25, 2011.

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

The Clerk states: A legal notice was published indicating that Ordinance #11-09 was introduced and passed on first reading at the April 25, 2011 meeting and indicating second reading and public hearing would be held at 7:30 p.m. on May 9, 2011 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 member of the public may be heard.

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

**Council President Lonergan:** 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.

Council Member \_\_\_\_\_ seconds the motion.

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

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

**MAYOR'S ACTIVITIES REPORT: V. Nelson Vaughan, III**

**Board & Commission Members & Liaison Appointments**

<b>Library Board of Trustees</b>	Mayor V. Nelson Vaughan, III
<b>Municipal Alliance Committee</b>	Mayor V. Nelson Vaughan, III
<b>Public Arts Council</b>	Mayor V. Nelson Vaughan, III
<b>Senior Center</b>	Mayor V. Nelson Vaughan, III
<b>Land &amp; Historic Conservancy Comm.</b>	Bruce A. Harris
<b>Planning Board</b>	Bruce A. Harris
<b>Madison Chatham Joint Meeting</b>	James J. Collander
<b>Traffic Safety Committee</b>	James J. Collander
<b>Chamber of Commerce</b>	James Lonergan
<b>Local Assistance Board</b>	James Lonergan
<b>Recreation Committee</b>	James Lonergan
<b>Shade Tree Commission</b>	James Lonergan
<b>Board of Health</b>	John Holman
<b>Farmer's Market Advisory Committee</b>	John Holman
<b>9/11 Memorial Advisory Committee</b>	Leonard Resto
<b>Environmental Commission</b>	Leonard Resto

<b>Green Initiatives Committee</b>	Leonard Resto
<b>Historic Preservation Commission</b>	Leonard Resto
<b>Board of Education</b>	Victoria Fife
<b>Communications Technology</b>	Victoria Fife
<b>Mayor's Wellness Committee</b>	Victoria Fife
<b>Project Community Pride</b>	Victoria Fife

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**ADMINISTRATOR'S REPORT:** Robert J. Falzarano

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### **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 #11-180 through Resolution #11-188 have been placed on the Consent Agenda.

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### **FINANCE**

#### **RESOLUTION #11-180**

#### **RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY**

**WHEREAS**, N.J.S.A. 40A:11-36 requires a resolution of the governing body authorizing the sale of surplus property; and

**WHEREAS**, the Borough Administrator has recommended the sale of said surplus personal property; and

**WHEREAS**, the items listed are no longer needed for public use.

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Chatham authorizes the Borough Clerk to properly advertise for public sale of the items listed herein:

	<b><u>Minimum bids</u></b>
2006 Ford Crown Victoria 4.6L Engine Vin#2FAHP71W06X102358 Miles-78,000	\$ 500.00
1999 GMC 2500 Pick up Truck 5.7L, Power Tailgate, Meyers 8' snow plow Vin#1GTGK29R3XF004251 Miles-42,966 (Needs transmission work)	\$ 500.00

**No minimums**

Miscellaneous office equipment:

Computer Keyboards, Phones, Typewriter and stand, Computer Monitors, Printers, Computer Speakers, Fax Machine, Printer/Scanner/Fax, Scanner, Men's Watch-Fossil, Women's ring and Bicycle

\*The auction will take place on Thursday, May 26, 2011 at 10:30 a.m. located at the Department of Public Works, 446 Main Street, Chatham, NJ 07928. The items listed for **auction** are **available for inspection Monday through Friday 8:00 a.m. to 2:00 p.m.**

**BE IT FURTHER RESOLVED** that if the items listed are not sold at the public auction, the Borough may dispose of them in the proper manner.

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**RESOLUTION #11-181**

**RESOLUTION AUTHORIZING THE BOROUGH OF CHATHAM TO ENTER INTO A COOPERATIVE PRICING AGREEMENT BY AND BETWEEN THE CITY OF SUMMIT, NEW PROVIDENCE BOROUGH, CHATHAM TOWNSHIP AND MILLBURN TOWNSHIP**

**WHEREAS**, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into cooperative pricing agreements for its administration; and

**WHEREAS**, the City of Summit, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

**WHEREAS**, on May 9, 2011, the Governing Body of the Borough of Chatham, Morris County, and State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services.

**NOW THEREFORE BE IT RESOLVED**, this resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Chatham.

**BE IT FURTHER RESOLVED**, pursuant to the provisions of N.J.S.A. 11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency; and

**BE IT FURTHER RESOLVED**, the Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et. seq.) and all other provisions of the Revised Statutes of the State of New Jersey.

This resolution shall take effect immediately upon passage.

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**RESOLUTION #11-182  
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.

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**RESOLUTION #11-183  
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:

<b>BLOCK/LOT</b>	<b>OWNERS &amp; PROPERTY ADDRESS</b>	<b>AMOUNT</b>	<b>YEAR/QTR</b>
19/11	Biggar, Melissa 23 Meadowbrook Road	\$ 500.00 Homestead benefit	2011/2 <sup>nd</sup> Qtr.
99/15.05	Sebastian, Thomas & Marija 20 Maple Street	\$3,653.41 Refinance overpayment	2010/3 <sup>rd</sup> Qtr.
25/17	Saunders, Charles & Whitney 12 Essex Road	\$ 479.16 2009 NJ Tax Court Judgement	2011/2 <sup>nd</sup> Qtr.

\*Please make check payable and mail to:  
William S. Winters, Esquire  
199 Route 18 South  
East Brunswick, NJ 08816

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**RESOLUTION #11-184  
RESOLUTION TO JOIN NEW JERSEY SUSTAINABLE ENERGY JOINT MEETING**

**WHEREAS**, Local Units of the State of New Jersey are authorized to enter into a joint contract to provide for the formation of a joint meeting for the joint procurement of natural gas, electricity and other forms of energy as permitted by N.J.S.A. 40A:65-14 et seq.; and

**WHEREAS**, the statutes regulating the creation and establishment of a Joint Meeting contain a mechanism for local units to aggregate their collective energy consumption in order to negotiate and contract for energy in a cost-effective, environmentally sensitive manner, furthering the public interest entrusted to such a Joint Meeting; and

**WHEREAS**, the governing body of the Borough of Chatham has determined that membership in the Joint Meeting is in the best interest of the residents.

**NOW THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Chatham does hereby resolve and agree to become a member in the New Jersey Sustainable Energy Joint Meeting (NJSEM) for the purpose of joining with other local units in the State to aggregate purchasing power of energy so as to achieve financial savings and to encourage local units to cooperate in seeking ways to jointly implement sustainable energy alternatives;

**BE IT FURTHER RESOLVED**, that the Mayor is authorized to execute the Joint Contract Joinder Agreement, attached hereto, and that Vincent DeNave is hereby designated to represent the local unit as a member of the State Management Committee of NJSEM; and

**BE IT FURTHER RESOLVED**, that the Mayor is authorized and directed to execute such other documents signifying their membership in the NJSEM, and make payment of the Initial Membership Fee of \$600 as required by the NJSEM's Bylaws and to deliver same to the Executive Director of NJSEM.

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**RESOLUTION #11-185  
RESOLUTION TO RENEW ALCOHOLIC BEVERAGE LICENSES FOR THE YEAR  
JULY 1, 2011 THROUGH JUNE 30, 2012**

**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, 2011 through June 30, 2012.

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

<b>PLENARY RETAIL DISTRIBUTION LICENSE</b>	<b>BORO/STATE FEE</b>
#1404-44-001-005 OMGS, LLC	\$1,600.00/\$200.00
#1404-44-004-004 S.D.R. Liquors, Inc.	\$1,600.00/\$200.00 (In pocket license)

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**RECREATION**

**RESOLUTION #11-186  
RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF  
CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE  
USE OF CHATHAM BOROUGH FIELDS FOR A MEMORIAL DAY SOCCER  
TOURNAMENT**

**WHEREAS**, the Chatham United Soccer League is planning to host a Memorial Day Soccer Tournament to be held in the municipality on May 28, 2011 from 9:00 a.m. to 6:00 p.m. and on May 29, 2011 from 11:00 a.m. to 6:00 p.m.; and

**WHEREAS**, the Chatham United Soccer League will also provide portable restrooms suitable for the public use as well as be responsible for cleanup of each site; and

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Chatham in the County of Morris, New Jersey authorizing the use of the Chatham Borough fields for the Chatham United Soccer League Tournaments to be held on May 28, 2011 and May 29, 2011 in the Borough of Chatham.

This Resolution shall take effect immediately.

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**RESOLUTION #11-187**

**RESOLUTION TO REFUND PRO-RATED RECREATION FEES**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the following recreation fees be hereby refunded:

<u>Last Name</u>	<u>Amount</u>	<u>Account</u>	<u>Activity</u>
Kelly	\$220.00	851-405	Baseball
Kelly	\$ 50.00	851-406	Softball
Connors	\$ 26.25	851-403	Basketball
McGuire	\$ 60.00	851-406	Softball
Puntus	\$ 26.25	851-406	Softball
Alperwitz	\$ 26.25	851-406	Softball
Crigler	\$ 26.25	851-406	Softball
Parks	\$ 26.25	851-406	Softball
Pelligrin	\$ 26.25	851-406	Softball
Palma	\$ 26.25	851-406	Softball
Poillucci	\$ 26.25	851-406	Softball
Zinn	\$ 20.00	851-406	Softball
Monson	\$ 80.00	851-406	Softball
Hong	\$ 80.00	851-405	Baseball
Walker	\$ 26.25	851-405	Baseball
Ulrich	\$ 26.25	851-405	Baseball
Macchia	\$ 26.25	851-405	Baseball
Giannini	\$ 26.25	851-405	Baseball
Burkard	\$ 26.25	851-405	Baseball
Covino	\$ 26.25	851-405	Baseball
Nall	\$ 26.25	851-405	Baseball
Schelling	\$ 26.25	851-405	Baseball

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Blazoski	\$ 26.25	851-405	Baseball
Browning	\$ 26.25	851-405	Baseball
Costello	\$ 26.25	851-405	Baseball
Gonzalez	\$ 26.25	851-405	Baseball
Patel	\$ 26.25	851-405	Baseball
Gorski	\$ 26.25	851-405	Baseball

\*These refunds are subject to a \$10.00 administrative fee which is non-refundable.

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**VITAL STATISTICS**

**RESOLUTION #11-188**

**RESOLUTION TO REAPPOINT THE FOLLOWING INDIVIDUALS AS SUB-REGISTRARS FOR A THREE YEAR TERM**

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Chatham that the licensed staff of Wm. A. Bradley's Funeral Home be reappointed for another three year term as sub-registrars, starting May 27, 2011 to May 26, 2014. They are to issue burial permits only in cases of extreme emergency.

Wm. A. Bradley & Son staff:  
Scott W. Bradley #3894  
Daniel Vander Ploeg #4225  
Christopher J. Lisewski #4057  
John Caffrey #4398

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**CONSENT AGENDA VOTE:**

Mayor Vaughan asks Council Member Resto to proceed with the Resolutions listed on the Consent agenda. Resolutions #11-180 through #11-188.

Council Member Resto: 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						
Lonergan						
Holman						

Resto						
Fife						

**FIRST READING ORDINANCE PROCEDURE**

- (1) Mayor Vaughan asks **Council Member Collander** to introduce Ordinance #11-10
- (2) **Council Member Collander** introduces Ordinance #11-10 by title as follows:

**ORD#11-10-AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REPEALING CHAPTER 256, TOWING, OF THE BOROUGH CODE AND REPLACING IT WITH A NEW CHAPTER 256 ENTITLED TOWING AND STORAGE**

(3) **Council Member Collander** explains the purpose of the Ordinance and moves for introduction of the First Reading.

**Council Member Collander** reads:

**WHEREAS**, the above Ordinance was introduced, read by title at this Council meeting held on May 9, 2011.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that at the Council meeting to be held on May 23, 2011 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 publish 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.

Mayor asks Clerk for a Roll Call Vote:

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

**FIRST READING ORDINANCE PROCEDURE**

- (1) Mayor Vaughan asks **Council Member Harris** to introduce Ordinance #11-11
- (2) **Council Member Harris** introduces Ordinance #11-11 by title as follows:

**ORD #11-11-AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 111, ENTITLED “CONSTRUCTION CODES, UNIFORM” OF THE REVISED GENERAL CODE OF THE BOROUGH OF CHATHAM**

(3) **Council Member Harris** explains the purpose of the Ordinance and moves for introduction of the First Reading.

**Council Member Harris** reads:

**WHEREAS**, the above Ordinance was introduced, read by title at this Council meeting held on May 9, 2011.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that at the Council meeting to be held on May 23, 2011 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 publish 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.

Mayor asks Clerk for a Roll Call Vote:

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

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**RESOLUTION #11-189  
RESOLUTION TO RECESS INTO CLOSED SESSION**

**BE IT RESOLVED** by the Borough Council of the Borough of Chatham that it adjourn into 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. Copier Leases- Mrs. Piccolo

LITIGATION: 1. Tri-Care litigation- update- Mr. Bell

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.

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