

**REGULAR COUNCIL MEETING**  
**April 24, 2006 8:00 p.m.**

The Regular Council Meeting of the Borough of Chatham was held on Monday April 24, 2006 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, mailed to the Chatham Courier, the Morris County Daily Record, the New Jersey Star Ledger and emailed to the Independent Press and filed with the Borough Clerk, all on December 30, 2005.

On a call of the roll the following officials were present:

Council President Cordelia O. Fuller  
Council Member Stephen W. Williams  
Council Member Richard E. Crater, Jr.  
Council Member Bruce A. Harris  
Council Member Jayme V. La Jeunesse  
Council Member James J. Collander  
Mayor Richard L. Plambeck  
Robert J. Falzarano, Borough Administrator  
David J. Lloyd, Borough Attorney  
Susan Caljean, Municipal Clerk

**PROCLAMATION**

**WHEREAS**, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

**WHEREAS**, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

**WHEREAS**, Arbor Day is now observed throughout the nation and the world, and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

**WHEREAS**, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

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**WHEREAS**, trees, wherever they are planted, are a source of joy and spiritual renewal, and

**NOW, THEREFORE**, I, Richard L. Plambeck, Mayor of the Borough of Chatham, do hereby proclaim April 28<sup>th</sup>, 2006 as

### **ARBOR DAY**

In the community of the Borough of Chatham, I urge all citizens to support efforts to protect our trees and woodlands to support our city's urban forestry program, and

Further, I urge all citizens to plant trees to gladden hearts and promote the well-being of present and future generations.

Mayor Plambeck stated there will be a formal tree planting on Saturday May 6<sup>th</sup> at the Library.

### **APPEAL**

#### **CONSTRUCTION OFFICIAL DENIAL TO REMOVE TREES**

Construction Official Bill Jankowski explained why he denied the removal of 17 trees from property at 124 Fairmount Avenue. He granted them a permit to remove 3 trees.

Zahra Ghasemi explained why they want to remove 17 trees on their property. They only want the trees close to the house removed and they will plant trees to replace the ones they remove. Ms. Ghasemi proposed an alternate removal plan and was advised that she should apply for a new permit.

Council Member Crater made a motion to approve the action of the Construction Official, Council President Fuller seconded. A vote was taken and it was approved unanimously.

### **DISCUSSION ITEMS**

Library Information Services- Diane O'Brien reported there are 6,909 Borough card holders and 6,097 Township card holders. The library has 90,000 books, 34,000 audio recordings, 3,500 video recordings and 30 computers. There were 177,744 items circulated in 2005 of that 64,000 were to children. The library conducted 189 children story hours.

Textile Recycling- Mr. Venezia discussed three different categories of textile recycling. They would all place and maintain their bins. One of the companies would pay \$25.00 a month per bin to the Borough and the other \$100.00 a ton.

### **MEETING OPEN TO THE PUBLIC**

#### **MAYOR'S NOTICE OF PUBLIC COMMENT TIME LIMIT**

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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 had questions about the textile recycling. Ms. May requested a detailed explanation of the noise ordinance before a vote is taken. Ms. May had questions about lights on Lum Field. Mayor Plambeck explained.

Anthony Piechnik of 19 Coleman Avenue asked the status of the no parking signs on Coleman Avenue. Mr. Lloyd stated the 1<sup>st</sup> reading would be made at the next Council Meeting.

Janice Perrone of 82 Fairmount Avenue read a letter from John Lutolf of 27 Chatham Street who could not attend the Council Meeting.

Susan Tracy of 9 Sussex Avenue thanked the Mayor and Council for their support of the Lum Avenue Field.

Michael Dean of 181 N. Passaic Avenue requested an update on Woodland Park and the interlocal agreement and an update on the Lum Field development. Mayor Plambeck reported there is a meeting in May to work on the agreement for Woodland Park.

### **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 #06-143 through Resolution #06-148 have been placed on the Consent Agenda.

#### **RESOLUTION #06-143**

**RESOLUTION TO PURCHASE ONE NEW AND UNUSED 2006 FORD UTILITIES TRUCK, MODEL F-550 WITH REGULAR CAB/CHASSIS WITH STATE CONTRACT #A52352-T2063 AT A COST OF \$31,641 FROM PRINCETON NASSAU/CONOVER FLEET SALES, 902 ROUTE 206, PRINCETON, NJ 08540**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham that the Department of Public Works is hereby authorized to purchase one new and unused 2006 Ford Utilities Truck, Model F-550 with a regular Cab/Chassis with State Contract #A52352-T2063 at a cost of \$31,641 from Princeton Nassau/Conover Fleet Sales, 902 Route 206, Princeton, NJ 08540.

#### **RESOLUTION #06-144**

**RESOLUTION TO AUTHORIZE THE BOROUGH OF CHATHAM POLICE DEPARTMENT TO ESTABLISH AND MAINTAIN A LIST OF ELIGIBLE CANDIDATES FOR APPOINTMENT TO THE CHATHAM BOROUGH POLICE**



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**WHEREAS**, the Friends of Chatham Borough Shade Trees, Inc. has made application for tax exempt status pursuant to the Internal Revenue Code; and

**WHEREAS**, the Internal Revenue Service has responded by letter, dated April 17, 2006, and received April 21, 2006, stating, *inter alia*, that “ ... it does not appear that your organization has received broad public support ...”

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham, that the governing body and the citizens of the Borough of Chatham strongly and enthusiastically support the charitable goals of The Friends of Chatham Borough Shade Trees, Inc. and its application for tax-exempt status pursuant to the Internal Revenue Code; and it is further

**RESOLVED**, that a duly executed copy of this Resolution shall be attached to the Responsive Letter to the Internal Revenue Service by the Friends of Chatham Borough Shade Trees, Inc.

### **CONSENT AGENDA VOTE**

Resolutions #06-143 and #06-144 and Resolution #06-146 and #06-148

Council Member Williams moved to approve the Consent Agenda and Council President Fuller seconded. Council Member Williams asked to have Resolution #06-147 removed and Council Member Harris asked to have Resolution #06-145 removed. A vote was taken and it was approved unanimously, except for the removed Resolutions #06-145 and #06-147.

### **RESOLUTION #06-145**

#### **RESOLUTION TO AUTHORIZE THE ACTING BOROUGH ENGINEER TO PREPARE A REQUEST FOR PROPOSALS TO RESTORE AND MAINTAIN AND TO DEVELOP AND MAINTAIN THE RECREATIONAL PROPERTY COMMONLY KNOWN AS LUM AVENUE FIELDS, INCLUDING THE DRAINAGE AND THE ARTIFICIAL TURFING THEREOF AND TO RECOMMEND A BUDGET THEREFORE**

**WHEREAS**, at its regularly scheduled Council Meeting on April 10, 2006 the Borough Council authorized and approved a project for the restoration and maintenance, and the development and maintenance of recreational property commonly known as Lum Avenue Fields, including the drainage and the artificial turfing thereof; and

**WHEREAS**, the Mayor and Council further informed the Chatham Borough Acting Engineer, Vincent J. DeNave, at its April 10, 2006 Borough Council Meeting to prepare a projected budget and a timeline for bidding, engineering, and construction in order to move forward with the Lum Avenue Fields Project;

**NOW, THEREFORE, BE IT RESOLVED**, BY THE COUNCIL OF THE BOROUGH OF CHATHAM, that the Council authorizes the Chatham Borough Acting Engineer, Vincent J. DeNave, to prepare a request for proposals for engineering specifications, designs and plans for the restoration and maintenance, and the development

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and maintenance of recreational property known as Lum Avenue Fields, including the drainage and the artificial turfing thereof, and to recommend a budget therefore; and it is further

**RESOLVED**, that the Request for Proposals is subject to review and approval by the Mayor and Council of the Borough of Chatham prior to advertisement.

Borough Engineer Mr. DeNave gave a presentation on the cost and what would need to be done to put artificial turf on Lum Field.

Council Member Harris moved to vote on Resolution #06-145 and Council Member Crater seconded, a vote was taken and it was approved by a vote of 4 to 2 Council Member Harris and Council Member Collander voted no.

**RESOLUTION #06-147**  
**RESOLUTION TO PURCHASE ONE NEW AND UNUSED 2006 DODGE**  
**UNMARKED VEHICLE FOR THE POLICE DEPARTMENT**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham that the Police Department is hereby authorized to purchase one new and unused 2006 Dodge Charger unmarked police vehicle under Morris County CO-OP #A15 Item 2. The total cost of the vehicle with options is \$24,137.03. The vehicle will be purchased from Warnock Automotive in East Hanover, NJ.

Council Member Williams moved to table Resolution #06-147 and Council Member Crater seconded, a vote was taken and Resolution #06-147 was tabled.

**ADMINISTRATORS REPORT**

Bob Falzarano reported the Main Street crosswalk project is underway and progressing well. Summer hours start at the Borough Hall on June 9<sup>th</sup> ending on September 1<sup>st</sup> the Borough Hall will close at 1:00 on Fridays. On May 8<sup>th</sup> Mrs. Nauta and Mr. Denning will make a presentation about the Recreation Department. Mr. DeNave is preparing a project schedule for Burgess Street, S. Passaic Avenue and Chandler Road.

**UNFINISHED BUSINESS**  
**ORDINANCE #06-01**  
**A CONTINUATION OF A SECOND READING AND PUBLIC HEARING OF AN**  
**ORDINANCE TO AMEND CHAPTER 184 OF THE CODE OF THE BOROUGH OF**  
**CHATHAM ENTITLED "NOISE," TO PROVIDE FOR MORE STRINGENT HOURS**  
**OF OPERATION FOR VARIOUS EQUIPMENT AND CONSTRUCTION/**  
**DEMOLITION ACTIVITIES AND TO CONFORM THE ENFORCEMENT**  
**PROVISIONS OF THE CODE TO REQUIRED STATUTORY PENALTIES**

Council Member Collander made a motion to open the public hearing on Ordinance #06-01 seconded by Council Member Harris.

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Martha May of 20 Kimball Street asked that the ordinance be explained.

Mr. Lloyd and Mayor Plambeck explained.

Council Member Collander made a motion to close the public hearing on Ordinance #06-01, seconded by Council Member Crater and approved unanimously.

Council Member Collander made a motion to adopt Ordinance #06-01 on second reading and that it be advertised according to law, seconded by Council President Fuller and defeated on vote as follows:

Council Member	Yes	No	Abstain	Absent
Fuller		x		
Williams	x			
Crater		x		
Harris		x		
LaJeunesse		x		
Collander		x		

**NEW BUSINESS**

**ORDINANCE #06-11**

**INTRODUCTION AND FIRST READING OF AN ORDINANCE TO PROVIDE FOR VARIOUS PURCHASES AND TO MAKE CERTAIN IMPROVEMENTS FOR THE BOROUGH OF CHATHAM FOR THE YEAR 2006 AND TO APPROPRIATE A TOTAL AMOUNT OF \$160,600 FROM THE WATER CAPITAL FUND**

Council Member Williams introduced Ordinance # 06-011 on first reading and moved that a public hearing be held on May 8, 2006 at 8:00 p.m. in the Council Chambers of the Chatham Borough Municipal Building and prior to the hearing this ordinance shall be published according to law and was seconded by Council President Fuller.

Mayor Plambeck asked for a vote. A vote was taken and Ordinance #06-011 was introduced with a vote of 6 to 0.

**ORDINANCE #06-12**

**INTRODUCTION AND FIRST READING OF AN AMENDMENT TO CHAPTER 184 OF THE CODE OF THE BOROUGH OF CHATHAM ENTITLED "NOISE," TO PROVIDE FOR THE ELIMINATION OF SECTION 184-8 SUBSECTION (B) THEREOF AND TO CONFORM THE ENFORCEMENT PROVISIONS OF THE CODE TO REQUIRED STATUTORY PENALTIES**

Council Member Collander introduced Ordinance # 06-012 on first reading and moved that a public hearing be held on May 8, 2006 at 8:00 p.m. in the Council Chambers of the Chatham Borough Municipal Building and prior to the hearing this ordinance shall be published according to law and was seconded by Council Member Williams.

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Mayor Plambeck asked for a vote. A vote was taken and Ordinance #06-012 was introduced with a vote of 6 to 0.

**RESOLUTION #06-149**  
**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:

PERSONNEL- Police Officer replacements- Chief Drake

CONTRACT NEGOTIATIONS-

Jackson Avenue Lift Station Engineering Contract-Mr. DeNave

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.

**ADJOURN**

Council Member Collander moved Resolution #06-149 to close the public meeting and adjourn. Council Member Harris seconded the motion. All voted in favor and the meeting adjourned at 9:30 p.m. into Executive Session.

Respectfully Submitted:

Susan Caljean  
Municipal Clerk