

REGULAR COUNCIL MEETING
June 12, 2006 8:00 p.m.

The Regular Council Meeting of the Borough of Chatham was held on Monday June 12, 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. LaJeunesse*
Council Member James J. Collander
Mayor Richard L. Plambeck
Robert J. Falzarano, Borough Administrator*
David J. Lloyd, Borough Attorney
Susan Caljean, Municipal Clerk

*absent

RESOLUTION #06-183
RESOLUTION TO APPOINT MEMBERS TO THE COMMUNITY EMERGENCY
RESPONSE TEAM FOR THE BOROUGH OF CHATHAM

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that the following members be appointed to the Community Emergency Response Team for the Office of Emergency Management with terms to expire on December 31, 2006.

Molly Conley
Elaine Dangler
John Rohe
Adam Rosowicz

Council Member Crater moved to approve Resolution # 06-183 and Council Member Harris seconded, a vote was taken and it was approved unanimously.

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Borough Clerk Susan Caljean administered the Oath of Allegiance to the new Community Emergency Response Team Members.

DISCUSSION ITEM

Woodland Park Interlocal Agreement

Mayor Plambeck stated the Board of Education approved the Interlocal Agreement between Chatham Township and the Borough of Chatham. There are a few minor items that need to be resolved.

RESOLUTION #06-184

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 22, 2006

Council Member Harris moved to approve Resolution # 06-184 and Council Member Collander seconded, a vote was taken and it was approved unanimously.

COUNCIL LIAISON REPORTS

Historic Preservation Commission

Council President Cordelia O. Fuller was absent

Local Assistance Board

Council President Cordelia O. Fuller was absent

Streetscape Committee

Council President Cordelia O. Fuller was absent

Board of Education

Council Member Richard E. Crater, Jr. reported the Board is in the process of moving their offices to Chatham Township.

Chamber of Commerce

Council Member Richard E. Crater, Jr. stated that the Fishawack Festival last Saturday went very well.

Environmental Commission

Council Member Bruce A. Harris reported the Commission will be reviewing the draft of the Environmental Resource Inventory at the next meeting. The next meeting will be held next Wednesday they will be discussing future projects at that meeting.

Open Space Committee

Council Member Bruce A. Harris reported the Open Space Committee is continuing to work on developing recommendations regarding the paper streets and Borough owned land.

Planning Board

Council Member Bruce A. Harris reported the Planning Board has completed the reexamination of the Master Plan.

Traffic Committee

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Council Member Jayme V. La Jeunesse was absent

Recreation Committee

Council Member Jayme V. La Jeunesse was absent

Board of Health

Council Member James J. Collander reported any issues with the food establishments are being corrected. The month was busy with dog bites, bats in houses and some complaints about exterior house sanding.

Shade Tree Commission

Council Member James J. Collander stated they are discussing the fall plantings. The Commission hopes to plant 60 trees next year.

ADMINISTRATORS REPORT

Bob Falzarano was absent. Mayor Plambeck reported he is continuing to work with the Boy Scouts and their projects. Mayor Plambeck stated they are working on relocating some of the Borough Offices into the space that will be available when the Board of Education moves.

Vincent DeNave, the Acting Borough Engineer, reported that the Jackson Avenue Lift Station may not have to be relocated and they could use submersible pumps. But the access to the Lift Station will have to be improved. The cost should be less then relocating the pump station and they will not have to get approvals from the DEP.

Mr. DeNave stated some of the property owners on Watchung Avenue do not want sidewalks put on their side of the road.

Mr. DeNave reported the rerouting of the buses through the Borough Hall parking lot is an ongoing project and they are working out the kinks.

Mr. DeNave stated they may negotiate with JCP&L for the Streetscape lights.

Mr. DeNave stated he preferred the idea of the circular drive in front of Ogden Memorial Church better then the other options the church's traffic engineer presented.

8:40 Council Member Williams arrives

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.

Brenda Hines of 29 Elmwood Avenue thanked the Council for all the work on the traffic issue. She would like the drop off plan done before the school year starts.

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Derick Hallahan of 189 Watchung Avenue talked in support of the sidewalks on Watchung Avenue. Mayor Plambeck stated the Borough has money budgeted for the sidewalks.

Bill Burress of 44 Jackson Avenue complimented the engineer for the work on the Jackson Avenue Lift Station.

John McDermott of 36 Jackson Avenue also thanked the engineer, and asked for a timeline on the work. Mayor Plambeck stated that would be presented at the next Council Meeting.

Tim Carey of 81 Rowan Road thanked everyone for their work on the Lift Station.

Michelle Simpson of 118 Center Avenue has a deer problem and she erected a fence 7 years ago and now the Zoning Officer has told her that it will need to come down that it is not within code. Mayor Plambeck explained that the Planning Board would have to recommend any changes to the fence ordinance.

Bill Pentony of 25 Coleman Avenue East asked how long after the Ordinance is passed will it take for the signs to be put up. Captain Sullivan replied that if they have the signs they would be erected soon.

Alain Charewicz of 82 Fairmount Avenue asked if the Mayor and Council had looked at the study of Lum Avenue Field he had presented to them at the last meeting. Mayor Plambeck stated the Recreation Committee will give its recommendations to the Council after reading the report.

Joe Mikulewicz of 9 Chatham Street asked for an update on Dunkin Donuts. Mayor Plambeck stated they have not come before the Planning Board for approval yet so he could not comment. Mr. Mikulewicz would like the Borough Engineer to look at the parking at Esterney Field.

Donna Cali-Charles of 131 Center Avenue asked if the Borough could get money back from Hatch Mott McDonald for work that they did for the Borough. Ms. Cali-Charles asked if there will be a vote tonight in Executive Session on the Lum Field Project. Mayor Plambeck explained that the engineering contracts would be discussed in Executive Session, but that a vote, if any would have to be in open session.

Mike McLaughlin of 21 Edgewood Road stated the children's safety should come first and Lum Field is the best place and he would like to see the field turfed.

Steve Duff of 181 Watchung Avenue presented a petition with 27 signatures opposing the sidewalks on Watchung Avenue.

Neal Collins of 19 North Hillside had questions about the Executive Session and voting. Mayor Plambeck explained.

Janice Perrone of 82 Fairmount Avenue asked about the vote at Executive Session. Mayor Plambeck explained.

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Todd Rogers of 17 Mitchell Avenue Chatham Township reported on the finances of the Chatham Athletic Foundation for the artificial turf. He stated they have had positive responses from many people about what they want to do. He explained why the Foundation selected Lum Field to turf.

Peter Hoffman of 17 Elmwood Avenue thanked the Mayor and Council for moving on the Ogden Church traffic problem. He would like the residents of the area be included in the plans.

Nicole Sennett of 36 Lum Avenue thanked the Mayor and Council for the changes to the bus traffic.

Mike Green of 191 Watchung Avenue stated the reasons he feels the sidewalks should be installed on Watchung Avenue.

Michael Dean of 181 North Passaic Avenue had several questions about Dunkin Donuts, the Cable Television Committee, the 9/11 Memorial, and Hatch Mott McDonald. Mayor Plambeck explained.

Martha May of 20 Kimball Street stated if the football program was not at Lum Field there would not be a problem with lights there. Ms. May thanked the DPW for the great job of keeping things clean during the Fishawack Festival.

Peter Coyne of 7 Dempster Road stated Lum Field is the logical place for the football program.

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 #06-185 through Resolution #06-190 have been placed on the Consent Agenda.

RESOLUTION #06-185

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 #06-186

**RESOLUTION TO RENEW ALCOHOLIC BEVERAGE LICENSES FOR THE YEAR
JULY 1, 2006 THROUGH JUNE 30, 2007**

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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, 2006 through June 30, 2007.

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
#1404-44-001-004	OMGS, LLC	\$1,368.00/\$200.00
#1404-44-003-009	Chatham Bottle King, Inc.	\$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
* #1404-33-006-009	Jamnan Inc.	\$1,944.00/\$200.00
#1404-33-007-004	Jesus Saves Inc.	\$1,944.00/\$200.00
#1404-33-008-001	Charley's Aunt Inc.	\$1,944.00/\$200.00

**RESOLUTION #06-187
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
68/7	Kotarba, Christine 113 Weston Avenue	\$216.84 2005 NJ Tax Court Judgement	2005/4Qtr.

**RESOLUTION #06-188
RESOLUTION TO REFUND PRO-RATED MONEY FOR THE FOLLOWING
PARKING PERMIT**

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

McCreary, Stephen \$52.00
32 Oak Drive
Chatham, NJ 07928

MONTHLY REPORTS

Accept Monthly Reports received from the following Departments:

Council Member Williams	Bills & Warrants List (May 2006) Monthly Financial Statement
Council Member LaJeunesse	Recreation Committee (May 2006)

Council President Fuller	Department of Public Works (May 2006)
Council Member Crater	Police Report (May 2006) Emergency Squad (May 2006) Municipal Court (April 2006) Fire Department Report (May 2006) Emergency Management (May 2006)
Council Member Harris	Building & Zoning Report (May 2006) Fire Inspections (May 2006)

CONSENT AGENDA VOTE

Resolutions #06–185 through #06–188 and the Monthly Reports

Council Member Collander moved to approve the Consent Agenda and Council Member Harris seconded, a vote was taken and it was approved unanimously.

RESOLUTION #06-189
RESOLUTION TO RECOGNIZE THE PERFORMANCE OF VARIOUS
MUNICIPAL EMPLOYEES AND THE MUNICIPAL ENGINEER IN CONNECTION
WITH THE STREETScape CROSSWALK PROJECT

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it recognizes the exemplary performance of various employees and the Borough Engineer in connection with the co-ordination and successful completion of the Streetscape Crosswalk Project as follows:

Department of Public Works: Stan Serbanica
Jhad Carter
Joe Zbesko
Tom Paris
Leo Pietrantuono
Mike Kliesch
Jamie Bronco
Carlos Tobon

Police Department: Traffic Officer Roy George

Municipal Engineer: Vincent J. DeNave, P.E., C.M.E., C.P.W.M.

BE IT FURTHER RESOLVED, that the Mayor and Council further recognize the exemplary demonstration of cooperation, planning, persistence and timely follow-up by each of the individuals so recognized; and

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BE IT FURTHER RESOLVED, that correspondence written by the Borough Administrator to each of the referenced individuals so recognized shall become a permanent part of that individual's personnel record, together with a copy of this Resolution; and

Council Member Harris moved Resolution #06-189 and Council Member Williams seconded. A vote was taken and it was approved unanimously.

RESOLUTION #06-190

RESOLUTION TO HONOR SERGEANT STEVEN M. SKROBACZ ON THE OCCASION OF HIS RETIREMENT FROM THE CHATHAM BOROUGH POLICE DEPARTMENT

WHEREAS, by letter dated May 31, 2006, Sergeant Steven M. Skrobacz has advised Police Chief John W. Drake III. he is retiring from the Chatham Borough Police Department, effective June 1, 2006; and

WHEREAS, Sergeant Skrobacz began his employment with the Chatham Borough Police Department as a Police Officer on August 11, 1980; and

WHEREAS, on May 13, 2002 Officer Skrobacz was promoted to the rank of Sergeant; and

WHEREAS, during his twenty-five (25) years with the Department, his assignments have included Patrol Officer, Detective, and Patrol Sergeant.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, that the governing body acknowledges on behalf of the people of the Borough of Chatham, and the Chatham Borough Police Department, that Sergeant Steven M. Skrobacz served the Borough of Chatham and the Chatham Borough Police Department for over twenty-five (25) years with distinction.

We congratulate you, Sergeant Steven M. Skrobacz, and wish you a happy and healthy retirement.

Council Member Crater moved Resolution #06-190 and Council Member Collander seconded. A vote was taken and it was approved unanimously.

10:00 recess

10:05 reconvene

UNFINISHED BUSINESS

ORDINANCE #06-15

SECOND READING AND PUBLIC HEARING OF AN AMENDMENT TO ORDINANCE #06-15, WHICH ORDINANCE AMENDS CHAPTER 139 ENTITLED "VEHICLES AND TRAFFIC" ARTICLE VIII ENTITLED "SCHEDULES" SECTION 25 THEREOF ENTITLED "SCHEDULE III: NO STOPPING OR STANDING." TO ADD COLEMAN AVE EAST AND COLEMAN AVE WEST PURSUANT TO ARTICLE II ENTITLED "PARKING" SECTION 9 THEREOF ENTITLED

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**“STOPPING OR STANDING PROHIBITED DURING CERTAIN HOURS” OF THE
CODE OF THE BOROUGH OF CHATHAM**

Council Member Crater made a motion to open the public hearing on Ordinance #06-15 seconded by Council Member Williams, and it was approved unanimously.

Bill Pentony of 25 East Coleman Avenue had several comments about the Ordinance and the current parking restrictions. Mr. Pentony asked that the Ordinance be passed as is tonight and amendments be made at another time.

Martha May of 20 Kimball Street agreed that the Ordinance should be passed tonight.

Council Member Crater made a motion to close the public hearing on Ordinance #06-15, seconded by Council Member Harris, and it was approved unanimously. Council Member Crater moved Ordinance #06-15, seconded by Council Member Harris and it was approved on vote as follows:

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

Council Member Harris made a motion to amend Ordinance #06-15 Section 25, schedule III, to include Monday through Friday. Council Member Crater seconded, a vote was taken and it was approved unanimously. Council Member Collander recused himself.

A public hearing be held on July 10, 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.

NEW BUSINESS

ORDINANCE #06-16

**INTRODUCTION AND FIRST READING OF AN ORDINANCE TO AMEND
ORDINANCE #05-30 ENTITLED AN ORDINANCE TO PROVIDE SALARIES AND
WAGES FOR CERTAIN MUNICIPAL POSITIONS OF THE BOROUGH OF
CHATHAM FOR THE YEAR 2006**

Council Member Williams introduced Ordinance # 06-16 on first reading and moved that a public hearing be held on July 10, 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 Crater.

Mayor Plambeck asked for a vote. A vote was taken and Ordinance #06-16 was introduced with a vote of 3 to 1, Council Member Harris voting no.

ORDINANCE #06-17
INTRODUCTION AND FIRST READING OF AN ORDINANCE TO INCREASE
SEWER CONNECTION FEE

Council Member Williams introduced Ordinance # 06-17 on first reading and moved that a public hearing be held on July 10, 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 Collander.

Mayor Plambeck explained the ordinance.

Mayor Plambeck asked for a vote. A vote was taken and Ordinance #06-17 was introduced with a vote of 4 to 0.

RESOLUTION #06-191
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:

- CONTRACT NEGOTIATIONS-
1. Robertson Street Vacation
 2. Lum Avenue Engineering Proposals
 3. Lum Avenue Interlocal Agreement
 4. Special Counsel for Positron matters

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 #06-191 to close the public meeting and adjourn. Council Member Harris seconded the motion. All voted in favor and the meeting adjourned at 10:25 p.m. into Executive Session.

11: 05 Reconvene Public Session

RESOLUTION #06-192
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL LEGAL SERVICES TO THE LAW FIRM OF
DEUTCH & ASSOCIATES LLC

WHEREAS, the Borough of Chatham has a need to acquire professional legal services for certain matters which may arise from a contract with Positron Public Safety Systems Corp., its successors and/or assigns, for police telecommunications equipment and services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such services are a “professional service” as defined by N.J.S.A. 40A:11-2(6), and which is permitted by N.J.S.A. 40A:11-5(1)(a) to be contracted for without public bidding; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the professional services may exceed \$17,500 and that funds are available; and

WHEREAS, the anticipated term of this contract is for one year; and

WHEREAS, DEUTCH & ASSOCIATES LLC has submitted a proposal dated May 31, 2006 indicating the firm will provide professional legal services for the hourly rates set forth in the Contract; and

WHEREAS, the Borough Attorney has confidence in the firm of DEUTCH & ASSOCIATES LLC by reason of the quantity and quality of special knowledge and experience demonstrated by the firm, and further by reason of the scope of services and schedule of compensation proposed by the firm, as more fully set forth in its Contract; and

WHEREAS, DEUTCH & ASSOCIATES LLC has completed and submitted a Business Entity Disclosure Certification which certifies that DEUTCH & ASSOCIATES LLC has not made any reportable contributions to a political or candidate committee in the Borough of Chatham in the previous one year, and that the contract will prohibit DEUTCH & ASSOCIATES LLC from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Chatham authorizes the Mayor to enter into a contract with DEUTCH & ASSOCIATES LLC as described herein; provided, however that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and it is further

RESOLVED, that notice of this Resolution be published once in the official newspaper of the Borough as required by N.J.S.A. 40A:11-5(1)(a).

Council Member Harris moved Resolution #06-192 and Council Member Williams seconded. A vote was taken and it was approved unanimously.

RESOLUTION #06-193
RESOLUTION TO RECOGNIZE THE PERFORMANCE OF THE ACTING
BOROUGH ENGINEER VINCENT J. DENAVE, P.E.,C.M.E.,C.P.W.M. IN

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**CONNECTION WITH THE STREETScape CROSSWALK PROJECT AND
TO APPOINT HIM AS BOROUGH ENGINEER**

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it recognizes the exemplary performance of Acting Borough Engineer in connection the co-ordination and successful completion of the Streetscape Crosswalk Project; and

BE IT FURTHER RESOLVED, that, as for the Municipal Engineer, Vincent J. DeNave, P.E.,C.M.E.,C.P.W.M., the Mayor and Council of the Borough of Chatham release him from his probationary period as “Acting” Municipal Engineer and appoint him as Municipal Engineer for the Borough of Chatham for the balance of the term in accordance with the Ordinance and Statute made and provided.

Council Member Crater moved Resolution #06-193 and Council Member Williams seconded. A vote was taken and it was approved unanimously.

RESOLUTION #06-194

**RESOLUTION RECOMMENDING PROJECTS FOR NEW JERSEY DEPARTMENT
OF TRANSPORTATION HIGHWAY AID PROGRAM FOR THE YEAR 2006**

WHEREAS, the New Jersey Department of Transportation has offered applications for highway aid projects, and

WHEREAS, the Borough of Chatham Administrator and the Director of Public Works in coordination with Vincent DeNave of T& M Associates, have recommended projects for the Mayor and Council to submit for the consideration of NJDOT, and

WHEREAS, the Mayor and Council of the Borough of Chatham have concluded that completion of the recommended projects would benefit the residents of Chatham Borough.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Chatham authorize the Borough Administrator to oversee the completion of the required applications for submission to NJDOT, and the Mayor is authorized to sign the applications.

Council Member Collander moved Resolution #06-194 and Council Member Harris seconded. A vote was taken and it was approved unanimously.

Meeting adjourned 11:25 p.m.