

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

The Regular Council Meeting of the Borough of Chatham was held on Monday July 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. 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 #06-211
RESOLUTION TO APPOINT GEORGE H. SWEETIN II AS A NEW MEMBER TO
THE FIRE DEPARTMENT WITH A PROBATIONARY PERIOD OF ONE YEAR

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that George H. Sweetin II be appointed to the Fire Department for a probationary period of one year.

Council Member Crater moved to approve Resolution # 06-211 and Council Member Williams seconded, a vote was taken and it was approved unanimously.

Borough Clerk Susan Caljean administered the Oath of Allegiance to George H. Sweetin II.

RESOLUTION #06-212
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 10, 2006

Council President Fuller moved to approve Resolution # 06-212 and Council Member Harris seconded, a vote was taken and it was approved unanimously.

ADMINISTRATOR'S REPORT

Bob Falzarano reported that Mr. DeNave will present a report on August 14, 2006 on the rehabilitation of the Jackson Avenue Lift Station. The tax bills will be mailed this week; the new tax rate is \$1.50. The 2005 rate was \$1.39. Mr. DeNave, Mr. Venezia, and Mr. Falzarano met with a representative from NJ Transit. They visited the bridge on Watchung Avenue and NJ Transit will work with the Borough to paint the bridge and add signage. There is no signage warning trucks of the height of the bridge. The Board of Education has moved out of the upper level of the Borough Hall. Two well head valves have been replaced; it has reduced the water pumped by 40%. A textile bin has been installed at the recycling center.

Mayor Plambeck reported the county is going to mill and pave Watchung Avenue.

PRESENTATION

Ogden Church Traffic Study- Vince DeNave, Borough Engineer - Mr. DeNave presented four plans for the traffic around Ogden Church. He feels that the option to route traffic by the bell tower and add 10 -12 parking spaces is the best solution.

Marc Knoll, lawyer and member of Ogden Church, stated that the church has several programs including Mother's Morning Out and the Montessori School. Mr. Knoll stated the church thinks that two of the options combined would solve many of the problems. Council Member Crater asked about how many permits were sold for the Center Street East lot. Mayor Plambeck explained.

DISCUSSION ITEMS

Watchung Avenue Sidewalks-Vince DeNave, Borough Engineer Mr. DeNave reported that he feels the sidewalk should be put on the south side of the street. He has received several petitions for and against the sidewalks. He stated the purpose would be for safe passage along the street. Mr. DeNave reported there are several trees that would be in the way of the sidewalk and would have to come down. It would cost approximately \$70,000 to put a sidewalk on the south side of Watchung between Washington and Lafayette. The north side of the street has utility poles, fire hydrants and a water main. The petitions show 52% of the residents do not want the sidewalk.

Street Vacation- Old Rutgers Street- Mr. Lloyd, Esq. Mr. Lloyd stated the title work was completed and the first reading of the ordinance will be August 14, 2006. Mr. DeNave explained the survey and that Mr. Mercadante had applied for the vacation of the street in

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1972, but for some reason it was never completed. Mr. Lloyd will investigate the rights of the adjacent property owners.

Recreation Committee Bylaws- Mr. Lloyd, Esq. stated Mr. Harris and Mr. Lloyd have made edits to the bylaws.

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 Hynes of 29 Elmwood Avenue did not feel that the residents of Coleman and Elmwood had input into the solutions for the traffic problems. She is opposed to adding any parking spots on Elmwood Avenue.

Bill Pentony of 25 Coleman Avenue East suggested the parking be put in the front of the church.

Mayor Plambeck stated the land development ordinance restricts parking in front of the church building.

Michael Dean of 181 North Passaic Avenue asked if the traffic study of Ogden Church was for current, proposed or projected occupancy. Mr. de Nave explained he thought the church was at full occupancy according to fire regulations.

Ken Ryan of 51 Elmwood Avenue stated that if parking is added at the church there will be a problem with run off water.

Dean Coupfos of 169 Watchung Avenue is opposed to sidewalks on Watchung Avenue.

Jane McMahon of 15 Chatham Street is in favor of the Resolution to forbid lighting on Lum Field.

Joe Marts of 14 West Coleman Avenue dislikes the five no parking signs in front of his house.

Jeff Barrett of 11 Coleman Avenue states the no parking on Coleman Avenue is infringing on the residents rights and parking should be put on the church property.

Marcy Casais of 140 Watchung Avenue is on the Board of the Mother's Morning Out. They are planning to have a very vigorous education for the parents this coming year.

Pat Hynes of 29 Elmwood Avenue asked when the reconstruction of Elmwood Avenue would occur. Council Member Harris stated he thought it was 2007. Mr. Hynes urged the Council to move the reconstruction up.

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Jessica Green of 191 Watchung Avenue stated she is in favor of the sidewalks on Watchung Avenue to ensure safety. Ms. Green gave the Council pictures of a stroller in the street and stated it has to be pushed in the street and it is unsafe. Ms. Green read two statements in favor of sidewalks, one from the mailman and one from the principal of Washington Avenue School.

Eric Pike of 11 Chatham Street is opposed to the lights on Lum Field.

John Failla of 35 Jackson Avenue coaches 43 children in football. He is concerned about the children's allergies if they had to practice at Shepard Kollock Park. He would like to keep football practice at Lum Field.

Jack Radigan of 20 Whitman Drive, Chatham Township stated he is in favor of the lights on Lum Field.

Bob Leverich of 43 Elmwood Avenue stated Elmwood Avenue has some of the highest tax assessments in the Borough but the street has no drainage and excessive traffic.

Alain Charewicz of 82 Fairmount Avenue had some comments about the Recreation Committee's report.

Jeff Fritts of 304 Lafayette Avenue, Chatham Township stated Esternay Field is too small for the football program. He would like the lights to stay at Lum Field until a field in the Township is turfed.

Tom Winters thanked the Council for approving the Lum Field Project.

Ed Meade of 7 Lum Avenue stated there are other negative effects, not just the lights, including trash and people defecating in their yards.

Noelle Hallahan of 189 Watchung Avenue supports the Watchung Avenue sidewalks and thanked Mr. DeNave and Mr. Falzarano for their work.

Mary Donnelly of 192 Watchung Avenue supports the Watchung Avenue sidewalks.

Bob Sweetin of 12 Weston Avenue supports turfing Lum Field. Use of the field would be limited if lights are not used at Lum Field and he would like the Resolution tabled.

Gail Tucci of 159 Watchung Avenue is not in favor of sidewalks on Watchung Avenue.

Peter Hofmann of 82 May Drive, Chatham Township supports the lights and turf for Lum Field. He is not in favor of Woodland Park.

Steve Green of 201 Watchung Avenue is in favor of the sidewalks on Watchung Avenue. He is concerned about safety.

Mike McLaughlin of 21 Edgewood Road does not want the football program moved from Lum Field.

Dewey Sheets of 55 North Passaic Avenue, a member of Ogden Church, says one of the schools has been at the church for 50 years and this is not a new problem. He would like to have off street parking spaces put on Elmwood Avenue, not in front of the church.

Maggie Shimchak of 188 Watchung Avenue is in favor of the sidewalks on Watchung Avenue. She feels it is a safety concern for the children walking to and from school.

Mark Devlin of 80 Candance Lane, Chatham Township asked the Council to defeat the Resolution banning lights at Lum Field.

Derick Hallahan of 189 Watchung Avenue supports the sidewalks on Watchung Avenue.

Janice Perrone of 82 Fairmount Avenue does not support lighting Lum Field. She would like to have the lights rotated to other fields in town.

Mike Green of 191 Watchung Avenue thinks there is a discrepancy with the number of signatures for and against on the petitions to put a sidewalk on Watchung Avenue.

11:00 pm recess

11:09 pm reconvene

RESOLUTION #06-213
RESOLUTION TO FORBID THE USE OF TEMPORARY LIGHTS FOR
RECREATIONAL SPORTS ACTIVITIES ON UPPER LUM AVENUE FIELD FOR
2006

WHEREAS, the Borough Council has determined that the Upper Lum Avenue Field should be improved to provide more recreational opportunities because of its many advantages, including easy accessibility, adequate parking, significant size and flexibility and closeness to emergency services, and

WHEREAS, some of the advantages of this field as to its accessibility and closeness to many residents also make it one of the least desirable fields to ever receive permanent lighting in Chatham Borough, and

WHEREAS, the Upper Lum Avenue Field has had temporary lighting used for five consecutive fall seasons for recreational programs, and

WHEREAS, the residents surrounding Upper Lum Avenue Field have been inconvenienced for five consecutive years by the use of these temporary lights,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Chatham, that temporary lighting for recreational sports programs will not be permitted at the Upper Lum Avenue Field for the year 2006, and

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Chatham requests the Chatham Joint Recreation Advisory Committee work with the Chatham

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Borough and Chatham Township Engineers, the Directors of the Departments of Public Works for each municipality, the Athletic Director for the School District of the Chathams, and the coaches of the various recreational sports programs to develop short-term and long-term plans for their activities impacted by this decision, which will maximize recreational opportunities while minimizing adverse neighborhood impacts.

Council Member Harris moved to approve Resolution # 06-213 and Council Member Collander seconded.

Council Member Crater is against permanent lighting, but not against the temporary lighting.

There was discussion about moving the football program to the lower Lum Field, but there is a problem with the tree in the middle of the field.

A vote was taken and it was defeated on a vote of Council Member Harris in favor and 4 opposed.

RESOLUTION 06-214

**RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY TO AUTHORIZE AN INTERLOCAL SERVICES
AGREEMENT AMONG THE BOROUGH OF CHATHAM, THE TOWNSHIP OF
CHATHAM AND THE SCHOOL DISTRICT OF THE CHATHAMS REGARDING THE
DEVELOPMENT, MAINTENANCE, SUPPORT AND CONTROL OF THE
PREMISES AS MORE FULLY DESCRIBED IN THE INTERLOCAL SERVICES
AGREEMENT**

WHEREAS, the Borough of Chatham (the “Borough”), the Township of Chatham (the “Township”) and the School District of the Chathams (the “School District”) have mutual interests in the development, maintenance, support and control of jointly acquired premises known as Block 95, Lots 20, 21 and 22 in the Township and Block 26, Lot 19 in the Borough (hereinafter referred to as the “subject premises”) and a designated portion of property owned by the School District on the south of the aforesaid premises, within a tract known as Cougar Field, Block 95, Lot 19; and

WHEREAS, the Borough, the Township and the School District to further such mutual interests intend to enter into an interlocal services agreement pursuant to State Law, specifically N.J.S.A. 40:8A-1 et. seq. [the Interlocal Services Act], N.J.S.A. 40:12-9, and N.J.S.A. 18A-20-22, and to develop the subject premises and the designated portion of Cougar Field for active and passive recreational purposes, which agreement shall provide, *inter alia*, that the Borough and the Township shall share equally in the costs of development, financing, maintenance, operation and use of the subject property and the School District shall grant permission for access and development of the subject premises and the designated portion of Cougar Field.

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

1. The Borough of Chatham hereby approves and authorizes the Mayor and Borough Clerk to execute an “Interlocal Services Agreement Among the Borough of Chatham,

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Township of Chatham and the School District of the Chathams in the County of Morris” for the development, financing, maintenance and use of the subject premises and the designated portion of Cougar Field as a parks and recreation facility for active and passive recreational purposes, wherein the School District grants permission for access and development of the subject premises and the designated portion of Cougar Field; and

2. A copy of the Interlocal Services Agreement shall be filed with the Municipal Clerk and shall be open to public inspection immediately after the introduction of this Resolution; and

3. The Interlocal Services Agreement shall take effect upon adoption of appropriate resolutions by all the parties to the Agreement.

Council President Fuller moved to approve Resolution # 06-214; it was not seconded.

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 #06–215 through Resolution #06–216 have been placed on the Consent Agenda.

RESOLUTION #06-215

RESOLUTION TO EMPLOY MELON GRIMM AS A TELECOMMUNICATOR FOR THE CHATHAM BOROUGH POLICE DEPARTMENT

WHEREAS, the Chief of Police has recommended that Melon Grimm be employed as a telecommunicator for the Chatham Borough Police Department, at a salary of \$34,500.00, effective July 10, 2006; and

WHEREAS, the Chief Financial Officer has certified that funds are available;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Chatham that it directs the Chief of Police to employ Melon Grimm as a telecommunicator for the Chatham Borough Police Department, at a salary of \$34,500.00, effective July 10, 2006; and, be it further

RESOLVED, that the Chief of Police is authorized to undertake and execute such employment documents as is necessary to implement this resolution.

RESOLUTION #06-216

RESOLUTION TO REFUND PROPERTY TAXES

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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
34/61	Stanton, Thomas M. 19 Wellesley Street	\$2,387.78	2006/3 & 4 Qtrs Assessment was reduced

***Mail checks for Mr. Stanton to:
333 Dune Circle
Kailua, HI 96734**

CONSENT AGENDA VOTE

Resolutions #06–215 through #06–216

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

RESOLUTION #06-217 RESOLUTION TO AWARD CONTRACT FOR THE 2006 CURB AND SIDEWALK PROGRAM TO THE CONCRETE MASTERS, INC., 105 SOUTH STREET, NEWARK, NJ 07114

WHEREAS, The Concrete Masters, Inc., a corporation duly incorporated in the State of New Jersey, has submitted a bid in the amount of \$41,250.00 for the 2006 Curb and Sidewalk Program; and

WHEREAS, Vincent DeNave, Borough Engineer for the Borough of Chatham, has stated that The Concrete Masters, Inc. is both qualified and responsible for the type of work contemplated; and

WHEREAS, the Chief Finance Officer has determined sufficient funds are available;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Chatham, County of Morris, State of New Jersey that a contract be processed and awarded to The Concrete Masters, Inc. and that the Mayor and Municipal Clerk are hereby authorized and directed to execute a contract in the amount of \$41,250.00 for the 2006 Curb and Sidewalk Program

Council President Fuller moved to approve Resolution # 06-213 and Council Member Harris seconded, a vote was taken and it was approved unanimously.

RESOLUTION #06-218 RESOLUTION TO RECESS INTO CLOSED SESSION

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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: Tax Appeals- Mr. Lloyd

CONTRACT NEGOTIATIONS: 1. Woodland Park- Engineering Contract
2. Jackson Avenue- Engineering Contract

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 #06-218 to close the public meeting and adjourn. Council Member Crater seconded the motion. All voted in favor and the meeting adjourned at 11:30 p.m. into Executive Session.

Respectfully Submitted:

Susan Caljean
Municipal Clerk