

**REGULAR COUNCIL MEETING**  
**September 25, 2006 8:00 p.m.**

The Regular Council Meeting of the Borough of Chatham was held on Monday September 25, 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 #06-259**  
**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, September 11, 2006

Council Member Crater moved to approve Resolution # 06-259 and Council President Fuller seconded, a vote was taken and it was approved unanimously.

**RESOLUTION #06-260**

**RESOLUTION TO AUTHORIZE THE SUSAN G. KOMEN BREAST CANCER FOUNDATION TO PLACE PINK RIBBONS FOR THE MONTH OF OCTOBER ON TREES ALONG MAIN STREET IN THE BOROUGH OF CHATHAM FOR BREAST CANCER AWARENESS MONTH**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham that the Susan G. Komen Breast Cancer Foundation is hereby authorized to place pink ribbons for the month of October on the trees along Main Street in the Borough of Chatham for *Breast Cancer Awareness Month*.

Council President Fuller moved to approve Resolution # 06-260 and Council Member Harris seconded, a vote was taken and it was approved unanimously.

**ADMINISTRATOR'S REPORT**

The Administrator was not present.

**DISCUSSION ITEMS**

Health Department Contract

Mr. Lloyd recused himself because he is counsel for the Madison Health Department.

Mr. These of the Madison Health Department explained the reasons for the increase in the contract. There have been many changes in public health response to OEM emergencies, also planning, meetings, and training requirements have increased. The cost of benefits has increased.

Lead in drinking water

Robert Venezia explained that three of the 20 tests taken came back with higher than allowed lead levels. Tony Torello explained what the state requires the Borough to do in the next six months. Mr. Torello explained that the source of the lead is usually in the plumbing located in the house. There will be more information mailed to the property owners.

Speaker phones at public meetings

Mr. Lloyd, Esq. stated there are several towns in the area that have installed speaker phones. Mr. Lloyd stated that the New Jersey Legislature has not directly addressed the issue yet. Mayor Plambeck stated if they go forward with the speaker phones they should have reasonable rules. Council President Fuller suggested that the committee member only be able to listen in on the meeting and not vote. Council President Fuller asked what would happen if speaker phones were used during Executive Sessions. Council Member Harris stated several times he would have liked to be able to listen in on a meeting. He agreed that there should be guidelines in place.

Watchung Avenue Sidewalks- Mr. DeNave, Borough Engineer Mr. DeNave was not present. Mr Lloyd reported that according to JIF the sidewalk must be constructed to meet state standards.

## **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.

Mary Donnelly of 192 Watchung Avenue stated she would like to have sidewalks on Watchung Avenue, that it is a safety issue with 13,000 vehicles traveling the road every day.

Neal Collins of 19 North Hillside Avenue had a question about Ordinance #06-20. Mayor Plambeck stated the interlocal agreement relating to Lum Field has been signed.

Donna Cali-Charles of 131 Center Avenue asked about funding the water testing and repairs. Mayor Plambeck stated the funds would come from the Water Operating Budget. Ms. Cali-Charles asked if we could use open space funds to purchase the property on the corner of Hedges Avenue and Main Street. Mayor Plambeck stated they were not considering it.

Joe Marts of 14 West Coleman Avenue asked if the property on Hedges Avenue and Main Streets had been cleared by the DEP. Mayor Plambeck did not know, but they will look into it as part of any Planning Board Application.

Joe Mikulewicz of 9 Chatham Street asked about a tax appeal. Mr. Lloyd explained. Mr. Mikulewicz asked if there are plans for the property on Main Street where the diner is located. Mayor Plambeck explained there are plans for a three story building. Mr. Mikulewicz complained about the lighting of the new Chase Bank.

Martha May of 20 Kimball Street reported she saw Florham Park School Buses on Weston Avenue. They are supposed to be using Main Street and Passaic Avenue.

Anthony Piechnik of 19 Coleman Avenue, East would like to have Ogden Church encouraged to expedite the plans for parking. The people are ignoring the no parking signs, and receiving tickets. Mr. Piechnik would not like to see Elmwood Avenue a dead end street.

Marsha Casis from Ogden Church reported they had signed a contract with Gladstone Engineering Services. They received preliminary drawings yesterday.

Neal Collins of 19 North Hillside Avenue would like to see the property on the corner of Hedges Avenue and Main Street made into a park.

Janice Perrone of 82 Fairmont Avenue does not want permanent lines on Lum Field.

## 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 #06-261 through Resolution #06-263 have been placed on the Consent Agenda.

### RESOLUTION#06-261

#### RESOLUTION TO APPOINT CATHERINE BALDWIN TO A FULL TIME EMPLOYEE FOR THE BOROUGH OF CHATHAM AS DEPUTY CLERK/ CONSTRUCTION CONTROL ASSISTANT

**BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham that Catherine Baldwin be hereby appointed as fulltime Deputy Clerk/Construction Control Assistant with an annual salary of \$40,000 to be prorated for the remainder of the year effective October 16, 2006.

### RESOLUTION #06-262

#### 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>OWNER &amp; PROPERTY ADDRESS</b>	<b>AMOUNT</b>	<b>YEAR/QTR</b>
98/39	Ghiselli, Frank 14 Lafayette Place	\$ 225.00	2006/4Qtr. *NJ Tax Court Judgement

**\*Please make check payable & mail to:**  
**Michael A. Vespasiano, Attorney Trust Account**  
150 Morris Avenue  
Springfield, NJ 07081

29/7	Jackson House Apartments, LLC 515 Main Street	\$ 7,312.79 <u>\$10,891.50</u> \$18,204.29 <b>Total Refund</b>	2005/4Qtr. 2006/4Qtr. *NJ Tax Court Judgements
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**\*Please make check payable & mail to:**

**Jackson House Apts., LLC & the Irwin Law Firm**  
**80 Main Street**  
**West Orange, NJ 07052**

**RESOLUTION #06-263  
RESOLUTION TO REFUND PRO-RATED MONEY FOR THE FOLLOWING  
PARKING PERMITS AND TOKENS**

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

Jones, William J.                      \$ 49.00  
114 Lafayette Avenue  
Chatham, NJ 07928

Davenport, Warren                      \$100.00  
267 Arbor Commons Circle  
#208  
Memphis, TN 38120

**CONSENT AGENDA VOTE**

Resolutions #06-261 through #06-263

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

**RESOLUTION #06-264  
RESOLUTION TO AUTHORIZE A CAPITAL BUDGET AMENDMENT**

**PLEASE SEE ATTACHED:**

Council Member Crater moved to approve Resolution # 06-264 and Council President Fuller seconded, a vote was taken 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			

**UNFINISHED BUSINESS  
ORDINANCE #06-18  
SECOND READING AND PUBLIC HEARING OF AN ORDINANCE OF THE  
BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF  
MORRIS, STATE OF NEW JERSEY, TO CREATE THE POSITION OF MUNICIPAL  
HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING THE BOROUGH  
OF CHATHAM'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE**

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**FAIR HOUSING ACT, AS ARTICLE VIII TO BE ENTITLED “MUNICIPAL HOUSING LIAISON” OF CHAPTER 39 ENTITLED “OFFICERS AND EMPLOYEES”**

Council Member Harris made a motion to open the public hearing on Ordinance #06-18 seconded by Council President Fuller, and it was approved unanimously.

Mayor Plambeck explained the Ordinance.

There were no public comments.

Council Member Harris made a motion to close the public hearing on Ordinance #06-18, seconded by Council Member Crater, and it was approved unanimously. Council Member Harris moved Ordinance #06-18, seconded by Council Member LaJeunesse 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			

**ORDINANCE #06-19**

**SECOND READING AND PUBLIC HEARING OF AN ORDINANCE TO RELEASE, VACATE AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO A PORTION OF RUTGERS STREET**

Council Member Harris made a motion to open the public hearing on Ordinance #06-19 seconded by Council President Fuller, and it was approved unanimously.

Council Member Harris explained the Ordinance.

There were no public comments.

Council Member Harris made a motion to close the public hearing on Ordinance #06-19, seconded by Council President Fuller, and it was approved unanimously. Council Member Harris moved Ordinance #06-19, seconded by Council Member Collander 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			

## **NEW BUSINESS**

### **ORDINANCE #06-20**

**INTRODUCTION AND FIRST READING OF A CAPITAL ORDINANCE OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING THE SUM OF \$600,000 FOR THE CONSTRUCTION OF AN ARTIFICIAL TURF ATHLETIC FIELD AT LUM AVENUE FIELD IN THE BOROUGH AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CONTRIBUTIONS FROM THE TOWNSHIP OF CHATHAM AND THE CHATHAM ATHLETIC FOUNDATION**

Council Member Crater introduced Ordinance # 06-20 on first reading and moved that a public hearing be held on October 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 asked for a vote. A vote was taken and Ordinance #06-20 was introduced with a vote of 4 to 1.

### **ORDINANCE #06-21**

**INTRODUCTION AND FIRST READING OF A BOND ORDINANCE TO AUTHORIZE THE REPLACEMENT OF WATER MAINS AND THE MAKING OF RELATED IMPROVEMENTS AT ELMWOOD AVENUE IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$309,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

Council Member Crater introduced Ordinance # 06-21 on first reading and moved that a public hearing be held on October 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 Harris.

Mayor Plambeck asked for a vote. A vote was taken and Ordinance #06-21 was introduced with a vote of 5 to 0.

### **ORDINANCE #06-22**

**INTRODUCTION AND FIRST READING OF A BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,566,700 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO**

**AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION  
AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN  
ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

Council Member Crater introduced Ordinance # 06-22 on first reading and moved that a public hearing be held on October 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 asked for a vote. A vote was taken and Ordinance #06-22 was introduced with a vote of 5 to 0.

**RESOLUTION #06-265  
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:

LITIGATION: Florham Park

CONTRACT NEGOTIATIONS: PBA Contract- Chief Drake

PERSONNEL: Deputy Court Administrator-Jo-Ann Musorofiti

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.

Council Member Collander moved to adjourn. Council President Fuller seconded the motion. All voted in favor and the meeting adjourned into closed session at 9:50 p.m.

10:15 Reconvene into Public Session

**RESOLUTION #06-266  
RESOLUTION TO APPOINT JOAN EGAN TO THE POSITION OF DEPUTY  
COURT ADMINISTRATOR FOR THE BOROUGH OF CHATHAM AT AN  
ANNUAL SALARY OF \$29,500 TO BE PRORATED FOR THE REMAINDER OF  
THE YEAR EFFECTIVE OCTOBER 2, 2006**

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**BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham that Joan Egan be appointed to the position of Deputy Court Administrator at an annual salary of \$29,500 to be prorated for the remainder of the year effective October 2, 2006.

Council Member Crater moved to approve Resolution # 06-266 and Council President Fuller seconded, a vote was taken and it was approved unanimously.

Adjourn 10:15 pm

Respectfully Submitted:

Susan Caljean  
Municipal Clerk