

**REGULAR COUNCIL MEETING**  
**July 9, 2007 8:00 p.m.**

The Regular Council Meeting of the Borough of Chatham was held on Monday July 9, 2007 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, emailed to the Morris County Daily Record, the Star Ledger, the Chatham Courier and Independent Press and filed with the Borough Clerk, all on December 29, 2006.

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

Council Member Cordelia O. Fuller  
Council Member Richard E. Crater, Jr.  
Council President Bruce A. Harris  
Council Member James J. Collander\*  
Council Member Joseph Mikulewicz  
Council Member Neal T. Collins\*\*  
Mayor Richard L. Plambeck  
Robert J. Falzarano, Borough Administrator  
David J. Lloyd, Borough Attorney  
Susan Caljean, Municipal Clerk

\*speaker phone

\*\* arrive 8:02 p.m.

**COMMENDATION** for Chris Dart

Council Member Fuller read a Commendation for Chris Dart commending him for his swimming accomplishments.

**RESOLUTION #07-196**  
**RESOLUTION TO APPOINT EDWARD SWITEK AS MEMBER OF THE TRAFFIC SAFETY COMMITTEE**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham that Edward Switek be appointed to the Traffic Safety Committee as member with a term to expire December 31, 2007.

Council Member Collander moved to approve Resolution # 07-196 and Council Member Crater seconded. A vote was taken and it was approved unanimously.

**RESOLUTION #07-197**  
**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, June 11, 2007

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Executive Session minutes be adopted herein as approved and redacted by the Borough Attorney:

Executive Session Meeting, May 14, 2007

Executive Session Meeting, May 29, 2007

Council Member Mikulewicz moved to approve Resolution # 07-197 and Council Member Fuller seconded. A vote was taken and it was approved unanimously.

Council Member Fuller absented on Council Meeting Minutes of June 11, 2007

**RESOLUTION #07-198**  
**RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN A GRANT APPLICATION  
BETWEEN THE BOROUGH OF CHATHAM AND THE STATE OF NEW JERSEY  
BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR  
THE COOL CITIES PROGRAM**

**WHEREAS**, the Mayor and Council of the Borough of Chatham desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$24,415 to fund the following project: Cool Cities Program Grant; and

**WHEREAS**, the Mayor is authorized (a) to make application for such grant, (b) if awarded, to execute a grant agreement with the State for a grant in the amount not less than \$24,415, and (c) to execute any amendments thereto which do not increase the Grantee's obligations;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham hereby authorizes and hereby agrees to match 25% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 25% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement). The Borough of Chatham agrees to comply with all applicable Federal, State, and Municipal laws, rules, and regulations in its performance pursuant to the agreement.

Matt Petitjean explained that the trees must to be planted on school property.

Council Member Crater thanked the Shade Tree Commission for their hard work on obtaining this grant.

Council President Harris moved to approve Resolution # 07-198 and Council Member Crater seconded. A vote was taken and it was approved unanimously.

### **DISCUSSION ITEMS**

Reserve Medical Corps- Bill Nauta explained the function of the Reserve Medical Corps and that he would need 25 doctors and nurses as volunteers; a letter requesting volunteers will be sent out with the tax bills. He stated that currently the CERT team consists of 11 active members. He would like to have 50 members.

Streetscape Update-Vince DeNave reported the installation of the lights started today. Notices have been sent out, there is a notice on the Community Bulletin Board and posted on the bulletin board at Borough Hall. Each section will take approximately 2 days to complete. The job should be completed by Labor Day.

Memorial Park Parking Lot Expansion-Vince DeNave explained the expansion of the existing parking lot into the park. The expansion would be 50 foot by 100 foot and accommodate 15 to 20 cars. The Council Members had concerns about water run off, Mr. DeNave stated they would install a dry well and there would not be any water problem.

Open Space Referendum- Mr. Harris reported the Open Space Committee discussed the open space tax at the last meeting. Some residents wanted to discontinue the tax others wanted to expand the uses of the tax. The Committee will get a ballot question ready for the November elections. There is a survey on the Chatham Borough web site concerning the Open Space tax.

Rodent Infestation- Mr. Faitoute explained what has been done so far concerning the rat infestation. The problem seems to be coming from the Washington Avenue School construction project. Mr. Faitoute explained that residents should not feed the birds or put anything other than grass clippings and brush in their compost piles. Chatham Borough will put bait traps out on public property along Chatham Street and Lum Field.

### **COUNCIL LIAISON REPORTS**

#### Senior Center

Council Member Cordelia O. Fuller reported the Senior Center discussed financing. They have received donations from the Fishawack Committee and the Jaycees and from 129 donors. There will be a new lecture series in the fall. The Senior Center hopes to have the bathroom handicap accessible by the end of the summer. Transportation has become a problem since MAPS has taken over from the Red Cross.

#### Historic Preservation Commission

Council Member Cordelia O. Fuller reported the Ogden Memorial Church presented the plans for the parking lots they want to build. The Commission gave them some suggestions.

#### Streetscape Committee

Council Member Cordelia O. Fuller the next meeting will be on July 20<sup>th</sup> at 3:30 p.m.

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Chamber of Commerce

Council Member Richard E. Crater, Jr. reported the Board did not meet and will not meet until September.

Shade Tree Commission

Council Member Richard E. Crater, Jr. reported the last meeting was cancelled. The next meeting will be September 11<sup>th</sup>.

Environmental Commission

Council President Bruce A. Harris reported the next meeting will be July 18<sup>th</sup>. One of the items to be discussed is the idling of trucks, busses and cars. They will also discuss a bike path plan and a possible a grant application.

Open Space Committee

Council President Bruce A. Harris reported on Open Space earlier in the meeting.

Planning Board

Council President Bruce A. Harris stated the Planning Board is working on the Ogden Church parking application and a subdivision on Hillside Avenue.

Traffic Committee

Council Member James J. Collander stated the Committee will meet next on Wednesday July 11<sup>th</sup>. The speed indicator, message board has been delivered. The Committee has been meeting with the Fairview Avenue residents. They have been talking to DOT about installing speed bumps on Fairview Avenue, but it looks like they will not agree to the installation.

Recreation Committee

Council Member James J. Collander reported the summer camps are in full swing and registrations are open for fall sports programs.

Board of Education

Council Member Joseph Mikulewicz reported construction is continuing at Washington Avenue School. The driveway will be widened.

Board of Health

Council Member Neal T. Collins stated the Board will be looking at Ordinances relating to overfeeding of birds.

Local Assistance Board

Council Member Neal T. Collins stated they will meet next in September.

**ADMINISTRATOR'S REPORT**

Bob Falzarano reported that Green Acres made an inspection of the open space in Chatham and there was some encroachment on Shepard Kollack Park, the residents have been very cooperative and the encroachments are being corrected. On June 25<sup>th</sup> Mr. Falzarano, Mr. DeNave, Mr. Serbanica, and Mayor Plambeck attended a seminar hosted by JCP&L and PSE&G to discuss the right of way and upgrading of the power lines. The Center Street lot

has been paved and lined. The inventory for the capital assets of the Borough has been completed.

Mayor Plambeck stated Verizon is installing fiber optic cable in the Borough and the Township. The Chatham Diner has been offered to the Borough. The Mayor asked for suggestion for its use. There are five Eagle Scout projects in process.

## **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.

Diane Sciacchitano of 131 Lafayette Avenue stated she has a lot of rats. She spotted 6 in her back yard during the day.

Robert Muir of 22 North Hillside Avenue stated he is opposed to the parking lot at Memorial Field.

Karen Franklin of 27 Hillside Avenue stated she does not want the parking lot expanded in Memorial Field. She suggested utilizing the Center Street east lot and the Center Street west lot.

Betty Goeckel of 40 North Hillside Avenue stated she does not want the parking lot expanded at Memorial Field. She stated there are 53 spaces and they need to be signed correctly directing shoppers to other lots.

Robert Borowicz of 89 Orchard Road stated he lives 8 houses away from Washington Avenue School and he did not receive a notice concerning the rat problem. He would like people notified to stop feeding the birds.

Colleen Barry of 80 Orchard Road stated her neighbors saw rats in May. Other neighbors have caught 3 rats. They did not know that they should contact the Board of Health. She asked if other things could be done to eliminate the rats.

Michael Dean of 181 North Passaic Avenue asked if the steep slope purchases were still being considered. Council President Harris stated they are not being considered anymore. Mr. Dean stated he felt if the parking lot in Memorial Field is to be used by the library they should share the expenses. Mr. Dean had several other questions. Mayor Plambeck explained.

Jared Bilanin of 25 North Hillside Avenue stated he is against the parking lot in Memorial Field.

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Barbara Montaque of 45 Dellwood Avenue stated she is a senior and volunteers at the library and she can not get a parking space after 9:30 in the morning. She would like to have some parking spaces designated senior parking only.

Michael Loock of 17 North Hillside Avenue is opposed to the parking lot in Memorial Field. Mr. Loock made a suggestion to have some kind of transportation for the seniors to get to the library and back.

Linda Loock of 20 Yale Street is against the parking lot in Memorial Field.

Joe Marts of 14 West Coleman Avenue congratulated the Council for letting the public know about the rat problem. Mr. Marts would not like the parking expanded at Memorial Field. Mr. Marts would like to have minutes taken at the Open Space Committee meetings.

Council President Harris stated that the Open Space Committee is all volunteers, and therefore that minutes would be an additional task for these volunteers. The Committee doesn't feel the need for minutes, and minutes do not have to be taken because the Committee is not subject to the Open Public Meetings Act. Although Committee meetings do not need to be open to the public, the public has always been welcome anyone is welcome to attend. Moreover, Council President Harris invited Mr. Marts to join the Committee and take minutes.

Bernie Vella of 58 North Summit Avenue gave an update on the Shailja litigation. Mr. Vella explained that a letter was sent to Borough residents asking for donations to pay for legal fees.

Bill Heap of 108 Hillside Avenue, a member of the Open Space Committee, resents any suggestion that the Open Space Committee is trying to hide anything.

Martha May of 20 Kimball Street asked what can be put in compost piles. Bill Faitoute explained only leaves, grass and brush should be composted. Ms. May had several questions.

Barbara Hall of 32 Greenwood Avenue does not want upper Greenwood Avenue to be vacated.

Janice Perrone of 82 Fairmount Avenue suggested a letter concerning the rat infestation should be sent to all households within a certain radius of the school.

Recess 10:45 p.m.

Reconvene 10:55 p.m.

## **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 #07-199 through Resolution #07-212 have been placed on the Consent Agenda.

**RESOLUTION #07-199**  
**RESOLUTION TO INSERT AN ITEM OF REVENUE IN THE 2007 BUDGET**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of any item or appropriation for an equal amount.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham as follows:

1. That the Borough of Chatham hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2007 in the sum of \$24,415; which item is now available as a revenue from the Department of Environmental Protection-Cool Cities Program Grant pursuant to the provisions of statute, and
2. That the like sum of \$24,415, is hereby appropriated under the caption of:

Cool Cities Program Grant  
Account # G-01-41-713-210

and it is further

**RESOLVED**, that 25% match will be made up of in-kind services representing the amount required for the municipality's share of the aforementioned undertaking or improvement; and it is further

**RESOLVED**, that the above is a result of a State grant of \$24,415 from Cool Cities Program Grant.

**RESOLUTION #07-200**  
**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 #07-202**  
**RESOLUTION TO REJECT THE BID RECEIVED FOR THE 2008 GRASS**  
**MAINTENANCE CONTRACT**

**WHEREAS**, the Borough of Chatham has re-bid the 2008 Grass Maintenance Contract and has received one (1) bid document for the referenced project, which bid permits the Borough of Chatham the right to reject any or all bids received;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Chatham that the bid received for the 2008 Grass Maintenance contract is hereby rejected and the Borough Administrator is authorized to negotiate the project.

**RESOLUTION #07-203**  
**RESOLUTION TO ISSUE A NEW TAXI LICENSE FOR A CHATHAM TAXI FOR**  
**THE YEAR 2007**

**BE IT RESOLVED** that the issuance of licenses for the following auto liveries for the year 2007 are hereby approved in accordance with the provisions of the Chatham Borough Code, Chapter 137.

NAME OF COMPANY:	A Chatham Taxi
BUSINESS ADDRESS:	200 Baldwin Road Parsippany, NJ 07056
INSURANCE CARRIER:	Scottsdale Insurance Co.
POLICY NUMBER:	CAS0083361

**VEHICLE:**

Year/Make	Body Type & Color	Vin. No.	Plate No.	Lic. No.
2006/Chrysler	4Dr Black	2C3LA63H66H395650	OL1666G	#01- A.Chatham Taxi-2007

**RESOLUTION #07-204**  
**RESOLUTION ATTESTING TO COMPLIANCE WITH LOCAL FINANCE BOARD**  
**REQUIREMENTS REGARDING THE ANNUAL AUDIT**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2006 has been filed by a Registered Municipal Accountant with the Municipal Clerk of the Borough of Chatham as per requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of

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the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations

and

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

as evidenced by the group affidavit form of the governing body, and

**WHEREAS**, such resolution of certifications shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52A:27BB-52 to wit:

R.S. 52:27BB-52 "A Local Officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit his office."

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Chatham, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**RESOLUTION #07-205**  
**RESOLUTION TO AUTHORIZE THE MUNICIPAL ALLIANCE COMMITTEE TO**  
**SUBMIT A GRANT APPLICATION FOR THE CALENDAR YEAR 2008 IN THE**  
**AMOUNT OF \$14,519**

**WHEREAS**, the Borough Council of the Borough of Chatham, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Morris;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham, County of Morris, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of an application for the Municipal Alliance Committee of the Chathams grant for the calendar year 2008 in the amount of \$14,519.
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including compliance and audit requirements.

**RESOLUTION #07-207**

**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 DEPARTMENT IN ACCORDANCE WITH CHAPTER 48 SECTION 5 OF THE CODE OF THE BOROUGH OF CHATHAM**

**WHEREAS**, Chapter 48 entitled "Police Department" Section 5 entitled "Appointment of Police Officers" Subparagraph B provides: "Appointments to the Chatham Police Department shall be made in accordance with the 'Personnel Recruitment' provisions of the Borough of Chatham Personnel Policies and Procedures as adopted by resolution of the Borough Council;" and

**WHEREAS**, as a matter of best practices in recruitment, the Chatham Borough Chief of Police recommends that the Chatham Borough Police Department (hereinafter "CBPD") establish and maintain a list of eligible candidates for appointment to the CBPD in accordance with the provisions of Chapter 48 Section 5 of the Code of the Borough of Chatham; and

**WHEREAS**, the list shall consist of the top ten eligible candidates selected after the recruitment phase is completed and CBPD will renew the list of eligible candidates on an as needed basis;

**NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE BOROUGH OF CHATHAM**, that the Council authorizes the CBPD to establish and maintain a list of eligible candidates for appointment to the CBPD, which candidates have already been

reviewed and approved pursuant to the CBPD personnel selection process, all in accordance with recommended best practices for recruitment of police officers; and it is further

**RESOLVED**, that the CBPD list of eligible candidates will expire on July 9, 2008.

**RESOLUTION #07-208**  
**RESOLUTION AUTHORIZING THE PURCHASE OF ELECTRONIC EQUIPMENT**  
**FOR THE CHATHAM BOROUGH POLICE DEPARTMENT**

**WHEREAS**, the Borough of Chatham, pursuant to N.J.S.A. 40A:11-5(2) entitled "Exceptions," may by resolution and without advertising for bids, purchase any goods or services under state contract at new and unused state contract prices; and

**WHEREAS**, the Borough of Chatham Police Department has the need to purchase the following electronic equipment:

For Patrol:

4 Ruggedized Computers @ \$4,239.82 each	\$16,959.28
4 Crucial 512MB 200 PIN @ \$29.92 each	119.68
4 Panasonic Combo Drive MM @\$259.99 each	1,039.96

For conversion of CES Rig#87 into ESU Vehicle:

1 Ruggedized Computer @ \$4,339.82	\$ 4,239.82
1 Crucial 512MB 200 PIN	29.92
1 Panasonic Combo Drive MM	<u>259.99</u>

Total                   \$22,648.65

and

**WHEREAS**, CDW-Government, Inc. ["Vendor"], 230 North Milwaukee Avenue, Vernon Hills, Illinois 60061 has this electronic equipment available for sale under state contract #A67176; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Chatham authorizes the Purchasing Agent to purchase the aforescribed electronic equipment from the aforementioned Vendor.

**RESOLUTION #07-209**  
**RESOLUTION TO REFUND PRO-RATED MONEY FOR THE FOLLOWING**  
**PARKING PERMITS AND PARKING MACHINE REFUNDS**

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

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Whitfield, M.                         \$ 15.75  
2 Willow Way  
Chatham, NJ 07928

Dienes, John                         \$203.30  
419 Cambridge Rd.  
Ridgewood, NJ 07450

Busam, Klaus                         \$203.30  
11 Willow Way  
Chatham, NJ 07928

Samperi, Lisa                         \$200.00  
7 Spring St.  
Chatham, NJ 07928

Chen, Jane                             \$ 4.25  
19 Overlook Rd.  
Chatham, NJ 07928

Mackenzie, Andrew                 \$ 48.00  
30 Tallmadge Ave.  
Chatham, NJ 07928

Levato, Thomas                     \$ 68.00  
136 Washington Ave.  
Chatham, NJ 07928

Urban, Dan                            \$ 50.00  
715 Regal Blvd.  
Livingston, NJ 07039

Gremmo, Alex                        \$180.00  
10 Rose Terr.  
Chatham, NJ 07928

Donalson, Meghan                  \$174.41  
238 Washington Ave.  
Chatham, NJ 07928

Greendonner, Kimberly            \$ 90.00  
25 Lake Rd.  
Chatham, NJ 07928

Olausson, Jen Erik                  \$ 36.00  
19 Gates Ave.  
Chatham, NJ 07928



Mayor Plambeck removed Resolution #07-201 from the Consent Agenda.

Council Member Collander asked to have Resolution #07-206, Resolution #07-210 and Resolution #07-211 removed from the Consent Agenda.

Council Member Collins moved to approve the Consent Agenda and Council Member Fuller seconded. A vote was taken and it was approved unanimously.

**RESOLUTION #07-206**  
**RESOLUTION TO NOTIFY THE PUBLIC OF PLANNED SPEED ENFORCEMENT**  
**CRACKDOWN TO BE CONDUCTED THROUGHOUT NORTHERN NEW JERSEY**  
**DURING JULY 2007 ON BEHALF OF THE CHATHAM BOROUGH POLICE**  
**DEPARTMENT**

**WHEREAS**, during July 2007, law enforcement officers throughout Chatham Borough as well as Northern New Jersey will conduct a heavy crackdown on speeding motorists; and

**WHEREAS**, the Campaign slogan “**Obey the Signs or Pay the Fines**,” began July 1st, in advance of the July 4th holiday, and runs through July 31st; and

**WHEREAS**, during a pilot initiative in four counties in July 2006, more than 6,300 speeding summonses were issued during the four-week period; and

**WHEREAS**, speeding, especially on local roads, is one of the most prevalent factors contributing to traffic accidents. The Director of the New Jersey Division of Highway Traffic Safety has stated: “Over a five-year period (2001-2005), we averaged more than 15,000 speed-related crashes a year in our state.”; and

**WHEREAS**, speeding reduces a driver’s ability to steer safely around curves or objects in the roadway, speeding also extends the distance necessary to stop a vehicle, and it increases the distance a vehicle travels while the driver notices and reacts to a dangerous situation.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham that the governing body does hereby notify the public of the “**Obey the Signs or Pay the Fines**” Campaign with the following message from the Chatham Borough Police Department:

*“If you are speeding in New Jersey, you will be stopped and you will be fined. Police will not give warnings. Our department’s traffic officers are instructed to write tickets for the duration of this Campaign.”*

Council Member Crater moved to approve Resolution #07-206 and Council President Harris seconded.

Council Member Collander had some comments about the Resolution and what could be done on a daily basis to deter speeding.

A vote was taken and Resolution #07-206 was approved unanimously.

**RESOLUTION #07-210**  
**RESOLUTION RECOMMENDING PROJECTS FOR NEW JERSEY DEPARTMENT**  
**OF TRANSPORTATION HIGHWAY AID PROGRAM FOR THE YEAR 2007**

**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 the Borough Engineer, Vincent DeNave have recommended a project for the Mayor and Council to submit for the consideration of the NJDOT, and

**WHEREAS**, the Mayor and Council of the Borough of Chatham have concluded that completion of the recommended project 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 application for submission to NJDOT, and that the Mayor is authorized to sign said application.

**BE IT FURTHER RESOLVED** that the application is hereby made to the Commissioner of Transportation for aid under the New Jersey Transportation Trust Fund Authority Act for the Improvement of the section of road known as:

1. Woodland Road Improvements, from Lafayette Avenue to the Borough line in the Municipality of the Borough of Chatham in the County of Morris, State of New Jersey, for a distance of .42 miles. Total cost estimate is \$165,000. The sponsor requests \$165,000. in State funds.

**AND BE IT FURTHER RESOLVED** that any State Aid received as a result of this application will be used to effectuate projects comprised of the following improvements:

1. This project provides for the milling and paving of Woodland Road and the installation of curbing in those areas where no curbing exists.

Council Member Fuller moved to approve Resolution #07-210 and Council President Harris seconded.

Mayor Plambeck and Council Member Collander had questions. Mr. DeNave answered.

A vote was taken and Resolution #07-210 was approved unanimously.

**RESOLUTION #07-211**  
**RESOLUTION TO AWARD CONTRACT FOR THE WATCHUNG AVENUE**  
**SIDEWALK IMPROVEMENTS AND 2007 SIDEWALK PROGRAM TO ARNOLDS**  
**ROADS OF PO BOX 7495, EAST BRUNSWICK, NJ 08816**

**WHEREAS**, Arnolds Roads, a corporation duly incorporated in the State of New Jersey, has submitted a bid in the amount of \$146,141.00 for the Watchung Avenue Sidewalk Improvements and 2007 Sidewalk Program; and

**WHEREAS**, Vincent DeNave, Borough Engineer for the Borough of Chatham, has stated that Arnolds Roads is both qualified and responsible for the type of work contemplated; and

**WHEREAS**, the Borough Attorney has reviewed the bid proposal and has advised that the bid is satisfactory in form and content; and

**WHEREAS**, the Finance Director 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 Arnolds Roads and that the Mayor and Municipal Clerk are hereby authorized and directed to execute a contract in the amount of \$146,141.00 for the Watchung Avenue Sidewalk Improvements and 2007 Sidewalk Program.

Council President Harris moved to approve Resolution #07-211 and Council Member Milulewicz seconded.

Council Member Milulewicz had some questions about the side walk by Washington Avenue School. Mr. DeNave answered.

A vote was taken and Resolution #07-211 was approved unanimously.

**RESOLUTION #07-217**  
**RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS,**  
**STATE OF NEW JERSEY, TO APPROVE A REVOCABLE LICENSE AGREEMENT**  
**AND TO AUTHORIZE THE MAYOR AND CLERK TO EXECUTE A REVOCABLE**  
**LICENSE AGREEMENT BETWEEN THE BOROUGH OF CHATHAM AND**  
**KAREN KORONKIEWICZ FOR THE USE OF A PORTION OF A BOROUGH**  
**EASEMENT ON PROPERTY LOCATED AT 4 LINCOLN AVENUE AND KNOWN**  
**AS LOT 19, BLOCK 86 ON THE TAX MAPS OF THE BOROUGH OF CHATHAM**  
**AS SHOWN ON PLANS SUBMITTED BY JASON J. NICHOLAS, ARCHITECT AND**  
**DEED PLOT PREPARED BY RICHARD A. MORALLE, P.E., P.L.S. AND**  
**ATTACHED TO THE AGREEMENT**

**WHEREAS**, Karen Koronkiewicz, the owner of 4 Lincoln Avenue, Block Lot 19, Block 86 on the Tax Maps of the Borough of Chatham (the subject premises), has requested the use of a borough easement on the subject premises for an addition and alterations, consisting of a second floor, over the existing footprint of the existing garage, which encroaches on a 10 foot wide sewer and water main easement; and

**WHEREAS**, the Borough Engineer, Vincent J. DeNave, has reviewed and approved the plans prepared by Jason J. Nicholas, Architect (“plans”), subject to certain conditions which have been included in the Agreement; and

**WHEREAS**, the Director of Public Works, Robert J. Venezia, has reviewed and approved the plans as they relate to the existing sewer and water main easement, provided the “as built” addition and alterations complies with the plans as certified in writing by the Borough Engineer.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Chatham that it approves the Revocable License Agreement and authorizes the Mayor and Clerk to execute the Revocable License Agreement between the Borough of Chatham and Karen Koronkiewicz for the use of a portion of a Borough easement located at 4 Lincoln Avenue and known as Lot 19, Block 86 on the tax maps of the Borough of Chatham as demarcated in yellow on the deed plot prepared by Richard A. Moralle, P.E., P.L.S., dated May 2, 2007, and attached to the License Agreement.

Council President Harris moved to approve Resolution #07-217 and Council Member Crater seconded.

Council Member Milulewicz had some questions about adding the Resolution to the Agenda. Council President Harris explained Robert’s Rules of Order. Mayor Plambeck stated he would not sign the Resolution until he was sure the escrow account is resolved.

A vote was taken and Resolution #07-217 was approved with a vote of 4 to 1. Council Member Fuller voted no. Council Member Mikulewicz abstained.

## **UNFINISHED BUSINESS**

### **ORDINANCE #07-18**

#### **CONTINUATION OF SECOND READING AND PUBLIC HEARING OF AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF CHATHAM, CHAPTER 165 THEREOF, ENTITLED “LAND DEVELOPMENT ORDINANCE”, TO AMEND SECTION 165-10 THEREOF IN ORDER TO REDEFINE SIDE YARDS, AND TO AMEND SECTION 165-14 TO AMEND THE SIDE YARDS ALLOWED IN RESIDENTIAL DISTRICTS**

Council President Harris made a motion to open the public hearing on Ordinance #07-18 seconded by Council Member Fuller, and it was approved unanimously.

Joe Marts of 14 West Coleman Avenue asked to have the Ordinance explained. Mayor Plambeck explained the Ordinance will increase the side yard set backs for large lots.

Martha May of 20 Kimball Street supports the Ordinance.

Council President Harris made a motion to close the public hearing on Ordinance #07-18, seconded by Council Member Crater, and it was approved unanimously. Council President Harris moved Ordinance #07-18, seconded by Council Member Fuller and it was approved on vote as follows:

Council Member	Yes	No	Abstain	Absent
Mrs. Fuller	x			
Mr. Crater	x			
Mr. Harris	x			
Mr. Collander	x			
Mr. Mikulewicz	x			
Mr. Collins	x			

### **NEW BUSINESS**

#### **ORDINANCE #07-26**

#### **INTRODUCTION AND FIRST READING OF AN ORDINANCE TO RELEASE, VACATE AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO A PORTION OF GREENWOOD AVENUE**

Council President Harris explained the Ordinance.

Mayor Plambeck recused himself.

Council President Harris introduced Ordinance # 07-26 on first reading and moved that a public hearing be held on August 13, 2007 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. There was no second.

#### **RESOLUTION #07-213**

#### **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. 221 Main Street- Gail Fraser
  2. St. Paul's Agreement- Mr. Lloyd
  3. Jackson Avenue Lift Station-Mr. DeNave and Mr. Lloyd

LITIGATION: Shailja, LLC- Mr. Lloyd

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.

The Mayor and Council will reconvene into Public Session after Closed Session, but only to take action on Resolution #07-201 related to Jackson Avenue Lift Station bids, no other business or resolution regarding the Jackson Avenue Lift Station will be considered in the reconvened open public session. Resolution #07-214 and Resolution #07-215 will not be considered in the reconvened open public session effectively tabling Resolution #07-214 and Resolution #07-215.

Council Member Collins moved to approve Resolution # 07-213 and Council President Harris seconded. A vote was taken and it was approved unanimously.

Adjourn into Executive Session 12:15 p.m.  
Reconvene into Public Session 12:50

**RESOLUTION #07-216**  
**RESOLUTION TO REJECT ALL BIDS RECEIVED FOR THE CONTRACT FOR**  
**THE JACKSON AVENUE PUMP STATION PROJECT**

**WHEREAS**, the Borough of Chatham has received six (6) bids in accordance with the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.) for the Jackson Avenue Pump Station; and

**WHEREAS**, the bid specifications provided as follows: “Each BIDDER shall state its bid for each alternate bid item listed. Should funds be available and the alternate bids be considered reasonable, it is the OWNER’S intent to award the Alternate Bid items in the order listed. The contract will be based on the lowest total bid which includes the base bid and the alternate bids selected.” and

**WHEREAS**, these instructions led to five of the six bidders incorrectly completing sheet 6 of 13 (Alternate Bid Items) by placing the same amount in the “bid” and “total” line for Alternate A1 and Alternate A2; and

**WHEREAS**, the lowest bidder, Coppola Services, successfully completed sheet 6 of 13 (Alternate Bid Items) by tabulating the total of the base bid with Alternate A1 and then again with Alternate A2 to arrive at the total bid; and

**WHEREAS**, Vincent DeNave, the Borough Engineer for the Borough of Chatham, has advised and will certify that Coppola Services correctly completed sheet 6 of 13 (Alternate Bid Items) by tabulating the total of the base bid with Alternate A1 and then again with Alternate A2 to arrive at the total bid; and

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**WHEREAS**, David J. Lloyd, the Borough Attorney for the Borough of Chatham, has advised that the confusion of instructions as represented by the results of the bidding process is a material non waiveable defect to the bidding process which may bring distrust on the bidding process by the public and therefore all bids must be rejected; and

**WHEREAS**, in addition, the Borough Attorney has advised that the bid of the low bidder, Coppola Services, Inc., must be rejected because Coppola Services, Inc. failed to list a plumbing subcontractor and supply the required contractor registration and documentation, in accordance with N.J.S.A. 40A:11-16.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham, that for the foregoing reasons, the Borough of Chatham rejects all bids received for the contract for the Jackson Avenue Pump Station Project and the Borough Administrator is authorized to rebid the project.

Council Member Fuller moved to approve Resolution # 07-201 and Council Member Collins seconded. A vote was taken and it was approved unanimously.

Adjourn 12:55 p.m.

Respectfully Submitted:

Susan Caljean  
Municipal Clerk