

**REGULAR COUNCIL MEETING**  
**September 24, 2007 8:00 p.m.**

The Regular Council Meeting of the Borough of Chatham was held on Monday September 24, 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.; Council President Harris presiding

The Borough Council saluted the flag.

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

\*absent

Council Member Crater read the following Resolution.

Council Member Mikulewicz asked Chief Drake to explain if the new officer is an addition to the department or a replacement. Chief Drake stated Probationary Officer Jaremba was hired to replace retired Sgt. Gahart.

Borough Clerk Susan Caljean administered the Oath of Allegiance to Richard Jaremba.

**RESOLUTION #07-243**  
**RESOLUTION TO EMPLOY RICHARD JAREMBA AS A PROBATIONARY**  
**POLICE OFFICER FOR THE CHATHAM BOROUGH POLICE DEPARTMENT**

**WHEREAS**, the Chief of Police has recommended that Richard Jaremba be employed as a Probationary Police Officer for the Chatham Borough Police Department, at a base salary of \$45,594.00 effective September 24, 2007; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Chatham that it directs the Chief of Police to employ Richard Jaremba as a Probationary Police Officer for the Chatham Borough Police Department, at a base salary of \$45,594.00 effective September 24, 2007; and, it is further

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

Council Member Crater moved to approve Resolution # 07-243 and Council Member Fuller seconded. A vote was taken and it was approved unanimously.

### **DISCUSSION ITEMS**

Memorial Park Tree Planting- Mrs. Fuller stated a woman who lost a child that had attended Sprout House would like to plant a tree in his memory at Memorial Park. The mother will buy the tree and have a small private ceremony on October 5<sup>th</sup>. The Council was in agreement.

Shepard Kollock- Fireworks display- Fire Official Walter Nugent submitted a report stating the fireworks display would meet fire code regulations.

Mike Connors explained that he sent letters to the residents around Shepard Kollock Park to explain the celebration. Mr. Connors explained what would be included in the celebration. Council President Harris asked Mr. Connors if he had a list of the residents who received the letter and a copy of the letter advising residents this matter would be discussed tonight. Mr. Connors did not. Mr. Connors stated he only had one resident comment which he felt was positive feedback. Council Member Fuller was concerned that fireworks are illegal to sell or set off in New Jersey. Council Member Collander is concerned that there has not been more feedback from the neighborhood concerning the fireworks. The Council Members received two email letters from residents concerned about the fireworks display.

Media Programming Policy and Audio & Video Recording Policy - Mr. Falzarano explained the two policies in detail. The Council Members would like all the Committee and Board meetings televised. Bob Falzarano stated they would have to have approximately 15 volunteers to run the equipment for all meetings. Council Member Crater suggested looking into hiring someone to do the taping.

Parking Fees – Council Member Collander explained the cost of maintaining a parking space for a year. There are 544 parking spaces in the Borough. The estimated cost to maintain the parking lots included salaries, maintenance, restriping, snow plowing and resurfacing which came to roughly \$300.00 per space per year; 60% of the cost of maintenance is covered by the parking fees collected. It will cost approximately \$423,000.00 over the next 10 years to maintain the parking lots. Council Member Mikulewicz suggested residents receive a discount on the smart cards.

### **COUNCIL COMMITTEE REPORTS**

#### **Budget and Finance**

Council Member James J. Collander, Chairman of the Budget and Finance Committee explained the budget process.

**Communications**

Council Member Bruce A. Harris, Chairman stated the Committee's recommendation that the Borough set up e mail addresses on the web site for each department was being implemented. The Committee is also investigating moving some of the buttons on the website and making it easier to navigate around the web site.

**Infrastructure & Strategic Planning**

Council Member Cordelia O. Fuller, Chairwoman reported the upgrades for all the recreation fields and parks have been completed. They were inspected and passed. A preconstruction meeting was held with the Jackson Avenue residents. The construction is to begin in October. The Watchung Avenue sidewalks have been completed.

**Personnel**

Council Member Neal T. Collins, Chairman reported the Committee discussed the DPW and Police contracts that are due for renewal in June 2008. Summer hours for the Borough Hall were discussed; and the Borough Hall will close on the Friday after Christmas and the Friday after New Year's Day. The employees will use either a holiday or vacation day. A part time recreation assistant will be hired.

**Public Safety & Emergency Services**

Council Member Richard E. Crater, Jr., Chairman reported the Committee received an update on the police accreditation; early indications are that the assessment went well. The police department promotion process was discussed and also the process and selection of replacement officers.

**Shared Services & 3<sup>rd</sup> Party Agreements**

Council Member Joseph Mikulewicz, Chairman reported the Borough is sharing training services with New Providence. The county's shared services equipment is mostly large equipment.

**ADMINISTRATOR'S REPORT**

Bob Falzarano reported he has talked to John Conway the Administrator in Florham Park and discussed the bus routing on Passaic Avenue. Mr. Conway spoke to the school administration and the problem will be resolved. Mr. Ciccarone is working on a policy for background checks for coaches. The Borough will receive a dividend from JIF for \$18,948.00. Mr. DeNave, Bob Falzarano, Captain Sullivan and Officer George met with the Morris County Planning Department for a briefing on the construction at the Exxon site. The Burgess and South Passaic projects were advertised and the bid opening is scheduled for October 4<sup>th</sup>.

recess 9:45 pm  
reconvene 9:50 pm

**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.

Nelson Vaughan of 69 Elmwood Avenue thanked Bob Falzarano for his work on the Media Policy. Mr. Vaughan urged the council to televise all Committee meetings.

Bernie Vella of 58 North Summit Avenue stated the residents asked him to update them on the Dunkin Donuts litigation. Mr. Vella read a statement.

Donna Cali-Charles of 131 Center Avenue asked Council Member Fuller about the planner she spoke about. Council Member Fuller explained. Ms. Cali-Charles asked if the council could look into establishing a 9/11 Memorial.

Martha May of 20 Kimball Avenue asked if there would be a plaque on the memorial tree that will be planted at Memorial Field. Council Member Fuller thought there would be a small plaque. Ms. May asked if the whole length of Van Doren Avenue would be paved. Mr. DeNave stated the work will be done in two phases and he thought it would be completed from Main Street to Weston Avenue in the first phase. Ms. May is against the fireworks at Shepard Kollock Park.

Joe Marts of 14 West Coleman Avenue thanked the Cable Committee for their negotiations to obtain the video equipment from the Cable Company. Mr. Marts asked the council if anyone was interested in returning the sewer fees to the taxes. Council Member Mikulewicz stated he has done some research on returning the sewer fees back into the taxes; and will do some further research. Mr. Marts asked the Council if anyone is interested in eliminating the three minute rule. Council President Harris stated that question would be on the agenda before the end of the year. Council Member Collander stated in reality the three minute rule is not enforced; that he would not mind a five minute rule.

Janice Perrone of 82 Fairmount Avenue had questions about the 9/11 memorial and where it might be located.

**RESOLUTION #07-239**  
**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF**  
**CHATHAM TO ESTABLISH PARKING FEES AND RULES AND REGULATIONS**  
**REGARDING THE SALE OF PARKING PERMITS REQUIRED FOR PARKING**  
**LOTS OR AREAS DESIGNATED FEE PARKING PURSUANT TO CHAPTER 139**  
**SECTION 61 AND SECTION 62 OF THE CODE OF THE BOROUGH OF**  
**CHATHAM**

**WHEREAS**, Chapter 139 Section 61 of the Code of the Borough of Chatham entitled "Fee parking spaces." specifies that the governing body shall establish by resolution the parking fees required to be paid in parking lots or areas designated fee parking, as well as rules and regulations governing the sale of parking permits; and

**WHEREAS**, Chapter 139 Section 62 of the Code of the Borough of Chatham entitled “Parking by permit.” specifies that the governing body shall establish by resolution the rules and regulations governing the issuance and management of parking permits;

**NOW, THEREFORE, BE IT RESOLVED**, that the following fees shall apply:

(1) In parking lots or areas designated fee parking, a fee of \$5.00 shall be paid for the twelve-hour period or fraction thereof between the hours of 7:00 a.m. and 7:00 p.m., prevailing time, daily, except Saturdays, Sundays and legal holidays.

(2) The following annual permit fees shall be established:

A. LOTS #1 & 2	RAILROAD NORTH & SOUTH (Borough Residents Only)	\$ 350.00
B. LOT #3	BOWERS LANE (BUSINESS)	200.00
	BOWERS LANE (APT. DWELLERS)	200.00
	(RESIDENT COMMUTER)*	200.00
C. LOT #6	CENTER ST. EAST (BUSINESS)	200.00
	CENTER ST. EAST (APT. DWELLERS)	200.00
	CENTER ST. EAST (RESIDENT COMMUTER)*	200.00
	CENTER ST. EAST (REVERSE COMMUTER)*	200.00
D. LOT #8	CENTER ST. WEST (BUSINESS)	200.00
	CENTER ST. WEST (APT. DWELLERS)	200.00
	CENTER ST. WEST (RESIDENT COMMUTER)*	200.00
	CENTER ST. WEST (REVERSE COMMUTER)*	200.00
E. LOT #9	PARK & RIDE – RESIDENT	200.00
	NON-RESIDENT	200.00
	BUSINESS	200.00

\* Maximum five (5) resident/reverse commuter permits to be issued for each lot \*

**BE IT FURTHER RESOLVED**, that the Borough of Chatham Parking Permits Rules and Regulations are hereby adopted as more fully set forth in Appendix A; and

**BE IT FURTHER RESOLVED**, that the effective date for implementation of this Resolution shall be January 1, 2008.

**APPENDIX A**  
**BOROUGH OF CHATHAM PARKING PERMITS**  
**RULES AND REGULATIONS**

When applying for a parking permit in the Borough of Chatham by completing and signing the Borough parking application form approved by the Borough Administrator in accordance with this Resolution, you are agreeing to comply with the following regulations adopted pursuant to Section #139-62 of the Code of the Borough of Chatham, as follows:

- Permits will be issued annually (Jan.-Dec.).
- There shall be a limit of one (1) permit per household for Lots #1 & 2 (Railroad Lots).
- Permits are valid only for the lot applied for and for spaces designated as Permit Parking.
- Permits are not valid for metered parking spaces in the event a Permit Parking space is unavailable. However, you may park at the Bowers Lane or Center Street East or West Lots.
- Possession of a valid permit **does not** guarantee a permit holder an empty Permit space.
- Permits are to be hung from rear view mirror, facing outward. No exceptions.
- The permits are transferable ONLY between listed vehicles.

**IF THE PERMIT IS NOT PROPERLY DISPLAYED A SUMMONS MAY BE ISSUED.**

- A \$10.00 fee will be charged for all replacement permits.
- To avoid a parking ticket, all address changes must be reported **IMMEDIATELY** in writing to the Borough of Chatham, 54 Fairmount Avenue, Chatham, N.J. 07928. If an address change makes the permit holder ineligible, permit will be recalled. Information may be faxed to (973) 635-2417.
- The Borough will issue a refund provided that the permit is returned within thirty (30) days of the date of ineligibility. The date of ineligibility shall be defined as the first date on which the change is effective, not the date that the written notice is received by the Borough. No refunds will be issued if the permit holder does not comply within the above stated time period.
- Should a permit be found on a car not registered to the permit holder, or it is determined that the permit has been tampered with or altered, it will be revoked and the permit holder will be placed on the bottom of the waiting list for the following year.
- The Borough reserves the right to close any parking lot or portion thereof for maintenance, snow removal or other reasons deemed necessary by the Chief of Police or the Borough Administrator.
- Permits shall be valid only for vehicles listed on the application and owned or leased by the applicant or his immediate family. Permits shall not be issued or valid for vehicles exceeding eighteen (18) feet in length.
- Falsification of any application information will result in the issuance of a summons.
- Overnight parking is prohibited, except for apartment tenants, unless permission is obtained from the Police Dept. at (973) 635-8000.

**Railroad Permits are issued only to Chatham Borough Residents. Homeownership does not qualify one for a permit. YOU MUST RESIDE IN THE HOME.**

**If you are in possession of a N.J. Motor Vehicle Handicapped Sticker please indicate on application.**

**THE FOLLOWING DOCUMENTATION IS NECESSARY WHEN OBTAINING A PERMIT.**

- 1. A copy of a valid New Jersey Vehicle Registration.**
- 2. A copy of your N.J. vehicle insurance card.**
- 3. A copy of a current utility bill. ( electric, gas, telephone, water or cable)**

A SELF ADDRESSED STAMPED ENVELOPE MUST ACCOMPANY ALL PERMIT APPLICATIONS. Any application that is not accompanied by the proper documentation and a self-addressed stamped envelope will be rejected.

**MAKE ALL CHECKS PAYABLE TO: THE BOROUGH OF CHATHAM**

Council Member Collander moved to approve Resolution # 07-239 and Council Member Mikulewicz seconded.

There was discussion about changing some of the parking fees.

Council Member Collander moved to amend Resolution # 07-239, by changing the railroad lots from \$325.00 to \$350.00 and all other lots the fee was changed from \$200.00 to \$180.00. A fee for daily parking with the Smart Card would be added for residents only at \$4.00. Council Member Mikulewicz seconded. A vote was taken and the amendments approved with a vote of 5 to 1 Council Member Collins voted no.

A vote was taken and Resolution #07-239 as amended was approved with a vote of 5 to 1. Council Member Collins voted no.

**AS AMENDED**

**RESOLUTION #07-239**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM TO ESTABLISH PARKING FEES AND RULES AND REGULATIONS REGARDING THE SALE OF PARKING PERMITS REQUIRED FOR PARKING LOTS OR AREAS DESIGNATED FEE PARKING PURSUANT TO CHAPTER 139 SECTION 61 AND SECTION 62 OF THE CODE OF THE BOROUGH OF CHATHAM**

**WHEREAS**, Chapter 139 Section 61 of the Code of the Borough of Chatham entitled "Fee parking spaces." specifies that the governing body shall establish by resolution the parking fees required to be paid in parking lots or areas designated fee parking, as well as rules and regulations governing the sale of parking permits; and

**WHEREAS**, Chapter 139 Section 62 of the Code of the Borough of Chatham entitled "Parking by permit." specifies that the governing body shall establish by resolution the rules and regulations governing the issuance and management of parking permits;

**NOW, THEREFORE, BE IT RESOLVED**, that the following fees shall apply:

- (2) In parking lots or areas designated fee parking, a Smart Card fee of \$5.00 for Non-Borough residents and a fee of \$4.00 for Borough residents shall be paid for the twelve-hour period or fraction thereof between the hours of 7:00 a.m. and 7:00 p.m., prevailing time, daily, except Saturdays, Sundays and legal holidays.
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**MAKE ALL CHECKS PAYABLE TO: THE BOROUGH OF CHATHAM**

**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 #07-242 through Resolution #07-246 have been placed on the Consent Agenda.

**RESOLUTION #07-244**

**RESOLUTION ENDORSING THE “GREEN ACRES, FARMLAND, BLUE ACRES, AND HISTORIC PRESERVATION BOND ACT OF 2007”**

**WHEREAS**, continued investment in open space, farmland and historic preservation is vitally important to the state, as it enhances New Jersey’s economy, safeguards its remaining natural, agricultural, recreational and cultural resources and preserves its character; and

**WHEREAS**, New Jersey continues to face incredible pressure from development, losing over 40 acres of open space daily to new development projects; and

**WHEREAS**, protecting open spaces and improving community parks throughout the State, including suburban areas, supports New Jersey state and local economies by stabilizing local property taxes and revitalizing communities; and

**WHEREAS**, the Garden State Preservation Trust, the financing authority for the Green Acres, Farmland, and Historic Preservation programs, is virtually depleted despite the continued need for the programs it makes possible; and

**WHEREAS**, on November 6, 2007, the voters of New Jersey will be asked to approve the Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007, which authorizes the state to issue \$200 million in bonds to fund New Jersey’s preservation programs for one year and the Blue Acres program to purchase flood prone insurance properties; and

**WHEREAS**, passage of the Bond Act is desperately needed to fund the continued protection of New Jersey's natural areas and the cultural sites while a long-term funding solution for the Garden State Preservation Trust is determined and secured; and

**WHEREAS**, the Council of the Borough of Chatham, recognizing the need to preserve and maintain open space has determined to place on the ballot a Referendum to continue its municipal Open Space Tax to provide sustaining taxpayer investment at the *same* tax rate for the Borough to fund the purchase of and possibly expand the purposes of open space purchases and projects.

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

1. The Council of the Borough of Chatham encourages the voters of the Borough of Chatham to vote YES on the Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007 on November 6, 2007; and
2. Our municipal clerk, Susan Caljean, RMC, is hereby authorized to provide a copy of this Resolution, duly authenticated, to the following elected officials, organizations, and newspapers:
  - (a) The Honorable Jon Corzine, Office of the Governor, P. O. Box 001, Trenton, NJ 08625;
  - (b) New Jersey State Senators and State Assemblypersons from the 26<sup>th</sup> District;
  - (c) Keep It Clean, c/o NJ Audubon Society, 142 W. State Street, 4<sup>th</sup> Floor, Trenton, NJ 08608;
  - (d) Chatham Courier, Independent Press, Daily Record, and Newark Star-Ledger.

**RESOLUTION #07-245  
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 #07-246  
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>
58/22	Chizmarik, Joseph & Linda 79 N. Passaic Avenue	\$932.62	2007/4Qtr.
28/11	Crowley, Shawn & Dinneen 53 Kings Road	\$818.85	

**CONSENT AGENDA VOTE**

Resolutions #07-244 through #07-246

Resolution #07-243 has been adopted already.

Council Member Collander asked to have Resolution #07-242 removed from the Consent Agenda.

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

**RESOLUTION #07-242**

**RESOLUTION TO PERMIT BRADLEY FUNERAL HOMES, LLC  
TO USE SHEPARD KOLLOCK PARK FOR MEMORIAL TRIBUTE**

**WHEREAS**, by e-mail of September 7, 2007, Bradley Funeral Homes, LLC requested the use of Shepard Kollock Park (hereinafter "Park") for a local family memorial tribute from 2 p.m. to 8 p.m. on Saturday, October 6, 2007; and

**WHEREAS**, the use of the Park consists of a picnic, games, music and a magician, followed by fireworks at a low altitude fireworks display lasting approximately 15 minutes; and

**WHEREAS**, the matter was before the governing body as a discussion item at its Council Meeting on Monday, September 10, 2007; and

**WHEREAS**, Bradley Funeral Homes, LLC has satisfied the Borough Administrator that the conditions set forth by the Council, including, *inter alia*, the notification of neighbors and liability insurance in an amount satisfactory to the Borough of Chatham naming the Borough of Chatham as an "additional insured" have been completed or provided; and

**WHEREAS**, the Borough Administrator has undertaken appropriate internal due diligence, including, *inter alia*, review and approval of the proposed use of the Park and the fireworks display by the appropriate department heads and staff, as well as review and approval of the event by the insurance underwriter for the Borough, MEL/JIF, all for the general health, welfare and safety of the public; and

**WHEREAS**, the Borough Administrator, based upon the foregoing due diligence, takes no exception to the use of the Park for the stated purposes.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Chatham that the Council permits Bradley Funeral Homes, LLC to use Shepard Kollock Park for a local family memorial tribute from 2 p.m. to 8 p.m. on Saturday, October 6, 2007 for the stated purposes.

Council Member Collander moved to approve Resolution # 07-242 and Council Member Crater seconded.

Council Member Crater stated he would not approve of the fireworks; and Bradley Funeral Homes would be responsible for any clean up.

Council Member Mikulewicz agreed with Council Member Crater.

A vote was taken and it was defeated with a vote of 5 to 1. Council Member Collins voted yes.

## **UNFINISHED BUSINESS**

### **ORDINANCE #07-28**

#### **SECOND READING AND PUBLIC HEARING OF AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF CHATHAM, CHAPTER 165 THEREOF, ENTITLED "LAND DEVELOPMENT ORDINANCE", SECTION 165-22, TO AMEND THE SIDE YARDS ALLOWED IN THE B-2 AND B-3 BUSINESS DISTRICTS**

Council President Harris made a motion to open the public hearing on Ordinance #07-28, seconded by Council Member Fuller, and it was approved unanimously.

Council President Harris explained the Ordinance.

No Public Comment.

Council President Harris moved to close the public hearing and moved adoption of Ordinance #07-28, 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			

Regular Council Meeting Minutes  
September 24, 2007

Adjournment 10:50 pm

Respectfully Submitted:

Susan Caljean  
Municipal Clerk