

AGENDA

Monday, April 14, 2008

**Regular Meeting
Mayor and Council**

**Borough of Chatham
54 Fairmount Avenue
Chatham, NJ 07928**

CALL MEETING TO ORDER The meeting will be called to order at 8:00 p.m.

SALUTE TO FLAG

ADEQUATE NOTICE

Statement re: 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 Independent Press, the Morris County Daily Record, the Star Ledger, and Chatham Courier and filed with the Borough Clerk, all on January 4, 2008.

ROLL CALL

On a call of the roll the following officials should be present:

Council Member Richard E. Crater, Jr.
Council Member Bruce A. Harris
Council Member James J. Collander
Council President Joseph Mikulewicz
Council Member Neal T. Collins, M.D.
Council Member Joseph L. Marts
Mayor V. Nelson Vaughan, III
Joseph J. Bell, Borough Attorney
Robert J. Falzarano, Borough Administrator
Susan Caljean, Municipal Clerk

PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, and

NOW, THEREFORE, I, Joseph Mikulewicz, Council President of the Borough of Chatham, do hereby proclaim April 25th, 2008 as

ARBOR DAY

In the community of the Borough of Chatham, I urge all citizens to support efforts to protect our trees and woodlands to support our city's urban forestry program, and

Further, I urge all citizens to plant trees to gladden hearts and promote the well-being of present and future generations.

RESOLUTION #08-153

RESOLUTION TO APPOINT NICOLE PRINCE SENNETT TO THE FARMERS' MARKET COMMITTEE

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Nicole Prince Sennett be appointed to the Farmers' Market Committee for an annual appointment to expire on December 31, 2008.

DISCUSSION ITEMS

1. Milton Pond- Council Member Marts
2. Removal of Overhead Lights on Main Street- Mr. DeNave
3. GIS- Mr. DeNave
4. Review of Borough Council Open & Closed Session Minutes
- Mr. Bell
5. Mutual Aid Agreement Ordinance-Chief Drake

RESOLUTION #08-154

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, March 24, 2008

MAYOR'S ACTIVITIES REPORT

MEETING OPEN TO THE PUBLIC

MAYOR'S NOTICE OF PUBLIC COMMENT TIME LIMIT

Hearing of citizens during the Public Comment Sections 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 a reasonable length of time.

COUNCIL LIAISON REPORTS

Board of Education	Joseph Mikulewicz
Board of Health	Neal T. Collins, M.D.
Chamber of Commerce	Richard E. Crater, Jr.
Communications Tech.	Bruce A. Harris
Community Development	Joseph Mikulewicz
Environmental Comm.	Bruce A. Harris
Historic Pres. Commission	Bruce A. Harris
Library Board of Trustees	V. Nelson Vaughan, III
Local Assistance	Neal T. Collins, M.D.
Municipal Alliance	Neal T. Collins, M.D.
Planning Board	Bruce A. Harris
Recreation Committee	James J. Collander

Senior Center	V. Nelson Vaughan, III
Shade Tree Commission	Richard E. Crater, Jr.
Streetscape Committee	Richard E. Crater, Jr.
Traffic Safety Committee	James J. Collander
9/11 Memorial Committee	Joseph L. Marts
Farmers Market Committee	Joseph Mikulewicz
Madison Chatham Joint Mtg.	James J. Collander

Administrator's Report	Robert J. Falzarano
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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 #08-155 through Resolution #08-165 have been placed on the Consent Agenda.

RESOLUTION #08-155 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 #08-156 RESOLUTION TO REFUND PROPERTY TAXES

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that a refund of property taxes be issued to the individuals listed below as follows:

BLOCK/LOT	OWNER & PROPERTY ADDRESS	AMOUNT	YEAR/QTR
48/32	Campbell, Eugene & Pamela 87 N. Hillside	\$2,398.50 Should go to Chatham Township	2008/3Qtr.

Make check payable and mail to:

**Township of Chatham
58 Meyersville Road
Chatham, NJ 07928
Attn: Mary Ellen Babyack, Tax Collector**

57/4	Borough of Chatham 28 Center Street	\$1,659.00 Should go to Chatham Township	2008/3Qtr.
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Make check payable and mail to:

**Township of Chatham
58 Meyersville Road
Chatham, NJ 07928
Attn: Mary Ellen Babyack, Tax Collector**

127/12	Stepanian, Christopher & Tara 35 Minton Avenue	\$1,748.00 Duplicate payment made	2008/1 st Qtr.
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31/12.12	Anderson, Trevor/Nicole	\$2,280.74	2007/4 th Qtr.
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RESOLUTION #08-157

RESOLUTION TO REFUND PRO-RATED MONEY FOR THE FOLLOWING SMART CARDS AND FOOD LICENSE PERMIT

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

Philwin, Beatrice \$20.00
268 Lafayette Avenue
Chatham, NJ 07928

Eveleth, Scott \$11.75
340 Lafayette Avenue
Chatham, NJ 07928

Gillis, Robert \$35.00
88 Susan Drive
Chatham, NJ 07928

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that a refund of an overpayment of a food license permit be given to the following listed below:

Pius Ice Cream \$25.00
33 Kimming Avenue
Apt. 3-B
Lodi, NJ 07544

RESOLUTION #08-158

RESOLUTION TO REFUND \$2,900 TO WENDY ABRAHAMSON OF THE GOOD SHEPARD CHURCH, 160 RIDGEDALE AVENUE, FLORHAM PARK, NJ 07932

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Wendy Abrahamson of the Good Shepard Church, 160 Ridgedale Avenue, Florham Park, NJ 07932 be refunded \$2,900 as this money has remained unclaimed for a period of six months per N.J.S.A. 40A:14-157-b.

RESOLUTION #08-159

RESOLUTION TO AUTHORIZE A GRANT BETWEEN THE BOROUGH OF CHATHAM AND THE STATE OF NEW JERSEY BY AND FOR THE SAFE ROUTES TO SCHOOLS GRANT PROGRAM

WHEREAS, the governing body of the Borough of Chatham desires to further the public interest by obtaining a grant from the State of New Jersey, Department of Transportation in the amount of approximately \$118,220 to fund the following project:

Safe Routes to Schools Elmwood & Milton Avenue Grant

NOW, THEREFORE, BE IT RESOLVED that Vincent J. DeNave, P.E., Borough Engineer or the Administrator is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State of New Jersey for a grant in an amount \$118,220, and (c) to execute any amendments thereto.

BE IT FURTHER RESOLVED that the Grantee recognizes and commits to the maintenance of the proposed improvements pursuant to the agreement.

BE IT FURTHER RESOLVED that the Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

RESOLUTION #08-160
RESOLUTION TO AWARD A CONTRACT FOR PROFESSIONAL
ENGINEERING SERVICES FOR THE STREETScape IMPROVEMENT
PROJECT-PHASE 3, TO MASER CONSULTING,P.A. , MT. ARLINGTON, NJ

WHEREAS, the Borough of Chatham has received one (1) bid for professional engineering services for the Streetscape Improvement Projects; and

WHEREAS, the summary of the bid received is as follows:

Maser Consulting	\$19,500.00
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WHEREAS, the Borough Engineer had advised that the Borough of Chatham is only awarding the design portion for \$19,500.00: construction observation and contract administration will be accomplished in house; and

WHEREAS, the Borough Engineer for the Borough of Chatham has reviewed the Maser Consulting's bid and advised that the bidder is both qualified and responsible for the type of work contemplated; and

WHEREAS, the Borough Attorney has reviewed the Maser Consulting's bid and has advised that the bid is satisfactory in form and content; and

WHEREAS, the Finance Director has determined sufficient funds are available for the aforescribed professional engineering services required to be undertaken for the Streetscape Improvement Project.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, County of Morris, State of New Jersey that a contract for the professional engineering services required to be undertaken for the Woodland Road and Garden Avenue Improvement Project in the total amount of \$19,500.00 for the design and bidding of the Streetscape Improvement Project be processed and awarded to Maser Consulting: and it is further

RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute a contract for the professional engineering services required to be undertaken for the Streetscape Improvement Project in the total amount of \$19,500.00 duly awarded to, Maser Consulting.

RESOLUTION #08-161
RESOLUTION TO AWARD A CONTRACT FOR PROFESSIONAL
SURVEYING SERVICES FOR YEAR 2008 TO STEVEN D. PARENT OF DPK
CONSULTING, LLC, MIDDLESEX, NJ

WHEREAS, the Borough of Chatham has received three (3) bids for professional surveying services for the year 2008; and

WHEREAS, the State of New Jersey requires that a licensed Professional Surveyor be designated by the Borough to serve as the responsible party for tax map maintenance, and:

WHEREAS, the hourly rates provided by DPK Consulting for the work that may be required during the year is as follows:

Draftperson	\$ 70/hour
Licensed Surveyor	\$ 125/hour
Survey Crew	\$ 1450/ day

**RESOLUTION #08-162
RESOLUTION ADOPTING CHANGE ORDER NO. 1 TO A CONTRACT
BETWEEN THE BOROUGH OF CHATHAM AND FAIGON ELECTRICAL
CONTRACTORS FOR THE STREETScape LIGHTING IMPROVEMENTS –
PHASE IIB**

WHEREAS, Change Orders are regulated by Local Finance Board regulation N.J.A.C. 5:34-4; and

WHEREAS, approval by the Mayor and Council is required for all Change Orders; and

WHEREAS, the Finance Officer has certified that funds are available; and

WHEREAS, Robert J. Falzarano, Borough Administrator and Vincent J. DeNave, Borough Engineer, have recommended that the Mayor and Council approve Change Order No. 1 as follows:

Change Order #1

A. First Supplemental- The installation of 12 additional light bases and associated conduit along the following roads:

- North Passaic(and South Passaic)
- Summit Ave(and North Summit)
- Center Ave
- Fairmount Ave

The cost for completing this work will be in an amount not to exceed \$96,000.00

WHEREAS, the adjusted amount of this contract, based upon Change Order No. 1 is \$576,000.00.

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

1. Change Order No. 1 to the contract between the Borough of Chatham and Faigon Electrical Contractors. is authorized by the Borough; and
2. The Mayor is hereby authorized to execute Change Order No. 1.

**RESOLUTION #08-163
CANCEL BALANCE AND RETURN TO GENERAL IMPROVEMENT FUND**

WHEREAS, there exists a balance in a general capital account, and

WHEREAS, it has been determined that the project is complete and the balance of the previously appropriated funds are not required for the purpose for which it was appropriated, and

WHEREAS, the Chief Financial Officer recommends canceling said balance thereby, returning the unused funds to the General Capital Improvement Fund.

NOW, THEREFORE, BE IT RESOLVED that the following account balance be canceled and the Chief Financial Officer be authorized to return the balance to the General Improvement Fund:

<u>Account</u>	<u>Ordinance</u>	<u>Description</u>	<u>Amount</u>
C-04-55-905-010	05-10	Dump Truck	\$33,074.68

**RESOLUTION #08-164
RESOLUTION OF THE BOROUGH OF CHATHAM OPPOSING THE
ABOLISHMENT OF THE NEW JERSEY DEPARTMENT OF AGRICULTURE**

WHEREAS, the Borough of Chatham, County of Morris, State of New Jersey, provides a farmers' market for the benefit of the community and support of local farmers, reduction in carbon footprint, and utilizes the services and grants from the Department of Agriculture and the Department's "Jersey Fresh" program; and

WHEREAS, the official state seal designed and presented by Pierre Eugene du Simitiere in May of 1777 incorporates three plows on a shield referring to the importance of agriculture to the State's economic power and giving the State the nickname "Garden State". Further exemplified by the display of the Roman goddesses Ceres, goddess of agriculture, holding a cornucopia of harvested produce with "Prosperity" written below her. Affirms the State's belief in the importance of its agriculture heritage; and

WHEREAS, the Department of Agriculture provides important services including: food safety, livestock monitoring, plant pest control, seed and feed testing, soil conservation and farmland preservation. Acts as a liaison to the Food and Drug Administration and US Department of Agriculture as well as providing cooperation with academic and research institutions. In addition, develops school nutrition guidelines and operations pursuant to the federal school meal programs, emergency food purchase and distribution including food banks and soup kitchens. Provides agricultural education programs that prepare young leaders to enter the industry. All these services and more linking New Jersey farms with servicing the nutritional, educational and economic needs of the state's citizens; and

WHEREAS, the farming industry strongly opposes any change or loss of the century old Agriculture Secretary position which further holds positions on numerous national boards thereby lending prestige and a voice for New Jersey agriculture. Furthermore, the Agriculture Secretary chairs several state agencies and is generally regarded as the highest profile individual for agriculture in the state; and

WHEREAS, the Governor's administration has initiated an effort to abolish the New Jersey Department of Agriculture as a cost cutting measure. The abolition of the Department of Agriculture would result in no substantial savings to the taxpayers of the State and would result in a reduction of services to farms, farmers, and citizens of New Jersey.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Chatham, County of Morris, State of New Jersey, that it does hereby oppose any effort to abolish the New Jersey Department of Agriculture and supports critical funding of the Department's essential programs.

RESOLUTION #08-165

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICE CONTRACTS FOR THE COMPANIES/INDIVIDUALS LISTED BELOW FOR THE YEAR 2008

WHEREAS, Borough of Chatham has a need to acquire Professional Service Contracts for the year 2008 as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:20.5; and

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

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

WHEREAS, the following Professional Service contractors have submitted proposals for 2008 indicating they will provide the Professional Services for the professional services listed next to the named individual or business entity; and

WHEREAS, the following Professional Service contractors have completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Borough of

Chatham in the previous one year, and that the contract will prohibit the following Professional Service contractors from making any reportable contributions through the term of the contract, and

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Chatham authorizes the Mayor to enter into a contract with the following Professional Service contractors as described herein; provided, however that the Business Disclosure Entity Certification and the Determination of Value be placed on file by the business entity or individual with this resolution; and

BE IT FURTHER RESOLVED that the following Professional Service contractors be appointed for one year:

<u>Awarded To</u>	<u>Professional Service</u>	<u>Cost</u>
Anne Marie Rizzuto of McManimon & Scotland	Planning Board Attorney	In accordance with contract
Alan A. Siegel of Vanderbilt & Siegel	Zoning Board Attorney	\$145.00 per hour

MONTHLY REPORTS Accept Monthly Reports received from the following Departments:

Council Member Collander	Bills & Warrants List (March 2008) Monthly Financial Statement
Council Member Collander	Recreation Committee (March 2008)
Council Member Crater	Department of Public Works (March 2008)
Council Member Marts	Police Report (March 2008) Emergency Squad (March 2008) Municipal Court (March 2008) Fire Department Report (March 2008) Emergency Management (March 2008)
Council Member Harris	Building and Zoning Report (March 2008) Fire Inspections (March 2008)

CONSENT AGENDA VOTE

Resolutions #08-155 through #08-165 and the Monthly Reports

Moved: _____ Seconded: _____ Voice Vote: in favor [] against []

UNFINISHED BUSINESS

ORDINANCE #08-07

SECOND READING AND PUBLIC HEARING 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, NEW INFORMATION TECHNOLOGY 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 \$2,667,494 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, 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	Yes	No	Abstain	Absent
Mr. Collander	_____	_____	_____	_____
Mr. Collins	_____	_____	_____	_____
Mr. Crater	_____	_____	_____	_____
Mr. Harris	_____	_____	_____	_____
Mr. Marts	_____	_____	_____	_____
Mr. Mikulewicz	_____	_____	_____	_____

Moved: _____ Seconded: _____ VOICE VOTE: in Favor [] Against []

ORDINANCE #08-08

SECOND READING AND PUBLIC HEARING OF A BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY 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 \$61,800 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	Yes	No	Abstain	Absent
Mr. Collander	_____	_____	_____	_____
Mr. Collins	_____	_____	_____	_____
Mr. Crater	_____	_____	_____	_____
Mr. Harris	_____	_____	_____	_____
Mr. Marts	_____	_____	_____	_____
Mr. Mikulewicz	_____	_____	_____	_____

Moved: _____ Seconded: _____ VOICE VOTE: in Favor [] Against []

ORDINANCE #08-10

SECOND READING AND PUBLIC HEARING OF AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF CHATHAM, CHAPTER 284 THEREOF, ENTITLED "FOOD-HANDLING ESTABLISHMENTS," TO ADD A PROVISION FOR ADDITIONAL FEES FOR THE CHATHAM BOROUGH FARMERS' MARKET

Council Member	Yes	No	Abstain	Absent
Mr. Collander	_____	_____	_____	_____
Mr. Collins	_____	_____	_____	_____
Mr. Crater	_____	_____	_____	_____
Mr. Harris	_____	_____	_____	_____
Mr. Marts	_____	_____	_____	_____
Mr. Mikulewicz	_____	_____	_____	_____

Moved: _____ Seconded: _____ VOICE VOTE: in Favor [] Against []

NEW BUSINESS

ORDINANCE #08-11

INTRODUCTION AND FIRST READING OF AN ORDINANCE OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING MUTUAL AID AGREEMENTS AND INTER-LOCAL SERVICE AGREEMENTS BETWEEN THE BOROUGH POLICE DEPARTMENT AND NEIGHBORING POLICE DEPARTMENTS

Moved: _____ Seconded: _____ VOICE VOTE: in Favor [] Against []

ORDINANCE #08-12

INTRODUCTION AND FIRST READING OF AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, AND STATE OF NEW JERSEY, AUTHORIZING THE ESTABLISHMENT OF A LOCATION AND THE ERECTION OF A 911 MEMORIAL IN OR ABOUT PROPERTY KNOWN AS MEMORIAL PARK, SITUATE IN CHATHAM, NEW JERSEY

Moved: _____ Seconded: _____ VOICE VOTE: in Favor [] Against []

RESOLUTION #08-166

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:
1. 221 Main Street- Mr. Joseph Bell, Esq.
 2. Jackson Apts.- Mr. Joseph Bell, Esq.
 3. Omnipoint- Mr. Walter Voytus

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.