

REGULAR COUNCIL MEETING
January 24, 2005 8:00 p.m.

The Regular Council Meeting of the Borough of Chatham was held on Monday January 24, 2005 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, faxed to the Chatham Courier, the Independent Press, the Morris County Daily Record, and the Star Ledger and filed with the Borough Clerk, all on December 30, 2004.

Acting Borough Clerk Susan Caljean administered the Oath of Allegiance to:
Council Member Bruce A. Harris.

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

Council Member Cordelia O. Fuller
Council Member Stephen W. Williams
Council President Richard E. Crater, Jr.
Council Member Bruce A. Harris
Council Member Jayme V. La Jeunesse*
Council Member James J. Collander*
Mayor Richard L. Plambeck
Robert J. Falzarano, Borough Administrator
David J. Lloyd, Borough Attorney
Susan Caljean, Acting Clerk

* absent

MAYOR'S APPOINTMENTS

As Mayor, I, Richard L. Plambeck, do hereby make the following changes to Liaison appointments for 2005:

James J. Collander-Member of the Board of Health
Jayme V. LaJeunesse- Liaison to the Recreation Committee

Regular Council Meeting Minutes
January 24, 2005

Council Member Fuller moved to approve of the Mayor's Appointments and Council Member Harris seconded. A vote was taken and the appointments were approved unanimously.

**RESOLUTION #05-65
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:

Reorganization Meeting, January 3, 2005

Council Member Harris moved to approve Resolution #05- 65 and Council Member Fuller seconded. A vote was taken and it was approved unanimously. Council Member Harris abstained.

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 three minutes.

Martha May of 20 Kimball Street thanked the DPW for the wonderful job they did removing the snow. Ms. May asked the Mayor to explain Resolution #05-74. The Mayor explained the resolution is to calculate the sewer rate based upon an estimate of the amount of water disposed in the sewer.

Bernie Vella of 58 N. Summit Avenue requested the Council discuss separately Resolution #05-74, and not pass the resolution until after the Water and Sewer Advisory Committee set the rates.

Gordon Brown of 280 Fairmount Avenue requested the vote on the water and sewer rates be postponed.

Elma Feitner of Orchard Road had complaints about construction on her neighbor's property and water run off. Mr. Lloyd explained that the Borough is not responsible for run off water from private property.

Michael Dean of 181 N. Passaic Avenue asked for an explanation of the reassessment roles and when residents can meet with the Borough Tax Assessor. Mr. Dean requested the Water and Sewer Advisory Committee review Resolution #05-74 before it is passed. Mr. Dean requested an update on the Traffic Safety Committee, Woodland Park and 911 Committee. The Mayor stated all the residential and commercial revaluation letters have

gone out. Residents may meet with the Borough Tax Assessor after the final tax list is posted during the second week of February. The Mayor stated the last Traffic Safety Committee meeting was cancelled due to snow, and that he did not know when the next meeting will be held. They are still waiting for the DEP concerning Woodland Park.

David Gerridge of 63 Elmwood Avenue stated the Fish and Game Club is installing meters to gauge the amount of water that does not enter the sewer system.

Joe Marts of 14 W. Coleman Avenue thanked the DPW for the outstanding job of snow removal. He also thanked the Police Department for helping the Fire Department when they are called to a dangerous location. Mr. Marts stated he thought that the cost of upgrades to the sewer plant might be approximately \$2 million. Mayor Plambeck reviewed the sewer plant budget process and noted there were no large capital projects currently planned.

Ed Swieteb of Kings Road asked what cost and efficiency savings are created by removing the water and sewer charges from the property taxes. Mayor Plambeck explained that the primary purpose was to have users pay based on what they use.

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 #05-66 through Resolution #05-73 have been placed on the Consent Agenda.

RESOLUTION #05-66 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	YR/QTR
95/23	DiBenedetto, Paul & Mary 39 Inwood Circle Make check payable to: Citimortgage % First American Real Estate Tax Service 95 Methodist Hill Drive- Suite 100 Rochester, NY 14623	\$3,964.93 Duplicate tax payment	2004/3 rd Qtr

Regular Council Meeting Minutes
January 24, 2005

WHEREAS, there appears to be insufficient funds in the following accounts to meet the demands thereon for the expenses of the 2004 reserve year Current Fund in the following accounts;

Account Number 26-290-2
 31-460-2
 25-260-2
 20-100-2

WHEREAS, there appears to be sufficient funds in the following accounts over and above the demand deemed to be necessary for the balance of the 2004 reserve year Current Fund;

Account Number 26-290-1
 28-370-1
 20-145-1
 25-240-1
 31-455-1

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S.A. 40A:4-59, the Borough Council of the Borough of Chatham authorizes the Chief Financial Officer to make the following transfers:

<u>Transfer To:</u>		<u>Transfer From</u>	
<u>Account #</u>	<u>Amount</u>	<u>Account #</u>	<u>Amount</u>
26-290-2	\$10,000.00	26-290-1	\$3,200.00
31-460-2	\$ 1,700.00	28-370-1	\$2,000.00
25-260-2	\$ 8,250.00	25-240-1	\$5,650.00
20-100-2	\$ 1,000.00	25-240-014	\$7,300.00
		20-145-1	\$2,500.00
		31-455-1	\$ 300.00
Operating Fund	<u>\$20,950.00</u>		<u>\$20,950.00</u>

**RESOLUTION #05-70
RESOLUTION URGING OPPOSITION TO BILL A-3529**

WHEREAS, on November 8, 2004, the New Jersey Superior Court, Appellate Division reaffirmed that government workers cannot receive both a full ordinary disability pension and workers compensation benefits at the same time for the same injury; and

WHEREAS, on November 22, 2004, A-3529 was introduced in response to this court decision to permit such a double payment retroactive to August, 1997, and this bill later has its second reading and is now awaiting a full Assembly vote; and

WHEREAS, if A-3529 is adopted, government workers will receive substantially more income while out on workers compensation than they would receive if still on the job, and the language of this bill purpose to “restore” a benefit which never existed in the law; and

WHEREAS, if A-3529 is adopted, it will have a significant negative financial impact on New Jersey’s already fiscally stressed municipalities;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the municipality of the Borough of Chatham joins with the New Jersey League of Municipalities and the Municipal Excess Liability Fund in urging you to oppose A-3529 and to support the referral of A-3529 to the Pension and Health Benefits Review Commission for further fiscal analysis; and be it further

RESOLVED, that copies of this resolution be forwarded to Acting Governor Codey, to our State Senator and to our representatives in the General Assembly, as well as to the New Jersey League of Municipalities.

**RESOLUTION #05-71
RESOLUTION ADOPTING FINAL CHANGE ORDER NO. 2 TO A CONTRACT
BETWEEN THE BOROUGH OF CHATHAM AND JENICAR BUILDERS
CONTRACTORS CO. INC. FOR THE WASHINGTON AVENUE
IMPROVEMENTS PROJECT**

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

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

WHEREAS, by Resolution No. 04-267 the Council approved Change Order No. 1 in the amount of \$3,315.00 for Collector Drain, resulting in an adjusted amount of the contract as \$213,181.73; and

WHEREAS, the Borough Administrator in consultation with the Borough Engineer recommends a reduction in the contract amount due Jenicar Builders Contractors Co. Inc., which decrease has been accepted by the contractor, in the amount of \$1,081.78, regarding the Washington Avenue Improvements Project

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

1. The contract amount due Jenicar Builders Contractors Co. Inc. shall be decreased by the amount of \$1,081.78; and
2. Based upon the amount set forth in Change Order No. 1 and Final Change Order No. 2, the total adjusted contract amount is \$ 212,099.95; and
3. The Mayor is hereby authorized to execute Final Change Order No. 2.

RESOLUTION #05-72
RESOLUTION TO AUTHORIZE A GRANT BETWEEN THE BOROUGH OF CHATHAM AND THE STATE OF NEW JERSEY BY AND FOR THE FY2006 AGGRESSIVE DRIVING GRANT

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 in the amount of approximately \$7,500. to fund the following project:

FY2006 Aggressive Driving Grant

NOW, THEREFORE, BE IT RESOLVED that Mayor Richard L. Plambeck 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 \$7,500, and (c) to execute any amendments thereto.

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 #05-73
RESOLUTION AUTHORIZING THE MAYOR TO APPOINT MEMBERS TO THE BOROUGH OF CHATHAM'S WATER AND SEWER ADVISORY COMMITTEE

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Mayor hereby authorizes the following to be appointed members of the Borough of Chatham's Water and Sewer Advisory Committee:

Mr. Robert Falzarano
Mr. James Collander
Mr. Robert Venezia
Mrs. Cordelia O. Fuller
Mrs. Dorothy Klein
Mr. Bernard Vella
Mr. Thomas Bradley
Mrs. Donna Cali-Charles
Mr. John Rohe

Mr. Ken O'Brien
Mr. Chris McNiff
Mr. Donald Haberstroh

MONTHLY REPORTS

Accept Monthly Reports received from the following Departments:

Council Member Williams	Bills & Warrants List (December 2004) Monthly Financial Statement
Council Member La Jeunesse	Recreation Committee (December 2004)
Council Member Fuller	Department of Public Works (December 2004)
Council President Crater	Police Department (December 2004) Emergency Squad (December 2004) Municipal Court (November 2004) Fire Department Report (December 2004) Office of Emergency Mgmt. (December 2004)
Council Member Harris	Building & Zoning Report (December 2004) Fire Inspections (December 2004)

CONSENT AGENDA VOTE

Resolutions #05-66 through #05-73 and the Monthly Reports

Council President Crater moved to approve the Consent Agenda and Council Member Williams seconded, a vote was taken and it was approved unanimously, excluding Resolution #05-74.

RESOLUTION #05-74 RESOLUTION ADOPTING FORMULA FOR CALCULATION OF ANNUAL SEWER CHARGES FROM THE BOROUGH OF CHATHAM TO CHATHAM FISH & GAME PROTECTIVE ASSOCIATION

WHEREAS, Section 118-28 of the Code of the Borough of Chatham provides:

“Nonresidential users who regularly dispose of metered water other than into the sanitary sewer system may apply for an additional credit. Said credit may be allowed by resolution of the Borough Council, provided the Borough Engineer certifies to the Council that it is impossible or impractical for the user reasonably establish the amount of metered water which the user did in fact dispose of other than into the sanitary sewer system during the preceding year”; and

WHEREAS, the Council has considered the letter report of Joaquim Fernandes, P.E., Borough Engineer pro tempore, dated January 10, 2005, to Robert J. Falzarano, Borough Administrator, setting forth the data and evidence collected leading to his recommendation that “the sewer bill should be based on forty percent (40%) of the yearly water consumption”; and

WHEREAS, the Council has determined based upon this fact-finding that it is fitting and proper to adopt the formula for calculation of the annual sewer charges from the Borough of Chatham to Chatham Fish & Game Protective Association, located at 41 Fairmount Avenue, Chatham Borough; and

WHEREAS, the Council has also determined that the appropriate formula to allocate to the annual sewer charges of Chatham Fish & Game Protective Association is forty percent (40%) of the yearly water consumption, in accordance with the Ordinance recited above;

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

1. The calculation of the annual sewer charges from the Borough of Chatham to the Chatham Fish & Game Protective Association, located at 41 Fairmount Avenue, Chatham Borough shall be based upon forty percent (40%) of the yearly water consumption; and
2. The Utility Clerk is directed to calculate sewer charges and bill Chatham Fish & Game Protective Association according to the formula set forth herein.

Council Member Fuller recused herself as she is a member of the Chatham Fish and Game Protective Association.

Council Member Harris moved Resolution #05-74. There was no second, and Resolution #05-74 was not moved.

Council Member Harris would like to have the resolution as a discussion item. Mayor Plambeck stated they would have a discussion item at the next Council Meeting. Council Member Williams suggested the Water and Sewer Advisory Committee discuss this resolution.

COUNCIL LIAISON REPORTS

Environmental Commission

Council Member Bruce A. Harris stated the Commission is continuing to work on the Environmental Resource Inventory. The next meeting in February will be focused on the goals for the year. They are looking at various grants and also a Stream Encroachment permit for Shepard Kollack Park.

Open Space Committee

Regular Council Meeting Minutes
January 24, 2005

Council Member Bruce A. Harris reported the Committee met last week. At the next meeting they will discuss their goals for next year. The Mayor asked them to look at paper streets and vacant Borough owned lots and come up with an overall plan of what might be done with the properties.

Planning Board

Council Member Bruce A. Harris reported both Planning Board meetings in January focused on the Board of Education's school plans. The Planning Board made recommendations to the Board of Education concerning the construction on Washington Avenue School. The Planning Board continues to work on satellite, sign, and canopy ordinances.

Shade Tree Commission

Council Member Collander was absent.

Traffic Safety Committee

Council Member La Jeunesse was absent.

Board of Education

Council Member Stephen W. Williams had no report.

Historic Preservation Commission

Council Member Cordelia O. Fuller reported they met last week and reviewed some preliminary plans for the PNC Bank.

Recreation Committee

Council Member James J. Collander was absent.

Chamber of Commerce

Council President Richard E. Crater, Jr. reported the Chamber of Commerce is holding a fund raiser February 8th at Taste of Asia for Tsunami Relief. They are making plans to have a Spring Festival the 2nd week of June.

Board of Health

Council Member James J. Collander was absent.

Local Assistance Board

Council Member Jayme La Jeunesse was absent.

Streetscape Committee

Council Member Cordelia O. Fuller reported the Committee met this week and decided to combine all the phases of the project into one bid. The next meeting will be February 15th.

Council Member Fuller thanked the members of the community for the increase in donations to the Senior Citizens in 2004 compared to 2003.

ADMINISTRATOR'S REPORT

Bob Falzarano reported the recreation study is underway. He has received proposals from five engineering firms for the River Road resurfacing project. The Emergency Water Response Plan was submitted to the EPA. Mr. Falzarano stated he spoke to Mr. Venezia and Mr. Traver and Mr. Traver felt he could complete the documents. Having Mr. Traver complete the documents saved the Borough \$38,000.00. Preparation of the 2005 Budget is underway. Water and Sewer Advisory Committee is scheduled to meet on Wednesday, January 26th. The Borough is looking at a Shared Services Grant for records archiving.

ORDINANCE #05-01
SECOND READING AND PUBLIC HEARING OF AN ORDINANCE TO
AMEND CHAPTER A182, ENTITLED "WATER RATES" OF THE CODE OF
THE BOROUGH OF CHATHAM TO PROVIDE FOR CERTAIN DEFINITIONS
OF SERVICES AND CHARGES RELATED THERETO AND TO INCREASE
THE RATES CHARGED FOR WATER USAGE

Council Member Fuller made a motion to open the public hearing on Ordinance #05-01 seconded by Council Member Harris.

9:05 pm Council Member Collander arrives

Council Member Fuller stated subcommittees have determined that the rate must be increased to cover the increased costs of the operation.

Mayor Plambeck stated he hoped the Committee would look at a tiered rating system.

Council Member Williams had a question about the Water and Sewer Advisory Committee.

Gordon Brown of 280 Fairmount Avenue asked what the expenses were in 2004 for water. Bob Falzarano stated water expenses for 2004 were \$911,434.00 and the income for 2004 was \$801,392.00.

Michael Dean of 181 N. Passaic Avenue asked about the PNC Bank. Council Member Fuller explained. Mr. Dean requested that the Water and Sewer Advisory Committee have information about any special arrangements like the one with Fish and Game.

Bernie Vella of 58 N. Summit Avenue passed out a hand out, and made a presentation about water rates.

Joe Marts of 14 W. Coleman Avenue stated he felt it was unfair to compare our water rates with water rates from towns that have water supplied to them by a for-profit business.

Bob Leire of 32 Schindler Court asked to have the Ordinance, tabled that he thought there is a problem with the rate structure for their situation. He stated that four of the residences at the Willows are rated as commercial users. He also stated separate meters are installed for irrigation.

Gordon Brown of 280 Fairmount Avenue made a statement about water usage.

Council Member Fuller made a motion to continue the hearing on Ordinance #05-01 at the next regularly scheduled Council Meeting, Council President Crater seconded and it was approved on vote as follows:

Regular Council Meeting Minutes
January 24, 2005

Council Member	Yes	No	Abstain	Absent
Mrs. Fuller	x			
Mr. Williams		x		
Mr. Crater	x			
Mr. Harris	x			
Mr. La Jeunesse				x
Mr. Collander	x			

ORDINANCE #05-02

SECOND READING AND PUBLIC HEARING OF AN ORDINANCE TO AMEND CHAPTER 118, ENTITLED “SEWERS” ARTICLE III ENTITLED “SEWER SERVICE CHARGE” SECTION 28 ENTITLED “COMPUTATION OF CHARGES” OF THE CODE OF THE BOROUGH OF CHATHAM TO INCREASE THE SEWER SERVICE CHARGE RATE

Council Member Fuller made a motion to open the public hearing on Ordinance #05-02 seconded by Council Member Harris.

Bernie Vella of 58 N. Summit Avenue made a presentation concerning ways to collect sewer service charges and sewer rates.

Michael Dean of 181 N. Passaic Avenue suggested they follow Council Member Williams and let the Water and Sewer Advisory Committee review the rates.

Council Member Fuller made a motion to continue the hearing on Ordinance #05-02 at the next regularly scheduled Council Meeting, Council Member Harris seconded and it was approved on vote as follows:

Council Member	Yes	No	Abstain	Absent
Mrs. Fuller	x			
Mr. Williams		x		
Mr. Crater	x			
Mr. Harris	x			
Mr. LaJeunesse				x
Mr. Collander	x			

RESOLUTION #05-75

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:

PERSONNEL/CONTRACT NEGOTIATIONS/LITIGATION

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

Regular Council Meeting Minutes
January 24, 2005

the Borough of Chatham, provided such disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege.

- Contract Negotiations - 1. Municipal Engineering Contract
2. River Road Engineering Contract

ADJOURN

There being no further business the meeting will adjourn into Executive Session.

Council Member Collander moved Resolution #05-75 to close the public meeting and adjourn. Council Member Fuller seconded the motion. All voted in favor and the meeting adjourned at 9:45 p.m.

Respectfully Submitted:

Susan Caljean
Acting Municipal Clerk