

Regular Council Meeting Minutes
March 26, 2007

REGULAR COUNCIL MEETING
March 26, 2007 8:00 p.m.

The Regular Council Meeting of the Borough of Chatham was held on Monday March 26, 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

DISCUSSION ITEMS

Organ & Tissue Donor Awareness Mayor Plambeck read the following Proclamation declaring the month of April 2007 as Donate Life Month. Mayor Plambeck presented Mrs. Moxley with a framed copy of the Proclamation.

PROCLAMATION

WHEREAS, Overlook Hospital's Auxiliary established a Gift of Life Committee in May 1995 whose goal is to make the public aware of organ and tissue donor needs and programs, and

WHEREAS, in the United States there are 93,000 people waiting for organs (liver, heart, kidney, lungs, pancreas) about 3,000 of whom are from New Jersey, and

WHEREAS, approximately 19 people die daily waiting for organs-the Gift of Life,
and

WHEREAS, those needing tissues (bones, ligaments, heart valves, corneas, skin) are
waiting to improve their quality of life,

NOW, THEREFORE, I, Richard L. Plambeck, Mayor of Chatham Borough, do
hereby proclaim the month of April 2007 as:

Donate Life Month

In Chatham Borough and encourage the citizens of Chatham Borough to sign donor cards
witnessed by two persons, preferably next of kin and, because a donor card becomes a legal
document, citizens are asked to share that decision with their families.

IN WITNESS THEREOF, I have hereunto set my hand and caused the seal of the
Borough of Chatham to be affixed this 26th day of March, 2007.

Overlook Road Name Change Mr. Sofo stated there are two Overlook Roads, one in Chatham
Borough and one in Chatham Township. There are many misdirected package and mail
deliveries. Mr. Sofo is concerned that emergency services will go to the wrong Overlook
Road during an emergency. The property owners on Overlook Road would like to have the
street name changed to Overlook Lane. Mayor Plambeck would like them to change the name
completely, not just changing Road to Lane. Peter Gianusso of 8 Overlook Road would like
the Borough to investigate and suggest a new street name.

Farmers Market Mr. Mikulewicz explained the benefits and requirements of having a Farmers
Market in Chatham Borough. Mr. Mikulewicz passed out information on local Farmers
Markets in the area. Mayor Plambeck had concerns about where the market would be located
and also about market saturation. Council Member Mikulewicz will do some further research
and the Farmers Market will be discussed at a future meeting.

COUNCIL COMMITTEE REPORTS

Budget and Finance

James J. Collander, Chairman had no report. Mr. Falzarano will discuss the budget.

Communications

Bruce A. Harris, Chairman reported they met in February and will meet again in May and
discuss the bulletin board.

Infrastructure & Strategic Planning

Cordelia O. Fuller, Chairwoman reported they had one meeting. They discussed the general
scope of the committee and how they would pull all the information together into one place.

Personnel

Neal T. Collins, Chairman reported they have not met since the last meeting.

Public Safety & Emergency Services

Richard E. Crater, Jr., Chairman reported they discussed the promotion policy and the
accreditation process.

Shared Services & 3rd Party Agreements

Joseph Mikulewicz, Chairman reported the committee discussed existing shared services and 3rd party agreements.

ADMINISTRATOR'S REPORT

Bob Falzarano reported that requests have been sent to the Boards and Commissions to check the information on the website to be sure it is up to date. Mr. Falzarano stated Jo-Ann Musorofiti has earned her Court Administrator certification. The fixed asset inventory will be completed by June 15th. Mr. Falzarano asked the Sign Committee to select style and type of signs to be located in the parking lots, gateway signs, and the Borough Hall sign so that they are uniform in design. Credit Cards can be used at the parking machines at the train station; the smart cards will be delivered before April 1st.

**PUBLIC HEARING ON
THE 2007 MUNICIPAL BUDGET**

PRESENTATION

Robert J. Falzarano asked Dorothy Klein to explain Resolution #07-126. Dorothy Klein explained the Resolution.

Bob Falzarano thanked the Budget & Finance Committee, the Department Heads, and the auditors for their help with the budget. The total 2007 budget is \$13,511,251.00. The Municipal portion of the tax rate has increased this year by one cent. The tax increase for the average property valued at \$647,400.00 will be \$65.00. This increase is lower than last year when the average increase was \$90.00. The tax rate in 2006 was 0.307. In 2007 it is estimated to be 0.316.

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.

Marc Knoll of Ogden Church stated they will have plans by next week for the parking on Elmwood Avenue. Mr. Knoll asked for an explanation of the increase in animal license fees. Mayor Plambeck explained.

Joe Marts of 14 Coleman Avenue, West thanked Bob Falzarano for the great job he has done. Mr. Marts wants the sewer expense put into the taxes.

Trudy Burns of 5 North Passaic Avenue questioned why the Borough was doing snow removal between 11:30 p.m. and 3:45 a.m. in the morning. Council Member Crater stated it needed to be done because it was a safety issue and people could not get out of their cars.

Barb Montague of 45 Dellwood Avenue stated she has observed traffic in Chatham and she has not seen any parent or caregiver smoke in cars with children. She is not in favor of the proposed Ordinance.

Jack Elsmore of Morris County Prevention is Key commended the Council for having the courage to stand up for Ordinance #07-18.

Karen Blumenfeld from New Jersey GASP thanked the Council for moving forward with the Ordinance.

Bernie Vella of 58 North Summit Avenue asked if the law was passed how would the public be informed of the Ordinance. Mr. Lloyd stated signs would have to be posted at every entrance to town. Mr. Vella did not like all the signs this would require.

Janice Perrone of 42 Fairmount Avenue asked if televising the Recreation Committee meetings was discussed at the last meeting. Council Member Collander stated the meeting could not be televised in Chatham Township and the Committee does not want the meetings televised. She also asked about having a neighborhood liaison on the Committee. Mayor Plambeck stated anyone is welcome to come to the meetings.

**RESOLUTION #07-126
RESOLUTION TO AMEND BUDGET**

WHEREAS, the local municipal budget for the year 2007 was approved on the 26th day of February, 2007.

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget, now

THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Chatham, County of Morris that the amendments to the approved budget of 2007 be made:

Council Member Collander moved to approve Resolution # 07-126 and Council Member Crater seconded. A vote was taken 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			

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General Revenues	<u>From</u>	<u>To</u>
3.Miscellaneous Revenues- Section B:		
Consolidated Municipal Property Tax Relief Aid	\$299,345.00	\$245,155.00
Energy Receipts Tax	502,875.00	557,065.00
Municipal Property Tax Assistance	-	16,625.00
Total Section B	\$915,500.00	\$932,125.00
Summary of Revenues		
3. Miscellaneous Revenues:		
Total Section B: State Aid Without Offsetting Appropriations	915,000.00	932,125.00
Total Miscellaneous Revenues	3,334,741.66	3,351,366.66
5. Subtotal General Revenues	7,034,741.66	7,051,366.66
6. Amount to be Raised by Taxes for Support of Municipal Budget:		
a)Local Tax for Municipal Purposes Including		
Reserve for Uncollected Taxes	6,482,245.81	6,459,884.30
Total Amount to be Raised by Taxes for Support of Municipal Budget	6,482,245.81	6,459,884.30
7.Total General Revenues	13,516,987.47	13,511,250.96
General Appropriations		
8. (A) Operations- Within "CAPS"		
Utility Expenses and Bulk Purchases		
Telephone	68,000.00	64,200.00
Total Operations- Within "CAPS"	7,168,210.00	7,164,410.00
Total Operations Including Contingent-Within "CAPS"	7,172,531.17	7,168,731.17
Detail:		
Other Expenses (Including Contingent)	2,372,253.17	2,368,453.17
(H-1) Total General Appropriations for Municipal Purposes Within "CAPS"	7,428,781.17	7,424,981.17
(L) Subtotal General Appropriations	10,857,349.96	10,853,549.96
(M) Reserve for Uncollected Taxes	2,659,637.51	2,657,701.00
9.Total General Appropriations	13,516,987.47	13,511,250.96

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for his certification of the local municipal budget so amended.

**RESOLUTION #07-127
RESOLUTION TO ADOPT THE 2007 MUNICIPAL BUDGET**

SEE ATTACHED RESOLUTION:

Council Member Collander moved to approve Resolution # 07-127 and Council Member Crater seconded. A vote was taken 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			

RESOLUTION #07-128
RESOLUTION AUTHORIZING THE BOROUGH OF CHATHAM FOR SELF-
EXAMINATION OF THE 2007 BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Chatham has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2007 budget year, so now therefore

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Council Member Collander moved to approve Resolution #07-128 and Council Member Fuller seconded. A vote was taken and it was approved unanimously.

Recess 10:20 p.m.
Reconvene 10:30 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 #07-129 through Resolution #07-137 have been placed on the Consent Agenda.

RESOLUTION #07-130 RESOLUTION TO RENEW LIVERY LICENSE FOR EXPRESS LIMOUSINE SERVICE, INC. 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: Express Limousine Service, Inc.
BUSINESS ADDRESS: 7 Commerce Street
Chatham, NJ 07928
INSURANCE CARRIER: Proformance Insurance Company
POLICY NUMBER: 310008868

VEHICLES:

Year/Make	Body Type & Color	Vin. No.	Plate No.	Lic. No.
2000/Lincoln	4Dr Blue	1LNHM82W4YY933951	OL7162D	#01-Express-2007

RESOLUTION #07-131 RESOLUTION TO RENEW LIVERY LICENSE FOR THE BIRD CORPORATION 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: The Bird Corporation/Viking Limo.
BUSINESS ADDRESS: 168 Main Street
Chatham, NJ 07928
INSURANCE CARRIER: Rovner Insurance Co.
POLICY NUMBER: CAS0083400

VEHICLES:

Year/Make	Body Type & Color	Vin. No.	Plate No.	Lic. No.
2000/Ford	4DR/Black	2FAFP74W8YX105207	OL7327F	1-BIR-2007
1993/Lincoln	4DR/White	1LNLM81W3PY714227	OL7125D	2-BIR-2007
1998/Lincoln	4DR/Black	1LNLM81W9WY608749	OL7134D	3-BIR-2007
1998/Lincoln	4DR/Black	1LNLM81WXWY608811	OL7135D	4-BIR-2007
1997/Lincoln	4DR/Red	1LNLM81W5VY740084	OL6413E	5-BIR-2007
1996/Lincoln	4DR/Gold	1LNLM82WOTY724354	OL6838E	6-BIR-2007
1996/Dodge	Van/Black	2B4H515XOTK107722	OL8255E	7-BIR-2007

RESOLUTION #07-132

RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY

WHEREAS, N.J.S.A. 40A:11-36 requires a resolution of the governing body authorizing the sale of surplus property; and

WHEREAS, the Borough Administrator has recommended the sale of said surplus personal property; and

WHEREAS, the items listed are no longer needed for public use.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Chatham authorizes the Borough Clerk to properly advertise for public sale of the items listed herein:

Residential radiator covers
Door knobs
52x CD drive for PC
D-Link residential gateway
Radio Shack universal battery conditioner/charger
Polaroid Spectra AF camera
AF Piezo VHS video camera and case
Brown briefcase
A/B switch for cable/computer
Panasonic Omnimovie VHS video camera and case
Graco Duo Glider double folding stroller (condition fair-poor)
Digiview 13 in. computer monitor
Memorex telex 1330 dot matrix printer
Diebold Time Lapse Video recorder
Minolta SRT 100 35 mm camera w/flash

BE IT FURTHER RESOLVED that if the items listed are not sold at the public auction, the Borough may dispose of them in the proper manner.

RESOLUTION #07-133
RESOLUTION TO DENY REQUEST FOR THE REMOVAL OF THREE PARKING SPACES AT THE REAR OF 221 MAIN STREET, CHATHAM BOROUGH, NEW JERSEY

WHEREAS, the Borough of Chatham governing body heard and discussed the application of 221 Main Street, LLC for the removal of three (3) non-permitted public parking spaces immediately behind the proposed building and adjacent to Danielle's Restaurant parking lot at its February 12, 2007 Regular Council Meeting;

NOW, THEREFORE, BE IT RESOLVED, that this request is denied.

RESOLUTION #07-135
RESOLUTION TO AWARD CONTRACT TO SCHIFANO CONSTRUCTION CORPORATION FOR THE MILLING AND PAVING OF RIVER ROAD, PHASE II

WHEREAS, the Borough of Chatham governing body has received a bid in accordance with the Local Contracts Law, (N.S.J.A. 40A:11-1 et. seq.) for the milling and paving of River Road (Watchung Avenue to Bonnell Street), Phase II, Chatham, New Jersey; and

WHEREAS, Schifano Construction Corporation, P. O. Box 228, One Smalley Avenue, Middlesex, New Jersey 08846, has submitted a bid under the Morris County Co-operative Pricing Program in an amount not to exceed \$75,000.00; and

WHEREAS, the Finance Officer has certified that funds are available.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Chatham, County of Morris, State of New Jersey, that a contract be processed and awarded to Schifano Construction Corporation and that the Mayor and Borough Clerk are hereby authorized and directed to execute a contract with Schifano Construction Corporation for the milling and paving of River Road (Watchung Avenue to Bonnell Street), Phase II, Chatham, New Jersey.

RESOLUTION #07-136
RESOLUTION TO RENEW TAXI LICENSE FOR E PLUS TRANSPORTATION, INC. 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:	E Plus Transportation, Inc.
BUSINESS ADDRESS:	125 B Morris Street Morristown, NJ 07960
INSURANCE CARRIER:	Ocean Risk Retention Group, Inc.
POLICY NUMBER:	ORNJ050010192

VEHICLES:

Year/Make	Body Type	Vin. No.	Plate No.	Lic. No.
1999 Mercury	4/DR	83667	OXY1691	#01-E Plus-2007

RESOLUTION #07-137
RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT AMONG THE
BOROUGH OF CHATHAM, TOWNSHIP OF CHATHAM AND THE SCHOOL
DISTRICT OF THE CHATHAMS IN THE COUNTY OF MORRIS

WHEREAS, the Borough, Township and School District utilize each other's fields for various athletic activities, including, without limitation, baseball and softball; and

WHEREAS, there exists a need for maintenance and repair of the ball fields owned by the School District at Milton Avenue School in the Borough and Southern Boulevard School in the Township (hereinafter collectively "the ball fields"), and used by the joint recreation program for baseball, softball and t-ball; and

WHEREAS, the Borough and the Township have offered, and the School District accepts said offer, for the Borough and the Township to perform maintenance and repair of certain fields under supervision of the respective Public Works Departments of the Borough and the Township using volunteers during the 2007 Spring Recreation Season (March through June); and

WHEREAS, this Agreement is authorized pursuant to State Law, specifically, N.J.S.A. 40:8A-1, et seq. N.J.S.A. 40:12-9; and N.J.S.A. 18A20-22;

NOW, THEREFORE, in consideration of the premises and the covenants, terms and conditions hereinafter set forth, it is agreed as follows:

1. The Borough and the Township, as part of their joint recreation program, hereby agree to perform periodic repair and maintenance of the ball fields during the 2007 Spring Recreation Season, under the supervision of the respective Public Works Department of the Borough and the Township, using volunteers.
2. The School District hereby grants permission for, and the right of access to, the Borough and the Township to repair and maintain said ball fields as set forth in paragraph 1 above. The School District hereby agrees to indemnify and hold harmless the Borough and the Township, and the volunteers, from any and all liability that may arise as a result of said repair and maintenance.
3. The term of this Agreement shall commence on March 23, 2007 and end on June 30, 2007.
4. The Borough, the Township and the School District represent to each other that all necessary municipal or School District actions, as the case may be, to authorize and effectuate this Agreement have been taken and that each entity will take all future action reasonably necessary to effectuate the terms and conditions of this Agreement during its term.
5. The laws of the State of New Jersey govern this Agreement.

CONSENT AGENDA VOTE

Council Member Mikulewicz asked to have Resolution #07-129 and Council Member Collander asked to have Resolution #07-134 removed from the Consent Agenda

Resolutions #07-130 through Resolution #07-133 and Resolution #07-135 through Resolution #07-137 have been placed on the Consent Agenda.

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

RESOLUTION #07-129
RESOLUTION FOR TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the Borough of Chatham to apply for such tonnage grants for 2007 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough of Chatham to the efforts undertaken by this municipality and to the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Chatham, County of Morris, that the Borough of Chatham hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Robert Venezia, Director of the Department of Public Works, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Council Member Collander moved to approve Resolution #07-129 and Council Member Crater seconded. A vote was taken and it was approved unanimously.

RESOLUTION #07-134

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES TO JOHN H. HAGUE, ESQ. AS SPECIAL BOROUGH COUNSEL IN MATTERS REGARDING PROPERTY LOCATED AT 59 LAFAYETTE AVENUE, CHATHAM BOROUGH

WHEREAS, the Borough Attorney has advised the Borough Administrator that there is or may be a conflict of interest regarding the subject property with the predecessor law firm of Stickel & Frahn; and

WHEREAS, the Borough Administrator, in consultation with the Mayor and Council President, recommends John H. Hague, Esq. to represent the Borough regarding this matter; and

WHEREAS, the anticipated term of this contract is for less than one year; and terminating December 31, 2007; and

WHEREAS, John H. Hague, Esq. has submitted his firm's proposal as Special Borough Counsel as a cost of \$175/hour; and

WHEREAS, John H. Hague, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that he has 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 him from making any reportable contributions through the term of the contract; and

WHEREAS, such services are a "professional service" as defined by N.J.S.A. 40A:11-2(6) and which is permitted by N.J.S.A. 40A:11-5(1)(a) to be contracted for without public bidding; and

WHEREAS, the Finance Director has determined and certified in writing that the value of the services may exceed \$17,500 and that sufficient funds are available.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Chatham, in the County of Morris, State of New Jersey that the Mayor and Clerk are hereby authorized and directed to retain the services of John H. Hague, Esq. to perform legal services as Special Borough Counsel for the Borough of Chatham regarding any and all matters which may arise in connection with property located at 59 Lafayette Avenue, Chatham Borough; provided, however, that the Business Entity Certification and Determination of Value be placed on file by the business entity or individual with this resolution; and it is further

RESOLVED, that the said attorney, John H. Hague, Esq. is directed to keep the Mayor and Council of the Borough of Chatham advised of his progress relative to the aforesaid matter; and it is further

RESOLVED, that the said attorney, John H. Hague, Esq. will be compensated for the said work at the rate of \$175.00 per hour and is directed to submit a contract for signature by the Municipal Clerk and Mayor which will incorporate itemized vouchers to the Municipal Clerk for payment; and it is further

RESOLVED, that notice of this Resolution be published once in the official newspaper of the Borough required by N.J.S.A. 40A:11-5(1)(a).

Council Member Mikulewicz moved to approve Resolution #07-134 and Council President Harris seconded. A vote was taken and it was approved unanimously as amended to clarify the third whereas clause.

UNFINISHED BUSINESS

ORDINANCE #07-15

SECOND READING AND PUBLIC HEARING OF AN ORDINANCE TO AMEND CHAPTER 79 OF THE CODE OF THE BOROUGH OF CHATHAM ENTITLED "ANIMALS AND RABIES CONTROL" SECTION 16 THEREOF ENTITLED "FEES"

Council Member Collander made a motion to open the public hearing on Ordinance #07-15, seconded by Council Member Fuller, and it was approved unanimously.

There were no public comments.

Council Member Collander made a motion to close the public hearing on Ordinance #07-15, seconded by Council Member Fuller, and it was approved unanimously. Council Member Collander moved Ordinance #07-15, 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			

ORDINANCE #07-16

SECOND READING AND PUBLIC HEARING OF AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF CHATHAM, CHAPTER 139 THEREOF, ENTITLED "VEHICLES AND TRAFFIC," TO ADD A PROVISION TO "EXCEPT SUNDAYS" FROM A LEFT TURN PROHIBITION FROM ELMWOOD AVENUE

Council Member Collander made a motion to open the public hearing on Ordinance #07-16, seconded by Council Member Fuller, and it was approved unanimously.

There were no public comments.

Council Member Collander made a motion to close the public hearing on Ordinance #07-16, seconded by Council Member Fuller, and it was approved unanimously. Council Member Collander moved Ordinance #07-16, seconded by Council President Harris 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			

ORDINANCE #07-17

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 165-17 THEREOF ENTITLED "B-2 REGIONAL BUSINESS DISTRICT" AND SECTION 165-18 THEREOF ENTITLED "B-3 GENERAL BUSINESS DISTRICT" TO REMOVE "EATING AND DRINKING ESTABLISHMENTS" AND TO REMOVE "OUTDOOR EATING AND DRINKING ESTABLISHMENTS" THEREFROM

Council President Harris made a motion to open the public hearing on Ordinance #07-17, seconded by Council Member Fuller, and it was approved unanimously.

Donna Cali-Charles asked that the zones be described. Council President Harris explained the different zones.

Joe Marts asked some questions. Mayor Plambeck explained.

Bernie Vella stated he thinks that the Dunkin Donuts can still be stopped. Mr. Vella read a document concerning Ordinances passed after an approval was given. It showed that the approvals were then denied.

Council President Harris made a motion to close the public hearing on Ordinance #07-17, seconded by Council Member Fuller, and it was approved unanimously. Council President Harris moved Ordinance #07-17, seconded by Council Member Collander 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 #07-18**

**INTRODUCTION AND FIRST READING OF AN ORDINANCE TO AMEND THE
CODE OF THE BOROUGH OF CHATHAM, TO ADD A NEW ARTICLE IV TO BE
ENTITLED “PROHIBITION OF SMOKING IN MOTOR VEHICLE WITH CHILD
PRESENT” TO ARTICLE 208 ENTITLED “PUBLIC HEALTH NUISANCES.”**

Council Member Collins introduced Ordinance # 07-18 on first reading and moved that a public hearing be held on April 9, 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 and was seconded by Council Member Collander.

Council Member Collander made a statement about the Ordinance. Council Member Collander would like to have the age limit and fees lowered. He stated he is in favor of the Ordinance.

Council Member Crater is not in agreement with the Ordinance. He would like to wait for the state to pass a statute. He doesn't feel it is a problem in Chatham.

Council President Harris stated the Board of Health did not endorse the Ordinance.

Council Member Fuller stated she is not in favor of the Ordinance and that she has received notes and e-mails from residents who do not support the Ordinance.

Mayor Plambeck asked for a vote. A vote was taken and Ordinance #07-18 was defeated with a vote of 4 to 3. Council President Fuller, Council Member Crater, and Council Member Harris voted no. Mayor Plambeck voted no to break the tie.

Having no further business, the meeting was adjourned at 11:15 p.m.

Respectfully Submitted:

Susan Caljean
Municipal Clerk