

Regular Council Meeting Minutes
May 29, 2007

REGULAR COUNCIL MEETING
May 29, 2007 8:00 p.m.

The Regular Council Meeting of the Borough of Chatham was held on Tuesday May 29, 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

Dellwood Drainage-Mr. DeNave explained what has been done to alleviate the drainage problems on Dellwood Avenue. Mr. DeNave explained several options to improve the flow of water after a heavy storm.

The Mayor and Council had several comments and suggestions, including that the Borough engineer prepare a non comprehensive review of all of the drainage problems in the Borough.

COUNCIL COMMITTEE REPORTS

Budget and Finance

Council Member James J. Collander, Chairman reported the budget has been passed. The Capital Budget is being introduced tonight.

Communications

Council President Bruce A. Harris, Chairman reported meeting minutes from the various Boards and Commissions are being posted on the Borough website. The focus of the next meeting will be the Community Bulletin Board.

Infrastructure & Strategic Planning

Council Member Cordelia O. Fuller, Chairwoman stated they will have a meeting the 3rd or 4th week in June. Council Member Fuller hopes to work with Mr. DeNave and the DPW on the drainage problems in the Borough.

Personnel

Council Member Neal T. Collins, Chairman stated there has not been a meeting since the last one that he reported on.

Public Safety & Emergency Services

Council Member Richard E. Crater, Jr., Chairman stated they will be meeting June 14th at 8a.m. Chatham's 911 system is back up. Firematics will be held at the Middle School this coming Saturday.

Shared Services & 3rd Party Agreements

Council Member Joseph Mikulewicz, Chairman reported the Committee met last week and they discussed the services that the county can provide to municipalities. They will be looking at sharing services with Madison.

ADMINISTRATOR'S REPORT

Bob Falzarano reported the budgets this year are very tight. The departments are managing their budget very well. Mr. Falzarano stated the Boards and Commissions are being very cooperative with sending their approved minutes to be posted on the website. The policies for the Community Bulletin Board and the video taping of meetings have been distributed to the Mayor and Council for their comments. Summer hours for the Borough offices begin June 1st; and end September 7th, the Borough Hall will close at 1 p.m. on Fridays.

Council Member Mikulewicz introduced Janice Piccolo who manages the Farmer's Market in Madison and will be managing the market in Chatham. The market will be held 8 a.m. to 1 p.m. from June 30th to November 27th. There will be three large anchor farmers; a bakery in town is interested in participating in the market also.

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.

Martha May of 20 Kimball Street asked if the restaurants in town that do not use trans fats could be posted on the website. Mr. Lloyd thought that could be done since the Board of Health meetings are open public meetings. Ms. May asked to have several Resolutions explained. Mr. Lloyd, Mr. Falzarano and Mayor Plambeck explained.

Donna Cali-Charles of 131 Center Avenue encouraged the Council to vote for the Farmer's Market. Ms. Cali-Charles asked Council Member Mikulewicz if he could get the Board of Education to change their meeting dates so they did not conflict with the Council Meetings.

**RESOLUTION #07-176
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, May 14, 2007

Council Member Collander moved to approve Resolution #07-176; Council Member Crater seconded. A vote was taken and it was approved unanimously.

**RESOLUTION #07-177
RESOLUTION TO AUTHORIZE THE MAYOR AND CLERK TO EXECUTE AN
EASEMENT FOR THE GENDEL SITE PLAN LOCATED AT 56-58 RIVER ROAD
AS PROVIDED BY CHATHAM BOROUGH PLANNING BOARD RESOLUTION
NO. PB 2006-12**

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham authorize the Mayor and Clerk to execute an Easement Agreement for the Gendel Site Plan located at 56-58 River Road as provided by Chatham Borough Planning Board Resolution No. PB 2006-12, attached hereto and made a part hereof.

Council President Harris moved to defer action on Resolution #07-177 until after the Executive Session. Council Member Collins seconded. A vote was taken and it was approved with a vote of 4 to 2. Council Members Fuller and Mikulewicz voted no.

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 #07-178 through Resolution #07-186 have been placed on the Consent Agenda.

RESOLUTION #07-178

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES TO GAIL H. FRASER, ESQ. AS SPECIAL BOROUGH COUNSEL IN MATTERS REGARDING THE APPLICATION OF 221 MAIN STREET LLC BEFORE THE CHATHAM BOROUGH PLANNING BOARD

WHEREAS, the Borough Attorney has advised the Borough Administrator that there is or may be a conflict of interest regarding the subject application by 221 Main Street LLC before the Chatham Borough Planning Board as the building in which his law firm occupies and in which he has an interest located at 229 Main Street is within 200 feet of the subject property; and

WHEREAS, the Borough Attorney has recommended Gail H. Fraser, Esq. to represent the Borough regarding this matter; and

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

WHEREAS, Gail H. Fraser, Esq. has submitted her firm's proposal as Special Borough Counsel as a cost of \$150/hour; and

WHEREAS, Gail H. Fraser, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that she 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 her 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 not exceed \$5,000 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 Gail H. Fraser, Esq. to perform legal services as Special Borough Counsel for the Borough of Chatham regarding any and all matters which may arise for the consideration of the Chatham Borough governing body in connection with the application of 221 Main Street, LLC before the Chatham Borough Planning Board; 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, Gail H. Fraser, Esq., is directed to keep the Mayor and Council of the Borough of Chatham advised of her progress relative to the aforesaid matter; and it is further

RESOLVED, that the said attorney, Gail H. Fraser, Esq. will be compensated for the said work at the rate of \$150.00 per hour and is directed to submit a contract for signature by the Municipal Clerk and Mayor which will incorporate itemized vouchers to the Borough Administrator 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).

**RESOLUTION #07-179
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 #07-182
RESOLUTION TO REFUND PRO-RATED MONEY FOR THE FOLLOWING
PARKING PERMITS AND PARKING TOKENS AND SMARTCARD REFUNDS**

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

Winell, Kelly 71 Canterbury Road Chatham, NJ 07928	\$ 44.00
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Sangimino, Martina 49 Rowan Road Chatham, NJ 07928	\$120.00
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McQueen, William 25 Meadowbrook Road Chatham, NJ 07928	\$232.09
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Knowles, J. 184 Columbia Tpke #122 Florham Park, NJ 07932	\$ 60.00
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Wilson, Margaret 119 Westminster Road Chatham, NJ 07928	\$ 48.00
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**RESOLUTION #07-183
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
43/13	Loree 112 N. Summit Avenue	\$1,812.50	2007/2 Qtr.

***Please make check payable and mail to:**

**McDonnell, Joseph
62 Sagewood Drive
Malvern, PA 19355**

**RESOLUTION #07-184
RESOLUTION TO REJECT THE BIDS RECEIVED FOR THE JACKSON AVENUE
PUMP STATION**

WHEREAS, the Borough of Chatham has received two (2) bid documents for the referenced project, which bid permits the Borough of Chatham the right to reject any or all bids received;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Chatham that the bids received for the Jackson Avenue Pump Station are hereby rejected and the Borough Administrator is authorized to rebid the project.

**RESOLUTION #07-185
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:

Regular Council Meeting Minutes
May 29, 2007

	<u>Minimum bid</u>
Air Flo-V-Box salt spreader-has pre-wetting system w. 2-75 gallon Tanks-Model #AF-24D 9ft. needs conveyer chain	\$ 150.00
1986 Ford E-150 Van 6 cyl. 4.9L engine VIN#1FTDE14Y6GHB18039-68,493 miles	\$1,000.00

No minimum bids:

Wooden bench
Various office equipment and furniture
Dell Optiplex GX110 Computer-Serial #FSJ5801 w/monitor
Hewlett Packard Pavilion Computer-Serial #KR03908725 w/monitor
Magna mountain bike
Men's K2 mountain bike
Miscellaneous jewelry and two hearing aids

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 #07-186

RESOLUTION AUTHORIZING A CHATHAM BOROUGH FARMERS' MARKET, AUTHORIZING THE USE OF VOLUNTEERS, AUTHORIZING RULES AND REGULATIONS AND AN APPLICATION FEE SCHEDULE, AND AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES TO JANICE PICCOLO AS THE CHATHAM BOROUGH FARMERS' MARKET MANAGER

WHEREAS, through the leadership of Council Member Joseph Mikulewicz, the governing body has completed its due diligence and approves the establishment of a 2007 Chatham Borough Farmers' Market; and

WHEREAS, the Chatham Borough Farmers' Market will operate for a period of 18 Saturdays beginning on June 30th and ending on October 27th from 8 a.m. until 1 p.m. at the Chatham Borough Train Station South Plaza; and

WHEREAS, the 2007 Chatham Borough Farmers' Market will require the use of volunteers to assist with the set-up and operations of the Farmers' Market, and as the Farmers' Market Manager may direct; and

WHEREAS, the 2007 Chatham Borough Farmers' Market will require rules and regulations, including required certificate(s) of insurance, as well as an application fee schedule; and

WHEREAS, Janice Piccolo, who manages the Madison Borough Farmers' Market, has agreed to manage the Chatham Borough Farmers' Market; and

WHEREAS, Janice Piccolo has submitted her proposal as the Chatham Borough Farmer's Market Manager of \$2,500 payable monthly on the first day of the month in July, August, September, and October, each payment to be in the amount of \$625.00; and

WHEREAS, such services are under the \$21,000 statutory threshold for public advertisement requirements and are under the \$17,500 statutory threshold for "pay-to-play" requirements, and are accordingly exempt from such requirements; and

WHEREAS, the Finance Director has determined and certified in writing that the value of the services will not exceed \$2,500 and that sufficient funds are available.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, in the County of Morris, State of New Jersey, that the governing body authorizes and approves the 2007 Chatham Borough Farmers' Market and the operation of the 2007 Chatham Borough Farmers' Market during the aforesaid designated days and hours; and it is further

RESOLVED, that the Mayor and Council authorize and approve the use of volunteers to assist with the set-up and operations of the Farmers' Market, and as the Farmers' Market Manager may direct; and it is further

RESOLVED, that the Mayor and Council authorize and approve the 2007 Chatham Borough Farmers' Market to develop and promulgate rules and regulations which will include required certificate(s) of insurance, as well as an application fee schedule; and it is further

RESOLVED, that the Mayor and Clerk are hereby authorized and directed to retain the services of Janice Piccolo to perform services as the Manager of the Chatham Borough Farmers' Market; and it is further

RESOLVED, that the said Janice Piccolo will be compensated as Manager of the 2007 Chatham Borough Farmers' Market in the amount of \$2,500.00 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 on the first day of the month in July, August, September, and October, each payment to be in the amount of \$625.00.

CONSENT AGENDA VOTE

Resolutions #07-178 and #07- 179 and Resolution #07-182 through #07-186

Council Member Mikulewicz asked to have Resolution #07-180 and Resolution #07-181 removed from the Consent Agenda.

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

RESOLUTION #07-180

**RESOLUTION AFFIRMING CHATHAM BOROUGH'S OPPOSITION TO THE
SALE OR LEASE OF THE NEW JERSEY TURNPIKE, THE GARDEN STATE
PARKWAY AND THE ATLANTIC CITY EXPRESSWAY**

WHEREAS, it has been proposed that the New Jersey Turnpike, Garden State Parkway and the Atlantic City Expressway be either leased or sold to private operators in an attempt to deal with state debt; and

WHEREAS, other states facing similar budgetary shortfalls have resorted to leasing their toll roads to private entities in exchange for a much-needed cash infusion to fund state debt and state services; and

WHEREAS, in New Jersey there has been discussion about monetizing State assets, particularly entering into an agreement for the sale or lease of the New Jersey Turnpike, Garden State Parkway and the Atlantic City Expressway as a means of raising revenue for the State; and

WHEREAS, the New Jersey Turnpike is a vital corridor to the State's transportation system, widely traveled, not only by the residents and commercial enterprises in our Borough, but by many other residents of our state; and

WHEREAS, any sale or lease of the New Jersey Turnpike, as well as the Garden State Parkway and the Atlantic City Expressway could result in a major increase in toll charges for the use of the State's toll roads and unduly jeopardize the quality of the State's transportation system as the State would no longer have the ability to ensure reasonable tolls, provide well-maintained highways and facilities and safe motoring for all those using the toll roads; and

WHEREAS, any sale or lease of the New Jersey Turnpike, the Garden State Parkway and the Atlantic City Expressway could result in increasing the volumes on non-toll roads in the region; and

WHEREAS, placing the transportation network of the State of New Jersey into private hands where profit is valued above safety is not in the best interests of the residents of this State; and

WHEREAS, a toll road privatization scheme is a one-shot gimmick that could last as long as 75 or more years; and

WHEREAS, it is altogether fitting and proper for the Borough of Chatham to express its opposition to the sale or lease of the New Jersey Turnpike, the Garden State Parkway, and the Atlantic City Expressway.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Chatham, County of Morris, State of New Jersey as follows:

1. Any sale or lease of the New Jersey Turnpike, the Garden State Parkway, and the Atlantic City Expressway would unduly jeopardize the quality of the State's transportation system by increasing volumes on non-toll roads in the region. Further, the State would no longer have the ability to ensure reasonable tolls,
2. provide well-maintained highways and facilities and safe motoring for all those using the toll roads.
3. The Borough Council of the Borough of Chatham by of this Resolution expresses its opposition to the sale or lease of the New Jersey Turnpike, the Garden State Parkway and the Atlantic City Expressway.
4. A copy of this Resolution be forwarded to Governor Jon Corzine and the Commissioner of the New Jersey Department of Transportation.

Council President Harris moved to approve Resolution #07-180 and Council Member Fuller seconded. A vote was taken and it was approved with a vote of 4 to 2. Council Members Collins and Mikulewicz voted no.

RESOLUTION #07-181
RESOLUTION TO RENEW ALCOHOLIC BEVERAGE LICENSES FOR THE YEAR
JULY 1, 2007 THROUGH JUNE 30, 2008

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that the Municipal Clerk is hereby authorized and directed to issue renewal of the following Alcoholic Beverage Licenses for the year July 1, 2007 through June 30, 2008.

BE IT FURTHER RESOLVED that said licenses will become effective subject to any and all conditions imposed, where applicable, on certain licenses.

PLENARY RETAIL DISTRIBUTION LICENSE		BORO/STATE FEE
#1404-44-003-009	Chatham Bottle King, Inc.	\$1,368.00/\$200.00
PLENARY RETAIL CONSUMPTION LICENSE		BORO/STATE FEE
#1404-33-006-009	Jamnan Inc.	\$1,944.00/\$200.00
#1404-33-007-004	Jesus Saves Inc.	\$1,944.00/\$200.00

Council Member Mikulewicz moved to approve Resolution #07-181 and Council Member Crater seconded. A vote was taken and it was approved unanimously.

Recess 9:40 p.m.
Reconvene 9:50 p.m.

UNFINISHED BUSINESS
ORDINANCE #07-18
CONTINUATION OF SECOND READING AND PUBLIC HEARING OF AN
ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF CHATHAM,
CHAPTER 165 THEREOF, ENTITLED "LAND DEVELOPMENT ORDINANCE",
TO AMEND SECTION 165-10 THEREOF IN ORDER TO REDEFINE SIDE YARDS,

**AND TO AMEND SECTION 165-14 TO AMEND THE SIDE YARDS ALLOWED IN
RESIDENTIAL DISTRICTS**

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

Rhea Nall of 152 Fairmount Avenue stated the vote on his application before the Zoning Board has been continued to the next meeting and asked again to include a grandfather clause for their application.

Martha May of 20 Kimball Street stated she attended the meeting and the main objections to the Nall's application was the removal of trees.

Donna Cali-Charles of 130 Center Avenue stated if plans have been submitted to the Planning or Zoning Boards and then the rules are changed the application should be judged according to the rules in effect when the application was originally submitted. The home owners should not have to go to the expense of redoing their plans.

Dana Nall of 152 Fairmount Avenue had questions about the Ordinance.

Mayor Plambeck explained the Ordinance.

Council President Harris explained that Ms. Cali-Charles' suggestion would contradict the "time of decision" rule that has been established by NJ Courts that permits a municipality to change it's ordinances during the pendency of an application and apply the revised ordinance to the application.

Janice Perrone of 82 Fairmount Avenue had a suggestion concerning the Ordinance.

Council Member Crater moved to continue the hearing on Ordinance #07-18 until the Council Meeting on July 9, 2007, Council Member Collander seconded.

A vote was taken and it was approved with a vote of 5 to 1. Council President Harris voted no.

**ORDINANCE #07-19
SECOND READING AND PUBLIC HEARING OF AN ORDINANCE TO AMEND
THE CODE OF THE BOROUGH OF CHATHAM TO DELETE "TELEPHONE
CALL SYSTEM" AND TO INSERT IN ITS PLACE "CENTRAL STATION" IN
CHAPTER 71, SECTION 1 AND TO DELETE "TELEPHONE CALL" AND TO
INSERT "CENTRAL STATION" IN SECTION 4.**

Council Member Crater made a motion to open the public hearing on Ordinance #07-19 seconded by Council Member Fuller, and it was approved unanimously.

No Public Comment.

Council Member Crater moved to close the public hearing and moved adoption of Ordinance #07-19, seconded by Council Member Collander, and it was approved on vote as follows:

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

ORDINANCE #07-20

SECOND READING AND PUBLIC HEARING OF AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF CHATHAM TO ADD A DEFINITION FOR “BUSINESS” IN CHAPTER 136 ENTITLED “FIRE CODE, UNIFORM” AND TO CLARIFY THE EXEMPTION FOR A BUSINESS UNDER SECTION 136-7.

Council Member Crater made a motion to open the public hearing on Ordinance #07-20 seconded by Council Member Fuller, and it was approved unanimously.

No Public Comment.

Council Member Crater moved to close the public hearing and moved adoption of Ordinance #07-20, seconded by Council President Harris, and it was approved on vote as follows:

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

NEW BUSINESS

ORDINANCE #07-21

INTRODUCTION AND FIRST READING OF AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF CHATHAM, TO AMEND CHAPTER 165 THEREOF ENTITLED “LAND DEVELOPMENT REGULATIONS,” SECTION 165-173 THEREOF ENTITLED “VIOLATIONS AND PENALTIES,” TO PROVIDE FOR A SCHEDULE OF PENALTIES FOR CERTAIN PROVISIONS THEREOF FOR A FIRST OFFENSE

Council Member Crater introduced Ordinance # 07-21 on first reading and moved that a public hearing be held on June 11, 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 Fuller.

Council President Harris would like the Planning Board to review Ordinances #07-21 and Ordinance #07-22 before the Council discusses them and votes on them.

Mayor Plambeck asked for a vote. A vote was taken and Ordinance #07-21 was defeated with a vote of 5 to 1, and will be forwarded to the Planning Board for their comments. Council Member Fuller voted yes.

ORDINANCE #07-22

INTRODUCTION AND FIRST READING OF AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF CHATHAM, TO AMEND CHAPTER 221 THEREOF ENTITLED "SIDEWALK DINING," SECTION 221-10 THEREOF ENTITLED "VIOLATIONS AND PENALTIES," TO SPECIFY PENALTIES FOR A FIRST OFFENSE

Council President Harris moved to forward Ordinance #07-22 to the Planning Board for comments prior to introduction, seconded by Council Member Collins. A vote was taken and it was approved unanimously.

ORDINANCE #07-23

INTRODUCTION AND FIRST READING OF AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF CHATHAM, CHAPTER 48 THEREOF ENTITLED "POLICE DEPARTMENT," TO PROVIDE FOR THE DELEGATION OF CERTAIN DUTIES TO THE BOROUGH ADMINISTRATOR AS THE APPROPRIATE AUTHORITY RATHER THAN THE GOVERNING BODY

Council Member Crater introduced Ordinance # 07-23 on first reading and moved that a public hearing be held on June 11, 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 Mikulewicz.

Council President Harris had several questions about the Ordinance. Mayor Plambeck and Bob Falzarano explained.

Mayor Plambeck asked for a vote. A vote was taken and Ordinance #07-23 was introduced with a vote of 5 to 1. Council President Harris voted no.

ORDINANCE #07-24

INTRODUCTION AND FIRST READING OF AN ORDINANCE TO AMEND ORDINANCE #07-07 REGARDING THE GENERAL CAPITAL IMPROVEMENT FUND ADOPTED FEBRUARY 12, 2007.

Council Member Collander introduced Ordinance # 07-24 on first reading and moved that a public hearing be held on June 11, 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 Mikulewicz.

Regular Council Meeting Minutes
May 29, 2007

Council President Harris had several questions about the Ordinance. Mayor Plambeck and Bob Falzarano explained.

Mayor Plambeck asked for a vote. A vote was taken and Ordinance #07-23 was introduced with a vote of 6 to 0.

ORDINANCE #07-25
INTRODUCTION AND FIRST READING OF AN ORDINANCE TO PROVIDE FOR
VARIOUS PURCHASES AND TO MAKE CERTAIN IMPROVEMENTS FOR THE
BOROUGH OF CHATHAM FOR THE YEAR 2007 AND TO APPROPRIATE A
TOTAL AMOUNT OF \$599,908 FROM THE GENERAL CAPITAL FUND

Council Member Collander introduced Ordinance # 07-25 on first reading and moved that a public hearing be held on June 11, 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 Mikulewicz.

Council Member Collander explained what would be purchased with the General Capital Fund.

Mayor Plambeck asked for a vote. A vote was taken and Ordinance #07-25 was introduced with a vote of 6 to 0.

RESOLUTION #07-187
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:

- CONTRACTS: 1. Nelson Easement- Mr. Hague
2. 150 Center Street-Mr. Lloyd
3. St. Paul's Agreement-Mr. Lloyd
4. Koronkiewicz Easement- Mr.Lloyd

The matter(s) discussed will be made known to the public at such time as appropriate action is taken on said matter(s), and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Borough of Chatham, provided such disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege.

Council Member Mikulewicz moved to approve Resolution # 07-187 and Council President Harris seconded. A vote was taken and it was approved unanimously.

Adjourn into Executive Session 10:45 p.m.
Reconvene into Public Session 12:30

Regular Council Meeting Minutes
May 29, 2007

Mayor Plambeck explained Resolution # 07-177

RESOLUTION #07-177

**RESOLUTION TO AUTHORIZE THE MAYOR AND CLERK TO EXECUTE AN
EASEMENT FOR THE GENDEL SITE PLAN LOCATED AT 56-58 RIVER ROAD
AS PROVIDED BY CHATHAM BOROUGH PLANNING BOARD RESOLUTION
NO. PB 2006-12**

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham authorize the Mayor and Clerk to execute an Easement Agreement for the Gendel Site Plan located at 56-58 River Road as provided by Chatham Borough Planning Board Resolution No. PB 2006-12, attached hereto and made a part hereof.

Council Member Collander moved to approve Resolution #07-177; there was no second. Resolution #07-177 was not approved.

Council Member Mikulewicz made a motion to adjourn and Council Member Crater seconded. It was approved unanimously.

Adjourn 12:37 p.m.

Respectfully Submitted:

Susan Caljean
Municipal Clerk