

**AGENDA**  
**July 28, 2014**

**Regular Meeting**  
**Mayor and Borough Council**

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

---

**CALL MEETING TO ORDER**      The meeting will be called to order at 7:30 p.m.

---

**SALUTE TO FLAG**

---

**MOMENT OF SILENCE**

---

**STATEMENT OF ADEQUATE NOTICE**      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, the Chatham Courier, the Chatham Patch, and The Alternative Press, and was filed with the Borough Clerk on January 2, 2014.

---

**ROLL CALL**      Mayor Bruce A. Harris  
Council Member James J. Collander  
Council Member James Lonergan  
Council Member John Holman  
Council President Victoria Fife  
Council Member Gerald J. Helfrich  
Council Member Alida Kass  
Robert J. Falzarano, Borough Administrator  
James L. Lott, Jr., Borough Attorney  
Robin R. Kline, Borough Clerk

---

**RESOLUTION TO ADOPT COUNCIL MEETING MINUTES**  
**RESOLUTION #14-245**

**BE IT RESOLVED** by the Council of the Borough of Chatham that the minutes from the following meeting are approved as prepared and shall be filed as a permanent record in the Borough Clerk's office:

July 14, 2014

**BE IT FURTHER RESOLVED** by the Council of the Borough of Chatham that the minutes from the following Closed Session meeting(s) are approved as prepared and shall be filed as a permanent record in the Borough Clerk's office:

July 14, 2014

---

**DISCUSSION ITEMS**

1. Tree and Hydrant Inventory – Brian Goldstein
  2. Project Pride – Council President Victoria Fife
  3. Recycling Center Update – Council member John Holman
- 

**MEETING OPEN TO THE PUBLIC****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 a reasonable length of time.

---

**REPORTS****COUNCIL COMMITTEES****Budget and Finance****Long Range Traffic & Pedestrian Safety Planning****Public Safety & Emergency Services****Personnel****Public Works Planning****Shared Services & 3<sup>rd</sup> Party Agreements**

Council Member James Lonergan

Council Member James J. Collander

Council Member James J. Collander

Council President Victoria Fife

Council Member John Holman

Council Member Gerald Helfrich

---

**MAYOR'S REPORT**

---

**ADMINISTRATOR'S REPORT**

---

**CONSENT AGENDA**

The following items are considered to be routine by the Chatham Borough 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 #14-246 through Resolution #14-254 have been placed on the Consent Agenda.

---

**RESOLUTION[S] REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE****RESOLUTION(S) #14-**

---

**APPOINTMENTS**

**RESOLUTION #14-246**

**RESOLUTION APPOINTING FRAN DREW FROM AN ALTERNATE NO. 1 MEMBER TO A REGULAR MEMBER OF THE SHADE TREE COMMISSION**

**WHEREAS**, there exists a vacancy on the Chatham Borough Shade Tree Commission due to a recent resignation of a Regular Member; and

**WHEREAS**, N.J.S.A. 40:64-1 sets forth that appointments to the Shade Tree Commission shall be made by the Mayor to serve a 5-year term and vacancies, for whatever reason, shall be filled by the Mayor for the unexpired term; and

**WHEREAS**, Fran Drew, an Alternate No. 1 Member of the Shade Tree Commission has expressed interest in being appointed as a Regular Member; and

**WHEREAS**, Mayor Bruce Harris wishes to appoint Fran Drew as a Regular Member to the Chatham Borough Shade Tree Commission to fill the unexpired 5-year Regular Member position, with such term expiring December 31, 2014.

**BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that it hereby approves and confirms the Mayoral appointment of Fran Drew from an Alternate No. 1 Member to a Regular Member of the Chatham Borough Shade Tree Commission to fill the unexpired 5-year Regular Member position, with such term expiring December 31, 2014.

**RESOLUTION #14-247**

**RESOLUTION APPOINTING CHRISTOPHER JADROW FROM AN ALTERNATE NO. 2 MEMBER TO AN ALTERNATE NO. 1 MEMBER OF THE SHADE TREE COMMISSION**

**WHEREAS**, N.J.S.A. 40:64-1 sets forth that appointments to the Shade Tree Commission shall be made by the Mayor to serve a 5-year term and vacancies, for whatever reason, shall be filled by the Mayor for the unexpired term; and

**WHEREAS**, Christopher Jadrow, an Alternate No. 2 Member of the Chatham Borough Shade Tree Commission has expressed interest in being appointed as an Alternate No. 1 Member; and

**WHEREAS**, Mayor Bruce Harris wishes to appoint Christopher Jadrow as an Alternate No. 1 Member to the Chatham Borough Shade Tree Commission to fill an unexpired 5-year term, with such term expiring December 31, 2017.

**BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that it hereby approves and confirms the Mayoral appointment of Christopher Jadrow from an Alternate No. 2 Member to an Alternate No. 1 Member of the Chatham Borough Shade Tree Commission to fill the unexpired 5-year term, with such term expiring December 31, 2017.

**RESOLUTION #14-248**

**RESOLUTION APPOINTING DEAN WILSON AS AN ALTERNATE NO. 2 MEMBER OF THE SHADE TREE COMMISSION**

**WHEREAS**, N.J.S.A. 40:64-1 sets forth that appointments to the Shade Tree Commission shall be made by the Mayor to serve a 5-year term and vacancies, for whatever reason, shall be filled by the Mayor for the unexpired term; and

**WHEREAS**, Dean Wilson has expressed interest in being appointed as an Alternate No. 2 Member of the Chatham Borough Shade Tree Commission; and

**WHEREAS**, Mayor Bruce Harris wishes to appoint Dean Wilson as the Alternate No. 2 Member to the Chatham Borough Shade Tree Commission to fill an unexpired 5-year term, with such term expiring December 31, 2016.

**BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that it hereby approves and confirms the Mayoral appointment of Dean Wilson as an Alternate No. 2 Member of the Chatham Borough Shade Tree Commission to fill the unexpired 5-year term, with such term expiring December 31, 2016.

---

## **FINANCE**

### **RESOLUTION #14-249**

#### **RESOLUTION TO APPROVE PAYMENT OF VOUCHERS**

**WHEREAS**, vouchers for payment have been submitted to the Borough Council by the various municipal departments.

**BE IT RESOLVED**, by the 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 Director of Finance.

### **RESOLUTION #14-250**

#### **RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, DECLINING THE 2013 SUSTAINABLE JERSEY PROJECT GRANT**

**WHEREAS**, the Borough of Chatham was a 2013 recipient of a Sustainable Jersey Project Grant for the installation of a Level Three Electrical Vehicle Charging Station; and

**WHEREAS**, after receiving price quotes from multiple vendors, the Level Three Electrical Vehicle Charging Station equipment and installation pricing exceeds the amount of funds allocated in the Borough's 2014 municipal budget; and

**WHEREAS**, in light of this budget shortfall, the Mayor and Borough Council wish to decline the 2013 Sustainable Jersey Small Grant Award and withdraw its grant application.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby authorize and direct the Borough Administrator to withdraw the Borough's grant application and decline the 2013 Sustainable Jersey Small Grant Award; and

**BE IT FURTHER RESOLVED**, that the Borough Administrator and Director of Finance are authorized to return the grant funds to Sustainable Jersey.

---

**CONTRACTS**

**RESOLUTION #14-251**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM,  
COUNTY OF MORRIS, NEW JERSEY, CONSENTING TO THE ASSIGNMENT AND  
ASSUMPTION OF SOLID WASTE CONTRACT**

**WHEREAS**, the Borough of Chatham and B & B Disposals, LLC (“B & B”) are parties to a contract commencing March 29, 2011 and ending March 2, 2016 whereby B & B is responsible for the collection, transportation and disposal of residential solid waste within the Borough (the “Contract”); and

**WHEREAS**, B & B proposes to assign the Contract to Suburban Disposal, Inc. (“Suburban”) and Suburban has agreed to assume all duties, obligations and liabilities of B & B under the Contract; and

**WHEREAS**, the Contract provides that B & B may not assign the Contract without the written consent of the Borough; and

**WHEREAS**, B & B has requested that the Borough consent to the assignment and assumption of the Contract to Suburban; and

**WHEREAS**, having reviewed the Assignment and Assumption of Contract the Borough Attorney has recommended that the Mayor and Council consent to the assignment and assumption of the Contract to Suburban; and

**WHEREAS**, the Mayor and Council concurs with the Borough Attorney’s recommendation and wishes to consent to the assignment and assumption of the Contract to Suburban; and

**WHEREAS**, the assignment and assumption of the Contract to Suburban shall be contingent on the submission by Suburban of the performance bond and insurance certificates in a form acceptable to the Borough Attorney and Borough Administrator, as well as any other documents required by the contract.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham in the County of Morris and the State of New Jersey that they hereby consent to the assignment and assumption of the Contract to Suburban; and

**BE IT FURTHER RESOLVED**, that prior to the execution of the Assignment and Assumption of Contract, Suburban shall provide the Borough Administrator with evidence of New Jersey Department of Environmental Protection’s consent to the assignment and assumption of the Contract, as well as, furnish a performance bond and proof of insurance as required by the Contract; and

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to execute the Assignment and Assumption of Contract as reviewed and approved by the Borough Attorney contingent on the submission by Suburban of the performance bond and insurance certificates in a form acceptable to the Borough Attorney and Borough Administrator, as well as any other documents required by the contract; and

**BE IT FURTHER RESOLVED**, that all other Borough officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

---

**RECREATION**

**RESOLUTION #14-252**

**RESOLUTION AMENDING RESOLUTION #14-127 TO ADD END OF SEASON POOL FEES**

**WHEREAS**, on February 24, 2014 the Mayor and Borough Council adopted Resolution #14-127 establishing Pool Fees for the 2014 summer season; and

**WHEREAS**, the Borough Administrator and Deputy Director of Recreation have recommended establishing an End of Season Pool Fee for the final operating month of the Borough Pool, effective Monday, August 4, 2015 through Monday, September 1, 2014, for individuals and senior citizens age 65+; and

**WHEREAS**, the Borough Administrator and Deputy Director of Recreation have further recommended that the end of season pool registration for individuals and senior citizens age 65+ shall not be eligible for online registration.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that Resolution #14-127 adopted on February 24, 2014 is hereby amended to add the following End of Season Pool Fees to be effective Monday, August 4, 2015 through Monday, September 1, 2014, for individuals and senior citizens age 65+:

Pool Fees	2014 End of Season Fee
<b>Fees for Chatham Borough Residents:</b>	
Individual	\$80
Senior age 65+	\$35
<b>Fees for Chatham Township Residents</b>	
Individual	\$120
Senior age 65+	\$65

and,

**BE IT FURTHER RESOLVED**, that the end of season pool registration for individuals and senior citizens age 65+ shall not be eligible for online registration.

---

**OTHER**

**RESOLUTION #14-253**

**RESOLUTION AMENDING RESOLUTION #14-112 TO AMEND THE HOURS OF THE CHATHAM ATHLETIC FOUNDATION GALA TO BE HELD SATURDAY, SEPTEMBER 27, 2014**

**WHEREAS**, on February 10, 2014 the Mayor and Borough Council adopted Resolution #14-112 authorizing the Chatham Athletic Foundation Gala to be held in Reasoner Park and Firehouse Plaza from Fairmount Avenue to the driveway to the parking lot on the north side of Firehouse Plaza and the North Railroad Parking Lot on Saturday, September 27, 2014 from the hours of 2:00 p.m. until 12:00 a.m.; and

**WHEREAS**, in efforts to boost attendance and fundraising potential for this annual event, the Chatham Athletic Foundation (CAF) has sought approval from the Mayor and Borough Council to extend the hours of its gala event on Saturday, September 27, 2014 from the hours of 2:00 p.m. until 12:30 a.m.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that it hereby grants permission to the CAF to extend the hours of the Chatham Athletic Foundation Gala to be held Saturday, September 27, 2014 from the hours of 2:00 p.m. until 12:30 a.m.; and

**BE IT FURTHER RESOLVED**, that Resolution #14-112 adopted on February 10, 2014 is hereby amended to amend the hours of the Chatham Athletic Foundation Gala as stated herein.

**RESOLUTION #14-254**

**RESOLUTION ESTABLISHING A PERMIT FEE PURSUANT TO CHAPTER 139-10 OF THE CODE OF THE BOROUGH OF CHATHAM**

**WHEREAS**, Chapter 139-10 of the Borough Code exempts residents parking a vehicle in front of his/her own home and caregivers parking a vehicle in the area in which the resident receiving care resides from the time limit parking restrictions set forth in Schedule IV of the Borough Code upon the issuance by the Borough of the appropriate permit or decal; and

**WHEREAS**, Chapter 139-10 provides that the fees required for any such permit or decal shall be set annually by resolution of the Mayor and Borough Council; and

**WHEREAS**, the Mayor and Borough Council wish to establish the fee of \$10.00 for any such permit or decal issued pursuant to Chapter 139-10.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the fee for any permit or decal issued pursuant to Chapter 139-10 of the Code of the Borough of Chatham for residents parking a vehicle in front of his/her own home and caregivers parking a vehicle in the area in which the resident receiving care resides shall be ten dollars (\$10.00); and

**BE IT FURTHER RESOLVED**, that all other Borough officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

---

**CONSENT AGENDA VOTE:**

Mayor Harris asks Council Member \_\_\_\_\_ to proceed with the Resolutions listed on the Consent agenda. Resolutions #14-246 through #14-254.

Council Member \_\_\_\_\_: I hereby make a motion to approve the resolutions on this evening's Consent Agenda by consent of the Council.

Seconded by Council Member: \_\_\_\_\_

---

Mayor Harris asks Council Member Lonagan to proceed with Resolution #14-255

Council Member Lonagan reads Resolution #14-255 entitled:

**RESOLUTION #14-255**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF CHATHAM AND RATIFYING ACTIONS TAKEN BY THE MAYOR, BOROUGH CLERK, DIRECTOR OF FINANCE AND OTHER BOROUGH OFFICIALS TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$2,764,530 BOND ANTICIPATION NOTE AND A \$68,976 SPECIAL EMERGENCY NOTE, BOTH ISSUES DATED JULY 23, 2014 AND PAYABLE JULY 23, 2015, AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.**

**WHEREAS**, the Borough of Chatham, in the County of Morris, New Jersey (the "Borough") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

**WHEREAS**, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others that require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

**WHEREAS**, the Borough issued a \$2,764,530 bond anticipation note and a \$68,976 special emergency note, both issues dated July 23, 2014 and payable July 23, 2015 (collectively, the "Notes"); and

**WHEREAS**, the Notes are designated "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code.

**BE IT RESOLVED**, by the Borough Council of the Borough of Chatham, in the County of Morris, New Jersey, that they hereby ratify the actions taken by the Mayor, Borough Clerk, Director of Finance, and other Borough officials for the issuance of a \$2,764,530 bond anticipation note and a \$68,976 special emergency note, both issues dated July 23, 2014 as follows:

**SECTION 1.** The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on the Notes be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

**SECTION 2.** The Mayor, Borough Clerk, Director of Finance and the other officials of the Borough are authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

**SECTION 3.** The Notes are hereby designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.



**SECTION 4.** It is hereby determined and stated that (1) said Notes are not "private activity bonds" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2014.

**SECTION 5.** It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Notes) during the calendar year 2014.

**SECTION 6.** The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

**SECTION 7.** The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Notes and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2014 dated as of the date of delivery of the Notes.

**SECTION 8.** This resolution shall take effect immediately upon its adoption.

**VOTE ON RESOLUTION #14-255**

Mayor Harris asks Council Member Lonergan to proceed with a motion to approve Resolution #14-255.

Council Member Lonergan: I hereby make a motion to approve Resolution #14-255.

Seconded by Council Member \_\_\_\_\_ .

Mayor Harris asks the Clerk for a Roll Call Vote.

Name	Motion	Second	Yes	No	Abstain	Absent
Collander						
Lonergan						
Holman						
Fife						
Helfrich						
Kass						

Mayor Harris: I declare this Resolution adopted and request the Clerk to take the necessary action to certify the adoption of this Resolution memorializing those Council Members present and roll call vote and to permanently record the Resolution.

**ADD-ON RESOLUTIONS**

**RESOLUTION TO ADJOURN INTO CLOSED SESSION**

**RESOLUTION #14-256**

**BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that it shall adjourn into closed 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. Joint Recreation – Council Member Lonergan  
                  2. Jurisdiction Agreement with the Library – Mayor Harris

- Personnel:     1. Chief’s Attendance at FBI Academy – Council Member Collander

and,

**BE IT FURTHER RESOLVED**, that 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. The Borough Council will not return to public session after this closed session.

---

**ADJOURNMENT**