

AGENDA
June 13, 2016

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 the Open Public Meetings Act, 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 Borough Hall, emailed to the Daily Record, the Star Ledger, the Chatham Courier, the Chatham Patch, and The Alternative Press and filed with the Borough Clerk, all on January 11, 2016.

ROLL CALL

Mayor Bruce A. Harris
Council Member James J. Collander
Council President James Lonergan
Council Member Victoria Fife
Council Member Gerald J. Helfrich
Council Member Leonard Resto
Council Member Peter Hoffman
Robert J. Falzarano, Borough Administrator
James L. Lott, Jr., Borough Attorney
Robin R. Kline, Borough Clerk

RESOLUTION (APPOINTMENT)

RESOLUTION #16-212

**RESOLUTION APPOINTING ALEX CHIN AS A MEMBER OF THE JUNIOR FIREMEN'S
AUXILIARY COMPANY OF THE CHATHAM BOROUGH VOLUNTEER FIRE
DEPARTMENT**

WHEREAS, Section 15-24 of the Borough Code established a Junior Firemen's Auxiliary Company to the Chatham Fire Department; and

WHEREAS, the Mayor and Council of the Borough of Chatham recognize the valuable contributions volunteer firefighters make to our community every day of every year; and

WHEREAS, Alex Chin has expressed interest in becoming a member of the Junior Firemen's Auxiliary Company of the Chatham Borough Volunteer Fire Department; and

WHEREAS, the Fire Chief has recommended that Alex Chin be appointed as a member of the Junior Firemen's Auxiliary Company.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Alex Chin is hereby appointed as a member of the Junior Firemen's Auxiliary Company of the Chatham Borough Volunteer Fire Department.

RESOLUTION #16-213

RESOLUTION TO ADOPT COUNCIL MEETING MINUTES

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:

May 23, 2016

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:

May 23, 2016

DISCUSSION ITEMS

1. BAN Sale – Mr. Tim Day, Chief Financial Officer
2. Morris County Trail Grant – Council Member Len Resto

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

Board & Commission Members & Liaison Reports

Affordable Housing Advisory Committee

Mayor Bruce A. Harris
Council Member James J. Collander
Council Member Victoria Fife

Open Space & Historic Preservation Trust Advisory Committee

Mayor Bruce A. Harris
Council Member Leonard Resto

Traffic & Pedestrian Safety Advisory Committee Shade Tree Commission

Council Member James J. Collander
Council Member James J. Collander

Communications & Technology Advisory Committee Joint Recreation Advisory Committee Municipal Pool Advisory Committee

Council President James Lonergan
Council President James Lonergan
Council President James Lonergan

Farmers' Market Advisory Committee Mayors' Wellness Committee MyChathamNJ Advisory Committee

Council Member Victoria Fife
Council Member Victoria Fife
Council Member Victoria Fife

Planning Board
Project Community Pride
Senior Center of the Chathams

9/11 Memorial Advisory Committee
Board of Education
Joint Municipal Court
Municipal Alliance of the Chathams

Environmental Commission
Joint Community Gardens Advisory Committee
Madison-Chatham Joint Meeting
Pilgrim Pipeline Advisory Committee
Public Arts Council Advisory Committee

Board of Health
Historic Preservation Commission

Council Member Victoria Fife
Council Member Victoria Fife
Council Member Victoria Fife

Council Member Gerald J. Helfrich
Council Member Gerald J. Helfrich
Council Member Gerald J. Helfrich
Council Member Gerald J. Helfrich

Council Member Leonard Resto
Council Member Leonard Resto
Council Member Leonard Resto
Council Member Leonard Resto
Council Member Leonard Resto

Council Member Peter Hoffman
Council Member Peter Hoffman

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 #16-214 through Resolution #16-224 have been placed on the Consent Agenda.

RESOLUTION[S] REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE

RESOLUTION #16-

CONTRACTS

RESOLUTION #16-214

RESOLUTION AUTHORIZING THE PURCHASE OF ONE BOBCAT COMPACT EXCAVATOR FOR THE DEPARTMENT OF PUBLIC WORKS, IN THE AMOUNT NOT TO EXCEED \$72,758.97

WHEREAS, there is a the need to purchase one (1) E50 T4 Bobcat Compact Excavator for the Department of Public Works; and

WHEREAS, each year the Borough realizes cost savings by purchasing equipment and materials through county cooperative pricing systems; and

WHEREAS, the Borough is a member of the Bergen County Co-op Purchasing and Pricing System (CK04-BERGEN); and

WHEREAS, the Public Works Director has received a quotation for the purchase one (1) E50 T4 Bobcat Compact Excavator through the Bergen County Co-op Purchasing and Pricing System (CK04-BERGEN) in the amount of \$72,758.97; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract in Water Capital account W-06-55-916-303.

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that they hereby authorize the purchase of one (1) E50 T4 Bobcat Compact Excavator for the Department of Public Works through the Bergen County Co-op Purchasing and Pricing System (CK04-BERGEN), in the amount of \$72,758.97; and

BE IT FURTHER RESOLVED, 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.

RESOLUTION #16-215

RESOLUTION AWARDING A CONTRACT FOR THE LEASE OF COPIER EQUIPMENT TO RICOH USA, INC.

WHEREAS, there exists a need to lease copier equipment for Borough use; and

WHEREAS, the Borough solicited proposals from Konica Minolta, Ricoh USA, Inc. and Toshiba for the lease of said equipment; and

WHEREAS, upon the review of all proposals, the Borough's Chief Financial Officer has recommended the proposal submitted by Ricoh USA, Inc. ("Ricoh") dated April 27, 2016 for the lease of six (6) copier/printer fax multi-function machines for various Borough departments and one (1) additional copier/printer fax multi-function machine for the Police Department; and

WHEREAS, the lease term is 60 months commencing August 2016 with a monthly lease amount of \$1,116.68 per month; and

WHEREAS, the lease includes 40,000 black and white copies monthly (black and white overages \$.0065 each) and color copies at \$.0420 each and all maintenance and supplies except paper; and

WHEREAS, this lease is awarded pursuant to Ricoh's New Jersey State Contract #40467; and

WHEREAS, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a State contract; and

WHEREAS, upon the recommendation of the Borough's Chief Financial Officer, the Mayor and Borough Council wish to authorize the execution of a lease with Ricoh; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

WHEREAS, as this is a multi-year lease agreement, for the additional calendar years it is contingent upon the adoption of temporary and/or permanent budgets for those years; and

WHEREAS, the Chief Financial Officer has confirmed that sufficient funds are available in Current Fund Account #6-01-20-100-212 for the award of this contract.

BE IT RESOLVED, by the Council of the Borough of Chatham that the Mayor is hereby authorized to execute a lease agreement with Ricoh USA, Inc. in accordance with this Resolution and Ricoh's proposal dated April 27, 2016; 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.

FINANCE

RESOLUTION #16-216

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 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 #16-217

RESOLUTION AUTHORIZING REFUND FOR PROPERTY TAX OVERPAYMENT

WHEREAS, the Tax Collector for the Borough of Chatham has advised that an overpayment was made at the time of the mortgage refinance closing resulting in an overpayment of property taxes; and

WHEREAS, the Tax Collector has further advised that a refund for the duplicate property tax overpayment is to be made as follows:

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR</u>
129=24	Hillman, David & Niamh 48 Parrott Mill Road Make check payable & mail to: Hillman, David & Niamh 48 Parrott Mill Road Chatham, NJ 07928	\$73.87	2013/3Qtr.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Borough Tax Collector to process a refund for the duplicate overpayment of property taxes as herein referenced.

RESOLUTION #16-218

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2010, 2011, 2012, 2013, 2014, 2015 AND 2016 TAX APPEALS ENTITLED, DRISCOLL PROPERTIES LP V. BOROUGH OF CHATHAM, DOCKET NOS.: 009666-2010; 006640-2011; 010646-2012; 007526-2013; 007036-2014; 004170-2015; 005826-2016 OF THE TAX ASSESSMENT OF BLOCK 91, LOT 3, KNOWN AS 44 FAIRMOUNT AVENUE IN THE BOROUGH OF CHATHAM, MORRIS COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessment for tax years 2010, 2011, 2012, 2013, 2014, 2015 and 2016 on Block 91, Lot 3 have been filed by the taxpayer, Driscoll Properties LP; and

WHEREAS, the proposed Stipulation of Settlement, as provided and attached hereto, has been reviewed and recommended by the Borough Tax Assessor and the Municipal Tax Attorney; and

WHEREAS, the settlement of said matter as more fully set forth below is in the best interest of the Borough of Chatham.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham as follows:

1. Settlement of the 2010 and 2011 tax appeals are hereby authorized as follows:

44 Fairmount Avenue

Block 91, Lot 3

Years: 2010, 2011

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 612,800	N/A	WITHDRAWN
Imprvts:	\$ 414,700	N/A	WITHDRAWN
Total:	\$1,027,500	N/A	WITHDRAWN

2. Settlement of the 2012-2016 tax appeals are hereby authorized as follows:

44 Fairmount Avenue

Block 91, Lot 3

Years: 2012, 2013, 2014, 2015, 2016

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 612,800	N/A	\$ 612,800
Imprvts:	\$ 414,700	N/A	\$ 231,500
Total:	\$1,027,500	N/A	\$ 844,300

And,

BE IT FURTHER RESOLVED, that the Municipal Tax Attorney is hereby authorized to enter into the Stipulation of Settlement; and

BE IT FURTHER RESOLVED, 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.

RESOLUTION #16-219

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2010, 2011, 2012, 2013, 2014, 2015 AND 2016 TAX APPEALS ENTITLED, DRISCOLL PROPERTIES LP V. BOROUGH OF CHATHAM, DOCKET NOS.: 009664-2010; 006641-2011; 010627-2012; 006969-2013; 007042-2014; 004177-2015; AND 005829-2016 OF THE TAX ASSESSMENT OF BLOCK 85, LOT 16, KNOWN AS 10 FAIRMOUNT AVENUE IN THE BOROUGH OF CHATHAM, MORRIS COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessment for tax years 2010, 2011, 2012, 2013, 2014, 2015 and 2016 on Block 85, Lot 16 have been filed by the Taxpayer, Driscoll Properties LP; and

WHEREAS, the proposed Stipulation of Settlement, as provided and attached hereto, has been reviewed and recommended by the Borough Tax Assessor and the Municipal Tax Attorney; and

WHEREAS, the settlement of said matter as more fully set forth below is in the best interest of the Borough of Chatham.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham as follows:

1. Settlement of the 2010 and 2011 tax appeals are hereby authorized as follows:

10 Fairmount Avenue

Block 85, Lot 16

Years: 2010, 2011

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 269,900	N/A	WITHDRAWN
Imprvts:	\$ 989,000	N/A	WITHDRAWN
Total:	\$1,258,900	N/A	WITHDRAWN

2. Settlement of the 2012-2016 tax appeals are hereby authorized as follows:

10 Fairmount Avenue

Block 85, Lot 16

Years: 2012, 2013, 2014, 2015, 2016

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 269,900	N/A	\$ 269,000
Imprvts:	\$ 989,000	N/A	\$ 800,100
Total:	\$1,258,900	N/A	\$1,070,000

And,

BE IT FURTHER RESOLVED, that the Municipal Tax Attorney is hereby authorized to enter into the Stipulation of Settlement; and

BE IT FURTHER RESOLVED, 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.

RESOLUTION #16-220

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2010, 2011, 2012, 2013, 2014, 2015 AND 2016 TAX APPEALS ENTITLED, DRISCOLL PROPERTIES LP V. BOROUGH OF CHATHAM, DOCKET NOS.: 009664-2010; 006641-2011; 010627-2012; 006969-2013; 007042-2014; 004177-2015; AND 005829-2016 OF THE TAX ASSESSMENT OF BLOCK 85, LOT 14, KNOWN AS 283 MAIN STREET IN THE BOROUGH OF CHATHAM, MORRIS COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessment for tax years 2010, 2011, 2012, 2013, 2014, 2015 and 2016 on Block 85, Lot 14 have been filed by the Taxpayer, Driscoll Properties LP; and

WHEREAS, the proposed Stipulation of Settlement, as provided and attached hereto, has been reviewed and recommended by the Borough Tax Assessor and the Municipal Tax Attorney; and

WHEREAS, the settlement of said matter as more fully set forth below is in the best interest of the Borough of Chatham.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham as follows:

1. Settlement of the 2010 and 2011 tax appeals are hereby authorized as follows:

283 Main Street
Block 85, Lot 14

Years: 2010, 2011

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 416,000	N/A	WITHDRAWN
Imprvts:	\$ 857,300	N/A	WITHDRAWN
Total:	\$1,273,300	N/A	WITHDRAWN

2. Settlement of the 2012 tax appeal is hereby authorized as follows:

283 Main Street
Block 85, Lot 14

Years: 2012

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 416,000	N/A	\$ 416,000
Imprvts:	\$ 857,300	N/A	\$ 674,000
Total:	\$1,273,300	N/A	\$1,090,000

3. Settlement of the 2013-2016 tax appeals are hereby authorized as follows:

283 Main Street
Block 85, Lot 14

Years: 2013, 2014, 2015, 2016

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 416,000	N/A	\$ 416,000
Imprvts:	\$ 781,100	N/A	\$ 674,000
Total:	\$1,197,100	N/A	\$1,090,000

And,

BE IT FURTHER RESOLVED, that the Municipal Tax Attorney is hereby authorized to enter into the Stipulation of Settlement; and

BE IT FURTHER RESOLVED, 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.

RESOLUTION #16-221

RESOLUTION AUTHORIZING THE CANCELLATION OF CERTAIN UNEXPENDED CAPITAL APPROPRIATION BALANCES

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects that have been completed; and

WHEREAS, N.J.S.A. 40A:4-60 provides for the cancellation of part, or all, of the unexpended balances for budgeted appropriations; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to the Fund Balance and unused debt authorizations may be cancelled.

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that in accordance with the N.J.S.A. 40A:4-60, the following appropriations are hereby cancelled:

<u>Ord.</u> <u>Number</u>	<u>Date</u> <u>Auth.</u>	<u>GENERAL CAPITAL</u> <u>Purpose</u>	<u>Amount</u>
12-06	4/23/12	Road Projects	\$11,720.30
14-04	4/28/14	DPW Fluoride Monitoring and Equipment	\$26,422.97
15-05	4/27/15	Town Hall, Police & DPW Improvements	<u>\$3,149.56</u>
Total Cancelled			\$41,292.83

<u>Ord.</u> <u>Number</u>	<u>Date</u> <u>Auth.</u>	<u>WATER UTILITY CAPITAL</u> <u>Purpose</u>	<u>Amount</u>
12-07	4/23/12	Road Projects	\$29.43
13-08	3/25/13	Water Line on Watchung Ave & Various Equipment	\$102,058.89
14-05	4/28/14	Various Tools and Equipment	\$3,184.03
15-06	4/27/15	Various Equipment & Fencing	<u>\$3,650.82</u>
Total Cancelled			\$108,923.17

And;

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Chief Financial Officer.

BOARDS, COMMISSIONS & COMMITTEES

RESOLUTION #16-222

RESOLUTION APPOINTING KARA SIBILIA TO THE CHATHAM BOROUGH FARMERS' MARKET ADVISORY COMMITTEE

WHEREAS, Resolution #16-13, adopted by the Borough Council on January 4, 2016, re-established the Chatham Borough Farmers' Market Advisory Committee; and

WHEREAS, Kara Sibiliala has expressed interest in being appointed to the Chatham Borough Farmers' Market Advisory Committee and has submitted a Volunteer Application to the Mayor and Borough Council for consideration.

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Chatham that Kara Sibiliala is hereby appointed to the Chatham Borough Farmers' Market Advisory Committee; and

BE IT FURTHER RESOLVED, 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.

OTHER

RESOLUTION #16-223

APPROVING THE RENEWAL OF LIQUOR LICENSES FOR THE 2016-2017 LICENSING TERM

WHEREAS, applications have been filed by holders of liquor licenses in the Borough of Chatham seeking the renewal of their licenses for the 2016-2017 licensing term; and

WHEREAS, inspections were conducted at each of the licensee's premises in accordance with N.J.S.A. 33:1-24 and the Borough of Chatham Board of Health regulations; and

WHEREAS, the Chatham Borough Police Department prepared an annual investigation report, which reported no items of concern; and

WHEREAS, the Borough Clerk reported no objections were filed, either written or in person, with respect to the renewal of any liquor license in the Borough; and

WHEREAS, the Borough Clerk confirmed that each of the following liquor license renewal applications are complete in all respects, that all required fees have been paid, and that Tax Clearance Certificates have been issued by the New Jersey Division of Taxation:

PLENARY RETAIL CONSUMPTION LICENSES

1404-33-008-001	Charley's Aunt Inc.
1404-33-002-005	Chatham Towne Tavern, Inc. t/a River Grille
1404-33-006-009	Jamnan, Inc. t/a Restaurant Serenade
1404-33-007-004	Jesus Saves, Inc. t/a Scalini Fedeli

PLENARY RETAIL DISTRIBUTION LICENSES

1404-44-001-006	OMGS LLC t/a Cottage Deli
1404-44-003-009	Chatham Bottle King, Inc.
1404-44-004-005	Srinidhi Liquors LLC (inactive)

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they are hereby satisfied that all requirements for the renewal of said liquor licenses have been met and approve the renewal of the herein referenced liquor licenses for the 2016-2017 licensing term; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to file a certified copy of this Resolution with the Director of the Division of Alcoholic Beverage Control; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to issue liquor licenses for the 2016-2017 licensing term on the form and certificate approved by the Alcoholic Beverage Control Commission in the State of New Jersey for each of the herein referenced liquor licenses.

RESOLUTION #16-224

RESOLUTION REQUESTING THE BOROUGH OF MADISON TO AUTHORIZE THE MADISON DEPARTMENT OF HEALTH TO SUBMIT AN APPLICATION FOR PHASE 2 OF THE GROTTA FUND FOR SENIOR CARE AGE FRIENDLY COMMUNITIES GRANT ON BEHALF OF THE MADISON/CHATHAM TRI-TOWN 55+ COALITION FOR AGE FRIENDLY COMMUNITIES

WHEREAS, The Madison/Chatham Tri-Town 55+ Coalition for Age Friendly Communities (the "Coalition") has met all requirements in Phase I of the Grotta Fund for Senior Care to apply for the \$75,000 Phase 2 Age Friendly Communities Grant (the "Grant") on behalf of the communities of Madison Borough, Chatham Borough and Chatham Township; and

WHEREAS, the Coalition will function to assess the assets and needs of these communities to become or maintain age friendly status; and

WHEREAS, the Grant will run in two parts for up to \$25,000 from October 1, 2016 through December 31, 2016 in Part A and up to \$75,000 (less the amount spent in Part A) from January 1, 2017 through September 30, 2017 for Part B, and will be renewable for two additional years; and

WHEREAS, there is a 100% match request that will be met through existing resources and in-kind donations and will not require additional funds from any of the involved communities; and

WHEREAS, additional resources will need to be included in the Madison Department of Health's budget, in an amount not to exceed \$75,000, which will be reimbursed by way of this Grant, should the application be successful.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, County of Morris, in the State of New Jersey that it hereby requests the governing body of the Borough of Madison to authorize the Madison Department of Health to submit an application for the \$75,000 Phase 2 of the Grotto Fund for Senior Care Age Friendly Communities Grant on behalf of the Madison/Chatham Tri-town 55+ Coalition for Age Friendly Communities; 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 #16-214 through #16-224.

Council Member _____: I would like to make a motion to approve the resolutions placed on this evening's Consent Agenda by consent of the Council.

Seconded by Council Member:_____.

RESOLUTION REQUIRING SEPARATE ACTION AND VOTE

RESOLUTION 16-225

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 AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$5,200,000 BOND ANTICIPATION NOTE ISSUE TO BE DATED JUNE 30, 2016 AND PAYABLE FEBRUARY 17, 2017 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, which 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 intends to issue a \$5,200,000 bond anticipation note issue dated June 30, 2016 and payable February 17, 2017 (collectively, the "Notes"); and

WHEREAS, the Borough desires to designate the Notes as "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, 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, Chief Financial Officer and the other officials of the Borough are hereby 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 2016.

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 2016.

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 2016 dated as of the date of delivery of the Notes.

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

Mayor Harris asks the Borough Clerk for a roll call vote.

Name	Motion	Second	Yes	No	Abstain	Absent
Collander						
Loneragan						
Fife						
Helfrich						
Resto						
Hoffman						

ADD-ON RESOLUTIONS

RESOLUTION #16-226

RESOLUTION TO ADJOURN INTO CLOSED SESSION

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:

- Contract Matters: 1. Municipal Auditor – Council President Lonergan
 2. ECLC Lease Extension – Mr. Falzarano
- Attorney-Client Privilege: 1. Property Easement – Mr. Lott
- Litigation Matter: 1. Affordable Housing Declaratory Action – Mr. Lott

BE IT FURTHER RESOLVED, 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