

Regular Council Meeting Minutes  
February 25, 2013

**REGULAR COUNCIL MEETING**  
**February 25, 2013      7:30 p.m.**

The Regular Council Meeting of the Borough of Chatham was held on Monday February 25, 2013 beginning at 7:30 p.m. in the Council Chambers, in the Municipal Building.

The meeting was called to order at 7:30 p.m.; Mayor Bruce A. Harris presiding.

Boy Scout Troop #28 led the Borough Council in the salute to the flag.

Mayor Harris asked for a moment of silence for those people who have given their lives for this country; and Council Member Holman who lost a family member this week.

Susan Caljean, Municipal Clerk read the 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, e-mailed to the Independent Press, the Morris County Daily Record, the Star Ledger, and Chatham Courier, the Chatham Patch, and Alternative Press and filed with the Borough Clerk, all on January 4, 2013.

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

Mayor Bruce A. Harris  
Council Member James J. Collander\*  
Council Member James Lonergan  
Council Member John Holman\*\*  
Council President Leonard Resto  
Council Member Victoria Fife\*\*\*  
Council Member Gerald J. Helfrich  
Robert J. Falzarano, Borough Administrator  
James L. Lott, Jr., Borough Attorney  
Susan Caljean, Municipal Clerk

\*by speakerphone

\*\*arrived 7:40 pm

\*\*\*absent

Mayor Harris read a letter from Governor Christie that came with the US flag that was flown over ground zero on the 10<sup>th</sup> anniversary of the terrorist attack on 9/11. donated to Mayor Harris and hung in the Council Chambers.

Mayor Harris read the following Proclamation:

**PROCLAMATION TO RECOGNIZE THE CHATHAM BOROUGH POLICE  
DEPARTMENT FOR 100 YEARS OF DEDICATED SERVICE**

**WHEREAS**, the ordinance to regulate and control the Police Department of the Borough of Chatham, Morris County New Jersey was approved September 2, 1913; and

**WHEREAS**, the Chatham Borough Police Department will celebrate one hundred years of dedicated service to the community on September 2, 2013; and

**WHEREAS**, Frank Heater was appointed to serve as the first Captain of Police on September 2, 1913; and

**WHEREAS**, John J. Burke of Newark, New Jersey was appointed acting Chief of Police on April 1, 1930; and

**WHEREAS**, on June 6, 1932 the Police Ordinance was amended to provide for the position of Chief of Police; and

**WHEREAS**, John J. Burke was appointed Chief of Police on July 5, 1932; and

**WHEREAS**, the Chatham Borough Police Department has grown from one fulltime Police Officer in 1913 to eighteen fulltime Officers today; and

**WHEREAS**, the Police Department has helped to shape our community and provide for a safe and comfortable environment for all who live, work and visit Chatham Borough; and

**WHEREAS**, the Mayor and Council honor those who founded the Chatham Borough Police Department and those who have served over the past century with a dedicated commitment and honor to duty; and

**WHEREAS**, the Mayor and Council would also like to acknowledge the steadfast and selfless service of those who provide police protection to the Borough at this time;

**BE IT RESOLVED**, that the week of October 7-12, 2013, is hereby declared **POLICE WEEK** in the Borough of Chatham; and

**BE IT FURTHER RESOLVED**, that Saturday October 12, 2013, be declared Open House Day at Police Headquarters wherein the public is invited to an escorted visit.

**BE IT FURTHER RESOLVED, I, BRUCE A. HARRIS**, Mayor of the Borough of Chatham do hereby congratulate and thank all past and present members of the Chatham Borough Police Department for making Chatham a better place!

Mayor Harris presented Chief Crosson with a framed copy of the Proclamation.

Chief Crosson stated there will be other events in the upcoming year to commemorate the Police Department's anniversary. They are developing a website.

**RESOLUTION #13-125**  
**RESOLUTION SUPPORTING SUSTAINABLE STATE FUNDING FOR THE**  
**PRESERVATION AND STEWARDSHIP OF OPEN SPACE, PARKS, FARMLAND AND**  
**HISTORIC SITES IN THE STATE OF NEW JERSEY**

**WHEREAS**, New Jersey has a long and successful history of preserving open space, parks, farmland, and historic sites; and

**WHEREAS**, the Green Acres program has helped to preserve over 650,000 acres of land and supported more than 1,100 park development projects over the past 50 years, and the state Agricultural Development Committee has preserved 200,000 acres ; and

**WHEREAS**, all remaining funds for these programs under the Green Acres, Water Supply and Floodplain Protection, Farmland and Historic Preservation Bond Act of 2009 were fully allocated by the end of 2012; and

**WHEREAS**, municipalities across the state of New Jersey have been direct beneficiaries of, and partners to, these critical state preservation programs; and

**WHEREAS**, substantial unmet needs remain for additional land and water protection, park development, and farmland and historic preservation, for the health and welfare of all our communities and residents; and

**WHEREAS**, it is imperative that a sustainable state funding source be established in order to sustain open space, farmland, and historic preservation programs beyond the 2009 Bond Act; and

**BE IT RESOLVED**, that the Mayor and Borough Council of the Borough of Chatham, County of Morris, state of New Jersey hereby expresses support for the establishment of a sustainable state funding source for these purposes; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be transmitted to the New Jersey State League of Municipalities, State Senator Thomas H. Kean, Jr., Assemblyman

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Jon Bramnick, Assemblywoman Nancy Munoz, the members of the Senate Environment and Energy Committee, the Assembly Environment and Solid Waste Committee, the Commissioner of the Department of Environmental Protection, the New Jersey Secretary of Agriculture and the Governor of the state of New Jersey.

Council President Resto moved Resolution #12-125, seconded by Council Member Helfrich. A vote was taken and it was approved unanimously.

**RESOLUTION #13-126**  
**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, February 11, 2013

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Executive Session minutes be adopted herein as approved and redacted by the Borough Attorney:

Executive Sessions, January 7 & 28, 2013  
Executive Session, February 11, 2013

Council Member Helfrich moved Resolution #12-126, seconded by Council Member Loneran. A vote was taken and it was approved unanimously.

**DISCUSSION ITEMS**

OEM Capital - Steve Williams explained some additional capital budget items required to move the OEM operating center to the Council Chambers. Mr. Williams explained the advantages. The cost would be approximately \$61,000.00.

Capital Budget Presentation- Mr. Falzarano stated the Finance Committee started work on the budget last July 2012. The budget will be introduced on March 11<sup>th</sup>, advertised on March 21<sup>st</sup> and adopted April 8<sup>th</sup>. Mr. Falzarano explained the capital improvements made over the last 20 years; \$245,000.00 spent on engineering projects consisting of road and drainage improvements, improvements to the pool and micro-surfacing. The total capital budget for 2013 is approximately \$758,000.00. Some of the funding will be offset by money saved on projects done last year.

Conservation of Public Lands (Rezone)- Mr. DeNave stated the Borough has 42 pieces of vacant land; the Borough is considering selling 2 of these lots. Mr. DeNave is reviewing the uses of property in the M zone, which is Commerce Street and River Road. Mr. DeNave is reviewing the list of known environmental lots. He has discovered some discrepancies with the Green Acres

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sites listed by the state. He is working on correcting these. He will give the Council a list of properties to consider rezoning to a conservation zone.

Overnight Parking- Mr. Resto stated the Committee will meet tomorrow night with the Borough Attorney to review the recommendations they will make to the Council. Mr. Resto reviewed the reasons for changing the existing parking ordinance. Mr. Resto stated the Borough has no jurisdiction over county and state roads in the Borough. Mr. Resto explained the two solutions to the parking problem; one solution would be a permit system, another solution would be a coupon system.

## **MEETING OPEN TO THE PUBLIC**

### **NOTICE OF PUBLIC COMMENT**

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.

Mayor Harris opened the meeting to the public.

Mary Rohe of 65 Highland Avenue stated the skate park in Chatham Township has been closed because it needs some repairs. Ms. Rohe asked the Council to contribute to the refurbishing of the skate park; the cost will be approximately \$15,000.00. The CAF has donated \$5, 000.00; they have received donations from residents in the Township and Borough.

Mayor Harris closed the meeting to the public.

### **Council Liaison Reports**

#### Affordable Housing Advisory Committee

Mayor Bruce A. Harris had nothing new to report.

#### Communications Technology Advisory Committee

Mayor Bruce A. Harris reported the Committee will meet next week; they are discussing a marketing plan for the Everbridge System.

#### Community Gardens Advisory Committee

Leonard Resto stated the meeting scheduled for this Wednesday has been postponed until mid-March.

#### Environmental Commission

Leonard Resto reported the trail clean up on April 20<sup>th</sup> will be at Stanley Park and Shepard Kollock Park.

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Overnight Parking Advisory Committee

Leonard Resto reported earlier in the meeting.

Public Arts Council Advisory Committee

Leonard Resto stated the Committee is ready to do the mural under the underpass on Fairmount Avenue.

Cares & Shares Advisory Committee

James Lonergan stated the Committee will meet for the first time this year on Thursday.

Municipal Pool Advisory Committee

James Lonergan reported the Committee wants to track the membership; how many members and how often they go to the pool.

Joint Recreation Advisory Committee

James Lonergan reported the Varsity Girl's Swim Team won the County Title. The Varsity Men's Basketball Team lost to Mt. Olive at the County.

Shade Tree Commission

James Lonergan had nothing new to report.

Board of Health

John Holman had nothing new to report.

Farmers' Market Advisory Committee

John Holman had nothing new to report.

Madison Chatham Joint Meeting

John Holman reported they are working with the administrators from both towns on infrastructure projects and funding.

Mayors' Wellness Committee

Victoria Fife - absent

Project Community Pride

Victoria Fife - absent

Chamber of Commerce

Victoria Fife - absent

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Planning Board

Mayor Harris reported that the subcommittee is continuing their work on the M - District. They made a tour of the area.

Senior Center of the Chathams

Victoria Fife - absent

9/11 Memorial Advisory Committee

Gerald J. Helfrich stated the Committee is still working on solutions for the repairs needed.

Historic Preservation Commission

Gerald J. Helfrich had nothing new to report.

Board of Education

Gerald J. Helfrich stated the Board is continuing to address the budget issues.

Traffic Safety Committee

James Collander stated the next meeting is Tuesday, March 5<sup>th</sup>. Among other things, the committee is discussing the increased traffic at the intersection of North Passaic Avenue and Weston Avenue.

**MAYOR'S REPORT**

Mayor Bruce A. Harris stated Relay For Life is having their kick off on Wednesday, February 27<sup>th</sup> at 7:30 pm in the Fire House Commons Room.

**ADMINISTRATOR'S REPORT**

Robert J. Falzarano stated Vince DeNave and he will be meeting with PSE&G next week to talk about renewing the leases for the Community Gardens and the parking lot. The current amount

for damage to public facilities by Super Storm Sandy totals \$58,000.00. Verizon notified the Borough that their lines will not interfere with the Watchung Avenue sidewalk project. Over 300 residents have signed up to receive notifications from Everbridge. Morris County Office of Emergency Management notified the Borough we will receive 3 generators at no cost to the Borough.

**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.

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Resolution #13-127 through Resolution #13-136 have been placed on the Consent Agenda.

## **FINANCE**

### **RESOLUTION #13-127**

#### **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 #13-128**

#### **RESOLUTION TO SUBMIT A TONNAGE GRANT APPLICATION**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grants 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 this municipality to apply for the 2012 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and indicate the assent of Chatham Borough Council to the efforts undertaken by the municipality and 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.



**BE IT RESOLVED**, by the Chatham Borough Council of the Borough of Chatham that Chatham hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Stan Serbanica 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.

**RESOLUTION #13-129**

**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, ESTABLISHING PARKING FEES AND RULES AND REGULATIONS REGARDING THE SALE OF PARKING PERMITS REQUIRED FOR PARKING LOTS OR AREAS DESIGNATED “FEE PARKING” PURSUANT TO CHAPTER 139, SECTIONS 61 AND 62 OF THE CODE OF THE BOROUGH OF CHATHAM**

**WHEREAS**, Chapter 139, Section 61 of the Code of the Borough of Chatham entitled “Fee parking spaces” specifies that the governing body shall establish by resolution the parking fees required to be paid in parking lots or other areas designated fee parking as well as rules and regulations governing the sale of parking permits ; and

**WHEREAS**, Chapter 139, Section 62 of the Code of the Borough of Chatham entitled “Parking by permit” specifies that the governing body shall establish by resolution the rules and regulations governing the issuance and management of parking permits.

**BE IT RESOLVED**, that the following fees shall apply:

- (1) In parking lots or areas designated as fee parking, a Smart Card fee of \$5.00 Dollars (\$5.00) for Non-Borough residents and a Four Dollar (\$4.00) fee for Borough residents shall be paid for the twelve (12) hour period or fraction thereof between the hours of 7:00 a.m. and 7:00 p.m., prevailing time, daily, except Saturdays, Sundays, and legal holidays. The Daily Permit fee for cash or credit card customers is Five Dollars (\$5.00).
- (2) The following annual permit fees shall be established:
  - A. LOTS #1 & 2-RAILROAD NORTH & SOUTH (Borough Residents Only) \$425.00
  - B. LOT #3-CENTER STREET-EAST - Borough Business Owner/Borough Business Employee/Borough Resident \$240.00

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- C. LOT #4-CENTER STREET-WEST - Borough Business Owner/Borough Business Employee/Borough Resident \$240.00
- D. LOT #5-BOWERS LANE LOT - Borough Business Owner/Borough Business Employee/Borough Resident \$240.00
- E. LOT #6-DIVISION AVENUE LOT - Borough Business Owner/Borough Business Employee/Borough Resident \$230.00

**BE IT FURTHER RESOLVED**, that the Borough of Chatham Parking Permits Rules and Regulations are hereby adopted as more fully set forth in Appendix A; and

**BE IT FURTHER RESOLVED**, that the effective date for implementation of this Resolution shall be January 1, 2014.

**APPENDIX A**

**BOROUGH OF CHATHAM PARKING PERMITS RULES AND REGULATIONS**

By applying for a parking permit in the Borough of Chatham by completing and signing the Borough parking application form approved by the Borough Administrator in accordance with Resolution #12-155 you are agreeing to comply with the following regulations adopted pursuant to Section #10-320 of the Code of the Borough of Chatham, as follows:

- Permits will be issued annually for one (1) year terms (January-December).
- There shall be a limit of one (1) permit per household for Lots #1 & 2 (Railroad Parking).
- Permits are valid only for the lot applied for and for spaces designated as Permit Parking except for Lots 1 & 2 (Railroad Parking) permits. A permit does not excuse compliance with the parking time limit for non-permit parking spaces.
- Permits are not valid for metered parking spaces in the event a Permit Parking space is unavailable. However, you may park at the Bowers Lane, Center Street East or Center Street West Lots.
- Possession of a valid permit **does not** guarantee a permit holder an empty Permit space.
- Permits are to be hung from the rear view mirror, facing outward. No exceptions.
- The permits are transferable ONLY between listed vehicles.

**IF THE PERMIT IS NOT PROPERLY DISPLAYED A SUMMONS MAY BE ISSUED.**

- A \$10.00 fee will be charged for all replacement permits.

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- To avoid a parking ticket, all address changes must be reported **IMMEDIATELY** in writing to the Borough of Chatham, Attention: Parking Enforcement, 54 Fairmount Avenue, Chatham, New Jersey 07928. If an address change makes the permit holder ineligible for such permit, the permit will be recalled. Information may be faxed to (973) 635-2417.
- The Borough will issue a refund provided that the permit is returned within thirty (30) days of the date of ineligibility. (1) The date of ineligibility shall be defined as the later of (1) the first date that the change is effective and (2) the date that the written notice is received by the Borough. No refunds will be issued if the permit holder does not comply within the above stated time period.
- Should a permit be found on a car not registered to the permit holder, or it is determined that the permit has been tampered with or altered, it will be revoked. The permit holder may re-apply for a permit and will be placed on the waiting list.
- The Borough reserves the right to close any parking lot or portion thereof for maintenance, snow removal or other reasons deemed necessary by the Chief of Police or the Borough Administrator.
- Permits shall be valid only for vehicles listed on the application and owned or leased by the applicant or his immediate family. Permits shall not be issued or valid for vehicles exceeding eighteen feet (18') in length.
- Falsification of any application information will result in the issuance of a summons.

**Railroad Permits are issued only to Chatham Borough Residents. Home ownership does not qualify one for a permit, YOU MUST RESIDE IN THE HOME.**

**If you are in possession of a New Jersey Motor Vehicle Handicapped Sticker, please indicate on application.**

**THE FOLLOWING DOCUMENTATION IS NECESSARY WHEN OBTAINING A PERMIT**

- 1. A copy of a valid New Jersey Vehicle Registration.**
- 2. A copy of your New Jersey vehicle insurance card.**
- 3. A copy of a current utility bill. (electric, gas, telephone, water or cable)**

**A SELF-ADDRESSED, STAMPED ENVELOPE MUST ACCOMPANY ALL PERMIT APPLICATIONS. Any application that is not accompanied by the proper documentation**

**and a self-addressed stamped envelope will be rejected. MAKE ALL CHECKS PAYABLE TO : BOROUGH OF CHATHAM.**

**RESOLUTION #13-130**  
**RESOLUTION TO TRANSFER MONIES IN THE APPROPRIATION RESERVES**  
**BUDGET 2012 CURRENT FUND**

**WHEREAS**, N.J.S.A. 40A: 4-59 provides that during the first three months of any fiscal year, when the amount of the prior fiscal year's reserve budget is insufficient to pay the claims authorized or incurred during the prior year which were chargeable to said appropriations.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham in the County of Morris and state of New Jersey that the Chief Financial Officer is hereby authorized to make the following Line-item transfers in the 2012 RESERVE Current Fund Budget:

<u>To</u>		
<u>Departments</u>	<u>Account #</u>	
Legal O/E	20-155-200	10,000.00
Board of Adjustment O/E	21-185-200	700.00
Parking O/E	25-245-200	1,000.00
Fire Safety O/E	25-266-201	<u>100.00</u>
<b>TOTAL</b>		<b>\$11,800.00</b>
<u>From</u>		
Police O/E	25-240-200	<u>\$11,800.00</u>
<b>TOTAL</b>		<b>\$ 11,800.00</b>

**AGREEMENTS**

**RESOLUTION #13-131**  
**RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN AN INDEMNITY**  
**AGREEMENT FOR THE FISHAWACK FESTIVAL**

**BE IT RESOLVED**, by the Borough Council that the Mayor is hereby authorized to sign an indemnity agreement for the Fishawack Festival.

**RESOLUTION #13-132**  
**RESOLUTION TO APPROVE THE 2013 GOALS AND OBJECTIVES FOR THE**  
**BOROUGH OF CHATHAM**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the 2013 goals and objectives are hereby approved.

**RESOLUTION #13-133**  
**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF**  
**CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY AUTHORIZING THE**  
**CHATHAM ATHLETIC FOUNDATION GALA TO BE HELD IN REASONER PARK**

**AND THE IMMEDIATE SURROUNDING AREA, INCLUDING THE NORTH RAILROAD PARKING LOT FROM THE HOURS OF 2:00 P.M. SATURDAY, SEPTEMBER 21<sup>st</sup>, 2013 TO 1:00 A.M. ON SUNDAY, SEPTEMBER 22<sup>nd</sup>, 2013 AND THE CAF GALA COMMITTEE SHALL APPLY TO THE DIVISION OF THE ALCOHOLIC BEVERAGE COMMISSION FOR A SOCIAL AFFAIRS PERMIT**

**WHEREAS**, the Chatham Athletic Foundation (CAF) has raised hundreds of thousands of dollars for athletic fields, equipment and programs within the Chathams; and

**WHEREAS**, the 2013 CAF Gala Committee has requested to hold this year's event outdoors at Reasoner Park; and

**WHEREAS**, the CAF Gala Committee shall apply to the Division of Alcoholic Beverage Commission for a Social Affairs permit; and

**WHEREAS**, the 2013 CAF Gala Committee has previously discussed this idea with the Mayor and Council at a public meeting; and

**WHEREAS**, the Borough Police Department and Borough Fire Department have approved the location of the event.

**BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Chatham, County of Morris, State of New Jersey 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 from the hours of 2:00 p.m. on Saturday, September 21<sup>ST</sup>, 2013 to 1:00 a.m. on Sunday, September 22<sup>ND</sup>, 2013 and the police will cordon off appropriate areas in order to ensure the safety of our residents.

**BE IT FURTHER RESOLVED**, that the Mayor and Council of the Borough of Chatham hereby grant permission to the CAF Gala Committee to dispense alcoholic beverages at said event with the approval from the Division of Alcoholic Beverage Control Commission.

**RESOLUTION #13-134**  
**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, AUTHORIZING EXECUTION OF AMENDMENT TO LEASE AGREEMENT**

**WHEREAS**, the Borough of Chatham and formerly AT&T Wireless Services now New Cingular Wireless PCS, LLC ("New Cingular") entered into a Lease Agreement dated April 22, 2002, whereby the Borough leased certain premises being a portion of the property located at 54 Fairmount Avenue, Chatham, New Jersey to New Cingular Wireless PCS, LLC a Delaware Limited Liability Company (the "Lease Agreement"); and

**WHEREAS**, the Borough and New Cingular Wireless PCS, LLC wish to amend the Lease Agreement to allow for the installation of additional antennas, associated cables and other communications instruments; and

**WHEREAS**, the amendment to the Lease Agreement shall be memorialized in substantially the same form of agreement attached hereto and made a part hereof.

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

1. The Mayor and Borough Clerk of the Borough of Chatham be and hereby are authorized to execute an amendment to the Lease Agreement with New Cingular Wireless PCS, LLC in substantially the same form of agreement attached hereto and made a part hereof.

2. All Borough officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

**RESOLUTION #13-135**

**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, AUTHORIZING EXECUTION OF AMENDMENT TO SHARED SERVICES AGREEMENT**

**WHEREAS**, the Borough of Chatham previously entered into a Shared Services Agreement with the County of Morris for Road Dispatching Services; and

**WHEREAS**, in connection with providing said services, the County has offered the CSI InfoShare Records Management Services as a software module complimenting the Keystone CAD and Keystone P-Mobile products at no additional cost to the current service fee paid by the Borough; and

**WHEREAS**, the Mayor and Borough Council have determined it to be in the best interest of the Borough to use the County's CSI InfoShare Records Management Services; and

**WHEREAS**, the Borough and the County wish to amend the Shared Service Agreement to include the County's CSI InfoShare Records Management Services, at no additional cost to the Borough; and

**WHEREAS**, this amendment shall be memorialized by agreement in substantially the same form as the agreement attached hereto and made a part hereof, subject to the approval of the Borough Attorney.

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

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1. The Mayor and Borough Clerk of the Borough of Chatham be and hereby are authorized to execute an amendment to the Shared Services Agreement with the County of Morris for Road Dispatching Services to include the CSI InfoShare Records Management Services in substantially the same form of agreement attached hereto and made a part hereof, subject to the approval of the Borough Attorney.

2. All Borough officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

**RESOLUTION #13-136**  
**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF**  
**CHATHAM, COUNTY OF MORRIS, AUTHORIZING EXECUTION OF LICENSE**  
**AGREEMENT**

**WHEREAS**, New Jersey Transit Corporation (“NJ Transit”) owns the property known as the Fairmount Avenue Underpass; and

**WHEREAS**, NJ Transit wishes to grant the Borough of Chatham a license to sponsor the placement of mural paintings on both sides of the Fairmount Avenue Underpass; and

**WHEREAS**, the Mayor and Borough Council have determined that the murals will help contribute to a livable and aesthetically pleasing Borough streetscape and that it is in the best interest of the Borough to enter into a license agreement with NJ Transit for said purposes; and

**WHEREAS**, the license agreement shall be memorialized by agreement in substantially the same form as the agreement attached hereto and made a part hereof.

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

1. The Mayor and Borough Clerk of the Borough of Chatham be and hereby are authorized to execute a license agreement with NJ Transit in substantially the same form of agreement attached hereto and made a part hereof.

2. All Borough officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

**CONSENT AGENDA VOTE:**

Mayor Harris asked Council Member Lonergan to proceed with the Resolutions listed on the Consent Agenda. Resolutions #13-127 through #13-136

Council Member Lonergan stated I would like to make a motion to allow the resolution on this evening’s agenda to be approved by consent of the Council; and I so move.

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Seconded by Council Member Helfrich.

A vote was taken and it was approved unanimously.

#### **ADD ON RESOLUTION**

### **RESOLUTION #13-138 RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, AUTHORIZING EXECUTION OF SHARED SERVICES AGREEMENT FOR FUEL SUPPLIES**

**WHEREAS**, the Mayor and Borough Council of the Borough of Chatham have determined it to be in the best interest of the Borough to enter into a Shared Services Agreement with the City of Summit for fuel services; and

**WHEREAS**, this Shared Services Agreement shall be memorialized by agreement in substantially the same form as the agreement attached hereto and made a part hereof this Resolution, subject to the approval of the Borough Attorney.

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

1. The Mayor and Borough Clerk of the Borough of Chatham be and hereby are authorized to execute a Shared Services Agreement with the City of Summit for fuel supplies in substantially the same form of agreement attached hereto and made a part hereof, subject to the approval of the Borough Attorney.

2. All Borough officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

Council Member Lonergan moved Resolution #12-138, seconded by Council President Resto. A vote was taken and it was approved unanimously.

#### **FIRST READING ORDINANCE PROCEDURE**

Mayor Harris asked Council President Resto to introduce Ordinance #13-02.

Council President Resto introduced Ordinance #13-02 by title as follows:

### **ORDINANCE #13-02 AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING**



**CHAPTER A325 TO GRANT CONSENT FOR THE NON-EXCLUSIVE USE OF  
PUBLIC RIGHTS-OF-WAY**

Council President Resto explained the purpose of the Ordinance and moved for introduction of the First Reading.

Council President Resto read:

**WHEREAS**, the above Ordinance was introduced, read by title at this Council meeting held on February 25, 2013.

**BE IT HEREBY RESOLVED**, that at the Council meeting to be held on March 11, 2013 at 7:30 p.m. prevailing time, at the Borough Hall in said Borough, this Council will further consider this Ordinance for a second reading and final passage; and

**BE IT FURTHER RESOLVED**, that the Clerk of this Borough is hereby requested to publish the proper notice thereof, including this Ordinance, post the Ordinance on the bulletin board in the Borough Hall and make copies available to members of the general public.

Seconded by Council Member Helfrich.

Mayor Harris asked the Clerk for a Roll Call Vote:

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

**FIRST READING ORDINANCE PROCEDURE**

Mayor Harris asked Council Member Holman to introduce Ordinance #13-03.

Council Member Holman introduced Ordinance #13-03 by title as follows:

**ORDINANCE #13-03  
AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF  
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY DELETING EXISTING  
AND REPLACING NEW ARTICLE 165-78, ENTITLED LIGHTING, OF THE  
BOROUGH CODE**

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Council Member Holman explained the purpose of the Ordinance and moved for introduction of the First Reading.

Council Member Holman read:

**WHEREAS**, the above Ordinance was introduced, read by title at this Council meeting held on February 25, 2013.

**BE IT HEREBY RESOLVED**, that at the Council meeting to be held on March 11, 2013 at 7:30 p.m. prevailing time, at the Borough Hall in said Borough, this Council will further consider this Ordinance for a second reading and final passage; and

**BE IT FURTHER RESOLVED**, that the Clerk of this Borough is hereby requested to publish the proper notice thereof, including this Ordinance, post the Ordinance on the bulletin board in the Borough Hall and make copies available to members of the general public.

Seconded by Council President Resto.

Mayor Harris asked the Clerk for a Roll Call Vote:

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

**FIRST READING ORDINANCE PROCEDURE**

Mayor Harris asked Council Member Lonergan to introduce Ordinance #13-04.

Council Member Lonergan introduced Ordinance #13-04 by title as follows:

**ORDINANCE # 13-04**  
**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF CHATHAM,**  
**CHAPTER 165, ENTITLED "LAND DEVELOPMENT ORDINANCE"**  
**PROVIDING REQUIREMENTS FOR COMPLETE APPLICATIONS AND**  
**COMPLIANCE WITH CHECKLISTS**

Council Member Lonergan explained the purpose of the Ordinance and moved for introduction of the First Reading.

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Council Member Lonergan read:

**WHEREAS**, the above Ordinance was introduced, read by title at this Council meeting held on February 25, 2013.

**BE IT HEREBY RESOLVED**, that at the Council meeting to be held on March 11, 2013 at 7:30 p.m. prevailing time, at the Borough Hall in said Borough, this Council will further consider this Ordinance for a second reading and final passage; and

**BE IT FURTHER RESOLVED**, that the Clerk of this Borough is hereby requested to publish the proper notice thereof, including this Ordinance, post the Ordinance on the bulletin board in the Borough Hall and make copies available to members of the general public.

Seconded by Council President Resto.

Mayor Harris asked the Clerk for a Roll Call Vote:

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

**RESOLUTION #13-137**  
**RESOLUTION TO RECESS INTO CLOSED SESSION**

**BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that it 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:

PERSONNEL: 1. DPW Deputy Director Selection- Mr. Resto

CONTRACTS: 1. Downtown Lighting Engineering Consultant- Mr. DeNave  
2. Land Donation for Trail System- Mr. Lott/Mr. DeNave  
3. Vacant Land Appraisals- Mr. DeNave

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

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

Council Member Helfrich read and moved Resolution #13-137, seconded by Council President Resto. A vote was taken and it was approved unanimously.

Adjourn 9:15 p.m.

Respectfully Submitted:

Susan Caljean, RMC, CMC