

Regular Council Meeting
June 24, 2013

REGULAR COUNCIL MEETING
June 24, 2013 7:30 p.m.

The Regular Council Meeting of the Borough of Chatham was held on Monday June 24, 2013 beginning at 7:30 p.m. in the Council Chambers, in the Municipal Building.

The meeting was called to order at 7:32 p.m.; Mayor Bruce A. Harris presiding.

The Mayor and Borough Council saluted the flag.

Mayor Harris asked for a moment of silence for those people who have given their life for this country.

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 President John Holman
Council Member Victoria Fife
Council Member Gerald J. Helfrich
Robert J. Falzarano, Borough Administrator
James L. Lott, Jr., Borough Attorney
Susan Caljean, Municipal Clerk

Council Member Fife read the following Proclamation.

PROCLAMATION
A PROCLAMATION BY THE MAYOR AND BOROUGH COUNCIL OF THE
BOROUGH OF CHATHAM TO DESIGNATE THE MONTH OF SEPTEMBER 2013 AS
OVARIAN CANCER AWARENESS MONTH

WHEREAS, there is **NO** early detection test for ovarian cancer; and

Regular Council Meeting
June 24, 2013

WHEREAS, Ovarian cancer is called the “silent disease” because its symptoms are often vague or subtle; and

WHEREAS, Ovarian cancer is the fifth leading cause of cancer deaths among women and the leading cause of gynecologic cancer deaths in the United States; Each year, more than 22,000 women are diagnosed with the disease and approximately 16,000 die from it; and

WHEREAS, if detected in its early stages, survival from ovarian cancer is 90-95 percent. Yet the five-year survival rate for the disease is only 28 percent, because it is so difficult to detect early; and

WHEREAS, the *Turn The Towns Teal*® campaign was launched by Gail MacNeil, of Chatham, NJ during her 10 year battle with ovarian cancer.

WHEREAS, Turn The Towns Teal ® Inc. and the National Ovarian Cancer Coalition (NOCC) are partnering to promote awareness of ovarian cancer through the *Turn The Towns Teal* campaign.

BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham declare September 2013 as Ovarian Cancer Awareness month and support the *Turn The Towns Teal*® awareness campaign and authorizing the placement of ribbons around trees during the month of September and removed by September 30th 2013; and

BE IT FURTHER RESOLVED, that the placement of signs must be reviewed and approved in advance of the Awareness Campaign by the Chatham Borough Zoning Officer.

Council Member Fife moved to approve the Proclamation, seconded by Council Member Collander. A vote was taken and the Proclamation was approved unanimously.

Council Member Collander read the following Proclamation.

**PROCLAMATION
A PROCLAMATION BY THE MAYOR AND BOROUGH COUNCIL OF THE
BOROUGH OF CHATHAM RECOGNIZING MORGAN HALEY FOR THE DESIGN
OF THE 100TH POLICE DEPARTMENT LOGO**

WHEREAS, Chief Philip J. Crosson Jr. and the members of the planning committee for the 100th Police Department Anniversary decided that a logo to commemorate one hundred years of police service to the community should be designed; and

Regular Council Meeting
June 24, 2013

WHEREAS, Chief Crosson and the members of the 100th Police Department Planning Committee established a contest for High School students to design the logo; and

WHEREAS, with the help of Chatham High School Graphics Arts teacher, Mrs. Kiera Spadaro, the student logo design submission competition was established; and

WHEREAS, Chief Crosson and the 100th Police Department Anniversary Committee reviewed the art work submitted by the students; and

WHEREAS, the logo design and art work submitted by Morgan Haley was selected by Chief Crosson and the 100th Police Department Anniversary Committee.

BE IT RESOLVED, by the Mayor and Borough Council that Morgan Haley is recognized for the outstanding art work design of the 100th Police Department logo.

Council Member Collander moved to approve the Proclamation, seconded by Council Member Lonergan. A vote was taken and the Proclamation was approved unanimously.

Morgan Haley accepted a framed copy of the Proclamation.

Chief Crosson presented Morgan Haley with a plaque thanking her for the 100th Anniversary logo.

Council Member Collander read the following Proclamation.

PROCLAMATION

A PROCLAMATION BY THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM RECOGNIZING LUCAS KOVALCIK AND TOMOTHY WALSH FOR THEIR BUSINESS ACCOMPLISHMENTS AND RECEIVING THE 2013 UNITED STATES SMALL BUSINESS PERSONS OF THE YEAR AWARD

WHEREAS, two long-time friends, Lucas Kovalcik and Timothy Walsh held key management positions in private sector businesses; and

WHEREAS, in 2005 Lucas and Timothy left their management positions to form “The Gravity Vault”; and

WHEREAS, The Gravity Vault is one of the premier indoor climbing facilities in the State of New Jersey; and

WHEREAS, in 2009 Lucas and Timothy opened a second location in Chatham; and

Regular Council Meeting
June 24, 2013

WHEREAS, this year they plan open a third company owned facility; and

WHEREAS, when the third The Gravity Vault facility opens, the total number of company employees will be sixty; and

WHEREAS, this year marks the 50th anniversary of the National Small Business Week; and

WHEREAS, the New Jersey district office of the Small Business Administration will recognize the 50th anniversary milestone by kicking off the week on June 17th and honoring Lucas and Tim as its 2013 New Jersey Small Business Persons of the year.

BE IT RESOLVED, by the Mayor and Borough Council that the accomplishments and contributions made to the creation of real employment opportunities is commendable; and

BE IT FURTHER RESOLVED, that Lucas and Tim are hereby recognized for their innovative talents and the positive example that they have set for all the potential new business owners.

CONGRATULATIONS!

Council President Holman moved to approve the Proclamation, seconded by Council Member Collander. A vote was taken and the Proclamation was approved unanimously.

Council Member Lonergan read the following Proclamation.

PROCLAMATION A PROCLAMATION BY THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM TO DESIGNATE JUNE 8, 2013 AS ARBOR DAY

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

Regular Council Meeting
June 24, 2013

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

BE IT RESOLVED, I, Bruce A. Harris, Mayor of the Borough of Chatham, do hereby proclaim June 8, 2013 as:

ARBOR DAY

In the community of the Borough of Chatham, I urge all citizens to support efforts to protect our trees and woodlands to support our city's urban forestry program; and

Further, I urge all citizens to plant trees to gladden hearts and promote the well-being of present and future generations.

Council Member Lonergan moved to approve the Proclamation, seconded by Council Member Helfrich. A vote was taken and the Proclamation was approved unanimously.

RESOLUTION #13-238
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, June 10, 2013

Council Member Helfrich moved to approve Resolution #13-238, seconded by Council Member Collander. A vote was taken and Resolution #13-238 was approved unanimously.

DISCUSSION ITEMS

Artisan Guild Event-9/15/13- Mr. Fagnant asked the Council for approval of the signs and the sign locations. They would like to install the signs a week before the event to promote the Artisan Guild Crafts Fair to be held on September 15th.

Cloud Conversion/Closing Borough Hall on July 5th- Mr. Falzarano, Mr. Dey & Mr. Rangu. Mayor Harris gave an overview of why the Borough is upgrading the e-mail system. Mr. Falzarano explained the advantages of transitioning to the Cloud. Mr. Sanderson explained how the e-mail system will work and the advantages. The service will cost approximately \$7.00 per user. Mr. Falzarano stated it will give the technicians better access to the computer for the conversion if the employees take Friday July 5th as a vacation day, comp time or personal day and close Borough Hall for the day.

Regular Council Meeting
June 24, 2013

Deer Exclosure (Eagle Scout)- Mr. DeNave introduced Brian Goldstein. Mr. Goldstein explained his Eagle Scout project; to install two deer exclosures, an information kiosk and two benches behind Milton Avenue School. One of the exclosures will eliminate invasive species the other will be planted with native plants. He plans on having the project completed by the end of the summer. He has received funds from several organizations. He will receive help from other scouts, friends and family. Mr. Tancredi, chairman of the Environmental Commission stated this is a great project which the Commission has looked into for the last several years.

ECLC Parking Lot- Mr. DeNave explained where ECLC would like to add some parking spaces. Mr. Littenger, Executive Director stated the school has been in the location for 25 years. He explained the program at ECLC and why they require more parking.

Capital Projects- Mr. DeNave stated the sidewalk and curb program should start next week. Shepard Kollock Park improvements should start in August. The crosswalks on Main Street have been completed. The resurfacing of seven roads will be completed this summer. Construction on the lacrosse wall will be started the end of this week. There are several small drainage projects that will be completed this summer by DPW and an outside contractor. Two of the projects have been completed already. Mr. DeNave will go to the County on Wednesday to get Freeholder approval for the detour on Watchung Avenue so the sidewalks can be installed. There is cleanup work being done at Woodland Park which should be done this week.

Overnight Parking-Mayor Harris asked the Council if they would like to continue revising the overnight parking regulations. Council Member Lonergan explained the goals and objectives of the Committee and the concerns of the citizens. Mayor Harris asked if the Council wanted to reconvene the Committee. Council Member Lonergan stated they would have one or two more meetings to resolve the problem. Council Member Lonergan asked if any resident had an ideas to contact the Committee.

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.

Bernie Vella of 58 North Summit Avenue had questions about the restaurant proposed for the train station and the liquor license. Mayor Harris explained. Mr. Vella did not think it was a good idea, that it would take business away from the existing restaurants in town.

Regular Council Meeting
June 24, 2013

Mayor Harris closed the meeting to the public.

SECOND READING ORDINANCE PROCEDURE

Mayor Harris asked Council Member Lonergan to proceed with Ordinance #13-15

Council Member Lonergan read Ordinance #13-15 entitled:

ORDINANCE #13-15
AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING
AMENDMENTS TO CHAPTER 129 ARTICLE II, ENTITLED FEES, OF THE
BOROUGH CODE

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on May 28, 2013.

Mayor Harris asked the Clerk to give a summary of the legal notice.

The Clerk stated: A legal notice was published indicating that Ordinance #13-15 was introduced and passed on first reading at the May 28, 2013 meeting and indicating that the second reading and public hearing would be held at 7:30 p.m. on June 10, 2013 and the Council voted to carry the ordinance to the June 24, 2013 meeting for consideration of final adoption. Copies were made available to the general public and posted in accordance with the law.

Mayor Harris opened the meeting to the public.

No public comment.

Mayor Harris closed the meeting to the public.

Council Member Lonergan offered the following Ordinance and moved its adoption:

Resolved, that this Ordinance as read by title on second reading, at this regular meeting, be adopted and finally passed.

Council Member Helfrich seconded the motion.

Name	Motion	Second	Yes	No	Abstain	Absent
Collander			x			
Lonergan	x		x			
Holman			x			

Regular Council Meeting
June 24, 2013

Fife			x			
Helfrich		x	x			

Mayor Harris declared this Ordinance adopted and finally passed, and requested the Clerk to publish the proper notice of this adoption in the newspaper and to record the Ordinance in the proper places.

Council Liaison Reports

Affordable Housing Advisory Committee

Mayor Bruce A. Harris had nothing new to report.

Communications Technology Advisory Committee

Mayor Bruce A. Harris had nothing new to report.

Community Gardens Advisory Committee

Vacant

Environmental Commission

Vacant

Overnight Parking Advisory Committee

Vacant

Cares & Shares Advisory Committee

James Lonergan had nothing new to report.

Municipal Pool Advisory Committee

James Lonergan had nothing new to report.

Joint Recreation Advisory Committee

James Lonergan stated the 1st annual Mayor's Cup was held last night. The championship teams for Madison and Chatham played for the Mayor's Trophy. There were two games one for 4th and 5th grades and one for 5th and 6th grades. The Chatham teams won.

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.

Regular Council Meeting
June 24, 2013

Madison Chatham Joint Meeting
John Holman had nothing new to report.

Mayors' Wellness Committee
Victoria Fife reported the Committee received a grant from the Jaycee's.

Project Community Pride
Victoria Fife stated the first Strategic Planning Committee meeting was held. The next meeting will be Wednesday June 26th.

Chamber of Commerce
Victoria Fife had nothing new to report.

Planning Board
Victoria Fife stated letters will go out inviting business owners and property owners from the M-1 and M-3 districts to an Open House on July 17th from 6 p.m. to 8 p.m. The purpose of the meeting is to explain the long term planning vision for the M-1 and M-3 zones. Mayor Harris asked Mr. Lott to advise us regarding Council Members attending the work shop.

Public Arts Council Advisory Committee
Victoria Fife stated anyone who would like to help paint the mural for the underpass on Fairmount Avenue can go to Washington Avenue School between 4 p.m. and 6 p.m. on Tuesdays.

Senior Center of the Chathams
Victoria Fife had nothing new to report.

9/11 Memorial Advisory Committee
Gerald J. Helfrich had nothing new to report.

Historic Preservation Commission
Gerald J. Helfrich had nothing new to report.

Board of Education
Gerald J. Helfrich reported the High School and 8th grade graduation ceremony took place at Mennen Arena.

Traffic Safety Advisory Committee
James Collander stated he received a letter from a resident asking if anything could be done about the traffic on Main Street. Mr. Collander stated Main Street is a state road and Chatham has no jurisdiction to change the timing of the lights or erect any signs. Mr. Collander also stated that Division Avenue will be paved in conjunction with Madison next year.

Regular Council Meeting
June 24, 2013

MAYOR'S REPORT

Mayor Bruce A. Harris reported 802 residents have signed up for Alert Chatham Borough. The interns are mapping the trail along the Passaic River in conjunction with Summit. NJTransit has a Request for Expressions of Interest on their website for the restaurant/bar at the train station.

ADMINISTRATOR'S REPORT

Robert J. Falzarano stated they are working on testing all the emergency systems. The generator at DPW is being installed. The OEM guide has been given to the Council for their review.

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 #13-239 through Resolution #13- 248 and Resolution #13- 250 through Resolution #13-254 have been placed on the Consent Agenda.

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA

RESOLUTION #13-249

RESOLUTION ATTESTING TO COMPLIANCE WITH LOCAL FINANCE BOARD REQUIREMENTS REGARDING THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk of the Borough of Chatham as per requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

Regular Council Meeting
June 24, 2013

;and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certifications shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52A:27BB-52 to wit:

R.S. 52:27BB-52 “A Local Officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit his office.”

BE IT RESOLVED, that the governing body of the Borough of Chatham, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

APPOINTMENTS

RESOLUTION #13-239 RESOLUTION TO APPOINT VICTORIA FIFE AS COUNCIL LIAISON TO THE PUBLIC ARTS ADVISORY COUNCIL

Regular Council Meeting
June 24, 2013

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Victoria Fife be appointed Council Liaison to the Public Arts Advisory Council.

RESOLUTION #13-240
RESOLUTION TO APPOINT SUSAN V. LENZ TO THE AFFORDABLE HOUSING
ADVISORY COMMITTEE

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Susan V. Lenz be hereby appointed to the Affordable Housing Advisory Committee with a term to expire on December 31, 2013.

RESOLUTION 13-241
RESOLUTION TO APPOINT TONY TORELLO AS THE SHADE TREE
ENFORCEMENT OFFICER AND ROBERT VENEZIA AS THE DEPUTY SHADE
TREE ENFORCEMENT OFFICER

WHEREAS, Chatham Borough resolution #13-314 provides for the appointment of a Shade Tree Enforcement Officer; and

WHEREAS, Tony Torello and Robert Venezia are both qualified to perform the duties set forth for the enforcement of the Shade Tree regulations.

BE IT RESOLVED, by the Mayor and Borough Council that Tony Torello be appointed as the Shade Tree Enforcement Officer with a term to expire on December 31, 2013; and

BE IT FURTHER RESOLVED, that Robert Venezia be appointed as Deputy Shade Tree Enforcement Officer with a term to expire on December 31, 2013.

FINANCE

RESOLUTION #13-242
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 #13-243
RESOLUTION AUTHORIZING PARTICIPATION IN THE CITY OF SUMMIT
COOPERATIVE PRICING SYSTEM

Regular Council Meeting
June 24, 2013

WHEREAS, each year the departments of the Borough of Chatham realize cost savings by purchasing equipment and materials through the City of Summit Cooperative Pricing System; and

WHEREAS, it is the recommendation of the Borough auditors that the Mayor and Council adopt a resolution each year authorizing participation in the cooperative pricing agreements.

BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham do hereby authorize participation in the City of Summit Cooperative Pricing System for the year 2013.

RESOLUTION #13-244

RESOLUTION TO APPROVE THE 2013 MICRO-SURFACING ROAD PROGRAM THROUGH THE CITY OF SUMMIT COOPERATIVE PRICING SYSTEM #192SCCPS

WHEREAS, the Director of the Department of Public Works submitted the list of streets for micro-surfacing to the Borough Engineer; and

WHEREAS, the Borough Engineer has reviewed and approved the request; and

WHEREAS, the total project will be \$38,915.61.

WHEREAS, the Chief Financial Officer has certified that the funds are available in account #C-04-55-913-006; and

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the 2013 Micro-Surfacing Road Program through the City of Summit Cooperative Pricing System #192SCCPS from Asphalt Paving Systems, PO Box 530, Hammonton, NJ 08037 with a total project price of \$38,915.61 covering 19,361 square yards is hereby approved.

RESOLUTION #13-245

RESOLUTION AUTHORIZING THE PURCHASE ONE NEW AND UNUSED 2013 INTERNATIONAL TRUCK CHASSIS & BODY 7400 THROUGH THE MORRIS COUNTY CO-OP #14

WHEREAS, the Borough of Chatham, pursuant to N.J.S.A. 40A:11-5 (2) entitled "Exceptions," may by resolution and without advertising for bids, purchase any goods or services under the Morris County Co-Op; and

WHEREAS, the Chief Financial Officer has certified that funds are available in account #C-04-55-913-414.

Regular Council Meeting
June 24, 2013

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham hereby authorizes the Purchasing Agent to purchase one new and unused 2013 International Dump Truck Chassis-7400 with a purchase price of \$134,914.00, Co-Op #14 from Browns International, 963 Rt. 173/PO Box 98, Bloomsbury, NJ 08804; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Chatham hereby authorizes the Purchasing Agent to purchase one new and unused hook and go body for a purchase price of \$22,589.00, Co-Op #15-D Item #5 from Tony Sanchez, LTD, 1685 US Rt. 46, Ledgewood, NJ 07852.

RESOLUTION #13-246
RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF
CHATHAM, COUNTY OF MORRIS, ACCEPTING REFUND FROM TRICO
EQUIPMENT SERVICES, LLC

WHEREAS, the Borough of Chatham previously purchased a Coneqtec AP 600 Cold Planer (the "Cold Planer") from Trico Equipment Services, LLC ("Trico") for use on its skid loader; and

WHEREAS, despite repeated attempts by the manufacturer and Trico to fix the Cold Planer, the Cold Planer has continuously failed to operate properly since it purchased; and

WHEREAS, the Borough has demanded refund of the full purchase price of the Cold Planer; and

WHEREAS, Trico has agreed to refund the full purchase price of the Cold Planer to the Borough as detailed in the Trico invoices attached hereto and made a part hereof this Resolution.

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

1. The Mayor and Borough Council of the Borough of Chatham hereby accept the refund of the full purchase price of the Cold Planer from Trico.
2. The Borough Attorney be and hereby is authorized and directed to negotiate the refund with Trico.
3. The Mayor and Borough Clerk be and hereby are authorized to sign an agreement with Trico memorializing the terms and conditions of the refund, if an agreement is required. The form and substance of such an agreement shall be acceptable to the Borough Attorney.

Regular Council Meeting
June 24, 2013

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

RESOLUTION #13-247

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, APPROVING AMBER FLASHING SIGNAL AT INTERSECTION OF WASHINGTON AVENUE AND CHATHAM STREET

WHEREAS, there currently exists a red and amber flashing signal at the intersection of Washington Avenue and Chatham Street in the Borough of Chatham; and

WHEREAS, upon the recommendation of the Borough Engineer, the Borough wishes to approve the location of a flashing signal at this intersection and authorize the replacement of the signal at said location; and

WHEREAS, in accordance with Title 39 of the New Jersey Statutes, the Borough Engineer shall submit written information to the Commissioner of the Department of Transportation indicating the location of the traffic control device where the use of flashing signals is requested, the intended hours of operation of such signal, data as to the traffic volume at, and the site distances from, each intersection of, each location, and any other information requested by the Commissioner.

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

1. The Mayor and Borough Council of the Borough of Chatham hereby approve the location of the red and amber flashing signal at the intersection of Washington Avenue and Chatham Street in the Borough of Chatham and authorize the replacement of the signal at said location.

2. The Borough Engineer be and hereby is authorized and directed to submit written information to the Commissioner of the Department of Transportation for approval in accordance with Title 39 of the New Jersey Statutes.

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

RESOLUTION 13-248

RESOLUTION TO AWARD CONTRACT FOR THE REPLACEMENT OF THE 4 WAY TRAFFIC CONTROL SIGNAL AT WASHINGTON AVE. AND CHATHAM STREET TO JEN ELECTRIC INC.

Regular Council Meeting
June 24, 2013

WHEREAS, the 4 way traffic control signal and pole at the intersection of Washington Ave. and Chatham Street was taken out of service after the pole had fallen due to deterioration; and

WHEREAS, the entire signal and arm was destroyed and was deemed necessary to be replaced to the MUTCD current standards; and

WHEREAS, Jen Electric, Inc. of Springfield, NJ. has the contract through the Morris County Cooperative pricing program(MCCPC), of which the Borough is a member; and

WHEREAS, the quote submitted by Jen Electric, Inc. in the amount not to exceed \$32,164 was based on MCCPC pricing contract #37; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in account #C-04-55-911-202 and # C-04-55-911-203.

BE IT RESOLVED, by the Council of the Borough of Chatham, that a contract is hereby awarded to Jen Electric, Inc. in the amount not to exceed \$32,164.00.

RESOLUTION #13-250

RESOLUTION TO AUTHORIZE ECLC TO ADD ADDITIONAL PARKING SPACES TO THE PARKING AREA ON THE SOUTHWEST CORNER OF THE EXISTING PARKING AREA THAT IS ADJACENT TO UPPER LUM FIELD

WHEREAS, the ECLC Administrator, Brue Littinger, submitted a request to add additional parking spaces on the southwest corner of the ECLC School Building; and

WHEREAS, the plan has been reviewed by the Borough Engineer; and

WHEREAS, on June 24, 2013, the Borough Engineer discussed the plan with the Mayor and Borough Council.

BE IT RESOLVED, by the Mayor and Borough Council in the County of Morris and the State of New Jersey that the installation of fifteen additional parking spaces on the southwest corner of the ECLC School Building is approved; and

BE IT FURTHER RESOLVED, the Borough Engineer is authorized to approve the design and coordinate the installation of the materials; and

BE IT FURTHER RESOLVED, that the cost for the design, purchase and installation of the materials approved by the Borough Engineer shall be the sole responsibility of ECLC.

Regular Council Meeting
June 24, 2013

RESOLUTION 13-251
RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN THE MEMORANDUM OF
UNDERSTANDING BETWEEN THE STATE OF NEW JERSEY AND CHATHAM
BOROUGH

WHEREAS, the New Jersey Office of Emergency Management submitted a request for the Borough of Chatham to authorize grant submissions for Public Assistance and Hazard Mitigation programs authorized under the Stafford Act; and

WHEREAS, under current information provided, the Federal Emergency Management Agency (FEMA) has determined that Chatham Borough is eligible to apply for and/or receive FEMA funding; and

WHEREAS, it is understood that this Memorandum of Understanding will be part of the application for Disaster Assistance and will become effective and binding upon approval of a Project Worksheet or Hazard Mitigation grant and signature on behalf of the New Jersey Office of Emergency Management.

BE IT RESOLVED, by the Borough Council that the Mayor is authorized to execute the Memorandum of Understanding for grant submissions with the New Jersey Office of Emergency Management.

RESOLUTION #13-252
RESOLUTION TO RETURN THE CASH BOND TO MATHEW WALSH FOR WORK
COMPLETED AT 15 DELLWOOD AVENUE

WHEREAS, Mr. Walsh submitted to the Borough of Chatham a cash bond in the amount of \$2,000.00; and

WHEREAS, Mr. Walsh has submitted a request to the Chatham Borough Engineer to release the cash bond; and

WHEREAS, the Chatham Borough Engineer has reviewed the request from Mr. Walsh and determined that Mr. Walsh has complied with the conditions set forth by the Chatham Borough Engineer in his letter dated April 5, 2013.

BE IT RESOLVED, by the Chatham Borough Council that the cash bond in the amount of two thousand(\$2,000.00) be released to Mr. Walsh by escrow check.

RESOLUTION #13-253
RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF
CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE

Regular Council Meeting
June 24, 2013

AWARD OF THE 2013 ROAD RESURFACING CONTRACT TO TILCON, MT. HOPE ROAD, WHARTON, NJ IN THE AMOUNT NOT TO EXCEED \$175,000.00.

WHEREAS, public bids are not required when the purchase is under the Morris County Cooperative purchasing program in accordance with N.J.S.A 40A:11-12 of the Local Public Contracts Law; and

WHEREAS, the Borough Engineer and the Director of Public Works have identified the roads that need resurfacing; and

WHEREAS, funds are allocated for road resurfacing; and

WHEREAS, the Borough Engineer and the Director of Public Works have recommended resurfacing Center Avenue (Weston to Milton), Ward Place, Colonial Way, Pihlman Place, Fairview (Washington to Chatham Township) and Lafayette Place; and

WHEREAS, the Chief Financial Officer has certified funds are available in accounts #C-04-55-912-200 and #C-04-55-913-002.

BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Chatham, in the County of Morris, New Jersey as follows:

1. The Finance Director is hereby authorized and directed to approve and forward a Purchase Requisition to Tilcon, Inc. not to exceed the amount of One Hundred and Seventy-five Thousand Dollars (\$175,000.) from Account #C-04-55-912-200 and C-04-55-913-002.
2. This Resolution shall take effect immediately.

RESOLUTION 13-254
RESOLUTION TO AWARD CONTRACT FOR LEAK DETECTION SERVICES TO FSC LEAK DETECTION

WHEREAS, the Borough of Chatham Water Department has determined the need evaluate the entire Borough water system for leaks; and

WHEREAS, the Borough Engineer has solicited quotes from leak detection companies; and

Regular Council Meeting
June 24, 2013

WHEREAS, the Finance Committee discussed the potential financial benefits of early leak detection in our water system; and

WHEREAS, the Borough Council discussed contracting for leak detection services at the May 28, 2013 public meeting; and

WHEREAS, the quote submitted by FSC Leak Detection was the low quote in the amount not to exceed \$7,400, and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in accounts# W-06-55-909-105, W-06-55-909-212, W-06-55-910-106, W-06-55-910-202, and W-06-55-911-303.

BE IT RESOLVED, by the Council of the Borough of Chatham, that a contract is hereby awarded to FSC Leak Detection in an amount not to exceed \$7,400.00.

CONSENT AGENDA VOTE:

Mayor Harris asked Council Member Helfrich to proceed with the Resolutions listed on the Consent Agenda. Resolution #13-239 through Resolution #13- 248 and Resolution #13- 250 through Resolution #13-254.

Council Member Helfrich moved to allow the resolutions on this evening's agenda to be approved by consent of the Council.

Seconded by Council Member Collander, a vote was taken and the Resolutions on the Consent Agenda were approved unanimously.

ADD ON:

**RESOLUTION #13-256
RESOLUTION AUTHORIZING THE BOROUGH OF CHATHAM FOR SELF-
EXAMINATION OF THE 2013 BUDGET**

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

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

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Chatham has been declared eligible to participate in the program by the Division of Local Government Services,

Regular Council Meeting
June 24, 2013

and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2013 budget year.

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

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

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

Council Member Lonergan moved Resolution #13-256, seconded by Council President Holman. A vote was taken and Resolution #13-256 was approved unanimously.

Regular Council Meeting
June 24, 2013

RESOLUTION 13-257
RESOLUTION TO AUTHORIZE THE BOROUGH ADMINISTRATOR TO CLOSE
BOROUGH HALL ON JULY 5, 2013

WHEREAS, the Communications and Technology Committee has recommended to transfer the Borough e-mail application to the Cloud; and

WHEREAS, the Borough has developed a plan to transition e-mail services to the Cloud; and

WHEREAS, the Borough staff and members of the Communications Technology Committee have determined that the weekend of the July 4th holiday would be the best time to install and implement the Cloud e-mail services.

BE IT RESOLVED, by the Mayor and Borough Council that the Borough Administrator is authorized to close Borough Hall on July 5, 2013; and

BE IT FURTHER RESOLVED, the employees must use their own vacation, personal, holiday or comp time to take the day off.

Council President Holman moved Resolution #13-257, seconded by Council Member Helfrich. A vote was taken and Resolution #13-257 was approved unanimously.

FIRST READING ORDINANCE PROCEDURE

Mayor Harris asked Council Member Collander to introduce Ordinance #13-16.

Council Member Collander introduced Ordinance #13-16 by title as follows:

SIDEWALK ORDINANCE

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

Council Member Collander read:

WHEREAS, the above Ordinance was introduced, read by title at this Council meeting held on June 24, 2013.

BE IT RESOLVED, that at the Council meeting to be held on July 8, 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

Regular Council Meeting
June 24, 2013

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 Borough Hall and make copies available to members of the general public.

Seconded by Council President Holman.

Mayor Harris asked the Clerk for a Roll Call Vote:

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

RESOLUTION #13-255
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. Police Officer Appointments- Chief Crosson
2. Parking Enforcement Officer Appointment- Chief Crosson

CONTRACTS: 1. Sale of Vacant Property- Mr. DeNave
2. River Road/Commerce Enforcement- Mr. DeNave
3. Weichert Land Donation- 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 disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege.

Council Member Fife moved Resolution #13-255, seconded by Council Member Helfrich. A vote was taken and Resolution #13-255 was approved unanimously.

Adjourn 9:30 p.m.

Regular Council Meeting
June 24, 2013

Respectfully Submitted:

Susan Caljean, RMC, CMC