

Regular Council Meeting Minutes
August 12, 2013

REGULAR COUNCIL MEETING
August 12, 2013 7:30 p.m.

The Regular Council Meeting of the Borough of Chatham was held on Monday August 12, 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.

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. He made special mention of former Madison Borough Council Member Donald Links, who passed away recently.

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

RESOLUTION #13-278
RESOLUTION TO EMPLOY KYLE JAMES BEASLEY. AS A PROBATIONARY
POLICE OFFICER FOR THE BOROUGH OF CHATHAM POLICE DEPARTMENT

WHEREAS, the Chief of Police has recommended that Kyle James Beasley be employed as Probationary Police Officer for the Borough of Chatham Police Department, at a salary of \$47,940.00 effective August 16, 2013.

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BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Kyle James Beasley be appointed as a Probationary Police Officer at a salary of \$47,940.00 effective August 16, 2013, to be prorated for the remainder of 2013; and

BE IT FURTHER RESOLVED, that the Chief of Police is authorized to undertake and execute such employment documents as are necessary to implement this resolution.

Council Member Collander moved to approve Resolution #13-278, seconded by Council Member Fife. A vote was taken and Resolution #13-278 was approved unanimously.

OATH OF ALLEGIANCE

Municipal Clerk, Susan Caljean, administered the Oath of Allegiance to Kyle James Beasley.

Chief Crosson reviewed Kyle James Beasley's qualifications as a Police Officer.

RESOLUTION #13-279
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, July 8, 2013

Council Member Fife moved to approve Resolution #13-279, seconded by Council Member Helfrich. A vote was taken and Resolution #13-279 was approved unanimously.

DISCUSSION ITEMS

Introduce New Library Director- Mayor Harris introduced Ms. Karen Brodsky, the new Director of the Library. She will begin on September 1st. Ms. Brodsky had worked at the Bernardsville Library. Ms. Brodsky stated she is pleased and looking forward to serving the community.

Litigation Update- Mr. Lott gave a summary of the Tricare litigation that has occurred so far and reviewed further actions being taken by Tricare.

AlertChathamBorough expansion to include non-emergency alerts-Mr. Williams reported that 1,047 Chatham residents have signed up for AlertChathamBorough, with the most popular option being severe weather alerts. Mr. Williams explained the various options, some of which include severe weather alerts, road closures, police and fire activities and amber and silver alerts.

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Mr. Williams explained that in the fall the Borough will be migrating to a more powerful system at the County. He also explained that the category of “miscellaneous alert”, will among other things, include notices of meetings that have been cancelled and meetings scheduled, posting of agendas and information from the Borough. This will replace e-mail notifications and Twitter.

Madison Emergency Radio Notification- Mr. Falzarano reported Madison has received a license from the FCC to broadcast a local information station. It will broadcast on 1630 AM. Chatham Borough will be able to put notices on the station.

OEM Update- Mr. Nauta reported that the Borough has received \$128,000. from FEMA for Superstorm Sandy reimbursement. Mr. Nauta stated the Rev. Mary Davis from St. Paul’s has been a great help. Ogden Memorial Church has offered to help the Fire Department feed the emergency workers. Mr. Nauta is working with the help of the Girl Scouts to get block captains and call takers. Mr. Falzarano explained how the call center will work.

Capital Projects Update- Mr. DeNave reported that the Watchung Avenue sidewalks have been completed. The 2013 Curb and Sidewalk projects are 75% complete. Micro resurfacing is almost complete. The drainage project at Shepard Kollock Park was started today. The field will be able to be used in the spring or possibly in late fall. The Borough roof repair and the Kings Road project will be approved tonight. The lacrosse wall should be done before school starts. DPW has resolved the drainage problem on River Road.

Removal of Overhead Lights on Main Street- Mr. DeNave stated he meet with the lighting consultant on Thursday night from 11 pm to 2 am to take lighting readings; it had to be done when there were not many cars on Main Street. Mr. DeNave thinks some lights can be removed. The consultant’s results should be ready in two weeks. The water line leak detection survey started today. It will take approximately two weeks.

Senior Center Sign For Open House- Mr. DeNave stated the Senior Center would like to put up two signs advertising their open house: one sign at Reasoner Park and one sign on the corner of Lafayette Avenue and Main Street.

Time Limit Parking- Mr. Collander reported that for many years Councils in the past have amended the parking ordinances in response to residents’ concerns; about people parking on their streets all day. Some residents are frustrated with the parking restrictions. At the next meeting of the Long Range Traffic and Pedestrian Planning Committee on August 23rd the

Committee will review all of the parking restrictions in the Borough.

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.

No public comment.

Mayor Harris closed the meeting to the public.

COUNCIL COMMITTEE REPORTS

Budget and Finance

James Lonergan reported the 2014 budget process has started; the next meeting will be later in August.

Public Works Planning

John Holman had no updates.

Personnel

James J. Collander stated the Committee will meet in September. There are several issues to discuss.

Public Safety & Emergency Services

James J. Collander stated the last meeting was held on July 22nd. Bill Nauta commented tonight on the topics discussed at that meeting.

Long Range Traffic & Pedestrian Safety Planning

James J. Collander reported the next meeting will be on August 23rd and they will discuss the topics brought up tonight.

Shared Services & 3rd Party Agreements

Victoria Fife had nothing new to report.

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Council Member Fife reported the M Industrial District Open House Forum held on July 17th was a great success; 35 property owners from those districts attended. The next step will be a discussion with the Planning Board on September 18th and a public hearing on November 13th.

Madison/Chatham Joint Meeting

Gerald J. Helfrich stated all is going well they are replacing equipment when needed.

MAYOR'S REPORT

Mayor Bruce A. Harris reported NJ Transit has received numerous responses to their Request for Expressions of Interest to locate a restaurant in the Chatham train station. The deadline to submit is mid September. NJ Transit hopes to make a selection by the end of the year. Mayor Harris has discussed the Community Garden proposal with Mayor Hagner. The Township Committee will discuss locating the garden at Woodland Park at their meeting next Thursday.

Municipal Clerk Susan Caljean announced the polling locations for the Special Primary Election being held tomorrow August 13th.

ADMINISTRATOR'S REPORT

Robert J. Falzarano stated the Special Primary Election will cost the Borough approximately \$6,000.00. The Borough received a check for \$5,187.00 from United Federal Data to install fiber optic cable lines in the Borough. Mr. Falzarano reviewed revisions to the Police Department's rules and regulations. On July 11th the Borough received formal approval from NJ DOT to install the pedestrian light on Colman Avenue and Main Street. A Bond Anticipation Note sale was held and awarded to Peapack Gladstone Bank with a .49% interest rate. The Emergency Management Guide went to the printers today and should be ready and mailed to the residents within three weeks.

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 #13-280 through Resolution #13-296 have been placed on the Consent Agenda.

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA

None

APPOINTMENTS

RESOLUTION #13-280

**RESOLUTION TO APPOINT FRAN DREW TO THE SHADE TREE COMMISSION AS
A 1ST ALTERNATE WITH A TERM TO EXPIRE ON DECEMBER 31, 2017**

BE IT RESOLVD, by the Mayor and Council of the Borough of Chatham that Fran Drew be appointed to the Shade Tree Commission as a 1st Alternate with a term to expire on December 31, 2017.

RESOLUTION #13-281

**RESOLUTION TO APPOINT CHRISTOPHER JADRO TO THE SHADE TREE
COMMISSION AS A 2ND ALTERNATE WITH A TERM TO EXPIRE ON DECEMBER
31, 2016**

BE IT RESOLVD, by the Mayor and Council of the Borough of Chatham that Christopher Jadro be appointed to the Shade Tree Commission as a 2ND Alternate with a term to expire on December 31, 2016.

PERSONNEL

RESOLUTION #13-282

**RESOLUTION APPOINTING SAFETY DELEGATE REQUIRED BY THE MORRIS
COUNTY MUNICIPAL JOINT INSURANCE FUND**

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham do hereby appoint Tony Torello as the 2013 safety delegate for the Borough of Chatham effective August 12, 2013 as required by the Morris County Municipal Joint Insurance Fund.

RESOLUTION #13-283

**RESOLUTION TO APPOINT CHERI MORRIS AS MUNICIPAL ALTERNATE
DEPUTY REGISTRAR EFFECTIVE AUGUST 13, 2013 THROUGH AUGUST 13, 2016**

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Cheri Morris be appointed as Alternate Deputy Municipal Registrar effective August 13, 2013 through August 13, 2016.

RESOLUTION #13-284

**RESOLUTION TO APPOINT SUSAN CALJEAN AS DEPUTY MUNICIPAL
REGISTRAR EFFECTIVE AUGUST 13, 2013 THROUGH AUGUST 13, 2016**

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BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Susan Caljean be appointed as Deputy Municipal Registrar effective August 13, 2013 through August 13, 2016.

RESOLUTION #13-285
**RESOLUTION TO APPOINT A TEMPORARY SUMMER EMPLOYEES FOR THE
RECREATION DEPARTMENT**

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the following individuals be appointed upon the recommendation of the Recreation Department for temporary summer employment for the Borough of Chatham.

<u>Name</u>	<u>Hourly</u>
James Coyne-life guard	\$7.50
Meg LeMon-life guard	\$7.50
Amy Duren-life guard	\$7.50

FINANCE

RESOLUTION #13-286
RESOLUTION TO REFUND CONSTRUCTION PERMITS

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the following be issued refunds:

<u>Owners</u>	<u>Property Address</u>	<u>Amount</u>	<u>Reason</u>
Chee/Jeong Suh c/o Caroline Gosselin Sotheyby's International Realty 555 Milburn Avenue Short Hills, NJ 07078	118 N. Hillside Ave.	\$50.00	Duplicate CCO
Shyam Baweja	23 S. Passaic Ave.	\$45.00	Overcharge of permit Permit#13-506
Ron Jon Heating/Cooling	50 Hedges Ave.	\$130.00	Duplicate Permit#13-559

*Send refund to: Ron Jon Heating & Cooling
12-B Great Meadow Lane
E. Hanover, NJ 07936

**RESOLUTION #13-287
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 #13-288
RESOLUTION TO REFUND PROPERTY TAXES**

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that a refund of property taxes be issued to the individuals listed below as follows:

BLOCK/LOT	OWNERS & PROPERTY ADDRESS	AMOUNT	YEAR/QTR
57/11	Rattrovo, Mario & Carmela 41 N. Passaic Avenue	\$2,365.83 Duplicate payment	2013/2 nd Qtr.

**RESOLUTION #13-289
RESOLUTION TO AWARD A CONTRACT FOR THE REPLACEMENT OF THE
MAIN ROOF OF BOROUGH HALL TO BUILD-RITE, LLC.**

WHEREAS, the Borough Engineer has indicated that the main roof of Borough Hall is in need of replacement; and

WHEREAS, the Borough of Chatham has received three (3) bids for the required roof replacement; and

WHEREAS, the bid submitted by Build-Rite LLC., of Wayne, N.J., in the amount of \$37,400.00 was the low bid; and

WHEREAS, the Borough Engineer has reviewed the bids and finds the low bidder qualified and the roof specifications to be acceptable; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in Capital Acct # C-04-55-913-200.

BE IT RESOLVED, by the Council of the Borough of Chatham that a contract be processed and awarded to Build- Rite LLC. in the amount of \$37,400.00; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute a contract Build-Rite LLC in the amount of \$37,400.00 for the improvements.

RESOLUTION #13-290
RESOLUTION TO AWARD A CONTRACT FOR THE INSTALLATION OF
PERVIOUS PAVEMENT IMPROVEMENTS TO VARIOUS BOROUGH PATHWAYS

WHEREAS, the Borough of Chatham has determined the need to improve certain Borough pathways; and

WHEREAS, the Borough of Chatham appropriates monies each year for sidewalk improvements; and

WHEREAS, the Borough of Chatham has decided that these improvements should be made by using pervious pavement to reduce stormwater runoff; and

WHEREAS, the Borough Engineer has located paths at the end of (1) Hedges Avenue to Cornell Place (2) Hedges Avenue to Wilson Street and (3) Coleman Avenue to Milton Avenue that are in need of paving; and

WHEREAS, the Borough of Chatham has received two (2) quotes for the required pathway installation; and

WHEREAS, the bid submitted by S&L Contractors of Berkeley Heights, N.J., in the amount not to exceed \$15,000.00 was the low bid for the pathway improvements; and

WHEREAS, the Borough Engineer has reviewed the bids and finds the low bidder qualified; and

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

BE IT RESOLVED, by the Council of the Borough of Chatham, County of Morris, State of New Jersey that a contract be processed and awarded to S&L Contractors of Berkeley Heights, N.J., in the amount not to exceed \$15,000.00; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute a contract with S&L Contractors of Berkeley Heights, N.J., in the amount not to exceed \$15,000.00 for said improvements.

RESOLUTION #13-291

RESOLUTION TO AWARD CONTRACT FOR THE 2013 KINGS ROAD PEDESTRIAN SAFETY IMPROVEMENTS TO TOPLINE CONSTRUCTION CORP.

WHEREAS, the Borough of Chatham received two grants from the NJDOT in the combined amount of \$315,000.00 for the Kings Road Pedestrian Safety Improvements; and

WHEREAS, the Borough of Chatham has received one (1) bid for the required Kings Road Pedestrian Safety Improvements; and

WHEREAS, the base bid submitted by Topline Construction Corp. of Somerville, N.J., in the amount of \$328,582.69 was the only bid; and

WHEREAS, the Borough Engineer and the Borough Attorney have reviewed the bids and finds the bidder qualified and the bid documents to be acceptable; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in Capital Accounts # C-04-55-912-200 & C-04-55-912-201.

BE IT RESOLVED, by the Council of the Borough of Chatham, that a contract be processed and awarded to, Topline Construction Corp. in the amount of \$328,582.69; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute a contract with Topline Construction Corp., in the amount of \$328,582.69 for the improvements.

RESOLUTION #13-292

RESOLUTION ADOPTING CHANGE ORDER NO. 1 TO A CONTRACT BETWEEN THE BOROUGH OF CHATHAM AND PA CONTRACTORS, INC. FOR THE WATCHUNG AVENUE SIDEWALK IMPROVEMENTS

WHEREAS, Change Orders are regulated by Local Finance Board regulation N.J.A.C. 5:34-4; and

WHEREAS, approval by the Mayor and Council is required for all Change Orders; and

WHEREAS, the Finance Officer has certified that funds are available in Capital Account #C-04-55-911-203; and

WHEREAS, the Borough Engineer, has recommended that the Mayor and Council approve Change Order No. 1 as follows:

Change Order #1

A. The installation of additional sidewalk and curb as directed by the Borough Engineer

The cost for completing this work will be in an amount not to exceed
\$ 9,040.00.

WHEREAS, the adjusted amount of this contract, based upon Change Order No. 1 is
\$54,240.00.

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

1. Change Order No. 1 to the contract between the Borough of Chatham and PA Contractors Inc. is authorized by the Borough.
2. The Mayor is hereby authorized to execute Change Order No. 1.

RESOLUTION #13-293

**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF
CHATHAM, COUNTY OF MORRIS APPOINTING SPECIAL COUNSEL**

WHEREAS, the Mayor and Borough Council of the Borough of Chatham desire to appoint Denis F. Driscoll, Esq. of the Inglesino, Pearlman, Wyciskala & Taylor, LLC as special counsel on litigation matters and to represent the Planning Board, Board of Adjustment and Mayor and Borough Council in connection with *Tricare Treatment Services, LLC v. Chatham Borough Planning Bd. et al.*, Docket No. MRS-L-001697-13; and

WHEREAS, the Planning Board and Board of Adjustment may adopt their separate resolutions recognizing this representation.

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

1. Denis F. Driscoll, Esq. of the firm Inglesino, Pearlman, Wyciskala & Taylor, LLC is hereby appointed as special counsel on litigation matters and to represent the Planning Board,

Board of Adjustment and Mayor and Borough Council in connection with *Tricare Treatment Services, LLC v. Chatham Borough Planning Bd. et al.*, Docket No. MRS-L-001697-13.

2. Mr. Driscoll and his firm is hereby authorized and directed to take any and all action necessary to protect the interests of the Borough in connection with this litigation.

3. The Mayor and Borough Council hereby ratify all prior action taken by Mr. Driscoll and his firm in representing the Borough in connection with this litigation.

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

MISCELLANEOUS

RESOLUTION #13-294 RESOLUTION TO AUTHORIZE THE SENIOR CENTER TO PLACE A SIGN AT REASONER PARK

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Senior Center be authorized to place a sign, such sign to be in the form described to the Council on August 12, 2013 located at Reasoner Park on the Borough right of way from September 1st through September 24th, 2013.

BE IT FURTHER RESOLVED, the sign is to be removed by September 26, 2013.

RESOLUTION #13-295 RESOLUTION OF THE MAYOR AND COUNCIL AUTHORIZING THE DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the Borough of Chatham is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Mayor and Council are desirous of selling said surplus property in a “as is” condition without express or implied warranties.

BE IT RESOLVED, by the Council of the Borough of Chatham, County of Morris as follows:

The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 from August 18 through August 24, 2013 in accordance with

the term and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available in the Clerk’s office.

The sale will be conducted online and the address of the auction site is govdeals.com. The sale is being conducted pursuant to Local Finance Notice 2008-9.

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A list of the surplus property to be sold is as follows:

Minimum Bids

- | | |
|---|-------------|
| 1. 1992 Ford E-350 Van 7.3L Diesel
Vin#1FDKE30M6NHA71397 Miles approx. 60,000 | \$1,000.00 |
| 2. 2003 Ford Crown Victoria 4.6L
Vin#2FAFP71W93X105987 Miles 89,695
Needs timing case cover | \$ 500.00 |
| 3. 2000 Ford Crown Victoria 4.6L Miles 112,924
Vin#2FAFP71W9YX110288 | \$ 500.00 |
| 4. 2008 Ford Crown Victoria 4.6L
Vin#2FAHP71V08X178611 Miles 66,181
Needs transmission | \$5,600.00 |
| 5. 2005 Ford Crown Victoria 4.6L
Vin#2FAHP71W15X160624 Miles 78,509 | \$ 500.00 |
| 6. 2000 Ford F-350 Mason dump with Fisher
9'snow plow 7.3 Diesel
Vin#1FDWF37F3YEB46665 Miles 34,841
Needs new dump body and water pump | \$ 2,000.00 |
| 7. 2004 GMC C8500 Caterpillar 3126
Diesel Engine (250 HP)
Vin#1GDP8C1C34F501187 Miles 26,135
Heated dump body needs fuel pump | \$5,000.00 |
| 8. 1998 Tarco Leaf vacuum John Deere Diesel
Engine 4045D Serial#J2012A5375J02 Hours-872 | \$ 300.00 |
| 9. 2002 Tarco Leaf vacuum John Deere Diesel

Engine 4045D Serial#J2012A7471J02 Hours-686 | \$ 500.00 |
| 10. 2005 Crown Victoria 4.6L
Vin#2FAFP71W75X108776 Miles 84,695 | \$1,000.00 |

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11. 2002 Accu-Turn Tire Changing Machine	
Model 3402 Serial#0202.6020444.105	\$1,000.00

No Minimums

12. Various computers and office equipment

13. Pile of Logs

14. Pile of Mulch

The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

The Borough of Chatham reserves the right to accept or reject any bid submitted.

RESOLUTION #13-296

**RESOLUTION TO APPROVE THE USE OF THE LAWN AREA ABOVE THE 9/11
MEMORIAL FOR THE ADULT SERVICES OF THE LIBRARY OF THE CHATHAMS
TO HOLD AN OUTDOOR MUSIC CONCERT ON SEPTEMBER 15, 2013**

WHEREAS, Deborah Fitzgerald, head of the Adult Services for the Library of the Chathams, submitted a request on July 31, 2013 for the Borough Council to authorize an outdoor music concert on September 15, 2013 from 2:30 p.m. to 4:00 p.m.; and

WHEREAS, band concerts are sponsored by many libraries; and

WHEREAS, the Mayor and Borough Council enthusiastically support the Library of the Chathams.

BE IT RESOLVED, that the Mayor and Borough Council grant permission for the use of lawn area above the 9/11 Memorial for the Library of the Chathams to hold an outdoor music concert on September 15, 2013; and

BE IT FURTHER RESOLVED, that the Library of the Chathams must comply with the directions of the Borough Administrator that relate to insurance, and the location for the placement of chairs, benches and other equipment.

CONSENT AGENDA VOTE:

Mayor Harris asked Council President Holman to proceed with the Resolutions listed on the Consent Agenda. Resolutions #13-280 through #13-296.

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Council President Holman 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.

RESOLUTION #13-297

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 \$1,842,230 BOND ANTICIPATION NOTE AND A \$215,464 SPECIAL EMERGENCY NOTE, BOTH ISSUES DATED JULY 23, 2013 AND PAYABLE JULY 23, 2014, 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 \$1,842,230 bond anticipation note and a \$215,464 special emergency note, both issues dated July 23, 2013 and payable July 23, 2014 (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:

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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 2013.

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 2013.

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 2013 dated as of the date of delivery of the Notes.

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

Council Member Lonergan moved to approve Resolution #13-297, seconded by Council President Holman. A vote was taken and Resolution #13-297 was adopted by the following roll call vote.

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

FIRST READING ORDINANCE PROCEDURE

Mayor Harris asked Council Member Collander to introduce Ordinance #13-17.

Council Member Collander introduced Ordinance #13-17 by title as follows:

**ORDINANCE #13-17
MUTUAL AID 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 August 12, 2013.

BE IT RESOLVED, that at the Council meeting to be held on September 9, 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 Borough Hall and make copies available to members of the general public.

Seconded by Council President Holman.

Mayor Harris asked Clerk for a Roll Call Vote:

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

RESOLUTION #13-298
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:

LITIGATION: 1. Tricare Litigation 2010 & 2013- Mr. Lott

CONTRACTS: 1. Park Mobile- Mr. Lott/Mr. Mariniello
2. Recycling Contract- Mr. Lott
3. Sale of Vacant Land- Mr. Lott/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 Helfrich moved Resolution #13-298, seconded by Council President Holman. A vote was taken and Resolution #13-298 was approved unanimously.

Adjourn 8:50 p.m.

Respectfully Submitted:

Susan Caljean, RMC, CMC