

**REGULAR MEETING OF THE
MAYOR AND BOROUGH COUNCIL**

August 11, 2014 MINUTES

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, August 11, 2014 at 7:30 p.m. in the Council Chambers in the Municipal Building, 54 Fairmount Avenue, Chatham, New Jersey.

SALUTE TO FLAG

The Mayor and Borough Council led the assembled in the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Harris asked for a moment of silence for those who have given their lives for our country.

STATEMENT OF ADEQUATE NOTICE

Robin R. Kline, Municipal Clerk, read the following Adequate Notice of Meeting statement:

Adequate notice of this meeting had been provided on January 2, 2014 in accordance with N.J.S.A. 10:4-10, by including same in the Annual Meeting Notice, a copy of which was posted on the Municipal Bulletin Board located on the main floor in the Municipal Building, was e-mailed to the Independent Press, the Morris County Daily Record, the Star Ledger, the Chatham Courier, the Chatham Patch, and The Alternative Press, and such Annual Meeting Notice was filed with the Borough Clerk.

ROLL CALL

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 Victoria Fife
- Council Member Gerald J. Helfrich
- Robert J. Falzarano, Borough Administrator
- James L. Lott, Jr., Borough Attorney
- Robin R. Kline, Municipal Clerk

Council Member Alida Kass was absent.

Mayor Bruce A. Harris read the following Resolution:

RESOLUTION #14-245

RESOLUTION TO ADOPT COUNCIL MEETING MINUTES

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

July 14, 2014

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

July 14, 2014 Closed Session

Council Member Helfrich moved to approve Resolution #14-245, seconded by Council Member Collander. A voice vote was taken and Resolution #14-245 was approved unanimously.

DISCUSSION ITEMS

Recycling Center Update – Mayor Harris informed the public that the suggestion to relocate the Recycling Center to the Borough’s mulch site was proposed by the Department of Public Works as a cost-saving initiative, reducing the need to schedule personnel to manage both sites, and would better address off-hour dumping issues at the mulch site. Mayor Harris further clarified the Recycling Depot does not accept hazardous materials. In addition to typical household recyclables, residents can drop-off large rigid plastic items, clothing and electronic items, which are not collected curbside.

Council Member Holman reported the governing body was interested in examining the proposal because as one of the leaders in recycling in Morris County, the Borough wishes to promote and make available recycling choices to its citizenry. Consolidating the recycling depot with the mulch site could provide flexibility of hours of operation and reduce or eliminate personnel over-time costs. Council Holman further thanked the public for the many comments the governing body received opposing the proposal and stated the feedback was very beneficial in helping the governing body evaluate the proposal.

Council Member Collander informed the residents that mandates promulgated by the Open Public Meetings Act required the Mayor and Council to hold all discussion concerning this matter during a public meeting. Public meetings allow the public to witness and observe all deliberations of matters brought before them and allow a discourse to take place with the public. The fact that the matter has been discussed in public meetings did not imply the Mayor and Council were going to implement the measure; it was the process that needed to be followed. Council Member Collander also reiterated the intent of the proposed relocation was to save money by judiciously examining how Borough resources are used.

Council Member Lonergan suggested the governing body should consider opening the recycling depot on a monthly basis to residents to allow dropping off of electronic waste.

Council President Fife thanked the Department of Public Works for suggesting this potentially cost-saving initiative and encouraged all Borough employees to always seek ways to generate greater operational and cost-saving efficiencies.

Mayor Harris further reported the Council recently learned the mulch site was subject to Green Acres rules and would have required a lengthy and complex process to gain approvals for the Borough to be able to use the property as a recycling center. After discussion, it was the consensus of the Borough Council not to proceed with the relocation of the recycling center.

Tree and Hydrant Inventory – Brian Goldstein, a student summer intern, presented a report on the borough-wide tree and fire hydrant inventory assignment recently completed.

Tree Inventory Project: Brian reported trees within the Borough right of way were inventoried and mapped using GPS, ArcMap and ArcCatalog software provided by the county. Approximately 60% of the trees had been surveyed last year by interns Charlie Ross and Andrew Holloway. The tree species, size of the circumference of the trunk, and overall health of the tree was catalogued and the presence of any tree hazards or sidewalk damage was noted. 3,986 trees were inventoried on Borough property and

right-of-ways. Brian further reported the tree inventory can easily be updated by DPW personnel and/or Shade Tree Commission volunteers using the software.

Fire Hydrant Mapping Project: Brian reported 340 fire hydrants have been mapped using GPS, ArcMap and ArcCatalog software. Fire department personnel can update the hydrant inventory into the Fire Mobile interface. Steve Williams, the Borough's Deputy Fire Marshall, reported the hydrant information has since been uploaded into the Fire Department's Fire Mobile software system. With planned future technology investments, data will be readily accessible on each fire truck. Mr. Williams further reported fire hydrant markers will be installed on all Borough fire hydrants and diamond markings will be painted on streets for quick identification of hydrant locations by fire personnel in all seasons and weather conditions.

The Borough can purchase the ArcMap and ArcCatalog software for 5 users for the cost of \$4,236.94 for the first year and \$2,500.00 for each renewal year thereafter.

Project Pride – Council President Fife presented an update on the status of Project Pride, a youth counseling program utilized by Florham Park, Madison, and Chatham Borough. The Madison YMCA expressed interest in running the program and providing the service to member communities. A proposed contract agreement is currently in attorney review.

MEETING OPEN TO THE PUBLIC

NOTICE OF PUBLIC COMMENT TIME LIMIT

Hearing of citizens during the Public Comment section of the Agenda is an opportunity for any member of the public to be heard about issues which are/are not topics scheduled for Public Hearing tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to a reasonable length of time.

Mayor Harris opened the meeting to the public.

Mark Visco, 11 Duchamp Place, presented a copy of the on-line petition with 259 signatures opposing the relocation of the recycling depot to the mulch site. Mr. Visco questioned why a recycling depot is needed since single-stream curbside collection has been implemented town-wide and suggested the Borough Council consider closing the facility. Mayor Harris clarified that bulk plastics, electronic items and textiles are not collected at curbside. Residents can drop off these items at the recycling depot. Mr. Visco thanked the Mayor and Council for dropping the idea of relocating the recycling depot to the mulch site.

Ken Ryan, 51 Elmwood Avenue, questioned why the governing body wanted to relocate the recycling depot. Council Member Holman responded the governing body was examining whether or not the possible consolidation the recycling depot with the mulch site would add to the flexibility of hours of operation and reduce personnel over-time costs. Mr. Ryan reported illegal dumping being done at the mulch area on Sundays by contractors.

Mike [last name inaudible], Center Avenue, inquired about the terms of the lease agreement between NJ Transit and the Borough for use of the recycling depot property and further questioned if leasing the property was a factor in considering the relocation of the facility. Mayor Harris responded the lease agreement with NJ Transit is renewed automatically each year and was not a factor in examining the costs and benefits of potentially consolidating the recycling depot to the mulch site.

Donald VanDyke, 44 Elmwood Avenue, voiced his interest that the Kelley's Pond, being one of a few remaining natural areas in the Borough, be left in its natural state.

Donna Cali-Charles, 131 Center Avenue, thanked the Mayor and Council for listening to the residents' concerns and deciding not to pursue the relocation of the recycling depot and inquired what the dollar cost-savings was if the recycling depot was consolidated with the mulch site. Council Member Holman responded personnel overtime costs associated with having to operate both sites independently, as well as, costs associated with the Borough having to remove illegally dumped materials were considered. Ms. Cali-Charles also questioned Resolution #14-251, assigning solid waste collection to a new company, and asked if the use of green bags would continue. Mayor Harris responded the terms of the current solid waste collection contract would remain in place and nothing would change until a new contract is negotiated in 2015. Lastly, Ms. Cali-Charles sought further clarification concerning Resolution #14-254.

Diane Conlan, 22 Garden Avenue, inquired when the Borough would be paving Division Avenue. Mayor Harris responded the road is scheduled to be paved this summer. Ms. Conlan further inquired if the Borough has established a preventative action program to combat the emerald ash borer. Mayor Harris reported the Department of Public Works is consulting with a forester and will provide its recommendation to the governing body on a course of action. Hopefully that will help residents decide what they want to do. He encouraged residents to consult with their own tree specialists.

Eileen Hartigan, 121 Center Avenue, inquired about the scheduled paving of Center Avenue. Mr. Falzarano responded the Borough is moving forward with the scheduling of paving projects with contractors associated with the Morris County Cooperative Pricing Council.

Seeing no one else wishing to speak Mayor Harris closed the meeting to the public.

REPORTS

COUNCIL COMMITTEE REPORTS

Budget and Finance - Council Member James Lonergan reported a Budget and Finance Committee meeting has been scheduled to begin discussion of the 2015 Municipal Budget process.

Long Range Traffic & Pedestrian Safety Planning - Council Member James J. Collander had nothing new to report.

Public Safety & Emergency Services - Council Member James J. Collander reported Chief Crosson will begin the citizen Ride-Along program and encouraged interested residents 16 years of age and older to contact the police department to sign up. Council Member Collander further encouraged residents to consider volunteering for the fire department.

Personnel - Council President Victoria Fife reported the Personnel Committee met to discuss updating job descriptions for certain Borough employees and to finalize a proposed structural reorganization of municipal departments.

Public Works Planning - Council Member John Holman had nothing new to report.

Shared Services & 3rd Party Agreements - Council Member Gerald Helfrich had nothing new to report.

MAYOR'S REPORT

Mayor Harris informed he had nothing additional to report tonight and yielded to Mr. Falzarano's report.

ADMINISTRATOR'S REPORT

Robert J. Falzarano stated he, Mayor Harris, John Eyre and Linda White participated in a COAH webinar discussing the proposed COAH rules. Mr. Falzarano will meet with Susan Blickstein, the Borough planner, later in the week to discuss how the new COAH regulations may impact the Borough. The Senior Services of the Chathams sent a letter thanking the Borough for their donation. Tony Torello, Bob Venezia and Bob Falzarano met last week to discuss potential preventative courses of action to address the emerald ash borer issue. The forester will recommend which trees should be treated and the cost. Mayor Harris requested this matter be scheduled as a future discussion item. Mr. DeNave, the Borough's Engineer, met with PSE&G to discuss the contract for the Division Avenue Parking Lot. The Morris County Joint Insurance Fund awarded the Borough with \$1,400.00 for the best overall safety record in 2013. The Borough will be able to purchase safety equipment with the award. The two Bond Anticipation Note issuances were awarded to Peapack-Gladstone Bank. Interest charges paid by the Borough will be charged a 0.49% APR. Morris County's paving of Fairmount Avenue is scheduled to begin August 4th.

CONSENT AGENDA

The following items are considered to be routine by the Chatham Borough Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda: Resolution #14-246 through Resolution #14-254.

APPOINTMENTS

RESOLUTION #14-246

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

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

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

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

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

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

RESOLUTION #14-247

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

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

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

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

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

RESOLUTION #14-248

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

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

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

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

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

FINANCE

RESOLUTION #14-249

RESOLUTION TO APPROVE PAYMENT OF VOUCHERS

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

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that all vouchers approved by the Finance Chairman be paid subject to the certification of the availability of funds by the Director of Finance.

RESOLUTION #14-250

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

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

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

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

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

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

CONTRACTS

RESOLUTION #14-251

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

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

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

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

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

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

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

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

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

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

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

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

RECREATION

RESOLUTION #14-252

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

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

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

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

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

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

and,

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

OTHER

RESOLUTION #14-253

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

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

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

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

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

RESOLUTION #14-254

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

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

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

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

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

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

CONSENT AGENDA VOTE:

Mayor Harris asked Council Member Holman to proceed with the Resolution #14-246 through Resolution #14-254 listed on the Consent Agenda.

Council Member Holman moved to approve the Consent Agenda, seconded by Council Member Collander. A voice vote was taken and all Resolutions listed on the Consent Agenda were approved unanimously.

RESOLUTION FOR SEPARATE ACTION

Mayor Harris asked Council Member Lonergan to proceed with Resolution #14-255.

Council Member Lonergan read Resolution #14-255 by title:

FINANCE

RESOLUTION #14-255

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Council Member Lonergan made a motion to approve Resolution #14-255. Motion seconded by Council Member Helfrich.

Mayor Harris asked the Clerk for a Roll Call Vote.

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

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

Mayor Harris asked Council President Fife to proceed with a motion for Resolution #14-256.

Council President Fife read Resolution #14-256 in full.

RESOLUTION #14-256

RESOLUTION TO ADJOURN INTO CLOSED SESSION

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that it shall adjourn into closed session to discuss the following subject matter(s) without the presence of the public in accordance with the provisions of R.S. 10:4-12b:

- Contracts:
 1. Joint Recreation – Council Member Lonergan
 2. Jurisdiction Agreement with the Library – Mayor Harris

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

- Litigation:
 1. Tricare Matter – Council Member Helfrich

and,

BE IT FURTHER RESOLVED, that the matter(s) discussed will be made known to the public at such time as appropriate action is taken on said matter(s), and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Borough of Chatham, provided such disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege. The Borough Council will not return to public session after this closed session.

Council President Fife moved to approve Resolution #14-256. Motion seconded by Council Member Collander. A voice vote was taken and Resolution #14-256 was approved unanimously.

The Mayor and Council adjourned into Closed Session.

ADJOURNMENT

Adjourn 8:49 p.m.

Respectfully Submitted:

Robin R. Kline

Robin R. Kline, MAS, RMC, CMR
BOROUGH OF CHATHAM
Municipal Clerk