

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

October 27, 2014 MINUTES

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, October 27, 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 statement of adequate notice:

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

Mayor Bruce A. Harris opened the meeting by commending Coviello Brothers and Honor Tree Service for their contributions to the Chatham Community Garden.

Mayor Harris asked Council Member John Holman to read Resolution #14-308.

Prior to reading the Resolution, Council Member John Holman thanked all volunteers who worked together to create the Community Garden, calling the endeavor, "a complete coming together of the community."

RESOLUTION (COMMENDATORY)

RESOLUTION #14-308

RESOLUTION COMMENDING BOTH COVIELLO BROTHERS AND HONOR TREE SERVICE FOR THEIR TIRELESS EFFORTS IN HELPING AND PROMOTING THE CHATHAM COMMUNITY GARDEN ON WOODLAND AVENUE LOCATED IN BOTH THE BOROUGH OF CHATHAM AND TOWNSHIP OF CHATHAM

WHEREAS, both Coviello Brothers and Honor Tree Service have donated countless hours of their time at no cost to the Borough taxpayer in making the Community Garden a reality; and,

WHEREAS, both Coviello Brothers and Honor Tree Service have donated materials and services to the Community Garden at no cost to the taxpayers of the Borough; and,

WHEREAS, such assistance has consisted, but has not been limited to, the following: pruning of trees and removal of old stumps to allow sufficient sun in the garden; the removal of dead trees and debris leftover from Hurricane Sandy; hauling topsoil and compost for the Community Garden; utilizing heavy machinery and labor at the Community Garden to aid in its construction; and keeping their interest on an ongoing basis in the original Community Garden and its subsequent relocation to Woodland Road by bulldozing to ready the new land for the Spring, turning compost in the new Community Garden and many other activities too lengthy to individually name.

BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham, in the County of Morris, New Jersey, does hereby commend both Coviello Brothers and Honor Tree Service for their tremendous generosity and community spirit, which has not only made the Community Garden a reality but has also improved the quality of life for all Chatham residents.

Council Member Holman moved to approve Resolution #14-308. Motion seconded by Council Member James Collander. A voice vote was taken and Resolution #14-308 was approved unanimously.

Mayor Bruce Harris asked Council Member John Holman to present the commendatory Resolutions to Mr. Peter Coviello of Coviello Brothers Garden Center, and Mr. Ernie Nash of Honor Tree Service. Paul Susinski, a Borough resident, assisted Council Member Holman in the presentations and personally thanked Mr. Coviello and Mr. Nash for their support and expertise. The presentations were met with rising applause.

RESOLUTION #14-309

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:

October 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:

October 14, 2014

Council Member Gerald Helfrich moved to approve Resolution #14-309. Motion seconded by Council Member James Lonergan. A voice vote was taken and Resolution #14-309 was approved unanimously.

DISCUSSION ITEMS

Fire Department Ordinance – Council Member James Collander commented that the Council would not be introducing the Fire Department Ordinance at tonight's meeting. Council Member Collander reported that the Public Safety Committee and Mr. Falzarano met with Fire Department officials to discuss the process the Fire Department would use to select the Fire Chief by election and proceeded to

draft an Ordinance. The final draft ordinance will be introduced on November 10th with the public hearing and second reading scheduled for November 24th.

Ebola Response Procedures – Mr. Steve Williams, Mr. Steve Davenport, and Health Officer Lisa Gulla provided an update on the Borough’s Ebola response preparedness. Mr. Williams reported the Chatham Borough Office of Emergency Management, Chatham Emergency Squad, and the Health Department have been monitoring developments nationally and state-wide. Morris County has been providing resources to local first responders throughout the county on a daily basis and has created the Morris County Infectious Disease Response Team to supplement local EMS efforts if needed. Mr. Davenport, representing the Chatham Borough Emergency Squad, commented that although the potential of an emergency squad member coming into contact with a Ebola infected patient is remote, the Emergency Squad has begun training all members on Ebola response protocols, including proper donning and doffing of protective equipment. Circumspection and caution will be re-enforced when responding to calls.

Lisa Gulla assured everyone that the Health Department is well prepared and continues to communicate updated protocols to all first responders as information is received. Ms. Gulla reported that while there may be a remote chance of a first responder coming into contact with an Ebola infected person, the Health Department is fully-prepared to respond. Donning and doffing procedures of protective clothing will be practiced. Communicable disease procedures will be followed and the Infectious Response Decontamination Team (IRDT) comprised of state, county and local agencies and will be called to assist the Borough’s first responders if needed. Quarantines would be overseen by the Madison Heath Department health care nurses. Suspected patients from Chatham, once stabilized, would be transported to Morristown Medical Center.

In closing, Ms. Gulla reminded everyone to wash their hands, cover sneezing and coughing, and get a flu shot.

Emergency Generator Regulations/Noise Ordinance –Mr. Vince DeNave reported Chatham Borough does not currently have local regulations in place that address the installation and operation of in-place stationary mounted generator units. Since Hurricane Irene in 2011 and Hurricane Sandy in 2012, the Borough received 180-190 permit applications for the installation of home emergency generators. Mr. Lott advised emergency generator regulations must be codified to adequately address noise, air flow discharge, and other potential operational nuisances. Mr. Lott advised the proposed ordinance would require a permit be obtained for the installation of a generator. A permitting process would allow some flexibility on a case-by-case basis. Mr. DeNave confirmed that safety regulations, such as carbon monoxide standards and fire codes, are required to be followed under state construction codes. In addition, manufacturer specifications require a minimum distance of two feet from structures and the Borough’s set back requirement for accessory structures would be four feet. Ventilation and air flow regulations require a ten feet distance from a property line for the discharge of air. Screening, such as lattice fencing or vegetation, would be required in hardship cases where the ten feet set-back could not be met. Variances would have to be granted in instances where set backs may be insufficient. Mr. Lott advised the proposed ordinance will be revised and recirculated. Generators already installed would be grandfathered from the new regulations. Mr. DeNave confirmed there are no regulation regarding the installation of HVAC units.

Capital Projects Update – Mr. Vince DeNave provided the following update on the following projects:

- The Borough’s 2014 Sidewalk and Curb program has been completed. Sidewalks and curbs throughout Zones 1 and 2 have been fully repaired and replaced.

- A total of seven roads have been resurfaced this year. Post Office Plaza and Edgehill Avenue are scheduled for completion. Mr. DeNave reported he continues to reach out to the contractor to confirm completion dates for the remaining paving. Residents will be notified if the remaining projects are to be postponed to next spring.
- The conduits and bases for the new Post Office Plaza lights have been installed. The new lighting has been ordered and will be scheduled for installation. Paving work remains.
- The Borough Hall roof repair project has been completed. The new roof carries a 15-year warranty.
- The in-field areas at Lum Field have been replaced to prolong life of the ball fields. Mr. DeNave estimated the remaining turf has a 2-3 year life. A capital project and budget has been submitted for new ball fields.
- The Division Avenue parking lot will be scheduled for paving. The agreement is in the process of being signed by PSE&G and the Borough.
- Gateway signs have arrived. Utility mark outs must be completed before installation can be scheduled.

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.

Ken Dolsky, residing at 21 Winfield Drive, Parsippany, identified himself as a volunteer with Sierra Club, and provided an overview of the proposed Pilgrim Pipeline project to be constructed from Albany, NY to the Linden, NJ refineries. The pipeline would traverse Chatham Borough. The Pilgrim Pipeline is a private venture and would not be regulated by state law, since oil pipelines are not regulated in the state. Mr. Dolsky commented on the environmental and safety hazardous posed by the pipeline and urged Chatham Borough officials to pass a resolution opposing the pipeline.

Mr. Michael Dean, residing at 181 N. Passaic, questioned if the Fire Department ordinance would be discussed at tonight's meeting. Mr. Dean also questioned if the county establishes a completion deadline for the contractor who is awarded the paving contract. He suggested the county should award more than one paving contract and impose a penalty for not completing the paving projects within a specified deadline. Mr. Dean questioned whether the proposed Pilgrim pipeline would have an impact on tax retables and would be assessed as a taxpayer. Lastly, Mr. Dean asked for aggregate costs-to-date the Borough has expended in defending the TriCare litigation. Mr. Lott responded that he would compile litigation costs paid by the Borough to date. Mayor Harris commented that the Borough's insurance provides defense costs for some of the legal matters.

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

ORDINANCE FOR SECOND READING

Mayor Harris asked Council Member John Holman to proceed with Ordinance #14-08.

Council Member John Holman read Ordinance #14-08 by title:

ORDINANCE #14-08
AN ORDINANCE AMENDING CHAPTER A325 TO GRANT CONSENT FOR
THE NON-EXCLUSIVE USE OF PUBLIC RIGHTS-OF-WAY

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on October 14, 2014.

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

The Borough Clerk announced a legal notice was published indicating that Ordinance #14-08 was introduced and passed on first reading at the October 14, 2014 meeting and further stated the second reading and public hearing would be held at 7:30 p.m. on October 27, 2014 for consideration of final adoption. Copies of this Ordinance were made available to the general public and were posted in accordance with law.

Mayor Harris opened the public hearing on Ordinance #14-08 and invited any member of the public to be heard.

Seeing no one wishing to be heard, Mayor Harris closed the public hearing.

Council Member John Holman offered the Ordinance and moved its adoption:

BE IT RESOLVED, that this Ordinance as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed.

Council Member Collander seconded the motion.

Mayor Harris asked the Borough Clerk for a Roll Call Vote.

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

Mayor Harris declared Ordinance #14-08 adopted and finally passed and requested the Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

REPORTS

BOARD & COMMISSION MEMBERS & LIAISON REPORTS

Affordable Housing Advisory Committee

Mayor Bruce Harris reported COAH regulations were not adopted.

Traffic & Pedestrian Safety Advisory Committee

Council Member James Collander stated the police department recently set up radar on Chatham Street in on-going efforts to target and enforce speeding. Council Member Collander encouraged Borough residents to report speeding issues to the Police Department.

Chamber of Commerce

Council President Victoria Fife had nothing new to report.

Clean Chatham Advisory Committee

Council President Victoria Fife publically thanked Joe Pascarella for taking it upon himself to water the downtown planters during the summer months. Council President Fife also thanked Ruby Siropoulos for creating and arranging the festive corn stalks, pumpkins and gourds in the planters for the fall months. Holiday white lights will soon be installed in the trees downtown to welcome in the festive holiday season. A date has not been determined when the white lights will be lit.

Mayor's Wellness Committee

Council President Victoria Fife had nothing new to report.

Planning Board

Council President Victoria Fife stated the proposed M Districts zoning ordinance will be presented for first reading later at tonight's meeting. Once passed upon introduction, the ordinance will be forwarded to the Planning Board for its review at their October 15th meeting. The ordinance has been scheduled for public hearing and second reading on November 24th.

Project Community Pride

Council President Victoria Fife reported Project Community Pride meets tomorrow, Tuesday, October 28th. This will be the first meeting since the Madison YMCA has become the lead agency for the program.

Public Arts Council Advisory Committee

Council President Victoria Fife reported the Public Arts Council has a lot of projects on-going and planned. More information will be provided at a later date.

Senior Center of the Chathams

Council President Victoria Fife reported the Senior Center of the Chathams held a successful paper shredding fund-raiser event on Saturday, October 25th at the Farmers' Market.

Cares & Shares Advisory Committee

Council Member James Lonergan reported the committee has filed for 501[c]3 IRS exemption, which is pending. Eight active cases are being handled.

Communications & Technology Advisory Committee

Council Member James Lonergan reported an eNewsletter will be launched in January 1, 2015. An editorial calendar is being finalized.

Joint Recreation Advisory Committee

Council Member James Lonergan reported Mr. DeNave, Mrs. Nauta and he met with the Chatham Soccer Club to discuss logistics in developing a clinic-driven program. Council Member Lonergan also reported the new Cross Country program is doing well and praised the Chatham Football program for having a successful year.

Overnight Parking Advisory Committee

Council Member James Lonergan had nothing new to report.

Municipal Pool Advisory Committee

Council Member James Lonergan had nothing new to report.

Board of Health

Council Member John Holman reported the Chatham Borough Board of Health has been active in keeping current with Ebola response preparedness.

Farmers' Market Advisory Committee

Council Member John Holman reported that there is a resolution on tonight's agenda to approve permanent seating. The purpose of the permanent seating is to provide a place for shoppers to enjoy lunch while at the Farmers' Market and to promote a community gathering place for recreation programs at Lum Field.

Joint Community Gardens Advisory Committee

Council Member John Holman reported the Community Garden finished a successful year. 80% of the garden plots were taken. A shed will be installed for storage of equipment over the winter months.

Madison Chatham Joint Meeting

Council Member John Holman reported a capital ordinance will be introduced at tonight's meeting for the rehabilitation of the aging Joint Meeting sewer plant. The Joint Meeting has established a 1-3 year capital improvement plan, a 5-10 year plan and a long-term plan to address needed infrastructure improvements and improve energy-efficiencies.

Board of Education

Council Member Gerald Helfrich reported the Board of Education is discussing several proposed capital projects.

9/11 Memorial Advisory Committee

Council Member Gerald Helfrich reported the committee will meet tomorrow, Tuesday, October 28th.

Environmental Commission

Council Member Alida Kass had nothing new to report.

Historic Preservation Commission

Council Member Alida Kass had nothing new to report.

Open Space & Historic Preservation Trust Advisory Committee

Council Member Alida Kass had nothing new to report.

Shade Tree Commission

Council Member Alida Kass had nothing new to report.

MAYOR'S REPORT

Mayor Bruce A. Harris reported the draft 2015 Calendar has been circulated to the Council and requested that each Council Member review the accuracy of the meeting dates reported for each of the boards and commissions. Council Member Lonergan questioned why the Borough does not digitize the Borough calendar and encouraged the Council to consider an electronic format. Mayor Harris said the the Borough must recognize that many residents may not be web-savvy. Mr. Falzarano informed the Council that the printing cost of the calendar is paid by Clean Communities Grant funding. Mayor Harris further reported that letters will be sent to volunteers whose appointed terms will expire at the end of the year to inquire if they are interested in reappointment for another term. Mayor Harris asked the Borough Council to speak with volunteers serving on the advisory committees to which they are Council liaisons to and encouraged Borough residents who may be interested in serving on a committee to complete a Volunteer application form for consideration.

ADMINISTRATOR'S REPORT

Mr. Robert Falzarano reported that revisions will be made to Borough calendar to address changes in solid waste collection. Mr. Falzarano informed the Mayor and Council that the Best Practices resolution placed on tonight's agenda requires Council discussion. The state requires a minimum score of 80% to qualify for 100% state aid funding; the Borough has an overall score of 94% for calendar year 2014. Mr. Timothy Day, the Borough's new Director of Finance has confirmed his office submitted the Best Practices Worksheet by the mandated October 17th deadline. Mr. Falzarano further reported the gateway signs have been received and will be installed by the Public Works Department this week. Lastly, Mr. Falzarano confirmed the Main Street Jurisdictional Agreement for the Coleman Avenue crosswalk flashing lights has been submitted to the state for final approval.

CONSENT AGENDA

Mayor Bruce Harris announced 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 #14-310 through Resolution #14-317 have been placed on the Consent Agenda.

Council President Victoria Fife pointed out two typographical errors contained in Resolution #14-315. The Borough Clerk noted same and confirmed the corrections.

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

None.

FINANCE

RESOLUTION #14-310

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 #14-311

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-87

WHEREAS, N.J.S.A.40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of a county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for the equal amount.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, County of Morris, New Jersey, that they hereby request the Director of the Division of Local Government Services to

approve the insertion of an item of revenue in the 2014 municipal budget, which is now available from the General Trust Account in the amount of \$9,500.00; and

BE IT FURTHER RESOLVED, that the herein referenced item of revenue is the result of funds from the General Trust Fund, which were received from the Chatham Borough Farmers' Market, in the amount of \$9,500.00.

APPOINTMENTS

RESOLUTION #14-312

RESOLUTION APPOINTING RICHARD MORRISON AS A REGULAR MEMBER OF HOSE CO. 1 OF THE CHATHAM BOROUGH VOLUNTEER FIRE DEPARTMENT

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

WHEREAS, Richard Morrison has met all requirements as a probationary member of Hose Co. 1 of the Chatham Borough Volunteer Fire Department and has completed his initial Firefighter I course of study at the Morris County Fire and Police Academy; and

WHEREAS, Fire Chief Peter Glogoglich and Hose Co. 1 Captain Peter Kidd have advised that Richard Morrison has been an active participant in activities of Hose Co. 1 and the Chatham Borough Volunteer Fire Department as a whole; and

WHEREAS, Richard Morrison has received his certification from the State of New Jersey, Division of Fire Safety, as a Certified Firefighter I.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Richard Morrison is hereby appointed as a Regular Member of Hose Co. 1 of the Chatham Borough Volunteer Fire Department; and

BE IT FURTHER RESOLVED, that the Mayor and Council, on behalf of the entire Chatham Borough community, wish to thank Richard Morrison, as well as, all volunteer firefighters of the Chatham Borough Volunteer Fire Department for their invaluable service to our community.

CONTRACTS

RESOLUTION #14-313

RESOLUTION REJECTING ALL BIDS FOR THE 2015-2016 GRASS AND PROPERTY MAINTENANCE CONTRACT

WHEREAS, the Borough of Chatham solicited bids for the 2015-2016 Grass and Property Maintenance Contract in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Borough received and publicly opened four bids for the contract on September 10, 2014; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-13.2(d), provides that a contracting unit may reject all bids where the contracting unit wishes to substantially revise the bid specifications; and

WHEREAS, upon the recommendation of the Borough Administrator, the Mayor and Borough Council has decided to revise the bid specifications to provide for a one year contract term and re-advertise the bid specifications.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that all bids received and publicly opened for the 2015-2016 Grass and Property Maintenance Contract are hereby rejected in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-13.2(d); and

BE IT FURTHER RESOLVED, that all 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 #14-314

RESOLUTION ESTABLISHING FEES FOR THE BASKETBALL AND CROSS COUNTRY RECREATION PROGRAMS

WHEREAS, the Deputy Director of the Chatham Joint Recreation Program has recommended that fees should be established for the Basketball and Cross Country Recreation Programs as follows:

Recreation Program	Amount
Basketball	\$25-\$75/per registrant Depending upon grade level
Cross Country	\$55/per registrant

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it hereby concurs with the Deputy Director of the Chatham Joint Recreation Program and establishes the herein referenced fees for the Basketball and Cross Country Recreation Programs; and

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

OTHER

RESOLUTION #14-315

RESOLUTION APPROVING THE PLACEMENT OF PERMANENT SEATING AT THE CHATHAM BOROUGH FARMERS' MARKET SITE

WHEREAS, the Chatham Borough Farmers' Market Advisory Committee (the "Committee") is seeking to place permanent seating at the market site; and

WHEREAS, over the market season, several vendors offer on-site food menus for serving to patrons to eat while shopping at the market; and

WHEREAS, the Committee has advised the Mayor and Borough Council that visible well placed permanent seating would facilitate a market lunch break for shoppers, truly making the market a shopping and dining destination; and

WHEREAS, the proposed permanent seating would consist of three (3) streetscape benches to be placed along the Fairmount Avenue entrance to the Farmers' Market and six (6) outdoor weatherproof picnic tables to be installed adjacent to the Farmers' Market at North Lum Field; and

WHEREAS, for the 2014 budget year, the Committee has proposed to purchase and install three (3) streetscape benches, in the aggregate amount not to exceed \$3,500.00, and three (3) picnic tables, in the aggregate amount not to exceed \$3,500.00, and will update the You Here Production

video for the Chatham Borough Farmers' Market for the purpose of highlighting current vendors and Farmers' Market volunteers, in the amount not to exceed \$2,500.00. All purchases will use funds appropriated from the 2014 Farmers' Market budget, and

WHEREAS, the purchase and installation of the three (3) streetscape benches and the three (3) picnic tables, as well as, the cost to update the You Here Production video, shall be contingent upon the Borough Council adopting a Chapter 159 resolution as required by N.J.S.A. 40A: 4-87 and the Borough receiving approval from the Director of the Division of Local Government Services for the insertion of a special item of revenue, which was unknown at the time of the adoption of the 2014 budget.

BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham do hereby approve the placement of permanent seating at the Chatham Borough Farmers' Market; and

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

RESOLUTION #14-316

RESOLUTION AUTHORIZING THE EXECUTION AND SUBMISSION OF A WATER ALLOCATION PERMIT APPLICATION FOR THE RENEWAL OF EXISTING PERMIT NO. 5046

WHEREAS, there is a need for the Borough of Chatham to file a Water Allocation Permit Application to the New Jersey Department of Environmental Protection ("NJDEP") for the renewal of existing Permit No. 5046 for the diversion of groundwater for public drinking water; and

WHEREAS, the Borough's Water Operator, together with the Borough Engineer have completed the Borough's Water Allocation Permit Application for the renewal of Permit No. 5046 and have signed the required certifications set forth in Section B. Certifications; and

WHEREAS, the renewal application further requires the signature of the highest-ranking official for the Borough before the Water Allocation Permit Application can be submitted to the NJDEP on behalf of the Borough.

BE IT RESOLVED, by the Council of the Borough of Chatham in the County of Morris and the State of New Jersey that the Mayor is hereby authorized to execute the Water Allocation Permit for the renewal of existing Permit No. 5046 for the diversion of groundwater for public drinking water; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to submit on behalf of the Borough the fully-executed Water Allocation Permit with the NDJEP; 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.

RESOLUTION #14-317

RESOLUTION AUTHORIZING THE ROTARY CLUB TO PLACE SIGNS FOR THE SALE OF CHRISTMAS LUMINARIES AT RAILROAD PLAZA SOUTH AND AT ROTARY PARK

WHEREAS, the Rotary Club has requested permission to place signs for the sale of Christmas luminaries at Railroad Plaza South on the southwest corner facing east/west and the north side at Rotary Park facing Fairmount Avenue.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Rotary Club is hereby authorized to place signs for the sale of Christmas luminaries at Railroad Plaza South on the southwest corner facing east/west and the north side at Rotary Park facing Fairmount Avenue; and

BE IT FURTHER RESOLVED, that the authorization to place signs shall be for the period of November 23, 2014 through December 27, 2014 and that all signs must be removed before December 29, 2014.

CONSENT AGENDA VOTE:

Mayor Harris asked Council Member John Holman to proceed with Resolution #14-310 through #14-317 listed on the Consent Agenda.

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

RESOLUTIONS FOR SEPARATE ACTION

Mayor Harris asked Council Member John Holman to introduce Resolution #14-318.

Council Member Holman introduced Resolution #14-318 by title as follows:

RESOLUTION #14-318

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-7(d), N.J.S.A. 40A:2-11(c), N.J.S.A. 40A:2-26(e) AND N.J.S.A. 58:11B-9(a)

WHEREAS, the Borough Council of the Borough of Chatham desires to make application to the Local Finance Board for its review and/or approval of (A) a proposed bond ordinance (without a down payment) authorizing the funding of the Borough of Chatham's share of the rehabilitation of the Madison-Chatham Joint Meeting sewer plant, (B) the Borough of Chatham's participation in the New Jersey Environmental Infrastructure Trust Financing Program (the "State Program"), and (C) a maturity schedule for a proposed bond issue for loans from the State Program with principal amounts of annual installments that deviate from the requirements of N.J.S.A. 40A:2-26(b); and

WHEREAS, the Borough Council of the Borough of Chatham believes:

- (a) the limitations as to principal amounts of annual installments set forth in N.J.S.A. 40A:2-26(b) will adversely affect the financial position of the local unit;
- (b) it is in the public interest to accomplish such purpose;
- (c) said purpose or improvements are for the health, welfare and convenience or betterment of the inhabitants of the local unit or units;
- (d) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and
- (e) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units.

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

Section 1. The application to the Local Finance Board is hereby approved, and Rogut McCarthy LLC, Bond Counsel, and TM Vrabel and Associates, Borough Auditors, along with other

representatives of the Borough of Chatham, are hereby authorized to prepare such application and to represent the Borough of Chatham in matters pertaining thereto.

Section 2. The Borough Clerk of the Borough of Chatham is hereby directed to prepare and file a copy of this resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statutes.

Council Member Holman made a motion to approve Resolution #14-318.

Motion seconded by Council Member James Collander.

Mayor Harris asked the Borough Clerk for a Roll Call Vote:

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

The Borough Clerk announced Resolution #14-318 passed and is adopted.

Mayor Bruce Harris asked Council Member James Lonergan to introduce Resolution #14-319.

Council Member Lonergan introduced Resolution #14-319 by title as follows:

RESOLUTION #14-319

RESOLUTION ACCEPTING AND APPROVING THE NEW JERSEY DIVISION OF LOCAL GOVERNMENT SERVICES CY2014/FY2015 BEST PRACTICE INVENTORY AND CERTIFYING THE OCCURANCE OF PUBLIC MEETING

WHEREAS, the State’s Fiscal Year Appropriations Act (P.L. 2011, c.85) requires the Division of Local Government Services to determine how much of each municipality’s final 5% allocation of its CMPTRA and ETR aid will be disbursed based upon the results of a Best Practices Inventory (the “Inventory”) to be completed by each municipality, and

WHEREAS, the Inventory is a constructive way to encourage municipalities to consider and embrace a range of best practices that will help improve financial accountability and transparency, and

WHEREAS, perfect scores are not required to receive the final 5% State aid payments and credit is provided where municipalities are acting in good faith to prospectively implement practices; and

WHEREAS, the completed form must be an agenda item for discussion at a municipal governing body meeting for the purpose of ensuring that local officials have been apprised of the results of the Best Practice Inventory Worksheet; and

WHEREAS, the Borough’s Chief Finance Officer filed the Best Practices Inventory electronically on or before October 17, 2014 as required by law; and

WHEREAS, the Borough Administrator in conjunction with the Borough Clerk has placed the Best Practices Inventory on the Mayor and Council's October 27, 2014 meeting agenda for discussion.

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that the Best Practices Inventory prepared and filed by Borough's Chief Finance Officer is hereby accepted and approved; and

BE IT FURTHER RESOLVED, that the Borough Clerk is authorized to sign and submit the required CY2014 Best Practice Inventory certification form, certifying that the CY2014 Best Practice Inventory was discussed publicly at the October 27, 2014 Mayor and Council meeting.

Council Member Lonergan made a motion to approve Resolution #14-319.

Motion seconded by Council Member James Collander.

A voice vote was taken and Mayor Harris announced Resolution #14-319 passed unanimously and is adopted.

ADD-ON RESOLUTIONS

Mayor Bruce Harris asked Council Member John Holman to introduce Resolution #14-321.

Council Member Holman introduced Resolution #14-321 by title as follows:

RESOLUTION #14-321

CAPITAL BUDGET AMENDMENT

WHEREAS, the local capital budget for the year 2014 was adopted by the Borough Council of the Borough of Chatham on the 28th day of April, 2014; and

WHEREAS, it is desired to amend said adopted capital budget.

BE IT RESOLVED, by the Council of the Borough of Chatham, County of Morris, that the following amendment to the adopted capital budget section of the Borough be adopted:

CAPITAL BUDGET (Current Year Action) 2014		PLANNED FUNDING SERVICES FOR CURRENT YEAR 2014	
<u>PROJECT</u>	<u>ESTIMATED TOTAL COST</u>		<u>Debt Authorized</u>
Rehabilitation of Madison-Chatham Joint Meeting Facility	\$ 1,334,000.00		\$ 1,334,000.00
Total General Capital	\$ 2,305,000.00		\$ 2,258,000.00
TOTAL - ALL PROJECTS	\$ 2,424,000.00		\$ 2,371,300.00
TO			
3 YEAR CAPITAL PROGRAM 2004-2016 Anticipated Project Schedule and Funding Requirement		FUNDING AMOUNTS PER YEAR	
<u>PROJECT</u>	<u>ESTIMATED TOTAL COST</u>	<u>Estimated Completion Time</u>	<u>Budget Year 2014</u>
Rehabilitation of Madison-Chatham Joint Meeting Facility	\$ 1,334,000.00	2015	\$ 1,334,000.00
Total General Capital	\$ 4,036,225.00		\$ 2,305,000.00
TOTAL - ALL PROJECTS	\$ 4,499,464.00		\$ 2,424,000.00
TO			
3 YEAR CAPITAL PROGRAM 2004-2016 SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS			
<u>PROJECT</u>	<u>ESTIMATED TOTAL COST</u>	<u>BONDS AND NOTES General</u>	
Rehabilitation of Madison-Chatham Joint Meeting Facility	\$ 1,334,000.00	\$ 1,334,000.00	
Total General Capital	\$ 4,036,225.00	\$ 3,901,114.00	
TOTAL - ALL PROJECTS	\$ 4,499,464.00	\$ 3,901,114.00	

And,

BE IT FURTHER RESOLVED, that two certified copies of this resolution shall be filed with the Office of the Division of Local Government Services.

Council Member Holman made a motion to approve Resolution #14-321.

Motion seconded by Council Member James Collander.

Mayor Harris asked the Borough Clerk for a Roll Call Vote:

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

Mayor Bruce Harris announced Resolution #14-321 passed and is adopted.

Mayor Bruce Harris asked Council Member James Lonergan to introduce Resolution #14-322.

Council Member Lonergan introduced Resolution #14-322 by title as follows:

RESOLUTION #14-322

RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE DEFERRED PAYMENT AGREEMENTS FOR WATER AND SEWER BILLS

WHEREAS, the Borough of Chatham adopted the rules and regulations for water and sewer services by Ordinance #03-24; and

WHEREAS, Section 12.2(d) of the rules and regulations allows for the Borough to enter into a reasonable deferred payment agreements when the homeowner is unable to pay due to a specific extenuating circumstances; and

WHEREAS, the Borough is currently reviewing petitions for deferred payment plans that will need to be addressed prior to upcoming sale of these debts.

BE IT RESOLVED, by the Chatham Borough Council that the Borough Administrator by hereby authorized to execute said agreements should they meet the requirements stated above.

Council Member Lonergan made a motion to approve Resolution #14-322.

Motion seconded by Council Member Gerald Helfrich.

A voice vote was taken and Mayor Harris stated Resolution #14-322 passed unanimously and is adopted.

ORDINANCES FOR FIRST READING

Mayor Bruce Harris asked Council President Victoria Fife to introduce Ordinance #14-09.

Council President Fife introduced Ordinance #14-09 by title as follows:

ORDINANCE #14-09

**AN ORDINANCE OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY AMENDING CHAPTER 165 OF THE LAND DEVELOPMENT
REGULATIONS OF THE BOROUGH CODE RELATED TO THE M-1, -2 and -3 DISTRICTS
AND CREATING A NEW GATEWAY OVERLAY DISTRICT
IN ACCORDANCE WITH THE 2013 MASTER PLAN AMENDMENT**

Council President Fife explained the purpose of the Ordinance and moved for introduction on First Reading by reading the following:

WHEREAS, the above Ordinance was introduced and read by title at this Council meeting held on October 27, 2014.

BE IT RESOLVED, that at the Council meeting to be held on November 24, 2014 at 7:30 p.m. prevailing time, at the Borough Hall, the Chatham Borough Council will further consider this Ordinance for a second reading, public hearing and final passage; and

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

Council President Fife made a motion to approve Ordinance #14-09 on first reading.

Motion seconded by Council Member John Holman.

Mayor Harris asked the Borough Clerk for a Roll Call Vote:

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

The Borough Clerk stated Ordinance #14-09 passed on first reading and will be scheduled for second reading and public hearing at the November 24, 2014 meeting of the Mayor and Council.

Mayor Bruce Harris asked Council Member John Holman to introduce Ordinance #14-10.

Council Member Holman introduced Ordinance #14-10 by title as follows:

ORDINANCE #14-10

**BOND ORDINANCE TO AUTHORIZE THE FUNDING OF A PORTION OF THE COST OF
THE REHABILITATION OF THE MADISON-CHATHAM JOINT MEETING'S MOLITOR
WATER POLLUTION CONTROL FACILITY IN, BY AND FOR THE BOROUGH OF
CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO
APPROPRIATE THE SUM OF \$1,334,000 TO PAY THE COST THEREOF, TO AUTHORIZE**

THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Council Member Holman explained the purpose of the Capital Ordinance and moved for introduction on First Reading and read the following:

WHEREAS, the above Ordinance was introduced and read by title at this Council meeting held on October 27, 2014.

BE IT RESOLVED, that at the Council meeting to be held on November 24, 2014 at 7:30 p.m. prevailing time, at the Borough Hall, the Chatham Borough Council will further consider this Ordinance for a second reading, public hearing and final passage; and

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

Council Member Holman moved to approve Ordinance #14-10 on first reading.

Motion seconded by Council Member Collander.

Mayor Harris asked the Borough Clerk for a Roll Call Vote:

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

The Borough Clerk stated Ordinance #14-10 passed on first reading and will be scheduled for second reading and public hearing at the November 24, 2014 meeting of the Mayor and Council.

Mayor Bruce Harris asked for a motion to table Ordinance #14-11 to the November 10, 2014 meeting.

ORDINANCE #14-11

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 15 OF THE BOROUGH CODE RELATED TO THE BOROUGH FIRE DEPARTMENT

Council Member James Collander made a motion to table Ordinance #14-11 to the November 10, 2014 meeting.

Motion seconded by Council Member Gerald Helfrich.

A voice vote was taken and Mayor Harris stated restated Ordinance #14-11 has been tabled to the November 10, 2014 meeting.

Mayor Bruce Harris asked Council Member Alida Kass to proceed with Resolution #14-320.

Council Member Kass read Resolution #14-320 in full.

RESOLUTION #14-320

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:

- | | |
|-----------------------------|---|
| Personnel matter: | 1. 2015 Employee Salaries/Reorganization Plan –
Council President Fife |
| Litigation matter: | 1. TriCare Litigation – Mr. Lott, Esq. |
| Public Land Acquisition: | 1. Commerce Street Land Donation – Mr. Lott/Mr. DeNave |
| Disposition of Public Land: | 1. Perrin Street Vacation – Mr. Lott/Mr. DeNave |
| Contract matter: | 1. Pilgrim Pipeline Survey Request – Mr. Falzarano |

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

Council Member Kass moved Resolution #14-320.

Motion seconded by Council Member John Holman.

A voice vote was taken and Resolution #14-320 was approved unanimously.

The Mayor and Council adjourned into Closed Session.

ADJOURNMENT

Meeting adjourned 9:10 p.m.

Respectfully Submitted:

Robin R. Kline

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