

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

**March 9, 2015 MINUTES**

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, March 9, 2015 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:

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, emailed to the Independent Press, the Daily Record, the Star Ledger, the Chatham Courier, the Chatham Patch, and The Alternative Press and filed with the Borough Clerk, all on January 2, 2015.

**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 Member Victoria Fife  
Council President 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 proceeded with Resolution #15-134.

**RESOLUTION #15-134**

**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:

February 23, 2015

**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:

February 23, 2015

Council Member James Collander moved to approve Resolution #15-134. The motion was seconded by Council Member James Lonergan. A voice vote was taken and Resolution #15-134 was approved unanimously.

## DISCUSSION ITEMS

**2015 Budget Presentation** – Mr. Timothy Day, the Borough’s Chief Financial Officer, began the 2015 Budget Presentation by presenting the following budget process schedule:

- March 9<sup>th</sup> COLA Ordinance Introduction.
- March 23<sup>rd</sup> COLA Ordinance Adoption and Budget Introduction.
- April 13<sup>th</sup> Capital Ordinance Introduction
- April 27<sup>th</sup> Budget Adoption and Capital Ordinance Adoption.

Mr. Day reported the total operating budget for 2015 is \$14,115,349, an increase of \$20,571 over the 2014 budget. The average assessed home in the Borough increased to \$662,711. The municipal tax levy, including the Library tax levy and Open Space tax levy, is \$2,719 for the average assessed home, representing a \$29 increase from 2014.

Mr. Day explained the 2015 Budget is well within the 2% tax levy cap (the maximum allowable amount to be raised by taxation is \$7,660,451) and the 2% appropriations cap (the maximum allowed for the appropriations cap is \$9,780,516). The 2015 CAP Bank Ordinance, scheduled for introduction at this meeting, would allow the Borough to increase the annual Cost of Living Adjustment (COLA) percentage up to 3.5% or, allows the Borough to bank the difference between the final appropriation, subject to the 2% CAP and the 3.5%, for up to two years. The banked dollar amount would be available to the Borough in the case of a catastrophic or emergent need.

Mr. Day presented a breakdown of how a tax dollar is spent. School tax comprise 63.26% of each tax dollar; Municipal tax (including Open Space tax) comprise 19.39% of each tax dollar; Library tax comprise 2.2% of each tax dollar; and the County tax comprise 15.14% of each tax dollar.

With respect to the school tax levy, Mayor Bruce Harris mentioned that Dr. LaSusa is scheduled to discuss the School Budget at the April 13<sup>th</sup> meeting of the Mayor and Council. He further mentioned that plans are also being made with County Freeholders to schedule a presentation of the County Budget at a future meeting.

Mr. Day then presented a pie chart that detailed the percentage of budgeted expenses by municipal department/municipal program relative to the total budget. Other than a small 1% budgeted increase in appropriations for recreation in 2015 and a 1% reduction in budgeted appropriations for the LOSAP program, expenses remain flat for all departments and programs in 2015.

On the revenue side of the 2015 budget, Mr. Day stated that Chatham Borough ranks 6<sup>th</sup> highest in Morris County (out of 39 municipalities) with respect to the Reserve for Uncollected Taxes. He reported that revenues for the sewer utility, leases and general accounts (e.g. parking, court, grants, permits and fees) are projected to increase in 2015. Mr. Day further reported that State Aid will also remain flat at \$572,099 in 2015.

Mr. Day then presented a graph showing the trend of the Borough’s Capital Spending and Debt Service over the past eight years. While capital spending has modestly increased over the past two years, debt service has slightly decreased.

150,000 has been budgeted in the 2015 Capital Budget for road improvements. The DPW Entrance Drive, Duchamp Place, Fairview Avenue (Fairmount to Washington), Center Avenue (Milton to Yale), Raymond Street and Overlook Road have been listed for milling and paving this year.

Mayor Harris informed the Council that among other capital projects scheduled for completion in 2015, the Borough will fund \$432,250 in capital improvements for the Library building based on a completed facility assessment study. The capital improvement project will address a number of serious drainage and mold problems and pay for a much needed roof replacement. Total overall capital costs for Library improvements would be shared with Chatham Township on a pro-rated basis based on population. In addition, the Library will appropriate \$50,000 in its budget and use donations.

With respect to the Water Utility Capital Budget, Mr. Day stated that a Water and Sewer System Capacity Study will be funded in 2015, which will help drive future capital budgets for both the Water Utility and Sewer Utility.

At the conclusion of the 2015 Budget Presentation, Mayor Harris reiterated that the 2015 Budget would be introduced at the March 23<sup>rd</sup> meeting and then approved on April 27<sup>th</sup>. Mayor Harris thanked the Finance Committee, Administration and Department Heads for all the hard work that has gone into the budget planning to achieve established goals and objectives.

Council Member James Lonergan, Chairman of the Budget and Finance Committee, commented that a good solid budget is one that invests in the town and provides services that residents want. He thanked all Department Heads for holding the line on costs.

Before leaving the Budget discussion, Mr. Robert Falzarano informed the Mayor and Council that the Borough has a \$20,000 matching grant from the Sustainable Jersey program, which will expire this year. The grant funding was initially awarded to the Borough to help fund the EV charging station, however, the Sustainable Jersey program agreed that the Borough could use the awarded grant funds toward replacement windows in the Municipal Building. Mr. Vince DeNave, the Borough Engineer, reported there are 101 windows in the Municipal Building. While improvements have been made to the building's HVAC system, drafty windows have added to heating costs in winter months and cooling costs in summer months. He reported a quote of \$99,000 was received to replace all 101 windows with like wooden Pella windows. A quote for vinyl replacement windows came in at \$42,000; however, since the Municipal Building is located in the Historic District, historic design standards would apply. Both window quotes carry a 25-year life and have the same energy efficiency R value ratings. Mr. DeNave further clarified that since the grant is a reimbursable grant, the expenditure would need to be included in 2015 Capital Budget.

**Farmers' Market Update** – Council Member John Holman reported that the Farmer's Market started eight years ago with eight vendors. Last season, the Farmer's Market registered 30 diverse vendors. Ten vendors served food, allowing visitors to shop and eat while at the market. Over the past eight years, capital improvements to enhance the operation of the Farmer's Market have been added, including the installation of a shed, electric power, washing stations, hoses, and new this past year, the addition of tables and benches. The Farmer's Market seeks to make the weekly Farmer's Market a community event for the entire market season.

**Farmers' Market Spotlight on Local Business Program** – Mr. Joe Mikulewicz, founding member of the Farmer's Market Committee, provided an update on the Farmer's Market Cooperative Advertising Program. In the early years, the Farmer's Market focused on print ads to promote the market. In 2012, the Farmer's Market began to shift its marketing advertisement from print ads to social media, specifically using Facebook and email blasts to reach a targeted audience.

Early this year, the Farmer's Market began a pilot program designed to promote both the market and local businesses by offering a coupon or featured item in the social media ad to attract more visitors to

the market and town. Mr. Mikulewicz stated the Chatham Farmer's Market Committee is hopeful that the pilot program will become popular with local merchants. The committee will be drafting a formal policy and procedure setting forth program criteria and sought feedback from the Mayor and Council in the development of the policy. The Council encouraged the Farmer's Market to remain focused on its objective and avoid any competition between a spotlighted business and a Farmer's Market vendor.

Mr. Mikulewicz reported that the Chatham Farmer's Market Committee will present its policy and procedure recommendation to the Mayor and Council once completed.

**Community Garden Update** – Council Member John Holman reported the Chatham Community Garden Committee is meeting tonight. A new application is available on the Borough's and Township's website for interested registrants. The committee is polling garden registrants to determine whether there is an interest in larger garden plots. If there is room, applications may be granted larger plots.

**Morris County Community Development Representative** – Mayor Harris informed the Council that the Morris County Community Development Committee is county committee comprised of municipal-appointed representatives who review applications for Community Development Block Grant (CDBG) funding and makes recommendations on what applicants receive grant funding. Mayor Harris pointed out that Chatham Borough is not eligible to receive CDBG funding since the Borough does not qualify under low and moderate income restrictions.

Robert Falzarano reported that last year 44 applications were submitted to the county for CDBG funding. Twenty-two applications were approved and awarded grant funding for projects. He inquired whether the Mayor and Council were interested in appointing either a staff member or volunteer to the county subcommittee to participate as the Borough's representative. Mayor Harris questioned whether the appointment would be a good use of the Borough's staff and resources. Council Member James Lonergan suggested that a volunteer from the organization Chatham Bridging the Gap may be interested in serving on the county subcommittee and offered to inquire with the organization.

## **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.

John Le Mon, Chair of Chatham Joint Recreation Advisory Committee, and Doug Herbert, Member of Chatham Joint Recreation Advisory Committee, sought permission to operate portable lights at Lum Field from mid-March through April 9<sup>th</sup> for use by the Lacrosse Recreation program to help accommodate its practice schedules. The portable lights would be needed three nights per week (Tuesday, Wednesday, and Thursday) from 6:55 p.m. to 8:30 p.m. The cost of the portable lights to be rented would be paid from the recreation maintenance fee. Mr. Le Mon reported Lum Field is currently the only open field not snow-covered in the Chathams and anticipated that all grass fields would be open for practice use in early to mid April.

Council Member James Lonergan reported the Joint Recreation Program has been met with strong resistance from the Township in its request for the Township to plow Shunpike Field, which is a lighted field and would be the best option in accommodating organized play. He further reported that unlike the

Township, the Borough continues to demonstrate a cooperative “can do” attitude in getting things up and running.

Paul Garavanty, a Township resident and lacrosse coach for 21 years, reported that the Lacrosse Club paid the cost to have snow plowed off of Lum Field earlier in the month in efforts to accommodate lacrosse practices, which have also been held in the gym. After the recent snow storm, the Borough plowed the snow off the field. Mr. Garavanty further reported that with the use of portable lighting, 50-75 kids would be able to practice at Lum Field on each of the three nights for the extended 1½ hours until 8:30 p.m. The Lacrosse Club would pay for the cost of the portable lights.

Council Member James Lonergan informed the Mayor and Council that the youth recreation programs allow the High School lacrosse, baseball and softball teams’ first use of the fields when needed and schedules their practice time accordingly.

The Council acknowledged that residents concerns regarding the use of lights at Lum Field need to be considered and respected, however, the Mayor & Council also recognized the extraordinary circumstances presented at this time and concurred that permission should be granted to allow use of portable lights at Lum Field for a temporary period three nights a week until April 9<sup>th</sup> for organized play.

Mayor Harris suggested that an Add-on Resolution should be made and considered for Council action after the Consent Agenda.

Joe Mikulewicz, 9 Chatham Street, inquired whether it would be a more affordable option for Shunpike Field to be plowed rather than rent portable lights at Lum Field. Mr. Mikulewicz further questioned why the matter was not presented as a discussion item but rather presented by public comment and suggested the Council should develop a policy to address the pre-season opening and use of fields.

Mayor Harris and Members of the Borough Council commented for the record that they were either not aware of this matter, or were informed only hours or moments before the meeting commenced.

Douglas Herbert, 103 Hillside Avenue, introduced himself as a member of the Chatham Joint Recreation Committee, commented that the girls’ lacrosse team was practicing at Lum Field until dark earlier this evening and observed that lighting is a public safety matter for the players and their families. He voiced his support for the use of temporary lighting at Lum Field until April 9<sup>th</sup>.

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 the 2015 Budget presentation was made at tonight’s meeting.

**Long Range Traffic & Pedestrian Safety Planning** - Council Member James J. Collander reported the committee’s next meeting will be held Thursday, March 12<sup>th</sup> and had nothing new to report at tonight’s meeting.

**Public Safety & Emergency Services** - Council Member James J. Collander had nothing new to report at tonight’s meeting.

**Personnel** - Council Member Victoria Fife stated the Personnel Committee had nothing new to report at tonight’s meeting.

**Public Works Planning** - Council Member John Holman thanked the Department of Public Works for snow removal efforts and reported that the Borough managed to purchase road salt as needed throughout the season.

Mayor Bruce Harris reported he often receives kudos for the work performed by the DPW, which he forwards on to Bob Venezia, and commented that the Borough remains vigilant in maintaining safe road ways during ice and snow conditions.

**Shared Services & 3<sup>rd</sup> Party Agreements** - Council President Gerald Helfrich had nothing new to report at tonight's meeting.

## **MAYOR'S REPORT**

Mayor Bruce A. Harris reported that Council Member Fife and he attended the town meeting for Pilgrim Pipeline held in Madison. The meeting was very informative. Residents who were not able to attend can view the video of the meeting by clicking on the "Pilgrim Pipeline" box on the Borough's website. Mayor Harris further reported that an audit of vacancies on the boards and commissions has been completed. The Historic Preservation Commission and Environmental Commission currently each have a vacancy for an Alternate Position. Mayor Harris invited residents who may be interested in serving on either Commission to submit a Volunteer Application. The application form is available on the Borough website.

## **ADMINISTRATOR'S REPORT**

Mr. Robert Falzarano reported that the Borough Engineer sent out letters to residents informing them that the Council has been discussing the installation of baseball dugouts and a batting cage at Shepard Kollock Park South Field and the resolution authorizing the project is scheduled for the March 23<sup>rd</sup> Borough Council meeting. Mr. Falzarano further reported that brush collection has been postponed until March 23<sup>rd</sup> due to the snow cover and advised that the Mulch site will be open to residents on Wednesdays and Saturdays starting on Wednesday, March 11<sup>th</sup>. Lastly, Mr. Falzarano reported that the 2014 Annual Report will be distributed to the Mayor and Council in Friday's mail.

## **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 #15-135 through Resolution #15-140 have been placed on the Consent Agenda.

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

None.

## **APPOINTMENT**

### **RESOLUTION #15-135**

### **RESOLUTION REAPPOINTING ANNE MANDAL AS CERTIFIED MUNICIPAL REGISTRAR**

**WHEREAS**, pursuant to N.J.S.A. 26:8-14, there is a need for the Borough of Chatham to appoint a Certified Municipal Registrar of Vital Statistics; and

**WHEREAS**, Anne Mandal a Certified Municipal Registrar and has indicated a willingness to be reappointed to serve a 3-year term as the Borough's Certified Municipal Registrar of Vital Statistics.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that Anne Mandal is hereby reappointed as a Certified Municipal Registrar effective March 24, 2015 with such term to expire March 24, 2018.

## **CONTRACT**

### **RESOLUTION #15-136**

#### **RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL ALLIANCE GRANT APPLICATION FOR GRANT YEAR JULY 2015 – JUNE 2016**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government, schools, law enforcement, nonprofit organizations and the faith community in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

**WHEREAS**, the Borough of Chatham, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem across all communities in our society and amongst people of all ages; and

**WHEREAS**, the Borough of Chatham and the Township of Chatham have combined efforts and established the Municipal Alliance Committee of the Chathams; and

**WHEREAS**, the Municipal Alliance Committee of the Chathams was approved for Municipal Alliance grant funding for Grant Year July 2014 – June 2015; and

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse has agreed to make a \$20,073.00 grant funding allocation available to the Municipal Alliance Committee of the Chathams for Grant Year July 2015 – June 2015, contingent upon meeting the Municipal Alliance Committee of the Chathams contributing a 25% Cash Match (\$5,018.25) and a 75% In-kind Match (\$15,054.75) for a Total Alliance Budget of \$40,146.00; and

**WHEREAS**, the Borough of Chatham and Township of Chatham will equally contribute the Cash Match and In-Kind Match required for the grant funding.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that it does hereby authorize the Mayor to execute the Municipal Alliance Grant Application for Grant Year July 2015 – June 2016; and

**BE IT FURTHER RESOLVED**, that the Mayor is permitted to execute any supplement or amendment to the Municipal Alliance Grant Application that increases the grant funding allocation; 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.

## **FINANCE**

### **RESOLUTION #15-137**

#### **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 Chief Financial Officer.

## **BOARDS, COMMISSIONS & COMMITTEES**

### **RESOLUTION #15-138**

#### **RESOLUTION REAFFIRMING APPOINTMENTS TO THE CHATHAM BOROUGH BOARD OF HEALTH AND CORRECTING RESPECTIVE TERM DATES**

**WHEREAS**, an audit of volunteer appointments made to the Chatham Borough Board of Health revealed administrative errors were made concerning certain appointments and their respective appointed term dates; and

**WHEREAS**, it is necessary to reaffirm certain Mayoral appointments to the Chatham Board of Health and correct their respective term dates; and

**WHEREAS**, Borough records reflect that Micki Chaput and Rita Marts were appointed as Regular Members by Resolution #10-01, adopted on January 4, 2010 to a 3-year term commencing on 01/01/2010 and ending 12/31/2012 and their respective re-appointments were made in 2014 by Resolution #14-02 adopted on January 6, 2014, reflecting a 3-year term date commencing on 01/01/14 and ending on 12/31/2016; and

**WHEREAS**, Micki Chaput and Rita Marts should have been reappointed at the 2013 January Reorganization Meeting to serve a 3-year term commencing on 01/01/2013 and ending 12/31/2015; and

**WHEREAS**, Borough records reflect that Kay I. Kaiser and Sally Meyers were appointed as Alternate 1 and Alternate 2 Members, respectively, by Resolution #13-03, adopted on January 7, 2013 for a 2-year term commencing on 01/01/2013 and ending 12/31/2014; and

**WHEREAS**, by Resolution #15-05, adopted on January 5, 2015, Kay I. Kaiser and Sally Meyers were re-appointed to a 1-year term commencing on 01/01/2015 and ending 12/31/2015; and

**WHEREAS**, Kay I. Kaiser and Sally Meyers should have been appointed to a 2-year term commencing on 01/01/2015 and ending on 12/31/2017.

**BE IT RESOLVED**, that the Borough Council of the Borough of Chatham does hereby reaffirm the following Mayoral appointments, with corrected terms of appointment as follows:

#### **Board of Health**

| <u>Name</u>      | <u>Position</u> | <u>Term</u>           |
|------------------|-----------------|-----------------------|
| Micki Chaput     | Regular Member  | 01/01/2013-12/31/2015 |
| Rita Marts, R.N. | Regular Member  | 01/01/2013-12/31/2015 |
| Kay I. Kaiser    | Alternate 1     | 01/01/2015-12/31/2016 |
| Sally Meyers     | Alternate 2     | 01/01/2015-12/31/2016 |

## **OTHER**

### **RESOLUTION #15-139**

#### **RESOLUTION AUTHORIZING THE RELAY FOR LIFE EVENT TO BE HELD ON SATURDAY, MAY 30, 2015**

**WHEREAS**, Relay for Life is the American Cancer Society's signature fund-raising event in support of research, education, advocacy, and cancer patient services; and

**WHEREAS**, the Relay for Life event is a community-owned/volunteer-driven event, not simply to raise funds, but to help the American Cancer Society fight against cancer, save lives, celebrate cancer survivors, and remember loved ones who are no longer with us; and

**WHEREAS**, on May 30, 2015 at Chatham Middle School Haas Field from 6:00 p.m. to 12:00 midnight the Relay for Life Event will take place in Chatham Borough with plenty of food, fun, music, entertainment for everyone, and ceremonies honoring those who have been affected by cancer; and

**WHEREAS**, the Mayor and Borough Council wish to recognize this event as a public celebration that is not subject to the Borough's noise ordinance. However, should the Chatham Borough Police Department receive complaints regarding noise, the event sponsors shall comply with the directions of the Chatham Police Department to mitigate the complaint.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby approve the Relay for Life Event to be held on May 30, 2015 at Chatham Middle School Haas Field from 6:00 p.m. to 12:00 midnight and encourage residents to display purple ribbons outside their homes or business on May 30, 2015 in support of Relay for Life Day in the Borough; and

**BE IT RESOLVED**, that the Relay for Life event coordinators are hereby granted permission to hang one (1) banner at the Train Station South Lot beginning the week of May 12, 2015 to advertise and promote the Relay for Life event and the banner and all materials, including ribbons and signs promoting the event, shall be removed by Monday, June 1, 2015; and

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Council extend their appreciation to the many volunteers who give their time to plan, coordinate and manage the Relay for Life event; 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 #15-140**

#### **RESOLUTION AUTHORIZING THE CHATHAM HISTORICAL SOCIETY TO DISPLAY A BANNER AT BICENTENNIAL PARK AND LAWN SIGNS AT REASONER PARK**

**WHEREAS**, on March 26, 2015, The Chatham Historical Society will be hosting the Road Show Evening of Appraisals; and

**WHEREAS**, The Chatham Historical Society submitted a request to the Mayor and Borough Council to advertise the event and display a banner at Bicentennial Park and lawn signs at Reasoner Park; and

**WHEREAS**, the Mayor and Borough Council support the Road Show Evening of Appraisals.

**BE IT RESOLVED**, by the Mayor and Borough Council that the display of one banner at Bicentennial Park and two lawn signs at Reasoner Park is hereby approved; and

**BE IT FURTHER RESOLVED**, that the banner and lawn signs are authorized for display from March 10, 2015 to March 26, 2015; and

**BE IT FURTHER RESOLVED**, that the banner and lawn signs are to be removed on March 27, 2015; 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 the Resolution.

## CONSENT AGENDA VOTE:

Council President Gerald Helfrich moved to approve Resolutions #15-135 through #15-140 listed on the Consent Agenda. The motion was seconded by Council Member James Collander. A voice vote was taken and Resolution #15-135 through Resolution #15-140 listed on the Consent Agenda were approved unanimously.

## RESOLUTIONS REQUIRING SEPARATE ACTION

Mayor Bruce Harris proceeded with Resolution #15-141:

### RESOLUTION #15-141

#### RESOLUTION AUTHORIZING TRANSFERS BETWEEN CERTAIN BUDGET RESERVE APPROPRIATIONS IN THE 2014 CURRENT FUND BUDGET PURSUANT TO N.J.S.A. 40A:4-58

**WHEREAS**, N.J.S.A. 40A:4-58 provides that transfers may be made between appropriation accounts in the General Budget in the last two months of the fiscal year; and

**WHEREAS**, such transfers are made to cover expenses in accounts in excess of that anticipated and from accounts having expenses in lesser amounts than anticipated; and

**WHEREAS**, these transfers do not affect the total of the operations budget as originally approved in the 2014 Current Fund Budget.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham, in the County of Morris, State of New Jersey, that the Chief Financial Officer is hereby authorized to make the following line-item transfers in the 2014 Current Fund Budget with an effective date of March 9<sup>th</sup>, 2015 in accordance with N.J.S.A. 40A:4-58:

#### CHATHAM BOROUGH

#### BUDGET TRANSFERS - 2015

| Account Name             | Account Number  | Transfer To | Transfer From |
|--------------------------|-----------------|-------------|---------------|
| <u>TO</u><br>Gasoline OE | 4-01-31-460-200 | \$8,700.00  |               |
| <u>FROM</u><br>Police OE | 4-01-25-240-200 |             | \$8,700.00    |
| Totals                   |                 | \$8,700.00  | \$8,700.00    |

And,

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution adopted by not less than a two-thirds (2/3) vote of the full membership of the governing body shall be forwarded to Borough Administrator and to the Chief Finance Officer/Treasurer.

Council Member James Lonergan moved to approved Resolution #15-141.

The motion was 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 #15-141 passed with the required two-thirds (2/3) vote of the full membership of the Borough Council.

Mayor Bruce Harris proceeded with Resolution #15-142:

### **RESOLUTION #15-142**

#### **RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$1,334,000 GENERAL IMPROVEMENT BONDS, SERIES 2015, OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO THE SFY 2015 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM**

**WHEREAS**, the Borough of Chatham (the "Local Unit"), in the County of Morris, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate, install or refinance the Project which consists of the rehabilitation of the Madison-Chatham Joint Meeting's Molitor Water Pollution Control Facility (the "Project"), as further defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the SFY 2015 New Jersey Environmental Infrastructure Trust Financing Program (the "Program"); and

**WHEREAS**, the Local Unit has determined to finance or refinance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively; and

**WHEREAS**, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's Trust Loan General Improvement Bonds, Series 2015, to the Trust (the "Trust Loan Bond") and the Local Unit's Fund Loan General Improvement Bonds, Series 2015, to the State (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds") in an aggregate principal amount not to exceed \$1,334,000, pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes Annotated (the "Local Bond Law"), other applicable law and the Loan Agreements; and

**WHEREAS**, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering,

and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust without any public offering, all under the terms and conditions set forth herein.

**BE IT RESOLVED**, by a 2/3 vote of the full membership of the Borough Council of the Local Unit (the "Borough Council") as follows:

Section 1. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its Trust Loan Bond to the Trust and its Fund Loan Bond to the State, in a total aggregate principal amount not to exceed \$1,334,000, all in accordance with the provisions hereof. The Local Unit Bonds have been referred to and described in Bond Ordinance No. 14-10 of the Local Unit entitled, "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", which was finally adopted by the Borough Council at a meeting thereof duly called and held on November 24, 2014, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amount of the Trust Loan Bond and the Fund Loan Bond to be issued; and
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed twenty years; and
- (c) The date of the Local Unit Bonds; and
- (d) The interest rates of the Local Unit Bonds; and
- (e) The purchase price for the Local Unit Bonds; and
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4(c) hereof.

Section 4. The Borough Council hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-1F. The Trust Loan Bond shall be issued in a single denomination and shall be numbered R-1T; and
- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed,

printed, engraved or reproduced thereon and attested by the manual signature of the Borough Clerk.

Section 5. The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. The law firm of Rogut McCarthy LLC (the "Local Unit's Bond Counsel") is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Borough Auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer and the Borough Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 7. The Mayor and the Chief Financial Officer are severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds and are further authorized to deliver same to the Trust and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Borough Clerk shall forward certified copies of this resolution to the Local Unit's Bond Counsel and to Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

Council Member James Collander moved to approved Resolution #15-142.

The motion was seconded by Council Member James Lonergan.

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

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

The Borough Clerk announced Resolution #15-142 passed with the required two-thirds (2/3) vote of the full membership of the Borough Council.

Mayor Bruce Harris proceeded with Resolution #15-143:

### **RESOLUTION #15-143**

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENTS TO BE EXECUTED BY THE BOROUGH OF CHATHAM AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE SFY 2015 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM**

**WHEREAS**, the Borough of Chatham (the "Local Unit"), in the County of Morris, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate, install or refinance the Project which consists of the rehabilitation of the Madison-Chatham Joint Meeting's Molitor Water Pollution Control Facility (the "Project"), as further defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the SFY 2015 New Jersey Environmental Infrastructure Trust Financing Program (the "Program"); and

**WHEREAS**, the Local Unit has determined to finance or refinance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively; and

**WHEREAS**, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's Trust Loan General Improvement Bonds, Series 2015, to the Trust (the "Trust Loan Bond") and the Local Unit's Fund Loan General Improvement Bonds, Series 2015, to the State (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds") in an aggregate principal amount not to exceed \$1,334,000, pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes Annotated, other applicable law and the Loan Agreements; and

**WHEREAS**, the Trust and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the Local Unit Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of that certain Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Trust, the State, the Local Unit and the escrow agent named therein.

**BE IT RESOLVED**, by a 2/3 vote of the full membership of the Borough Council of the Local Unit as follows:

Section 1. The Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by the Mayor in substantially the forms attached hereto as Exhibits A, B and C, respectively, with such changes as the Mayor, in his or her sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of each such Financing Document by the Mayor. The Borough Clerk is hereby authorized to attest to the execution of the Financing Documents by the Mayor and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 2. The Mayor or the Chief Financial Officer (the "Authorized Officers") and the Borough Clerk are hereby further severally authorized to (i) execute and deliver, and the Borough Clerk is hereby further authorized to attest to such execution and affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Borough Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other

document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. This resolution shall take effect immediately.

Section 4. Upon the adoption hereof, the Borough Clerk shall forward certified copies of this resolution to Rogut McCarthy LLC, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

Council Member James Lonergan moved to approve Resolution #15-141.

The motion was seconded by Council Member John Holman.

Mayor Bruce 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 #15-141 passed with the required two-thirds (2/3) vote of the full membership of the Borough Council.

#### **ORDINANCE FOR FIRST READING**

Mayor Bruce Harris asked Council Member James Lonergan to introduce Ordinance #15-03.

Council Member Lonergan introduced Ordinance #15-03 by title as follows:

#### **ORDINANCE #15-03**

#### **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

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

Council Member Lonergan read:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on March 9, 2015.

**BE IT RESOLVED**, that at the Council meeting to be held on March 23, 2015 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. And I do so move.

The motion was seconded by Council Member James Lonergan.

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

## ADD ON RESOLUTION

## RESOLUTION APPROVING THE USE OF TEMPORARY LIGHTS AT LUM FIELD FOR ORGANIZED PLAY UNTIL APRIL 9, 2015

Council Member James Collander moved to approve Resolution #15-145. The motion was seconded by Council Member John Holman. A voice vote was taken and Resolution #15-145 was approved unanimously.

Council President Gerald Helfrich read Resolution #15-144 in full:

## RESOLUTION TO ADJOURN INTO CLOSED SESSION

- |                                     |   |
|-------------------------------------|---|
| Attorney Client Privilege Matters:  | 1. Chatham Township Planning Board Matter – Mr. DeNave<br>2. Record Confidentiality – Mr. Lott  |
| Litigation Matter:                  | 1. Hill v. Borough of Chatham – Mr. Lott  |
| Disposition of Public Land Matters: | 1. Minisink Swim & Tennis Club Site Improvements – Mr. Lott<br>2. Perrin Street Vacation Update – Mr. DeNave<br>3. Oliver Street Vacation Request Update – Mr. DeNave |
| Personnel Matter:                   | 1. Professional Service Providers – Mayor Harris  |

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 Gerald Helfrich made a motion to approve Resolution #15-144. The motion was seconded by Council Member Victoria Fife. A voice vote was taken and Resolution #15-144 was approved unanimously.

The Mayor and Council adjourned into Closed Session.

**ADJOURNMENT**

Meeting adjourned 9:24 p.m.

Respectfully Submitted:

*Robin R. Kline*

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