

Regular Council Meeting Minutes  
January 28, 2013

**REGULAR COUNCIL MEETING**  
**January 28, 2013      7:30 p.m.**

The Regular Council Meeting of the Borough of Chatham was held on Monday January 28, 2013 beginning at 7:30 p.m. in the Council Chambers, in the Municipal Building.

The meeting was called to order at 7:30 p.m.; Mayor Bruce A. Harris presiding.

Mayor Harris asked for a moment of silence for those people who have given their life for this country, for Stan Serbanica's father who passed away recently and for Janice Piccolo's father who passed away over the weekend, and for Stanley Brown, husband of former Council Member, Freeholder and State Senator Leanna Brown.

Susan Caljean, Municipal Clerk read the statement regarding Adequate Notice of Meeting:

Pursuant to the requirements of R.S. 10:4-10, adequate notice of this meeting has been provided by including same in the Annual Notice, copies of which were posted on the Municipal Bulletin Board, on the main floor of the Municipal Building, e-mailed to the Independent Press, the Morris County Daily Record, the Star Ledger, and Chatham Courier, the Chatham Patch, and Alternative Press and filed with the Borough Clerk, all on January 4, 2013.

On a call of the roll the following officials were present:

Mayor Bruce A. Harris  
Council Member James J. Collander  
Council Member James Lonergan  
Council Member John Holman  
Council President Leonard Resto  
Council Member Victoria Fife  
Council Member Gerald J. Helfrich  
Robert J. Falzarano, Borough Administrator  
James L. Lott, Jr., Borough Attorney  
Susan Caljean, Municipal Clerk

Mayor Harris read the following Resolution.

**RESOLUTION #13-97**  
**RESOLUTION RECOGNIZING MICKI CHAPUT FOR HER YEARS OF DEDICATED**  
**SERVICE TO CHATHAM BOROUGH**

**WHEREAS**, Micki Chaput is a graduate of Seton Hall University with a Bachelor of Science degree in nursing; and

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**WHEREAS**, Micki Chaput has been the director of the Senior Services Center of the Chathams, Inc. for the past 22 years; and

**WHEREAS**, her duties included overseeing the operation of the senior center and the senior bus service, the provision of information and referral services for senior citizens and their families; and

**WHEREAS**, she is the mother of three and the grandmother of four, yet she finds time to volunteer as a member of the Chatham Borough Board of Health for over 15 years, including a term as president; and

**WHEREAS**, she has served as an advisor representing senior citizens for the local meals on wheels program, for an assisted living facility, the local recreation board and the local school district; and

**WHEREAS**, she serves as Eucharistic Minister at her parish, St. Patrick's Church in Chatham Borough; and

**WHEREAS**, her professional affiliations include membership in the National Council on the Aging, the New Jersey Association of Senior Center Directors and the Committee on Aging Network of Morris County; and

**WHEREAS**, Micki Chaput carries out her responsibilities in a conscientious and humanitarian manner;

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that we recognize and thank Micki Chaput for her years of service to the community: you made Chatham Borough a better place to live!

Mayor Harris read Resolution #13-97, which was then moved by Council President Resto and seconded by Council Member Holman. A vote was taken and approved unanimously.

**RESOLUTION #13-98**  
**RESOLUTION TO ADOPT COUNCIL MEETING MINUTES**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the minutes from the following meetings are approved as typed and filed in the Borough Clerk's office:

Reorganization Meeting, January 7, 2013  
Regular Council Meeting, January 7, 2013

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Council Member Holman read and moved Resolution #13-98, seconded by Council Member Collander. A vote was taken and it was approved unanimously.

Mayor Harris wished Council President Resto a Happy Birthday.

## **DISCUSSION ITEMS**

Preliminary 2013 Budget- Mr. Loneragan explained the challenges from last year's budget. The challenges will be similar for the 2013 budget. Hurricane Sandy and the Tricare litigation will have a big impact on the budget. Mr. Loneragan stated the committee is looking at a 1.5% to 2.5% increase in property taxes as part of the budget. A full budget presentation will be made at the February 25<sup>th</sup> Council Meeting.

2013 Sewer Rate Fee- Mr. Loneragan stated the water/sewer rates will increase 2% for 2013. The rate will go from \$3.45 to \$3.47.

Mayor Harris thanked Council Member Collander, TSO Sweetin, the Police Department, Chief Crosson, Lieutenant Gibbons, Council Member Fife and Council Member Helfrich for their work on the Long Range Traffic and Pedestrian Committee.

Long Range Traffic and Pedestrian Safety Planning Committee Report-Mr. Collander explained that the report addresses vehicular, pedestrian and bicycle safety issues in the Borough. Included in the report is a map indicating where the school crossing guards are located, traffic signals, crosswalks, what streets have sidewalks and sanctioned and unsanctioned paths to the schools. There is also a school guard report for school year 2011-2012. Mr. Collander stated there are approximately 19,000 cars traveling on Main Street each day and between 12,000 and 20,000 on Watchung Avenue. There is traffic each day going to the six schools in Chatham and Chatham Township and there are soon to be seven pre-schools in town. The goal of the Committee is to make travel safe in the Borough. The Police Department has over the past 10 years participated in many school safety and pedestrian safety programs. The Council needs to update the sidewalk ordinance and decide whether to enforce the current requirement that property owners must pay for sidewalk replacement when the damage is not due to a Borough tree.

Council President Resto had concerns about some of the intersections in the Borough.

Ruth Dekker a member of the Safe Routes to Schools Committee thanked the Borough especially Vince DeNave and Officer Sweetin for their cooperation and their work with the Committee.

Kathy Abbott a member of the Safe Routes to Schools Committee applauds the cooperation between the Township and the Borough.

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Barb Montague of 45 Dellwood Avenue stated the seniors do not use the library very much because of the parking situation.

**MEETING OPEN TO THE PUBLIC**

**NOTICE OF PUBLIC COMMENT**

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

Mayor Harris opened the meeting to the public.

Mike Cerick of 24 Lum Avenue stated he has a small home and his driveway only holds two cars and his family has four cars; he has a problem with parking and would like to see the overnight parking problem resolved.

Bill Heap of 108 Hillside Avenue reported the Jaycee's tree sale was very successful. He presented the Mayor with a check for \$2,500.00 for the Shade Tree Commission.

Mayor Harris closed the meeting to the public.

**SECOND READING ORDINANCE PROCEDURE**

Mayor Harris asked Council President Resto to proceed with Ordinance #13-01

Council President Resto read Ordinance #13-01 entitled:

**ORDINANCE #13-01  
AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF  
CHATHAM, COUNTY OF MORRIS,  
STATE OF NEW JERSEY AMENDING CHAPTER 3, SECTION 6  
OF THE BOROUGH CODE**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on January 7, 2013.

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

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The Clerk stated: A legal notice was published indicating that Ordinance #13-01 was introduced and passed on first reading at the January 7, 2013 Regular Council meeting and indicating that the second reading and public hearing would be held at 7:30 p.m. on January 28, 2013 for consideration of final adoption. Copies were made available to the general public and posted in accordance with the law.

Mayor Harris stated the meeting is now open for a public hearing on the Ordinance and any member of the public may be heard.

No public comment.

Mayor Harris closed the meeting to the public.

Council President Resto offered the following Ordinance and moved its adoption:

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

Council Member Collander seconded the motion.

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

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

### **Council Liaison Reports**

#### **Community Gardens Advisory Committee**

Leonard Resto reported the Committee is working on planning for the next season. Mr. Resto and Mr. DeNave are working with PSE&G to resolve some issues with the construction of the monopoles.

#### **Environmental Commission**

Leonard Resto stated the Green Initiatives Committee has been made a sub-committee of the Environmental Commission. There will be a presentation tomorrow by Sustainable Jersey

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honoring Chatham as a Silver Certified Sustainable Community; they will also honor Cindy Steffens the former chair of the Green Initiatives Committee.

Overnight Parking Advisory Committee

Leonard Resto reported the Committee has finalized a draft of the overnight parking ordinance and have sent it to the Borough attorney for review.

Public Arts Council (Advisory Committee)

Leonard Resto reported the Public Arts Council received a nice grant recently that will allow them to begin with the mural for the underpass.

Cares & Shares Advisory Committee

James Lonergan stated they will meet in February.

Municipal Pool Advisory Committee

James Lonergan stated the Committee has not met. The Committee needs new members.

Joint Recreation Advisory Committee

James Lonergan had nothing new to report.

Shade Tree Commission

James Lonergan had nothing new to report.

Board of Health

John Holman stated the transition to the Madison Health Department to provide sanitarian and inspection services are complete; it went very smoothly.

Farmers' Market Advisory Committee

John Holman stated the last meeting was cancelled.

Madison Chatham Joint Meeting

John Holman reported the Committee has approved the budget, which has stayed flat since last year.

Mayors' Wellness Committee

Victoria Fife reported she missed the last meeting.

Project Community Pride

Victoria Fife stated Project Community Pride is reinventing itself to reflect all they have to offer.

Chamber of Commerce

Victoria Fife stated the Chamber is working on the Fishawack Festival.

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Planning Board

Victoria Fife stated tomorrow they will have the first M district subcommittee meeting.

Senior Center of the Chathams

Victoria Fife reported that on Sunday the Senior Center had a celebration to wish Micki Chaput well on her retirement; she has been the Executive Director for 21 years. There will be a fund-raiser held Saturday night from 7 pm to 11pm at the Fairmount Country Club to raise funds for the Senior Center and Roots and Wings.

9/11 Memorial Advisory Committee

Gerald J. Helfrich stated there was damage to the 9/11 Memorial due to Superstorm Sandy. The Committee is in the process of putting together an appeal for funds to repair the memorial.

Historic Preservation Commission

Gerald J. Helfrich reported they have voted on a flag award and are working on a presentation.

Board of Education

Gerald J. Helfrich stated they are working with the Board on the safety issues brought up earlier in the meeting.

Traffic & Pedestrian Safety Advisory Committee

James Collander gave his report earlier in the meeting.

**MAYOR'S REPORT**

Mayor Bruce A. Harris reported he will attend the Sustainable Jersey presentation tomorrow night. The Communications Advisory Committee is meeting next Tuesday night; Steve Williams will make a presentation about the Everbridge System.

**ADMINISTRATOR'S REPORT**

Robert J. Falzarano reported the sidewalks that were damaged during the storm have been repaired and the trees and stumps removed. Mr. Falzarano met with Jen Kaplan to review the mural contract proposals. The contract was signed and sent back to NJ Transit. The Borough calendars were delivered on December 28<sup>th</sup>. The first part of the Chatham shade tree inventory

was done. The intern should return in May to complete the project. The Riker radio tower is in operation, which should improve radio reception for our police and fire departments. Mr. Falzarano, Mr. DeNave and Mr. Venezia met with Stan Prater from JCP&L about JCP&L's lack of a tree removal policy. Mr. Falzarano is working on the budget, annual report and goals and objectives.

## **CONSENT AGENDA**

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

Resolution #13-99 through Resolution #13-108 have been placed on the Consent Agenda.

### **APPOINTMENTS**

#### **RESOLUTION #13-99**

#### **RESOLUTION TO APPOINT STACEY MCEVOY TO THE CARES & SHARES ADVISORY COMMITTEE WITH A TERM TO EXPIRE ON DECEMBER 31, 2013**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that Stacey McEvoy be appointed to the Shares & Cares Advisory Committee with a term to expire on December 31, 2013.

#### **RESOLUTION #13-100**

#### **RESOLUTION TO APPOINT PATRICK CARROLL FROM 1<sup>ST</sup> ALTERNATE TO A REGULAR MEMBER OF THE SHADE TREE COMMISSION WITH A TERM TO EXPIRE ON DECEMBER 31, 2017**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham to appoint Patrick Carroll as a Regular Member of the Shade Tree Commission with a term to expire on December 31, 2017.

### **FINANCE**

#### **RESOLUTION #13-101**

#### **RESOLUTION TO REFUND PROPERTY TAXES**

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

<b>BLOCK/LOT</b>	<b>OWNERS &amp; PROPERTY ADDRESS</b>	<b>AMOUNT</b>	<b>YEAR/QTR</b>
87/10	Boyd/Carey from Passalaris 23 Lincoln Avenue	\$3,169.13 Overpayment	2012/4 Qtr.

**\*Please make check payable & send to:  
Carlotta Budd, Attorney Trust Account**



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**300 Madison Avenue-Suite 200  
Madison, NJ 07940**

**RESOLUTION #13-102  
RESOLUTION TO APPROVE PAYMENT OF VOUCHERS**

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

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

**RESOLUTION #13-103  
SECTION 125 FLEXIBLE BENEFITS PLAN AUTHORIZING IMPLEMENTATION OF  
A SECTION 125 FLEXIBLE BENEFITS PLAN FOR THE PURPOSE OF OFFERING  
PRE-TAX EMPLOYEE PREMIUM CONTRIBUTIONS AND FLEXIBLE SPENDING  
ACCOUNTS AT NO FINAL COST TO THE MUNICIPALITY OF THE BOROUGH OF  
CHATHAM.**

**WHEREAS**, the Borough of Chatham has employees rendering valuable services; and

**WHEREAS**, providing an opportunity for employees to have employer sponsored benefit plan premium contributions, as well as, voluntary plan premiums, deducted pre-tax through payroll hereby saving immediate Federal and FICA taxes; and

**WHEREAS**, providing an opportunity for employees to elect to participate in Flexible Spending Accounts for Medical Expense Reimbursement and Dependent Care Expense Reimbursement and have their contributions deducted pre-tax through payroll hereby saving immediate Federal and FICA taxes; and

**WHEREAS**, Aflac Benefit Services provides a discounted fee schedule for Section 125 Premium Only Plan and Flexible Spending Account services at no final employer cost after employer matching FICA payroll tax savings with sufficient employee participation as a value

added benefit to offering Aflac supplemental insurance benefits and education services to employees on a voluntary basis at no employer cost; and

**WHEREAS**, providing an opportunity for the Borough of Chatham to save matching FICA payroll taxes on all employee elective pre-tax plan contributions, premiums and premium contributions which are payroll deducted on a pre-tax basis through the Section 125 Flexible Benefits Plan hereby saving the Borough of Chatham 7.65% of all pre-taxed plan contributions, premiums and premium contributions for F.I.C.A. eligible employees.

**BE IT RESOLVED**, that the municipality of the Borough of Chatham hereby recognizes and authorizes Aflac to provide a Section 125 Flexible Benefits Plan for its employees with employee voluntary contributory Flexible Spending Accounts with the following specifications:

- Medical Expense Reimbursement: \$2,500.00 Annual Maximum.
- Dependent Care Expense Reimbursement: \$5,000.00 Annual Maximum.

**BE IT FURTHER RESOLVED**, that the Borough of Chatham hereby recognizes and authorizes payment of discounted administrative fees to Aflac in the following amounts: 1) Initial Account Setup Fee – Waived 2) Annual Renewal Fee – Waived; and

**BE IT FURTHER RESOLVED**, that the Borough of Chatham hereby recognizes and authorizes Aflac to enroll its employees in their pre-tax elections; and

**BE IT FURTHER RESOLVED**, that the Section 125 Plan shall be effective on January 1, 2013 until such time the Borough terminates the plan; and

**BE IT FURTHER RESOLVED**, that such payroll deductions for participation in the Section 125 pre-tax premiums shall take effect with the first payroll period after January 1, 2013.

**RESOLUTION #13-104**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM AUTHORIZING THE SETTLEMENT OF 2011 TAX APPEAL ENTITLED CYNTHIA K. DOHERTY V. BOROUGH OF CHATHAM FILED IN THE TAX COURT OF NEW JERSEY UNDER DOCKET NO.: 013928-2011 CONTESTING THE REAL PROPERTY ASSESSMENT OF BLOCK 4, LOT 8, KNOWN AS 290 WASHINGTON AVENUE, IN THE BOROUGH OF CHATHAM, MORRIS COUNTY, NEW JERSEY**

**WHEREAS**, an appeal of the real property tax assessment for tax year 2011, involving Block 4, Lot 8, has been filed by the Taxpayer, Cynthia K. Doherty; and

**WHEREAS**, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Expert; and

**WHEREAS**, settlement of said matter as more fully set forth below is in the best interests of the Borough of Chatham.

**BE IT RESOLVED**, by the Borough of Chatham, New Jersey, as follows:

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1. Settlement of the 2011 tax appeal is hereby authorized as follows:

290 Washington Avenue

**Year: 2011**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$748,000	N/A	\$748,800
Imprvts:	\$1,243,000	N/A	\$1,001,200
Total:	\$1,991,800	N/A	\$1,750,000

2. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and the Mayor and Council authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

**RESOLUTION #13-105  
RESOLUTION TO TRANSFR MONIES IN THE APPROPRIATION RESERVES  
BUDGET 2012 CURRENT FUND**

**WHEREAS**, N.J.S.A. 40A: 4-59 provides that during the first three months of any fiscal year, when the amount of the prior fiscal year is insufficient to pay the claims authorized or incurred during said prior year which were chargeable to said appropriation.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham in the County of Morris and state of New Jersey that the Director of Finance is hereby authorized to make the following Line-item transfers in the 2012 RESERVE Current Fund Budget:

<u>Departments</u>	<u>Account #</u>	
<u>From</u>		
Police O/E	25-240-200	<u>\$21,500.00</u>
<b>TOTAL</b>		<b>\$21,500.00</b>
<u>To</u>		
Borough Clerk O/E	20-120-200	\$1,000.00
Assessment O/E	20-150-200	6,000.00
Legal O/E	20-155-200	10,000.00
Board of Adjustment O/E	21-185-200	1,000.00
Parking O/E	25-245-200	1,000.00

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Fire Safety O/E	25-266-201	500.00
Shade Tree Commission O/E	26-290-250	1,500.00
Farmer's Market O/E	30-430-200	<u>500.00</u>
<b>TOTAL</b>		<b>\$21,500.00</b>

**CONTRACTS**

**RESOLUTION #13-106**

**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF  
CHATHAM, COUNTY OF MORRIS, AUTHORIZING AGREEMENT WITH NJIT'S  
CENTER FOR INFORMATION AGE TECHNOLOGY**

**WHEREAS**, NJIT's Center for Information Age Technology ("CIAT") offers technology services to municipalities throughout New Jersey; and

**WHEREAS**, CIAT submitted a proposal for technology services to the Borough of Chatham dated December 10, 2012, which proposal is attached hereto and made a part hereof; and

**WHEREAS**, upon the recommendation of the Borough's Communications and Technology Advisory Committee, the Mayor and Borough Council wish to authorize the execution of an agreement with CIAT for the scope of services outlined in CIAT's proposal; and

**WHEREAS**, the Mayor and Borough Council find that CIAT's proposal will provide for the effective implementation of technology to address the needs of the Borough; and

**WHEREAS**, the cost of this agreement shall not exceed \$4,500.00; and

**WHEREAS**, the Borough's Director of Finance has certified that there are sufficient funds for this contract.

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

1. The Mayor and Borough Council of the Borough of Chatham hereby authorize the execution of an agreement with CIAT in accordance with the terms of this Resolution and in a form of agreement acceptable to the Borough Attorney.

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

**RESOLUTION #13-107**

**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, AUTHORIZING THE SALE OF THE CHATHAM COMMUNITY GARDEN PLANTING CALENDAR**

**WHEREAS**, the Community Gardens Advisory Committee of the Borough of Chatham has produced a Chatham Community Garden Planting Calendar for calendar year 2013; and

**WHEREAS**, the Community Gardens Advisory Committee wishes to make the calendar available for sale to the general public for \$25.00 each; and

**WHEREAS**, all profits will go to support the community garden, specifically towards soil amendments and fertilizers; and

**WHEREAS**, the Mayor and Borough Council approve of the Community Gardens Advisory Committee fundraiser and authorize the sale of the Chatham Community Garden Planting Calendar.

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

1. The Mayor and Borough Council of the Borough of Chatham hereby approve of the Community Gardens Advisory Committee fundraiser and authorize the sale of the Chatham Community Garden Planting Calendar for \$25.00 each.
2. All Borough officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

**THE ARTS**

**RESOLUTION #13-108**

**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, AUTHORIZING THE CHATHAM AREA ARTISAN GUILD (CAAG) TO HOLD A FINE ARTS AND CRAFTS FAIR ON SEPTEMBER 15, 2013**

**WHEREAS**, the Chatham Area Artisan Guild (CAAG) has requested permission to host a Fine Arts and Crafts Fair on the south side of the Chatham train station parking lot on Sunday, September 15, 2013 in order to raise awareness of its individual member artists and their businesses and to reach out to Chatham area residents with art education and exhibits; and

**WHEREAS**, the Mayor and Borough Council of the Borough of Chatham wish to authorize the use of the Chatham train station parking lot for the CAAG Fine Arts and Crafts Fair; and

**WHEREAS**, all or a portion of the Chatham train station parking lot will be closed from 6:00 am through 7:00 pm on September 15, 2013 to accommodate the CAAG Fine Arts and Crafts Fair.

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

1. The Mayor and Borough Council of the Borough of Chatham hereby authorize the use of the Chatham train station parking lot for the CAAG Fine Arts and Crafts Fair.
2. The Chatham Area Artisan's Guild must submit a certificate of insurance with the Borough shown as an additional insured with a minimum coverage limit of \$1,000,000.
3. Police services will be paid by the Chatham Area Artisan's Guild.
4. All Borough officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

**CONSENT AGENDA VOTE:**

Mayor Harris asks Council Member Helfrich to proceed with the Resolutions listed on the Consent Agenda. Resolutions #13-99 through #13-108.

Council Member Helfrich stated I would like to make a motion to allow the resolution on this evening's agenda to be approved by consent of the Council; and so I move.

Seconded by Council President Resto.

A vote was taken and the Consent Agenda was approved unanimously.

**RESOLUTION #13-109**

**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, AUTHORIZING EXECUTION OF AMENDMENT TO LEASE AGREEMENT**

**WHEREAS**, the Borough of Chatham and New Cingular Wireless PCS, LLC ("New Cingular") entered into a Lease Agreement dated April 22, 2002, whereby the Borough leased certain premises being a portion of the property located at 54 Fairmount Avenue, Chatham, New Jersey to New Cingular Wireless PCS, LLC a Delaware Limited Liability Company (the "Lease Agreement"); and

**WHEREAS**, the Borough and New Cingular Wireless PCS, LLC wish to amend the Lease Agreement to allow for the installation of additional antennas, associated cables and other communications instruments; and

**WHEREAS**, the amendment to the Lease Agreement shall be memorialized in substantially the same form of agreement attached hereto and made a part hereof.

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

1. The Mayor and Borough Clerk of the Borough of Chatham be and hereby are authorized to execute an amendment to the Lease Agreement with New Cingular Wireless PCS, LLC in substantially the same form of agreement attached hereto and made a part hereof.

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

Mayor Harris suggested this item be tabled as the result of late comments from AT&T.

Council President Resto moved to table Resolution #13-109; seconded by Council Member Collander. A vote was taken and it was approved unanimously.

**RESOLUTION #13-110**  
**RESOLUTION TO RECESS INTO CLOSED SESSION**

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

LITIGATION: 1. JCP&L Litigation (Marlboro Twp. Petition)- Mr. Lott

CONTRACTS: 1. Project Pride- Council Member Fife  
2. Vacant Land Appraisals- Mr. DeNave  
3. 8 Watchung Avenue Donation-Mr. DeNave  
4. Enforcement of Industrial Districts- Mr. DeNave  
5. AT&T Antennae Installation- Mr. Falzarano

PERSONNEL: 1. DPW Deputy Director Position- Council President Resto

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

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will not violate Federal, State or local statutes and does not fall within the attorney-client privilege.

Council Member Fife read and moved Resolution #13-110, seconded by Council President Resto. A vote was taken and it was approved unanimously.

Adjourn 9:00 p.m.

Respectfully Submitted:

Susan Caljean, RMC, CMC