

Regular Council Meeting
October 15, 2013

REGULAR COUNCIL MEETING
October 15, 2013 7:30 p.m.

The Regular Council Meeting of the Borough of Chatham was held on Tuesday October 15, 2013 beginning at 7:30 p.m. in the Council Chambers, in the Municipal Building.

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

The Mayor and Borough Council saluted the flag.

Mayor Harris asked for a moment of silence for those people who have given their life for this country.

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

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

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

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

RESOLUTION #13-328
RESOLUTION TO ADOPT COUNCIL MEETING MINUTES

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

Council Meeting, September 23, 2013

Council Member Helfrich moved Resolution #13-328, seconded by Council Member Collander. A vote was taken and Resolution #13-328 was approved unanimously.

Regular Council Meeting
October 15, 2013

RESOLUTION #13-329
RESOLUTION TO RECESS INTO CLOSED SESSION

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

CONTRACTS: 1. Sale of vacant Borough Property- Mr. Lott

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

Council Member Fife moved Resolution #13-329, seconded by Council President Holman. A vote was taken and Resolution #13-329 was approved unanimously.

Closed Session 7:35 p.m.

Reconvene into Public Session 7:40 p.m.

DISCUSSION ITEMS

Halloween Event- Mr. Britt reported the merchants in town will host a Halloween Event for the children including a costume contest at Ogden Memorial Church at 3 p.m. on October 26th and then trick or treating downtown.

Kiwanis Fund Raiser Dinner Sign Posting- Mr. Arnesen stated the Kiwanis are holding a fund raiser and would like to post signs on Borough owned property advertising the pasta dinner. Mr. Collander requested that the signs be removed after the event.

Artisan Guild Craft Show- Mr. Fagnant requested the Council approve another Craft Show on September 14, 2014. The event this year was a great success.

CAF Gala Review-Mr. Ivans stated the CAF Gala attracted 540 people who paid \$125.00 each to attend, the event was very successful. Mr. Ivans thanked the Mayor and Council, the Trustees, merchants in town, the Borough and Township DPWs, the sports clubs in town who donated and

the Police Department for their help with making the event successful. He indicated there would be changes next year to address noise and logistics issues.

Regular Council Meeting
October 15, 2013

Leaf Pick-up Update- Mr. Venezia explained the changes to the leaf pick up; there will be two collections in each district before Thanksgiving and one pick up in each district after Thanksgiving. The Mulch Area will be open week days starting October 21st from 8 a.m. to 11:45 a.m. and 1 p.m. to 3:45 p.m. Saturdays from 12 p.m. to 4 p.m.

Passaic River Desnagging Project- Mr. DeNave reported the DEP informed the Borough that we are eligible for up to a \$100,000.00 grant to clean the Passaic River. Morris County and Union County will work together to receive the grant.

Best Practices- Mr. Falzarano explained that the State requires each Municipality to complete the Best Practices Survey. This survey must be done to determine the amount of State aid the Borough will receive. Mr. Falzarano explained, in order to receive the full amount of State aid a Municipality must score 81% or higher. Chatham Borough scored 94% which means we will receive 100% of the State aid. The Borough only answered no to three of the questions.

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.

Ed DiFiglia of 177 Hillside Avenue had some comments about the sign ordinance.

John Shelton of 8 Girard Avenue had concerns about the sale of 57 Watchung Avenue. Mr. Shelton would like the Council to change the terms so no building could be constructed on the property.

Mayor Harris closed the public session.

SECOND READING ORDINANCE PROCEDURE

Mayor Harris asked Council Member Collander to proceed with Ordinance #13-18

Council Member Collander read Ordinance #13-18 entitled:

ORDINANCE #13-18 HAZARDOUS SUBSTANCE ORDINANCE

Regular Council Meeting
October 15, 2013

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on September 12, 2013.

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

The Clerk stated a legal notice was published indicating that Ordinance #13-18 was introduced and passed on first reading at the September 12, 2013 meeting and indicating that the second reading and public hearing would be carried to the Council meeting on October 15, 2013 for consideration of final adoption. Copies were made available to the general public and posted in accordance with the law.

Diane Hickey explained the changes made to the Ordinance. She stated the Borough received a comment on Ordinance 13-18 from Steven Picco, counsel to the Fuel Merchants Association. The Association's comment was that the ordinance should expressly carve out ongoing remediations subject to NJDEP regulation and oversight. Consistent with the Association's comment, we propose an amendment to Section 1 of Ordinance 13-18 to provide that the provisions of the ordinance shall not apply to ongoing remediations in compliance with State law. The proposed amendment is consistent with the intent and purpose of Ordinance 13-18 as originally drafted and does not represent a substantial change to the ordinance.

Mayor Harris opened the meeting to the public.

Mark Savvides owner of the Chatham Exxon Station on Main Street had some concerns and questions about the Hazardous Substance Ordinance.

Diane Hickey explained.

Mayor Harris closed the meeting to the public.

Council Member Collander 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.

Council Member Lonergan seconded the motion.

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

Regular Council Meeting
October 15, 2013

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.

SECOND READING ORDINANCE PROCEDURE

Mayor Harris asked Council Member Fife to proceed with Ordinance #13-19

Council Member Fife read Ordinance #13-19 entitled:

ORDINANCE #13-19
AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING GRANT
OF EASEMENT OVER A PORTION OF 51 SUMMIT AVENUE (BLOCK 124, LOT 11).

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on September 23, 2013.

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

The Clerk stated a legal notice was published indicating that Ordinance #13-19 was introduced and passed on first reading at the September 23, 2013 Council meeting and indicating that the second reading and public hearing would be at 7:30 pm on October 15, 2013 for consideration of final adoption. Copies were made available to the general public and posted in accordance with the law.

Mayor Harris opened the meeting to the public.

No public comment.

Mayor Harris closed the meeting to the public.

Council Member Fife 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.

Council Member Lonergan seconded the motion.

Regular Council Meeting
October 15, 2013

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

Affordable Housing Advisory Committee

Mayor Bruce A. Harris stated the Committee will be meeting next month.

Communications Technology Advisory Committee

Mayor Bruce A. Harris had nothing new to report.

Environmental Commission

Vacant

Overnight Parking Advisory Committee

James Lonergan stated the Committee is meeting with a company that has a software application that allows residents to log in and enter what they want to do, like parking overnight. They will have a meeting on October 30th. They should have a plan for the Council to review in November.

Cares & Shares Advisory Committee

James Lonergan stated they have 12 cases currently and the cases are growing. They are considering changing the name of the Committee. The case count is growing; they may need more members on the Committee.

Municipal Pool Advisory Committee

James Lonergan reported the Pool Committee will report on the overall season.

Joint Recreation Advisory Committee

James Lonergan stated all the programs are running well. There is an issue concerning concussions. The coaches are attending classes at the Meadowlands to learn new ways to train the children to minimize concussions.

Regular Council Meeting
October 15, 2013

Shade Tree Commission

James Lonergan stated everyone who requested a tree will receive one. The planting will be done in November.

Board of Health

John Holman stated October is Breast Cancer Awareness Month.

Community Gardens Advisory Committee

John Holman stated he has toured the Garden and the oats have been planted. The driveway is complete.

Farmers' Market Advisory Committee

John Holman reported the Market is doing well. Mr. Holman stated he spoke to each of the vendors and they all stated they do excellent business at the Chatham market. They like the electricity hook ups and the water and sinks.

Joint Court

John Holman stated the Joint Court just had a meeting and they are considering adding another town to the Joint Court. This would be a cost saving to the Borough.

Mayors' Wellness Committee

Victoria Fife had nothing new to report.

Project Community Pride

Victoria Fife reported the Strategic Planning Committee will meet tomorrow.

Chamber of Commerce

Victoria Fife had nothing new to report.

Planning Board

Victoria Fife stated Dr. Blickstein will be at the October 28th Council Meeting to explain the Master Plan amendments.

Public Arts Council Advisory Committee

Victoria Fife reported contracts for the two sculptures "Attic Trophy" and "The Crescent" have been renewed until December 2014.

Senior Center of the Chathams

Victoria Fife stated the Senior Center is having a paper shredding event on November 2nd at the Train Station.

Regular Council Meeting
October 15, 2013

9/11 Memorial Advisory Committee

Gerald J. Helfrich stated the ceremony at the 9/11 memorial was a very moving ceremony and well attended.

Historic Preservation Commission

Gerald J. Helfrich stated the Commission continues to categorize properties in the Borough.

Board of Education

Gerald J. Helfrich stated things are going well with the school year.

Madison Chatham Joint Meeting

Gerald J. Helfrich stated they continue to work on the capital improvement plan.

Traffic Safety Advisory Committee

James Collander stated the sidewalk on Kings Road is $\frac{3}{4}$ of the way complete. The roadway will be milled and paved next week. The project should be completed in the next two weeks, weather permitting. There will be several traffic calming devices installed.

MAYOR'S REPORT

Mayor Bruce A. Harris stated the Open Houses this weekend were very well attended. Mayor Harris thanked Therma Ochs who is retiring after 35 years as a crossing guard; she is also a member for the CERT Team. Mayor Harris spoke to the DOT concerning the pedestrian light they will be installing at the corner of Main Street and Coleman Avenue. The DOT stated they have to redo the design because of changes made to the State requirements. Mayor Harris requested the light be installed before daylight savings time ends. At the last Open Space Committee meeting there were a couple of people interested in a dog play area. If anyone is interested in helping contact either Ed DiFiglia or the Mayor.

ADMINISTRATOR'S REPORT

Robert J. Falzarano met with the new Library Director, Karen Brodsky. She offered to provide training to the Borough employees to advance their skills in Microsoft Word, Excel and Power Point. They also discussed the Borough's Employee Manual and Procedures. Mr. Falzarano gave her a copy to review. They discussed installing a generator at the Library. Mr. Falzarano explained to her what happened after Super Storm Sandy last year. Ms. Brodsky will speak to Steve Williams about the installation and cost. Mr. Falzarano has been working with Jim Lott and Mike Mariniello redoing the facilities use policy. They are also working on the tree removal policy. Mike Mariniello and Mr. Falzarano met with all the Department Heads about their

Capital Budgets. The Finance Committee will meet tomorrow morning to discuss the 10 year strategic finance plan.

Regular Council Meeting
October 15, 2013

RESOLUTION #13-330

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, ACCEPTING BID FOR THE SALE OF CERTAIN BOROUGH-OWNED REAL PROPERTY LOCATED AT 83 CHATHAM STREET (BLOCK 17, LOT 6).

WHEREAS, the Borough of Chatham is the owner of certain real property commonly known as 83 Chatham Street and designated as Block 17, Lot 6 on the Borough Official Tax Map (the "Property"); and

WHEREAS, pursuant to Resolution # 13-313 adopted the Mayor and Borough Council on September 17, 2013, the Mayor and Borough Council of the Borough of Chatham authorized the sale of the Property by sealed bid in accordance with the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq.; and

WHEREAS, the Borough Clerk received and opened one (1) bid for the Property on October 3, 2013 from Michael P. Morrissey and Alena M. Morrissey of 81 Chatham Street, Chatham, New Jersey 07928 in the amount of Fifty Thousand One Hundred Eleven Dollars and Eleven Cents (\$50,111.11); and

WHEREAS, the Morrisseys' bid was conforming to all material requirements of Resolution # 13-313 and the Invitation to Bidders; and

WHEREAS, the Mayor and Borough Council desire to accept the Morrisseys' bid for the Property.

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

1. The Mayor and Borough Council hereby accept the bid for sale of the Property submitted by Michael P. Morrissey and Alena M. Morrissey of 81 Chatham Street, Chatham, New Jersey 07928 in the amount of Fifty Thousand One Hundred Eleven Dollars and Eleven Cents (\$50,111.11).

2. The Property is sold subject to the terms and conditions of Resolution # 13-313 and the Invitation to Bidders.

3. The successful bidder is directed to prepare a quit claim deed and contract for sale for the Property. The deed and contract for sale shall be in a form acceptable to the Borough Attorney.

4. The Closing shall be held at the office of the Clerk, Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey at 10:00 a.m. on a date which shall be mutually satisfactory to the parties, but not later than the date which is forty-five (45) days after the date of this Resolution.

Regular Council Meeting
October 15, 2013

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

Council Member Lonergan moved Resolution #13-330, seconded by Council President Holman. A vote was taken and Resolution #13-330 was approved unanimously.

Diane Hickey explained the sign ordinance.

RESOLUTION #13-344
RESOLUTION TO APPROVE THE KIWANIS CLUB OF THE CHATHAMS TO
PLACE LAWN SIGNS FOR THE PASTA DINNER AT CHATHAM HIGH SCHOOL

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Kiwanis Club of the Chathams have permission to place lawn signs at the corner of Lafayette Avenue and Main Street on park property, at the train station entrance, Rotary Park and at Reasoner Park near the gazebo. To be removed by October 24, 2013.

Council Member Helfrich moved Resolution #13-344, seconded by Council Member Collander. A vote was taken and Resolution #13-344 was approved unanimously.

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 #13-331 through Resolution #13-340 and Resolution #13-342 have been placed on the Consent Agenda.

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA

RESOLUTION #13-341
RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF
CHATHAM, COUNTY OF MORRIS, AUTHORIZING THE SALE OF CERTAIN
BOROUGH-OWNED REAL PROPERTY LOCATED AT 57 WATCHUNG AVENUE
(BLOCK 107, LOT 25).

WHEREAS, the Borough of Chatham is the owner of certain real property commonly known as 57 Watchung Avenue and designated as Block 107, Lot 25 on the Borough Official Tax Map (the "Property"); and

Regular Council Meeting
October 15, 2013

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13, authorizes the Borough to sell any real property, capital improvements or personal property, or interests therein, not needed for public use by public auction to the highest bidder; and

WHEREAS, the Mayor and Borough Council of the Borough of Chatham have determined that the Property is no longer needed for public use and that it is in the best interest of the Borough to sell the Property; and

WHEREAS, the Mayor and Borough Council wish to authorize the sale of the Property by public sale at auction to the highest bidder.

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

1. The Mayor and Borough Council hereby declare that the Property is no longer needed for public use.

2. The Borough-owned property commonly known as 57 Watchung Avenue and designated as Block 107 Lot 25 on the Borough Tax Map shall be offered for sale by open public sale at auction to the highest bidder, pursuant to N.J.S.A. 40A:12-13. Said auction shall be conducted on November 6, 2013 at 10:00 a.m., or as soon thereafter as the matter may be reached, at Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.

3. There shall be a minimum bid price for the Property of \$275,000.00, but upon completion of bidding, the highest qualified bid may be accepted or all bids may be rejected by the Borough.

4. The Property is being sold with a bulk variance to permit a front yard setback of 19 feet along Girard Avenue where 30 feet is required.

5. The Property shall be sold subject to the terms and conditions of this Resolution and the Invitation of Bidders. The Invitation to Bidders shall be in substantially the same form as the notice attached hereto and made a part hereof this Resolution.

6. Notice of the sale shall be advertised in the Chatham Courier and posted on the bulletin board at Borough Hall in accordance with N.J.S.A. 40A:12-13(a).

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

There was a brief discussion of the benefits of the sale.

Regular Council Meeting
October 15, 2013

Council President Holman moved Resolution #13-341, seconded by Council Member Lonergan. A vote was taken and Resolution #13-341 was approved unanimously.

APPOINTMENT

**RESOLUTION #13-331
RESOLUTION TO APPOINT SEAN CONLAN TO THE FARMERS' MARKET
ADVISORY COMMITTEE AS JUNIOR MEMBER WITH A TERM TO EXPIRE ON
DECEMBER 31, 2013**

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Sean Conlan be appointed as a member of the Farmers' Market Advisory Committee as a Junior Member.

FINANCE

**RESOLUTION #13-332
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 #13-333
RESOLUTION TO REFUND PROPERTY TAXES**

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

BLOCK/LOT	OWNERS & PROPERTY ADDRESS	AMOUNT	YEAR/QTR
118/46	Mia Property 45-8 S. Passaic Avenue	\$84.35 Title company overpaid	2014/1 st Qtr.

***Please make check payable & mail to:**
Associated Title Agency
64 West Main Street
Freehold, NJ 07728

Regular Council Meeting
October 15, 2013

RESOLUTION #13-334
RESOLUTION TO RENEW ALCOHOLIC BEVERAGE LICENSE FOR THE YEAR
JULY 1, 2013 THROUGH JUNE 30, 2014

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Municipal Clerk is hereby authorized and directed to issue a renewal of the following Alcoholic Beverage License for the year July 1, 2013 through June 30, 2014; and

BE IT FURTHER RESOLVED, that said license will become effective subject to any and all conditions imposed, where applicable.

PLENARY RETAIL DISTRIBUTION LICENSE
SDR Liquors Inc. 1404-44-004-004

BORO/STATE FEE
\$1,600.00/\$200.00

RESOLUTION #13-335
RESOLUTION FOR A PERSON TO PERSON TRANSFER OF LIQUOR LICENSE
#1404-44-004-004 SDR LIQUORS INC. TO SRINIDHI LIQUORS, LLC AS AN IN
POCKET LICENSE

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the person to person transfer of liquor license #1404-44-004-004 be hereby approved as all requirements have been met.

PERSONNEL

RESOLUTION #13-336
RESOLUTION TO EMPLOY ROBERT C. SWEETIN AS A FULL TIME PARKING
ENFORCEMENT OFFICER FOR THE BOROUGH OF CHATHAM POLICE
DEPARTMENT

WHEREAS, the Chief of Police has recommended that Robert C. Sweetin be employed as full time Parking Enforcement Officer for the Borough of Chatham Police Department, at a salary of \$44,880.00 effective October 16, 2013.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it directs the Chief of Police to employ Robert C. Sweetin as a full time Parking Enforcement Officer of the Borough of Chatham Police Department, at a salary of \$44,880.00 effective October 16, 2013; to be prorated for the remainder of 2013; and

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

Regular Council Meeting
October 15, 2013

MISCELLANEOUS

**RESOLUTION #13-337
RESOLUTION TO AUTHORIZE THE RELOCATION OF THE COMMUNITY
GARDEN TO WOODLAND PARK AND ESTABLISH THE JOINT COMMUNITY
GARDEN OF THE CHATHAMS**

WHEREAS, during 2010 with the guidance of the Chatham Borough Land and Historic Conservancy Committee, there was formed a community garden sub-committee; and

WHEREAS, the ad hoc members of the sub-committee community “farmers” were the enthusiastic, and hardworking volunteers who made the pilot garden on the PSE&G right of way such a big success; and

WHEREAS, the pilot garden won an award from Morris Tomorrow; and

WHEREAS, the Chatham Borough Mayor and Council approved the community garden; and

WHEREAS, on July 15, 2010, the license agreement between Chatham Borough and PSE&G was approved by the Chatham Borough Council and PSE&G; and

WHEREAS, on March 18, 2013, Richard Franklin, PSE&G Corporate Properties Manager, notified the Borough Engineer that PSE&G established new “parameters” to allow parking on the PSE&G transmission right-of-ways; and

WHEREAS, the March 18, 2013 letter from Richard Franklin included the “guidelines” for maintaining the community garden on PSE&G’s transmission right-of-way; and

WHEREAS, the new “guidelines” promulgated by PSE&G would reduce the number of garden plots from sixty to nine plots; and

WHEREAS, the reduction of the number of garden plots eliminated the viability for the Chatham Borough Community Garden to be located at the Division Avenue location; and

WHEREAS, the Chatham Borough Mayor and Council support the community garden and the benefits that the garden provides to the resident farmers of Chatham Borough and Chatham Township; and

Regular Council Meeting
October 15, 2013

WHEREAS, Woodland Park was inspected by the Borough Engineer and members of the Community Garden Committee; and

WHEREAS, the Borough Engineer and members of the Community Garden Committee agree that Woodland Park would be an appropriate location for the Community Garden; and

WHEREAS, the Chatham Township Committee agree that Woodland Park is an excellent location for a Joint Community Garden.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Joint Community Garden of the Chathams is hereby established as follows:

2. The Joint Community Garden of the Chathams shall be located on the Woodland Park property.
3. The location of the garden within the Woodland Park site will be determined by the Borough Engineer, in consultation with the Borough and Township Administrators and members of the Joint Community Garden Committee of the Chathams.
4. The Chatham Borough Council and the Chatham Township Committee shall appoint four members from each community to the Chatham Joint Community Garden Committee that shall provide recommendations to both governing bodies for membership and the operation of the Joint Chatham Community Garden.
5. One member of the Chatham Borough Council and Chatham Township Committee shall be appointed to serve as liaisons.
6. The Chatham Borough Council and Chatham Township Committee agree that the initial cost to prepare the Community Garden site will be paid equally by both municipalities and that the costs incurred will be paid back to each municipality from the Community Garden Trust Fund.
7. After each municipality is reimbursed for the initial costs to prepare the community garden, all future expenses to maintain the Joint Community Garden shall be paid from the Community Garden Trust Fund.

RESOLUTION #13-338

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, TO ESTABLISH AND APPOINT MEMBERS OF THE JOINT COMMUNITY GARDEN ADVISORY COMMITTEE

WHEREAS, Chatham Borough and Chatham Township have established a Joint Community Garden; and

Regular Council Meeting
October 15, 2013

WHEREAS, the Joint Community Garden resolutions adopted by Chatham Borough and Chatham Township authorize the Joint Community Garden Advisory Committee, number of committee members and the appointment of a liaison from both governing bodies; and

WHEREAS, the Council of the Borough of Chatham has determined that it needs advice with respect to the formation of policies for the operation and administration of the Joint Community Garden.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the following individuals be appointed to the Joint Community Garden Advisory Committee for 2014:

Joint Community Garden Advisory Committee

Name

Councilman John Holman, Liaison

Katey DePinto

Mike Hersey

Dick Plambeck

Bruce Ferguson

RESOLUTION #13-339

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, AUTHORIZING EXTENSION OF THE AGREEMENT WITH THE SCULPTURE FOUNDATION, INC.

WHEREAS, the Borough of Chatham (the “Borough”) entered into an agreement with the Sculpture Foundation, Inc. dated May 5, 2010, along with any existing renewals, to exhibit the sculptures entitled Attic Trophy and Crescent (the “Agreement”); and

WHEREAS, the Borough, upon the recommendation of the Chatham Borough Public Arts Council, and the Sculpture Foundation, Inc. wish to extend the term of the Agreement for an additional period terminating on December 1, 2014 pursuant to a letter agreement in substantially the same form as the agreement attached hereto and made part of this Resolution; and

WHEREAS, the Borough Council has determined that the continued exhibition of the sculptures promotes public appreciation and knowledge of public sculpture and desires to authorize the extension of the Agreement.

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 a letter agreement extending the Agreement with the Sculpture

Regular Council Meeting
October 15, 2013

Foundation, Inc. to exhibit the sculptures entitled Attic Trophy and Crescent, by letter agreement in substantially the same form as the 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.

RESOLUTION #13-340

RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN A CONTRACT WITH JAMES EBBINGHOUSEN OF CHRISTMAS DÉCOR LOCATED IN WOODLAND PARK, NJ 07424 FOR THE INSTALLATION AND REMOVAL OF WHITE LIGHTS ON MAIN STREET FOR A CONTRACT AMOUNT OF \$12,124 AND THE CHIEF FINANCIAL OFFICER HAS CERTIFIED FUNDS FROM ACCOUNT #T-17-56-000-213

BE IT RESOLVED, by the Borough Council of the Borough of Chatham hereby authorizes the Mayor to sign a contract with James Ebbinghausen of Christmas Décor located in Woodland Park, NJ 07424 for the installation of white lights on Main Street on November 15, 2013 and the removal of the white lights by January 15, 2014 with a contract amount of \$12,124.00 and the Chief Financial Officer has certified funds from account # T-17-56-000-213.

RESOLUTION #13-342

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, TO ESTABLISH A DEDICATION BY RIDER FOR THE "EXPLORE CHATHAM" PHOTOGRAPHY CONTEST 2013 TRUST FUND SPONSORED BY THE ENVIRONMENTAL COMMISSION AND THE OPEN SPACE AND HISTORIC PRESERVATION TRUST ADVISORY COMMITTEE

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 permits the Borough to use dedicated revenues anticipated during calendar year 2013 from charitable contributions in support of the "*Explore Chatham*" *photography contest in 2013* for the purposes to which said contributions are made; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the "*Explore Chatham*" *photography contest in 2013 Trust Fund* are hereby anticipated as revenue and are hereby appropriated for the purpose to which said contributions are made in accordance with N.J.S.A. 40A:5-29.

Regular Council Meeting
October 15, 2013

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

1. The Mayor and Borough Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the “*Explore Chatham*” photography contest in 2013 Trust Fund in accordance with N.J.S.A. 40A:5-29.
2. The Borough Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services
3. 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 asked Council President Holman to proceed with the Resolutions listed on the Consent Agenda, Resolutions #13-331 through #13-340 and Resolution #13-342.

Council President Holman moved to allow the resolutions on this evening’s agenda to be approved by consent of the Council.

Seconded by Council Member Fife, a vote was taken and the Resolutions on the Consent Agenda were approved unanimously.

**RESOLUTION #13-343
RESOLUTION TO RECESS INTO CLOSED SESSION**

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

CONTRACTS: 1. Park Mobile- Mr. Lott
2. Property Easement- Mr. Lott/Mr. DeNave
3. Weichert Land Donation- Mr. DeNave

LITIGATION: 1. Property Encroachments- Mr. Lott/Mr. Falzarano

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

Regular Council Meeting
October 15, 2013

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

Council Member Collander moved Resolution #13-343, seconded by Council Member Fife. A vote was taken and Resolution #13-343 was approved unanimously.

Adjourn 9:05 p.m.

Respectfully Submitted:

Susan Caljean, RMC, CMC