

Council Meeting Minutes  
November 25, 2013

**REGULAR COUNCIL MEETING**  
**November 25, 2013 7:30 p.m.**

The Regular Council Meeting of the Borough of Chatham was held on Monday November 25, 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.

Catherine Baldwin, Deputy 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.

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  
Council Member Alida Kass  
Robert J. Falzarano, Borough Administrator  
James L. Lott, Jr., Borough Attorney  
Deputy Clerk, Catherine Baldwin

Mayor Harris read the following Resolution.

**RESOLUTION #13-372**  
**RESOLUTION TO DESIGNATE JANUARY 11, 2014 AS HUMAN TRAFFICKING**  
**AWARENESS DAY**

**WHEREAS**, human trafficking is a borderless crime against individuals that violates the most basic human rights and deprives victims of every shred of personal freedom; and

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**WHEREAS**, human trafficking occurs when a person is recruited, harbored, obtained, or exported through force, fraud, or coercion for the purposes of sexual or labor exploitation, involuntary servitude, and other types of mental and physical abuse; and

**WHEREAS**, human traffickers target impoverished and marginalized children, women and men, isolating them from society and supportive networks and exploiting them for personal and monetary gain; and

**WHEREAS**, human trafficking is the fastest growing criminal enterprise in the world today and is tied with arms smuggling as the second largest international criminal industry, falling only behind the illicit drug trade; and

**WHEREAS**, the United Nations' International Labor Organization has estimated that at least 12.3 million adults and children worldwide are currently in forced labor, bonded labor, or forced prostitution; and it is estimated that more people are now harmed by human trafficking worldwide than have been at any other point in human history. Approximately 80% of the victims are women and girls, and 50% are younger than age 18; and

**WHEREAS**, human trafficking is modern-day slavery, a practice that is in direct opposition to the fundamental principles of liberty and human rights upon which our nation was founded; and

**WHEREAS**, on February 1, 1865, President Abraham Lincoln signed the 13th Amendment to the United States Constitution. Once ratified, it officially outlawed slavery and involuntary servitude except as punishment for a crime; and

**WHEREAS**, although the federal government and the State of New Jersey have enacted laws to prosecute human traffickers and protect the victims of human trafficking, traffickers use techniques to keep their victims enslaved that severely limit self-reporting and that require broad public awareness of human trafficking issues for enforcement and prevention to occur; and

**WHEREAS**, the New Jersey State Constitution declares that all persons are by nature free and independent and have certain natural and unalienable rights; and

**WHEREAS**, the Borough of Chatham is resolved to support the goals and ideals of observing a National Day of Human Trafficking Awareness on January 11, 2014 and to support all efforts by individuals, businesses, organizations, and governing bodies to raise awareness of and opposition to human trafficking; and

**WHEREAS**, the Borough commends the work of the NJ Coalition Against Human Trafficking for its statewide efforts to end human trafficking through education, advocacy, and

assistance to survivors and to increase coordination and visibility of New Jersey's commitment to end human trafficking.

**BE IT FURTHER RESOLVED**, that the Mayor and Council declare January 11, 2014 is Human Trafficking Awareness Day in the Borough of Chatham, to raise awareness about the signs and consequences of human trafficking, to promote opposition to human trafficking in all of its forms, and to encourage support for the survivors of human trafficking throughout the State of New Jersey and across the world to put an end to this criminal activity and restore freedom and dignity to its survivors.

Council Member Lonergan moved to approve Resolution #13-372, seconded by Council Member Collander. A vote was taken and Resolution #13-372 was approved unanimously.

Linda Michalski from the NJ Coalition Against Human Trafficking explained the work their organization is doing.

**RESOLUTION #13-373  
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:

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**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Executive Session minutes be adopted herein as approved and redacted by the Borough Attorney:

Executive Session, November 11, 2013

Council Member Kass moved to approve Resolution #13-373, seconded by Council President Holman. A vote was taken and Resolution #13-373 was approved unanimously.

**RESOLUTION #13-374  
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. Recycling Contract – Mr. Lott/Mr. Falzarano
  2. Construction Office Shared Services Contract – Mr. Falzarano
  3. Briggs Payment Schedule – Mr. DeNave

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

Council President Holman moved to approve Resolution #13-374, seconded by Council Member Collander. A vote was taken and Resolution #13-372 was approved unanimously.

7:57 p.m. adjourn to Closed Session.

8:15 p.m. reconvene

### **DISCUSSION ITEMS**

Electric Vehicle Charging Station Grant for the Train Station- Mr. Falzarano explained the Borough can receive grants totaling \$22,000.00 to install two electric car charges. The borough would have to match \$4,100.00. South Orange and Millburn have installed car chargers. Mr. Falzarano suggested installing them at the train station. The Council wanted to know how many electric cars are owned by Borough residents. The Council would like to locate the charges at some other location; they did not want to tie up spaces at the train station. Mr. DeNave suggested other possible locations.

Recycling Contract - Mr. Falzarano explained the bid opening was on October 22<sup>nd</sup>. Three bids were received. The MUA made a shared services offer which is cheaper than the bids received. Recycling would move to Friday and there would be electronic recycling at the Recycling Depot year round. They would also pick up bulky plastics and have a hazardous waste drop off in years 1, 3 and 5 of the contract.

2014 Sewer Rates, 2014/2015 Water Rates & 2014 Solid Waste Fees - Mr. Lonergan stated the sewer rates will increase between 2% and 5% to fund continuing capital projects at the Joint Meeting. Water rates will increase approximately 3%. The solid waste fee of \$177.00 will not increase.

### **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.

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No public comment.

Mayor Harris closed the meeting to the public.

## **SECOND READING ORDINANCE PROCEDURE**

Mayor Harris asked Council Member Fife to proceed with Ordinance #13-21

Council Member Fife read Ordinance #13-21 entitled:

**ORDINANCE #13-21  
AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF CHATHAM,  
CHAPTER 165 ARTICLE IV, THEREOF ENTITLED "RESIDENTIAL DISTRICT  
REGULATIONS" TO ADD EXCEPTIONS FOR PORTICOS UNDER FRONT YARD  
AND BUILDING COVERAGE REQUIREMENTS**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on November 11, 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 #13-21 was introduced and passed on first reading at the November 11, 2013 meeting and indicating that the second reading and public hearing would be held on November 25, 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 Collander seconded the motion.

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

Mayor Harris declared this Ordinance adopted and finally passed. He 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 Collander to proceed with Ordinance #13-22

Council Member Collander read Ordinance #13-22 entitled:

**ORDINANCE #13-22  
AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF  
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING  
VARIOUS SECTIONS OF CHAPTER 139 OF THE BOROUGH CODE RELATED TO  
PARKING**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on November 11, 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 #13-21 was introduced and passed on first reading at the November 11, 2013 meeting and indicating that the second reading and public hearing would be held on November 25, 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 Collander offered the following Ordinance and moved its adoption:

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

Council Member Helfrich seconded the motion.

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

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

### **COUNCIL COMMITTEE REPORTS**

#### **Budget and Finance**

James Lonergan stated the Budget and Finance Committee will meet this week to discuss daily parking rates at the Train Station. The yearly rates will not increase until 2015. The last time the daily rates were increased was 2008.

#### **Public Works Planning**

John Holman stated the last leaf pick up was started this week. There will be a leaf bag pick up done on December 10<sup>th</sup> and December 17<sup>th</sup>.

#### **Personnel**

Victoria Fife had nothing new to report.

#### **Public Safety & Emergency Services**

James J. Collander reported the downtown patrol has started it has been well received; it will be expanded to CVS Plaza and Town Square.

Chief Crosson explained the Sergeant zone assignments. The lights on Coleman Avenue and Main Street have been upgraded; and the new pedestrian light installed. The old pedestrian light will be moved to the Fairmount Avenue trestle. The Police Department conducted traffic stops which resulted in 72 summonses being issued for cell phone use.

#### **Shared Services & 3<sup>rd</sup> Party Agreements**

Victoria Fife thanked Mr. Falzarano for his analysis of the shared service with MUA for recycling.

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Long Range Traffic & Pedestrian Safety Planning

James J. Collander stated there will be a discussion at the December 9<sup>th</sup> Council Meeting about expanding parking behind St. Paul's Church.

Madison/Chatham Joint Meeting

Gerald J. Helfrich reported they are continuing with the capital improvements. Chatham Borough and the Joint Meeting entered into a shared services agreement for a QPA for the Joint Meeting.

**MAYOR'S REPORT**

Mayor Bruce A. Harris stated that volunteers are needed for the Pool Committee and the Communications and Technology Committee. The 100<sup>th</sup> Anniversary of the Train Station will be celebrated in conjunction with Fishawack. The Historical Society has a very nice calendar for sale documenting the time period when the tracks were elevated and the station built. Mayor Harris explained some of the activities planned for the celebration.

**ADMINISTRATOR'S REPORT**

Robert J. Falzarano reported they are receiving contracts from the professional service providers so they are ready for the reorganization meeting. Mr. Falzarano is working on the 2014 goals and objectives and has circulated them to the Council. Rutgers University Center for Government Services announced that Chatham Borough received a certificate of special recognition for our Emergency Guide. Preparation of the 2014 budget is well underway.

**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 #13-375 through Resolution #13-384 have been placed on the Consent Agenda.

**RESOLUTIONS REMOVED FROM THE CONSENT AGENDA**

None

**FINANCE**

**RESOLUTION #13-375**

**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 #13-376  
RESOLUTION TO INSERT AN ITEM IN THE 2013 BUDGET**

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

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

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

1. That the Borough of Chatham hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2013 in the sum of \$12,000.00; which items are now available as a revenue from a grant received from the NJLM Sustainable Jersey 2013 Awards pursuant to the provisions of statute, and

2. That the sum of \$12,000.00, be made and the same is hereby appropriated under the caption of:

Sustainable Jersey Grant - Building  
Account # G-01-41-704-100  
Amount \$2,000.00 and

Sustainable Jersey Grant - Future Projects  
Account #G01-41-704-200  
Amount \$10,000.00

3. That the above is the result of monies being provided to the municipality under the above mentioned act.

4. That two certified copies of this resolution be forwarded to the Office of the Director of Local Government Services.

**RESOLUTION #13-377  
RESOLUTION TO REFUND RECREATION FEES**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the following fee be refunded:

<u>Last Name</u>	<u>Amount</u>	<u>Account</u>	<u>Activity</u>
LoSapio	\$60.00	851-422	Men's Basketball (non-resident)

**RESOLUTION #13-378  
RESOLUTION OF THE MAYOR AND COUNCIL AUTHORIZING THE DISPOSAL  
OF SURPLUS PROPERTY**

**WHEREAS**, the Borough of Chatham is the owner of certain surplus property which is no longer needed for public use; and

**WHEREAS**, the Mayor and Council are desirous of selling said surplus property in a "as is" condition without express or implied warranties.

**BE IT RESOLVED**, by the Council of the Borough of Chatham, County of Morris as follows:

1. The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 from December 2 through December 11, 2013 in accordance with the term and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at [www.govdeals.com](http://www.govdeals.com) and also available in the Clerk's office.
2. The sale will be conducted online and the address of the auction site is [govdeals.com](http://govdeals.com).
3. The sale is being conducted pursuant to Local Finance Notice 2008-9.
4. A list of the surplus property to be sold is as follows:
  - a. Minimum Bids
    1. 2002 Chevrolet Suburban  
  
VIN #3GNGK26U12G326233 Miles 60,298 \$500.00
  - b. No Minimums
    1. Various computers and office equipment
    2. Two Parking Meters

The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

The Borough of Chatham reserves the right to accept or reject any bid submitted.

**RESOLUTION #13-379  
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>
79/22	Vogt, Lawrence & Patrice 14 Dunbar Street	\$2,669.42	2012/4 Qtr. *mortgage co. & homeowner paid
65/4	Russo, Scott & St. Clair, Michele 18 West Coleman Avenue	\$133.48	2014/3Qtr.

**CONTRACTS**

**RESOLUTION #13-380  
RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF  
CHATHAM, COUNTY OF MORRIS AUTHORIZING A SHARED SERVICES  
ARRANGEMENT BETWEEN THE BOROUGH AND THE MADISON-CHATHAM  
JOINT MEETING.**

**WHEREAS**, the Madison-Chatham Joint Meeting ("MCJM") has a need to contract for the services of a qualified purchasing agent and financial advisor; and

**WHEREAS**, the Borough of Chatham desires to provide the services of its Chief Financial Officer as qualified purchasing agent and financial advisor to the MCJM; and

**WHEREAS**, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., municipalities within the State of New Jersey are permitted to effectuate agreement between local units of government for the provision of services; and

**WHEREAS**, the Borough and the MCJM desire to enter into a shared services arrangement for the services of the Borough's Chief Financial Officer as qualified purchasing agent and financial advisor to the MCJM; and

**WHEREAS**, the MCJM agrees to pay the Borough the annual sum of \$1.00 for said services.

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

1. The Mayor and Borough Council hereby authorize a shared services arrangement with the MCJM for the services of the Borough's Chief Financial Officer as qualified purchasing agent and financial advisor to the MCJM.

2. The Mayor and Borough Clerk are hereby authorized to execute a shared services agreement with the MCJM in accordance with the terms and conditions of this Resolution.

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

**RESOLUTION #13-381**  
**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF**  
**CHATHAM, COUNTY OF MORRIS, AUTHORIZING A SHARED SERVICE**  
**AGREEMENT FOR UNIFORM CONSTRUCTION CODE SERVICES WITH THE**  
**BOROUGH OF MADISON**

**WHEREAS**, the Borough of Madison currently provides certain State mandated Uniform Construction Code Services to the Borough of Chatham pursuant to a shared services agreement; and

**WHEREAS**, the Mayor and Borough Council of the Borough of Chatham are satisfied with the services provided by Madison and understand that such shared services arrangements help achieve financial and operational benefits as a result of economies of scale and are in the best interest of Chatham, and

**WHEREAS**, the Mayor and Borough Council desire to expand the current arrangement and enter into a shared service arrangement with Madison for all State mandated Uniform Construction Code Services; and

**WHEREAS**, Madison is interested in providing such services to Chatham in accordance with the terms and conditions set forth in a shared services agreement; and

**WHEREAS**, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) provides that local units of government may enter into a contract for the joint provision of any service which either party to said agreement is empowered to render or perform within its own jurisdiction.

**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 the Borough of Chatham are hereby authorized to execute a shared services agreement with the Borough of Madison for all State mandated Uniform Construction Code Services consistent with the terms and conditions of this Resolution and in a form satisfactory to the Borough Attorney.

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

**RESOLUTION #13-382**  
**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF**  
**CHATHAM, COUNTY OF MORRIS, REJECTING ALL BIDS FOR THE**  
**COLLECTION AND MARKETING OF DESIGNATED COLLECTED RECYCLABLE**  
**MATERIAL SERVICES**

**WHEREAS**, the Borough of Chatham solicited bids for the Collection and Marketing of Designated Collected Recyclable Material Services pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the Borough received and opened three (3) bids in response to the solicitation on October 22, 2013; and

**WHEREAS**, the Borough also separately received a shared services proposal for recycling collection services from the Morris County Municipal Utilities Authority (MCMUA) dated October 21, 2013; and

**WHEREAS**, upon review of the MCMUA proposal for shared services, the Mayor and Borough Council find that such shared services arrangement offers comparable services to Borough residents and will result in substantial cost savings to the Borough; and

**WHEREAS**, in light of the foregoing, the Mayor and Borough Council wish to negotiate a shared services arrangement with the MCMUA and reject all bids received in accordance with N.J.S.A. 40A:11-13.2.

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

1. All bids for the Collection and Marketing of Designated Collected Recyclable Material Services are hereby rejected.

2. The Borough Administrator and Borough Attorney is hereby authorized and directed to negotiate a shared services arrangement for recycling collection services with the MCMUA.

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

**RESOLUTION #13-383**  
**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF**  
**CHATHAM, COUNTY OF MORRIS, AUTHORIZING SHARED SERVICES**  
**AGREEMENT WITH THE MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY**  
**FOR RECYCLING SERVICES**

**WHEREAS**, the Borough of Chatham received a shared services proposal for recycling collection services from the Morris County Municipal Utilities Authority (MCMUA) dated October 21, 2013; and

**WHEREAS**, a copy of the MCMUA's proposal dated October 21, 2013 is attached hereto and made a part hereof this Resolution; and

**WHEREAS**, upon review of the MCMUA proposal for shared services, the Mayor and Borough Council find that such shared services arrangement offers comparable services to the recycling services currently provided to Borough residents pursuant to contract and will result in substantial cost savings to the Borough; and

**WHEREAS**, in light of the foregoing, the Mayor and Borough Council desire to enter into a shared services arrangement with the MCMUA for recycling collection services; and

**WHEREAS**, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., municipalities within the State of New Jersey are permitted to effectuate agreement between local units of government for the provision of services.

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

1. The Mayor and Borough Council hereby authorize a shared services arrangement with the MCMUA for recycling collection services as set forth in the MCMUA's proposal dated October 21, 2013.

2. The Mayor and Borough Clerk are hereby authorized to execute a shared services agreement with the MCMUA for said services in accordance with the terms and conditions of this Resolution and in a form acceptable to the Borough Attorney.

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

**LAW & PUBLIC SAFETY**

**RESOLUTION #13-384**

**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS AUTHORIZING THE TRADE-IN OF CERTAIN SURPLUS POLICE DEPARTMENT WEAPONS AND EQUIPMENT.**

**WHEREAS**, pursuant to N.J.S.A. 40A:11-36(6), a local contracting unit may, by resolution of its governing body, include the sale of personal property no longer needed for public use as part of the specifications to offset the price of a new purchase; and

**WHEREAS**, upon the recommendation of the Chief of Police, the Mayor and Borough Council of the Borough of Chatham have determined that certain Police Department weapons and equipment are no longer needed for public use; and

**WHEREAS**, a list of said certain Police Department weapons and equipment is attached hereto and made a part hereof this Resolution as Exhibit A; and

**WHEREAS**, the Mayor and Borough Council desire to authorize the trade-in of said Police Department weapons and equipment, as set forth on Exhibit A, in connection with the purchase of new duty firearms and ancillary equipment for the Borough Police Department; and

**WHEREAS**, the trade-in value shall offset the purchase price for new duty firearms and ancillary equipment for the Borough Police Department; and

**WHEREAS**, because the purchase price, less the trade-in value, does not exceed the Borough's bid threshold, this purchase is not subject to public bidding; and

**WHEREAS**, the Borough has solicited two (2) proposals for the purchase, less the trade-in value, in accordance with the Local Public Contracts Law. The proposals of Lanigan Associates, inc. and Atlantic Tactical are attached hereto and made a part hereof as Exhibit B.

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

1. The Mayor and Borough Council hereby determine that certain Borough Police Department weapons and equipment, as set forth at Exhibit A, are no longer needed for public use and authorize the trade-in of same in connection with the purchase of new duty firearms and ancillary equipment for the Borough Police Department.

2. All Borough employees and 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 Member Collander to proceed with the Resolutions listed on the Consent Agenda. Resolutions #13-375 through #13-384

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

Seconded by President Holman, a vote was taken and the Resolutions on the Consent Agenda were approved unanimously.

**FIRST READING ORDINANCE PROCEDURE**

Mayor Harris asked Council Member Fife to introduce Ordinance #13-23

Council Member Fife introduced Ordinance #13-23 by title as follows:

**2014 SALARY ORDINANCE**

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

Council Member Fife read:

**WHEREAS**, the above Ordinance was introduced, read by title at this Council meeting held on November 25, 2013.

**BE IT RESOLVED**, that at the Council meeting to be held on December 9, 2013 at 7:30 p.m. prevailing time, at the Borough Hall in said Borough, this Council will further consider this Ordinance for a second reading and final passage; and

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

Mayor Harris asked Clerk for a Roll Call Vote:

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



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Helfrich			x			
Kass			x			

**RESOLUTION #13-385**  
**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:

- |            |   |
|------------|---|
| Litigation | 1. Tricare - Mr. Lott/Mr. Falzarano   |
| Personnal  | 1. Council Liaison Positions - All  |
| Contracts  | 1. Request from Mrs. Hanley to purchase Borough Property - Mr. DeNave<br>2. 57 Watchung Avenue - Mr. Falzarano/Mr. Lott<br>3. CPS Lease & Borough Hall office changes on upper & middle level – 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 disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege. The Borough Council may reconvene into Public Session after the Executive Session regarding the sale of the 57 Watchung Avenue property.

Council Member Helfrich moved Resolution #13-385, seconded by Council Member Lonergan. A vote was taken and Resolution #13-385 was approved unanimously.

9:15 p.m. adjourn to closed session.

Council Member Helfrich made a motion to reconvene into public session. Seconded by Council President Holman, a vote was taken and approved unanimously.

9:47 reconvene into public session.

**ADD ON RESOLUTION**

**RESOLUTION #13-386**  
**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, REJECTING ALL BIDS FOR THE SALE OF CERTAIN BOROUGH-OWNED REAL PROPERTY LOCATED AT 57 WATCHUNG AVENUE (BLOCK 107, LOT 25) AND RE-AUTHORIZING THE PUBLIC SALE OF**

**THE PROPERTY IN ACCORDANCE WITH THE LOCAL LANDS AND BUILDINGS LAW**

**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

**WHEREAS**, pursuant to Resolution # 13-341 adopted the Mayor and Borough Council on October 15, 2013, the Mayor and Borough Council declared the Property as no longer in need of public use and 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 in the amount of \$216,000.00 on November 6, 2013; and

**WHEREAS**, the bid did not conform with the minimum required bid set forth in Resolution # 13-341 and the Invitation to Bidders of \$275,000.00; and

**WHEREAS**, the Mayor and Borough Council wish to reject all bids received for the Property; and

**WHEREAS**, in Resolution #13-370 dated November 11, 2013, the Mayor and Borough Council previously indicated a desire to negotiate and sell the Property by private sale to the bidder in accordance with the Local Lands and Buildings Law; and

**WHEREAS**, in order to ensure competition and the best economic result for the Borough, the Mayor and Borough Council instead wish to reauthorize the public sale of the Property by sealed bids, all in accordance with the Local Lands and Buildings Law.

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

1. The Mayor and Borough Council hereby reject all bids for the purchase of the Property.
2. The Mayor and Borough Council hereby re-authorize the sale of the Property by sealed bid to the highest bidder in accordance with the Local Lands and Buildings Law (N.J.S.A. 40A:12-13). The bid opening shall be conducted on January 23, 2014, or as soon thereafter as the matter may be reached, at Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.

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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).

7. This Resolution modifies and restates Resolution #13-370.

8. 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 Fife moved to approve Resolution #13-386, seconded by Council President Holman. A vote was taken and approved unanimously.

Council President Holman moved to adjourn the meeting. Seconded by Council Member Collander, a vote was taken and approved unanimously.

Respectfully Submitted:

Catherine Baldwin, Deputy Clerk

Adjourn 9:53 p.m.