

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

**June 22, 2015 MINUTES**

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, June 22, 2015 at 7:30 p.m. in the Council Chambers in the Municipal Building, 54 Fairmount Avenue, Chatham, New Jersey.

**SALUTE TO FLAG**

The Mayor and Borough Council led the assembled in the Pledge of Allegiance.

**MOMENT OF SILENCE**

Mayor Harris asked for a moment of silence for those who have given their lives for our country.

**STATEMENT OF ADEQUATE NOTICE**

Robin R. Kline, Municipal Clerk, read the following statement of adequate notice:

Pursuant to the requirements of R.S. 10:4-10, adequate notice of this meeting has been provided by including same in the Annual Notice, copies of which were posted on the Municipal Bulletin Board on the main floor of the Municipal Building, emailed to the Independent Press, the Daily Record, the Star Ledger, the Chatham Courier, the Chatham Patch, and The Alternative Press and filed with the Borough Clerk, all on January 2, 2015.

**ROLL CALL**

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

Mayor Bruce A. Harris  
Council Member James J. Collander  
Council Member James Lonergan  
Council Member John Holman  
Council Member Victoria Fife  
Council President Gerald Helfrich [arrived after roll call]  
Council Member Alida Kass  
Robert J. Falzarano, Borough Administrator  
James L. Lott, Jr., Borough Attorney  
Robin R. Kline, Borough Clerk

Mayor Bruce Harris proceeded with Resolution #15-218.

**RESOLUTION #15-218**

**RESOLUTION TO ADOPT COUNCIL MEETING MINUTES**

**BE IT RESOLVED** by the Council of the Borough of Chatham that the minutes from the following meeting are approved as prepared and shall be filed as a permanent record in the Borough Clerk's office:

June 8, 2015

**BE IT FURTHER RESOLVED** by the Council of the Borough of Chatham that the minutes from the following Closed Session meeting(s) are approved as prepared and shall be filed as a permanent record in the Borough Clerk's office:

June 8, 2015

Council Member James Collander moved to approve Resolution #15-218. The motion was seconded by Council Member James Loneragan. A voice vote was taken and Resolution #15-218 was approved unanimously.

## **DISCUSSION ITEMS**

**Eagle Scout Projects** – Mr. Tony Britt, Assistant Scoutmaster for Chatham Boy Scout Troop #8, introduced Scouts Erik Britt, Van Benedict and Michael Salvo, who are working towards their Eagle Scout designation. Mr. Britt informed the Mayor and Council that Chatham Boy Scout Troop #8 averages a 10% graduation rate of its scouts to the rank of Eagle Scout, as compared to the national average of 4%. He also informed the Mayor and Council that next year Chatham Boy Scout Troop #8 will celebrate its 100<sup>th</sup> year anniversary. A gala event is planned.

Erik Britt's Eagle Scout project will consist of building and installing two benches and one picnic table at various locations around Kelley's Pond. The benches and picnic table will help promote Kelley's Pond as a destination place for residents to go to meet others or to relax. An informational kiosk will be constructed, providing a history of how Kelley's Pond, formerly known as Milton Pond, got its name. The project's beneficiary is the Chatham Borough Environmental Commission.

Van Benedict's Eagle Scout project will consist of maintaining the overgrown hiking trail, marking the trail and repairing the bog bridges through the Wuhala Woods area to make the area usable for residents once again. An informational kiosk will be constructed to display a hiking map of the area. The project's beneficiary is the Chatham Borough Environmental Commission.

Michael Salvo's Eagle Scout project, approved last year, consists of rebuilding and revitalizing the benches and tables at Memorial Park and adding a children's reading area at the Library of the Chathams. He informed the Mayor and Council that he would like to amend the scope of his project by adding a third picnic table at Memorial Park and adding a third reading table to the children's reading area at the Library. The project's beneficiary is the Library of the Chathams.

Each of the three Eagle Scout projects were well received and were approved by the Mayor and Council.

**JCP&L Update** – Mr. Rob Walton, Area Manager for JCP&L, reported that during this time of year, JCP&L analyzes its systems and infrastructure for any needed repairs or equipment replacements. He reported that there were no repairs or upgrades that have been identified within the Borough. He further reported that JCP&L recently completed its annual storm drill mandated by the New Jersey Board of Public Utilities. Lastly, Mr. Walton informed the Mayor and Council that JCP&L is providing \$1,000 grants for teachers in STEM classrooms to help promote educational programs in science, technology, engineering and math and encouraged the Chatham teaching community to apply for the grants.

## **MEETING OPEN TO THE PUBLIC**

### **NOTICE OF PUBLIC COMMENT TIME LIMIT**

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

Mayor Bruce Harris opened the meeting for public comment.

Erik Merse, 92 Washington Avenue, inquired if there was an update on his request for the Borough vacant the portion of Oliver Street adjacent to his property. He also inquired if a traffic study could be conducted on Oliver Street to better regulate the public's use of the two-way street. Mr. Merse urged

Borough officials to consider vacating the portion of Oliver Street adjacent to his property and expressed opposition to using the street as a one way street.

Council Member James Collander responded that Borough officials would be meeting with school district officials on June 27<sup>th</sup> to discuss the proposed expansion of the Washington Avenue School parking lot and the potential impact the project may have on traffic flow on local roads in the area.

Mayor Harris acknowledged that an inconsistency exists between the Borough ordinance and current traffic flow, which the Borough will address with the Board of Education. Mayor Harris assured Mr. Merse that the Borough would keep him informed when the Board of Education would be scheduled to make its presentation to the Mayor and Council.

Patrick Carroll, Chairman of the Shade Tree Commission, thanked Janice Piccolo and the Department of Public Works for replacing the tree at Post Office Plaza and sprucing up the landscaping. He also thanked everyone who stopped by the Shade Tree Commission's booth at the Fishawack Festival. Mr. Carroll then inquired whether the Borough has established a policy for displaying banners on the decorative light poles in the downtown, which was discussed earlier in the year at the time the Shade Tree Commission presented its request to display banners in the downtown to celebrate Arbor Day and promote the planting and care of shade trees.

Mr. Falzarano reported that the recent U.S. Supreme Court decision, *Reed v. Town of Gilbert*, may have an impact on any Borough ordinance or policy in place that regulate signage and banners displayed in public places and will be closely looked at in the drafting of a new policy expressly for signage and banners displayed on the decorative light poles in the downtown.

Seeing no one else wishing to speak, Mayor Harris closed public comment.

## **ORDINANCES FOR SECOND READING**

Mayor Harris asked Council Member Victoria Fife to proceed with Ordinance #15-07.

Council Member Victoria Fife read Ordinance #15-07 entitled:

**ORDINANCE #15-07  
AN ORDINANCE AMENDING CHAPTER 165 OF THE LAND DEVELOPMENT  
REGULATIONS OF THE BOROUGH CODE TO CLARIFY THE CONDITIONAL USES  
IN THE M1 DISTRICT**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on June 8, 2015.

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

The Borough Clerk stated that a legal notice was published indicating that Ordinance #15-07 was introduced and passed on first reading at the June 8, 2015 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on June 22, 2015 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with law. In addition, pursuant to Municipal Land Use Law, legal notices were sent to all adjacent municipalities and the Morris County Planning Board.

Mayor Harris opened the meeting for a public hearing on the Ordinance and any member of the public may be heard. Seeing no one wishing to be heard, Mayor Harris closed the public hearing.

Council Member Victoria Fife offered the Ordinance and moved its adoption:

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

The motion was seconded by Council Member James Lonergan.

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

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

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

Mayor Harris asked Council Member Victoria Fife to proceed with Ordinance #15-08.

Council Member Victoria Fife read Ordinance #15-08 entitled:

**ORDINANCE #15-08**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 165 OF THE  
BOROUGH CODE TO CREATE A NEW AFD-4 AFFORDABLE HOUSING DISTRICT**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on June 8, 2015.

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

The Borough Clerk stated that a legal notice was published indicating that Ordinance #15-08 was introduced and passed on first reading at the June 8, 2015 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on June 22, 2015 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with law. In addition, pursuant to Municipal Land Use Law, legal notices were sent to all adjacent municipalities and the Morris County Planning Board.

Mayor Harris opened the meeting for a public hearing on the Ordinance and any member of the public may be heard. Seeing no one wishing to be heard, Mayor Harris closed the public hearing.

Council Member Victoria Fife offered the Ordinance and moved its adoption:

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

The motion was seconded by Council Member John Holman.

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

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

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

Mayor Harris asked Council Member Victoria Fife to proceed with Ordinance #15-09.

Council Member Victoria Fife read Ordinance #15-09 entitled:

**ORDINANCE #15-09**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 165 OF THE  
LAND DEVELOPMENT REGULATIONS OF THE BOROUGH CODE  
RELATED TO THE M-1, -2 and -3 DISTRICTS TO INCREASE THE REQUIRED  
AFFORDABLE HOUSING SET ASIDE**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on June 8, 2015.

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

The Borough Clerk stated that a legal notice was published indicating that Ordinance #15-09 was introduced and passed on first reading at the June 8, 2015 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on June 22, 2015 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with law. In addition, pursuant to Municipal Land Use Law, legal notices were sent to all adjacent municipalities and the Morris County Planning Board.

Mayor Harris opened the meeting for a public hearing on the Ordinance and any member of the public may be heard. Seeing no one wishing to be heard, Mayor Harris closed the public hearing.

Council Member Victoria Fife offered the Ordinance and moved its adoption:

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

The motion was seconded by Council Member John Holman.

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

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

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

## **REPORTS**

### **BOARD & COMMISSION MEMBERS & LIAISON REPORTS**

#### Affordable Housing Advisory Committee

Mayor Harris reported the Committee met prior to the introduction of the zoning ordinances adopted at tonight's meeting to review the draft ordinances and further reported the Committee will continue its work once the Borough files its Declaratory Judgment action.

#### Traffic & Pedestrian Safety Advisory Committee

Council Member James Collander reported that the Committee will be making a recommendation to the Mayor and Borough Council that it pass a resolution petitioning the state and county to investigate the feasibility of locating a new interchange on Route 24 in efforts to reduce traffic flow on Route 124 in Chatham Borough. This matter will be scheduled for discussion at the July 13<sup>th</sup> meeting and a resolution will be placed on the consent agenda for Council consideration. Passage of the resolution is the first step needed in what will become a long and time-consuming process.

Council Member Collander further reported the Committee received a request from a resident to investigate speeding on Watchung Avenue, which has a speed limit of 30 MPH. Results of the Borough's traffic study showed an average speed of traffic at 33.8 MPH.

Council Member Collander reported that the county will be repaving Watchung Avenue from the county line to Lafayette Avenue this summer.

The Committee requested an hourly parking study be conducted for the Center Avenue East and Center Avenue West parking lots to determine the usage of the parking lots against the number of parking permits the Borough has issued for the lots to ensure the parking permits have not been over subscribed.

Council Member Collander further reported new impressed brick crosswalks will be installed on Route 124 at Coleman Avenue and new signage will be installed at the Train Station to inform motorists that a daily parking permit can be purchased for \$ 5.50 from the Utilities Clerk in the Municipal Building after 9:00 a.m.

Lastly, Council Member Collander reported that Mayor Harris had forwarded a complaint from a resident frustrated with the synchronization of traffic signals along the Route 124 corridor for the Committee's review. Council Member Collander took a moment to inform everyone that unfortunately the Borough has no jurisdiction in regulating the timing of the traffic signals along Route 124 within its municipal boundary; however, the Borough would bring this matter to the attention of the New Jersey Department of Transportation.

#### MyChathamNJ Advisory Committee

Council Member Victoria Fife had nothing new to report.

#### Mayor's Wellness Committee

Council Member Victoria Fife had nothing new to report.

#### Planning Board

Council Member Victoria Fife reported that the Planning Board is discussing possible amendments to the Borough's residential floor area ratio ("FAR") zoning requirements based upon recommendations received from the Zoning Board of Adjustment.

#### Project Community Pride

Council Member Victoria Fife reported that the Committee met on June 4<sup>th</sup>. She reported that the Madison Area YMCA is a thriving program and may become a benchmark program in the state. Chatham Township has not yet committed its participation.

#### Public Arts Council Advisory Committee

Council Member Victoria Fife had nothing new to report.

#### Senior Center of the Chathams

Council Member Victoria Fife had nothing new to report.

#### Special Events Advisory Committee

Council Member Victoria Fife thanked the Tricentennial Committee, Department of Community Affairs, Department of Public Works, Police Department, and all volunteers who organized the Borough's June Tricentennial Celebration held on Saturday, June 13<sup>th</sup>.

#### Communications & Technology Advisory Committee

Council Member James Lonergan reported the Committee will be launching the first edition of the Borough's Newsletter this week, which provides upcoming events and general information about what's happening in the Borough. Residents can sign up on the Borough's website to receive the quarterly newsletter electronically.

Council Member James Lonergan also reported that Council meetings are now being streamed on the Borough website.

#### Joint Recreation Advisory Committee

Council Member James Lonergan reported the 3<sup>rd</sup> annual Mayor's Cup Baseball Championship games took place on June 17<sup>th</sup> between the Chatham and Madison Youth Baseball Recreation Programs. This year the Madison teams won all three Mayor's Cup Baseball Championship games.

#### Municipal Pool Advisory Committee

Council Member James Lonergan reported the Borough pool is open for the season and encouraged residents to register for individual or family memberships for the 2015 season. He further reported the non-profit organization, Chatham – Bridging the Gap, Inc., will be making recommendations to the Borough Administrator, who is authorized to provide discounts or waive pool membership fees to financially-qualifying Borough residents.

#### Board of Health

Council Member John Holman had nothing new to report.

#### Farmers' Market Advisory Committee

Council Member John Holman reported the Farmers' Market opened for the 2015 season on Saturday, June 20<sup>th</sup>. The Chatham Farmers' Market is certified Jersey Fresh and will be open every Saturday through the month of November. New benches have been installed for Farmers' Market patrons and new events are planned for the 2015 season.

#### Joint Community Gardens Advisory Committee

Council Member John Holman had nothing new to report.

#### Madison Chatham Joint Meeting

Council Member John Holman had nothing new to report.

#### Board of Education

Council President Gerald Helfrich reported the Chatham High School Class of 2015 Graduation was held last week.

#### 9/11 Memorial Advisory Committee

Council President Gerald Helfrich had nothing new to report.

#### Environmental Commission

Council Member Alida Kass had nothing new to report.

#### Historic Preservation Commission

Council Member Alida Kass had nothing new to report.

#### Open Space & Historic Preservation Trust Advisory Committee

Council Member Alida Kass had nothing new to report.

#### Shade Tree Commission

Council Member Alida Kass had nothing new to report.

### **MAYOR'S REPORT**

Mayor Bruce Harris thanked all volunteers, elected officials, and Borough employees who made the Fishawack Festival and Tricentennial Celebration a success. He further reported that he is looking forward to the Borough's Fourth of July celebration hosted annually by the Chatham Borough Fire Department Association. The flag raising begins at 9:15 a.m. at the Borough Firehouse followed by the parade, which starts at 10:30 a.m. The Fourth of July Parade goes on rain or shine.

### **ADMINISTRATOR'S REPORT**

Mr. Robert Falzarano reported that the Solid Waste Collection contract is being finalized and the final draft will be distributed to the Mayor and Council at the end of the week. He also reported that the Division Avenue Parking Lot has been completed.

### **CONSENT AGENDA**

The following items are considered to be routine by the Chatham Borough Council and are enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda. Resolution #15-219 through Resolution #15-230 have been placed on the Consent Agenda.

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

None.

Mayor Bruce Harris proceeded with Resolution #15-219 through Resolution #15-230 listed on the Consent Agenda.

Council President Gerald Helfrich pointed out a housekeeping matter regarding Resolution #15-229 in that the park is actually named Bicentennial Park. The Mayor and Council agreed that the resolution should be corrected to state Bicentennial Rotary Park. Mayor Harris asked for a motion to amend all references in Resolution #15-229 mentioning Rotary Park to state Bicentennial Rotary Park.

Council Member James Lonergan made a motion rename Bicentennial Park to Bicentennial Rotary Park and to amend all references in Resolution #15-229 mentioning Rotary Park to state Bicentennial Rotary Park. The motion was seconded by Council Member John Holman. A voice vote was taken with all Members of the Council voting in favor.



## **CONTRACTS**

### **RESOLUTION #15-219**

#### **RESOLUTION AUTHORIZING THE FILING OF A DECLARATORY JUDGMENT APPLICATION AND A MOTION FOR TEMPORARY IMMUNITY IN WHICH TO REVISE THE ADOPTED THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN AND OBTAIN A THIRD ROUND JUDGMENT OF COMPLIANCE AND REPOSE**

**WHEREAS**, the Chatham Borough Planning Board did, on December 3, 2008, adopt a Third Round Housing Element and Fair Share Plan consistent with the Rules of the New Jersey Council on Affordable Housing (COAH) at N.J.A.C. 5:97-1, *et seq.*; and

**WHEREAS**, the Chatham Borough Council did, on December 8, 2008, endorse the adopted Third Round Housing Element and Fair Share Plan and submit it to COAH along with a resolution petitioning COAH for substantive certification of the adopted Third Round Housing Element and Fair Share Plan; and

**WHEREAS**, Chatham Borough has not yet received substantive certification of its adopted Third Round Housing Element and Fair Share Plan from COAH; and

**WHEREAS**, during the time that Chatham Borough's petition for substantive certification of its Third Round Housing Element and Fair Share Plan was pending before COAH, COAH's Rules (at N.J.A.C. 5:96-1, *et seq.* and 5:97-1, *et seq.*) were invalidated; and

**WHEREAS**, due to COAH's prolonged failure to adopt new, valid Third Round Rules, the New Jersey Supreme Court did, on March 10, 2015, issue an order eliminating the COAH administrative processes authorized by the Fair Housing Act (N.J.S.A. 52:27D-301, *et seq.*, with an effective date of June 8, 2015; and

**WHEREAS**, the New Jersey Supreme Court provided in said order that municipalities which had either received substantive certification of their Third Round Housing Elements and Fair Share Plans from COAH or which had petitioned COAH for substantive certification of their Third Round Housing Elements and Fair Share Plans in accordance with COAH's Rules but had not yet received substantive certification from COAH would be permitted a period of thirty (30) days beginning on June 8, 2015, within which to file requests for declaratory judgments in Superior Court in order to obtain the judicial equivalent of the substantive certifications that they had either received or that they had applied for under N.J.S.A. 52:27D-313, but had not yet received; and

**WHEREAS**, the Borough of Chatham received an adjustment of its prior round fair share obligation from COAH due to lack of sufficient vacant developable land, which adjustment provided for a Realistic Development Potential (RDP) of 23 units and an Unmet Need of 54 units; and

**WHEREAS**, the Borough of Chatham acknowledges that under the Rules proposed by COAH as N.J.A.C. 5:99, which Rules would have replaced N.J.A.C. 5:97, had they been adopted, Chatham Borough's third round fair share obligation would have included a zero (0) unit Rehabilitation Share, a 23 unit Prior Round obligation for the period from 1987-1999, after applying the vacant land adjustment and prior to deducting credits for past affordable housing completions, and a total accrued and prospective fair share obligation for the period from 1999 to 2024 of 34 units, subject to the previously granted vacant land adjustment; and

**WHEREAS**, the Borough of Chatham further acknowledges that it is now up to the Court to determine regional affordable housing obligations and to allocate such obligations to the municipalities in the housing region, which may result in a higher or lower obligation that COAH would have assigned to the Borough had COAH adopted proposed N.J.A.C. 5:99; and

**WHEREAS**, the Borough of Chatham believes that based upon potential redevelopment opportunities that are now or may soon be available, the previously approved Realistic Development Potential (RDP) of 23 units may be able to be increased, but the Borough is unlikely to have enough vacant developable land and redevelopable sites to be able to satisfy its full fair share of the regional affordable housing obligation that may be assigned to it by the Court; and

**WHEREAS**, the Borough of Chatham recognizes that, when the Court determines the magnitude of the regional affordable housing obligation and allocates such obligation to the municipalities in the housing region, if Chatham is unable to address all of its obligation, the Borough will have an Unmet Need that will have to be addressed to the extent it can be through measures designed to capture affordable housing opportunities if and when such opportunities present themselves; and

**WHEREAS**, the Borough of Chatham respectfully requests time to revise its adopted Third Round Housing Element and Fair Share Plan to eliminate all references to the growth share methodology previously espoused by COAH, to update its vacant land analysis, to provide measures to address a higher RDP than 23 units, if the Borough is determined to have a higher RDP, and to include measures designed to address any Unmet Need the Borough may be determined to have.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham, County of Morris, State of New Jersey, that they hereby authorize the Borough Attorney, James Lott, Esquire, to prepare and submit a request for Declaratory Judgment to the Superior Court of the State of New Jersey, Morris County, to be accompanied by such exhibits and certifications as deemed necessary and appropriate for the purposes of obtaining a limited period of immunity from builder's remedy lawsuits so that the Borough can revise and adopt an amended Third Round Housing Element and Fair Share Plan and submit it to the Court for review and approval of a Judgment of Compliance and Repose;

**BE IT FURTHER RESOLVED**, that the Borough Council of the Borough of Chatham does hereby authorize the preparation of amendments to the adopted Third Round Housing Element and Fair Share Plan, along with the completion of such other studies as may be needed to document the Borough's ability to satisfy its third round fair share obligation, by Susan Blickstein, AICP/PP, PhD, Borough Planner, in consultation with Elizabeth C. McKenzie, AICP, PP, which tasks shall be undertaken once the extent of the third round fair share obligation has been affirmed or otherwise determined by the Court, and which amendments to the Third Round Housing Element and Fair Share Plan shall be completed within the period of immunity granted by the Court, leaving sufficient time for the revised Plan to be adopted and submitted to the Court by the established deadline; and

**BE IT FURTHER RESOLVED**, that the Borough Council hereby authorizes the execution of a Common Defense Agreement with other participating municipalities and the payment of the Borough's pro rata share of the costs of retaining Robert Burchell, PhD, to calculate the Borough's fair share of the regional need for low and moderate income housing units; and

**BE IT FURTHER RESOLVED**, that the Borough Council of the Borough of Chatham does hereby direct that a copy of this Resolution shall be submitted to the Court, along with a copy of the previously certified Prior Round and previously adopted Third Round Housing Elements and Fair Share Plans and any other materials required by the Court in connection with the request for a Declaratory Judgment and for the Court's review of the Borough's Plan; and

**BE IT FURTHER RESOLVED**, that the notice of the filing of the Declaratory Judgment action and the motion for temporary immunity shall be simultaneously provided by personal service or certified mailing to: Edward Buzak, Esq., on behalf of the New Jersey League of Municipalities; Jeffrey Surenian, Esq., on behalf of Atlantic Highlands; Stephen Eisdorfer, Esq., on behalf of the New Jersey Builder's Association; Kevin Walsh, Esq., on behalf of Fair Share Housing Center; Jeffrey Kantowitz, Esq., on behalf of Martin and MTAE, Inc.; and Geraldine Callahan, Esq., DAG, on behalf of COAH;

and

**BE IT FURTHER RESOLVED**, that the notice of the filing of the Declaratory Judgment action and the motion for temporary immunity shall also be simultaneously provided by personal service or certified mailing to: the Morris, Warren, Essex and Union County Planning Boards; the clerks of all municipalities within COAH's Housing Region 2; all affordable housing providers serving COAH's Housing Region 2; all landowners and/or contract purchasers included in the amended

Housing Element and Fair Share Plan and/or offering to construct affordable housing within the Borough of Chatham; and to any other parties specifically requesting notice; and

**BE IT FURTHER RESOLVED**, that the notice of the filing of the Declaratory Judgment action and the motion for temporary immunity shall also appear in a newspaper of general circulation throughout the County; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately; and

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

#### **RESOLUTION #15-220**

#### **RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE EXECUTION OF SETTLEMENT AGREEMENT IN CONNECTION WITH THE HOPKINS OPRA LITIGATION, DOCKET NO. MRS-L-657-15**

**WHEREAS**, Plaintiff Shawn G. Hopkins filed an action in the Superior Court of New Jersey, Law Division captioned *Hopkins v. Chatham Borough et al.*, Docket Number MRS-L-657-15, asserting claims under the Open Public Records Act, N.J.S.A. 47:1A-1 *et seq.*; and

**WHEREAS**, the Borough and Mr. Hopkins have reached a settlement agreement in connection with this matter providing for the release all claims against the Borough and dismissal of this matter with prejudice as to the Borough; and

**WHEREAS**, the Mayor and Borough Council wish to approve this settlement and authorize the execution of a settlement agreement memorializing same, subject to the approval of the Borough Attorney.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham in the County of Morris and the State of New Jersey that it hereby approves the settlement of the matter *Hopkins v. Chatham Borough et al.*, Docket Number MRS-L-657-15, and authorizes the Mayor and Borough Clerk to execute the settlement agreement memorializing same.

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

#### **RESOLUTION #15-221**

#### **RESOLUTION AUTHORIZING PARTICIPATION IN THE BERGEN COUNTY COOPERATIVE PRICING SYSTEM - #CK04-BERGEN**

**WHEREAS**, N.J.S.A. 40A:11-11(5) authorizes that two or more contracting units may enter into a cooperative purchasing system agreement for the purchase of goods, materials and supplies in efforts to realize substantial cost-savings in the purchase of goods and supplies; and

**WHEREAS**, each year the Departments of the Borough of Chatham realize cost savings by purchasing equipment and materials through county cooperative pricing systems; and

**WHEREAS**, the Borough of Chatham desires to participate in the Bergen County Cooperative Pricing System - #CK04-BERGEN; and

**WHEREAS**, it is the recommendation of the Borough Auditor that the Mayor and Council adopt a resolution authorizing participation in a the Bergen County Cooperative Pricing System.

**BE IT RESOLVED**, that the Mayor and Council of the Borough of Chatham do hereby authorize participation in Bergen County Cooperative Pricing System - #CK04-BERGEN for the year 2015; and

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

#### **RESOLUTION #15-222**

#### **RESOLUTION AUTHORIZING EXECUTION OF A MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT RELATED TO DR. BURCHELL'S SERVICES IN CONNECTION WITH THE FILING OF A DECLARATORY JUDGMENT ACTION IN FURTHERANCE OF IN RE ADOPTION OF N.J.A.C. 5:96 & 5:97 BY N.J. COUNCIL ON AFFORDABLE HOUSING, 221 N.J. 1 (2015)**

**WHEREAS**, the Borough of Chatham, in the County of Morris, State of New Jersey anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey, Morris County, in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

**WHEREAS**, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

**WHEREAS**, the Borough of Chatham desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

**WHEREAS**, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

**WHEREAS**, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

**WHEREAS**, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

**WHEREAS**, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

**WHEREAS**, a Municipal Shared Services Defense Agreement (hereinafter MSSDA”), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter “the Rutgers Agreement”) and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

**WHEREAS**, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC (“Surenian”) will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

**WHEREAS**, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

**WHEREAS**, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

**WHEREAS**, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby approve, ratify and confirm the terms and conditions of the MSSDA subject to the approval as to final form by the Borough Attorney; and

**BE IT FURTHER RESOLVED**, that the amount of \$2,000 is hereby authorized to be expended by the Borough of Chatham for Rutgers through Dr. Robert Burchell, Principal Investigator, to prepare the Burchell Fair Share Analysis; and

**BE IT FURTHER RESOLVED**, that a certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Borough of Chatham and is appended hereto; and

**BE IT FURTHER RESOLVED**, by the Borough Council that the Mayor is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Borough of Chatham in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement; and

**BE IT FURTHER RESOLVED**, that the Borough of Chatham hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Borough of Chatham the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement; and

**BE IT FURTHER RESOLVED**, that if further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Borough of Chatham will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid; and

**BE IT FURTHER RESOLVED**, that the MSSDA is subject to the approval of the Borough Attorney and the Borough Attorney is authorized to negotiate the final form of the MSSDA with Mr. Surenian; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

## **FINANCE**

### **RESOLUTION #15-223**

#### **RESOLUTION TO APPROVE PAYMENT OF VOUCHERS**

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

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

### **RESOLUTION #15-224**

#### **ESTABLISHING RATES FOR WATER SERVICES FOR 2016 AND 2017**

**WHEREAS**, the County and Municipal Water Supply Act, N.J.S.A. 40A:31-1 et seq., authorizes the Borough to fix and collect rates for water service; and

**WHEREAS**, Section 267-10 of the Borough Code permits the Borough Council to fix water rates established on or after April 1, 2015 by resolution; and

**WHEREAS**, the following water rate shall apply for services billed on or after April 1, 2016: \$4.50 per one hundred (100) cubic feet; and

**WHEREAS**, the following water rate shall apply for services billed on or after April 1, 2017: \$4.59 per one hundred (100) cubic feet.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the following water rate shall apply for services billed on or after April 1, 2016: \$4.50 per one hundred (100) cubic feet; and

**BE IT FURTHER RESOLVED**, that the following water rate shall apply for services billed on or after April 1, 2017: \$4.59 per one hundred (100) cubic feet; and

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

### **RESOLUTION #15-225**

#### **RESOLUTION ESTABLISHING A DEDICATION BY RIDER FOR DONATIONS FOR MONUMENTS & MEMORIALS OF CHATHAM BOROUGH TRUST FUND**

**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 from donations in support of purchase, installation, and maintenance of Monuments and Memorials for Chatham Borough Trust Fund activities for the purposes to which said donations are made; and

**WHEREAS, N.J.S.A. 40A:4-39** provides the dedicated revenues anticipated from the Donations for Monuments and Memorials of Chatham Borough Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said donations are made in accordance with N.J.S.A. 40A:5-29.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby request permission of the Director of the Division of Local Government Services to pay expenditures for the purchase, installation, and maintenance of Monuments and Memorials for Chatham Borough Trust Fund in accordance with N.J.S.A. 40A:5-29; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services; and

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

## **RECREATION**

### **RESOLUTION #15-226**

#### **RESOLUTION APPOINTING A SUBSTITUTE POOL STAFF MEMBER FOR THE 2015 SUMMER SEASON**

**WHEREAS**, the Chatham Borough Recreation Program has a need to hire substitute pool staff for the 2015 summer season; and

**WHEREAS**, the Department of Community Services recommends the hiring of the following individual pending completion of all paperwork requirements prior to any employment:

<b>Pool Staff</b>	<b>Salary</b>	<b>Position</b>
Henrici, Sam	\$8.38	Substitute

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that it hereby appoints the herein referenced individual as substitute pool staff for the 2015 summer season at the respective position and rate of pay, pending completion of all paperwork requirements prior to employment; and

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

## **OTHER**

### **RESOLUTION #15-227**

#### **RESOLUTION GRANTING PERMISSION TO THE HOLY NIGHT SOCIETY TO INSTALL AND DISPLAY NATIVITY SCENE AT REASONER PARK**

**WHEREAS**, The Holy Night Society, an unaffiliated local taxpayer organization, has requested to install and display a Nativity Scene at the Reasoner Park during the holiday season.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that The Holy Night Society is hereby granted permission to install and display a Nativity Scene, at its own expense, as part of the Borough's Holiday Display at the Reasoner Park from Friday, December 4, 2015 to Monday, January 11, 2016; and

**BE IT FURTHER RESOLVED**, that the Borough Council hereby grants this permit to The Holy Night Society in reliance on its representation that the Nativity Scene to be installed and displayed shall consist of the following:

1. An eight foot square scene which includes: a.) a manger; b.) figure of Mary; c.) figure of Joseph; d.) figure of the baby Jesus in a crib; and, e.) a star.
2. Each figure will be life-size fitting into the eight foot square scene. The star will be placed on top of the manger, increasing its height by approximately two feet.

And,

**BE IT FURTHER RESOLVED**, that the Borough Council grants permission to The Holy Night Society in reliance on its representation that it will post a sign clearly identifying The Holy Night Society as the sponsor of the Nativity Scene and that the Nativity Scene is not supported or sponsored by any government entity or official; and

**BE IT FURTHER RESOLVED**, that The Holy Night Society shall be responsible for the Nativity Scene installation and removal and shall indemnify and hold the Borough harmless for any property damage or property loss to its display; and

**BE IT FURTHER RESOLVED** that the name and address of the responsible person for The Holy Night Society is Mary McNiff, 53 Lincoln Avenue, Chatham, New Jersey.

**BE IT FURTHER RESOLVED**, that the Chatham Borough Department of Public Works may assist with the necessary electrical utility connections and with other reasonable place and manner restrictions.

#### **RESOLUTION #15-228**

#### **RESOLUTION GRANTING PERMISSION TO CHABAD OF SOUTHEAST MORRIS COUNTY TO INSTALL AND DISPLAY A MENORAH AT REASONER PARK**

**WHEREAS**, the Chabad of Southeast Morris County has requested to install and display a Menorah at the Reasoner Park during the holiday season.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Chabad of Southeast Morris County is hereby granted permission to install and display a Menorah, at its own expense, as part of the Chatham Borough Holiday Display at the Reasoner Park from Tuesday, December 1, 2015 to Saturday, December 21, 2015; and

**BE IT FURTHER RESOLVED**, that the Borough Council hereby grants permission to the Chabad of Southeast Morris County in reliance on its representation that the Menorah to be installed and displayed is approximately six feet tall and five feet wide; and

**BE IT FURTHER RESOLVED**, that the Borough Council grants permission to the Chabad of Southeast Morris County in reliance on its representation that it will post a sign clearly identifying itself as the sponsor of the Menorah and that the Menorah is not supported or sponsored by any government entity or official; and

**BE IT FURTHER RESOLVED**, that the Chabad of Southeast Morris County shall be responsible for the installation and removal of the Menorah and shall indemnify and hold the Borough harmless for any property damage or property loss to its display; and

**BE IT FURTHER RESOLVED**, that the Chatham Borough Department of Public Works may assist with the necessary electrical utility connections and with other reasonable place and manner restrictions.



## **RESOLUTION #15-229**

### **RESOLUTION APPROVING OF THE INSTALLATION OF A MEMORIAL BENCH TO BE LOCATED IN BICENTENNIAL ROTARY PARK**

**WHEREAS**, the Mayor and Borough Council are in receipt of a request from Mary Weichert for the installation of a memorial bench to be located in Bicentennial Rotary Park to honor her parents, James and Elizabeth Tunny, who have been lifelong residents of the Borough of Chatham; and

**WHEREAS**, Ms. Weichert will donate the funds to cover the cost of purchasing and installing the memorial bench; and

**WHEREAS**, the type of bench to be installed and exact location of the bench in Bicentennial Rotary Park shall be subject to the approval of the Borough Administrator; and

**WHEREAS**, the Mayor and Council wish to approve Ms. Weichert's request for the installation of a memorial bench to be located in Bicentennial Rotary Park to honor her parents, James and Elizabeth Tunny.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that it hereby approves Ms. Weichert's request for the installation of a memorial bench to be located in Bicentennial Rotary Park to honor her parents, James and Elizabeth Tunny, who have been lifelong residents of the Borough of Chatham; and

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

## **RESOLUTION #15-230**

### **RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, EXTENDING AFFORDABLE HOUSING (COAH) RESTRICTIONS ON CHATHAM AT WILLOWS (SCHINDLER COURT)**

**WHEREAS**, N.J.A.C. 5:80-26.25(a) provides that "a municipality shall have the right to determine that the most desirable means of promoting an adequate supply low- and moderate- income housing is to prohibit the exercise of the repayment option and maintain controls on lower income housing units sold within the municipality beyond the period required by N.J.A.C. 5:93-9.2; and

**WHEREAS**, such a determination shall be made by resolution of the municipal governing body and shall be effective upon filing with the New Jersey Council on Affordable Housing (COAH); and

**WHEREAS**, the resolution shall specify the time period for which the repayment option shall not be applicable; and

**WHEREAS**, during such period, no seller in the municipality may utilize the repayment option permitted by N.J.A.C. 5:93-9.8; and

**WHEREAS**, in accordance with N.J.A.C. 5:80-26.25(b), municipalities that elect to maintain controls on lower income housing units sold within the municipality beyond the period required by N.J.A.C. 5:93-9.2 shall: (1) provide public notice in a newspaper of general circulation; and (2) notify the Administrative Agent and COAH of its governing body's action; and

**WHEREAS**, N.J.A.C. 5:80-26.25(c) further provides that the Administrative Agent shall ensure that the deed restriction on all affected housing units reflects the extended period of controls; and

**WHEREAS**, Chapter 69 of the Borough Code similarly provides that control period for restricted ownership units shall be established in accordance with N.J.A.C. 5:80-26.5, as may be

amended and supplemented from time to time, and each unit shall remain subject to the requirements of that Chapter until the Borough elects to release the unit from such requirements, and in any event for a period of at least 30 years; and

**WHEREAS**, the Chatham at Willows (Schindler Court) includes 8 moderate- and low-income units as identified below (collectively “the Units”):

Unit Address	Block	Lot	Expiration Date
34 Schindler Ct. Unit ML-1	106	1.34	7/21/2019
36 Schindler Ct. Unit ML-2	106	1.36	2/16/2019
38 Schindler Ct. Unit ML-3	106	1.38	10/19/2018
40 Schindler Ct. Unit ML-4	106	1.40	12/14/2018
42 Schindler Ct. Unit ML-5	106	1.42	10/26/2018
44 Schindler Ct. Unit ML-6	106	1.44	3/10/2019
46 Schindler Ct. Unit ML-7	106	1.46	12/2/2018
48 Schindler Ct. Unit ML-8	106	1.48	11/24/2018

**WHEREAS**, the Mayor and Borough Council have determined that the most desirable means of promoting an adequate supply of low- and moderate-income housing in the Borough pursuant to N.J.A.C. 5:80-26.25 is to prohibit the exercise of any repayment option on the Units and to maintain the affordability controls on the Units for a longer period than the initial 30 years.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham in the County of Morris and the State of New Jersey that the affordability controls on the Units are hereby extended an additional 30 years and that during this period of the extended controls no seller may utilize the repayment option as permitted by N.J.A.C. 5:93-9.8.

**BE IT FURTHER RESOLVED**, that the Borough Clerk is authorized and directed to publish this Resolution in the Chatham Courier and Star Ledger and to notify the Administrative Agent and COAH of the action taken hereby.

**BE IT FURTHER RESOLVED**, that the Administrative Agent shall ensure that the deed restriction on all Units extends an additional 30 years.

**BE IT FURTHER RESOLVED**, that this Resolution shall evidence that the affordability controls on the Units have been extended in accordance with the Uniform Housing Affordability Controls (UHAC) and that the Borough is entitled to credit against its affordable housing obligation through the extension of affordability controls in accordance with UHAC and any applicable regulations adopted by COAH and/or the Department of Community Affairs, as may be amended or supplemented from time to time.

**BE IT FURTHER RESOLVED**, that the sale and use of the Units is governed by UHAC, N.J.A.C. 5:80-26.5, as may be amended and supplemented from time to time during the control period until the Borough elects to release the Units from such requirements.

**BE IT FURTHER RESOLVED**, that all other Borough officials are hereby authorized and directed to take such further action as may be necessary to implement the objectives of this Resolution. Council Member John Holman moved to approve Resolution #15-205. The motion was seconded by Council Member James Collander. A voice vote was taken and Resolution #15-205 was approved unanimously.

#### **CONSENT AGENDA VOTE**

Council Member John Holman moved to approve Resolutions #15-219 through #15-230 listed on the consent agenda, with Resolution #15-229 amended to correct all references mentioning Rotary Park to

state Bicentennial Rotary Park. The motion was seconded by Council Member James Lonergan. A voice vote was taken and Resolutions #15-219 through #15-230 listed on the consent agenda were approved unanimously.

### **ADD-ON RESOLUTION(S)**

None.

Mayor Harris asked Council President Gerald Helfrich to proceed with Resolution #15-231.

Council President Gerald Helfrich read Resolution #15-231 in full.

### **RESOLUTION #15-231**

### **RESOLUTION TO ADJOURN INTO CLOSED SESSION**

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

Disposition of Public Land Matter: 1. Perrin Street Vacation Status – Mr. Falzarano and Mr. Lott  
2. North Hillside Vacant parcel Update – Mr. Falzarano and Mr. Lott

Litigation Matter: 1. Hopkins v. Chatham Borough Settlement – Mr. Lott

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

Council President Gerald Helfrich moved to approve Resolution #15-231. The motion was seconded by Council Member James Collander. A voice was taken with all Members of the Council voting in favor.

The Mayor and Council adjourned into Closed Session.

### **ADJOURNMENT**

Meeting adjourned 8:45 p.m.

Respectfully Submitted:

*Robin R. Kline*

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