

**EMERGENCY MEETING OF THE
MAYOR AND BOROUGH COUNCIL
Pursuant to N.J.S.A. 10:4-9(b)**

July 25, 2016 MINUTES

Mayor Bruce A. Harris called the Emergency Meeting of the Mayor and Council of the Borough of Chatham to order on Monday, July 25, 2016 at 7:30 p.m. in the Council Chambers in the Municipal Building, 54 Fairmount Avenue, Chatham, New Jersey.

ROLL CALL

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

Mayor Bruce A. Harris
Council Member James J. Collander
Council President James Lonergan
Council Member Victoria Fife
Council Member Gerald J. Helfrich
Council Member Leonard Resto
Council Member Peter Hoffman
Robert J. Falzarano, Borough Administrator
James L. Lott, Jr., Borough Attorney
Robin R. Kline, Borough Clerk

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 the Open Public Meetings Act, notice of this emergency meeting was provided by e-mail to the Daily Record, the Chatham Courier, the Chatham Patch, and The Alternative Press on Friday, July 22, 2016 and such notice was posted on the Municipal Bulletin Board on the main floor of Borough Hall, was posted on the Borough website (ChathamBorough.org) and was filed with the Borough Clerk. The purpose of this meeting is limited to the discussion of the Lafayette Avenue and Front Street Road Project. In compliance with the provisions of N.J.S.A. 10:4-9(b), this meeting was called as an emergency meeting in order to prevent harm to the public interest likely to result from a delay in holding a meeting in light of Executive Order 210 regarding the Transportation Trust Fund. The need for this urgent and important meeting could not have reasonably been foreseen at the time when notice could have been published in the official newspapers of the Borough of Chatham. Official action may be taken at this meeting.

In accordance with the Open Public Meetings Act, a 3/4 affirmative vote of the Council is required in order to hold this meeting.

MOTION TO PROCEED WITH THE EMERGENCY MEETING

Mayor Harris asked Council President Lonergan for a motion to proceed with the Emergency Meeting.

Council President Lonergan moved to proceed with the Emergency Meeting.

Council Member Collander seconded the motion.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Collander		X	X			
Lonergan	X		X			
Fife			X			
Helfrich			X			
Resto			X			
Hoffman			X			

Mayor Harris asked Council Member Helfrich to proceed with Resolution #16-251.

Council Member Helfrich read Resolution #16-251.

RESOLUTION TO RECESS INTO CLOSED SESSION

RESOLUTION #16-251

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

Attorney-Client Privilege: 1. Lafayette Avenue and Front Street Road Project – 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 reconvene in public session after this closed session.

Council Member Helfrich moved to approve Resolution #16-251. Council Member Collander seconded the motion. A vote was taken and Resolution #16-251 was approved unanimously.

Mayor Harris and the Borough Council convened into Closed Session at 7:38 p.m.

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RETURN TO PUBLIC SESSION

Mayor Harris asked for a motion to reconvene into Public Session.

Council Member Helfrich made a motion to reconvene into Public Session. Council Member Collander seconded the motion. A vote was taken with all present in favor.

Mayor Harris and the Borough Council reconvened into Public Session at 7:50 p.m.

DISCUSSION ITEM

Lafayette Avenue and Front Street Road Project – Mayor Harris opened the discussion by reporting that the Lafayette Avenue and Front Street Road Project is a major project that the Borough has been planning for over the past year. He reported that the Borough Engineer had estimated the capital road project to cost \$250,000.00 and the Borough was awarded \$190,000.00 from the state's Transportation Trust Fund ("TTF") towards the project. Subsequently, on July 1st Governor Christie issued a Shutdown Order with respect to projects to be funded from the Transportation Trust Fund. Mayor Harris stated that the Borough considers the Lafayette Avenue and Front Street Road Project to be a critical one for traffic and pedestrian safety and mentioned that the Council would need to decide how the Borough should proceed since the state TTF grant funding have been frozen.

Mr. Falzarano reported that the road project bid came in at \$215,000.00, well under the Borough Engineer's estimate. He stated that the state's funding obligation under the TTF grant award would be \$155,000.00; the Borough's obligation would be \$60,000.00. He confirmed that the Borough would be responsible for an additional \$155,000.00 should the state not fund the project.

Council President Jim Lonergan stated that since Lafayette Avenue is a Borough street, the Borough has a responsibility to maintain it, regardless of whether or not state funding is provided. He further stated that the possibility of losing \$155,000.00 in state funding was a small risk and confirmed that the Borough has the resources to proceed with the project.

Council Member Collander further confirmed that the Council had allocated money for the road project in the 2016 Capital Budget and cautioned that delaying the project could make the project more expensive to complete in the future.

Upon concluding discussion of this matter, the Council unanimously agreed to proceed with the Lafayette Avenue and Front Street Road Project.

Mr. Falzarano advised that the Lafayette Avenue and Front Street Road Project would begin on August 1st with a completion date before school starts in September.

MEETING OPEN TO THE PUBLIC

NOTICE OF PUBLIC COMMENT TIME LIMIT

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

Mayor Harris opened the meeting to the public.

Joseph Marts, former Mayor of Chatham Borough, thanked Mayor Harris and the Council for their decision to proceed with the Lafayette Avenue and Front Street Road Project. He inquired whether any funding is being provided by the county. Mayor Harris responded that Morris County had recently completed the Fairmount Avenue and Watchung Avenue road projects and mentioned that Borough officials are hopeful that the Borough would be awarded a grant for its Passaic River trail project.

Thaddeus Kobylarz, Lum Avenue, introduced himself as the chair of the Democratic County Committee and as a candidate running for Council. He sought clarification on what the worst-case scenario would be if the Borough did not receive state funding for the Lafayette Avenue and Front Street Road Project. Mayor Harris re-iterated that the Borough would be responsible for an additional \$155,000.00 should the state not fund the project, but stated that the Borough hopes for full grant funding once the Governor's Shutdown Order with respect to projects funded through the Transportation Trust Fund is lifted.

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

ADJOURNMENT

Having no other business to be conducted, Mayor Harris asked for a motion to adjourn the emergency meeting.

Council Member Helfrich moved to adjourn the emergency meeting. Council Member Collander seconded the motion. A vote was taken with all in favor of adjournment.

Meeting adjourned at 8:05 p.m.

Respectfully Submitted:

Robin R. Kline

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