

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

May 26, 2015 MINUTES

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, May 26, 2015 at 7:25 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 [arrived after roll call]
Council Member John Holman
Council Member Victoria Fife
Council President Gerald Helfrich [arrived after roll call]
Council Member Alida Kass [arrived after roll call]
Robert J. Falzarano, Borough Administrator
James L. Lott, Jr., Borough Attorney
Robin R. Kline, Borough Clerk

Mayor Bruce A. Harris asked Council Member Victoria Fife to proceed with Resolution #15-189.

Council Member Victoria Fife read Resolution #15-189 in full.

RESOLUTION TO RECESS INTO CLOSED SESSION

RESOLUTION #15-189

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. Property Tax Appeals – Mr. O'Donnell
2. Property Maintenance Enforcement – Mr. Lott
3. COAH Expert – Mr. Lott
4. COAH Planner Contract – Mr. Falzarano

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 Victoria Fife moved to approve Resolution #15-189. The motion was seconded by Council Member John Collander. A voice was taken with all Members of the Council voting in favor.

Mayor Harris and the Borough Council adjourned into Closed Session at 7:28 p.m.

RETURN TO PUBLIC SESSION

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

Council Member John Holman moved to reconvene into Public Session. The motion was seconded by Council Member James Collander. A voice was taken with all Members of the Council voting in favor.

Mayor Harris reconvened the meeting into Public Session at approximately 7:58 p.m.

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 J. Helfrich
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 #15-190.

RESOLUTION #15-190

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:

May 11, 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:

May 11, 2015

Council Member John Holman moved to approve Resolution #15-190. The motion was seconded by Council President Gerald Helfrich. A voice vote was taken and Resolution #15-190 was approved unanimously.

DISCUSSION ITEMS

Capital Projects Update – Mr. Vince DeNave provided a brief status report of capital projects. He reported the dugouts and sprinkler system at Shepard Kollock Park have been completed and in the coming week the fence contractor will install the fencing for the backstop and batting cage. Final landscaping is anticipated to be completed within the next two weeks. Mr. DeNave also reported that M. Sky Construction Corporation was the lowest bidder for the 2015 Curb and Sidewalk Program bid. A resolution awarding the contract is included on tonight's agenda for Council action. The Curb and Sidewalk Program will get underway immediately with new curbing being installed on Kimball Street later in the week. It is anticipated that all curb and sidewalk improvements will be completed before school opens in September.

Mr. DeNave further reported that the Borough's road resurfacing projects have been awarded to Tilcon under the Morris County Cooperative Pricing Council program and are scheduled to begin in the month of June. In addition to the road resurfacing projects, drainage improvement projects have begun on Talmadge. Mr. DeNave confirmed that drainage improvements are scheduled to be completed on Cornell and Yale this year.

The installation of the last gooseneck light fixture and the installation of furniture and landscaping will be completed at Post Office Plaza prior to the June 13th Fishawack Festival. Mr. Denave also reported that a resolution approving the award of a contract for engineering design services for the Lafayette Avenue and Front Street Improvement Projects is included on tonight's agenda for Council action. The project will include sidewalk replacement on Lafayette Avenue from Main Street to Watchung Avenue where needed. The county has scheduled road paving of Watchung Avenue/Shunpike in the month of August and the road repaving of Fairmount Avenue from Watchung Avenue to Chatham Township will be completed this summer as well. Lastly, Mr. DeNave reported he is awaiting a second quotation for window replacements in Borough Hall.

2016/2017 Water Rates – Council Member James Lonergan reported the Finance Committee will be recommending a 2% rate increase in 2016/2017. The modest rate increase will cover the cost of scheduled water infrastructure improvements over the next 1-3 years, eliminating the need for the Borough to bond for the improvements.

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

REPORTS

BOARD & COMMISSION MEMBERS & LIAISON REPORTS

Affordable Housing Advisory Committee

Mayor Harris had nothing new to report.

Traffic & Pedestrian Safety Advisory Committee

Council Member James Collander had nothing new to report. The next Committee meeting is scheduled for June 10th.

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 floor area ratio zoning requirements based upon recommendations received from the Zoning Board of Adjustment.

Project Community Pride

Council Member Victoria Fife had nothing new to report.

Public Arts Council Advisory Committee

Council Member Victoria Fife had nothing new to report.

Senior Center of the Chathams

Council Member Victoria Fife reported the Senior Center of the Chathams held its most successful fundraising event at its 25th year anniversary celebration.

Special Events Advisory Committee

Council Member Victoria Fife reported the Tricentennial Committee is planning fun and exciting activities for the Borough's June 13th Tricentennial Celebration. The Tricentennial Celebration will be held in conjunction with the Fishawack Festival.

Communications & Technology Advisory Committee

Council Member James Lonergan had nothing new to report.

Joint Recreation Advisory Committee

Council Member James Lonergan reported the Committee will discuss the funding of the Joint Recreation Program with Chatham Township at its May 28th meeting. Council Member Lonergan applauded the Youth Track Program, which has grown to approximately 150 participants and incorporates an innovative "buddy system" with members of the Chatham High School Track Program. The Youth Track Program has proven to be a very successful sports program since its inception.

Municipal Pool Advisory Committee

Council Member James Lonergan reported the Borough pool is open for the season and encouraged residents to register their individual or family memberships for the 2015 season.

Board of Health

Council Member John Holman reported that the next meeting of the Board of Health is scheduled for June 7th. He further reported that dumping of construction materials and other debris continues at the Borough's Recycling Center despite the posted signage, which may not be posted in the most visible locations. The DPW will re-evaluate the posting of the "no dumping" signs.

Farmers' Market Advisory Committee

Council Member John Holman reported the next meeting of the Committee is scheduled for June 17th and the Farmers' Market opening day is Saturday, June 20th.

Joint Community Gardens Advisory Committee

Council Member John Holman reported that members of the Community Garden caught someone dumping yard debris at the site and was able to record the vehicle's license plate, make and model. A police report has been filed and the violation will be pursued.

Madison Chatham Joint Meeting

Council Member John Holman had nothing new to report.

Board of Education

Council President Gerald Helfrich reported that Chatham Boys Lacrosse teams qualified for the section finals, however, lost to the Summit Lacrosse team. The Chatham Girls Lacrosse team also qualified for the section finals and is scheduled to play against Summit as well. Council President Helfrich further reported that the Board of Education has not yet announced whether another referendum question will be put back on the table for discussion.

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 Council President Gerald Helfrich for organizing the community's Memorial Day Ceremony. Mayor Harris further reported that the NJ Transit posted Expressions of Interest for anyone interested in establishing a restaurant at the Chatham Train Station. Expressions of Interest are due to NJ Transit by June 15th and will be followed with a Request for Proposal.

ADMINISTRATOR'S REPORT

Mr. Robert Falzarano reported job descriptions have been revised for administrative personnel, which have been reviewed by department heads. The job descriptions will be finalized this week. Mr. Falzarano further reported that the Monuments and Memorials Policy has been revised. An appendix identifying the locations of monuments throughout the Borough is being prepared and will be included with the policy. Mr. Falzarano also reported that the Frequently Asked Questions posted on the Borough website is being revised by department heads to conform to changes in the reorganization of Borough departments. He also mentioned that the Fee Resolution is being updated.

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 #15-191 through Resolution #15-203 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 #15-191 through Resolution #15-203 listed on the Consent Agenda.

Council Member James Lonergan questioned Resolution #15-191, authorizing the execution of a Service Agreement with the YMCA, and inquired whether Chatham Township has confirmed whether it will be participating in the program. Council Member Victoria Fife offered to contact Ms. Diane Mann, Executive Director of the Madison Area YMCA for more information.

Council Member James Collander questioned the 6.5% financing for leasing the 2015 police vehicle referenced in Resolution #15-196. Mr. Falzarano responded the vehicle lease is through the Morris County Cooperative Purchasing Program, which provides competitive vehicle pricing.

CONTRACTS

RESOLUTION #15-191

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SERVICE AGREEMENT WITH THE MADISON AREA YMCA, IN THE AMOUNT NOT TO EXCEED \$27,571.00

WHEREAS, the Borough of Chatham desires to engage the Madison Area YMCA ("YMCA") to provide certain cognitive behavioral counseling services to children and teens attending Chatham schools and/or living in Chatham Borough and their families ("Borough residents"); and

WHEREAS, the YMCA desires to render said cognitive behavioral counseling services to Borough residents as set forth in the Service Agreement; and

WHEREAS, the maximum contract amount shall not exceed \$27,571.00; and

WHEREAS, the Chief Financial Officer has confirmed that sufficient funds are available in Current Fund Account #5-01-25-240-298 for the award of this contract.

BE IT RESOLVED, by the Council of the Borough of Chatham that the Mayor and Borough Clerk be, and hereby are, authorized to execute a Service Agreement with the YMCA to provide certain cognitive behavioral counseling services to children and teens attending Chatham schools and/or living in Chatham Borough and their families;

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 #15-192

RESOLUTION AWARDDING THE 2015 SIDEWALK AND CURB PROGRAM CONTRACT TO M. SKY CONSTRUCTION CORPORATION OF LAKE HOPATCONG, NJ

WHEREAS, the Borough of Chatham has the annual need to bid out services for curb and sidewalk improvements; and

WHEREAS, the Borough of Chatham has received seven (7) bids for the 2015 Sidewalk and Curb Improvement Program; and

WHEREAS, the bid submitted by M. Sky Construction Corporation, Lake Hopatcong, New Jersey, in the amount of \$134,075.00 was the lower responsible bidder; and

WHEREAS, the Borough Engineer has reviewed all bids and finds the lowest bidder qualified and the bid documents to be acceptable; and

WHEREAS, the maximum contract amount shall not exceed \$134,075.00; and

WHEREAS, the Chief Financial Officer has confirmed that sufficient funds are available in General Capital Fund Account #C-04-55-915-003 for the award of this contract.

BE IT RESOLVED, by the Council of the Borough of Chatham hereby authorizes the award of contract to M. Sky Construction Corporation in the amount not to exceed \$134,075.00; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute a contract with M. Sky Construction Corporation for the 2015 Curb and Sidewalk Improvement Program; 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 #15-193

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING EXECUTION OF EASEMENT ENCROACHMENT AGREEMENT WITH MINISINK CLUB, INC.

WHEREAS, the Minisink Club, Inc. (the “Club”) is the owner in fee simple of certain lands and premises located in the Borough of Chatham, County of Morris and State of New Jersey, commonly known as Block 43, Lot 1 (the “Property”); and

WHEREAS, the Borough holds an easement and right of way over the Property; and

WHEREAS, the Club desires to construct and maintain a paddle tennis court together with all necessary improvements, fittings, appurtenances and facilities which will encroach onto the Borough’s easement; and

WHEREAS, the Mayor and Borough Council is willing to permit the encroachment into the Borough’s easement subject to certain terms and conditions; and

WHEREAS, these terms and conditions shall be set forth in an agreement, which shall be in substantially the same form as the Easement Encroachment Agreement attached hereto and made a part hereof this Resolution; and

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 Mayor and Borough Clerk be and hereby are authorized to execute the Easement Encroachment Agreement in substantially the same form as the agreement attached hereto and made a part hereof this Resolution.

BE IT FURTHER RESOLVED, that the Borough Attorney be and hereby is authorized to negotiate the final form of the Easement Encroachment Agreement with counsel for the Club and take such other action as necessary to implement this Resolution.

BE IT FURTHER RESOLVED, that the Borough’s execution of the Easement Encroachment Agreement is contingent on the Club reimbursing the Borough for its costs in preparing, reviewing, executing and recording this Agreement in accordance with Paragraph 14 of the Agreement and on the Club receiving all other agency approvals, including Borough Zoning Board of Adjustment approval, for the improvements proposed to be located within the encroachment.

RESOLUTION #15-194

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL ENGINEERING DESIGN SERVICES TO DYNAMIC ENGINEERING CONSULTANTS, PC FOR THE LAFAYETTE AVENUE AND FRONT STREET IMPROVEMENT PROJECTS, IN THE AMOUNT NOT TO EXCEED \$7,850.00

WHEREAS, the Borough of Chatham has obtained grant funding from the New Jersey Department of Transportation through the Local Aid Program for the Lafayette Avenue and Front Street Improvement Projects; and

WHEREAS, the Borough Engineer issued a Request for Proposal (“RFP”) to three (3) Engineering firms engineering design services for the Lafayette Avenue and Front Street Improvement Projects and received a proposal from each of the three firms; and

WHEREAS, Dynamic Engineering Consultants, PC provided the low bid, in the amount of \$7,850.00, and

WHEREAS, the Borough Engineer has reviewed the Dynamic Engineering Consultants PC proposal and has confirmed that the firm is both qualified and responsible for the type of work to be performed; and

WHEREAS, the maximum contract amount shall not exceed \$7,850.00; and

WHEREAS, the Chief Financial Officer has confirmed that sufficient funds are available in General Capital Fund Account #C-04-55-914-106 for the award of this contract.

BE IT RESOLVED, by the Council of the Borough of Chatham hereby authorizes the award of a contract for professional engineering design services to Dynamic Engineering Consultants, PC for the Lafayette Avenue and Front Street Improvement Projects, in the amount not to exceed \$7,850.00; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute a contract with Dynamic Engineering Consultants, PC for the Lafayette Avenue and Front Street Improvement Projects as outlined in the firm’s May 19, 2015 proposal; 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.

FINANCE

RESOLUTION #15-195

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.

LAW & PUBLIC SAFETY

RESOLUTION #15-196

RESOLUTION AUTHORIZING THE LEASE OF ONE (1) NEW AND UNUSED 2015 FORD INTERCEPTOR UTILITY MARKED PATROL VEHICLE FOR THE POLICE DEPARTMENT

WHEREAS, in accordance with N.J.S.A 40A:11-12 of the Local Public Contracts Law, public bids are not required when the purchase of goods or services is made through a County Cooperative Purchasing Program; and

WHEREAS, the Chatham Borough Police Department has a need to lease one (1) new and unused 2015 Ford Interceptor Utility marked police vehicle; and

WHEREAS, the Police Department recommends that an award of the contract be made through the Morris County Cooperative Purchasing Program, Contract # 15A – item #5, for the lease of one (1) new and unused 2015 Ford Interceptor Utility marked police vehicle from Beyer Fleet in East Hanover,

NJ to be financed through Ford Credit in the amount of \$37,209.89 for a term of 36 months at 6.50%, with an annual payment amount of \$13,192.06; and

WHEREAS, the Chief Financial Officer has provided a certification of availability of funds in the amount not to exceed \$13,192.06 from Current Fund account # 5-01-25-240-295, the first of three annual payments.

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that the Police Department is hereby authorize the lease of one (1) new and unused 2015 Ford Interceptor Utility marked police vehicle from Beyer Fleet in East Hanover, NJ to be financed through Ford Credit under the Morris County Cooperative Purchasing Program; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized and directed to approve and forward a Purchase Order to Ford Motor Credit in the amount \$13,192.06.

PERSONNEL

RESOLUTION #15-197

RESOLUTION AMENDING RESOLUTION #15-164 TO REFLECT A CHANGE IN THE HOURLY RATE OF PAY FOR CROSSING GUARD THOMAS GRAY

WHEREAS, Resolution #15-164 adopted by the Mayor and Council of the Borough of Chatham on April 13, 2015 authorized the hiring of Thomas E. Gray to fill a vacancy as a Crossing Guard for the Borough of Chatham Police Department, effective April 13, 2015 at the rate of pay of \$20.76/hour; and

WHEREAS, Thomas Gray's rate of pay should be revised to reflect \$21.08/hour.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby approve the revised rate of pay of \$21.08/hour for Crossing Guard Thomas E. Gray, to be retroactive as of April 13, 2015.

RESOLUTION #15-198

RESOLUTION AMENDING RESOLUTION #15-165 TO REFLECT A CHANGE IN THE HOURLY RATE OF PAY FOR CROSSING GUARD MARGARET GRADY

WHEREAS, Resolution #15-165 adopted by the Mayor and Council of the Borough of Chatham on April 13, 2015 authorized the hiring of Margaret Grady to fill a vacancy as a Crossing Guard for the Borough of Chatham Police Department, effective April 13, 2015 at the rate of pay of \$20.76/hour; and

WHEREAS, Margaret Grady's rate of pay should be revised to reflect \$21.08/hour.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby approve the revised rate of pay of \$21.08/hour for Crossing Guard Margaret Grady, to be retroactive as of April 13, 2015.

RESOLUTION #15-199

RESOLUTION APPOINTING TEMPORARY SUMMER EMPLOYEES FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Director of the Public Works Department has a need to hire two additional temporary summer employees for a 12-week period for the 2015 summer season; and

WHEREAS, the Director of the Public Works Department has recommended the hiring of two temporary employees for the 2015 summer season.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it hereby concurs with the Public Works Director's recommendation and approves the hiring of the following

individuals as temporary summer employees for the Public Works Department, effective June 1, 2015 at the respective rate of pay:

Steven Allaman, Jr.	DPW Temporary Summer Employee	\$15.00/hour
Conner Sardini	DPW Temporary Summer Employee	\$15.00/hour

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.

OTHER

RESOLUTION #15-200

RESOLUTION APPROVING THE MINUTES OF THE MADISON-CHATHAM JOINT MEETING FOR THE REGULAR QUARTERLY MEETING OF APRIL 20, 2015

WHEREAS, the approval of minutes of the Madison-Chatham Joint Meeting's Regular Quarterly meeting of April was listed on the May 18, 2015 agenda of the Madison-Chatham Joint Meeting Finance and Operating Committee for approval; and

WHEREAS, the Borough of Chatham did not have a quorum present at the May 18, 2015 meeting of the Madison-Chatham Joint Meeting Finance and Operating Committee Meeting; and

WHEREAS, it is necessary for the Borough of Chatham to approve the Regular Quarterly Meeting minutes of May 18, 2015 as prepared with corrections.

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that the minutes of the Madison-Chatham Joint Meeting for the Regular Quarterly Meeting of May 18, 2015, as prepared with corrections, are hereby approved.

RESOLUTION #15-201

RESOLUTION APPROVING THE MAY CHECK REGISTRY AND PURCHASE ORDERS RENDERED BY THE MADISON-CHATHAM JOINT MEETING

WHEREAS, the approval of the May 2015 Check Registry and Purchase Orders Rendered were presented on the May 18, 2015 agenda of the Finance and Operating Committee Meeting of the Madison-Chatham Joint Meeting for approval; and

WHEREAS, the Borough of Chatham did not have a quorum present at the May 18, 2015 meeting of the Finance and Operating Committee Meeting of the Madison-Chatham Joint Meeting; and

WHEREAS, the purchase orders have been reviewed and signed by Tim Day, Chatham Borough's Chief Financial Officer, Bob Landrigan, Madison Borough Councilman, and John Holman, Chatham Borough Councilman; and

WHEREAS, it is necessary for the Borough of Chatham to approve the May 2015 Check Registry and Purchase Orders Rendered for the Madison-Chatham Joint Meeting totaling \$87,068.71.

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that the May 2015 Check Registry and Purchase Orders Rendered for the Madison-Chatham Joint Meeting totaling \$87,068.71 are hereby approved.

RESOLUTION #15-202

RESOLUTION APPROVING RESOLUTION #15-38 OF THE MADISON-CHATHAM JOINT MEETING PROMOTING ROBERT KLEIN TO THE POSITION OF OPERATOR III

WHEREAS, the approval of Resolution #15-38 was presented on the May 18, 2015 agenda of the Finance and Operating Committee Meeting of the Madison-Chatham Joint Meeting for approval;

and

WHEREAS, the Borough of Chatham did not have a quorum present at the May 18, 2015 meeting of the Finance and Operating Committee Meeting of the Madison-Chatham Joint Meeting; and

WHEREAS, it is necessary for the Borough of Chatham to approve Resolution #15-38 of the Madison-Chatham Joint Meeting promoting Robert Klein to the position of Operator III.

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that Resolution #15-38 of the Madison-Chatham Joint Meeting promoting Robert Klein to the position of Operator III is hereby approved.

RESOLUTION #15-203

RESOLUTION AUTHORIZING THE BOROUGH OF CHATHAM'S SUPPORT AND PARTICIPATION IN THE NEW JERSEY VOLUNTEER TUITION CREDIT PROGRAM (P.L. 1998, c. 145)

WHEREAS, the Mayor and Council of the Borough of Chatham in the County of Morris deems it appropriate to enhance the recruitment and retention of volunteer firefighters and emergency medical volunteers in the Borough of Chatham; and

WHEREAS, the State of New Jersey has enacted P.L. 1998, c. 145 which permits municipal governments to allow their firefighting and emergency medical volunteers to take advantage of the Volunteer Tuition Credit Program at no cost to the municipal government; and

WHEREAS, the President of the Chatham Emergency Squad has provided a written request to the Borough Clerk requesting that a Certificate of Authorization/Voucher be issued by the Borough so that squad members Daniel Ruiz and John Grobert can submit same to the County College of Morris.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham in the County of Morris that the Volunteer Tuition Credit Program as set forth in P.L. 1998, c. 145 is herewith adopted for the volunteer firefighters and emergency medical volunteers in the municipality; and

BE IT FURTHER RESOLVED, that the Borough Clerk is herewith delegated the responsibility to administer the program and is authorized to enter into all agreements and to maintain files of all documents as may be required under the P.L. 1998, c. 145.

CONSENT AGENDA VOTE

Council Member John Holman moved to approve Resolutions #15-191 through #15-203 listed on the consent agenda. The motion was seconded by Council Member James Collander. A voice vote was taken and Resolutions #15-191 through #15-203 listed on the consent agenda were approved unanimously.

ADD-ON RESOLUTION

Mayor Harris proceeded with Resolution #15-205 added to tonight's agenda.

RESOLUTION #15-205

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY TO AUTHORIZE A CONTRACT WITH DR. ROBERT BURCHELL

WHEREAS, the New Jersey Supreme Court's recent decision in *In re Adoption of IV.J.A.C.* 5:96 & 5:97, (M-392-14) (067126) (March 10 2015), authorizes the Superior Court to hear and decide actions addressing municipal compliance with constitutional Mount Laurel obligations due to the Council on Affordable Housing's ("COAH") failure to adopt Third Round Rules; and

WHEREAS, the Supreme Court in its decision instructs municipalities which had either received Third Round Substantive Certification or been declared to have "participating" status by COAH to file a declaratory judgment action in Superior Court seeking approval of their housing element and fair share plan in order to receive judicial substantive certification and the accompanying protection as afforded under the Fair Housing Act; and

WHEREAS, the Borough was declared to have participating status by COAH; and

WHEREAS, the Mayor and Borough Council deem it to be in the best interest of the Borough and its residents to update the Borough's housing element and fair share plan and file a declaratory judgment action seeking judicial substantive certification in accordance with the Supreme Court's decision; and

WHEREAS, to accomplish this task, the Mayor and Borough Council wish to retain the services of a Dr. Robert Burchell as an expert in determining municipal fair share numbers; and

WHEREAS, this contract is exempt from public bidding as a professional service in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, it is anticipated that other municipalities will also retain Dr. Burchell's services and contribute their share of the contract cost;

WHEREAS, the maximum contract amount to the Borough shall not exceed \$3,000.00; and

WHEREAS, the Borough's Chief Financial Officer has certified that sufficient funds are available for this contract.

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 Mayor and Borough Clerk are hereby authorized to execute a contract with Dr. Burchell as an expert in determining municipal fair share numbers in connection with the Borough's declaratory judgment filing seeking judicial substantive certification in accordance with the Supreme Court's decision.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are further authorized to execute a Common Defense Agreement with the other municipalities retaining Dr. Burchell's services in a form acceptable to the Borough Attorney.

BE IT FURTHER RESOLVED, that the Borough Administrator or his designee, Borough Attorney and other Borough officials are hereby authorized and directed to take such actions and execute and deliver such other documents as may be necessary or desirable in furtherance of the purposes set forth herein.

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.

Mayor Harris asked Council President Gerald Helfrich to proceed with Resolution #15-204.

Council President Gerald Helfrich read Resolution #15-204 in full.

RESOLUTION #15-204

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:

Contract Negotiation Matters: 1. Solid Waste Contract – Mr. Falzarano

Attorney-Client Privilege: 1. Borough Property Sale, River Road Parcel – Mr. Lott

2. 8 Watchung Avenue Code Enforcement – Mr. Lott/Mr. DeNave
3. Affordable Housing Declaratory Judgment – Mr. Lott
1. Hopkins v. Chatham Borough – Mr. Lott

Litigation Matter:

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 #15-204. The motion was seconded by Council Member Victoria Fife. A voice was taken with all Members of the Council voting in favor.

The Mayor and Council adjourned into Closed Session.

ADJOURNMENT

Meeting adjourned 8:11 p.m.

Respectfully Submitted:

Robin R. Kline

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