

**AGENDA**  
**June 22, 2015**

**Regular Meeting**  
**Mayor and Borough Council**

**Borough of Chatham**  
**54 Fairmount Avenue**  
**Chatham, NJ 07928**

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**CALL MEETING**      The meeting will be called to order at 7:30 p.m.  
**TO ORDER**

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**SALUTE TO FLAG**

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**MOMENT OF SILENCE**

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**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.

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**ROLL CALL**

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

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**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

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## **DISCUSSION ITEMS**

1. Eagle Scout Project – Mr. Tony Britt, Erik Britt, Van Benedict
  2. JCP&L Update – Mr. Rob Walton
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## **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.

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## **ORDINANCES FOR SECOND READING**

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

Council Member Victoria Fife reads 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 asks the Borough Clerk to give a summary of the legal notice.

The Borough Clerk states: 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.

Mayor Harris: The meeting is now open for a public hearing on the Ordinance and any member of the public may be heard.

Mayor Harris: Seeing no one else wishing to be heard, I will now close the public hearing.

Council Member Victoria Fife: I offer the following Ordinance and move 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.

Council Member \_\_\_\_\_ seconds the motion.

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

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

Mayor Harris: I declare this Ordinance adopted and finally passed and request the Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

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

Council Member Victoria Fife reads 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 asks the Borough Clerk to give a summary of the legal notice.

The Borough Clerk states: 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.

Mayor Harris: The meeting is now open for a public hearing on the Ordinance and any member of the public may be heard.

Mayor Harris: Seeing no one else wishing to be heard, I will now close the public hearing.

Council Member Victoria Fife: I offer the following Ordinance and move 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.

Council Member \_\_\_\_\_ seconds the motion.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Collander						
Loneragan						
Holman						

Fife						
Helfrich						
Kass						

Mayor Harris: I declare this Ordinance adopted and finally passed and request the Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

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

Council Member Victoria Fife reads 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 asks the Borough Clerk to give a summary of the legal notice.

The Borough Clerk states: 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.

Mayor Harris: The meeting is now open for a public hearing on the Ordinance and any member of the public may be heard.

Mayor Harris: Seeing no one else wishing to be heard, I will now close the public hearing.

Council Member Victoria Fife: I offer the following Ordinance and move 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.

Council Member \_\_\_\_\_ seconds the motion.

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

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

Mayor Harris: I declare this Ordinance adopted and finally passed and request the Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

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## **REPORTS**

### **Board & Commission Members & Liaison Reports**

<b>Affordable Housing Advisory Committee</b>	Mayor Bruce A. Harris
<b>Traffic &amp; Pedestrian Safety Advisory Committee</b>	Council Member James J. Collander
<b>MyChathamNJ Advisory Committee</b>	Council Member Victoria Fife
<b>Mayors' Wellness Committee</b>	Council Member Victoria Fife
<b>Planning Board</b>	Council Member Victoria Fife
<b>Project Community Pride</b>	Council Member Victoria Fife
<b>Public Arts Council Advisory Committee</b>	Council Member Victoria Fife
<b>Senior Center of the Chathams</b>	Council Member Victoria Fife
<b>Special Events Advisory Committee</b>	Council Member Victoria Fife
<b>Communications &amp; Technology Advisory Committee</b>	Council Member James Lonergan
<b>Joint Recreation Advisory Committee</b>	Council Member James Lonergan
<b>Municipal Pool Advisory Committee</b>	Council Member James Lonergan
<b>Board of Health</b>	Council Member John Holman
<b>Farmers' Market Advisory Committee</b>	Council Member John Holman
<b>Joint Community Gardens Advisory Committee</b>	Council Member John Holman
<b>Madison Chatham Joint Meeting</b>	Council Member John Holman
<b>Board of Education</b>	Council President Gerald J. Helfrich
<b>9/11 Memorial Advisory Committee</b>	Council President Gerald J. Helfrich
<b>Environmental Commission</b>	Council Member Alida Kass
<b>Historic Preservation Commission</b>	Council Member Alida Kass
<b>Open Space &amp; Historic Preservation Trust Advisory Committee</b>	Mayor Bruce A. Harris
<b>Shade Tree Commission</b>	Council Member Alida Kass

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## **MAYOR'S REPORT**

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## **ADMINISTRATOR'S REPORT**

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## **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 #15-219 through Resolution #15-230 have been placed on the Consent Agenda.

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

**RESOLUTION #15-**

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**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.

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## **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.

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#### **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:

Pool Staff	Salary	Position
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.

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## **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 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 Rotary Park to honor the memory of her parents, James and Elizabeth Tunny, who were 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 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 Rotary Park to honor the memory of 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 Rotary Park to honor the memory of her parents, James and Elizabeth Tunny, who were 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”):

<b>Unit Address</b>	<b>Block</b>	<b>Lot</b>	<b>Expiration Date</b>
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.

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#### **CONSENT AGENDA VOTE:**

Mayor Harris asks Council Member \_\_\_\_\_ to proceed with the Resolutions listed on the Consent agenda. Resolutions #15-219 through #15-230.

Council Member \_\_\_\_\_: I would like to make a motion to approve the resolutions placed on this evening's Consent Agenda by consent of the Council.

Seconded by Council Member:\_\_\_\_\_.

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#### **ADD-ON RESOLUTIONS**

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#### **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  
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.

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## **ADJOURNMENT**