

Borough of Chatham

BOROUGH HALL

54 FAIRMOUNT AVENUE • CHATHAM • NEW JERSEY 07928

RESOLUTION #17-287

RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, RESCINDING RESOLUTIONS #17-093, #17-140, AND #17-188

WHEREAS, the Borough of Chatham (the "Borough") recently directed its special redevelopment counsel, Greenbaum, Rowe, Smith & Davis LLP, to conduct a study to determine whether or not Council President Victoria Fife has a conflict of interest or potential conflict of interest with the Post Office Plaza redevelopment project; and

WHEREAS, seminal case law, including *Wyzykowski v. Rivas*, 132 N.J. 509 (1993), provides that it is not whether there is an actual conflict of interest that is the decisive factor, nor is it whether the public servant succumbs to the temptation, but rather it is whether there is a potential for conflict; and

WHEREAS, a conflicting interest arises when a public official has an interest not shared in common with other members of the public; and

WHEREAS, the Governing Body has determined that Councilwoman Fife does have a potential conflict of interest with respect to the Post Office Plaza redevelopment project; and

WHEREAS, case law holds that where a potential conflict exists, votes taken by the governing body without the recusal of the conflicted member are subject to invalidation, *see Griggs v. of Princeton*, 33 N.J. 207 (1960); *Sugarman v. Twp. of Teaneck*, 272 N.J. Super. 162, 169 (App. Div. 1994); and

WHEREAS, Council President Fife voted on three (3) resolutions associated with the Post Office Plaza redevelopment project – Resolutions #17-093, #17-140, and #17-188; and

WHEREAS, the governing body has now determined it to be prudent, and in the best interest of the public trust, to rescind Resolutions #17-093, #17-140, and #17-188.

BE IT RESOLVED, by the Council of the Borough of Chatham, County of Morris, and State of New Jersey, that the recitals are incorporated herein as if set forth in full; and

BE IT FURTHER RESOLVED, that Resolution #17-093, Resolution #17-140, and Resolution #17-188 are hereby rescinded; and

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

Adopted September 25, 2017 on roll call vote as follows:

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

[Signature and Certification Page Follows]

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NEW JERSEY, RESCINDING RESOLUTIONS #17-093, #17-140, AND #17-188**

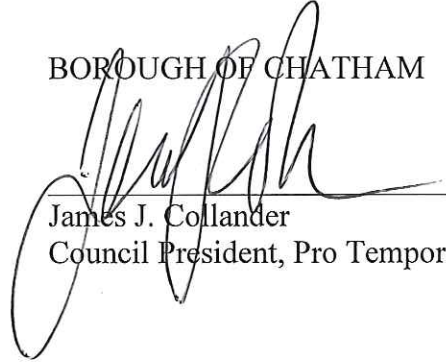
Adopted: September 25, 2017

Attest:



Robin R. Kline, Borough Clerk

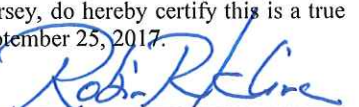
BOROUGH OF CHATHAM



James J. Collander
Council President, Pro Tempore

CERTIFICATION

I, Robin R. Kline, Municipal Clerk of the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the resolution adopted by the Borough Council at its Regular Meeting held on September 25, 2017.



Robin R. Kline, MAS, RMC, CMR