

Regular Council Meeting Minutes  
January 7, 2013

**REGULAR COUNCIL MEETING**  
**January 7, 2013      8:15 p.m.**

The Regular Council Meeting of the Borough of Chatham was held on Monday January 7, 2013 beginning at 8:15 p.m. in the Council Chambers, in the Municipal Building.

The meeting was called to order at 8:15 p.m.; Mayor Bruce A. Harris presiding.

Susan Caljean, Municipal Clerk read the statement regarding Adequate Notice of Meeting:

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, e-mailed to the Independent Press, the Morris County Daily Record, the Star Ledger, and Chatham Courier, the Chatham Patch, and Alternative Press and filed with the Borough Clerk, all on January 4, 2013.

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 President Leonard Resto  
Council Member Victoria Fife  
Council Member Gerald J. Helfrich  
Robert J. Falzarano, Borough Administrator  
James L. Lott, Jr., Borough Attorney  
Susan Caljean, Municipal Clerk

**RESOLUTION #13-87**  
**RESOLUTION TO ADOPT COUNCIL MEETING MINUTES**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the minutes from the following meeting are approved as typed and filed in the Borough Clerk's office:

Council Meeting, December 10, 2012

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Executive Session minutes be adopted herein as approved and redacted by the Borough Attorney:

Executive Sessions, October 9 & 22, 2012  
Executive Session, November 26, 2012  
Executive Session, December 10, 2012

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Council President Resto read and moved Resolution #13-87, seconded by Council Member Collander. A vote was taken and they were approved unanimously.

## **DISCUSSION ITEMS**

Borough Information Technology Services- Mitch Darer from CIAT explained the services his organization could provide to the Borough. The Council agreed to put a resolution on the agenda for the next meeting to approve the contract with CIAT.

Police Sergeant Zone Plan- Chief Crosson explained the Borough would be divided into four sections. Each section would have a sergeant assigned to it and that officer would be the primary point of contact for the residents in that section. The sergeant would coordinate the officers in that section to address residents' concerns.

Everbridge Communications-Steve Williams explained how the Everbridge system works; which can be accessed via cell phone, e-mail, text, landline, tablet and reverse 911. The resident would choose how their notifications would be received. There would be no cost to the Borough for this service because Morris County has signed a contract with them. The Council Members were all in agreement that it sounded like a good system. Mr. Williams stated it could be utilized as soon as February. Chief Crosson stated non-emergency messages could also be sent out using the system.

Special Emergency Note Sale- Mike Mariniello stated there were two note sales, one for Tricare legal fees for \$150,000.00, and one for Hurricane Sandy for \$140,000.00; he negotiated a rate of 1.25% with Investors Bank.

Madison/Chatham Shared Construction Services - Maria Maramonte, Construction Control Person stated sending the functions of the Construction Office to Madison would be difficult because the Construction Office needs to know the zoning ordinances for the Borough; if a mistake is made it could cost the Borough legal fees. Mayor Harris responded that, although there is a distinction between the building code matters handled by the Construction Office and the zoning matters handled by the Zoning Officer (who would continue to be a Borough employee) the Council understands the issues of the overlap.

## **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

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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.

No public comment.

Mayor Harris closed the meeting to the public.

**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 #13-88 through Resolution #13-94 have been placed on the Consent Agenda.

**FINANCE**

**RESOLUTION #13-88  
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 Director of Finance.

**RESOLUTION #13-89  
RESOLUTION TO TRANSFER MONIES IN THE APPROPRIATION BUDGET 2012  
CURRENT FUND**

**WHEREAS**, The Borough of Chatham, has not scheduled a Sine Die meeting prior to year end 2012, and

**WHEREAS**, The Borough of Chatham scheduled only one meeting (December 10<sup>th</sup>, 2012) during the month of December, 2012; and

**WHEREAS**, N.J.S.A. 40A: 4-59 provides that during the last two months of any fiscal year, when the amount of the current fiscal year is insufficient to pay the claims authorized or incurred during said current year which were chargeable to said appropriation.

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**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham in the County of Morris and state of New Jersey that the Chief Financial Officer is hereby authorized to make

the following Line-item transfers in the 2012 Current Fund Budget with an effective date of December 31<sup>st</sup>, 2012:

<u>Departments</u>	<u>Account #</u>	<u>To</u>
Administrative S/W	20-100-010	\$1,500.00
Borough Clerk S/W	20-120-010	1,300.00
Assessment S/W	20-150-010	1,500.00
Assessment O/E	20-150-223	4,000.00
Engineering S/W	20-165-010	1,700.00
Planning Board S/W	21-280-010	500.00
Board of Adjustment S/W	21-185-010	500.00
Recreation S/W	28-370-010	<u>500.00</u>
<b>TOTAL</b>		<b>\$11,500.00</b>

<u>From</u>		
Liability Insurance	23-210-000	<u>\$ 11,500.00</u>
<b>TOTAL</b>		<b>\$ 11,500.00</b>

<u>Water Utility</u>	<u>Account #</u>	<u>To</u>	<u>From</u>
Water Regular Salaries	55-501-010	\$10,000.00	
Water O/E			\$10,000.00

**RESOLUTION #13-90**  
**RESOLUTION OF THE BOROUGH OF CHATHAM SUPPORTING ASSEMBLY, NO.**  
**3393 CLARIFYING VERIZON'S RESPONSIBILITY TO REMIT BUSINESS**  
**PERSONAL PROPERTY TAXES TO MUNICIPALITIES**

**WHEREAS**, in 1997, at the request of incumbent utilities, the laws regarding State taxation of telecommunications corporations were amended in response to technological and market innovations, in order to increase competition; and

**WHEREAS**, the amendments sought to preserve revenues to local governments by providing that local exchange telephone companies subject to the New Jersey Franchise and Gross Receipts Tax on April 1, 1997 would continue to be subject, annually, to the Business Personal Property Tax (BPPT); and

**WHEREAS**, the statute defines local exchange companies as those telecommunications carriers “providing dial tone and access to 51% of a local telephone exchange”; and

**WHEREAS**, Verizon’s self-serving interpretation of the statutory definition has led it to claim exemption from the BPPT in any municipality where the corporation unilaterally determines, in any given year, that it no longer supplies dial tone and access to at least 51% of the local telephone exchanges; and

**WHEREAS**, Hopewell Borough’s challenge to that claim was upheld by the Mercer County Board of Taxation in 2009; and

**WHEREAS**, Verizon’s appeal of that determination to the Tax Court resulted in a June, 2012 trial court decision accepting the corporation’s self-serving interpretation of the law; and

**WHEREAS**, as things now stand, over 100 municipalities know that they enter 2013 without BPPT revenues that will cost property taxpayers will in excess of \$8 million and, unless matters change, more municipalities will lose millions more in the future; and

**WHEREAS**, remedial legislation, docketed as Assembly, No. 3393 has been introduced by Assemblyman Ralph Caputo, which will clarify the perceived ambiguity of the statutory definition to further implement the original legislative intent to preserve revenues to local governments; and

**WHEREAS**, Senator Bob Smith intends to introduce companion legislation as soon as the Senate is scheduled to convene.

**BE IT RESOLVED**, that the Borough of Chatham, in the County of Morris and State of New Jersey as follows:

1. The Mayor and Council of the Borough of Chatham commend Assemblyman Caputo and Senator Smith for their insight to introduce corrective legislation known as Assembly No. 3393, and strongly supports these measures, which would clearly identify the telecommunications carriers subject to taxation on their business personal property and remove the budget uncertainty caused by Verizon’s obfuscation.
2. That certified copies of this resolution shall be transmitted to Governor Christie, General Assembly Speaker Sheila Oliver, Senate President Stephen M. Sweeney and members of the Morris County Legislative Delegations in Districts 25, 26 and 27, the Executive Director of the New Jersey League of Municipalities.

**SHARED SERVICES**

**RESOLUTION #13-91**

**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, AUTHORIZING EXECUTION OF SHARED SERVICES AGREEMENT FOR LOCAL PUBLIC HEALTH SERVICES**

**WHEREAS**, the Board of Health of the Borough of Chatham previously approved of the form of Shared Services Agreement for Local Public Health Services with the Borough of Madison; and

**WHEREAS**, the Shared Services Agreement shall be in substantially the same form as the agreement attached hereto and made part of this Resolution subject to the approval of the Borough Attorney; and

**WHEREAS**, the Mayor and Borough Council of the Borough of Chatham wish to authorize the execution of the Shared Services Agreement for Local Public Health Services with the Borough of Madison.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham as follows:

1. The Mayor and Borough Clerk of the Borough of Chatham be and hereby are authorized to execute a Shared Services Agreement for Local Public Health Services with the Borough of Madison.
2. All Borough officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

**CONTRACTS**

**RESOLUTION #13-92**

**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, AUTHORIZING BOROUGH ADMINISTRATOR TO EXERCISE PREMIUM OPTION FOR THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND**

**WHEREAS**, the Mayor and Borough Council of the Borough of Chatham wish to authorize the Borough Administrator to exercise the premium option of December 10, 2012 for the Morris County Municipal Joint Insurance Fund.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham as follows:

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1. The Borough Administrator be and hereby is authorized to exercise the premium option of December 10, 2012 for the Morris County Municipal Joint Insurance Fund.

2. All Borough officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

**RECREATION**

**RESOLUTION #13-93**

**RESOLUTION AUTHORIZING THE PAYMENT OF \$30,000 FROM THE JOINT RECREATION TRUST FUND FOR THE ACQUISITION AND INSTALLATION OF ADDITIONAL FIELD LIGHTING AT SHUNPIKE FIELD IN CHATHAM TOWNSHIP**

**WHEREAS**, the Chatham Township Committee adopted ordinance #2012-12; and

**WHEREAS**, the Chatham Township's ordinance #2012-12 appropriates \$60,000 for the acquisition and installation of additional sports lighting at Shunpike Field; and

**WHEREAS**, any grants or funds received by Chatham Township for any purpose set forth above including, but not limited to, \$15,000 to be received from the Chatham Athletic Foundation; \$10,000 to be received from the Chatham Baseball Club, \$5,000 to be received from the Chatham Softball Club, and \$30,000 to be received from the Chatham Joint Recreation Trust Fund shall be appropriated for said purpose listed above.

**BE IT RESOLVED**, by the Chatham Borough Mayor and Council that the Chief Financial Officer is authorized to issue a check in the amount of \$30,000 from the Joint Recreation Trust Fund for the acquisition and installation of additional sports lighting at Shunpike Field in Chatham Township.

**RESOLUTION #13-94**

**RESOLUTION TO REFUND RECREATION FEES**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the following be refunded recreation fees:

<b>Last Name</b>	<b>Amount</b>	<b>Account</b>	<b>Activity</b>	<b>Reason</b>
Hickey	\$75.00	851-403	Basketball	Medical
Ventresca	\$75.00	851-403	Basketball	Medical
Hadden	\$55.00	851-422	Men's Basketball	Non-resident
Eckles	\$50.00	851-403	Basketball	Dup Registration
Keenan	\$245.00	851-415	Skiing	Medical

**CONSENT AGENDA VOTE:**

Mayor Harris asked Council Member Helfrich to proceed with the Resolutions listed on the Consent agenda. Resolutions #13-88 through #13-94.

Council Member Helfrich stated I would like to make a motion to allow the resolution on this evening's agenda to be approved by consent of the Council.

Seconded by Council President Resto.

A vote was taken and approved unanimously.

**ADD ON RESOLUTION:**

**RESOLUTION #13-96  
RESOLUTION TO APPOINT MEMBERS OF THE BOROUGH COUNCIL TO THE  
JOINT MUNICIPAL COURT**

**WHEREAS**, the Borough of Chatham, Borough of Madison, Harding Township and Chatham Township have approved an interlocal service agreement for the Borough of Madison to host the Joint Municipal Court; and

**WHEREAS**, each municipality is required to appoint two members from each governing body to serve on the Joint Municipal Court Committee.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham, in the County of Morris, State of New Jersey, that Council Members Len Resto and Victoria Fife are hereby appointed to serve as Chatham Borough's Joint Municipal Court Committee representatives; and

**BE IT FURTHER RESOLVED**, that Council Member Len Resto is appointed for the period of January 1, 2013 to December 31, 2014; and

**BE IT FURTHER RESOLVED**, that Council Member Victoria Fife is appointed for the period of January 1, 2013 to December 31, 2013.

Council Member Helfrich read and moved Resolution #13-96, seconded by Council Member Holman. A vote was taken and it was approved unanimously.

**FIRST READING ORDINANCE PROCEDURE**

Mayor Harris asked Council President Resto to introduce Ordinance #13-01.



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Council President Resto introduced Ordinance #13-01 by title as follows:

**ORDINANCE #13-01**  
**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF**  
**CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING**  
**CHAPTER 3, SECTION 6 OF THE BOROUGH CODE**

Council President Resto explained the purpose of the Ordinance and moved for introduction of the First Reading.

Council President Resto read:

**WHEREAS**, the above Ordinance was introduced, read by title at this Council meeting held on January 7, 2013.

**BE IT HEREBY RESOLVED**, that at the Council meeting to be held on January 28, 2013 at 7:30 p.m. prevailing time, at the Borough Hall in said Borough, this Council will further consider this Ordinance for a second reading and final passage; and

**BE IT FURTHER RESOLVED**, that the Clerk of this Borough is hereby requested to publish the proper notice thereof, including this Ordinance, post the Ordinance on the bulletin board in the Borough Hall and make copies available to members of the general public.

Seconded by Council Member Collander.

Mayor Harris asked the Clerk for a Roll Call Vote:

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

**RESOLUTION #13-95**  
**RESOLUTION TO RECESS INTO CLOSED SESSION**

**BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that it adjourn 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:

CONTRACTS: 1. Shared Services Construction Office- Mr. DeNave  
2. Vacant Land- Mr. DeNave  
3. AT&T Roof Antennae Installation-Mr. Falzarano  
4. Shared Fuel-Mr. Falzarano  
5. United Federal Data-Right of Way- Mr. Lott  
6. Solid Waste Contract- Mr. Lott

LITIGATION: 1. Tricare Matter- Mr. Lott

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.

Council Member Holman read and moved Resolution #13-95, seconded by Council President Resto. A vote was taken and it was approved unanimously.

Adjourn 9:15 p.m.

Respectfully Submitted:

Susan Caljean, RMC, CMC