

AGENDA

Monday, January 7, 2013

**Regular Meeting
Mayor and Borough Council**

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

CALL MEETING TO ORDER The meeting will be called to order after Reorganization meeting.

**ADEQUATE
NOTICE**

Statement re: 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, the Chatham Courier, the Chatham Patch, and the Alternative Press and filed with the Borough Clerk, all on January 4, 2013.

ROLL CALL

On a call of the roll the following officials should be present:

Mayor Bruce A. Harris
Council Member James J. Collander
Council Member James Lonergan
Council Member John Holman
Council Member 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 #13-27

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

DISCUSSION ITEMS

1. Borough Information Technology Services- Mitch Darer
2. Police Sergeant Zone Plan- Chief Crosson
3. Everbridge Communications-Chief Crosson/Steve Williams
4. Special Emergency Note Sale- Mike Mariniello
5. Madison/Chatham Shared Construction Services-Mr. Lott

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.

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 #13-87 through Resolution #13-93 have been placed on the Consent Agenda.

FINANCE

RESOLUTION #13-87

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 #13-88
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 10th, 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.

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 31st, 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>
TOTAL		\$11,500.00

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

<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 #13-89

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 #13-90

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 #13-91

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:

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 #13-92
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 #13-93
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:

Last Name	Amount	Account	Activity	Reason
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 asks Council Member _____ to proceed with the Resolutions listed on the Consent agenda. Resolutions #13-87 through #13-93.

Council Member _____: 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: _____

FIRST READING ORDINANCE PROCEDURE

- (1) **Mayor Harris** asks **Council Member Resto** to introduce Ordinance #13-01
- (2) **Council Member Resto** introduces Ordinance #13-01 by title as follows:

**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**

- (3) **Council Member Resto** explains the purpose of the Ordinance and moves for introduction of the First Reading.

Council Member Resto reads:

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.

Mayor asks Clerk for a Roll Call Vote:

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

RESOLUTION #13-94
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.