

**MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MADISON**

**April 8, 2013 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 8th day of April, 2013. Mayor Conley called the meeting to order at 7 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

**STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT**

The Borough Clerk read the statement pursuant to the Open Public Meetings Act:

“In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by transmitting a copy of the meeting notice to the Madison Eagle and Morris County Daily Record, posting a copy on the bulletin board at the main entrance of the Hartley Dodge Memorial, and filing a copy in the office of the Clerk, all on January 3, 2013. This Notice was made available to members of the general public.”

**ROLL CALL**

The Borough Clerk called the roll and the following acknowledged their presence:

Mayor Robert H. Conley

Council Members:

Jeannie Tsukamoto  
Robert G. Catalanello  
Robert Landrigan  
Carmela Vitale  
Astri J. Baillie  
Benjamin Wolkowitz

Also Present:

Raymond M. Codey, Borough Administrator  
James E. Burnet, Assistant Borough Administrator  
Elizabeth Osborne, Borough Clerk  
Matthew J. Giacobbe, Esq. Borough Attorney

**AGENDA REVIEW**

There was approval of the Regular and Executive Agenda.

**READING OF CLOSED SESSION RESOLUTION**

Mrs. Vitale moved:

**RESOLVED**, that the meeting be adjourned to an Executive Session to consider the following matters:

MINUTES FOR APPROVAL ( )

none

Date of public disclosure 60 days after conclusion, if disclosure required.

CONTRACT MATTERS (2)

BOARD OF EDUCATION TURF FIELD PARTNERSHIP

BOARD OF EDUCATION EASEMENT

Date of public disclosure 60 days after conclusion, if disclosure required.

**Regular Meeting Minutes – April 8, 2013**

PERSONNEL MATTERS (1)

POLICE DEPARTMENT ACCREDITATION

Date of public disclosure 90 days after conclusion, if disclosure required.

POTENTIAL LITIGATION MATTERS (1)

ALCOHOL CONSUMPTION ON PRIVATE PROPERTY

Date of public disclosure 60 days after conclusion, if disclosure required.

ATTORNEY/CLIENT MATTER (1)

EXTERNAL COUNCIL COMMUNICATIONS

Date of public disclosure 60 days after conclusion, if disclosure required.

Seconded: Mrs. Tsukamoto

Vote: Approved by voice vote

**RECONVENE IN COUNCIL CHAMBER**

Mayor Conley reconvened the Regular Meeting at 8 p.m. in the Council Chamber with all members present. The Pledge of Allegiance was recited by all.

**APPROVAL OF MINUTES- NONE**

**GREETINGS TO PUBLIC**

Mayor Conley made the following comments:

**Oath of Office Volunteer Firefighter**

R 131-2013 RESOLUTION OF THE BOROUGH OF MADISON  
CONFIRMING MEMBERSHIP OF MICHAEL O. SHUGRUE IN THE  
MADISON HOSE COMPANY #1

**WHEREAS**, the Fire Chief has advised that Michael O. Shugrue was voted into the Madison Hose Company No.1, Inc. as a volunteer firefighter; and

**WHEREAS**, Section 18-27 of the Madison Borough Code requires that each person so voted shall be confirmed as a member of such division by the Council of the Borough of Madison.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Michael O. Shugrue is hereby confirmed as a member of the Madison Hose Company No. 1, Inc. effective immediately.

Mrs. Tsukamoto moved Resolution 131-2013, which the Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.

Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

***Regular Meeting Minutes – April 8, 2013***

**Leading the Way Awards**

**Proclamations:**

Mayor Conley read the proclamation for National Donate Life Month.

Mayor Conley present the Susan G. Komen North Jersey Race for the Cure proclamation to this year's Race Chair, Cheri Ambrose.

**Employees of the Month for April:**

Linda Sawyer of the Finance Department for her work obtaining grant payment from the New Jersey Historic Trust for the renovation of the Hartley Dodge Memorial.

Russell Brown, Construction Official, for the work he performs whenever requested by the Hartley Dodge Foundation Trustees and his work helping the residents of Union Beach with construction matters.

**Anniversary:**

P. O. Carmine DeCaro of the Madison Police Department – 20<sup>th</sup> Anniversary on April 13<sup>th</sup>.

***REPORTS OF COMMITTEES***

**Health**

Mrs. Vitale of the Committee made the following comments:

**Utilities**

Mrs. Tsukamoto, Chair of the Committee, made the following comments:

**Public Works and Engineering**

Mr. Catalanello, Chair of the Committee, made the following comments:

**Community Affairs**

Mr. Landrigan, Chair of the Committee, made the following comments:

**Public Safety**

Ms. Baillie, Chair of the Committee, made the following comments:

**Finance and Borough Clerk**

Mr. Wolkowitz, Chair of the Committee, made the following comments:

***COMMUNICATIONS AND PETITIONS***

The Borough Clerk announced receipt of the following communications:

E-mail received March 27, 2013 from Susan McShane, Albright Circle regarding the Increase of Nonconforming Activities at property on Samson Avenue.

E-mail received March 31, 2013 from Tom Piskula, Valley Road, regarding the open space tax.

## **Regular Meeting Minutes – April 8, 2013**

E-mail received April 2, 2013 from Thomas Binting, Rolling Hills Court regarding the open space tax.

E-mail received April 2, 2013 from Lisa Ellis, Britten Street regarding the open space tax.

E-mail received April 2, 2013 from Melissa Honohan, Pine Avenue regarding the open space tax.

Letter received April 8, 2013 from Carolyn and Stephen Parelli, Ferndale Road regarding driveway project at the Bayley Ellard fields.

### **INVITATION FOR DISCUSSION (1 of 2)**

Mayor Conley opened the meeting to the public for their opportunity to ask questions and make comments on those items listed on the Agenda only. Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record. **He/she shall limit his/her statement to three (3) minutes or less.**

Since no member of the public wished to be heard, the invitation for discussion was closed.

### **AGENDA DISCUSSIONS**

**04/08/2013-1** ORDINANCE OF THE BOROUGH OF MADISON  
PROHIBITING underage alcohol consumption on private property  
**Ordinance 8-2013 listed for Introduction**

**04/08/2013-2** ORDINANCE OF THE BOROUGH OF MADISON  
REGULATING LED PRICE POINT SIGNS AT GAS STATIONS  
**Ordinance 9-2013 listed for Introduction**

**04/08/2013-3** MADISON RECREATION CENTER MASTER PLAN AS HOC  
COMMITTEE  
**Resolution R 140-2013 listed on the Consent Agenda**

**04/08/2013-4** APPROPRIATION OF \$45,000.00 FROM THE ELECTRIC  
CAPITAL IMPROVEMENT FUND FOR PURCHASE OF DESICCANT BREATHER  
SYSTEM AND OIL FILTRATION SYSTEMS FOR TRANSFORMERS AT JAMES  
PARK SUBSTATION  
**Ordinance 10-2013 listed for Introduction**

**04/08/2013-5** APPROPRIATION OF \$30,000.00 FROM THE ELECTRIC  
CAPITAL IMPROVEMENT FUND FOR PURCHASE OF A 4 WHEEL DRIVE  
UTILITY VEHICLE THROUGH A MORRIS COUNTY COOPERATIVE PRICING  
CONTRACT  
**Ordinance 11-2013 listed for Introduction**

**04/08/2013-6** MUNICIPAL OPEN SPACE FUND  
**04/01/2013-8**  
**Ordinance 7-2013 listed for Introduction**

**Regular Meeting Minutes – April 8, 2013**

**13(A) INTRODUCTION OF OPEN SPACE TRUST FUND ORDINANCE**

ORDINANCE 7-2013

ORDINANCE OF THE BOROUGH OF MADISON AMENDING  
ORDINANCE 4-2004 WHICH ESTABLISHED THE MUNICIPAL OPEN  
SPACE, RECREATION AND HISTORIC PRESERVATION TRUST FUND

Mr. Wolkowitz moved that Ordinance 7-2013, which the Borough Clerk read by title, be adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.

Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

**BUDGET HEARING**

R 143-2013 RESOLUTION OF THE BOROUGH OF MADISON AMENDING THE INTRODUCED BUDGET

R 132-2013 RESOLUTION OF THE BOROUGH OF MADISON ADOPTING THE 2013 BUDGET AND TAX RESOLUTION

Mayor Conley opened the hearing on the Introduced budget. See that no member of the public wished to be heard, the hearing was closed.

Mr. Wolkowitz moved Resolutions 143-2013 and 132-2013, which the Borough Clerk read by title, be adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mr. Landrigan, Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: Mrs. Tsukamoto, Mr. Catalanello

**ADVERTISED HEARINGS- NONE**

**INVITATION FOR DISCUSSION (2 OF 2)**

Mayor opened the meeting to the public for their opportunity to ask questions and make comments on any subject. Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record.

**He/she shall limit his/her statement to three (3) minutes or less.**

Since no member of the public wished to be heard, the invitation for discussion was closed.

**INTRODUCTION OF ORDINANCES**

The Clerk made the following statement:

Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of April 22, 2013 in the 2<sup>nd</sup> Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as

**Regular Meeting Minutes – April 8, 2013**

soon thereafter as practical, for further consideration and final adoption. Said ordinances will be published in the Madison Eagle, be posted at the main entrance to the Borough offices and be made available to members of the public requesting same, as required by law.

Mayor Conley called up Ordinances for first reading and asked the Clerk to read said ordinance by title:

ORDINANCE 8-2013

ORDINANCE OF THE BOROUGH OF MADISON PROHIBITING THE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS ON PRIVATE PROPERTY AND SUPPLEMENTING THE MADISON BOROUGH ORDINANCE CODE WITH NEW SECTION CHAPTER 233

WHEREAS, the Madison Borough Council deems it advisable to regulate the possession or consumption of alcoholic beverages by underage persons on private property in order to preserve the public health, safety and general welfare of the residents of the Borough.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, NEW JERSEY as follows:

SECTION 1. Part III entitled Board of Health Legislation, of the Code of the Borough of Madison is hereby supplemented with a new Chapter 233 to read in its entirety as follows:

**233-1. Possession or Consumption of Alcoholic Beverages by Persons Under Legal Age on Private Property Prohibited; Penalties; Suspension of Driving Privileges.**

- A. Any person under the legal age to purchase alcoholic beverages who knowingly possesses, without legal authority, or who knowingly consumes any alcoholic beverage on private property, shall be subject upon conviction, to a fine of \$250 for the first offense and \$350 for any subsequent offense.
- B. The Municipal Judge may, in addition to any other sentence imposed for the offense, suspend or postpone, for up to six (6) months, the driving privilege of the defendant. Upon the conviction of any person under this Section, Chapter 233, the Municipal Judge shall forward a report to the Division of Motor Vehicles (the "Division") stating the first and last day of the suspension or postponement period imposed by the Municipal Judge pursuant to this Section, Chapter 233. If a person is less than 17 years of age at the time of the imposition of a sentence, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six (6) months after the person reaches the age of 17 years.
- C. If a person, at the time of the imposition of a sentence, has a valid New Jersey driver's license, the Municipal Judge shall immediately collect the license and forward it to the Division, along with the report. If for any

## **Regular Meeting Minutes – April 8, 2013**

reason the license cannot be collected, the Municipal Judge shall include in the report the complete name, address, date of birth, eye color, and sex of the person, as well as the first and last date of the license suspension period imposed by the Municipal Judge.

- D. The Municipal Judge shall inform the person orally and in writing that, if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject to the penalties set forth in N.J.S.A. 39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of written notice shall not be a defense to a subsequent charge of violation of N.J.S.A. 39:3-40.
- E. If the person convicted under this Section, Chapter 233 is not a New Jersey resident, the Municipal Judge shall suspend or postpone, as appropriate, the non-resident driving privilege of the person based on the age of the person and submit the required report to the Division. The Municipal Judge shall not collect the license of a non-resident convicted under this Section, Chapter 233. Upon receipt of a report from the Municipal Judge, the Division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.
- F. Exceptions:
  - (1) Religious Observance, Presence of a Parent or Guardian. Nothing in Chapter 233 shall prohibit an underage person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony or rite, or consuming or possessing an alcoholic beverage in the presence of, and with the permission of a parent, guardian or relative who has attained the legal age to purchase or consume alcoholic beverages. As used in this Section, Chapter 233, "Guardian" means a person who has qualified as a guardian of the underage person pursuant to testamentary court appointment, or other applicable laws, as determined by the Municipal Judge; and "Relative" means an underage person's grandparent, aunt, uncle, sibling, or any other person related by blood or affinity.
  - (2) Performance of Employment. Nothing in Chapter 233 shall prohibit possession of alcoholic beverages by any person while engaged in the performance of employment pursuant to an employment permit issued by the Director of the Division of the Alcoholic Beverage Commission, or for a bona fide hotel or restaurant, in accordance with the provisions of R.S. 33:1-26, or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocation school or post secondary educational institution; however, nothing in Chapter 233 shall be construed to preclude the imposition of a penalty under these Sections, N.J.S.A. 33:1-81, or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

**Regular Meeting Minutes – April 8, 2013**

SECTION 2. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistency.

SECTION 4. This Ordinance shall take effect May 20, 2013, in accordance with law.

Mrs. Vitale moved that Ordinance 8-2013, which the Borough Clerk read by title, be adopted. Mrs. Tsukamoto seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.

Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

**ORDINANCE 9-2013**

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195, ARTICLE V OF THE BOROUGH CODE ENTITLED "LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF MADISON", TO ALLOW LIGHT EMITTING DIODE (LED) PRICE POINT SIGNS AT GAS STATIONS UNDER CERTAIN CONDITIONS

**WHEREAS**, the Borough of Madison seeks to allow a limited exception to its prohibition of LED signs to acknowledge the unique operational and advertising requirements of gas stations;

**WHEREAS**, Chapter 195 of the Borough Code currently prohibits LED signs in the Borough of Madison;

**NOW, THEREFORE**, be it resolved by the Council of the Borough of Madison, in the County of Morris and the State of New Jersey, as follows:

**SECTION 1:** Amend 195-34E(19) to read as follows: LED (light-emitting diode) signs are prohibited with the exception of those standards provided in Section 195-33.B(2)(k) that apply to gas stations; however the use of LED technology as an indirect light source for signs is permitted provided the LED source is not visible or used to comprise any part of the sign lettering, logo or external display face.

**SECTION 2:** Delete Section (4) Public Garages and Motor Vehicle Service Station Specifications in Schedule IV, Part 7, Sign Regulations.

**SECTION 3:** Add Section 195-33.B(2)(k) entitled Gas Station Sign Requirements, with the following standards:

- a. Freestanding signs shall be limited to one sign with both station identification and price information. Such sign shall not exceed a maximum height of 15 feet, or a maximum width of 6 (six feet), and shall have a minimum setback of 10 feet



**Regular Meeting Minutes – April 8, 2013**

for all new signs. The station identification (brand) placard on the sign shall have a maximum area of 16 square feet. In addition, the freestanding sign shall also be permitted to contain up to four (4) price points for various grades of motor fuel based on the following standards: a maximum of 2 square feet of LED area allowed per price point for pricing and a maximum of 4.25 square feet of non-LED sign area for lettering corresponding to each grade of motor fuel advertised.

- b. Wall signs: one non-illuminated building sign is permitted per bay or entrance door with a maximum area of 6 square feet per sign and no more than two total such signs.
- c. Canopy signs: shall be limited to 20% of the façade area with one sign permitted per façade and no more than two canopy facades with such signage.
- d. LED gasoline price signs are prohibited in or adjacent to any historic district.
- e. LED gasoline price signs located on lots adjacent to any single-family or two-family residential district shall be turned off after 10pm.
- f. LED gasoline price signs shall not blink, actively move, flash, nor be combined with video and audio enhanced components.
- g. LED gasoline price point signs shall be limited to no more than two colors per establishment, in accordance with industry standards, to distinguish between grades of motor fuel.
- h. Gasoline station signage for all pricing and lettering shall not exceed 12 inches in height.
- i. Any brightness or glare associated with LED gasoline price point signs shall not impair the vision of drivers, nor contribute to driver distraction, or interfere with the effectiveness of an official traffic sign, devise, or signal.
- j. LED price point signs shall have a dimmer control a photocell, capable of being dimmed in accordance with ambient lighting conditions. Any 'nit' levels that are factory set for daytime and nighttime settings should be the minimum levels required for visibility and clarity, and to minimize glare, given site and ambient lighting conditions.
- k. The difference between ambient lighting conditions with and without any proposed LED signs shall not exceed 0.3 footcandles at night at a distance calculated by taking the square root of the area of LED price points (in square feet) x 100. All measurements taken to determine the difference in illumination shall be taken perpendicular to the face of the LED price points.

**Regular Meeting Minutes – April 8, 2013**

Ms. Baillie moved that Ordinance 9-2013, which the Borough Clerk read by title, be adopted. Mr. Wolkowitz seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.  
Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz  
Nays: None

ORDINANCE 10-2013

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$45,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR THE PURCHASE AND INSTALLATION OF DESICCANT BREATHER SYSTEMS AND OIL FILTRATION SYSTEMS FOR TRANSFORMERS AT JAMES PARK SUBSTATION

**WHEREAS**, the Electric Utility Superintendent has recommended that the Borough appropriate \$45,000.00 from the Electric Capital Improvement Fund for the purchase and installation of desiccant breather systems and oil filtration systems and all related materials at the James Park substation; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of funds in the Electric Capital Improvement Fund in an amount not to exceed \$45,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$45,000.00 from the Electric Capital Improvement Fund for the purchase and installation of desiccant breather systems and oil filtration systems and all related materials at the James Park substation.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

**SECTION 1:** The amount of \$45,000.00 is hereby appropriated from the Electric Capital Improvement Fund for the purchase and installation of desiccant breather systems and oil filtration systems and all related materials at the James Park substation.

**SECTION 2:** The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

**SECTION 3:** This Ordinance shall take effect as provided by law.

Mrs. Tsukamoto moved that Ordinance 10-2013, which the Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.  
Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz  
Nays: None

**Regular Meeting Minutes – April 8, 2013**

ORDINANCE 11-2013

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$30,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR PURCHASE OF A 4 WHEEL DRIVE UTILITY VEHICLE THROUGH THE MORRIS COUNTY COOPERATIVE PRICING

**WHEREAS**, the Electric Utility Superintendent has recommended that the Borough appropriate \$30,000.00 from the Electric Capital Improvement Fund for the purchase of a new vehicle; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of funds in the Electric Capital Improvement Fund in an amount not to exceed \$30,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$30,000.00 from the Electric Capital Improvement Fund for the purchase of a new utility vehicle, for the Electric Department Superintendent.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

**SECTION 1:** The amount of \$30,000.00 is hereby appropriated from the Electric Capital Improvement Fund for the purchase of a new vehicle, for the Electric Department Superintendent.

**SECTION 2:** The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

**SECTION 3:** This Ordinance shall take effect as provided by law.

Mrs. Tsukamoto moved that Ordinance 11-2013, which the Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.

Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

ORDINANCE 12-2013

ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 31-2012 OF THE BOROUGH OF MADISON APPROPRIATING FUNDS FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR SIGNAL IMPROVEMENTS

**WHEREAS**, Ordinance 31-2012 of the Borough of Madison appropriated \$25,000.00 from the Electric Capital Improvement Fund for signal improvements at various locations; and

**Regular Meeting Minutes – April 8, 2013**

**WHEREAS**, the Borough Administrator has recommended that the Borough amend Ordinance 31-2012 to appropriate an additional \$10,000.00 from the Electric Capital Improvement Fund thereby increasing Ordinance 31-2012 to \$35,000.00 for signal improvements; and

**WHEREAS**, by Resolution 98-2013, the Borough Council authorized a contract for said work in the amount of \$34,585.00 with Jen Electric; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of the funds in the Electric Capital Improvement Fund in an amount not to exceed \$10,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should amend Ordinance 31-2012 to appropriate an additional \$10,000.00 from the Electric Capital Improvement Fund thereby increasing Ordinance 31-2012 to \$35,000.00 for signal improvements at various locations.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

**SECTION 1:** Ordinance 31-2012 is amended to appropriate an additional \$10,000.00 from the Electric Capital Improvement Fund thereby increasing Ordinance 31-2012 to \$35,000.00 to for signal improvements at various locations.

**SECTION 2:** The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

**SECTION 3:** This Ordinance shall take effect as provided by law.

Mrs. Tsukamoto moved that Ordinance 12-2013, which the Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.  
Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz  
Nays: None

**CONSENT AGENDA RESOLUTIONS**

**The Clerk made the following statement:**

Consent Agenda Resolutions will be enacted with a single motion; any Resolution requiring expenditure is supported by a Certification of Availability of Funds; any Resolution requiring discussion will be removed from the Consent Agenda; all Resolutions will be reflected in full in the minutes.

Mrs. Vitale moved adoption of the Resolutions listed on the Consent Agenda. Mrs. Tsukamoto seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

***Regular Meeting Minutes – April 8, 2013***

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.  
Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz  
Nays: None

R 133-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING  
PFIZER 5K RUN ON WEDNESDAY, MAY 22, 2013 AT 6:30 P.M.

**WHEREAS**, Pfizer has requested to hold a “5K run” in Madison on  
Wednesday, May 22, 2013, for the benefit of Project Community Pride; and

**WHEREAS**, the run will begin at 6:30 p.m., on the grounds of Giralda Farms;  
and

**WHEREAS**, Giralda Farms property owners have requested a Hold  
Harmless agreement and a Certificate of Liability Insurance regarding such use of  
the property; and

**WHEREAS**, Police Chief Dachisen recommends approval of this request.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of  
Madison, County of Morris, State of New Jersey, that the request of Pfizer to hold a  
“5K run” in Madison on Wednesday, May 22, 2013, as described herein is hereby  
approved, subject to any safety requirements imposed by the Madison Police  
Department, and the Mayor is authorized to sign a Hold Harmless Agreement as  
approved by the Borough Attorney and to supply a Certificate of Liability Insurance  
from the Borough for this event.

R 134-2013 RESOLUTION OF THE BOROUGH OF MADISON SUPPORTING S-  
1896/A-1503 SHARING THE BURDEN OF PROPERTY ASSESSMENT APPEAL  
REFUNDS

**WHEREAS**, when County Tax Board appeals are granted the municipality must  
reimburse the property taxpayer 100% of the appealed tax levy, which includes the  
municipal, school, county and any special districts tax; and

**WHEREAS**, the municipal tax collector makes the adjustment from the appeal as a  
credit on the 4<sup>th</sup> quarter tax bill resulting in the municipality’s fund balance for the  
preceding year to be diminished , if not completely depleted; and

**WHEREAS**, a League of Municipalities’ survey measured the extent to which  
residents have filed and won tax appeals in 2010; and

**WHEREAS**, one hundred fifty (150) municipalities, representing both large and  
small municipalities in all 21 counties, that participated in the survey reported  
property value declines of more than \$87,900,000, which resulted from 19,788 tax  
appeals filed in 2010; and

**WHEREAS**, those responding to the survey indicated that 13,760 appeals were filed  
in 2009, compared to 19,788 in 2010, representing an increase of 43.7%; and

**Regular Meeting Minutes – April 8, 2013**

**WHEREAS**, the 2010 spike in appeals should be attributed to the economic downturn, which lowered property values and placed increased stress on the income of homeowners, all around our Garden State; and

**WHEREAS**, the survey also indicated that in 2010 the various County Tax Boards have granted average property value reductions of close to \$5,000, per appeal; and

**WHEREAS**, fifty-six percent of those responding indicated that the successful tax appeals would have an impact on fund balances and place additional pressures on local officials during 2011; and

**WHEREAS**, successful tax appeals have a three-fold negative impact on municipal budgets. First, the municipality, as the collector of taxes for the School district, county and special districts, must fund the full cost of the legal defense of the assessment. Second, since State law guarantees to the county and the school district 100% of their levies, the municipality bears the full cost of any reimbursements resulting from the appeal (as well as the full burden for any uncollected taxes). Third, the end result will be a further decline in the property tax base used to support Municipalities, County governments and School systems; and

**WHEREAS**, in light of the revenue limitations that have been placed on all levels of local government by the Legislature (2% cap), such declining values will compound and add additional stress to local public officials, as they grapple with the issues confronting the taxpaying public; and

**WHEREAS**, Senator Bucco, Assemblyman Carroll and Assemblyman Bucco have recently introduced S-1896/A-1503, which requires fire districts, school districts, and county governments to share in the burden of property assessment appeal refunds;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Madison hereby urges the swift passage and signing of S-1896/A-1503; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, Senate President Stephen Sweeney, Assembly Speaker Sheila Oliver, our State Senator, our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

R 135-2013 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF LIVERY OWNER'S LICENSE FOR ROSE CITY LIMO, INC. FOR 2013

**BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Livery Owner's License renewal be approved for the year 2013:

<u>LICENSE NO.</u>	<u>NAME</u>	<u>Vehicles</u>
13-21, 13-22	Ann Marie Davies Rose City Limo, Inc.	2 Liveries

R 136-2013 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF LIVERY DRIVER'S PERMIT FOR ROSE CITY LIMO, INC. FOR 2013

**Regular Meeting Minutes – April 8, 2013**

**BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Livery Driver's Permit renewal be approved for the year 2013:

<u>LICENSE NO.</u>	<u>NAME</u>
13-11D	Samuel Mantone

R 137-2013 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF LIVERY DRIVER'S PERMIT FOR PRECISE LIMOUSINE TRANSPORT SERVICE LLC FOR 2013

**BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Livery Driver's Permit renewal be approved for the year 2013:

<u>LICENSE NO.</u>	<u>NAME</u>
13-10D	Carmen C. Fornaro

R 138-2013 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF LIVERY OWNERS' LICENSES FOR PRECISE LIMOUSINE TRANSPORT SERVICE, LLC FOR 2013

**BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Livery Owners' License renewals be approved for the year 2013:

<u>LICENSE NO.</u>	<u>NAME</u>	<u>Vehicle</u>
13-15,13-16	Carmine C. Fornaro	6 Liveries
13-17,13-18	Precise Limousine Transport Service	
13-19,13-20	14 Kings Road, Madison	

R 139-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING ENTRY INTO MUTUAL AID AGREEMENT WITH ALL OTHER MEMBERS OF THE PUBLIC POWER ASSOCIATION OF NEW JERSEY

**WHEREAS**, the Assistant Borough Administrator has recommended that the Borough enter into a mutual aid agreement with the American Public Power Association ("APPA") and mutual aid agreement with members of Public Power Association of New Jersey ("PPANJ"); and

**WHEREAS**, the Council has determined that such mutual aid agreements would be beneficial to the Borough.

**Regular Meeting Minutes – April 8, 2013**

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison in the County of Morris and State of New Jersey that the Council hereby authorizes entry into a mutual aid agreement with the American Public Power Association (“APPA”) and mutual aid agreement with members of Public Power Association of New Jersey (“PPANJ”), and James Burnet, Assistant Borough Administrator, is authorized to execute such agreements on behalf of the Borough of Madison, which may be attested by the Borough Clerk.

R 140-2013 Item removed and the # retired

R 141-2013 RESOLUTION OF THE BOROUGH OF MADISON SUPPORTING THE NEW JERSEY CLEAN ENERGY DIRECT INSTALL AND HOME PERFORMANCE PROGRAM AS RECOMMENDED BY THE MADISON SUSTAINABLE MADISON ADVISORY COMMITTEE

**WHEREAS**, the Sustainable Madison Advisory Committee has recommended the endorsement of the New Jersey Clean Energy Council’s Direct Install Program and Home Performance with Energy Star Program; and

**WHEREAS**, the Assistant Borough Administrator has recommended that the Council authorize the issuance of a letter of support of the programs, which are voluntary and allow businesses and residents to take advantage of subsidized energy efficiency projects through the New Jersey Clean Energy Council’s Direct Install Program and Home Performance with Energy Star Program .

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Mayor is hereby authorized to issue a letter of support of the plans recommended by the Sustainable Madison Advisory Committee.

R 142-2013 RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARDING CONTRACT TO JOSEPH DOHERTY ROOFING CO. INC. IN THE AMOUNT OF \$42,225.00 FOR THE NEW ROOFS AT THE DEPARTMENT OF PUBLIC WORKS BUILDING

**WHEREAS**, the Borough of Madison publicly advertised for bids for new roofs at the Department of Public Works Building (the “Contract”) in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

**WHEREAS**, the lowest qualified bid was submitted by Joseph Doherty Roofing Co., Inc., of Madison, New Jersey in the amount of \$42,225.00; and



***Regular Meeting Minutes – April 8, 2013***

**WHEREAS**, the Temporary Purchasing Official and Borough Attorney have recommended that the Borough Council award the contract to Joseph Doherty Roofing Co., Inc., of Madison, New Jersey in the amount of \$42,225.00; and

**WHEREAS**, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$42,225.00 for this purpose which funds were appropriated by Ordinance 1-2013.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

1. The contract for the new roofs at the Department of Public Works Building is hereby awarded to Joseph Doherty Roofing Co., Inc., of Madison, New Jersey based upon its bid in the amount of \$42,225.00.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Joseph Doherty Roofing Co., Inc., of Madison in a form acceptable to the Borough Attorney.

R 143-2013 RESOLUTION OF THE BOROUGH OF MADISON AMENDING THE INTRODUCED BUDGET (voted on previously at this meeting)

R 144-2013 RESOLUTION OF THE BOROUGH OF MADISON SUPPORTING APPLICATION TO ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS (ANJEC) SMART GROWTH PLANNING ASSISTANCE PROGRAM BY THE MADISON ENVIRONMENTAL COMMISSION (MEC)

**WHEREAS**, the Madison Environmental Commission (MEC) wishes to create GIS mapping of the Madison Recreation Center (MRC) site; and

**WHEREAS**, the MEC wishes to submit an application for the Smart Growth Planning Assistance Program to the Association of New Jersey Environmental Commissions (ANJEC).

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris and State of New Jersey, that the Borough of Madison supports and endorses the above-described application to the Association of New Jersey Environmental Commissions Smart Growth Planning Assistance Program by the Madison Environmental Commission.

**BE IT FURTHER RESOLVED**, that the Borough Administrator is authorized to endorse a letter of support stating that any additional expenses, above the grant amount from the ANJEC, will be the responsibility of the Borough in an amount not to exceed \$3,000.00.

**Regular Meeting Minutes – April 8, 2013**

**INVITATION FOR DISCUSSION (2 of 2)**

Mayor opened the meeting to the public for their opportunity to ask questions and make comments on any subject. Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record.

**He/she shall limit his/her statement to three (3) minutes or less.**

Since no member of the public wished to be heard, the invitation for discussion was closed.

**UNFINISHED BUSINESS** - None

**APPROVAL OF VOUCHERS**

On motion by Mrs. Vitale seconded by Mrs. Tsukamoto and carried, the following vouchers of the Borough of Madison were approved for payment, and the supporting documentation of said vouchers was made part of the Supplemental Minute Book.

Public Safety	\$22,719.70
Health & Public Assistance	9,207.81
Public Works & Engineering	146,793.98
Community Affairs	15,165.06
Finance & Borough Clerk	2,869,959.04
Utilities	<u>29,545.20</u>
Total	<u>\$3,093,390.79</u>

The following roll call vote was recorded approving the aforementioned vouchers:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.

Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

**NEW BUSINESS**

Mayor Conley announces the following appointment and requests Council confirmation:

Madison Housing Authority

**George Martin**, 213 Woodland Road, unexpired five-year term through August 10, 2014.

Mrs. Tsukamoto moved confirmation of the foregoing appointment. Ms. Baillie seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.

Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

**ADJOURN**

There being no further business to come before the Council, the meeting was adjourned at 10:40 p.m.

Respectfully submitted,

***Regular Meeting Minutes – April 8, 2013***

Elizabeth Osborne  
Borough Clerk  
Approved June 24, 2013 (EO)