

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

May 29, 2013 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 29th day of May, 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 (1)

April 1, 2013

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

CONTRACT MATTERS (4)

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PLAYWRIGHTS THEATRE LEASE
GVRS PROPERTY UPDATE
DAILY COMPUTER NETWORKING
IBEW LABOR NEGOTIATIONS

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

PERSONNEL MATTERS (2)
POLICE HIRING ORDINANCE
DPW EMPLOYEE

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

ATTORNEY/CLIENT MATTERS (3)
HELIPAD UPDATE
CIVIC CENTER PARKING LOT
SPECIAL EVENTS PERMIT

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

Ms. Baillie moved approval of the **Executive Minutes of April 1, 2013**. Mrs. Tsukamoto 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

Ms. Baillie moved approval of the **Regular Meeting Minutes of March 11, 2013**. Mrs. Vitale 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

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

Mayor Conley thanked the Patriotic Celebrations Committee for their work on the Memorial Day Parade. Mayor Conley noted that the annual Pfizer 5K Run to benefit Project Community Pride was held on Wednesday, May 22, 2013. The Madison Public Library will hold several summer activities including the summer reading program and the 29th season of senior seminars. Newark Museum will hold guided tours on June 2nd and Museum passes are available at the Library.

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REPORTS OF COMMITTEES

Health

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

The Madison Health Department will hold two employee wellness events, providing vaccines for the Public Works Staff and a skin cancer screening event using a derma scan machine. Students from the Madison High School will participate in a Day of Service on May 31st by painting murals at the Civic Center. The animal census continues in the Borough. Men's cancer screening will take place on June 8th. Please call the Health Department for an appointment. Mrs. Vitale thanked Chair James Kemp and members of the Patriotic Celebrations Committee for their work on the Memorial Day parade.

Utilities

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

Mrs. Tsukamoto announced the Museum of Early Trades & Crafts' recognition of Historic Preservationist Janet Foster as Craftsman of the Year, to be held this Sunday, June 2nd at 2:00 p.m. The Madison Chatham Joint Meeting is the proud recipient of the Heart of Industry Award for their pump technology and service to customers. The Electric Department is working on installing secondary conductors on Wayne Blvd and Anthony Dr. and continue to restore the James Park Substation to full capacity. The Water Department has completed three valve repairs at Samson Avenue and Brannick Drive and existing hydrants are being painted. Residents are asked to voluntarily curtail electric consumption for just a few hours on the hottest days this summer. If we can reduce the amount of energy used on the five hottest hours this year by just 3%, we can reduce the peak energy charge for next year by over \$80,000. Resident are asked to voluntarily divert the use of electricity from these peak hours, by not using appliances and turning thermostats to 77 degrees. Additional information is available on the Borough website.

Public Works and Engineering

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

Mr. Catalanello reported that on behalf of the Shade Tree Management Board, the Department of Public Works will plant 105 trees along the bike path at the Madison Recreation Complex. A tailgate fundraiser held by the Madison Athletic Foundation on Saturday May 18th, was attended by over 200 residents. Mr. Catalanello reported that reconstruction work on Samson Avenue is substantially complete and milling and overlay work on Rosedale Avenue is progressing.

Community Affairs

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

Mr. Landrigan noted that the Farmers' Market will open on Thursday, June 6th. Mr. Landrigan reported that the Borough now has a fully functioning lightning detection system and a presentation will be made at the next meeting of the Council. The Recreation Advisory Committee is working on an ordinance regarding code of conduct for coaches, and back ground checks. The Madison Rotary will hold their Family Fun Festival on June 15th and 16th in the parking area of Realogy at 175 Park Avenue, with proceeds going to help Union Beach families. Mr. Landrigan invited residents to a ribbon cutting ceremony for the new senior bus to be held at 2:00 p.m. at the Civic Center Thursday, June 13th.

Public Safety

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

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Three Madison Fire Department engines recently passed pump testing. The Fire Department received a Morris County Heritage Trail grant in the amount of \$2,000.00. Part of the grant will be used for fire fighting education including a "Friends of Geraldine" coloring book, worked on by Madison High School students and volunteers from the Museum of Early Trades & Crafts, that will be distributed to students, kindergarten through the third grade, this fall. The remaining portion of the grant will be used to digitize old Fire Department films. The Madison Police Department now has a locked box in the lobby of the Safety Building for residents to discarded unwanted prescription drugs. The Pfizer "5K run" held in Madison on Wednesday, May 22, 2013, raised \$10,000 for Project Community Pride.

Finance and Borough Clerk

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

Mr. Wolkowitz reminded residents that polling locations will be open from 6:00 a.m. until 8:00 p.m. on Tuesday, June 4th for the Primary Election. Mr. Wolkowitz noted that Resolution R 179-2013, listed on the consent agenda, reflects an agreement between the Borough and the Madison Athletic Foundation regarding fundraising and reporting of funds for the turf fields. Mr. Wolkowitz also noted receipt of the Green Acres program agreement which allows the New Jersey Department of Environmental Protection to release \$324,000 to help pay for the acquisition of the 49 acres. Estimated tax bills will be sent to property owners in July. The 2012 municipal audit has been received in draft form and will be discussed at the next Council meeting.

Mayor Conley announced that EPOCH, a unique after school recreation and education program for children and teenagers with special needs, will be celebrating its 40th Anniversary on Friday, May 31st. EPOCH is held at the Madison Area YMCA three days a week and offers enrichment opportunities for the participants through activities such as swimming, cooking, sports, arts and crafts, music and field trips. The Mayor will present a proclamation on behalf of the Council.

Mayor Conley welcomed back residents Eugene and Rose Zipper.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

E-mail received May 20, 2013 from Mr. and Mrs. McShane, Albright Circle regarding the Increase of Nonconforming Activities at property on Samson Avenue.

E-mail received May 20, 2013 from the Michael Fabiano, Lawrence Road regarding the Green Village Road School fields.

E-mail received May 28, 2013 from the Barbara Hughes, Glenwild Road regarding the Farmers Market ribbon cutting.

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

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on the sheet provided for the record. **He/she shall limit his/her statement to three (3) minutes or less.**

Nino Coviello, Brannick Drive, thanked Mayor Conley, Council members Wolkowitz and Catalanello and Mr. Codey for their time and patience preparing Resolution R 179-2013. Mr. Coviello also thanked those who attended a recent Madison Athletic Foundation fundraising event.

AGENDA DISCUSSIONS

05/29/2013-1 ZONING BOARD OF ADJUSTMENT ANNUAL REPORT – Gary Hall, Esq.

Mr. Hall presented the 2012 Annual Report from the Zoning Board of Adjustments including several recommendations such as deleting a portion of the building coverage definition applying to open porches, amend the prevailing setback to comply with the average and including zoning regulations addressing renewable energy facilities. There was agreement to present recommendations to the Planning Board.

ADVERTISED HEARINGS

The Clerk made the following statement:

Ordinances scheduled for hearing tonight were submitted in writing at a Regular meeting of the Mayor and Council held on May 13, 2013, were introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

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

ORDINANCE 16-2013

ORDINANCE OF THE BOROUGH OF MADISON AMENDING AND SUPPLEMENTING CHAPTER 233 OF THE BOROUGH CODE ENTITLED "ORDINANCE PROHIBITING THE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS ON PRIVATE PROPERTY"

WHEREAS, Ordinance 8-2013, adopted April 22, 2013, prohibited the possession or consumption of alcoholic beverages by underage persons on private property with certain exceptions; and

WHEREAS, the governing body wishes to amend and supplement the language therein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Chapter 233 of the Borough Code be amended and supplemented as follows:

NEW SECTION:

E(i) – The Municipal Judge shall have the discretion to waive the penalty provisions of Sections A, B and C above if the defendant is enrolled in an

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educational institution that has imposed administrative sanctions and penalties against the defendant for the offense(s).

NEW SECTION:

- F(3) An underage person and one or two other persons, if applicable, shall be immune from prosecution under this Chapter prohibiting any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property if:
- (a) one of the underage persons called 9-1-1 and reported that another underage person was in need of medical assistance due to alcohol consumption;
 - (b) the underage person who called 9-1-1 and, if applicable, one or two other persons acting in concert with the underage person who called 9-1-1, provided each of their names to the 9-1-1 operator;
 - (c) the underage person was the first person to make the 9-1-1 report; and
 - (d) the underage person and, if applicable, one or two other persons acting in concert with the underage person who made the 9-1-1 call, remained on the scene with the person under the legal age in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.
- (4) The underage person who received medical assistance as provided in subsection 3 of this section shall also be immune from prosecution under this Chapter prohibiting the possession or consumption of an alcoholic beverage on private property.

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 after final passage and publication in accordance with law.

Mayor Conley opened up the public hearing on Ordinance 16-2013.

Timothy Andres, Madison Avenue, thanked Council for considering a ‘Good Samaritan’ clause in the proposed ordinance, but raised concern regarding language instructing persons acting in concert with an underage person to call 911.

Sam Cerciello, Park Avenue, asked about adding local restaurants to the proposed ordinance.

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Since no other member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 16-2013, which was read by title, be finally adopted. Mrs. Tsukamoto seconded the motion. After a brief discussion 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

Mayor Conley declared Ordinance 16-2013 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

ORDINANCE 17-2013

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$42,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR
RECONSTRUCTION OF CIVIC CENTER PARKING LOT**

WHEREAS, the Department of Public Works Superintendent has recommended that the Borough appropriate \$42,000.00 from the General Capital Improvement Fund to repair the Civic Center parking lot including drainage, striping, signage, curbing and concrete work; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$42,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$42,000.00 from the General Capital Improvement Fund to repair the Civic Center parking lot including drainage, striping, signage, curbing and concrete work; and

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 \$42,000.00 is hereby appropriated from the General Capital Improvement Fund to repair the Civic Center parking lot including drainage, striping, signage, curbing and concrete work.

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.

Mayor Conley opened up the public hearing on Ordinance 17-2013.

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Sam Cerciello, Park Avenue, asked about the engineer's estimate for the parking lot reconstruction project and stated that the Borough should change how it does business.

Since no other member of the public wished to be heard, the public hearing was closed. Mr. Catalanello moved that Ordinance 17-2013, which was read by title, be finally adopted. Ms. Baillie seconded the motion. There was no further 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

Mayor Conley declared Ordinance 17-2013 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

ORDINANCE 18-2013

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$630,000.00 FROM THE CAPITAL GENERAL CAPITAL IMPROVEMENT FUND FOR RECONSTRUCTION OF GREEN AVENUE (WOODLAND TO SHUNPIKE)

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$630,000.00 from the General Capital Improvement Fund for reconstruction of Green Avenue from Woodland Road to Shunpike Road; and

WHEREAS, a grant from the New Jersey Department of Transportation Department (NJDOT) will reimburse \$230,000.00 of the above funds to the Borough; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$630,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$630,000.00 from the General Capital Improvement Fund for reconstruction of Green Avenue from Woodland Road to Shunpike Road; and

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 \$630,000.00 is hereby appropriated from the General Capital Improvement Fund for reconstruction of Green Avenue from Woodland Road to Shunpike Road.

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.

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Mayor Conley opened up the public hearing on Ordinance 18-2013. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Catalanello moved that Ordinance 18-2013, which was read by title, be finally adopted. Ms. Baillie seconded the motion. There was no further 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

Mayor Conley declared Ordinance 18-2013 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

ORDINANCE 19-2013

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$40,000.00 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR
REPLACEMENT OF BREATHING AIR COMPRESSOR AND CASCADE
CYLINDERS**

WHEREAS, the Fire Chief has recommended that the Borough appropriate \$40,000.00 from the General Capital Improvement Fund for the replacement of a breathing air compressor and cascade cylinders; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$40,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$40,000.00 from the General Capital Improvement Fund for the replacement of a breathing air compressor and cascade cylinders; and

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 \$40,000.00 is hereby appropriated from the General Capital Improvement Fund for the replacement of a breathing air compressor and cascade cylinders.

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.

Mayor Conley opened up the public hearing on Ordinance 19-2013. Since no member of the public wished to be heard, the public hearing was closed.

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Ms. Baillie moved that Ordinance 19-2013, which was read by title, be finally adopted. Mr. Wolkowitz seconded the motion. There was no further 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

Mayor Conley declared Ordinance 19-2013 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

ORDINANCE 20-2013

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$11,000.00 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF FOUR (4) NEW SETS OF FIREFIGHTER TURNOUT GEAR

WHEREAS, the Fire Chief has recommended that the Borough appropriate \$11,000.00 from the General Capital Improvement Fund for the purchase of four (4) new sets of firefighter turnout gear; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$11,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$11,000.00 from the General Capital Improvement Fund for the purchase of four (4) new sets of firefighter turnout gear; and

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 \$11,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of four (4) new sets of firefighter turnout gear.

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.

Mayor Conley opened up the public hearing on Ordinance 20-2013. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 20-2013, which was read by title, be finally adopted. Mr. Wolkowitz seconded the motion. There was no further Council discussion, and the motion passed with the following roll call vote recorded:

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

Mayor Conley declared Ordinance 20-2013 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

ORDINANCE 21-2013

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$8,000.00 FROM THE FIRE TRUST FUND FOR A RADIO CONSULTANT

WHEREAS, the Fire Chief has recommended that the Borough appropriate \$8,000.00 from the Fire Trust Fund to hire a radio consultant to research the availability of UHF frequencies; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Fire Trust Fund in an amount not to exceed \$8,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$8,000.00 from the Fire Trust Fund to hire a radio consultant to research the availability of UHF frequencies; and

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 \$8,000.00 is hereby appropriated from the Fire Trust Fund to hire a radio consultant to research the availability of UHF frequencies.

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.

Mayor Conley opened up the public hearing on Ordinance 21-2013. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 21-2013, which was read by title, be finally adopted. Mr. Wolkowitz seconded the motion. There was no further 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

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Mayor Conley declared Ordinance 21-2013 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

ORDINANCE 22-2013

ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 2-2009 PERTAINING TO PART-TIME NON-UNION SALARIES AND OFFICES

WHEREAS, certain changes are required in the salary ranges for non-union part-time employees;

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

Section 1. Ordinance 2-2009 is hereby amended in order to identify certain non-union part-time positions and to change salary ranges for non-union, part-time employees, as follows:

| POSITION | MINIMUM | MAXIMUM |
|---|----------------|----------------|
| Electrical Subcode Official/Electrical Inspector | \$24,500.00/yr | \$41,880.00/yr |
| Plumbing Subcode Official/Plumbing Inspector | \$24,500.00/yr | \$41,880.00/yr |
| Recreation Director | \$15/hr | \$26.00/hr |

Section 2. This ordinance shall take effect as provided by law.

Mayor Conley opened up the public hearing on Ordinance 22-2013. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Wolkowitz moved that Ordinance 22-2013, which was read by title, be finally adopted. Mr. Landrigan seconded the motion. There was no further 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

Mayor Conley declared Ordinance 22-2013 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

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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.

Mark Tallmadge, Ross Court, raise concern regarding storm water run off from a recent rain storm, suggesting that newly constructed homes on Loantaka Way may be contributing to the problem.

Vito Lupino, Niles Avenue, requested that the Teamster Local Union #469 make a presentation at the Council meeting of June 10th. Mayor Conley suggested working with Superintendent David Maines as department heads present department updates to Council.

Sam Cerciello, Park Avenue, noted that the U.S. Post Office on Lincoln Place is in need of repair and garbage cans along Main Street need cleaning. Mr. Cerciello also suggested moving the Farmer's Market to the Madison High School parking lot.

INTRODUCTION OF ORDINANCES- 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:

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

Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

R 177-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF RECYCLING TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

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WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the Borough of Madison to apply for such tonnage grants will memorialize the commitment of the Borough of Madison to recycling and affirms the assent of the Council of the Borough of Madison, to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Borough of Madison hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling, and hereby designates James Burnet, Assistant Borough Administrator/Certified Municipal Recycling Coordinator of the Borough of Madison, as the individual authorized to ensure that said Application is properly filed.

R 178-2013 RESOLUTION OF THE BOROUGH OF MADISON CERTIFYING
SUBMISSION OF EXPENDITURE FOR TAXES PURSUANT TO P. L. 2007,
CHAPTER 311

WHEREAS, the Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax (REA) of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under

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a contract awarded pursuant to the “Local Public Contracts Law”, the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW, THEREFORE, BE IT ORDAINED, by the Borough of Madison that the Borough of Madison hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2012 in the amount of \$13,708.41.

Documentation supporting this submission is available at Borough of Madison, Hartley Dodge Memorial Building, 50 Kings Rd, Madison, NJ 07940, and shall be maintained for no less than five years from this date. The REA Tax has been certified by James Burnet, Assistant Borough Administrator/ Certified Municipal Recycling Coordinator.

R 179-2013 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING AND SUPPLEMENTING R 87-2011 WHICH ESTABLISHED A FUNDRAISING PARTNERSHIP WITH THE MADISON ATHLETIC FOUNDATION (MAF)

WHEREAS, the Borough Council has previously adopted R 87-2011 to establish a fundraising partnership with the Madison Athletic Foundation (MAF) for the purposes of helping pay the debt incurred to build the Madison Recreation Complex (MRC) turf fields; and

WHEREAS, pursuant to Article 7 of R 87-2011, the MAF was required to submit to the Mayor and Council their IRS Form 990, report to the Borough Council quarterly on the progress of the fundraising, and send to the Borough Chief Financial Officer on a quarterly basis a copy of the bank statement for the dedicated fundraising account as it relates to the fundraising efforts for the MRC; and

WHEREAS, the MAF will endeavor to raise a total of \$1,275,000.00, of which \$400,000.00 has been raised to date. The net proceeds (amount raised net of fundraising expenses) will be transferred to the Borough in accordance with R 87-2011 and R 179-2013, during the period that will end December 31, 2018.

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 Borough hereby requests the MAF to meet all reporting requirements in R 87-2011 and this Resolution in a timely manner including providing the IRS 990 form annually, an MRC fundraising report quarterly and quarterly bank statements regarding the MAF’s dedicated MRC bank account.

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2. Paragraph 8 in R 87-2011 shall be renumbered as Paragraph 11.
3. R 87-2011 shall be supplemented by the following new sections:

New Paragraph 8: The MAF shall put forth it's best effort to report the information specified in Paragraph 7 to the Borough Council during their first meeting after the end of each calendar quarter (first meeting in April, July, October and January). Written reports containing the information specified in this resolution shall be submitted to the Borough Clerk no later than the Wednesday prior to the first Council Meeting after the end of each calendar quarter, so that members of the Council and the Mayor will have the opportunity to review same prior to the oral report at the Council meeting.

Paragraph 9: The interest to be paid on the Bond Anticipation Notes issued in payment for the turf fields at a par amount no greater than \$1 Million shall be paid by the user and rental fees collected by the Borough of Madison or by such fees collected by the MAF and transferred to the Borough of Madison The Borough shall establish an ordinance to cover the collection and disbursement of user and rental fees.

This resolution supersedes any previous resolutions related to the MAF fundraising efforts for the MRC project, where there are conflicting provisions.

R 180-2013 RESOLUTION OF THE BOROUGH OF MADISON APPROVING TEMPORARY SIGNS FOR MORRIS COUNTY 4H CLUB

WHEREAS, the 4-H Association and the Rutgers Cooperative Extension of Morris County have requested permission to put up temporary signs advertising the Morris County 4-H Fair on July 18-21, 2013, in Chester; and

WHEREAS, the signs would be located at the intersection of Shunpike Road and Loantaka Way, at the intersection of Loantaka Way and Madison Avenue, and at Main Street at the Chatham border, commencing on July 1, 2013 and removed by July 22, 2013; and

WHEREAS, the Zoning Officer has recommended that a temporary sign permit be issued.

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 request of the 4-H Association and the Rutgers Cooperative Extension of Morris County to put up temporary signs as described herein from July 1, 2013 to July 22, 2013, is approved.

R 181-2013 RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARDING CONTRACT FOR DAILY COMPUTER

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NETWORKING/MAINTENANCE SERVICES TO SAI ENTERPRISES OF
BURLINGTON, MA

WHEREAS, the Borough of Madison publicly advertised for bids for daily computer networking/maintenance services (the “Contract”) in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the sole qualified bid was submitted by SAI Enterprises, Inc., of Burlington, Massachusetts in the amount of \$41.50 per hour; and

WHEREAS, the temporary Purchasing Official has recommended that the Borough Council award the contract to SAI Enterprises, Inc. in the amount of \$41.50 per hour; and

WHEREAS, the Chief Financial Officer has attested that funds are available at a rate of \$41.50 per hour for this purpose in Account #501, subaccount #215, in the 2013 Operating Budget.

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 two (2) year contract with renewal options for daily computer networking/maintenance services is hereby awarded to SAI Enterprises, Inc. based upon its bid in the amount of \$41.50 per hour.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with SAI Enterprises, Inc., in a form acceptable to the Borough Attorney.

R 182-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING
ON-LINE AUCTION OF SURPLUS PROPERTY BY THE MADISON POLICE
DEPARTMENT WITH PROPERTYROOM.COM

WHEREAS, the Borough of Madison has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, the Local Unit Electronic Technology Pilot Program and Study Act (P.L. 2001, c.30) authorizes the sale of surplus property no longer needed for public use through the use of an online auction services; and

WHEREAS, the Borough of Madison intends to utilize the online auction services of PropertyRoom.com located at www.propertyroom.com; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services’ Local Finance Notice 2008-9.

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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 Borough is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled www.propertyroom.com.

BE IT FURTHER RESOLVED that the terms and conditions of the agreement entered into between PropertyRoom.com and the Borough of Madison are available at www.propertyroom.com and in the Borough Clerk's office.

BE IT FURTHER RESOLVED that a certified copy of the within Resolution be forwarded by the Borough Clerk to the State of New Jersey Division of Local Government Services.

R 183-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF A POLICE VEHICLE UNDER MORRIS COUNTY COOPERATIVE PRICING COUNCIL

WHEREAS, the Borough of Madison desires to award a contract for the purchase of a police vehicle under the Morris County Co-Operative Pricing Council program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-10, et seq.; and

WHEREAS, Beyer Ford, 31 Williams Parkway, 175 Route 10, East Hanover, New Jersey, 07936 has been awarded Morris County Co-Operative Pricing Council contract number 15-A Item #3; and

WHEREAS, the Police Chief has recommended that the Borough Council utilize these contracts for purchase of a police vehicle as follows; under contract 15-A, Item #3, one 2013 Ford Police Interceptor SUV for \$29,320.32; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$29,320.32 for this purpose, from the 2013 Police Department Operating budget, account #240; sub-account #311.

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. A contract for the purchase of a police vehicle, one 2013 Ford Police Interceptor SUV for \$29,320.32 is hereby approved.
2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Beyer Ford, 31 Williams Parkway, East Hanover, New Jersey, 07936, for the purchase of a police vehicle at a total price not to exceed \$29,320.32, in a form acceptable to the Borough Attorney.

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R 184-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF A POLICE VEHICLE UNDER MORRIS COUNTY COOPERATIVE PRICING COUNCIL

WHEREAS, the Borough of Madison desires to award a contract for the purchase of a police vehicle under the Morris County Co-Operative Pricing Council program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-10, et seq.; and

WHEREAS, Beyer Ford, 31 Williams Parkway, 175 Route 10, East Hanover, New Jersey, 07936 has been awarded Morris County Co-Operative Pricing Council contract number 15-A Item #3; and

WHEREAS, the Police Chief has recommended that the Borough Council utilize these contracts for purchase of a police vehicle as follows; under contract 15-A, Item #3, one 2013 Ford Police Interceptor SUV for \$49,367.86; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$49,367.86, through Appropriation Ordinance 14-2013.

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. A contract for the purchase of a police vehicle, one 2013 Ford Police Interceptor SUV for \$49,367.86 is hereby approved.
2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Beyer Ford, 31 Williams Parkway, East Hanover, New Jersey, 07936, for the purchase of a police vehicle at a total price not to exceed \$49,367.86, in a form acceptable to the Borough Attorney.

R 185-2013 RESOLUTION OF THE BOROUGH OF MADISON INCREASING THE NUMBER OF DAILY PARKING SPACES IN MUNICIPAL LOT #3 TO THIRTY (30) SPACES

WHEREAS, the Police Chief has recommended that ten (10) additional daily parking spaces be made available in municipal parking lot #3 on Kings Road.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that a total of thirty (30) daily parking spaces shall be available in the municipal parking lot #3 on Kings Road, effective immediately.

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R 186-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXECUTION OF AMENDMENT TO PROJECT AGREEMENT WITH THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES FOR THE MADISON RECREATION COMPLEX

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Madison has previously obtained a grant of \$2,050,000.00 from the State to fund the following project(s):

#1417-04-009 – Madison Borough Open Space Acquisition

WHEREAS, the State and the Borough of Madison intend to increase Green Acres funding by \$325,000; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Madison, New Jersey that:

1. The Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State as Madison Borough Open Space Acquisition; and
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$2,375,000.
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.

This resolution shall take effect immediately.

R 187-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING FINAL PAYMENT AND CHANGE ORDER REQUEST FROM CIFELLI & SON, INC IN THE AMOUNT OF \$37,644.51 BRINGING TOTAL AUTHORIZED PAYMENT TO \$267,990.01 FOR THE SAMSON AVENUE IMPROVEMENTS PROJECT

WHEREAS, a contract for the Samson Avenue Improvements Project, in an amount not to exceed \$230,345.50 was awarded to Cifelli & Son, Inc., of Nutley, New Jersey, by Resolution

R 288-2012; and

WHEREAS, Resolution R 155-2013 approved a change of scope to the contract to include completing a 660 foot section of Samson Avenue between Kings

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Road and Main Street, in an additional amount of \$32,000.00 bringing the authorized contract total to \$262,345.50; and

WHEREAS, the Borough Engineer has recommended approval of An additional \$5,644.51 change order to the contract for drainage field changes that were encountered during the construction bringing the contract total to \$267,990.01; and

WHEREAS, the Borough Engineer has advised the project has been completed and has recommended approval of final payment including the final change order to Cifelli & Son, Inc. of Nutley, New Jersey; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in an additional amount not to exceed \$5,644.51 for this purpose, which funds were appropriated by Ordinance 21-2012 in the amount of \$270,000.00 and the ordinance will contain sufficient funds to include this final payment and change order;

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 final payment and change order request from Cifelli & Son, Inc. of Nutley, New Jersey, in the total contract amount not to exceed \$267,990.01 for the Samson Avenue Improvements Project is authorized.

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 | \$12,102.77 |
| Health & Public Assistance | 5,900.08 |
| Public Works & Engineering | 148,668.09 |
| Community Affairs | 4,822.87 |
| Finance & Borough Clerk | 84,430.53 |
| Utilities | <u>1,152,658.38</u> |
| Total | <u>\$1,408,582.72</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

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NEW BUSINESS

Mayor Conley announced the following appointments and requested Council confirmation:

Madison Alliance Addressing Substance Abuse

Theresa Ziegler – Regular member, unexpired term through December 31, 2015

Madison Recreation Center Master Plan Development Committee

Geoff Thomas – Regular member, PARKS ADVISORY COMMITTEE representative

Mrs. Vitale moved confirmation of the foregoing appointments. Mrs. Tsukamoto 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 9:10 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved July 22, 2013 (EO)