

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

June 10, 2013 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 10th day of June, 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 Landrigan

Carmela Vitale

Astri J. Baillie

Benjamin Wolkowitz

Absent: Robert G. Catalanello, excused

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)

none

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

CONTRACT MATTERS (3)

HDM BOILER REPLACEMENT

GVRs PROPERTY UPDATE

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WATER MAIN FIELD INSPECTION SERVICES

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

PERSONNEL MATTERS (6)

POLICE HIRING ORDINANCE

NON AFFILIATED COMPENSATION

PURCHASING AGENT

PART-TIME SALARY ADJUSTMENTS

PART TIME OFFICE ASSISTANT 1- FINANCE DEPT.

PART TIME OFFICE ASSISTANT 1- BUILDING DEPT./TAX ASSESSOR'S OFFICE

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

ATTORNEY/CLIENT MATTERS (3)

HELIPAD UPDATE

DPW EMPLOYEE UPDATE

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:

EMPLOYEE OF THE MONTH FOR JUNE:

Police Officer Stephanie Corrao of the Madison Police Department for her calm, professional and compassionate demeanor in de-escalating two recent hostile and dangerous situations.

MAYOR'S AWARD:

Mayor Conley presented the Mayor's Award to Councilman Robert Landrigan for his hard work obtaining FEMA reimbursements. There was a long round of applause upon the presentation of the Award.

REPORTS OF COMMITTEES

Health

Mrs. Vitale of the Committee made the following comments:

Eight students from the Madison High School participated in a Day of Service by painting murals at the Health Department. The student also accompanied Nurse Marlene Dolan in delivering information to the elementary school students on hand washing. Mrs. Vitale thanked the students for their participation. Mrs. Vitale noted

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that the animal census continues and more than thirty residents took advantage of a recent Adult cancer screening program on Saturday, June 8th.

Utilities

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

The Electric Utility continues replacement of secondary conductors at Wayne Blvd and Anthony drive, pole replacements at the Oxford Land and restoration of James Park substations. Residents are asked to voluntarily reduce electric consumption and also to conserve water use during June, July, and August by voluntarily using the odd/even day watering conservation measures. Additional information is available on the Borough website.

Public Works and Engineering

Mr. Catalanello, Chair of the Committee, absent.

Community Affairs

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

The Madison Chamber of Commerce will hold its biannual fire extinguisher inspections on Tuesday, June 11th from 12pm-4pm. The location for the inspections will be held on the corner of Central Avenue and Main Street. The program is open to all Madison businesses and residences. New and refurbished extinguishers will be available for purchase at a discounted price. Mr. Landrigan noted special parking is available for seniors at the weekly Farmers' Market and volunteers will help carry packages. The Rotary Club of Madison will hold their Family Fun Festival on June 15th and 16th with proceeds going to help support the families of Union Beach. Mr. Landrigan announced that the Senior Freeze (Property Tax Reimbursement) Program, which reimburses eligible residents, who are senior citizens or disabled persons, for property tax increases on their principal residence. Forms are available in the Tax Collector's office. Mr. Landrigan noted that he has signed off on the electric portion of our FEMA reimbursement claim, for last year's storm, and will soon sign off on the personnel portion.

Public Safety

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

Reporting for Mr. Catalanello on Public Works and Engineering activities, Ms. Baillie thanked the members of the Madison Sustainable Madison Advisory Committee, the Environmental Commission and Chair Betsy Uhlman for their hard work and dedication in making Madison sustainable, green and safe and several items on the agenda reflect their efforts. Ms. Baillie also thanked Jim Burnet, DPW Superintendent David Maines, and Borough Engineer Robert Vogel. Several road projects are underway including the Samson Avenue sidewalks project, which is substantially complete as of May 16th. Stripping and signage along Rosedale Avenue is underway and bid specifications for the reconstruction of Green Avenue are being produced in-house, and with NJDOT approval, it is expected that advertising will take place before the end of the month. The Sewer Department has replaced new check valves at the Candlewood Pump Station, CME has delivered specification for upgrades to the Treadwell Pump Station, a new comminutor grinder system has been ordered for the North Street Pump Station and several replacement panel boxes have been installed at the West End Pump Station. Crews are working on storm drain stabilization in the Belleau woods area. Ms. Baillie reported the Bayley Ellard site remediation plan will be filed with NJDEP. Bids were received on June 4th for replacement of the boiler at the Hartley Dodge Memorial Building and the asbestos removal project is currently in progress.

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Finance and Borough Clerk

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

Mr. Wolkowitz reported that the 2012 Municipal Audit is now complete and has been distributed to the State and the Bond Counsel. Electric receipts are up over last year at this time, by 4.5% and water utility receipts are up 2.78%. The Third quarter estimated tax bills will be mailed to property owners soon. Tax bills are estimated because the Borough has not yet received the County tax rate. Mr. Wolkowitz noted that Standard & Poor's has assigned a new representative to the Borough, who will be making a site visit. Mr. Wolkowitz also noted that the sale of the Green Village Road School property should close this year. Mr. Wolkowitz noted that the Governor of the State of New Jersey has called for a special election for U.S. Senate and there will be held two special elections held in August and October.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

Letter received June 7, 2013 from Elfriede Smith, Carteret Court regarding the need for repairs to Green Village Road

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.**

Patrick Rowe, Pine Avenue, asked for the balance in the Open Space Trust Fund and noted that the credit of \$100,000 given at the closing for the Bayley Ellard fields should be appropriated from the Open Space Trust fund and not the General Capital Improvement fund.

Carolyn Parelli, Ferndale Road, raised concern regarding the access road from the Bayley Ellard fields, noting many residents walk to the fields and suggested that the roadway be made one way for safety. Mrs. Parelli noted poor drainage causing problems in her rear yard and noted the general condition of the area.

Sam Cerciello, Park Avenue, raised concern regarding the award of a contract for replacement of the boiler at the Hartley Dodge Memorial Building, suggesting the replacement should have been completed during the rehabilitation project. Mr. Cerciello also suggested that the Borough work with the Madison Board of Education.

AGENDA DISCUSSIONS

06/10/2013-1 APPROPRIATE \$250,000.00 FROM THE OPEN SPACE TRUST FUND FOR REMEDIATION AND SAFETY IMPROVEMENTS TO BAYLEY ELLARD FIELDS

Mr. Landrigan presented a Power Point presentation of a proposed remediation and improvements plan for the Bayley Ellard fields, noting the history of the funding and

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purchase of the fields. Mr. Landrigan also noted that at closing, the seller provided a credit of \$100,000 for remediation, thereby reducing the acquisition cost to \$2,650,000 and reducing the appropriation from the Madison Open Space Trust Fund by \$100,000. The affected area is listed as an open site requiring remediation with the State and will need to be remediated. Mr. Landrigan recommended a plan that does not add additional fields to Madison's inventory of athletic fields but rather seeks to improve the existing facility. The greater flexibility will help to compensate for the loss of the Green Village Road School fields due to the anticipated redevelopment of that site, and allow better rotation of the grass fields, as well as provide the site with adequate parking. Ms. Baillie noted available funds in the Municipal Open Space Trust fund. Mrs. Tsukamoto asked about an estimate of the cost of the remediation project. Mr. Landrigan noted that he is working with the Borough Engineer. Following discussion there was no objection to listing an ordinance for introduction.

Ordinance 26-2013 is listed for Introduction.

06/10/2013-2 3RD QUARTER ESTIMATED TAXES

Chief Financial Officer Robert Kalafut explained the need to authorize the Tax Collector to prepare and issue estimated third quarter tax bills due to the delay of the tax rate from the County of Morris. There was no objection to listing a resolution authorizing the Tax Collector to issue estimated tax bills on the Consent Agenda.

Resolution R 188-2013 is listed on the Consent Agenda.

06/10/2013-3 LIGHTNING DETECTION POLICY PRESENTATION

Director of Technology Jim Sanderson presented information regarding Madison's lightning hazard response system. Mr. Sanderson noted that thunderstorms are very dangerous, even when lightning does not appear to be imminent and that the weather conditions that support lightning have a range of at least 6 miles. Residents are encouraged to avoid trees, poles, light structures or being in an open field. All sponsors of outdoor events must take lightning and other weather events seriously. The National Lightning Safety Institute, in conjunction with the American National Red Cross, NOAA and the Little League Baseball and Softball Association recommend that every municipality have a written "Lightning Safety Plan. Coaches should sign up for direct notification on the Recreation page on the Borough website and Smart Phone Users can download the WeatherBug App. Mr. Sanderson noted the 'Flash to Bang' method. It takes the sound of thunder 5 seconds to travel one mile. The WeatherBug system draws upon a Nation-wide database using a network as well as other resources. The system will deliver alerts specifically for lightning within 6 miles of 62 Kings Road, and repeats the message every 30 minutes as long as lightning is within the specified radius.

06/10/2013-4 AMEND CHAPTER 139 OF THE BOROUGH CODE ENTITLED 'PEDDLING AND SOLICITING'

Mr. Codey explained a recommendation from Police Chief Darren Dachisen to amend the Borough Code regarding peddling and soliciting to include more investigation of applicants going door to door. Mr. Codey noted that exemptions in the ordinance remain the same. Following discussion there was agreement to list an ordinance for introduction.

Ordinance 23-2013 is listed for Introduction.

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06/10/2013-5 AMEND CHAPTER 54 OF THE BOROUGH CODE ENTITLED 'ALARM SYSTEMS'

There was no objection to listing an ordinance for introduction to amend the Borough Code regarding application dates for alarms, as recommended by Police Chief Darren Dachisen.

Ordinance 24-2013 is listed for Introduction.

06/10/2013-6 2012 MUNICIPAL AUDIT

Mr. Codey noted the delivery of the 2012 Audit, including comments and recommendations regarding segregation of duties and a corrective action plan; these submittals are customary with an Annual Audit. Mr. Codey noted the requirement of the Council to certify that the recommendations and corrective action plan have been reviewed. There was agreement to list Resolution R 203-2013 on the Consent Agenda.

Resolution R 203-2013 is listed on the Consent Agenda.

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.

Sam Cerciello, Park Avenue, asked if the Farmers' Market can be moved to Lincoln Place. Mr. Cerciello noted scrape marks on the pavers at the corner of Waverly and Lincoln Place, and property maintenance issues at a home at the corner of Park and Ridgedale Avenues.

Brad Cramer, Main Street, stated that having the Farmers' Market on Green Village Road allows for more parking and bring new customers to the downtown businesses. Mr. Cramer noted that all Downtown Development Commission meeting are open to the public.

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 June 24, 2013 in the 2nd Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as 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:

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ORDINANCE 23-2013
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER
139 OF THE BOROUGH CODE ENTITLED 'PEDDLING AND SOLICITING'

WHEREAS, the Chief of Police has recommended that the required applications for Peddling and Soliciting be amended to include fingerprinting and background checks; and

WHEREAS, the Borough Council has determined that there is a need to approve such amendment.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Section 139 of the Borough Code entitled "Fees for copies of particular records and documents" shall be amended as follows:

SECTION 1:

§ 139-2 Application for license.

....

K. Each and every solicitor/peddler shall agree to be fingerprinted for the purpose of verifying that he/she has no criminal record. The fingerprint impressions will be taken by Sagem Morpho, Inc. The necessary form and instructions will be handed out at the time the application is filed with this department.

....

§ 139-4 Investigation; denial or issuance of license

....

A. Upon receipt of such application, the Chief of Police shall cause to be made such investigation of the applicant's business and moral character as he deems necessary for the protection of the public good. The Chief of Police requires a criminal history background check to be conducted through Morpho-Trak, in accordance with Article 34-18 of the Borough Code, for which each applicant/solicitor must complete prior to issuance of license. All fees required by Morpho-Trak will be paid by each individual applicant.

The criminal background check from Morpho-Trak will be valid for a 12 month period. If applicants seek an additional solicitor permit after the 12 month period has expired, they will be required to

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have a criminal history check for a noncriminal justice purpose through the New Jersey State Police and pay the fees required directly to the New Jersey State Police.

The criminal history check shall be kept confidential. For purposes of this background check, the Madison Police Department is hereby authorized to have access to criminal history record information through the State Bureau of Investigation.

....

SECTION 2: All other provisions of the Ordinance not inconsistent herewith shall remain the same.

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

Ms. Baillie moved that Ordinance 23-2013, 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. Landrigan, Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

Absent: Mr. Catalanello

ORDINANCE 24-2013

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 54 OF THE BOROUGH CODE ENTITLED 'ALARM SYSTEMS'

WHEREAS, the Chief of Police has recommended amendments to the Borough Code regarding Alarm Systems; and

WHEREAS, the Borough Council has determined that there is a need to approve such increase.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Section 54 of the Borough Code entitled "Alarm Systems" shall be amended as follows:

SECTION 1:

§ 54-3 Permit requirements and conditions

....

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- C. Applications for all permits, existing and new alarm installations, must be filed on or before June 1 succeeding the adoption of this Chapter. All alarm permits shall be accompanied by an annual fee payable to the municipality in accordance with the schedule of fees hereinafter set forth.
- D. All permits shall expire May 31st of the following year. A renewal application must be accompanied by an annual fee payable to the municipality in accordance with the schedule of fees hereinafter set forth. Any alarm renewal application/or renewal fee that is not filed or paid prior to July 1 shall result in an additional \$25.00 late fee for each month the renewal application and/or renewal fee is past due. The renewal application, on forms supplied by the Police Department, shall provide for any changes in information from that contained in the original application or in the most recent renewal application.

H. OMIT

.....

§ 54-4 Fees

A. OMIT

.....

B. The permittee shall pay an annual alarm fee to the Borough of Madison due on the 1st of June each year as follows:

(1) Application fee.

Type of Alarm System	Annual Fee
Local alarm	\$40
Central alarm station	\$40
Other alarm system not specified	\$40

C. OMIT

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D. OMIT

F. All applications for renewal of a permit must be filed with the Chief of Police by June 1 of each year together with the renewal fees as specified by resolution of the Borough Council. Any alarm renewal application and/or renewal fee that is not filed or paid prior to July 1, shall result in an additional \$ 25.00 late fee for each month the renewal application and/or renewal fee is past due.

SECTION 2: All other provisions of the Ordinance not inconsistent herewith shall remain the same.

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

Ms. Baillie moved that Ordinance 24-2013, 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. Landrigan, Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

Absent: Mr. Catalanello

ORDINANCE 25-2013

ORDINANCE OF THE BOROUGH OF MADISON AMENDING SECTION 75-14(1) OF THE BOROUGH CODE TO CORRECT PLUMBING SUBCODE FEES

WHEREAS, the Construction Official has recommended that the Borough Code be amended to reflect the same fees for the Construction Code as adopted by the State of New Jersey Fee Schedule; and

WHEREAS, the Borough Council has determined to amend the fees in accordance with said recommendation.

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:

Section 75-14 of the Borough Code entitled “Fees” subparagraph

A. (1)(c) shall be amended to state “For additions: one- and two-family, \$0.03 per cubic foot of building or structure volume for the added portion, provided that the minimum fee shall be \$150 and all other, \$0.03 per cubic foot of building or structure volume for the added portion, provided that the minimum fee shall be \$150.”

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A. (1)(e) shall be amended to state “For roofing and siding (one- or two-family) a flat fee of \$46. Commercial and all others \$20 per \$1000 of estimated cost”.

SECTION 2: This ordinance shall take effect as provided by law.

Ms. Baillie moved that Ordinance 25-2013, 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. Landrigan, Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

Absent: Mr. Catalanello

ORDINANCE 26-2013

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$250,000.00 FROM THE OPEN SPACE TRUST FUND FOR REMEDIATION AND SAFETY IMPROVEMENTS TO BAYLEY ELLARD FIELDS

WHEREAS, the Borough Council has determined to improve the fields, complete the remediation and make safety improvements at the Bayley Ellard Fields; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$250,000.00 from the Madison Open Space Trust Fund for remediation and safety improvements to the Bayley Ellard Fields; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$250,000.00 for this purpose in the Madison Open Space Trust Fund.

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 \$250,000.00 is hereby appropriated from the Madison Open Space Trust Fund for remediation and safety improvements to the Bayley Ellard Fields.

SECTION 2: This Ordinance shall take effect as provided by law.

Mr. Landrigan moved that Ordinance 26-2013, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Catalanello

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ORDINANCE 27-2013
ORDINANCE AMENDING CHAPTER 34, OF THE CODE OF THE
BOROUGH OF MADISON ENTITLED “POLICE DEPARTMENT,”
ESTABLISHING PROMOTION PROCEDURES FOR THE RANKS OF
POLICE CHIEF, LIEUTENANT AND SERGEANT AND ESTABLISHING A
PROCEDURE FOR ACTING APPOINTMENTS AND HIRING POLICE
OFFICERS

WHEREAS, within its general powers as a municipality, the Borough of Madison may make and enforce ordinances, rules and regulations not contrary to federal or state law as it deems necessary and to protect the public safety and welfare of its residents; and

WHEREAS, the Mayor and Council of the Borough of Madison support and encourage efficiency within the Madison Police Department; and

WHEREAS, the Mayor and Council of the Borough of Madison have determined that it would be in the best interest of the citizens of the Borough to establish a promotion practice based upon merit for the positions of Police Chief, Lieutenant and Sergeant when there is a vacancy in said position; and

WHEREAS, the Borough of Madison desires to have a promotional practice for the positions of Police Chief, Lieutenant and Sergeant based upon merit, experience, education, demonstrated ability, competitive examinations and competitive written submissions within the Madison Police Department in the interest of better serving the residents of the Borough of Madison;

WHEREAS, The Borough of Madison further desires to establish appropriate hiring criteria based on merit, experience, moral character and sufficient physical health when hiring police officers;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Madison as follows:

- 1) Chapter 34 of the Code of the Borough of Madison entitled “Police Department” is hereby amended to create new Sections 34-2(D)-(H), which shall provide as follows:
§34-2(D) Promotion to Rank of Police Chief A. The Borough of Madison Governing Body desires to promote the most qualified candidate to the position of Police Chief. This ordinance establishes the eligibility requirements and the process for promotion to Police Chief. The promotion process shall be on the basis of merit, experience, education, demonstrated ability, competitive examinations and competitive written submissions. In accordance with N.J.S.A. 40A:14-129, the promotion of any officer shall be made from the membership of the Madison Police department. No person shall be eligible for promotion to Police Chief unless he or she shall have served as a full-time police officer in the Borough of Madison Police Department for a period of ten (10) years or more. Promotions to the rank of Police Chief shall be open to members of the next lowest rank who have

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served at least two (2) years in said rank, unless the Mayor and Council, in the best interest of the department, chooses to test a wider pool of candidates, in which case they may open testing to the next lower rank and/or reduce the length of time requirement in rank.

B. The Borough Administrator shall announce the promotional process to members of the department at least thirty (30) days before any written examination is to be given. The announcement shall be posted in common areas of the department accessible to all members. The announcement shall contain, at a minimum, the rank to be filled, the dates of the exams, source materials or reading lists from which exam questions will be taken or topics from which questions will be formulated. Candidates, who qualify, shall notify the Borough Administrator of his or her interest in taking the examination by submitting a letter of interest no later than ten (10) calendar days after the promotion announcement. Failure to do so shall render the officer ineligible to participate in the process.

C. Promotional Testing Procedure:

The promotional testing procedure for the Borough of Madison Police Department may consist of the following: a written examination, an oral examination, a psychological examination, a record review and an interview with the Mayor and Council. The Mayor and Council reserve the right to waive the written examination and/or oral examination by the outside entity and shall so notify any applicant when the initial announcement for the promotional process is posted.

1. Written Examinations*: The written examination shall be supplied by a professional testing company, professional law enforcement organization (e.g. State Chiefs of Police Association, International Chiefs of Police Association, etc.) To proceed to the oral examination of the examination procedure, a candidate must achieve a minimum score of seventy (70%) percent on the written examination.

2. Oral Examinations*: Candidates will be notified, in writing, of their successful or unsuccessful completion of the written portion of the exam by the Borough Administrator or his designee. The oral examination shall take place after the receipt of the written examination results. A standardized interview will be conducted by an outside agency (e.g. Chiefs of Police Association, International Chiefs of Police Association, etc.) by a Board of three (3) examiners, at least one of which shall be a Personnel Evaluator from the outside testing agency. None of the evaluators shall be an officer, employee, resident or relative thereof, of the Borough of Madison. To proceed to the record review and interview portion of the promotional process, a candidate must achieve a minimum score of seventy (70%) percent.

* The testing organization shall assign each candidate an identification number, which shall be the only identification used when the written and oral examination is graded. The identification numbers of all candidates for promotion shall be posted on a pass/fail basis only. A complete master list of the actual results of the written and oral examination shall be placed under seal and retained in the

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office of the Borough Administrator and shall not be revealed to the Mayor and Council until after the interview and record review of the applicants are complete.

3. Satisfactory psychological examination and certification by a Borough selected physician stating that the candidate is able to perform the essential functions of the Police Chief title. Candidates shall not move forward in the promotional process without the completion of a satisfactory psychological examination.

4. Record Review and Interview by the Mayor and Council

Candidates that successfully achieve a minimum score of seventy percent (70%) on the written examination and a minimum score of seventy (70%) percent on the oral examination and received a satisfactory psychological examination shall proceed to the next step in the promotional process, the review of service record and interview. The interview shall be conducted by the Mayor and Council. The record review shall be conducted by the Borough Administrator and the Assistant Borough Administrator.

(a). The interview with the Mayor and Council shall focus on, but not be limited to, leadership and management skills, knowledge of the Borough of Madison’s form of government, knowledge of the Police Department Ordinance, familiarity with the municipal budget process, the police department budget in particular, manpower allocations, Attorney General Guidelines and knowledge of N.J.S.A. 40A:14-118. The Mayor and Council shall grade each candidate on a thirty-five (35) point scale and shall ask each candidate the identical questions and the Borough Clerk will keep written records of each candidate’s responses to same.

(b). The Borough Administrator and Assistant Borough Administrator shall examine the personnel jacket of each candidate and give specific weight to each category and grade each candidate on a twenty (20) point scale. The weight of each category of the record review shall be the maximum of the following points in each of the enumerated categories as follows:

Specialized Training (e.g. FBI Academy) 0 to 3 points

Each completed course +1 point to a total of 3 points.

Performance Evaluations 0 to 8 points

All previous performance evaluations shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

Commendations 0 to 3 points

+1 point for each commendation up to maximum of 3 points.

Education

Candidate only gets the point(s) associated with the highest educational degree attained and not the point(s) for each separate education degree.

Associate’s Degree 1 point

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Bachelor’s Degree	2 points
Master’s Degree	3 points
PhD (JD) Degree	4 points

Military Experience

Active Duty or Reserve Duty-Candidate only gets the highest of the following point(s).

- Rank of Sergeant or lower 1 point
- Any rank above Sergeant 2 points

Disciplinary Actions

Each major sustained discipline (more than 5 day) -2 points. Each minor sustained discipline (5 day suspension or less including written reprimands) -1 point. All previous sustained disciplinary actions shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

5. The weight or percentage of each portion of the process shall be as follows:

Written examination	25%
Oral examination	20%
Record Review	20%
Mayor and Council Interview	35%

E. The candidate with the highest overall score shall be voted on by the Mayor and Council as the Police Chief.

F. Where two (2) or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-129, or a resident over a non-resident pursuant to N.J.S.A. 40A:14-122.6. Seniority shall prevail over residency in the case of candidates that are ranked equally.

§34-2(E) Promotion to Rank of Lieutenant

A. The Borough of Madison Governing Body desires to promote the most qualified candidate to the position of Lieutenant. This ordinance establishes the eligibility requirements and the process for promotion to Lieutenant. The promotion process shall be on the basis of merit, experience, education, demonstrated ability, competitive examinations and competitive written submissions. In accordance with N.J.S.A. 40A:14-129, the promotion of any officer shall be made from the membership of the Madison Police department. No person shall be eligible for promotion to Lieutenant unless he or she shall have served as a full-time police

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officer in the Borough of Madison Police Department for a period of ten (10) years or more. Promotions to the rank of Lieutenant shall be open to members of the next lowest rank who have served at least two (2) years in said rank, unless the Mayor and Council, in the best interest of the department, chooses to test a wider pool of candidates, in which case they may open testing to the next lower rank and/or reduce the length of time requirement in rank.

B. The Police Chief shall announce the promotional process to members of the department at least thirty (30) days before the written examination is to be given. The announcement shall be posted in common areas of the department accessible to all members. The announcement shall contain, at a minimum, the rank to be filled, the dates of the exams, source materials or reading lists from which exam questions will be taken or topics from which questions will be formulated. Candidates, who qualify, shall notify the Police Chief of his or her interest in taking the examination by submitting a letter of interest no later than ten (10) calendar days after the promotion announcement. Failure to do so shall render the officer ineligible to participate in the process.

C. Promotion Testing Procedure:

The promotion testing procedure for the Borough of Madison Police Department shall consist of the following: a written examination, an oral examination, a psychological examination, a record review and interview with the Mayor and Council and the Police Chief.

1. Written Examinations*: The written examination shall be supplied by a professional testing company, professional law enforcement organization (e.g. State Chiefs of Police Association, International Chiefs of Police Association, etc.) To proceed to the oral examination of the examination procedure, a candidate must achieve a minimum score of seventy (70%) percent on the written examination.

2. Oral Examinations*: Candidates will be notified, in writing, of their successful or unsuccessful completion of the written portion of the exam by the Police Chief or his designee. The oral examination shall take place after the receipt of the written examination results. A standardized interview will be conducted by an outside agency (e.g. Chiefs of Police Association, International Chiefs of Police Association, etc.) by a Board of three (3) examiners, at least one of which shall be a Personnel Evaluator from the outside testing agency. None of the evaluators shall be an officer, employee, resident or relative thereof, of the Borough of Madison. To proceed to the record review and interview portion of the promotional process, a candidate must achieve a minimum score of seventy (70%) percent.

*The testing organization shall assign each candidate an identification number, which shall be the only identification used when the written and oral examination is graded. The identification numbers of all candidates for promotion shall be posted on a pass/fail basis only. A complete master list of the actual results of the written and oral examination shall be placed under seal and retained in the office of the Police Chief and shall not be revealed to the Mayor and Council until after the interview and record review of the applicants are complete.

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3. Satisfactory psychological examination and certification by a Borough selected physician stating that the candidate is able to perform the essential functions of the Lieutenant title. Candidates shall not move forward in the promotional process without the completion of a satisfactory psychological examination.

4. Record Review and Interview by the Mayor and Council and Police Chief

Candidates that successfully achieve a minimum score of seventy percent (70%) on the written examination and a minimum score of seventy (70%) percent on the oral examination and received a satisfactory psychological examination shall proceed to the next step in the promotional process, the review of service record and interview. The interview shall be conducted by the Mayor and Council and the Police Chief. The record review shall be conducted by the Borough Administrator, Assistant Borough Administrator and the Police Chief.

(a). The interview with the Mayor and Council and Police Chief shall focus on, but not be limited to, leadership and management skills, knowledge of the Borough of Madison's form of government, knowledge of the Police Department Ordinance, familiarity with the municipal budget process, the police department budget in particular, manpower allocations, Attorney General Guidelines and knowledge of N.J.S.A. 40A:14-118. The Mayor and Council and Police Chief shall grade each candidate on a thirty-five (35) point scale and shall ask each candidate the identical questions and the Borough Clerk will keep written records of each candidate's responses to same.

(b). The Borough Administrator, Assistant Borough Administrator and Police Chief shall examine the personnel jacket of each candidate and give specific weight to each category and grade each candidate on a twenty (20) point scale. The weight of each category of the record review shall be the maximum of the following points in each of the enumerated categories as follows:

Specialized Training (e.g. FBI Academy) 0 to 3 points

Each completed course +1 point to a total of 3 points.

Performance Evaluations 0 to 8 points

All previous performance evaluations shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

Commendations 0 to 3 points

+1 point for each commendation up to maximum of 3 points.

Education

Candidate only gets the point(s) associated with the highest educational degree attained and not the point(s) for each separate education degree.

Associate's Degree	1 point
Bachelor's Degree	2 points

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Master’s Degree	3 points
PhD (JD) Degree	4 points

Military Experience

Active Duty or Reserve Duty-Candidate only gets the highest of the following point(s).

Rank of Sergeant or lower	1 point
Any rank above Sergeant	2 points

Disciplinary Actions

Each major sustained discipline (more than 5 day) -2 points. Each minor sustained discipline (5 day suspension or less including written reprimands) -1 point. All previous sustained disciplinary actions shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

5. The weight or percentage of each portion of the process shall be as follows:

Written examination	25%
Oral examination	20%
Record Review	20%
Mayor, Council and Chief Interview	35%

E. The candidate with the highest overall score shall be voted on by the Mayor and Council as the Lieutenant.

F. Where two (2) or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-129, or a resident over a non-resident pursuant to N.J.S.A. 40A:14-122.6. Seniority shall prevail over residency in the case of candidates that are ranked equally.

§34-2(F) Promotion to Rank of Sergeant

A. The Borough of Madison Governing Body desires to promote the most qualified candidate to the position of Sergeant. This ordinance establishes the eligibility requirements and the process for promotion to Sergeant. The promotion process shall be on the basis of merit, experience, education, demonstrated ability, competitive examinations and competitive written submissions. In accordance with N.J.S.A. 40A:14-129, promotion of any officer shall be made from the membership of the Madison Police department. No person shall be eligible for promotion to Sergeant unless he or she shall have served as a full-time police officer in the Borough of Madison Police Department for a period of five (5) years or more.

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B. The Police Chief shall announce the promotional process to members of the department at least thirty (30) days before the written examination is to be given. The announcement shall be posted in common areas of the department accessible to all members. The announcement shall contain, at a minimum, the rank to be filled, the dates of the exams, source materials or reading lists from which exam questions will be taken or topics from which questions will be formulated. Candidates, who qualify, shall notify the Police Chief of his or her interest in taking the examination by submitting a letter of interest no later than ten (10) calendar days after the promotion announcement. Failure to do so shall render the officer ineligible to participate in the process.

C. Promotion Testing Procedure:

The promotion testing procedure for the Borough of Madison Police Department shall consist of the following: a written examination, an oral examination, a psychological examination, a record review and interview with the Mayor and Council and Police Chief.

1. Written Examinations*: The written examination shall be supplied by a professional testing company, professional law enforcement organization (e.g. State Chiefs of Police Association, International Chiefs of Police Association, etc.) To proceed to the oral examination of the examination procedure, a candidate must achieve a minimum score of seventy (70%) percent on the written examination.

2. Oral Examinations*: Candidates will be notified, in writing, of their successful or unsuccessful completion of the written portion of the exam by the Borough Administrator or his designee. The oral examination shall take place after the receipt of the written examination results. A standardized interview will be conducted by an outside agency (e.g. Chiefs of Police Association, International Chiefs of Police Association, etc.) by a Board of three (3) examiners, at least one of which shall be a Personnel Evaluator from the outside testing agency. None of the evaluators shall be an officer, employee, resident or relative thereof, of the Borough of Madison. To proceed to the record review and interview portion of the promotional process, a candidate must achieve a minimum score of seventy (70%) percent.

* The testing organization shall assign each candidate an identification number, which shall be the only identification used when the written and oral examination is graded. The identification numbers of all candidates for promotion shall be posted on a pass/fail basis only. A complete master list of the actual results of the written and oral examination shall be placed under seal and retained in the office of the Borough Administrator and shall not be revealed to the Mayor and Council until after the interview and record review of the applicants are complete.

3. Satisfactory psychological examination and certification by a Borough selected physician stating that the candidate is able to perform the essential functions of the Sergeant title. Candidates shall not move forward in the promotional process without the completion of a satisfactory psychological examination.

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4. Record Review and Interview by the Mayor and Council and the Police Chief

Candidates that successfully achieve a minimum score of seventy percent (70%) on the written examination and a minimum score of seventy (70%) percent on the oral examination and received a satisfactory psychological examination shall proceed to the next step in the promotional process, the review of service record and interview. The interview shall be conducted by the Mayor and Council and Police Chief. The record review shall be conducted by the Borough Administrator, the Assistant Borough Administrator and the Police Chief.

(a). The interview with the Mayor and Council and the Police Chief shall focus on, but not be limited to, leadership and management skills, knowledge of the Borough of Madison’s form of government, knowledge of the Police Department Ordinance, familiarity with the municipal budget process, the police department budget in particular, manpower allocations, Attorney General Guidelines and knowledge of N.J.S.A. 40A:14-118. The Mayor and Council and Police Chief shall grade each candidate on a thirty-five (35) point scale and shall ask each candidate the identical questions and the Borough Clerk will keep written records of each candidate’s responses to same.

(b). The Borough Administrator, Assistant Borough Administrator and Police Chief shall examine the personnel jacket of each candidate and give specific weight to each category and grade each candidate on a twenty (20) point scale. The weight of each category of the record review shall be the maximum of the following points in each of the enumerated categories as follows:

Specialized Training (e.g. FBI Academy) 0 to 3 points
Each completed course +1 point to a total of 3 points.

Performance Evaluations 0 to 8 points
All previous performance evaluations shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

Commendations 0 to 3 points
+1 point for each commendation up to maximum of 3 points.

Education
Candidate only gets the point(s) associated with the highest educational degree attained and not the point(s) for each separate education degree.

Associate’s Degree	1 point
Bachelor’s Degree	2 points
Master’s Degree	3 points
PhD (JD) Degree	4 points

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Military Experience

Active Duty or Reserve Duty-Candidate only gets the highest of the following point(s).

- Rank of Sergeant or lower 1 point
- Any rank above Sergeant 2 points

Disciplinary Actions

Each major sustained discipline (more than 5 day) -2 points.
Each minor sustained discipline (5 day suspension or less including written reprimands) -1 point. All previous sustained disciplinary actions shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

5. The weight or percentage of each portion of the process shall be as follows:

Written examination	25%
Oral examination	20%
Record Review	20%
Mayor, Council and Chief Interview	35%

E. The candidate with the highest overall score shall be voted on by the Mayor and Council as the Sergeant.

F. Where two (2) or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-129, or a resident over a non-resident pursuant to N.J.S.A. 40A:14-122.6. Seniority shall prevail over residency in the case of candidates that are ranked equally.

2) Chapter 34 of the Code of the Borough of Madison entitled “Police Department” is hereby amended to create a new Section 34-2(G), entitled “Acting Designation, No Office or Position Created” which shall provide as follows:

§34-2(G) Acting Designation; No Office or Position Created

A. The Mayor and Council of the Borough of Madison have the discretion and authority to assign the functions and duties of superior officer ranks, once the Mayor and Council of the Borough of Madison have certified by resolution that the position of any superior officer rank(s) is vacant and until a superior officer rank(s) is promoted. The Mayor and Council may designate an officer who is qualified to perform the functions and duties of any superior officer rank in an acting capacity.

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B. It is explicitly understood that no office or position of any kind is created by the assignment of functions and duties of a higher rank to an officer of a lower rank on an acting basis. Such designation shall also not be considered an appointment to a position, nor constitute a promotion. Such designation shall not entitle the officer to any additional compensation or other emoluments of office unless specifically provided for in a collective bargaining agreement or Borough of Madison Personnel Policies and Procedures Handbook. The officer fulfilling such assignment is not and is not intended to constitute the holding of a defacto office or position within the meaning of N.J.S.A. 40A:9-6 or any other law. The officer designated in an acting capacity shall continue to fulfill the assignment at the pleasure of the Mayor and Council.

3) Chapter 34 of the Code of the Borough of Madison, entitled “Police Department,” is hereby amended to create a new Section 34-2(H), which shall provide as follows:

§34-2(H) PROCEDURE FOR HIRING NEW POLICE OFFICERS:

I. FIRST PHASE

A. When a vacancy exists, the Chief of Police shall forward a request to the Madison Borough Council to hire a Police Officer. The Chief, after receiving approval to hire a new officer, shall fill the vacancy as follows:

1. Accept applications from trained officers with New Jersey Police Training Commission Certificates.

(a). Sworn officers from other agencies.

(b). Alternate route officer from police academies.

2. Accept applications from any individual interested in serving as a Police Officer.

3. Advertise in the local newspaper.

(a). The advertisement shall be for a two-week period.

(b). The advertisement will indicate the filing deadline.

B. All applications shall be given out and collected at police headquarters.

C. When a candidate is given an application, the time, date and location of the written test will be attached.

D. When the desk officer provides a candidate with an application, he/she shall complete the information on the applicant list form.

E. When the application is returned, the desk officer on duty shall:

1. Place a check in front of the applicant’s name on the applicant list.

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2. Collect the application and attach a \$10.00 money order or a certified check that is made payable to the New Jersey State Association of Chiefs of Police.

3. Give the applicant a numbered test booklet after recording the booklet number next to the applicant's name.

4. The desk officer shall place the application, with the money order or certified check attached, in the Chief's office box.

F. When the applications are received by the Chief's secretary, he/she shall check to ensure that the appropriate fee has been rendered and attached to the application form.

1. He/she shall stamp the date that the application was received.

2. All original applications are to be forwarded to the Chief's office.

3. The Chief's secretary shall forward the checks or money orders to the appropriate Chief's Association.

G. The Chief, or his designee, shall arrange for the testing locations for the written, physical and oral testing phases.

1. The Chief, or his designee, will be responsible for making all the proper notifications to the applicants.

2. Applications will not be rejected because of omissions or deficiencies that can be corrected prior to the testing or interview process.

H. Eligibility

1. Must be a citizen of the United States.

2. Must possess a high school diploma, or equivalency.

3. Must be of good moral character.

4. Must be at least eighteen (18) years old.

5. Must not have been convicted of a crime.

6. Must possess a valid New Jersey driver's license.

II. SECOND PHASE – WRITTEN EXAMINATION

A. Applicants shall submit to a written examination.

1. In order for an applicant to move on to Phase III, the applicant must attain a minimum score of 70% on the written examination.

B. The written examination shall be administered by the New Jersey State Association of Chiefs of Police.

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C. The applicant must be present at the testing location on the date and time specified. If the applicant does not report to the testing location as specified, he shall be ineligible for further consideration for the current vacancy.

1. The applicant may apply their written test score and be eligible when another vacancy exists within the appropriate time frame.

D. Written test scores shall be submitted to the Captain and forwarded to the Chief of Police for review.

E. All applicants that do not qualify to participate in the next phase shall be notified in writing, their written test score shall be included.

F. If an applicant has taken the New Jersey Chief of Police examination for another agency, he/she may apply his/her test score and be exempt from taking the test again. His test score must be current.

1. For the purpose of this section, current shall mean that the applicant would have had to have taken the written examination within one (1) year, prior to the posted test date for the position of Patrolman with Madison Borough.

G. Applicants possessing a valid New Jersey Police Training Commission Certificate will be subject to the departmental interview process and not required to take a written examination.

III. DEPARTMENT ORAL INTERVIEW PHASE

A. The department interview shall be directed by the Chief of Police and/or an officer designated by the Chief of Police.

B. The Chief of Police shall appoint a department Oral Board committee. The Oral Board committee shall evaluate and rank the candidates. The committee shall consist of no more than seven individuals including personnel representing different ranks within the organization as well as the Administrator and Assistant Administrator or their designees.

C. The Candidates will then be ranked and selected for the Background Investigation Phase.

IV. BACKGROUND INVESTIGATION

A. When the candidate has successfully passed Phases I, II, and III of this ordinance, a background investigation is to be initiated.

B. The Background Policy and Procedure, contained in the Department Rules and Regulations, is to be followed.

C. The completed background investigation shall be evaluated by the Chief of Police and the Investigative Division Commander.

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V. PSYCHOLOGICAL EVALUATION

A. The applicant shall be notified of the evaluation at least three (3) days in advance.

1. The applicant will be notified of the following:

- (a). Time
- (b). Location
- (c). Name of Consultation Team
- (d). Date

B. The psychological evaluation is designed to provide the department with dimensional information about a candidate that will assist in the selection process.

C. The Chief of Police shall interpret the psychological evaluation report.

D. If a candidate does not successfully pass the psychological examination, he/she is disqualified from the selection process.

E. All medical records are to be treated as confidential with access limited in accordance with the ADA requirements; the medical records should be kept in a separate file.

VI. MEDICAL EXAMINATION

A. The Madison Borough Police Department shall pay for the applicant to be examined.

1. The Chief of Police shall designate the physician and arrange for the appointment.

B. The physician shall be provided with the department Medical Examination Form and instructed to complete the appropriate sections.

C. Blood and urine analysis is to be conducted for every applicant examined.

1. A screen for drugs in the applicant's system is to be conducted.

D. The completed medical form is to be picked up from the physician by the officer assigned and reviewed by the Chief of Police.

E. If a candidate's medical examination reflects that the applicant has traces of a controlled dangerous substance in their system, he/she are to be disqualified from the selection process.

F. Any other medical problem, other than traces of controlled dangerous substances in the applicant's system, are to be thoroughly reviewed by the physician and a determination made as to the applicant's fitness for police work.

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VII. SUCCESSFUL CANDIDATE(S)

A. The successful candidate or candidates, if more than one position, will be presented to the Mayor and Council for final approval and appointment. The initial year of employment is a one-year probationary period during which time the candidate may be removed for any cause, and without notice. Termination during the probationary period is not grievable.

VIII. EXEMPTIONS

A. A candidate for employment may be exempted from the selection process as set forth in Articles I through IV, herein above, if such a candidate has previously been certified by the New Jersey Police Training Commission as a law enforcement officer; and if that candidate is currently employed as a law enforcement officer with a bona fide law enforcement agency. Any such candidate will still be subject to the eligibility requirements set forth in Article I, therein above.

B. A candidate for employment may only be granted exemption status by action of the Governing body upon the advice and recommendation of the Chief of Police. The Chief of Police shall recruit and interview qualified candidates and may reject any or all candidates prior to submission to the Governing Body.

C. Such candidate shall still be subject to the requirements of Article III, Department Oral Interview Phase, Article IV, Background Investigation, Article V, Psychological Evaluation, and Article VI, Medical Examination, as set forth herein above.

D. Once the Police Chief interview, the psychological testing and medical examination have been completed, the Chief shall present the candidate to the Governing Body for its consideration. The Governing Body may, in its discretion either accept or reject any candidate recommended by the Chief of Police.

E. The Chief of Police may not interview any candidates under this Section until he has first received formal authorization from the Governing Body. When granting formal authorization to commence this process, the Governing Body shall set the salary range and benefits for any candidate to be hired under this Section.

IX. SUMMARY

A. All applicants shall be notified of the test date, time and place at least five (5) days prior to the test.

B. All applicants that are rejected at any phase of this testing process shall be notified in writing by the Chief of Police within fifteen (15) days after the testing date.

C. All testing results will remain confidential and will not be released to any person or agency unless specifically authorized by the individual applicant.

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4) **SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

5) **REPEALER**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

6) **EFFECTIVE DATE**

This Ordinance shall take effect after final passage as provided by law and shall be applied for any promotion to Police Chief, Lieutenant and Sergeant after October 1, 2013. Any promotion to Police Chief, Lieutenant and Sergeant prior to that date will be made from the current list of eligible candidates.

Ms. Baillie moved that Ordinance 27-2013, 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. Landrigan, Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz
Nays: None
Absent: Mr. Catalanello

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. Mrs. Tsukamoto abstained from voting on Resolution R 192-2013. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

R 188-2013 RESOLUTION AUTHORIZING THE BOROUGH OF MADISON TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, C.72

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WHEREAS, the Morris County Board of Taxation is unable to certify Madison's tax rate at this time and the Borough of Madison Tax Collector will be unable to mail the Borough's 2013 tax bills on a timely basis;

WHEREAS, the Borough of Madison Tax Collector in consultation with the Borough of Madison Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have both signed a certification showing the tax levies for the previous year, the 2013 estimated tax rates and the range of permitted estimated tax levies;

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY on this 10th day of June, 2013 as follows:

1. The Borough of Madison Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough of Madison for the third installment of 2013 taxes.
2. The entire estimated tax levy for 2013 is hereby set at \$59,287,689.
3. In accordance with law the third installment of 2013 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

R 189-2013 RESOLUTION OF THE BOROUGH OF MADISON RENEWING LIQUOR LICENSES IN THE BOROUGH OF MADISON FOR THE 2013-2014 LICENSE TERM

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following applications for renewal of Liquor Licenses for the 2013 - 2014 license term be, and hereby are, approved:

CLUB LICENSES - FEE: \$180.00; July 1, 2013 through June 30, 2014

License # 1417-31-019-001
Center Pub Assoc of Drew Univ Drew University
Center Pub Assoc of Drew Univ
36 Madison Avenue
Madison, NJ 07940

License #1417-31-020-001
Club License
Madison Lodge BPO Elks #1465
192 Main Street
Madison, NJ 07940

License #1417-31-022-001
North Stars Athletic Club
95 North Street
Madison, NJ 07940

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CONSUMPTION LICENSES – FEE \$2,386.00; July 1, 2013 through June 30, 2014

License #1417-33-005-003
The Cambridge Shanghai Company LLC
Shanghai Jazz Restaurant and Bar
24 Main Street
Madison, NJ 07940

License #1417-33-010-005
L'Allegria Restaurant Corp
9-11 Prospect Street
Madison, NJ 07940

License # 1417-33-015-004
Prospect Tavern Beef & Ale Limited Liability Company
14 Prospect Street
Madison, NJ 07940

License #1417-33-017-005
Sals Pub Inc.
Rocco's Restaurant
30 Cook Plaza
Madison, NJ 07940

License #1417-33-024-008
Plaza Lanes Inc.
53 Madison Plaza
Madison, NJ 07940

DISTRIBUTION LICENSES - FEE: \$1,798.00; July 1, 2013 through June 30, 2014

License # 1417-44-004-010
Trid Corp
Madison Wine Cellars
29 Main Street
Madison, NJ 07940

License #1417-44-006-005
ANV Madison LLC
300 Main Street Unit 7A
Madison, NJ 07940

License #1417-44-009-007
Shah Traders Inc.
Madison Liquor & Convenience
6 Elm Street
Madison, NJ 07940

License #1417-44-013-010
Jelma Inc.
Gary's Wine & Marketplace
121 Main Street
Madison, NJ 07940

License # 1417-44-007-003
VNB Wine and Spirit
Rose City Liquors
84 Main Street
Madison, NJ 07940

License # 1417-44-016-005 (inactive)
Sagar Beverage, LLC
28 Phillip Drive
Parsippany, NJ 07054

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License # 1417-44-001-008 (inactive)
Whole Food Markets Group, Inc
t/a Whole Foods Market
550 Bowie Street
Austin, TX 78703

R 190-2013 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING STIPEND TO CONFIDENTIAL EMPLOYEES EXCLUDED FROM UNION PARTICIPATION

WHEREAS, the Borough Administrator has recommended approving a \$1,000.00 stipend to five confidential employees excluded from union participation to maintain parity with the union employees; and

WHEREAS, the Borough Council has determined to approve a \$1,000 stipend to the non-union confidential employees, effective July 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, that the Borough Council ratifies and authorizes payment of a \$1,000.00 stipend to Theresa Devecchi, Patricia Macaluso, Connie Phillips, Kristy Manion, Linda Sawyer effective July 1, 2013.

R 191-2013 RESOLUTION OF THE BOROUGH OF MADISON GRANTING TURN THE TOWNS TEAL, INC. PERMISSION TO TIE RIBBONS AROUND TREES ON THE MAIN STREETS OF MADISON FROM SEPTEMBER 1, 2013 THROUGH SEPTEMBER 30, 2013 IN SUPPORT OF THEIR TURN THE TOWNS TEAL CAMPAIGN TO FIGHT OVARIAN CANCER

WHEREAS, Turn the Towns Teal, Inc. has requested permission for ribbons to be tied on Borough street trees on the main streets of the Borough from September 1, 2013 to September 30, 2013 in support of their “Turn the Towns Teal Campaign” to fight ovarian cancer; and

WHEREAS, the Borough Council has determined to grant this request with the understanding that the ribbons be removed after September 30, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the request for ribbons to be tied on Borough street trees from September 1, 2013 to September 30, 2013 in support of the Turn the Towns Teal, Inc. “Turn the Towns Teal Campaign” to fight ovarian cancer is hereby approved.

BE IT FURTHER RESOLVED that the Kaleidoscope of Hope Foundation will arrange for removal of the ribbons no later than October 3, 2013.

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R 192-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACT EXTENSION FOR ELECTRIC SERVICES TO JAMES A. BURKE CONTRACTORS, INC. OF HACKETTSTOWN, NJ

WHEREAS, a contract for electrical services was awarded by Resolution 159-2012 to James A. Burke Electrical Contractors, Inc., of Hackettstown, N. J., as a result of public bidding, which contract expires on June 14, 2013; and

WHEREAS, the bid specifications allowed for a one-year extension of the contract at the request of the Borough; and

WHEREAS, the temporary Purchasing Agent has recommended that the Borough award a one-year contract for electric services to James A. Burke Electrical Contractors, Inc., commencing on June 15, 2013 through June 14, 2014, at the hourly rate of \$68.50 per hour for regular time, \$125.00 per hour for overtime and \$125.00 per hour for weekends and holidays; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$68.50 per hour for regular time, \$125.00 per hour for overtime and \$125.00 per hour for weekends and holidays.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris in the State of New Jersey that a two-year contract extension is hereby authorized to be entered into with James A. Burke Electrical Contractors, Inc., of Hackettstown, New Jersey, commencing on June 15, 2013 through June 14, 2014, at the hourly rate of \$68.50 per hour for regular time, \$125.00 per hour for overtime and \$125.00 per hour for weekends and holidays and the Mayor is authorized to execute same and the Borough Clerk is authorized to attest to same, such extension of contract to be in a form approved by the Borough Attorney.

R 193-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE SECOND ANNUAL PEDIATRIC ANGEL NETWORK 5K/10K RUN ON SUNDAY, SEPTEMBER 15, 2013

WHEREAS, the Pediatric Angel Network has requested permission to hold a “5K/10K run” in Madison on Sunday, September 15, 2013; and

WHEREAS, the run will take place between 7 a.m. and 12 p.m., and begin and end on Giralda Farms property utilizing the road surrounding Giralda Farms; 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 the Pediatric Angel Network to hold a “5K/10K run” in Madison on Sunday, September 15, 2013

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as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department.

R 194-2013 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO OMEGA SERVICES MAINTENANCE CORP. OF NEPTUNE CITY, NEW JERSEY, FOR THE HDM BOILER REPLACEMENT PROJECT IN THE AMOUNT OF \$290,000.00

WHEREAS, the Borough of Madison publicly advertised for bids for the Hartley Dodge Memorial Boiler Replacement Project (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 on the Contract was submitted by Omega Service Maintenance Corp. of Neptune City, N.J. in the amount of \$290,000.00; and

WHEREAS, the Borough Engineer and Borough Attorney have recommended that the Contract should be awarded to Omega Service Maintenance Corp. in the amount of \$290,000.00; and

WHEREAS, the Borough Council has determined that this bid is fair and reasonable and that Omega Service Maintenance Corp. should be awarded the contract based on its bid in the amount of \$290,000.00; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$290,000.00 for this purpose which funds were appropriated by Ordinance 58-2008.

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 is hereby awarded to Omega Service Maintenance Corp. based upon its bid in the amount of \$290,000.00.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into a contract with Omega Service Maintenance Corp. in a form acceptable to the Borough Attorney.

R 195-2013 RESOLUTION OF THE MADISON BOROUGH COUNCIL AUTHORIZING EXECUTION OF A LEASE AGREEMENT WITH PLAYWRIGHTS THEATRE OF NEW JERSEY FOR A PORTION OF THE MADISON CIVIC CENTER BUILDING AT 28 WALNUT STREET IN MADISON

WHEREAS, the Borough of Madison owns the building located at 28 Walnut Street known as Block 1601, Lot 42 in the Borough of Madison and referred to as the "Civic Center"; and

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WHEREAS, Playwrights Theatre of New Jersey is a non-profit entity providing services to Madison residents; and

WHEREAS, the Borough Council is desirous of leasing space in the Civic Center to Playwrights Theatre of New Jersey; and

WHEREAS, the Lease would provide a lease of space in a portion of the front lower level of the Civic Center to Playwrights Theatre of New Jersey for an eighteen (18) month lease commencing July 1, 2013, for a nominal rent of one dollar (\$1.00) per year, on such further terms as have been discussed by the Council in Executive Session, and are reflected in the Lease Agreement and Exhibit A attached thereto; and

WHEREAS, the Lease may be made pursuant to N.J.S.A. 40A:12-15.

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 and Borough Clerk are hereby authorized to execute a Lease prepared and approved by the Borough Attorney on the terms set forth herein and on such other terms as discussed by the Borough Council in Executive Session, said Lease to commence on July 1, 2013.

R 196-2013 RESOLUTION OF THE MADISON BOROUGH COUNCIL
AUTHORIZING EXECUTION OF A LEASE AGREEMENT WITH THE ADULT
SCHOOL OF THE CHATHAMS, MADISON AND FLORHAM PARK FOR A
PORTION OF THE MADISON CIVIC CENTER BUILDING AT 28 WALNUT
STREET IN MADISON

WHEREAS, the Borough of Madison owns the building located at 28 Walnut Street known as Block 1601, Lot 42 in the Borough of Madison and referred to as the “Civic Center”; and

WHEREAS, The Adult School of the Chathams, Madison and Florham Park is a non-profit entity providing services to Madison residents; and

WHEREAS, the Borough Council is desirous of leasing space in the Civic Center to The Adult School of the Chathams, Madison and Florham Park; and

WHEREAS, the Lease would provide a lease of space in a portion of the second floor of the rear Civic Center Building to The Adult School of the Chathams; Madison and Florham Park for a one-year lease commencing July 1, 2013, for a nominal rent of one dollar (\$1.00) per year, on such further terms as have been discussed by the Council in Executive Session, and are reflected in the Lease Agreement and Exhibit A attached thereto; and

WHEREAS, the Lease may be made pursuant to N.J.S.A. 40A:12-15.

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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 Mayor and Borough Clerk are hereby authorized to execute a Lease prepared and approved by the Borough Attorney on the terms set forth herein and on such other terms as discussed by the Borough Council in Executive Session, said Lease to commence on July 1, 2013.

R 197-2013 RESOLUTION OF THE BOROUGH OF MADISON APPROVING SALARY INCREASE FOR PART-TIME STREET SWEEPER, VITO TERRANOVA

WHEREAS, Vito Terranova is employed as Street Sweeper, Part-Time in the Public Works Department of the Borough of Madison; and

WHEREAS, the Assistant Borough Administrator has recommended a merit increase to Vito Terranova; and

WHEREAS, the Assistant Borough Administrator has recommended increasing the salary of Vito Terranova to \$11.50 per hour, retroactive to January 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 salary of Vito Terranova shall be increased to \$11.50 per hour retroactive to January 1, 2013.
2. The governing body expresses its gratitude to Mr. Terranova for his diligent efforts on behalf of the Borough of Madison.

R 198-2013 RESOLUTION OF THE BOROUGH OF MADISON APPROVING SALARY INCREASE FOR PART TIME SUB-CODE OFFICIALS

WHEREAS, Anthony Lardieri and Robert Smith are employed as Sub-Code Officials, Part-Time in the Building Department of the Borough of Madison; and

WHEREAS, the Assistant Borough Administrator has recommended a merit increase to Anthony Lardieri and Robert Smith; and

WHEREAS, the Assistant Borough Administrator has recommended increasing the salary of the Sub-Code Officials by \$4,000.00 per year, effective immediately.

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 salary of Anthony Lardieri shall be increased to \$37,746 per year effective immediately.

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2. The salary of Robert Smith shall be increased to \$36,448 per year effective immediately.

3. The governing body expresses its gratitude to Mr. Lardieri and to Mr. Smith for their diligent efforts on behalf of the Borough of Madison.

R 199-2013 RESOLUTION OF THE BOROUGH OF MADISON APPROVING SALARY INCREASE FOR PART-TIME RECREATION DIRECTOR, ZACHARY ELLIS

WHEREAS, Zachary Ellis is employed as Recreation Director, Part-Time in the Recreation Department of the Borough of Madison; and

WHEREAS, the Assistant Borough Administrator has recommended a merit increase to Zachary Ellis; and

WHEREAS, the Assistant Borough Administrator has recommended increasing the salary of Zachary Ellis to \$22.40 per hour, retroactive to January 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 salary of Zachary Ellis shall be increased to \$22.40 per hour retroactive to January 1, 2013.

2. The governing body expresses its gratitude to Zachary Ellis for his diligent efforts on behalf of the Borough of Madison.

R 200-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING ADVERTISEMENT FOR OFFICE ASSISTANT I, PART-TIME

WHEREAS, the Borough Administrator has recommended that the Borough advertise for an Office Assistant I, Part-Time for the Finance Department; and

WHEREAS, funds for this purpose are contained in the 2013 Municipal budget; and

WHEREAS, the Council agrees with this recommendation.

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 Personnel Officer is authorized to advertise for an Office Assistant I, Part-Time for the Finance Department.

R 201-2013 RESOLUTION OF THE BOROUGH OF MADISON APPROVING JOB DESCRIPTION AMENDMENTS AND SALARY INCREASE FOR CONFIDENTIAL ASSISTANT TO THE CHIEF FINANCIAL OFFICER, LINDA SAWYER

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WHEREAS, Linda Sawyer is employed as Confidential Secretary to the Chief Financial Officer, in the Finance Department of the Borough of Madison; and

WHEREAS, additional duties related to purchasing have been added to the job description for the Confidential Secretary to the Chief Financial Officer; and

WHEREAS, the Assistant Borough Administrator has recommended increasing the salary of Linda Sawyer from \$59,080 to \$62,080 per year, effective immediately and upon attaining state certification as a Qualified Purchasing Agent an additional increase of \$5,000.00 per year.

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 salary of Linda Sawyer shall be increased from \$59,080 to \$62,080 per year effective immediately and upon attaining state certification as a Qualified Purchasing Agent an additional increase of \$5,000.00 per year.

2. The governing body expresses its gratitude to Mrs. Sawyer for her diligent efforts on behalf of the Borough of Madison.

R 202-2013 RESOLUTION OF THE BOROUGH OF MADISON SUPPORTING A BEST PRACTICES POLICY REGARDING SUSTAINABLE PRACTICES DOCUMENTS

WHEREAS, it is environmentally and economically desirable to utilize practices that reduce waste by increasing product efficiency and effectiveness, and

WHEREAS, it benefits the community to purchase products that minimize environmental impacts, toxics, pollution and hazards to worker and community safety to the greatest extent practicable, and

WHEREAS, the purchase of products that include recycled content, are durable and long lasting, conserve energy and water, use agricultural fibers and residues, reduce greenhouse gas emissions, use unbleached or chlorine free manufacturing process, are lead-free and mercury-free, and use wood from sustainable harvested forests (FSC) when and where possible, will serve to protect the environment and provide long term economic benefit;

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 of Madison support the adoption of a policy that serves to:

- Conserve natural resources,
- Minimize environmental impacts such as pollution and use of water and energy,
- Eliminate or reduce toxics that create hazards to workers and our community,
- Support strong recycling markets,
- Reduce materials that are routinely land filled or disposed of,
- Increase the use and availability of environmentally preferable products that protect the environment,

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- Identify environmentally preferable products & associated distribution systems,
- Purchase from manufacturers, & contract with vendors, that reduce environmental impacts in their production & distribution systems or services,
- Collect & maintain up-to-date information regarding manufacturers, vendors and other sources for locating/ordering environmentally preferable products,
- Create a model for successfully purchasing environmentally preferable products that encourages other purchasers in our community to adopt similar goals.

The Madison Purchasing Department and members of Sustainable Madison Advisory Committee, which shall be composed of representatives from various Borough departments, commissions/committees and residents shall research, evaluate, and implement the environmental purchasing objectives. The emphases will be on source reduction, recycled content products, energy and water savings, green buildings and LEED IM ratings, landscaping and hardscaping, toxics and pollution, forest conservation and bio-based products. The Borough administration and the Committee will evaluate the policy implementation on an annual basis.

The health & safety of workers & citizens is of the utmost importance and takes precedence over all other policies and practices.

Nothing contained in this policy shall be construed as requiring a department, purchaser or contractor to procure products that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time.

Nothing contained in this policy shall be construed as requiring the Borough of Madison, department, purchaser or contractor to take any action that conflicts with local, state or federal requirements.

Definitions:

“Bio-Based Products” means commercial or industrial products (other than food or feed) that utilize agricultural crops or residues but does not include products made from forestry materials.

“Chlorine Free” means products processed without chlorine or chlorine derivatives.

“Contractor” means any person, group of persons, business, consultant, designing architect, association, partnership, corporation, supplier, vendor or other entity that has a contract with the Borough of Madison or serves in a subcontracting capacity with the Borough of Madison or with an entity having a contract with the Borough of Madison for the provision of any goods or services.

“Forest Stewardship Council” (FSC) is a global organization that certifies responsible, on-the-ground forest management according to rigorous standards developed by a broad variety of stakeholder groups.

“LEED IM Rating System” means the most recent version of the Leadership in Energy and Environmental Design (LEED™) Commercial Green Building

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Rating System, or other related LEED IM Rating System, approved by the U.S. Green Building Council and designed for rating new and existing commercial, institutional, and high-rise residential buildings.

Practical” & “Practicable” mean whenever possible and compatible with local, state and federal law, without reducing safety, quality, or effectiveness and where the product or service is available at a reasonable cost in a reasonable period of time.

“Recycled Content” means the percentage of recovered material, including pre-consumer and postconsumer materials, in a product.

“Source Reduction” refers to products that result in a net reduction in the generation of waste compared to their previous or alternate version and includes durable, reusable and remanufactured products; products with no, or reduced, toxic constituents; and products marketed with no, or reduced packaging.

R 203-2013 RESOLUTION OF THE BOROUGH OF MADISON PERTAINING TO THE 2012 AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled: "General Comments and Recommendations"; and

WHEREAS, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: "General Comments and Recommendations" as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local

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Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit their office.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Madison, County of Morris, State of New Jersey, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

R 204-2013 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF KEVIN M. FRENCH TO THE SUMMER INTERN POSITION IN THE WATER AND ELECTRIC UTILITY EFFECTIVE JUNE 11, 2013

WHEREAS, the CFO/Personnel Officer has recommended the appointment of Kevin M. French to the position of Summer Intern in the Water and Electric Utility; and

WHEREAS, the Borough Council agrees with this recommendation.

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 appointment of Kevin M. French to the position of Summer Intern in the Water and Electric Utility effective June 11, 2013 at the rate of pay of \$9.00 per hour is hereby ratified.

R 205-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF A WATER DEPARTMENT VEHICLE UNDER MORRIS COUNTY COOPERATIVE PRICING COUNCIL

WHEREAS, the Borough of Madison desires to award a contract for the purchase of a Water Department 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

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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-C Item #10A; and

WHEREAS, the Superintendent of Public Works has recommended that the Borough Council utilize these contracts for purchase of a Water Department vehicle as follows; under contract 15-C, Item #10A, one utility vehicle for \$57,058.00; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$57,058.00 for this purpose, which funds were appropriated by Ordinance 13-2013.

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 Water Department vehicle, utility vehicle for \$57,058.00 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 Water Department vehicle at a total price not to exceed \$57,058.00, in a form acceptable to the Borough Attorney.

R 206-2013 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO DENNIS HARRINGTON OF MADISON, NJ FOR FIELD INSPECTIONS AND OVERSIGHT OF THE 2013 WATER MAIN REPLACEMENT PROJECT IN THE AMOUNT NOT TO EXCEED \$14,000.00

WHEREAS, the Borough Engineer has recommended that the Borough obtain professional services from Dennis Harrington, P.E., for field inspections and oversight of the 2013 Water Main Replacement project on Green Village Road and Ridgedale Avenue (hereinafter the "Contract"); and

WHEREAS, said services would constitute professional services for which a contract may be awarded without the need for competitive bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the Contract to Dennis Harrington, P.E. in an amount not to exceed \$14,000.00, for field inspections and oversight of the 2013 Water Main Replacement project; and

WHEREAS, Dennis Harrington, P.E., must submit to the Borough Purchasing Officer the required documents to satisfy the requirements of N.J.S.A. 19:44A-20.5, since this matter is being awarded without competitive bidding; and

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WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$14,000.00 for this purpose, which funds were appropriated by Ordinance 5-2013.

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 Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Dennis Harrington, P.E., for field inspections and oversight of the 2013 Water Main Replacement project in an amount not to exceed \$14,000.00.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough of Madison within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.

R 207-2013 RESOLUTION OF THE BOROUGH OF MADISON SUPPORTING A COMMUNITY VISION OF A GREEN MADISON

WHEREAS, visioning initiatives are the inspirational starting point for a comprehensive sustainability planning process and

WHEREAS, Sustainable Madison Advisory Committee, Madison Environmental Commission, Shade Tree Management Board, Open Space, Historic Preservation and Recreation Advisory Committee and Parks Advisory Committee surveyed the concerns of residents and others on “green” issues; and

WHEREAS, a Green Forum to envision a green Madison was held on January 24, 2013 with widespread participation from the community (Residents, Businesses and University), Mayor and Council, and Borough Administration.

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 of Madison supports and endorses the results statement of:

A Community Vision of a Green Madison

1. To see Madison’s green spaces well-maintained, accessible, safe, and open to many active, passive and planned uses
2. To see Madison promote and enact safe and accessible biking, walking and shared transportation.
3. To see Madison residents, businesses and Borough reduce their carbon footprint by saving energy and water and reducing waste and chemical use (on soil and in households) with education and initiatives.

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BE IT FURTHER RESOLVED, that the Borough Council supports the participatory development of a Sustainable Community Plan.

R 208-2013 RESOLUTION OF THE BOROUGH OF MADISON SUPPORTING THE ADOPTION OF AN ENVIRONMENTALLY-CONSCIOUS GROUNDS AND MAINTENANCE POLICY

WHEREAS, it is valuable to establish procedures, methods, and practices that benefit our natural lands and environment, the health of our workers and citizens, and minimize negative environmental impacts,

WHEREAS, practices that increase product and method efficiency and effectiveness reduce waste,

WHEREAS, it is beneficial to utilize products and methods that minimize environmental impacts, toxics, pollution, and hazards to worker and community safety to the fullest extent that is practical, and

WHEREAS, the use of methods and products that reduce waste or increase recyclability, are sustainable, conserve energy and water, reduce greenhouse gas emissions, use unbleached or chlorine-free manufacturing processes, reduce use of chemicals and are lead-free and mercury-free, when and where practicable, provides long-term benefits to the community.

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 of Madison support the adoption of a policy that encourages and increases the use of environmentally-preferable methods, products, and services in municipal grounds and building decisions, to promote practices that are beneficial to our lands, public and worker health and natural resource conservation.

The policy objectives are to:

- Conserve natural resources,
- Minimize environmental impacts such as pollution and use of water and energy,
- Eliminate or reduce toxins that create hazards to workers and the community,
- Support strong recycling markets,
- Reduce materials that are routinely landfilled,
- Increase the use and availability of environmentally-preferable products that protect the environment,
- Identify environmentally-preferable techniques, methods, and distribution systems,
- Create a model for sustainable buildings and grounds maintenance that encourages others in the community to adopt similar goals.

The Public Works Department and members of the Sustainable Madison Advisory Committee composed of representatives from various Borough departments and residents agree to research, evaluate, and implement the sustainable methods to grounds and buildings maintenance objectives. The Committee will focus its research, evaluation and implementation on the following areas: water- and energy-efficient products and processes, landscape and grounds management, renewable products, waste and pollution reduction, recycled content products, composting and the reduction of chemical and toxic substances and processes. The implementation shall be coordinated with other appropriate Borough personnel and evaluated by the team annually.

The health and safety of workers and citizens is of utmost importance and takes precedence over all other policies.

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To the fullest extent possible, the Borough has made significant investments in developing a successful recycling system and recognizes that recycled content products are essential to the continuing viability of that recycling system and for the foundation of an environmentally-sound production system. Therefore, wherever practicable, recycled content shall be included in products that also meet other specifications, such as chlorine-free or bio-based.

Nothing contained in this policy shall be construed as requiring a department or contractor to procure products that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time. Nor shall this policy be construed as requiring the Borough, department, purchaser or contractor to take any action that shall conflict with local, state, county or federal requirements.

Definitions:

“Bio-Based Products” means commercial or industrial products (other than food or feed) that utilize agricultural crops or residues but does not include products made from forestry materials.

“Chlorine Free” means products processed without chlorine or chlorine derivatives.

“Contractor” means any person, group of persons, business, consultant, designing architect, association, partnership, corporation, supplier, vendor or other entity that has a contract with the Borough of Madison or serves in a subcontracting capacity with the Borough of Madison or with an entity having a contract with the Borough of Madison for the provision of any goods or services.

“Energy Efficient Product” means a product that is in the upper twenty-five (25%) percent of energy efficiency for all similar products, or that is at least ten (10%) percent more efficient than the minimum level that meets Federal standards and guidelines.

“Practical” & “Practicable” mean whenever possible and compatible with local, state and federal law, without reducing safety, quality, or effectiveness and where the product or service is available at a reasonable cost in a reasonable period of time.

“Recycled Content” means the percentage of recovered material, including pre-consumer and postconsumer materials, in a product.

“Water-Efficient Products” are those that are in the upper twenty-five (25%) percent of water conservation for all similar products, or at least ten (10%) percent more water-conserving than the minimum level that meets the Federal standards.

R 209-2013 RESOLUTION OF THE BOROUGH OF MADISON SUPPORTING THE ADOPTION OF A RESOURCE-SAVING BEST PRACTICES POLICY

WHEREAS, it is valuable to establish workplace practices and procedures that benefit and support the environment, the health of our workers and citizens, and minimize negative environmental impacts; and

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WHEREAS, the attached list suggestions for Recourse Saving Best Practices will help encourage employees to adopt practices in order to reduce costs and support the environment.

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 of Madison support the adoption of a Resource Saving Policy that encourages and increases the use of environmentally-preferable methods and procedures, to promote practices that are beneficial to our lands, public and worker health and natural resource conservation.

R 210-2013 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING MARY A. VACCARELLO TO THE POSITION OF OFFICE ASSISTANT, PART-TIME IN THE BUILDING DEPARTMENT/TAX ASSESSOR OFFICE

WHEREAS, the Chief Financial Officer recommends the appointment of Mary A. Vaccarello, to the position of Office Assistant, Part-Time in the Building Department/Tax Assessor's Office, upon satisfactory completion of a background check; and

WHEREAS, the Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that Mary A. Vaccarello is hereby appointed to the position of Office Assistant, Part-Time In the Building Department/Tax Assessor's Office upon satisfactory completion of a background check, at an hourly rate of \$19.47 for 29 hours per week.

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	\$10,833.24
Health & Public Assistance	1,804.08
Public Works & Engineering	176,896.20
Community Affairs	410.00
Finance & Borough Clerk	3,222,098.95
Utilities	<u>27,510.71</u>
Total	<u>\$3,439,553.18</u>

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

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

Nays: None

Absent: Mr. Catalanello

NEW BUSINESS

Mayor Conley announced the following appointments and requests Council confirmation:

MADISON HOUSING AUTHORITY

Lois Bhatt, 117 Green Avenue, five-year term through August 10, 2018.

Madison Recreation Center Master Plan Development Committee

Maureen Byrne – Regular member, SUSTAINABLE MADISON 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. Landrigan, Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

Absent: Mr. Catalanello

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Elizabeth Osborne

Borough Clerk

Approved July 22, 2013 (EO)