

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

**October 16, 2013 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 16th day of October, 2013. Mayor Conley called the meeting to order at 7:00 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:

Robert G. Catalanello  
Robert Landrigan  
Carmela Vitale  
Astri J. Baillie  
Benjamin Wolkowitz  
Edward T. Rebholz

Also Present:

Raymond M. Codey, Borough Administrator  
James E. Burnet, Assistant Borough Administrator  
Patricia Macaluso for Elizabeth Osborne, Borough Clerk, excused  
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)

September 23, 2013

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

CONTRACT MATTERS (4)

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TEAMSTERS NEGOTIATIONS  
2013 REMOVAL & PROPER RECYCLING OF LEAVES  
27 BELLEAU AVENUE  
MADISON RECREATION CENTER PARKING LOT  
Date of public disclosure 60 days after conclusion, if disclosure required.

PERSONNEL MATTERS (3)  
REVISED SICK LEAVE POLICY  
ELECTRIC UTILITY  
CROSSING GUARDS  
Date of public disclosure 60 days after conclusion, if disclosure required.

Seconded: Mr. Catalanello  
Vote: Approved by voice vote

**RECONVENE IN COUNCIL CHAMBER**

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

**APPROVAL OF MINUTES**

Ms. Baillie moved approval of the **Executive Minutes of September 23, 2013**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Regular Meeting Minutes of September 23, 2013**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

**GREETINGS TO PUBLIC**

Mayor Conley made the following comments:  
Mayor Conley noted that today is the Special General Election for the US Senate. Mayor Conley welcomed Councilman Edward Rebholz who was appointed at the September 23rd meeting, and will serve on the Council for the remainder of this year filling the unexpired term of Councilmember Tsukamoto. Mr. Conley also announced that Mrs. Tsukamoto will be recognized for her service and presented with a proclamation at the November 25<sup>th</sup> meeting.

**Oath of Office Volunteer Firefighter Conor McGee – Oath Administered by Mayor Conley**

R 282-2013 RESOLUTION OF THE BOROUGH OF  
MADISON CONFIRMING MEMBERSHIP OF CONOR  
MCGEE IN THE MADISON HOOK & LADDER COMPANY #1

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**WHEREAS**, the Fire Chief has advised that Conor McGee was voted into the Madison Hook & Ladder Company #1 as a volunteer firefighter; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Conor McGee is hereby confirmed as a member of the Madison Hook & Ladder Company #1 effective immediately.

Ms. Baillie moved approval of the Resolution 282-2013. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Mayor Conley made the following announcements:

**EMPLOYEES OF THE MONTH FOR OCTOBER:**

Dave Artigliere, Joel Phillips and Tom Corbo of the Electric Utility for the work they performed troubleshooting the voltage tap-changer issues at the James Park Substation, removing the old equipment and rewiring the new digital equipment, without interruption of electrical service to Madison residents.

**ANNIVERSARIES:**

Michael Giordano of the Department of Public Works – 25<sup>th</sup> Anniversary on October 25<sup>th</sup>.

Carol Bradshaw of the Tax Collector's Office – 25<sup>th</sup> Anniversary on October 31<sup>st</sup>.

***REPORTS OF COMMITTEES***

**Health**

Mrs. Vitale of the Committee made the following comments:  
The Madison Health Department presented the Council with "Celebrate Life Early Detection" pins to commemorate October as breast cancer awareness month. The Health Department is sponsoring "Pink Fridays" for the month of October and has asked employees to wear pink on Fridays. On October 28 the Health Department is hosting a woman's health screening open to all women 18 and over who live and work in Madison. Flu shots are still available through the Health Department. Mrs. Vitale reminded all parents with preschool children between the ages of 6 and 59 months that they must have a flu shot by December in order for them to attend preschool and daycare. The annual free rabies clinic is scheduled for December 7<sup>th</sup> from 10:00 a.m. to 12:00 p.m. and licensing will also take place on the same day for all dogs and cats. This year the Health Department is offering extended hours on December 18 from 4:30 to 7:30 for dog and cat licensing, and more hours in

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January will be announce at a later date and posted on the Health Department website. The adult vaccine program is continuing, offering meningitis and hepatitis vaccines.

### **Public Works and Engineering**

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

Mr. Catalanello reported that leaf pick up begins on October 28 and ends on December 18. The preferred method is to bag leaves and place them at the curb which saves the borough money. Leaf bags are available in borough offices and at the Public Works garage. The second method is to bring your leaves to the Public Works garage on weekdays from October 28 through December 6 between the hours of 7:30 a.m. and 3:00 p.m. Mr. Catalanello stressed that commercial dumping is not allowed. The third way to dispose of leaves is to rake leaves to the curb. Roadside collection will begin on October 28 and end on December 6. Mr. Catalanello asked that leaves be placed in the street, not on the grass, making the process more efficient, especially when leaves are wet. Mr. Catalanello also reported that new grinding pumps were installed at the North Street Pump Station last week. Roadway reconstruction has begun on Green Avenue by Cifelli and Son General Contractors, noting that this project is on budget and on schedule. The sports field parking lot project at the former Bayley Ellard property is under way by Tilcon General Contractors. Mr. Catalanello noted that this project is on budget and ahead of schedule. The Hartley Dodge Memorial boiler replacement project is in progress, and temporary boilers were installed due to a delay in the project. The contractor expects to complete the project by the end of the month. The 2013 water main replacement project is nearing completion.

### **Community Affairs**

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

Mr. Landrigan announced that this Thursday, October 17<sup>th</sup>, is the last Farmer's Market for this year. Mr. Landrigan also announced that the Madison Chamber of Commerce is sponsoring a Halloween Hoopla on October 26<sup>th</sup> beginning at 12:15 p.m. Children and parents are invited to attend a costume parade followed by a magic show and trick-or-treating in the downtown business district. All participating stores will display an orange and black jack-o-lantern in their window. Madison Photo Plus has offered to take a free picture of each child in costume. Mr. Landrigan announced the Madison Arts and Cultural Alliance and the Downtown Development Commission are hosting an art auction at the Hartley Dodge Memorial on October 18 and invited residents to attend.

### **Public Safety**

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

During the month of September, two social workers from Project Community Pride attended a conference on Threat and Risk Assessment Management of Children and Young Adults – Connecting the Dots for Violence Prevention in School Settings and Communities. Ms. Baillie also reported that Project Community Pride is putting together a blog regarding mental health topics, as well as a presentation on prescription drug abuse for parents that will include a speaker from Quest Diagnostics and Madison Pharmacy. Ms. Baillie noted that since the start of the new new school year referrals have been coming in from both schools and the Police Department. Ms. Baillie reported that during the month of September the Madison Police Department responded to 2,645 calls for service, investigated 19 suspicious incidents, 12 suspicious motor vehicles, 13 suspicious persons and made 30 arrests. Ms. Baillie further reported that during the month of September the auxiliary police conducted 42 hours of training. Ms. Baillie thanked the police for

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their assistance with the Madison Farmer's Market and Bottle Hill Day. The Madison Volunteer Ambulance Corp and the Madison Police Department responded to 93 medical emergencies during the month of September. Ms. Baillie announced that the accreditation of the Madison Police department has begun. The Morris County Joint Insurance Fund is funding this project at no cost to the Borough. Once the program is complete, the Borough's insurance cost is expected to decrease by up to 8 percent annually. The Police Department will have updated policies and procedures and enhanced training for the officers. October is Fire Prevention month, and this year's theme is kitchen safety. Ms. Baillie noted that cooking is the top cause of fires in homes and fire related injuries in the United States, followed by heating equipment. Ms. Baillie reminded all residents not to park their cars on top of leaves which could cause a fire, and do not block or cover fire hydrants when placing leaves in the street. Ms. Baillie announced that the County Office of Emergency Management asked the Madison Auxiliary Corp to participate in a statewide drill at Newark airport this weekend. Lastly, Ms. Baillie offered her congratulations to Firefighter Sean Norek and his wife Amanda on the birth of their son, Owen Richard, born on September 30<sup>th</sup>.

### **Finance and Borough Clerk**

Mr. Wolkowitz, Chair of the Committee, made the following comments: Mr. Wolkowitz reported that Borough owned property at 27 Belleau Avenue was sold to the highest bidder at public auction on October 3, 2013 in the amount of \$462,000.00. Mr. Wolkowitz thanked Mr. Burnet for all his hard work on the project. Mr. Wolkowitz announced that the open enrollment period for borough employee's health insurance has begun, noting that employees are now contributing towards their health insurance representing a savings to the borough. Mr. Wolkowitz noted that he and Mr. Burnet will attend the Public Power Association of New Jersey meeting next week. They will be meeting with the City of Vineland noting Vineland manufactures and distributes electricity. Mr. Wolkowitz reported that the Borough's cash flow continues to be strong and thanked all employees for spending wisely. Lastly, Mr. Wolkowitz announced that the Madison Athletic Foundation, scheduled to make a presentation tonight on their quarterly report, is rescheduled for the November 13, 2013 Council meeting.

### **Utilities**

Mr. Rebholz, Chair of the Committee, made the following comments: Mr. Rebholz reported that the Electric Utility Department has been installing new poles and secondary and primary voltage cables on Hillcrest Road and Highview Terrace. The Electric Department completed new cable installation on Wayne Boulevard and Anthony Drive and completed new pole transfer on Garfield. The Electric Utility is also installing new primary and secondary voltage cables on Oxford Lane and Canterbury Road. The Water Department reports that the Ridgedale Avenue water main project is now complete noting that chlorination equipment will be installed next week, nitrate testing will take place this month and reports to the state will be completed. There will be an inspection of the water tank on Madison Avenue within the next week. Mr. Rebholz announced that the Water Department will begin flushing Main Street and Park Avenue fire hydrants this week. Mr. Rebholz commented that all wells are in good working order and water levels are satisfactory.

### **COMMUNICATIONS AND PETITIONS – None**

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**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.**

**Robert Ryan, Academy Road**, spoke on behalf of 20 families who live on Academy Road and asked the Council repave Academy Road and repair the sidewalks and curbing.

The following residents of Academy Road were present at the meeting and spoke regarding the condition of Academy Road.

**Stacy Russo**  
**Mary Beth Forte**  
**Kevin Kilgore**  
**Justin Smith**  
**Martin Zary**  
**Lauren Cantor**  
**Margaret Musielski**  
**Peggy Cerciello**  
**Elizabeth Ryan**

**Thomas Judd, Green Avenue, Chairman of the Board of Trustees, Museum of Early Trades and Crafts**, asked the Council to support and approve their request for funds from the Open Space, Recreation and Historic Preservation Trust Fund for the repair and remediation of the historic James Building, also known as the Museum of Early Trades and Crafts.

**Pat Rowe, Pine Avenue**, recommended that both the user fees and rental fees for the new sports field be used to lower the debt service and not for ongoing operation and maintenance of the fields as written in Ordinance 45-2013. Mr. Rowe also recommended that Council know the status of surplus and how it can be applied to electric utility rates before the 2014 budget process begins.

**Melissa Honohan, Pine Avenue**, Chairwoman of the Open Space Committee, asked the Council to strongly consider approving funds to repair the James Building.

**Maureen Byrne, Albright Circle**, thanked the residents for coming to the meeting tonight and suggested that the Council do a survey of the infrastructure and take care of issues in a timely fashion by utilizing surplus or other revenues.

**Sam Cerciello, Park Avenue**, recommended that Belgium block be used for curbing rather than concrete when doing roadwork.

**AGENDA DISCUSSIONS**

MADISON ATHLETIC FOUNDATION QUARTERLY REPORT  
**Rescheduled to November 12, 2013**

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**10/16/2013-1 PAVING OF THE MADISON RECREATION COMPLEX PARKING LOT**

After a presentation by Borough Engineer, Robert Vogel, there was agreement to list a resolution awarding a contract to Tilcon New York, Inc. for capital improvements to the Madison Recreation Complex parking lot in an amount not to exceed \$50,000.00 from the Open Space Trust Fund.

Resolution R 292-2013 is listed on the consent agenda.

**10/16/2013-2 ORDINANCE AMENDING CHAPTER 136, TO ESTABLISH USER FEES FOR RECREATION PROGRAMS AND ESTABLISHING THE PROCESS TO RENT BOROUGH PARKS AND FIELDS**

Assistant Borough Administrator, Jim Burnet, explained the need for an application process and why it is necessary to establish a user and rental fee ordinance noting that our most recent audit notes the need for codification of such an ordinance. The fees charged will be used for debt service and for the operation and general maintenance of the turf fields at the Madison Recreation Complex. Mayor Conley noted that the Madison Athletic Foundation will continue fundraising and that funds raised will be used to lower the debt. There was discussion on whether the fees collected from this ordinance can be used towards replacement or reskinning of the turf fields. Mr. Giacobbe advised Council that this ordinance does not include the word “replacement” and using this money would be in violation of Green Acres funding statute.

Ordinance 45-2013 Listed for Introduction

**10/16/2013-3 ORDINANCE AMENDING CHAPTER 163, SMOKING, TO PROHIBIT SMOKING ON ALL BOROUGH PROPERTY INCLUDING PUBLIC PARKS AND RECREATIONAL AREAS**

Ms. Vitale noted, on behalf of Madison Alliance Addressing Substance Abuse, a request for amendment to Chapter 163 of the Borough Code that would ban smoking in all public parks and recreational facilities. Mrs. Vitale noted that Chatham Borough and Chatham Township have adopted similar ordinances. A representative from Global Advisor’s on Smoke Free Policy (GASP) and a Public Health Consultant noted the benefits of a smoke free environment and that going smoke free makes communities green. GASP will provide “no smoking” signs at no charge to the Borough if an ordinance is adopted.

Ordinance 46-2013 Listed for Introduction

**10/16/2013-4 APPROPRIATION OF FUNDS FROM 27 BELLEAU AVENUE PROPERTY SALE**

Mr. Catalanello suggested that the Borough use funds from the sale of 27 Belleau Avenue to fund capital projects and road reconstruction projects. Mr. Catalanello noted that both Academy Road and Vinton Road are near the top of the list of roads in need of repair, as well as other roads. Following discussion there was agreement that a procedure needs to be implemented to complete road reconstruction projects and milling and overlay in a timely fashion.

**10/16/2013-5 GRANT APPROVAL FROM OPEN SPACE TRUST FUND FOR CAPITAL IMPROVEMENTS TO JAMES BUILDING**

Vivian James, Director of the Museum Early Trades and Crafts (METC), gave a presentation on the condition of the James Building which has structural and

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moisture issues caused by water leaking into the building. Ms. Baillie noted that the Open Space, Recreation and Historic Trust Fund Committee passed a resolution last Wednesday recommending that the Borough approve their request for funding. There was no objection to listing a resolution for approval for \$125,000.00 from the Open Space, Recreation and Historic Preservation Trust Fund to make the necessary repairs to the James Building, thereby enabling the museum to apply for an 80 percent matching grant from the Morris County Historic Trust Fund.

R 288-2013 listed on the Consent Agenda

**10/16/2013-6 STRATEGIC PLANNING PROCESS**

Mr. Rebholz made a motion to remove the agenda discussion on the Strategic Planning Process and postpone the discussion until after the General Election. Mr. Catalanello seconded the motion. Following Council discussion, the motion failed with the following roll call vote recorded:

Yeas: Mr. Rebholz

Nays: Mr. Catalanello, Mr. Landrigan, Mrs. Vitale,  
Ms. Baillie, Mr. Wolkowitz

Mr. Wolkowitz gave a presentation on implementing a Strategic Planning Process for the Borough focusing on four main areas – Capital, Fiscal Management (budgeting), Electric Utility and Business Operations. A more detailed discussion will take place at the October 28<sup>th</sup> Council Meeting.

**ADVERTISED HEARINGS**

The Clerk made the following statement:

Ordinances scheduled for hearing tonight were submitted in writing at a Regular meeting of the Mayor and Council held on September 9, 2013, were introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

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

**ORDINANCE 40-2013**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF THE BOROUGH CODE, LAND DEVELOPMENT ORDINANCE, REGARDING APPLICATION NOTIFICATION REQUIREMENT**

**WHEREAS**, the Planning Board has recommended amending Chapter 195 of the Borough Code, the Madison Land Development Ordinance, in regard to the requirement to notify property owners within 200 feet for any Planning Board application; and

**WHEREAS**, the Borough Council has considered the proposed amendment to the Madison Land Development Ordinance and wishes to amend the Code as recommended.

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**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that Chapter 195 of the Borough Code entitled “Madison Land Development Ordinance” shall be amended as follows:

**SECTION 1:** Section 195-10(C)(1)(B), entitled Notice of Applications:

REMOVE in its entirety:

*(b) Minor subdivisions pursuant to § 35 of N.J.S.A. 40:55D-47; or*

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

Mayor Conley opened up the public hearing on Ordinance 40-2013. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie noted that in the past when an applicant came before the Planning Board and was not applying for a variance, neighboring property owners were not notified, and now with this amendment, property owners within 200 feet will be notified and have an opportunity to attend the Planning Board hearing.

Ms. Baillie moved that Ordinance 40-2013, which was read by title, be finally adopted. Mr. Landrigan seconded the motion. There was no further Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Conley declared Ordinance 40-2013 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

**ORDINANCE 41-2013**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF THE BOROUGH CODE, ENTITLED “LAND DEVELOPMENT ORDINANCE” TO MAKE VARIOUS CHANGES TO IMPLEMENT RECOMMENDATIONS IN THE ANNUAL REPORT ADOPTED BY THE ZONING BOARD OF ADJUSTMENT**

**WHEREAS**, the Zoning Board of Adjustment of the Borough of Madison adopted an annual report that presented recommendations for various amendments to Chapter 195 of the Borough Code, entitled “Land Development Ordinance”; and

**WHEREAS**, the recommended amendments as set forth in this Ordinance have been reviewed and favorably recommended to the Borough Council by the Planning Board of the Borough of Madison;

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

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**SECTION 1:** The term “Building Coverage” in Section 195-7 is hereby amended (with deletions shown in brackets and additions underlined) to read as follows:

**BUILDING COVERAGE** - The horizontal plan projection of all covered or roofed areas of a structure on a lot, whether permanent or temporary, including cantilevered areas and similar projections, but excluding roof eaves, roof overhangs, bay or bow windows, **[and] chimneys and similar projections extending [projecting]** a maximum of two feet from the structure, **unenclosed front porches (including wraparound porches extending along the side(s) of a structure) and entry roofs,** divided by the lot area, expressed as a percentage. See Figure 2.

**SECTION 2:** Section 195-30.1(E) is hereby amended to add an additional sentence at the end to read as follows:

The foregoing established front setbacks shall also apply to existing buildings for the purpose of determining whether front setback variance relief is required for proposed additions.

**SECTION 3:** Schedule A provided for by Section 195-29.3 is hereby amended to modify note “n” to add an additional sentence at the end to read as follows:

In accordance with Section 195-30.6, in the case of a lot on which an existing structure is located, the minimum side setback may be reduced by 6 inches for every foot by which the lot width is less than the minimum, subject to a maximum reduction of 50% of the requirement for the zone.

**SECTION 4:** The definition of the term “Application for Development” in Section 195-7 is hereby amended (with deletions in brackets and additions underlined) to read as follows:

**APPLICATION FOR DEVELOPMENT** - The application form and all accompanying documents required by ordinance for approval of a subdivision plan, site plan, planned development, conditional use, zoning variance, **appeal or interpretation request to the Board of Adjustment or request for [direction of]** the issuance of a permit pursuant to this chapter.

**SECTION 5:** Section 195-30.1 is hereby amended to add a new Paragraph H at the end to read as follows:

H. Side and rear yards in residential zones. In all residential zones the area within 5 feet of all side and rear lot lines shall be free of all driveways, parking areas, walkways, decks, patios and other paved surfaces.

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**SECTION 6:** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be judged invalid, such adjudication shall only apply to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION 7:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistency.

**SECTION 8:** This Ordinance shall take effect after final passage and publication in accordance with law.

Mayor Conley opened up the public hearing on Ordinance 41-2013. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Vitale moved that Ordinance 41-2013, which was read by title, be finally adopted. Mr. Catalanello seconded the motion. There was no further Council discussion, and the motion passes with the following roll call vote recorded:

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

Mayor Conley declared Ordinance 41-2013 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

***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,*** suggested the Council use one contractor and one set of specifications for the roads that are on the list to be paved next year. Mr. Cerciello also suggested the Board of Education move into the Hartley Dodge Memorial and share services with the Borough and commented that the east wing should be renovated.

***Pat Rowe, Pine Avenue,*** asked if the Borough could use members from the many boards and committees currently in place for the Strategic Planning Process rather than appoint new members every year. Mr. Rowe also asked how much surplus the electric utility is generating.

***Frank Merckx, Loantaka Way,*** asked if Drew University students could be a part of the Strategic Planning Process Committee.

***INTRODUCTION OF ORDINANCES***

**The Clerk made the following statement:**

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Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of November 13, 2013 in the 2<sup>nd</sup> Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinances will be published in the Daily Record, be posted at the main entrance to the Borough offices and be made available to members of the public requesting same, as required by law.

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

**ORDINANCE 45-2013 ORDINANCE OF THE BOROUGH OF MADISON SUPPLEMENTING CHAPTER 136, OF THE CODE OF THE BOROUGH OF MADISON ENTITLED "PARKS," ESTABLISHING USER FEES FOR BOROUGH RECREATION PROGRAMS AND ESTABLISHING THE PROCESS TO RENT BOROUGH PARKS AND FIELDS**

**WHEREAS**, the Borough of Madison by and through Chapter 136 of the Code of the Borough of Madison establishes rules and regulations for the protection, care and control of the public parks, fields and playgrounds in the Borough and regulates the conduct of persons on or within such parks, fields and playgrounds or the use of the facilities thereof; 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 per player user fees for the following recreation/travel sports programs recognized by the Borough Recreation Department: boys and girls soccer, boys and girls lacrosse, girls field hockey, girls softball and boys football; 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 rules and regulations for field rentals.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Madison that Chapter 136 of the Code of the Borough of Madison entitled "Parks" is hereby amended to provide as follows:

**Section 1.** There shall be a new Section 136-36(D), which shall provide as follows:

(D) There shall be a \$20 per player per season user fee for the use of the Madison Recreation Complex Fields 1 and 2 ("turf fields") by the following recreation and/or travel sports programs, which are recognized by the Borough Recreation Department: boys and girls soccer, boys and girls lacrosse, girls field hockey, girls softball, boys football and other sports that use the Madison Recreation Complex Fields for scheduled practices or games as determined by the Recreation Director.

(E) There shall be a \$40 per player per sport user fee for any non-resident participant in any Borough Recreation Program that uses Borough fields; however, the Administrator with the advice of the Recreation Director may reduce this rate to \$20 per player per sport provided the non-resident's municipality offers field space or other meaningful enhancement to the Borough Recreation Program.

(F) The Fees established by this section shall be collected in accordance with policies established by the Recreation Director and the Recreation Advisory

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Committee and shall be used for the debt service, operation and maintenance of the turf fields at the Madison Recreation Complex.

**Section 2.** There shall be established a new Section 136-37, entitled “Field Rentals,” which shall provide as follows:

(A) Field rental permits for the use of any Borough field, except for any use thereof authorized pursuant to §§ 136-32 and 136-33, shall be obtained by application, in writing, to the Borough Clerk, in accordance with the procedures established by the Borough Administrator, Recreation Director and the Borough Attorney. All applications shall include an:

- (1) Insurance certificate naming the Borough of Madison as additional insured as to the field rental for bodily injury to any one person in the amount of \$1,000,000 and any occurrence in the aggregate amount of \$3,000,000 and for property damage for each occurrence in the aggregate amount of \$5,000,000.
- (2) An agreement, in writing, in a form approved by the Borough Attorney, whereby the applicant agrees to indemnify and save harmless the Borough of Madison, its officers, employees and agents, from any and all liability, expense, claim or damages resulting from the use of public lands.
- (3) If the applicant is a sports camp or substantially similar program, a pre-approved waiver executed by each participant and/or his or her guardian, expressly agreeing to indemnify and save harmless the Borough of Madison, its officers, employees and agents, from any and all liability, expense, claim or damages resulting from the use of public lands and participation in the sports camp or substantially similar program.
- (4) If any services are required by employees from Borough Departments, the cost of such employees is to be borne by the applicant as a cost of the field rental. The hourly rate for outside duty will be provided upon request by the Borough Administrator and will be billed to applicant.
- (5) The posting of either (a) a cash bond in the amount of \$300 or in an amount equal to one-half the agreed upon rental fee, whichever is greater running in favor of the Borough or (b) a check made payable to the Borough of Madison in an amount of \$300 or one-half the agreed upon rental fee, whichever is higher. These fees shall be used to protect and insure that the location utilized will be left after the event in a satisfactory condition, free of debris, rubbish and equipment, and that due observance of all Borough ordinances, rules and regulations will be followed. Within thirty days of the end of the rental period, the Borough will return the bond and/or money if there has been no damage to

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public property or public expense caused by the field rental. The Applicant shall reimburse the Borough for any damage and the cost of repairs to the rented property.

(B) Field rental permits shall be issued by the Borough Clerk or their designee in consultation with the Recreation Department and Business Administrator after making the following findings:

- (1) That the nature and character of the proposed activity or use of the field is not reasonably anticipated to incite violence, crime or disorderly conduct.
- (2) That the proposed activity or use of the field will not entail extraordinary or burdensome expense on the public safety operations of the Borough.
- (3) That the field desired has not been reserved for other use at the dates and hours desired in the application.
- (4) That all conditions of the field rental application including, but not limited to insurance, indemnification, and fees and have been satisfied.
- (5) The Borough reserves the right to waive any and all conditions or to reject the application in their sole discretion.
- (6) Such other reasonable conditions as may be required by the Borough.
- (7) The requirements for obtaining a permit under this chapter shall not relieve any person or group of persons from obtaining such further permits or approvals as may be required now or in the future by reason of any state or federal law.

(C) No applicant shall be denied a field rental permit on account of his or her sex, affectional or sexual orientation, race, color, religion, national origin, age, disability, ancestry, or atypical hereditary cellular or blood trait.

(D) Denial of permit; appeals.

- (1) Within 5 days after receipt of a written application for the permit provided for herein, the Borough Clerk, or the issuing officer, shall apprise the applicant, in writing, of his reasons for refusing a permit, and any aggrieved person or group of persons shall have the right to appeal, in writing, within 10 days to the Borough Administrator, who shall consider the application under the standards and procedures set forth in § 136-37(B) and sustain or overrule the decision of the Borough Clerk within 10 days from the date of the filing of the appeal with the Borough Clerk.
- (2) If the decision of the Borough Clerk is sustained on appeal, the reasons for the refusal of the permit shall be set forth in writing. If the decision of the Borough Clerk is overruled and a permit granted, the Administrator may attach reasonable conditions to the issuance of such a permit, consistent with this chapter.

(E) Field rental fees shall be determined by the Recreation Director in consultation with the Borough Administrator. All field rental fees will be reasonable and any fees collected for the use of the turf fields shall be used for the debt service, operation and maintenance of the turf fields at the Madison Recreation Complex. If the

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applicant is a sports camp or other public program, Borough residents shall be entitled to:

- (1) First priority to sign up for the program; and
- (2) A 10% discount for the program fee

(F) Additional field rental rules and regulations, including but not limited to refunds, revocation of permits, discipline, rain dates and maintenance, shall be established by the Borough Administrator and the Recreation Director with advice and input from the Recreation Advisory Committee. The rules and regulations will be published.

(G) The Recreation Director, in consultation with the Borough Administrator and Recreation Advisory Committee shall manage the schedule for the rentals of Borough fields.

(H) The enforcement of this permit and the conditions relating thereto is the responsibility of the Recreation Director or any other responsible official. A violation of any condition of the permit shall be cause for immediate revocation of the permit by the Borough Council.

(I) The requirements for obtaining a permit under this chapter shall not relieve any person or group of persons from obtaining such further permits or approvals as may be required now or in the future by reason of any state or federal law.

(J) The applicant shall return the rented property in a satisfactory condition, free of debris, rubbish and equipment, and shall observe all Borough ordinances, rules and regulations.

(K) The Borough reserves the right to establish additional policies and procedures as it determines in its absolute discretion and the Borough may revoke any permit issued for any reason whatsoever, at any time, by reimbursing the applicant the Field Rental Fee and any other deposit.

**Section 3.** 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.

**Section 4.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 5.** This Ordinance shall take effect after final passage as provided by law.

Mr. Landrigan moved that Ordinance 45-2013, which the Borough Clerk read by title, be adopted. Mr. Catalanello seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

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ORDINANCE 46-2013      ORDINANCE OF THE BOROUGH OF MADISON  
AMENDING CHAPTER 163 OF THE BOROUGH CODE ENTITLED “SMOKING”  
TO PROHIBIT SMOKING ON ALL BOROUGH PROPERTY INCLUDING PUBLIC  
PARKS AND RECREATIONAL AREAS

**WHEREAS**, the Borough of Madison by and through Chapter 163 of the Code of the Borough of Madison regulates smoking in and around municipal buildings; and

**WHEREAS**, the Mayor and Council of the Borough of Madison wishes to amend Chapter 163 to prohibit smoking on all borough property including parks and recreational areas; and

**WHEREAS**, N.J.S.A. 2C:33-13(b), N.J.S.A. 40:48-1 and N.J.S.A. 40:48-2 provide that the owner and/or operator of a public place, such as public parks and recreational areas, may prohibit smoking on such property; 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 prohibit smoking on all borough property including parks and recreational areas.

**NOW, THEREFORE BE IT ORDAINED** by the Governing Body of the Borough of Madison that Chapter 163 of the Code of the Borough of Madison entitled “Smoking” is hereby amended to provide as follows:

**Section 1.** Chapter 163, “Smoking” of the Code of the Borough of Madison shall be amended to provide as follows:

§ 163-1 “Policy”

A totally smoke-free workplace policy is hereby adopted and the following sections shall be applied in accordance with and in addition to this policy.

§ 163-2 “Definitions”

As used in this chapter, the following terms shall have the meanings indicated:

**BOROUGH BUILDINGS** shall include all property owned or leased by the Borough of Madison, including, but not limited to the Hartley Dodge Memorial building, Public Safety Complex, Department of Public Works, Water and Light Plant and Civic Center. Any borough buildings acquired hereafter shall be included in this definition.

**BOROUGH PARKS AND RECREATIONAL FACILITIES** shall include all public parks, playgrounds, ball fields, swimming pools, plazas publicly owned or leased by the Borough of Madison, and all property owned or leased by Borough of Madison upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, sidewalks, any parking areas, driveways or drive aisle.

**SMOKING** shall mean the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any

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other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

§ 163-3 “Smoking Prohibited on all Borough Property”

- A. Smoking shall be prohibited in all Borough Buildings, including private offices and within thirty (30) feet of the exterior of all Borough Buildings.
- B. The Borough Administrator shall designate areas outside the Borough Buildings where smoking will be permitted. This exception shall not apply to Borough Buildings located within Borough Parks and Recreational Areas and smoking shall be prohibited outside of all Borough Buildings located within Borough Parks and Recreational Areas.
- C. Smoking shall be prohibited in all Borough Parks and Recreational Facilities.

**Section 2.** All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

**Section 3.** Should any section, paragraph clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

**Section 4.** This Ordinance shall take effect upon its passage and publication according to law.

Mrs. Vitale moved that Ordinance 46-2013, which the Borough Clerk read by title, be adopted. Mr. Catalanello seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

**CONSENT AGENDA RESOLUTIONS**

The Clerk made the following statement:

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

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

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

Nays: None

R 283-2013 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING THE HIGHEST BID AT THE PUBLIC AUCTION HELD ON OCTOBER 3, 2013 FOR THE SALE OF PROPERTY OWNED BY THE BOROUGH AT 27 BELLEAU AVENUE, BLOCK 404, LOT 50 FROM PARISI BUILDERS & DEVELOPERS, LLC

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AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT OF SALE AND DEED AND CLOSING DOCUMENTS

**WHEREAS**, the Borough of Madison has previously authorized the sale to the highest bidder by public auction of property owned by the Borough known as Lot 50, Block 2404, 27 Belleau Avenue; and

**WHEREAS**, pursuant to law a public auction was held on October 3, 2013, at the Borough Hall of the Borough of Madison; and

**WHEREAS**, the Borough reserved the right to accept the highest bid or to reject all bids received at said public auction; and

**WHEREAS**, the highest bid was made by Parisi Builders & Developers, LLC in the amount of \$462,000.00; and

**WHEREAS**, the Council wishes to accept the bid of \$462,000.00 and authorize the execution of a contract with Parisi Builders & Developers, LLC for the sale of the property described herein, subject to the terms and conditions set forth in the contract.

**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 authorized to enter into a contract of sale with the Buyer, PARISI BUILDERS & DEVELOPERS, LLC, in a form as approved by the Borough Attorney and to execute a Deed and other closing documents as approved by the Borough Attorney.

R 284-2013 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY F & AM #93 MADISON LODGE

**BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following applications for Raffles Licenses, to be held as listed below, be and the same are hereby approved:

F & AM #93 MADISON LODGE  
I.D. No. 274-6-38897

R.A. No. 1294 December 15, 2013 - off-premise  
R.A. No. 1295 May 14, 2014 - off-premise

R 285-2013 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO ROBERT KOPACZ FOR FILMING OF BOROUGH COUNCIL MEETINGS AND SPECIAL EVENTS FOR TELEVISION

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**WHEREAS**, the Borough of Madison previously solicited quotes for filming of Borough Council meetings and special events for television for the year 2014 (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-6.1, et seq.; and

**WHEREAS**, the Borough Administrator has recommended that the Contract should be awarded for 2014 to Robert Kopacz as a media consultant on the same terms and conditions as the 2013 contract, in the amount of \$500 per Borough Council meeting and \$100 per hour for consulting services as may be agreed upon, as well as courtesy rental space at the Hartley Dodge Memorial or other Borough-owned property; and

**WHEREAS**, the Borough Council has determined to award said contract to Robert Kopacz for the year 2014; and

**WHEREAS**, this contract award is expressly contingent upon adequate funds for this purpose being included in the adopted 2014 budget.

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

1. A Contract with Robert Kopacz, of Summit, N.J. as a media consultant is hereby awarded for the year 2014 based upon his quote in the amount of \$500 per Borough Council meeting for filming of Borough Council meetings for television and \$100 per hour for other consulting services the Borough may request, as well as courtesy rental space at the Hartley Dodge Memorial or other Borough-owned property.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into a Contract with Robert Kopacz of Summit, N.J. in a form acceptable to the Borough Attorney.

R 286-2013 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING MARIE VAN DEUSEN, VIRGINIA CERCIELLO, LORENZO D'AMATO AND CATHERINE ECKES TO THE POSITION OF SCHOOL CROSSING GUARD

**BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Marie Van Deusen, Virginia Cerciello, Lorenzo D'Amato and Catherine Eckes are each hereby appointed to the position of school crossing guard, effective immediately for the balance of the 2013-2014 school year; and

**BE IT FURTHER RESOLVED**, by the Council of the Borough of Madison, that their continued employment is expressly subject to receipt of satisfactory results

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of the pending background check. All employees to be compensated in accordance with the Borough Resolution establishing the salaries for part-time, school crossing guards.

**R 287-2013 RESOLUTION OF THE BOROUGH OF MADISON APPROVING CHANGE OF LANGUAGE IN THE PERSONNEL POLICIES AND PROCEDURES MANUAL AND THE EMPLOYEE HANDBOOK**

**WHEREAS**, the Borough Administrator has made certain recommendations for revisions to the Borough Personnel Policies and Procedures Manual and Employee Handbook as follows:

The Sick Leave and Leave of Absence Policy shall be updated to read:

1. Beginning January 1, 2014, existing employees shall receive 13 paid sick days. New employees shall accumulate sick leave at a rate of 1.083 days for each full month worked. Sick leave cannot be used in advance of accrual. Unused sick leave may be accumulated to a maximum of 250 workdays, for use in accordance with this Policy and applicable law.

Temporary employees are not entitled to paid sick leave. Hourly part-time employees working 20 hours or more per week are entitled to sick leave in direct proportion to the amount of hours they work, as compared to the amount of sick days provided to full-time employees.

When under medical care, employees must conform to the instructions of the attending physician if they wish to qualify for salary payment during such period of illness or disability. Sick leave with pay will not be allowed if, in the opinion of the Borough-assigned medical examiner, the illness or disability is not of sufficient severity to justify the employee's absence from duty.

Employees who misrepresent the need to use sick leave are subject to disciplinary action up to and including termination.

2. Verification of Illness and/or Disability

In all cases of reported illness or disability, the Borough reserves the right to have the employee visit a Borough-assigned medical examiner for examination. The results of the visit shall be provided to the Borough Administrator and/or his designee.

Employees must provide a written, certified statement from his/her attending physician, using the Borough-designated "Sick Leave Verification Form", upon his/her return to work if the absence on account of illness or disability.

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- a. is in excess of three workdays; and/or
- b. occurs on a workday immediately preceding or following a holiday or scheduled vacation period

The Borough reserves the right to require any employee returning to work from an absence on account of illness or disability to submit a Sick Leave Verification Form.

Failure to provide a Sick Leave Verification Form, as required by this Policy shall subject the employee to discipline.

**3. Fitness for Duty Examination**

The Borough reserves the right to require an employee to be examined by a Borough-assigned medical examiner, before the employee returns to work, to determine whether that employee is fit for duty.

**WHEREAS**, the Borough Council has determined to adopt such recommendations to be effective January 1, 2014.

**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 the recommended revisions to the Personnel Policies and Procedures Manual and the Employee Handbook as described herein are hereby adopted to be effective January 1, 2014 and the CFO/Personnel Officer is authorized to provide any required notice to employees.

**R 288-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE USE OF \$125,000.00 IN MUNICIPAL OPEN SPACE TRUST FUNDS FOR CAPITAL IMPROVEMENTS TO THE HISTORIC JAMES BUILDING (A/K/A THE MUSEUM OF EARLY TRADES AND CRAFTS)**

**WHEREAS**, a three-phased plan has been formulated to address structural and moisture issues at the historic James Building on the corner of Green Village Road and Main Street currently housing the Museum of Early Trades and Crafts; and

**WHEREAS**, the Open Space Advisory Committee has recommended that \$125,000.00 be allocated from the Municipal Open Space Trust Fund for capital improvements to the historic James Building; and

**WHEREAS**, the Borough is the owner of said property.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that \$125,000.00 is hereby

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authorized to be allocated from the Municipal Open Space Trust Fund for capital improvements to the historic James Building.

**R 289-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SAINT VINCENT MARTYR SCHOOL RUN ON SATURDAY, NOVEMBER 16, 2013**

**WHEREAS**, Saint Vincent Martyr School has requested permission to use portions of Wilmer Street, Woodland Road, Prospect Street and Green Avenue in connection with a 5k road running event, turkey trot and fun run; and

**WHEREAS**, the Police Chief recommends approval of this request; and

**WHEREAS**, Saint Vincent Martyr School has agreed to reimburse the Madison Police Department for all expenses incurred in connection with the monitoring of said race; and

**WHEREAS**, the Borough Council has reviewed said request and determined that it should be granted.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the Saint Vincent Martyr School is hereby granted permission to use portions of Wilmer Street, Woodland Road, Prospect Street and Green Avenue in connection with the St. Vincent Martyr School Run to be conducted on Saturday, November 16, 2013, between the hours of 7:00 a.m. and 12:00 p.m. (noon), subject to the condition that the Saint Vincent Martyr School reimburse the Madison Police Department for all expenses incurred in connection with the monitoring of said race.

**R 290-2013 RESOLUTION OF THE BOROUGH OF MADISON AWARDING TWO YEAR CONTRACT (2013 AND 2014) FOR LEAF REMOVAL TO S. ROTONDI & SONS OF SUMMIT, NEW JERSEY IN THE AMOUNT OF \$155,800.00**

**WHEREAS**, the Borough of Madison publicly advertised for bids for removal and proper recycle of leaves (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

**WHEREAS**, the lowest responsible bid was submitted by S. Rotondi & Sons, of Summit, New Jersey in the amount of \$77,900.00 for one year (2013) and \$155, 800.00 for two years (2013 and 2014); and

**WHEREAS**, the Borough Administrator has recommended that the Borough Council award the contract to S. Rotondi & Sons, of Summit, New Jersey for two years in the amount of \$155,800.00; and

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**WHEREAS**, the Chief Financial Officer has attested that \$77,900.00 is available in the Public Works operating budget, with the second year expressly contingent on funding therefore in the 2014 budget in the additional amount of \$77,900.00.

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

1. The two year contract for removal and proper recycle of leaves is hereby awarded to S. Rotondi & Sons, of Summit, New Jersey based upon its bid in the amount of \$155,800.00.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into a two year contract with S. Rotondi & Sons, of Summit, New Jersey, in a form acceptable to the Borough Attorney.

R 291-2013 RESOLUTION OF THE BOROUGH OF MADISON REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR COLLECTING AND EXPENDING FUNDS FOR THE COMMUNITY GARDENS PROJECT

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

**WHEREAS**, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve the collection and expenditure of monies by dedication by rider.

**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 Mayor and Council hereby request permission of the Director of the Division of Local Government Services to collect fees and pay expenditures for the Community Garden Project as per N.J.S.A. 40A:4-39.

2. The municipal clerk of the Borough of Madison is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

R 292-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE USE OF \$50,000.00 IN MUNICIPAL OPEN SPACE TRUST FUNDS FOR CAPITAL IMPROVEMENTS TO THE MADISON RECREATION COMPLEX PARKING LOT

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**WHEREAS**, plans and specifications have been formulated to address parking lot utilization and safety issues at the Madison Recreation Complex; and

**WHEREAS**, the Open Space Advisory Committee has recommended that \$50,000.00 be allocated from the Municipal Open Space Trust Fund for capital improvements to the Madison Recreation Complex; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the Municipal Open Space Trust Fund for this purpose; and

**WHEREAS**, Tilcon New York, Inc., is recommended for award of this contract through the Morris County Cooperative Purchasing Program.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that \$50,000.00 is hereby authorized to be allocated from the Municipal Open Space Trust Fund for capital improvements to the Madison Recreation Complex parking lot.

**R 293-2013 RESOLUTION OF THE BOROUGH OF MADISON APPROVING TEMPORARY SIGNS FOR CHATHAM-MADISON KIWANIS CLUB**

**WHEREAS**, the Chatham-Madison Kiwanis Club has requested permission to put up temporary signs advertising the a Pasta Dinner to benefit community organizations and scholarships, on Wednesday, October 23, 2013; and

**WHEREAS**, up to ten (10) signs would be installed at various locations, commencing on October 17, 2013, 2013 and removed by October 25, 2013; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the request of the Chatham-Madison Kiwanis Club to put up temporary signs as described herein from October 16, 2013 to October 25, 2013, is approved.

***UNFINISHED BUSINESS*** - None

***APPROVAL OF VOUCHERS***

On motion by Mrs. Vitale seconded by Mr. Catalanello 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	\$26,005.17
Health & Public Assistance	7,926.24
Public Works & Engineering	314,742.51
Community Affairs	1,668.63
Finance & Borough Clerk	3,123,276.79

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Utilities	<u>1,364,032.66</u>
Total	<u>\$4,837,652.00</u>

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

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

Nays: None

**NEW BUSINESS** – None

**ADJOURN**

There being no further business to come before the Council, the meeting was adjourned at 10:58 p.m.

Respectfully submitted,

Patricia Macaluso for Elizabeth Osborne  
Borough Clerk