

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

**November 13, 2013 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 13th day of November, 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 - joined the Council meeting– via telephone, at 8:10 p.m.

Also Present:

Raymond M. Codey, Borough Administrator

James E. Burnet, Assistant Borough Administrator

Elizabeth Osborne, Borough Clerk

Bruce Padula, Esq. for Matthew J. Giacobbe, Esq. Borough Attorney

Patrick W. Rowe, Council Member-Elect

**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)

October 16, 2013

October 28, 2013

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

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CONTRACT MATTERS (6)  
SPECIAL DUTY POLICE FEE SCHEDULE  
ELECTRIC MATERIALS BIDS  
CRESCENT/NJ TRANSIT LEASE EXTENSION  
EAGLE SCOUT PROJECT – TRAILS  
SHARED SERVICES AGREEMENT – SWAT  
JACOB HENRY PERKINS TRUST FUND  
SHARED SERVICES AGREEMENT – CONSTRUCTION CODE  
Date of public disclosure 60 days after conclusion, if disclosure required.

PERSONNEL MATTERS (1)  
PART TIME OFFICE ASSISTANT 1- BUILDING DEPT.  
Date of public disclosure 60 days after conclusion, if disclosure required.

LITIGATION MATTERS (1)  
TAX APPEALS  
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.

Mayor Conley asked for a moment of silence for the passing of Steven Marano , son of Crossing Guard Mary Marano and brother of part-time custodian Michael Marano.

***GREETINGS TO PUBLIC***

Mayor Conley made the following comments:

**EMPLOYEE OF THE MONTH FOR NOVEMBER:**

Luis Alicea of the Department of Public Works for his work trimming, pruning and reshaping the shrubs and trees on all Borough properties. Many residents have commented on the excellent job he has done beautifying the properties.

**ANNIVERSARY:**

Ruth Tisi of the Engineering Department – 30<sup>th</sup> Anniversary on November 7<sup>th</sup>.

Mayor Conley also made the following comments:

Mayor Conley saluted the members of the Madison Police, Fire, MVAC, mutual aid towns, DPW and Electric Utility employees who responded to the Green Villa Apartment fire and the house fire on Green Avenue including Officer Kevin Boone, who kicked in a door to rescue one of the home occupants trapped in the kitchen.

Mayor Conley announced that Madison will receive the 2013 Innovation in Government Award for the CEO Council Initiative. Mayor Conley thanked the participants and Jim Burnet. Mayor Conley noted the first project being Union Beach

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and we're still there helping out. Mayor Conley also noted that Madison is the only town to be so recognized twice, having received an award previously for the Joint Court.

Mayor Conley announced that the Borough will receive Silver Certification by Sustainable Jersey with 455 points far in excess of the number required. This is the highest point value of any municipality our size in New Jersey and therefore Madison will also be receiving the Sustainable Jersey Champion award as well. Mayor Conley thanked Betsy, Astri, Jim Burnet and all the volunteers who made this possible.

*Mr. Rebholz joined the Council meeting, by telephone, at 8:10 p.m.*

**APPROVAL OF MINUTES**

Ms. Baillie moved approval of the **Executive Minutes of October 16, 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 October 16, 2013**. Ms. 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 **Executive Minutes of October 28, 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 October 28, 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

**REPORTS OF COMMITTEES**

**Health**

Mrs. Vitale of the Committee made the following comments:  
The Madison Elks Club will be hosting a blood drive on November 29<sup>th</sup> along with the Madison Venture Crew and the American Red Cross. The Health Department will be sponsoring health screening programs for residents of Madison Chatham and Springfield. Residents are encouraged to call for an appointment. Ms Vitale also reported for the Electric Utility that new poles are now installed on Oxford Lane and

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Canterbury Road as well as the monument lighting at the Madison Recreation Center.

### **Public Works and Engineering**

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

The Bayley Ellard sports field parking lot reconstruction project is now complete, with fencing and signage installed. Green Avenue reconstruction continues with milling and paving scheduled to begin before Thanksgiving. The replacement boiler at the Hartley Dodge Memorial has been installed and the building now has heat and hot water. The second round of leaf pickup is underway, with a reminder that bagging leaves is the preferred method.

### **Community Affairs**

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

The annual Christmas parade and walk down Main Street will be held on Friday, November 29<sup>th</sup> and Madison Arts and Cultural Alliance will hold an art festival throughout. Residents are encouraged to support local businesses on Small Business Saturday. Mr. Landrigan noted that the Downtown Development Commission will present a report to the Mayor and Council at the November 25<sup>th</sup> Council meeting.

### **Public Safety**

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

The Madison Fire Department has been very busy this past month including attending a weekend course at the Morris County Fire Academy. The Fire Prevention Bureau has visited all Madison grade schools, six daycare centers and senior residents at the Rexford Tucker apartments to teach fire safety in the home to more than 2500 residents and students. The Fire Department has responded to 129 calls last month including 78 fire related calls, five involving structural fires and 51 medical assistance calls. Year to date, the Fire Department has responded to 1059 calls including responding to a house fire at 125 Green Avenue and an unoccupied apartment building at 39 Green Village Road, on November 5<sup>th</sup>. Ms Baillie congratulated Police Officer Kenneth Shannon and his wife on the birth of their new baby.

### **Finance and Borough Clerk**

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

Mr. Wolkowitz noted that the budget process is underway and that the 2014 budget will be discussed in a multi-year context with several key budget drivers discussed at public meetings. Mr. Wolkowitz stated that several shared service agreements are listed for consideration on tonight's agenda, notably an agreement with the Borough of Chatham for Construction Code services that could possible generate \$75,000 in revenue. The agreement for to continue the Joint Municipal Court with the addition of Morris Township was approved by the Morris County Assignment Judge and increase revenues by \$50,000. Also listed for introduction is an ordinance to increase Police Off-Duty fees, from \$65.00 to \$80.00 per hour.

### **Utilities**

Mr. Rebholz, Chair of the Committee, no report.

## **COMMUNICATIONS AND PETITIONS**

The Borough Clerk announced receipt of the following communications:

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E-mail received October 29, 2013 from Bear Schmidt, New York, New York regarding a filming permit.

Email received November 11, 2013 from Eric Weisser, Main Street, regarding salon opening.

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

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

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

## **AGENDA DISCUSSIONS**

### **11/13/2013-1 MADISON ATHLETIC FOUNDATION**

Brian Agnew and Brenda Catalanello of the Madison Athletic Foundation presented the third quarterly report regarding fundraising of the \$1.27 million for debt service reduction on the turf fields. Mr. Agnew stated that earlier this year a check in the amount of \$100,000 was presented to Council making the year to date funds raised approximately \$500,000. Mr. Agnew noted that 2013 has been very active, including a grant award from a local foundation in the amount of \$25,000, 25 MClub donations received and 12 field signs installed. The 2013 annual appeal will be mailed next week and soliciting of corporate sponsors continues. In 2014, the bi-annual 50/50 raffle drawing will take place, as well as the annual fundraising social event. Mr. Agnew indicated that the net balance of fundraising, in the amount of \$775,000, is approximately \$150,000 each year from 2014 to 2018 and that the Foundation is confident in meeting their fundraising goals in 2014. Mr. Agnew noted the Foundation is on track to make the next payment due.

### **11/13/2013-2 ADVISORY AUDIT COMMITTEE**

Mr. Wolkowitz provided information regarding the formation of a new advisory committee to provide oversight and advice to the Borough Council, Chief Financial Officer, Borough Administrator and Assistant Borough Administrator regarding the auditing of financial records and recordkeeping procedures. The committee would consist of 3 to 5 residents with the Finance Liaison as Chairperson. There was no objection to listing an ordinance for introduction.

Ordinance 47-2013 is listed for Introduction.

## **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 October 16, 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 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 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

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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 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:

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(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 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

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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.

Mayor Conley opened up the public hearing on Ordinance 45-2013. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Landrigan moved that Ordinance 45-2013, which was read by title, be finally adopted. Mr. Catalanello seconded the motion.

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

Nays: None

Mayor Conley declared Ordinance 45-2013 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 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 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”

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- 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.

Mayor Conley opened up the public hearing on Ordinance 46-2013.

**Alan Katz, Summit, NJ**, spoke in support of the proposed Ordinance to prohibit smoking on all Borough property.

**Karen Blumenfeld, Summit, NJ**, thanks the Mayor and Council for considering an ordinance to prohibit smoking on all Borough property.

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

Ms. Vitale moved that Ordinance 46-2013, which was read by title, be finally adopted. Mr. Catalanello seconded the motion.

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

Mayor Conley declared Ordinance 46-2013 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.

*Mr. Rebholz left the Council meeting at 8:44 p.m.*

### **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 December 9, 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 Madison Eagle, be posted at the main entrance

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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 47-2013 ORDINANCE OF THE BOROUGH OF MADISON  
ESTABLISHING A STANDING ADVISORY AUDIT COMMITTEE**

**WHEREAS**, the Mayor and Council wish to establish an advisory audit committee to provide oversight and advice to the Borough Council, Chief Financial Officer, Borough Administrator and Assistant Borough Administrator regarding the auditing of financial records and recordkeeping procedures; and

**WHEREAS**, the Council has determined that it is in the best interest of the Borough of Madison to establish such a committee.

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

**SECTION 1:** The Madison Borough Code is amended to include the following Chapter 9-9 entitled “Advisory Audit Committee”:

**Chapter 9-9: Advisory Audit Committee.**

**§9-9-A. Establishment.**

The Advisory Audit Committee is hereby established to be known as “the Advisory Audit Committee of the Borough of Madison” (hereafter referred to as “the Committee”). The Committee shall consist of no more than five members, excluding the ex-officio members.

**§9-9-B. Purpose and Responsibilities.**

- (1) To make recommendations to the Mayor and Council regarding records and record keeping procedures
- (2) The Committee will review the financial reporting and disclosure process.
- (3) The Committee will monitor accounting policies and principles.
- (4) The Committee will recommend the hiring of an auditor with the consent of the Mayor and Council.
- (5) The Committee will evaluate the performance and independence of external auditors.
- (6) The Committee will discuss risk management policies and practices with the CFO, Borough Administrator, and the Assistant Borough Administrator.

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- (7) The Committee will review the auditor's findings and recommendations and ensure that timely action is taken to remediate any material issues mentioned.
- (8) The Committee will hold a minimum of three (3) public meetings annually which shall be open to the public and shall take place at the Madison Municipal Building unless otherwise noted.

### **§9-9-C Membership**

All members of the Committee shall be residents of the Borough of Madison. All members shall serve without compensation. The Committee shall be comprised of the following persons, up to a maximum of five members appointed by the Mayor with the advice and consent of Council:

- (1) One (1) finance Chairperson or Co-Chairperson member of the Council,
- (2) Up to four (4) Madison residents who have accounting and/or auditing expertise and experience. In addition to direct practitioners, individuals who have been involved in an audit, or are familiar with audits are also eligible for appointment.
- (3) The CFO, Borough Administrator and Assistant Borough Administrator shall be ex-officio members of the committee.

### **§9-9-D. Terms of Office.**

- (1) The Council Finance Chairperson or Co-Chairperson shall serve annually.
- (2) The resident members shall serve for a term of three years (staggered terms). The terms of office shall commence upon the day of each members appointment, unless otherwise specified at the time of appointment, and be for the initial respective periods of one, two, and three years. The term of each appointee shall be designated in his or her appointment. All subsequent appointments, except to fill vacancies, shall be for the full three-year term, to take effect on January 1 next succeeding such appointment.
- (3) The Mayor shall designate the Council Finance Chairperson or Co-chairperson, on a rotation basis, as Committee Chairperson, and the Committee shall select a Secretary to record minutes. The Committee shall establish its meeting schedule, which shall be duly

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published. The committee will meet at least three times a year. A first meeting each year should have as an agenda item a discussion concerning the identification and appointment of an audit firm, which will have to be approved by a majority of the Council. A second meeting should take place with the auditors when they are on-site, but prior to completing their audit. Ideally this second meeting will occur shortly after, if not prior to, the start of the audit. The third meeting will again include the auditors to review their findings. The Committee is responsible for an annual report to the Council concerning the audit and any recommendations with regard to financial reporting, recordkeeping and risk management. Such report shall be written, oral or both depending on the preferences of the Council.

**§9-9-E. Vacancies**

Any vacancy occurring by reason of the death, resignation or removal of any member shall be filled for the unexpired term by the Mayor with advice and consent of the Council.

**§9-9-F. Indemnification**

Members of the Standing Advisory Audit Committee shall be indemnified pursuant to Chapter 14 (Defense and Indemnification of Municipal Officials and Employees) of the Madison Borough Code.

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

Mr. Wolkowitz moved that Ordinance 47-2013, which the Borough Clerk read by title, be adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Rebholz

ORDINANCE 48-2013 ORDINANCE OF THE BOROUGH OF MADISON  
AMENDING CHAPTER 12 OF THE BOROUGH CODE ENTITLED "COURT"

**WHEREAS**, the Borough of Chatham, Township of Chatham, Borough of Madison and Township of Harding wish to renew and expand the Agreement for the

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Creation and Operation of a Joint Municipal Court pursuant to the Uniform Shared Services and Consolidation Act (the “Agreement”); and

**WHEREAS**, the Morris County Assignment Judge has approved the continuation and expansion of the Joint Municipal Court to include Morris Township in addition to the municipalities referenced above.

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

**SECTION 1:** The Madison Borough Code is amended to include the following Chapter 12 entitled “Joint Municipal Court”:

**Chapter 12: Joint Municipal Court**

**§12-1. Establishment.**

Pursuant to the provisions of N.J.S.A. 2B:12-1 et seq., a single Joint Municipal Court is hereby established for the Borough of Chatham, Township of Chatham, Borough of Madison, Township of Harding and Township of Morris. The jurisdiction of the Joint Municipal Court shall be coextensive with the territories of the Borough of Chatham, Township of Chatham, Borough of Madison, Township of Harding and Township of Morris.

**§12-2 Joint Court Committee.**

A Joint Court Committee shall be formed consisting of two (2) representatives appointed by the respective governing bodies of the Borough of Chatham, Township of Chatham, Borough of Madison, Township of Harding and Township of Morris. The Joint Court Committee shall operate as set forth in the Agreement for the Creation and Operation of a Joint Municipal Court pursuant to the Uniform Shared Services and Consolidation Act dated October 29, 2013, as may be amended from time to time.

**§12-3 Agreement**

The Agreement for the Creation and Operation of a Joint Municipal Court pursuant to the Uniform Shared Services and Consolidation Act, dated October 29, 2013 (as it may be amended from time to time) is hereby ratified and approved. Said Agreement is on file in the office of the Municipal Clerk, Hartley Dodge Memorial, 50 Kings Road, Madison, New Jersey and is available for inspection during normal business hours.

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**§12-4 Effective Date**

The expanded Joint Municipal Court shall be effective and commence on January 1, 2014 and shall remain in effect until December 31, 2017, unless subsequently extended, renewed or terminated by one or more of the participating municipalities pursuant to the Agreement for the Creation and Operation of a Joint Municipal Court pursuant to the Uniform Shared Services and Consolidation Act dated October 29, 2013 (as it may be amended from time to time).

**§12-5 Withdrawal of Joint Municipal Court Members**

A municipality may withdraw from participation in the Joint Municipal Court by delivering written notice to the Joint Municipal Court and all participating municipalities of its intention to withdraw in accordance with the agreement authorized by this Chapter.

**§12-6 Additional Joint Municipal Court Members**

Additional municipalities may join the Joint Municipal Court. Any amendment to include an additional municipality shall require approval by all participating municipalities as required by law and the agreement authorized by this Chapter.

**§12-7 Joint Court Staff**

Joint Court personnel and independent contractors shall be appointed pursuant to the appropriate statutory authority, rules of the Court and/or the Joint Court Operations Agreement as applicable.

SECTION 2: In the event of any inconsistencies between the provision of this Ordinance and any prior ordinance of the Borough of Madison, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Borough Code of the Borough of Madison are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 3: If any article, 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 and they shall remain in full force and effect.

SECTION 4: This ordinance shall take effect immediately upon passage and publication in accordance with law.

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Ms. Baillie moved that Ordinance 48-2013, 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: Mr. Catalanello, Mr. Landrigan, Mrs. Vitale,  
Ms. Baillie, Mr. Wolkowitz

Nays: None

Absent: Mr. Rebholz

**ORDINANCE 49-2013 ORDINANCE OF THE BOROUGH OF MADISON  
AMENDING CHAPTER 34 OF THE BOROUGH CODE ENTITLED "POLICE  
DEPARTMENT"**

**WHEREAS**, the Borough of Madison has permitted private businesses and other public entities to retain the services of off-duty police officers; and

**WHEREAS**, for the convenience of those private businesses and other public entities which utilize the services of off-duty law enforcement officers of the Borough of Madison Police Department and to authorize the outside employment of off-duty police officers , the Borough of Madison hereby establishes a policy regarding the use of off-duty police officers,

**NOW THEREFORE BE IT ORDAINED AND ENACTED** by the Governing Body of the Borough of Madison, in the County of Morris, State of New Jersey, as follows:

1. Chapter 34 (Police Department) of the Code of the Borough of Madison is hereby revised to read as follows:

**§34-20. Contracted Off-Duty Employment of Police Officers.**

- A. Members of the Police Department shall be permitted to accept employment as safety or security personnel for private businesses or other public entities during off-duty hours, and at such times which will not interfere with the efficient performance of regularly scheduled or emergency duty for the Borough. The Borough's needs for said police officers shall always take priority over scheduled off-duty work.
- B. If a private business or other public entity desires to contract with the Borough of Madison for the off-duty services of a police officer, said private business or public entity shall request the services through the office of the Chief of Police. To the extent that personnel are available, the Chief of Police or his/her designee may, but shall not be required to, assign a police officer to provide aforesaid off-duty services. The Chief of Police or his/her designee shall withhold approval if the off-duty services to be performed are inconsistent with the efficient operation and professionalism of the Police Department and/or unreasonably endangers or threatens the safety of the officer or officers who perform the work.
- C. The cost of the services to the private party or other public entity shall be at \$60.00 per hour for the officer(s) pursuant to the PBA/SOA labor contracts, plus a \$20.00 per hour vehicle-use fee, administrative and insurance fee. All payments for the aforesaid services shall be made to the Borough of Madison. The Chief of Police is hereby authorized to

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establish such rules and regulations as are necessary to implement this section, including a bifurcated billing process to users.

Pursuant to a prior Agreement with the PBA/SOA, security in the Joint Municipal Court shall be paid at \$55.00 per hour to the officer(s) with no administrative, vehicle or insurance charges. In addition, security for the Centurion Holding Corporation detail in Harding shall be paid at \$35.00 per hour to the officer(s) with no administrative, vehicle or insurance charges. In addition, there shall be no administrative, vehicle or insurance charges for Board of Education, religious, charitable or not-for-profit entities and/or events. The Chief of Police or his designee shall set the administrative rate and whether same shall apply for each request for officers.

- D. Any private business or other public entity requesting the services of an off-duty law enforcement officer shall estimate the number of hours such services are required, which estimate shall be approved, in writing, by the Chief of Police or his/her designee.
- E. Prior to posting any request for services of off-duty officers, the Chief of Police or his/her designee, shall verify that there are no outstanding charges for the private business or other public entity requesting services. No services shall be performed unless all charges for prior work have been paid.
- F. All requests for the services of off-duty law enforcement officers in the Borough of Madison Police Department for a period of one (1) week or longer shall be forwarded to the Chief of Police or his/her designee, at least ten (10) days before such services are required, whenever possible. Any officers, when so employed by the Borough, shall be treated as an employee of the Borough, provided, however, that wages earned for outside employment shall not be applied toward the pension benefits of law enforcement officers so employed nor shall hours worked for outside employment be considered in any way compensable as overtime.

This ordinance shall take effect on January 1, 2014.

Ms. Baillie moved that Ordinance 49-2013, 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: Mr. Catalanello, Mr. Landrigan, Mrs. Vitale,  
Ms. Baillie, Mr. Wolkowitz

Nays: None

Absent: Mr. Rebholz

**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.

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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

Nays: None

Absent: Mr. Rebholz

**R 301-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EAGLE SCOUT PROJECT – SUMMERHILL PARK TRAILS**

**WHEREAS**, John D’Addario, a member of Boy Scout of America Troop 25 located in Madison, has offered to volunteer services for the revitalization of trails in Summerhill Park in support of his Eagle Scout project; and

**WHEREAS**, John D’Addario has indicated that he is proposing clearing and re-mulching of trails damaged in recent storms; and

**WHEREAS**, the Council wishes to approve such request.

**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 revitalization of trails in Summerhill Park as described herein by John D’Addario is hereby approved, subject to any safety requirements of the Madison Department of Public Works and any other governmental approvals required.

**BE IT FURTHER RESOLVED** that prior to commencing any work, John D’Addario shall notify the Madison Department of Public Works with the anticipated date of commencement.

**R 302-2013 RESOLUTION OF THE BOROUGH OF MADISON PERMITTING RESTAURANT-BARS AND TAVERNS TO REMAIN OPEN UNTIL 2:00 A.M. ON THURSDAY, NOVEMBER 28, 2013**

**WHEREAS**, as part of the Thanksgiving Holiday Weekend, the Restaurant-Bars of Madison have requested permission to remain open on Wednesday, November 27, 2013, for the sale of alcoholic beverages for consumption on premises, until 2:00 A.M., Thursday, November 28, 2013; and

**WHEREAS**, the Borough Code provides for a weekday closing time of 1:00 A.M;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Restaurant-Bars and Taverns shall be permitted to remain open on Wednesday, November 27, 2013, for the sale

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of alcoholic beverages for consumption on premises, until 2:00 A.M., Thursday, November 28, 2013.

**R 303-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXTENDED PARKING HOURS FOR THE HOLIDAY SEASON**

**WHEREAS**, the Assistant Business Administrator has recommended that two (2) hour parking be permitted in all one (1) hour parking spaces on Main Street and Waverly Place from November 22, 2013 through December 31, 2013.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that two (2) hour parking shall be permitted in all one (1) hour parking spaces on Main Street and Waverly Place, effective November 22, 2013 and extending through December 31, 2013.

**R 304-2013 RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARDING ELECTRIC MATERIALS BID TO SPECTRUM POWER PRODUCTS IN THE AMOUNT OF \$6,370.50, STUART C. IRBY, CO. IN THE AMOUNT OF \$23,851.35 AND FELDMAN BROTHERS IN THE AMOUNT OF \$1,200.62**

**WHEREAS**, the Borough of Madison publicly advertised for bids for the purchase of Electric Department materials in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

**WHEREAS**, four bids were received for various electric materials for the Electric Department; and

**WHEREAS**, three qualified bids were received from Spectrum Power Products, LLC of Bath, Pennsylvania, Stuart C. Irby Co. of Liverpool, New York, and Feldman Brothers of Paterson, New Jersey; and

**WHEREAS**, the Electric Utility Superintendent, Acting Purchasing Agent and Borough Attorney have recommended that the Borough Council award a contract for certain electric materials for the Electric Department to Spectrum Power Products, LLC, in an amount not to exceed \$6,370.50 and a contract for certain electric materials to Stuart C. Irby Co. in an amount not to exceed \$23,851.35 and a contract for certain electric materials to Feldman Brothers in an amount not to exceed \$1,200.62; and

**WHEREAS**, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$34,000.00 for this purpose, in Electric Utility Operations Account 502, sub-account 315.

**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:

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1. The contract for the purchase of certain electric materials for the Electric Department is hereby awarded to each of the following: Spectrum Power Products, LLC, in an amount not to exceed \$6,370.50 to Stuart C. Irby Co. in an amount not to exceed \$23,851.35 and to Feldman Brothers in an amount not to exceed \$1,200.62.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into contracts with Spectrum Power Products, LLC, Stuart C. Irby Co. and Feldman Brothers, in a form acceptable to the Borough Attorney.

**R 305-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXTENSION OF THE LEASE AGREEMENT WITH NEW JERSEY TRANSIT FOR THE CRESCENT PARKING AREA**

**WHEREAS**, the Borough entered into a Lease Agreement with New Jersey Transit in regard to leasing a portion of Block 2703, Lot 1, the New Jersey Transit premises at the Madison Railroad Station for the crescent parking lot and adjacent sidewalks and lawns, but not for any of the buildings, stairways, platform or tracks; and

**WHEREAS**, the lease requires six months notice of our intention to extend the lease; and

**WHEREAS**, the Borough desires to extend the lease per the agreement for four (4) years, eleven (11) months at a cost of \$1,500.00 per month by which the Borough would continue to collect the parking revenues and perform landscaping and snow removal with the revenues as well as fund other improvements or projects to the leased area of the property, or other projects related to improvement of the railroad station; and

**WHEREAS**, the Borough has determined that it is in the best interest of the public to extend such Lease.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the Mayor and the Borough Clerk are authorized to sign a Extension of Lease Agreement with New Jersey Transit, including the terms and conditions set forth herein, and in a form acceptable to the Borough Attorney, which Extension of Lease will be effective July 31, 2014.

**R 306-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SETTLEMENT OF THE 2012 AND 2013 TAX APPEAL ENTITLED MADISON PARK ASSOCIATES, L.P.V. V. BOROUGH OF MADISON, DOCKET NOS. : 006341-2012 AND 009108-2013 OF THE TAX ASSESSMENT OF BLOCK 1502,**

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LOT 13, KNOWN AS 12 MAIN STREET, IN THE BOROUGH OF MADISON,  
MORRIS COUNTY, NEW JERSEY

**WHEREAS**, an appeal of the real property tax assessment for tax years 2010, 2011 and 2012 involving Block 1502, Lot 13, has been filed by the Taxpayer, Madison Park Associates, L.P.V.; and

**WHEREAS**, the proposed Stipulation of Settlement, a copy of which is incorporated as if set forth at length herein, has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Expert; and

**WHEREAS**, settlement of said matter as more fully set forth below is in the best interest 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, as follows:

1. Settlement of the 2012 tax appeal is hereby authorized as follows:

12 Main Street  
**Year 2012**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 873,000	N/A	\$ 873,000
Imprvts:	\$ 1,444,900	N/A	\$ 1,144,900
Total:	\$ 2,317,900	N/A	\$ 2,017,900

2. Settlement of the 2013 tax appeal is hereby authorized as follows:

12 Main Street  
**Year 2013**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 1,282,500	N/A	\$ 1,282,500
Imprvts:	\$ 1,558,100	N/A	\$ 1,258,100
Total:	\$ 2,840,600	N/A	\$ 2,540,600

All Borough officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Borough Tax Appeal Attorney to enter into the Stipulation of Settlement negotiated between the parties and previously provided.

R 307-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SETTLEMENT OF THE 2012 AND 2013 TAX APPEAL ENTITLED OYER, AMY FACTOR V. BOROUGH OF MADISON, DOCKET NOS. : 002673-2012 AND 004569-2013 OF THE TAX ASSESSMENT OF BLOCK 4903, LOT 9, KNOWN AS 5

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DELLWOOD PARKWAY SOUTH, IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

**WHEREAS**, an appeal of the real property tax assessment for tax years 2012 and 2013 involving Block 4903, Lot 9, has been filed by the Taxpayer, Amy Factor Oyer; and

**WHEREAS**, the proposed Stipulation of Settlement, a copy of which is incorporated as if set forth at length herein, has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Expert; and

**WHEREAS**, settlement of said matter as more fully set forth below is in the best interest 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, as follows:

1. Settlement of the 2012 tax appeal is hereby authorized as follows:

5 Dellwood Parkway South  
**Year 2012**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 574,200	N/A	\$ 574,200
Imprvts:	\$ 1,202,500	N/A	\$ 875,800
Total:	\$ 1,776,700	N/A	\$ 1,450,000

2. Settlement of the 2013 tax appeal is hereby authorized as follows:

5 Dellwood Parkway South  
**Year 2013**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 744,200	N/A	\$ 744,200
Imprvts:	\$ 1,703,700	N/A	\$ 1,703,700
Total:	\$ 2,447,900	N/A	\$ 2,447,900

All Borough officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Borough Tax Appeal Attorney to enter into the Stipulation of Settlement negotiated between the parties and previously provided.

R 308-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SETTLEMENT OF THE 2011 TAX APPEAL ENTITLED H.S. INVESTORS, LLC C/O THE HELLER GROUP V. BOROUGH OF MADISON, DOCKET NOS. : 008778-2011 OF THE TAX ASSESSMENT OF BLOCK 2208, LOT 27, KNOWN AS 306

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MAIN STREET, IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

**WHEREAS**, an appeal of the real property tax assessment for tax year 2011, involving Block 2208, Lot 27, has been filed by the Taxpayer, H.S. Investors, LLC c/o The Heller Group; and

**WHEREAS**, the proposed Stipulation of Settlement, a copy of which is incorporated as if set forth at length herein, has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Expert; and

**WHEREAS**, settlement of said matter as more fully set forth below is in the best interest 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, as follows:

1. Settlement of the 2011 tax appeal is hereby authorized as follows:

306 Main Street  
**Year 2011**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 8,283,000	N/A	\$ 8,283,000
Imprvts:	\$ 3,083,400	N/A	\$ 2,174,200
Total:	\$11,366,400	N/A	\$10,457,200

2. All Borough officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Borough Tax Appeal Attorney to enter into the Stipulation of Settlement negotiated between the parties and previously provided.

R 309-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SETTLEMENT OF THE 2011 TAX APPEAL ENTITLED HELLER, MARTIN, C/O THE HELLER GROUP V. BOROUGH OF MADISON, DOCKET NOS. : 008780-2011 OF THE TAX ASSESSMENT OF BLOCK 5202, LOT 1, KNOWN AS 333 MAIN STREET, IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

**WHEREAS**, an appeal of the real property tax assessment for tax year 2011, involving Block 5202, Lot 1, has been filed by the Taxpayer, Martin Heller c/o The Heller Group; and

**WHEREAS**, the proposed Stipulation of Settlement, a copy of which is incorporated as if set forth at length herein, has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Expert; and

**WHEREAS**, settlement of said matter as more fully set forth below is in the best interest of the Borough of Madison.

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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, as follows:

1. Settlement of the 2011 tax appeal is hereby authorized as follows:

333 Main Street

**Year 2011**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 892,000	N/A	\$ 892,000
Imprvts:	\$ 524,300	N/A	\$ 312,200
Total:	\$1,416,300	N/A	\$1,204,200

2. All Borough officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Borough Tax Appeal Attorney to enter into the Stipulation of Settlement negotiated between the parties and previously provided.

R 310-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A SHARED SERVICE AGREEMENT WITH THE BOROUGH OF FLORHAM PARK AND TOWNSHIP OF EAST HANOVER FOR POLICE SPECIAL WEAPONS AND TACTICS "SWAT" UNITS

**WHEREAS**, the Borough of Florham Park, the Township of East Hanover and the Borough of Madison have agreed to enter into a Shared Services agreement to receive and extend assistance in the form of Special Weapons and Tactics Units (SWAT team) services and resources to one another when assistance is requested; and

**WHEREAS**, all participating agencies included in this agreement are members of the Morris Joint Insurance Fund (JIF) and assume liability as a result of acts, omissions or conduct of each of the SWAT team members. The agency requesting and receiving services shall assume the liability for the participating agencies rendering assistance pursuant to the agreement; and

**WHEREAS**, the Madison Borough Council has reviewed the proposed agreement.

**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 Madison Police Chief is authorized to enter into a Shared Services agreement with the Borough of Florham Park and the Township of East Hanover to receive and extend assistance in the form of SWAT team services and resources when assistance is requested, such agreement to be in a form approved by the Madison Borough Attorney.

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R 311-2013 RESOLUTION OF THE BOROUGH OF MADISON APPROVING JACOB HENRY PERKINS TRUST DISBURSEMENT

**WHEREAS**, the Borough Administrator has recommended a grant to pay quarterly property tax payments from the Jacob Henry Perkins Trust (hereafter Perkins Trust) on behalf of C.J., a Borough resident for the year 2014; and

**WHEREAS**, the Borough Administrator has advised the Borough Council that C.J. meets the criteria for a Perkins Trust grant; and

**WHEREAS**, the Borough Council has determined to approve the request for a Perkins Trust grant to pay the quarterly property taxes for the year 2014; and

**WHEREAS**, the Borough Administrator recommends approving the disbursement of the grant for the above cited purpose.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that a grant is hereby approved from the Perkins Trust to pay the quarterly property taxes, for the year 2014, for the benefit of C.J., so long as C.J. meets the criteria of the Perkins Trust and continues to reside in the Borough of Madison.

R 312-2013 RESOLUTION OF THE BOROUGH OF MADISON APPROVING JACOB HENRY PERKINS TRUST DISBURSEMENT

**WHEREAS**, the Borough Administrator has recommended a grant in the amount of \$7,000.00 from the Jacob Henry Perkins Trust Fund (hereafter Perkins Trust) on behalf of Mr. & Mrs. P., Borough residents; and

**WHEREAS**, the Borough Administrator has advised the Borough Council that Mr. & Mrs. P. meet the criteria for a Perkins Trust grant; and

**WHEREAS**, the Borough Council has determined to approve the request for a Perkins Trust grant; and

**WHEREAS**, the Borough Administrator recommends approving the disbursement of the grant for the above cited purpose.

**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 grant is hereby approved from the Perkins Trust to pay \$7,000.00 in \$500.00 monthly installments starting January 1, 2014, for the benefit of Mr. & Mrs. P., so long as they meet the criteria of the Perkins Trust and continue to reside in Madison Housing Authority housing in the Borough of Madison.

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2. A copy of this resolution will be forwarded to the Borough Administrator.

**R 313-2013 RESOLUTION OF THE BOROUGH OF MADISON APPROVING SALARY INCREASE FOR THERESA GIORDANO**

**WHEREAS**, Theresa Giordano is employed as a part-time meter reader for Borough of Madison; and

**WHEREAS**, the Electric Utility Superintendent has recommended a merit increase to Theresa Giordano in recognition of the additional hours that Theresa Giordano will assumed solely as a part-time meter reader; and

**WHEREAS**, the Borough Administrator has recommended increasing the salary of Theresa Giordano to \$16.31 per hour, which salary falls within the Part-Time salary range.

**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 hourly rate salary of Theresa Giordano shall be increased from \$15.00 per hour to \$16.31 per hour effective immediately, for up to 29 hours per week.
2. The governing body expresses its gratitude to Theresa Giordano for her diligent efforts on behalf of the Borough of Madison.

**R 314-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EAGLE SCOUT PROJECT – MEMORIAL PARK PICNIC AREA**

**WHEREAS**, Robert D’Addario, a member of Boy Scout of America Troop 25 located in Madison, has offered to volunteer services to the cleaning of the Memorial Park picnic table area and connecting trails in support of his Eagle Scout project; and

**WHEREAS**, Robert D’Addario has indicated that he is proposing clearing and re-mulching of the picnic table area and connecting trails; and

**WHEREAS**, the Council wishes to approve such request.

**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 cleaning of the Memorial Park picnic area and connecting trails as described herein by Robert D’Addario is hereby approved, subject to any safety requirements of the Madison Public Works Department and any other governmental approvals required.

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**BE IT FURTHER RESOLVED** that prior to commencing any work, Robert D’Addario shall notify the Madison Department of Public Works with the anticipated date of commencement.

R 315-2013 RESOLUTION OF THE BOROUGH OF MADISON REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR THE COMMUNITY GARDENS TRUST FUND REQUIRED BY N.J.S.A. 40A:4-39

**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 NJS 40:12-15.2, Open Space Recreation and Farmland and Historic Preservation Trust Fund.

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 316-2013 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING DONATION OF RADAR SPEED SIGN FROM THE REALOGY HOLDING CORP.

**WHEREAS**, the Realogy Holdings Corp. has generously offered to fund the purchase of a portable radar speed sign for the Borough of Madison Police Department; and

**WHEREAS**, the Borough Council has concluded that it would be in the best interest of the Borough to accept the offer of the Realogy Holdings Corp. to donate a portable radar speed sign.

**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 Borough accepts the donation of the above described radar speed sign, and permission is granted for such sign to be used under the direction of the Madison Police Department personnel.

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**BE IT FURTHER RESOLVED** that the Borough of Madison expresses its gratitude to the staff of Realogy Holdings Corp.

R 317-2013 RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION 300-2013, PREVIOUSLY AUTHORIZING RETURN OF FUNDS TO THE ALCOHOL AND EDUCATIONAL REHABILITATION FUND REMOVED IN ERROR

**WHEREAS**, Resolution 300-2013 restored the Alcohol and Educational Rehabilitation Fund in the amount of \$5,675.76, such funds having been removed in error by Resolution R 291-2012; and

**WHEREAS**, the Chief Financial Officer has attested that funds are available in the Alcohol and Education Rehabilitation Fund in the amount of \$3,905.57, which funds were collected from DWI court fines.

**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. Resolution 300-2013 is amended to correct the Alcohol and Educational Rehabilitation Fund in the amount of \$ 3,905.57.
2. That such funds are to remain in the Alcohol and Education Rehabilitation Fund for the purpose of covering the cost of litigation and enforcement of DWI cases only.

R 318-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH THE BOROUGH OF CHATHAM TO PROVIDE CONSTRUCTION CODE, PLUMBING SUB-CODE AND ELECTRICAL SUB-CODE SERVICES

**WHEREAS**, the Borough Administrator has recommended that an Interlocal Services Agreement be entered into with the Borough of Chatham to provide enhanced construction code, plumbing sub-code, fire sub-code and electrical sub-code services; and

**WHEREAS**, the Borough of Madison would be the provider of said services and the Borough of Chatham would be the recipient of said services; and

**WHEREAS**, the Interlocal Services Agreement shall be for a period of up to three (3) consecutive years, beginning on or about January 1, 2014 and terminating on December 31, 2016, with a provision that either party may terminate its participation in the Agreement by giving the other party 180 days written notice in advance;

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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 is authorized to execute and the Borough Clerk is authorized to attest to a revised Interlocal Services Agreement with the Borough of Chatham as described herein in a form approved by the Borough Attorney.

**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.**

**Kevin Kigore, Academy Road**, asked that repaving of Academy Road be added to the 2014 budget, and noted that he will attend Council meetings until repairs are complete.

**Marybeth Forte, Academy Road**, asked that reconstruction of the roadway not be forgotten.

**Kristin Murray, Academy Road**, asked if storm drains will be include in roadway repairs to Academy Road.

**Carman Pico, North Street**, thanked the Mayor and Council for their involvement with repairs to sidewalks along Kings Road at the former Green Village Road School property.

**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	\$16,582.75
Health & Public Assistance	3,938.14
Public Works & Engineering	21,262.28
Community Affairs	2,216.46
Finance & Borough Clerk	5,636,556.75
Utilities	<u>162,352.20</u>
Total	<u>\$6,031,908.58</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

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***ADJOURN***

There being no further business to come before the Council, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved December 9, 2013 (EO)