

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

**February 23, 2015 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 23rd day of February 2015. 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 8, 2015. 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

Patrick W. Rowe

Also Present:

Raymond M. Codey, Borough Administrator

James E. Burnet, Assistant Borough Administrator

Elizabeth Osborne, Borough Clerk

Matthew J. Giacobbe, Esq. Borough Attorney

**AGENDA REVIEW**

There was approval of the Regular and Executive Agenda.

**READING OF CLOSED SESSION RESOLUTION**

Mr. Landrigan moved:

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

MINUTES FOR APPROVAL (1)

January 28, 2015

February 9, 2015

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

CONTRACT MATTERS (3)

YARD WASTE REMOVAL BID

WATER LINE AND UTILITY EASEMENT

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CIFELLI & SON GENERAL CONSTRUCTION, INC.

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

PERSONNEL MATTERS (2)

OFFICE ASSISTANT, P/T – FINANCE DEPARTMENT

OFFICE ASSISTANT, P/T – PUBLIC WORKS DEPARTMENT

Date of public disclosure 90 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**

Mr. Rowe moved approval of the **Executive Minutes of January 28, 2015**. 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. Rowe

Nays: None

Mr. Rowe moved approval of the **Regular Meeting Minutes of January 28, 2015**.

Ms. Baillie seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Mr. Rowe moved approval of the **Executive Minutes of February 9, 2015**. 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. Rowe

Nays: None

Mr. Rowe moved approval of the **Regular Meeting Minutes of February 9, 2015**.

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. Rowe

Nays: None

**GREETINGS TO PUBLIC**

Mayor Conley made the following comments:

The Borough of Madison will be sponsoring a community meeting on Wednesday, February 25, 2015 at 7 p.m. at Madison High School, to discuss the Pilgrim Pipeline proposal. Speakers will include former Governor Richard J. Codey, our state legislative

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delegation, a NJDEP representative and an environmental attorney. All residents are welcome to attend.

**PROCLAMATIONS:**

Mayor Conley presented the Read Across America proclamation to Central Avenue School Librarian, Gayle Stein.

*Proclamation  
of the  
Borough of Madison  
Proclaiming  
Read Across America Day  
March 2, 2015*

**WHEREAS**, the citizens of the Borough of Madison stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future and their ability to compete in a global economy; and

**WHEREAS**, Madison has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's well-being and long-term quality of life; and

**WHEREAS**, NEA's *Read Across America*, a national celebration of reading, will be conducted on March 2, 2015, the day on what would have been the 111<sup>th</sup> birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

**WHEREAS**, *Read Across America-NJ* is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association and their local affiliates across the state to promote reading and adult involvement in the education of our community's students;

**NOW, THEREFORE**, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, call on the citizens of Madison to assure that every child is in a safe place reading together with a caring adult on March 2, 2015. Further, we enthusiastically endorse *NEA's Read Across America* and *Read Across America-NJ* and recommit our community to engage in programs and activities to make America's children the best readers in the world.

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Robert H. Conley Mayor  
February 23, 2015

Mayor Conley presented a proclamation recognizing the Members of the Patriotic Celebrations Committee to the Members who were in attendance at the meeting.

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*Proclamation  
of the  
Borough of Madison  
In Recognition of the Members of the  
Patriotic Celebrations Committee*

**WHEREAS**, the Patriotic Celebrations Committee is a long-standing committee in the Borough of Madison responsible for organizing and coordinating the Memorial Day Parade and the commemorative ceremony that follows on the steps of the Hartley Dodge Memorial; and

**WHEREAS**, Memorial Day was originally called Decoration Day and was first celebrated on May 30, 1868, in honor of the soldiers of the Union and Confederate armies who died during the American Civil War; and

**WHEREAS**, by the late 19<sup>th</sup> century, the holiday became known as Memorial Day and was expanded to include the deceased veterans of all wars fought by American forces, becoming a federal holiday in 1971 to be celebrated on the last Monday in May; and

**WHEREAS**, so that residents of Madison will never forget those who have served our country, the members of the Patriotic Celebrations Committee are dedicated to honoring local veterans of all wars and have produced the *Wall of Honor* which is a display of restored old photographs of Madison military personnel who have given their lives in battle in service for their country; and

**WHEREAS**, the *Wall of Honor* is a tribute that can be viewed during the Memorial Day Parade and Remembrance Ceremony; and

**WHEREAS**, when veterans returned to civilian life after World War II there was a housing shortage, so the Borough of Madison had a temporary housing development for veterans constructed consisting of twenty prefabricated homes located on land opposite the Lucy D. Anthony School; and

**WHEREAS**, a current initiative of the Patriotic Celebrations Committee is the installation of a flag pole and plaque on the site of the World War II veterans temporary housing development, which later became the playground for Lucy D. Anthony School;

**NOW, THEREFORE**, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby extend thanks and appreciation to the members of the Patriotic Celebrations Committee for their efforts, dedication and commitment to the veterans of the Borough of Madison.

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Robert H. Conley, Mayor  
February 23, 2015

**REPORTS OF COMMITTEES**

**Community Affairs**

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

Ms. Baillie announced that the Downtown Development Commission (DDC) has completed the first phase of their Strategic Planning process and a new committee for Marketing/Branding has been formed. The Parking Committee will be folded into the new Public Improvements Committee and the DDC has voted to include a member representative from the Madison Arts and Cultural Alliance (MACA). The DDC will also look into adding university students to their membership. The DDC and the Madison Area YMCA are teaming up to host the First Annual Madison Downtown Scavenger Hunt on Saturday, March 21, 2015. The event will support Downtown Madison and benefit the Madison Area YMCA's Community Mental Health Initiative. Taste of Madison will be held on Monday, March 30, 2015, and tickets are available on the DDC website. May Day is scheduled for Saturday, May 2<sup>nd</sup> and volunteers are welcome. Tax season has begun with volunteer counselors meeting with clients each Wednesday by appointment through April 15. The seniors have been invited to a Dinner/Dress Rehearsal performance of the Madison High School Spring Musical, "Les Miserables," on March 25<sup>th</sup>. Donna Sue Dowton's 'Not Your Daughter's Yoga' class has eleven students and, if enough interest is shown, the class will continue on a weekly basis beginning in April. The Summer Seminar Series Committee had its first meeting on February 18th and five presenters are scheduled. Madison resident Douglas Simon will present the first seminar on July 6<sup>th</sup> entitled "Is America's Global Power Diminishing?"

**Public Safety**

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

The Madison Fire Department continues to be very busy with weather related calls and reminds residents to clear fire hydrants. Mr. Catalanello noted the passing of former Madison Fire Fighter Thomas Flack.

**Utilities**

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

In addition to clearing snow at substations, the Electric Department has worked to restore power lost due to a JCP&L feeder line causing a relay trip at the Kings Road substation.

**Finance and Borough Clerk**

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

The final adjustments to the proposed municipal budget will be discussed this evening. Mr. Landrigan noted that the proposed budget is working towards the goals recommended by the Strategic Planning Committees, and thanked the members for their hard work.

**Health**

Mr. Wolkowitz of the Committee made the following comments:

The Madison Health Department continues to monitor the recent measles outbreak, noting one case in Mercer County. The pneumonia vaccine is now available for senior residents.

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### **Public Works and Engineering**

Mr. Rowe, Chair of the Committee, made the following comments:  
The Ridgedale Ave Improvement Project was submitted to NJDOT on February 12<sup>th</sup> and a follow-up meeting is being scheduled next week. An informal public hearing will be scheduled before the next Council meeting. The public will be invited for comment. Shortly thereafter, bids will be advertised. The Waverly Place parking lot plans will be reviewed and the bid documents and engineer's estimates will be completed the following week. Bids will be received in April. The Elmer Street survey has been received and design plans will be forwarded to the County next month in preparation for a funding participation agreement. The Library HVAC system, ceiling and lighting repairs will be rebid this spring. The Bayley Ellard Fields are expected to undergo a second phase of site remediation this summer. If approved, fences will be relocated to expand the existing recreational area.

### **COMMUNICATIONS AND PETITIONS-None**

#### **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.**

**Gary Ruckelshaus; Fox Chase Road**, on behalf of the Library Trustees, thanked the Council for their support and additional funds for the replacement of the Library HVAC system. Mr. Rowe asked that the Library Trustees revisit the five year plan for the Library.

### **AGENDA DISCUSSIONS**

#### **02/23/2015-1 OPEN SPACE, RECREATION, AND HISTORIC PRESERVATION ADVISORY COMMITTEE QUARTERLY REPORT**

Ms. Baillie provided a quarterly financial report from the Open Space Committee, including a list of potential projects for 2015, noting that the committee has reached out to various groups to see what request might be made in 2015. Ms. Baillie also noted a meeting tomorrow with the Open Space Advisory Committee.

#### **02/23/2015-2 MRC MASTER PLAN ADVISORY COMMITTEE**

Ms. Baillie noted that members of the committee met on February 9, 2015 to review outstanding items and requested that the committee members be reappointed for a term of at least six months to complete outstanding projects. Mayor Conley recommended reappointment of members through December 31, 2015.

#### **02/23/2015-3 INTRODUCTION OF RECREATION ORDINANCE**

Recreation Director Zach Ellis provided information regarding a proposed ordinance to establish rules and regulations for the Recreation Program. Following discussion there was agreement to list an ordinance for introduction.

Ordinance 8-2015 is listed for introduction.

#### **02/23/2015-4 2015 MUNICIPAL BUDGET – FINAL ADJUSTMENTS**

Mayor Conley noted that the introduction of the proposed budget is scheduled for the March 9<sup>th</sup> Council meeting. Mr. Burnet provided information regarding final

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adjustments to the proposed budget noting capital dollars represent a total amount for capital projects and each project will come before Council for appropriation of funds. Following discussion, Mr. Landrigan made a motion for the Chief Financial Officer to work with the Auditor, to prepare the proposed budget for introduction as presented. Mr. Wolkowitz seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

**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 x, 2015, 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 4-2015  
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER  
75 OF THE BOROUGH CODE ENTITLED 'BUILDING CONSTRUCTION'  
TO INCREASE FIRE SUBCODE FEES**

Mayor Conley opened up the public hearing on Ordinance 4-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Rowe moved that Ordinance 4-2014, which was read by title, be finally 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. Rowe

Nays: None

Mayor Conley declared Ordinance 4-2014 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 5-2015  
AN ORDINANCE OF THE BOROUGH OF MADISON AMENDING  
CHAPTER 94, OF THE BOROUGH CODE ENTITLED 'ELECTRIC  
UTILITY', APPENDIX B, TO EXPAND THE RECONNECTION FEE**

Mayor Conley opened up the public hearing on Ordinance 5-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 5-2014, which was read by title, be finally adopted. Mr. Rowe seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Conley declared Ordinance 5-2014 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 6-2015**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 94 OF THE BOROUGH CODE ENTITLED “ELECTRIC UTILITY” TO AMEND THE RULES AND REGULATIONS OF THE ELECTRIC UTILITY DEPARTMENT AND SET FORTH REQUIREMENTS TO ESTABLISH REBATE CREDIT PROGRAM**

Mayor Conley opened up the public hearing on Ordinance 6-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 6-2014, which was read by title, be finally adopted. Mr. Rowe 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. Rowe

Nays: None

Mayor Conley declared Ordinance 6-2014 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 7-2015**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 185-29 OF THE BOROUGH CODE ENTITLED ‘VEHICLES AND TRAFFIC’ TO PROHIBIT PARKING ON OAK COURT**

Mayor Conley opened up the public hearing on Ordinance 7-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Rowe moved that Ordinance 7-2014, which was read by title, be finally 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. Rowe

Nays: None

Mayor Conley declared Ordinance 7-2014 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,

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the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record.

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

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

***INTRODUCTION OF ORDINANCES***

The Clerk made the following statement:

The ordinance scheduled for introduction and first reading tonight will have a hearing during the meeting of March 9, 2015 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 to the Borough offices and be made available to members of the public requesting same, as required by law.

Mayor Conley called up Ordinance 8-2015 for first reading and asked the Clerk to read said ordinance by title:

ORDINANCE 8-2015    ORDINANCE OF THE BOROUGH OF MADISON  
ESTABLISHING CHAPTER 137 OF THE BOROUGH CODE TO ESTABLISH  
POLICIES AND PROCEDURES FOR THE RECREATION DEPARTMENT OF THE  
BOROUGH OF MADISON

**WHEREAS**, the Assistant Borough Administrator and Recreation Advisory Committee have recommended that the Borough of Madison adopt an ordinance to establish policies and procedures for the Recreation Department in the Borough of Madison; and

**WHEREAS**, the Council has considered this recommendation and desires to proceed with the adoption of such ordinance;

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

**CHAPTER # 137**

**RECREATION DEPARTMENT CODE AND POLICIES**

**§ #-1. Creation and purpose.**

There hereby is created a Recreation Department in the Borough of Madison. The Recreation Department shall have as its purpose to maintain, promote and facilitate use of Borough-owned parks and recreational facilities and to provide both passive and active recreational programs, including, but not limited to, athletics and related physical programs.

**§ #-2. Departmental administration.**

There shall be a Borough of Madison Recreation Department, the head of which shall be the Recreation Director. With guidance from the Borough Administrator and

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the Recreation Advisory Committee, the Recreation Director shall: administer and operate athletic fields and facilities for indoor and outdoor sports, athletics, and recreational programs for children and adults; support and administer cultural and recreational programs, activities, and organizations; and, administer and enforce all rules, ordinances, and regulations relating to Recreation Department activities.

**§ #-3. Recreation department rules and regulations.**

The Madison Recreation Department shall control all lands, playgrounds and recreation places in a safe and wholesome condition for use. Suitable rules, regulations, and by-laws for the care of Borough property, for the conduct of all such persons while on or using such property, and any other appropriate regulations pertaining to Borough Recreation Programs shall be adopted by the Recreation Department with the advice and consent of the Borough Administrator and the Borough Attorney. Any person who shall violate any such rules, regulations, or by-laws shall be adjudged to be a disorderly person.

**§ #-4. Organization of Sport Programs.**

- A. The Borough of Madison will recognize one (1) organization for each sport as the primary organization for that sport annually by resolution; that organization shall be the one with the largest number of Madison youths participating; and that organization shall receive priority when reserving facility space. One (1) primary contact per organization shall be designated to represent each organization. Each sports organization is required to have a minimum 3 person Board of Directors.
- B. Unless waived by the Administrator, any Sports Program that is a separate legal entity which is granted permission to conduct recreational activities at Borough facilities shall provide a certificate of insurance in the amount of five hundred thousand dollars (\$500,000.00), combined single limit, covering property damage, liability and workers compensation, and naming the Borough as an additional insured with a thirty (30) day notice of cancellation.

**§ #-5. Facility Allocation, Use and Maintenance.**

- A. Facility use will be allocated to the various Sports Programs in accordance with policies established by the Recreation Director and the Recreation Advisory Committee, with the advice and consent of the Borough Administrator.
- B. Use of Borough facilities shall occur only after all required paperwork has been submitted to the Recreation Director as directed in this chapter, including but not limited to coach information, verification of coach training, criminal history record background checks, player information, and proof that the Code of Conduct has been distributed and enacted by every person involved.
- C. After each practice or event, the user must return the facility in a satisfactory condition, free of debris, rubbish and equipment, and shall observe all Borough ordinances, rules and regulations. Failure to do so shall be considered a violation of Borough regulations and shall result in penalties as described in Section 8 of this Chapter.

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**§ #-6. Mandatory criminal history record background checks.**

- A. The Borough of Madison requires that all employees and volunteers, 18 years of age and older, of a nonprofit youth-serving organization as a condition of coaching or using the Borough of Madison's facilities, submit to a Criminal History Record Background Check by an Authorized Vendor. The Criminal History Record Background Check shall be required of any coach or any person with direct access to minors involved in any youth-serving recreation program as determined by the Recreation Director. The Criminal History Record Background Check shall be performed annually or in a frequency as determined by State Statute. The costs of said Criminal History Record Background Check will be borne by the applicant.
1. A nonprofit youth-serving organization or organization is defined as any corporation, association or organization established pursuant to Title 15 or Title 15A of the New Jersey Revised Statutes, or other law of this state, but excluding public and nonpublic schools, and that provides recreational, cultural, charitable, social or other services for persons younger than 18 years of age, and is exempt from federal income taxes.
- B. An Authorized Vendor is defined as a vendor which is recognized by the Recreation Department and authorized by the State of New Jersey to conduct Criminal History Record Background Checks. A Criminal History Record Background Check is defined as a background check that complies with State of New Jersey Public Law 199 Chapter 432 and all other appropriate statutes.
- C. Criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. Use of this record shall be limited solely to the authorized purpose for which it was given, and it shall not be disseminated to any unauthorized persons or entities. Any person violating federal or state regulations governing access to criminal history record information may be subject to criminal and/or civil penalties.
- D. Failure to comply with this § may result in the Borough withholding funding for the program or league, and/or prohibiting use of Borough facilities.
- E. A person may be disqualified from serving as an employee or volunteer of a nonprofit youth-serving organization if that person's criminal history record background check reveals a record of conviction of any of the following crimes or offenses:
1. In New Jersey, any crime or disorder persons offense:
    - a. Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11-1 et seq., N.J.S.A. 2C:12-1 et seq., N.J.S.A. 2C:13-1 et seq., N.J.S.A. 2C:14-1 et seq., or N.J.S.A. 2C:15-1 et seq.
    - b. Against the family, children or incompetent, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:14-1 et seq.

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- c. Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Revised Statutes.
  - d. Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Revised Statutes except Paragraph (4) of Subsection (a) of N.J.S.A. 2C:35-10.
2. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offense described in Subsection E(1) of this section.
- F. For purposes of interpreting the information recorded in a criminal history record to determine the qualifications of the employee or volunteer of a nonprofit youth servicing organization and/or the employee or volunteer involved with Borough-sponsored programs involving minors, the Borough shall presume that the employee or volunteer is innocent of any charges or arrests for which there are no final dispositions on the record.
- G. Challenge of accuracy of criminal history report.
1. If a criminal history record may disqualify an employee or volunteer for any purpose, the employee or volunteer shall be provided with an opportunity to complete and challenge the accuracy of the information contained in the criminal history record. The employee or volunteer shall be afforded a reasonable period of time to correct and complete this record. A person is not presumed guilty of any charges or arrests for which there are no final dispositions indicated on the record. The Recreation Department shall coordinated between the employee or volunteer and the Division of the State Police or the authorized vendor any such opportunity to complete or challenge the accuracy of the information contained in the criminal history record.
  2. No person or entity shall be held liable in any civil or criminal action brought by a party based on any written notification on filed with the Police Department pursuant to the provisions of this section.
- H. Notification of subsequent disqualifying offense. If an employee or volunteer is convicted of a disqualifying crime or offense as specified in Subsection E hereof after such person has cleared the required background check, such person must immediately (but no later than three days after such conviction) notify the Borough Administrator of that fact. Such person shall be immediately disqualified from his or her position.
- I. Violation and penalties. Failure to comply with this section may result in the Borough withholding funding for the program or league, and/or prohibiting the use of Borough facilities.

### **§ #-7. Safety Regulations and Coach Training Policy.**

- A. Regulations regarding the suspension of activity due to lightning or other safety related issues shall be established by the Borough Administrator and the Borough Attorney with advice and input from the Recreation Director and

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Recreation Advisory Committee. Said regulations shall apply to all recreation programs and all organizations that have acquired field rental permits. Signs shall be posted at each park referencing the safety and lightning regulations.

- B. A policy regarding Minimum Coach Training including but not limited to training in safety and conduct, shall be established by the Borough Administrator and the Borough Attorney with advice and input from the Recreation Director and Recreation Advisory Committee.

### **§ #-8. Madison Recreation Department Code of Conduct**

- A. All organizations affiliated with the Madison Recreation Department must distribute and enforce a Code of Conduct as determined by the Recreation Department with the advice and consent of the Borough Administrator and the Borough Attorney. Sports Organizations are required to report all potential Code of Conduct violations to the Recreation Director and Borough Administrator as soon as possible and no later than 48 hours after the incident.
- B. Signs referencing the Code of Conduct shall be placed at every Borough owned sports facility.
- C. Compliance with Code of Conduct. Every participant, parent, guest, spectator, coach, or official attending or participating in any manner in any recreational activity, conducted under the auspices of the Madison Recreation Department, shall comply with the Code of Conduct. The Code of Conduct shall apply whether or not the event occurs within the Borough of Madison, provided it is conducted under the auspices of the Madison Recreation Department. Failure to comply with the Code of Conduct may result in suspension or other penalty as described in Section 9 of this Chapter. Without limitation, the following conduct is prohibited and shall be considered a violation of the code of conduct as determined by the Recreation Director:
  - (1) **Fights, scuffles, aggressive verbal arguments, and threats.** Initiating a fight, scuffle, aggressive verbal argument or any type of physical altercation or abuse or threats of abuse, towards any participant, parent, guest, spectator, coach or official.
  - (2) **Interference with recreational activities.** Interfering with recreational activities, including, but not limited to, entering the field of play, court, or rink, during any recreational activity conducted under the auspices of the Madison Recreation Department for the purpose of physically or verbally abusing or confronting coaches.
  - (3) **Use of obscene or profane language.** Using obscene or profane language, verbally abusing an official, player, or spectator, which abuse shall be deemed to include the use of obscene or profane language, or gesture, or racial, ethnic or sexual slurs.
  - (4) **Throwing objects onto the field of play.** Throwing or causing to be deposited any object onto the field of play, court, or rink.

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- (5) **Bullying, harassment or other forms of aggressive behavior.** Bullying harassing, or exhibiting other forms of aggressive behavior.
  - (6) **Aggressive physical contact with participants.** Having aggressive physical contact with recreation participants, including, but not limited to, hitting, kicking, pushing or other forms of aggressive physical contact.
  - (7) **All other detrimental behavior.** Other behavior which may be determined by the Recreation Director to be inappropriate and detrimental to recreational participants shall include, but not be limited to, encouraging recreation participants to engage in prohibit activity or inappropriate activity.
  - (8) **Refusing to follow the order of officials.** Parents, coaches, spectators, and all other parties at any recreation event must comply with the requests and demands of all field officials, including appointed league officials. Such authority shall include the authorization to direct any person or person to immediately remove themselves from the premises.
- D. Enforcement of Code of Conduct. The Recreation Director is hereby directed to review behavior at events at which teams or individuals participate under the auspices of the Madison Recreation Department, including events outside the Borough of Madison, and to make every effort to ensure that behavior at said events complies with the Code of Conduct established by this Chapter. Individual Sports Organizations shall not take any enforcement action with regards to potential Code of Conduct violations. The Recreation Director and the Borough Administrator shall be responsible for enforcement of the Code of Conduct. Any and all allegations, claims, or charges regarding violations of the Code of Conduct may be presented to the Recreation Director and the Borough Administrator.

### **§ #-9. Violations, Penalties and Appeals Process.**

- A. Any and all allegations, claims, or charges regarding violations of any rule or regulation established under this Chapter including but not limited to Code of Conduct, Safety Regulations, Coach Training, Criminal History Record Background Checks, or Facility Maintenance shall be presented to the Recreation Director. The Recreation Director shall inform the Borough Administrator before any action is taken. No complaint needs to be filed in order for the Recreation Director or the Borough of Madison to take action. Any penalty issued by the Recreation Director requires approval of the Borough Administrator. Penalties may include, but are not limited to, suspension of or reduction in an individual, program or organization's use of the Borough athletic field and facilities. Any penalty issued by the Recreation Director that involves a suspension in excess of three months must be reviewed by the Recreation Advisory Committee. Any individual, sports program or organization that is subject to penalty pursuant to this Chapter shall not have the right to reserve the use of Borough facilities until such penalty has expired or terminates.
- B. Appeals Process. An Appeal Committee shall be appointed when necessary to consider appeals from penalties imposed by the Recreation Director for

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violations of the Code of Conduct, Lightning Regulations or any other rules established under this Chapter. The Final Appeal Committee shall consist of the Borough Administrator, the Chair of the Recreation Advisory Committee, and the Recreation Director. The Final Appeal Committee shall establish whatever procedures it deems appropriate for it to review the matter, and shall be authorized to make a determination regarding the appropriateness of the penalty. Any such individual, program or organization wishing to appeal a penalty must file a written notice with the Recreation Department within ten (10) days after receipt of written notice of such penalty.

**§ #-10. Additional policies and procedures possible.**

The Borough of Madison reserves the right to establish additional policies and procedures as they determine in their absolute discretion.

**§ #-11. Severability**

If any section, provision or any other part of this Chapter, or the application of any such provision to any person or circumstances, shall be adjudged unconstitutional or invalid, the remainder of this Chapter to the extent it can be given effect or the application of such provision to person or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Chapter are severable.

**§ #-12. Repealer**

All ordinances or parts of ordinances which are inconsistent with the provisions of this article are hereby repealed, but only to the extent of such inconsistencies.

**§ #-13. Effective**

This Chapter shall take effect on July 1, 2015.

Ms. Baillie moved that Ordinance 8-2015, which the Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Ms. Baillie moved adoption of the Resolutions listed on the Consent Agenda. Mr. Catalanello seconded the motion. Ms. Baillie abstained from voting on Resolution R 82-2015. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

**R 76-2015 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF SERVERS FROM HEWLETT PACKARD COMPANY FOR UPGRADES AT THE MADISON POLICE DEPARTMENT**

**WHEREAS**, the Borough of Madison Network Administrator desires to purchase servers from Hewlett Packard Company for upgrades at the Madison Police Department; and

**WHEREAS**, the Network Administrator has recommended that the Borough Council authorize this contract for servers in the amount of \$20,825.81; and

**WHEREAS**, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$20,825.81 for this purpose upon final adoption of the 2015 Technology Operating budget, Account # 501, Sub account # 313.

**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 purchase of servers from Hewlett Packard Company, at a total price not to exceed \$20,825.81 is hereby approved.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Hewlett Packard Company for the purchase of servers at a total price not to exceed \$20,825.81, in a form acceptable to the Borough Attorney.

**R 77-2015 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT FOR YARD WASTE COLLECTION AND DISPOSAL TO WASTE INDUSTRIES, LLC**

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

**WHEREAS**, on two separate occasions, the sole bid received was rejected by the Borough Council as non-responsive; and

**WHEREAS**, following negotiations with the vendor, the Purchasing Officer has recommended that the Borough Council award a contract to Waste Industries, LLC, for Yard Waste Collection and Disposal in an amount not to exceed \$950,000.00 for a five year contract; for the base bid for 41 consecutive weeks of yard waste pick-up and collection beginning mid March of each year; and

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**WHEREAS**, the Chief Financial Officer has attested that funds are available for 2015 for this purpose in the 2015 Garbage and Trash Removal budget # 465, Operating Account # 222, for Yard Waste Collection and Disposal, and the term of the contract is contingent upon and are subject to the availability of funds for this purpose in the municipal budgets for 2016, 2017, 2018 and 2019.

**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 five year contract for the Yard Waste Collection and Disposal is hereby awarded for the base bid for 41 consecutive weeks of yard waste pick-up and collection beginning mid March of each year to Waste Industries, LLC, in an amount not to exceed \$950,000.00, with a provision that the contract for services in years 2016 through 2019 is subject to and contingent upon availability of funds in the municipal budgets.

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

R 78-2015 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE EXECUTION OF A WATER LINE AND UTILITY EASEMENT AGREEMENT WITH THE MADISON BOARD OF EDUCATION IN REGARD TO PROPERTY KNOW AS TAX BLOCK 601, LOT 1 IN THE BOROUGH OF MADISON

**WHEREAS**, the Madison Board of Education (BOE) owns property known as Tax Block 601, Lot 1, in the Borough of Madison; and

**WHEREAS**, development of sports fields and related facilities on nearby property owned by the Borough of Madison is serviced by sanitary sewer and potable water supply lines crossing the above property owned by the BOE and the installed locations of these utility lines has now been described on surveys; and

**WHEREAS**, the Madison Board of Education has submitted the attached water line and utility easement in a form approved by the Borough Attorney to the Borough Council, which easement agreements have been reviewed by Robert Vogel, Borough Engineer.

**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 Water Line and Utility Easement Agreement be executed with the Madison Board of Education in regard to property at Tax Block 601, Lot 1, and shall be recorded in the Morris County Clerk's Office by the Borough Attorney.

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R 79-2015 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING LISA DITARANTO TO THE POSITION OF OFFICE ASSISTANT, PART-TIME IN THE FINANCE DEPARTMENT

**WHEREAS**, the Chief Financial Officer recommends the appointment of Lisa DiTaranto , to the position of Office Assistant, Part-Time in the Finance Department; and

**WHEREAS**, the Council agrees with this recommendation.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that Lisa DiTaranto is hereby appointed to the position of Office Assistant, Part-Time in the Finance Department at an hourly rate of \$16.00 for 29 hours per week, without benefits.

R 80-2015 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING FINAL PAYMENT AND CHANGE ORDER REQUEST FROM CIFELLI & SON, INC IN THE AMOUNT OF \$182,735.78 BRINGING TOTAL AUTHORIZED PAYMENT TO \$1,440,662.07 FOR THE 2014 ROAD IMPROVEMENT PROGRAM

**WHEREAS**, a contract for the 2014 Road Improvement Program, in an amount not to exceed \$1,257,926.29 was awarded to Cifelli & Son, Inc., of Nutley, New Jersey, by Resolution 97-2014; and

**WHEREAS**, the Borough Engineer has recommended approval of a change order to the contract for field changes that were encountered during the construction bringing the contract total to \$1,440,662.07; and

**WHEREAS**, the Borough Engineer has advised the project has been completed and has recommended approval of the change order amending Resolution 97-2014 to Cifelli & Son, Inc. of Nutley, New Jersey in an additional amount of \$182,735.78 so that final payments may be processed and the contract completed; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of funds in an additional amount not to exceed \$182,735.78 for this purpose, which funds were appropriated by Ordinance 2-2014 in the amount of \$1,660,000.00 and the existing ordinance contains sufficient funds to include this final payment and change order.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that the final payment and change order request from Cifelli & Son, Inc. of Nutley, New Jersey, in the total contract amount not to exceed \$1,440,662.07 for the 2014 Road Improvement Program is authorized.

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R 81-2015 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PLACEMENT OF CLOTHING DONATION BIN IN THE ROSE CITY PLAZA PARKING LOT BY CANCER SUPPORT COMMUNITY OF CENTRAL NEW JERSEY

**WHEREAS**, Cancer Support Community of Central NJ has applied for a permit to place a clothing donation bin in the parking lot of the Rose City Plaza; and

**WHEREAS**, the property owner consents to the installation and the Zoning Officer and Borough Administrator have recommended approval of this request.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that the Borough Clerk is authorized to issue a permit to Cancer Support Community of Central NJ to place a clothing donation bin in the parking lot of the Rose City Plaza in accordance with Chapter 82 of the Madison Borough Code.

R 82-2015 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY THE YMCA MADISON AREA INC.

**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:

YMCA MADISON AREA INC.  
I.D. No. 274-4-27577  
R.A. No. 1341 – On Premise 50/50  
R.A. No. 1342 – On Premise Merchandise  
March 26, 2015

R 83-2015 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING DONATION OF TWO NEW SCOREBOARDS FOR THE MADISON RECREATION COMPLEX FIELD

**WHEREAS**, members of Madison Junior Lacrosse Program and Madison Junior Football Program have generously offered to donate two new scoreboards for use at the Madison Recreation Complex; and

**WHEREAS**, the Borough Council has concluded that it would be in the best interest of the Borough to accept the donation.

**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 two new scoreboards for the Madison Recreation Complex, pending final approval from the Borough Administrator and Borough Engineer

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regarding location, installation, funding recognition, electrical connection and with a cap of out of pocket costs for installation of \$5,000.

**BE IT FURTHER RESOLVED** that the Borough of Madison expresses its gratitude to the members of Madison Junior Lacrosse Program and Madison Junior Football Program.

**UNFINISHED BUSINESS** - None

**APPROVAL OF VOUCHERS**

On motion by Ms. Baillie 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	\$32,901.54
Health & Public Assistance	2,016.54
Public Works & Engineering	80,470.64
Community Affairs	144.00
Finance & Borough Clerk	64,271.93
Utilities	<u>504,039.13</u>
Total	<u>\$683,843.78</u>

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

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

**NEW BUSINESS**

Mayor Conley announced the following appointment and requested Council confirmation:

**MADISON ALLIANCE ADDRESSING SUBSTANCE ABUSE**

***Tricia Armstrong, TJ Sabatini Rep***, 10 Candlewood Drive, for a three year term through December 31, 2017.

**MRC MASTER PLAN ADVISORY COMMITTEE**

Reappointment through December 31, 2015

Robert Landrigan, Chair

Astri Baillie and Benjamin Wolkowitz, Council members

Stephan Stocker, MEC

Cathie Coultas, Parks Advisory Committee

Sandee Fielo, Senior Citizen Advisory Committee

Kay Leary, Senior Citizens Advisory Committee

Bob McDowell, Parks Advisory Committee

Charles Courtney, Community Garden Advisory Committee

Betsy Uhlman, MEC and Sustainable Jersey

Lisa Ellis, Board of Education

Maureen Byrne, Resident

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Gene Cracovia, STMB  
Sandy Kolakowski, Resident  
Dave Carver, Recreation Advisory Committee

Mr. Rowe moved approval of the foregoing appointments, seconded by Ms. Baillie and passed by the following vote:

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

**ADJOURN**

There being no further business to come before the Council, the meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved March 9, 2015 (EO)