

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

July 9, 2012 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 9th day of July 2012. Mayor Conley called the meeting to order at 7 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

The Borough Clerk read the statement pursuant to the Open Public Meetings Act:

“In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by transmitting a copy of the meeting notice to the Madison Eagle and Morris County Daily Record, posting a copy on the bulletin board at the main entrance of the Hartley Dodge Memorial, and filing a copy in the office of the Clerk, all on January 5, 2012. This Notice was made available to members of the general public.”

ROLL CALL

The Borough Clerk called the roll and the following acknowledged their presence:

Mayor Robert H. Conley

Council Members:

Jeannie Tsukamoto
Vincent A. Esposito
Donald R. Links
Robert G. Catalanello
Robert Landrigan
Carmela Vitale

Also Present:

Raymond M. Codey, Borough Administrator
Elizabeth Osborne, Borough Clerk
Matthew J. Giacobbe, Esq. Acting Borough Attorney

AGENDA REVIEW

There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Mrs. Tsukamoto moved:

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

MINUTES FOR APPROVAL (1)

None

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

CONTRACT MATTERS (5)

BOARD OF HEALTH

ELECTRIC LINE CLEARANCE

CO-LOCATION BY WIRELESS-CELL TOWER

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ALARM MONITORING SYSTEM
LABOR NEGOTIATIONS UPDATE

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

PERSONNEL MATTERS (3)
OFFICER ASSISTANT P/T – PUBLIC WORKS DEPT.
NON AFFILIATED COMPENSATION
UTILITY METER READER P/T

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

LITIGATION MATTERS (1)
ANDREA BROWN V. BOROUGH OF MADISON

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

Seconded: Dr. Esposito
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

Mrs. Tsukamoto moved approval of the **Regular Meeting Minutes of April 9, 2012**.
Dr. Esposito seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links,
Mr. Catalanello, Mr. Landrigan. Mrs. Vitale
Nays: None

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

Mayor Conley noted that Introduced Ordinance 14-2012, scheduled for hearing this evening will be tabled to a future meeting.

Employee of the Month for July:

P.O. Chad Rybka of the Madison Police Department for his research and implementation of the successful “Every 15 Minutes” program at Madison High School, designed to make teenagers dramatically aware of the dangers of drinking alcohol and texting while driving.

Anniversaries:

Nancy Dickerson of the Department of Public Works – 20th Anniversary on July 6th

Brian Allen of the Madison Fire Department – 20th Anniversary on July 13th

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The Public Library has signed over 600 children for their summer reading program as well as two course fully subscribed in their Summer Seminar program.

Laurie Pouts of Quest Diagnostics address the Mayor and Council and invited residents to attend the fourth annual QuestCares Madison Charity Softball Game and Barbecue to benefit the Mayor's Wellness Campaign and the American Cancer Society, to be Held July 19th at Dodge Field.

REPORTS OF COMMITTEES

Public Safety

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

Mrs. Tsukamoto reported that the Madison Police Department responded to 2401 calls in June. The Madison Ambulance Corp. responded to 84 medical emergencies. Mrs. Tsukamoto reported that as of June the Police Department is using a completely paperless scheduling system. The Madison Fire Department will be submitting an application for a FEMA grant in the amount of \$132,000.00 to replace self-contained breathing apparatus. A resolution is listed on the consent agenda. New Jersey Transit has report that no damage was done to the trestle at Green Avenue due to a recent truck accident, in which 100 gallons of hydraulic fuel was spilled.

Utilities

Dr. Esposito, Chair of the Committee, made the following comments:

Dr. Esposito encouraged resident and businesses to sign up for voluntary electric curtailment program to save the Borough over \$100,000 annually in peak charges. Please sign up for Nixle for notifications. The Water Department asks for cooperation with voluntary alternate day water restrictions.

Public Works and Engineering

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

Mr. Links asked Borough Engineer Robert Vogel to report on numerous projects. Mr. Vogel noted that the last two weeks have been busy, 48 inch sewer failed at a New Jersey traction line last month creating an emergency repair, with minimal damage to surrounding property. Jen Electric has completed flasher replacement at the intersection of Noe and Woodland Avenues. Chemical Feed systems have been completed at the Candlewood pump station, and the Park Avenue force main repairs will begin tomorrow. Mr. Vogel reported that storage building has been installed at the Madison Recreation Center have been completed as well as sidewalks completed by staff at the Department of Public Works

Finance and Borough Clerk

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

Mr. Catalanello noted that CFO Robert Kalafut reports revenue collections are on target for the year, and expenses are steady. Mr. Catalanello explained a request for necessary repairs at the Madison Chatham Joint Meeting, with an inspection to take place in the near future. The request is for approximately \$3.6 million in repairs, of which Madison is responsible for about 2/3rds. The Borough continues to evaluate what the actual split should be between Madison and Chatham Borough. Mr. Catalanello noted his meeting with the Community Garden team, and stated that the team believes they can get grants to build a green house and that adopting an ordinance would jeopardize any funding. The Construction Review committee will meet on July 23rd.

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Community Affairs

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

Mr. Landrigan reported that the Senior Citizen Advisory Committee is offering free ticket to seniors to 'Once Upon a Mattress' at the Madison High School. Van service to the Farmers' market is now available on a trial basis. The DDC is preparing for Bottle Hill Day scheduled for October 6th and please visit the MAASA website for summer programs.

Health & Public Assistance

Mrs. Vitale of the Committee made the following comments:

Mrs. Vitale reported on a new website with important information regarding the Municipal Alliance Addressing Substance Abuse. Mrs. Vitale announced that a grant has been received for a new Senior Citizen Handicapped Accessible Van from Investors Bank. Mrs. Vitale thanked Investor's Bank for their generosity, and indicated she hopes to have the bus within 90 days at no cost to Madison taxpayers.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

Petitions hand delivered July 9, 2012 by Mr. Sandeep Bhatt of Green Avenue regarding the reconstruction of Green Avenue

E-mail received July 9, 2012 from Stephen McCann, of 184 Green Ave, regarding roadway reconstruction of Green Avenue

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.**

The following residents voiced concern regarding the proposed Morris County Park Commission Traction Line Trail Extension:

Joseph Balwierczak, Beech Avenue

Bill Kennard, Green Avenue

Denise White, Cedar Avenue

Stephen Kreha, Beech Avenue

Frank Occhiogrosso, Beech Avenue

Veronica Trouland, Beech Avenue

Joseph Hunoval, Beech Avenue

The following residents voiced concern regarding the roadway condition on Green Avenue and asked for Council action.

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Sandeep Bhatt, Green Avenue,

Wendy Tait, Crestwood Drive,

Tom Larkins, Green Avenue,

Nancy Bengali, Candlewood Drive,

Paul Allocco, Greenwood Avenue, commented on the Madison Recreation Center site noting that much work still needs to be done, such as planting trees to fight soil erosion and trails that need repair. Mr. Allocco asked about Open Space funds for repairs to the Cole Fountain.

Chris Kellogg, Walnut Street, offered his support for the proposed Morris County Park Commission Traction Line Trail Extension.

Jerome Holzman, Espy Court, voiced his disappointment that the North Street pump station is not repair yet and noted that all businesses set aside money for improvements. Mr. Holzman asked for a refund in his tax bill.

AGENDA DISCUSSIONS

07/09/2012-1 GREEN AVENUE RECONSTRUCTION

Mr. Vogel provided an update on the Borough's scheduled plan for the reconstruction of Green Avenue from Woodland Road to Shunpike Road. There was consensus among Council to make this project a priority for 2012 State Aid application. Mr. Catalanello made a motion that Green Ave be listed on the application, seconded by Mrs. Tsukamoto and agreed to unanimously. All agreed that communication with residents should continue. Mrs. Tsukamoto noted that by September we should have plans and can hold a public information meeting. Mr. Vogel will continue to reach out to the community captain. Mrs. Tsukamoto asked that the Borough inform residents when plans change, in addition to notifying residents when construction work is to start in their area.

07/09/2012-2 MORRIS COUNTY GRANT APPLICATION TO EXPAND A PEDESTRIAN WALKWAY/BIKEWAY FROM DANFORTH ROAD TO ELM STREET

Mr. Richard Vitale, Assistant Director of Finance from the Morris County Park Commission addressed the Mayor and Council regarding a resolution asking for support for the construction of a paved extension line, by Morris County to the Traction Line Pedestrian Walkway and Bikeway trail. Mr. Vitale provided a handout of photos of the proposed extension area. Mr. Vitale noted that the County is aware of resident concerns regarding security and the impact on a buffer area. Mr. Vitale noted that funding is for the design as well as construction. Following discussion Council was in agreement that residents need more communication before supporting this project.

Resolution R 177-2012 is listed on the Consent Agenda.

07/09/2012-3 ASSET MANAGEMENT PROGRAM – BOROUGH UTILITIES

Dr. Esposito requested a formal asset management program specifically for the Borough utilities. Dr. Esposito recommends seeking assistance from Electrical

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Engineering Consultants Crane Associates, Inc. Dr. Esposito asked for consensus of the Council to involve Crane Assoc. and the Borough Engineer in preparing a presentation looking forward five to fifteen years. Mayor suggested asking Crane to submit a proposal on asset management proposal and a plan from the Borough Engineer as well.

07/09/2012-4 SUSTAINABLE JERSEY GRANT

Chris Kellogg and Margaret Eckler-Malishchak addressed the Mayor and Council to ask for support for a grant application for a Sustainable Jersey grant funded by PSE&G. There are several grant opportunities. There was no objection to listing a resolution for support

Resolution R 186-2012 and R 187-2012 are listed on the Consent Agenda.

ADVERTISED HEARINGS

The Clerk made the following statement:

Ordinance 11-2012 scheduled for hearing was introduced by title and passed on first reading at a regular meeting of the Council held on June 11, 2012, Ordinances 12-2012 through 16-2012 were introduced by title and passed on first reading at a regular meeting of the Council held on June 25, 2012; all were posted and filed according to law, and copies were made available to the general public requesting same.

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

ORDINANCE 11-2012

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$20,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR PURCHASE OF LED LIGHT FIXTURES FOR THE COOK AVENUE PARKING LOT.

WHEREAS, the Electric Utility Superintendent has recommended that the Borough appropriate \$20,000.00 from the Electric Capital Improvement Fund for the purchase of LED light fixtures for the Cook Avenue Parking Lot; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Electric Capital Improvement Fund in an amount not to exceed \$20,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$20,000.00 from the Electric Capital Improvement Fund; and

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

SECTION 1: The amount of \$20,000.00 is hereby appropriated from the Electric Capital Improvement Fund for the purchase of LED light fixtures for the Cook Avenue Parking Lot.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

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

Mayor Conley opened up the public hearing on Ordinance 11-2012. Since no member of the public wished to be heard, the public hearing was closed.

Dr. Esposito moved that Ordinance 11-2012, which was read by title, be finally adopted. Mr. Landrigan seconded the motion. Dr. Esposito raised concern regarding the cost of the fixtures and the affect of the lights on the neighbors. Following discussion, the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Links, Mr. Catalanello, Mr. Landrigan. Mrs. Vitale
Nays: Dr. Esposito,

Mayor Conley declared Ordinance 11-2012 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 12-2012
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195-12A OF THE BOROUGH CODE ENTITLED “LAND USE” REGARDING TEMPORARY SIGN PERMIT TO ESTABLISH FEES

WHEREAS, the Land Use Administrative Official has recommended amendments to the Borough Code to establish certain fees for temporary sign permits.

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

SECTION 1: Chapter 195-12A of the Code of the Borough of Madison, entitled “Fees” is hereby amended as follows to establish certain fees for temporary sign permits:

... Type of Fee	Fee
Temporary signage – banner and signs Permit	\$ 50.00

....

SECTION 2: This ordinance shall take effect immediately and upon final passage and publication as required by law.

Mayor Conley opened up the public hearing on Ordinance 12-2012. Since no member of the public wished to be heard, the public hearing was closed.

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Mr. Links moved that Ordinance 12-2012, 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: Mrs. Tsukamoto, Dr. Esposito, Mr. Links,
Mr. Catalanello, Mr. Landrigan. Mrs. Vitale

Nays: None

Mayor Conley declared Ordinance 12-2012 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.

A motion was adopted by voice vote to extend the meeting to 11:15 p.m., said motion having been moved by Mrs. Tsukamoto and seconded by Dr. Esposito.

**ORDINANCE 13-2012
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 94
APPENDIX A OF THE BOROUGH CODE ENTITLED “ELECTRIC UTILITY”
REGARDING NET METERING**

WHEREAS, the Assistant Borough Administrator has recommended amendments to the Borough Code to establish a schedule of rates for customers who generate and feed electricity into the Borough of Madison electrical system.

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

SECTION 1: Chapter 94 of the Code of the Borough of Madison, Appendix A, thereof entitled “SCHEDULE OF RATES FOR CUSTOMERS WHO GENERATE AND FEED ELECTRICITY INTO MADISON’S ELECTRICAL SYSTEM” is hereby amended as follows to establish a schedule of rates for net metering:

...

**BOROUGH OF MADISON
SCHEDULE OF RATES FOR CUSTOMERS WHO
GENERATE AND FEED ELECTRICITY INTO
MADISON’S ELECTRICAL SYSTEM**

Applicable to service classification RS – Residential Service:

A. An electric customer who obtains a permit from the Borough for installation of a system to generate and feed electricity to Madison’s electrical system pursuant to §94-3 above, and in accordance with the Rules and Regulations of the Electric Utility Department of the Borough of Madison, shall pay for energy delivered at the same rate as others in the same customer class.

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B. The Madison Borough Electric Department will:

1. Credit the self-generation customer for energy the Borough receives at the then current Energy Rate charged for 0 to 600 kWh for Classification RS – Residential Service. This credit will be applied against the next monthly bill. If the credit amount is greater than the bill the remaining credit will be carried forward.

2. Pay the customer for credit held at the end of the twelve-payment cycle (January through December) at the current purchase power rate, leaving no outstanding balance. The Borough shall make this payment no later than January 31st of the following year.

Applicable to other service classifications:

C. An electric customer who obtains a permit from the Borough for installation of a system to generate and feed electricity to Madison's electrical system pursuant to §94-3 above, and in accordance with the Rules and Regulations of the Electric Utility Department of the Borough of Madison, shall pay for energy delivered at the same rate as others and the same customer class.

D. The Madison Borough Electric Department will:

1. Credit the self-generation customer for energy the Borough receives at the same kWh rate Madison pays for purchased power. This credit will be applied against the next monthly bill. If the credit amount is greater than the bill the remaining credit will be carried forward.

2. Pay the customer for credit held at the end of the twelve-payment cycle (January through December) at the current purchase power rate, leaving no outstanding balance. The Borough shall make this payment no later than January 31st of the following year.

....

SECTION 2: This ordinance shall take effect immediately and upon final passage and publication as required by law.

Mayor Conley opened up the public hearing on Ordinance 13-2012. Since no member of the public wished to be heard, the public hearing was closed.

Dr. Esposito moved that Ordinance 13-2012, which was read by title, be finally adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links,
Mr. Catalanello, Mr. Landrigan. Mrs. Vitale
Nays: None

Mayor Conley declared Ordinance 13-2012 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 14-2012
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$90,000.00
FROM THE OPEN SPACE TRUST FUND FOR THE PURCHASE OF AN ADA
COMPLIANT GREEN HOUSE AT THE MADISON COMMUNITY GARDENS**

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough to purchase an Americans with Disabilities Act (ADA) compliant green house at the Madison Community Gardens; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$90,000.00 from the Madison Open Space Trust Fund for the purchase of the greenhouse; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$90,000.00 for this purpose in the Madison Open Space Trust fund.

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

SECTION 1: The amount of \$90,000.00 is hereby appropriated from the Madison Open Space Trust Fund for the purchase of an Americans with Disabilities Act (ADA) compliant greenhouse at the Madison Community Gardens.

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

Mayor Conley opened up the public hearing on Ordinance 14-2012. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Catalanello moved to table Ordinance 14-2012. Mr. Landrigan seconded the motion. The motion to table passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links,
Mr. Catalanello, Mr. Landrigan. Mrs. Vitale
Nays: None

**ORDINANCE 15-2012
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$50,000.00
FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR EMERGENCY**

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PURCHASE OF MATERIALS, EQUIPMENT AND SERVICES FOR STORM SEWER REHABILITATION

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$50,000.00 from the General Capital Improvement Fund for emergency purchasing of materials, equipment and services to repair damage to the storm sewer adjoining the railroad at Station 1400+00; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$50,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$50,000.00 from the General Capital Improvement Fund for emergency purchasing of materials, equipment and services to repair damage to the storm sewer adjoining the railroad at Station 1400+00.

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

SECTION 1: The amount of \$50,000.00 is hereby appropriated from the General Capital Improvement Fund for emergency purchasing of materials, equipment and services to repair damage to the storm sewer adjoining the railroad at Station 1400+00.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

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

Mayor Conley opened up the public hearing on Ordinance 15-2012. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Links moved that Ordinance 15-2012, 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: Mrs. Tsukamoto, Dr. Esposito, Mr. Links, Mr. Catalanello, Mr. Landrigan
Nays: None
Abstain: Mrs. Vitale

Mayor Conley declared Ordinance 15-2012 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 16-2012
ORDINANCE OF THE BOROUGH OF MADISON ESTABLISHING THE MADISON
COMMUNITY GARDEN ADVISORY COMMITTEE**

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WHEREAS, the Mayor and Council wish to make permanent the Madison Community Garden Advisory Committee; 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 27 entitled “Madison Community Garden Advisory Committee”:

Chapter 27: Madison Community Garden Advisory Committee.

SS 27 -1. Establishment.

The Madison Community Garden Advisory Committee is hereby established to be known as “the Community Garden Advisory Committee of the Borough of Madison” (hereafter referred to as “the Committee”). The Committee shall consist of fifteen (15) members.

SS 27 -2. Purpose and Responsibilities.

- (A) To make recommendations to the Mayor and Council regarding the operations of the Madison Community Garden and any future activities of the Committee.
- (B) The Committee will provide education and outreach on community gardening to the community, all Borough Committees, Boards and Commissions, and the Mayor and Council.
- (C) The Committee will seek grants to achieve these goals.
- (D) The Committee will submit a report to the Mayor and Council at the end of each calendar year, concerning on-going activities and grants. In addition, the Committee shall regularly circulate to the Mayor and Council copies of its meeting minutes. All records, reports and data shall be available to the Council for inspection at any time.
- (E) The Committee will hold a minimum of four (4) public meetings annually which shall be open to the public pursuant to the Open Public Meetings Act and shall take place at the Madison Municipal Building unless otherwise noted.

SS 27 -3. Membership

Membership shall consist of 15 regular members. 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, appointed by the Mayor with the advice and consent of the Council:

- (A) One liaison member of the Council.
- (B) Fourteen (14) members who are residents of the Borough.

The Committee shall have the right to appoint non-voting advisory members with special abilities and expertise beneficial to the Committee’s objectives.

SS 27 -4. Quorum and Limitation of Powers.

- A. A majority of the voting members of the Committee shall constitute a quorum.

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B. The Committee is specifically prohibited from exercising any power of condemnation or eminent domain, from pledging the credit of the municipality and from creating any debt against the municipality.

SS 27 – 5. Borough Departmental Assistance.

A. General. Subject to limitations as may hereinafter be determined by the Mayor and Council, insofar as may be practicable, the employees and professional staff of the Borough of Madison, including the Borough Attorney, shall be available to assist the Committee in the performance of its duties.

B. Procedure. All requests for employee or professional staff assistance shall be made through the Borough Administrator. Any project that requires substantial assistance from the Borough staff and professionals shall be reviewed by the full Committee and said assistance shall be approved by the Council prior to commencement of the project.

SS 27-6. Terms of Office.

(A) The Council liaison shall serve annually.

(B) The fourteen (14) resident members shall serve for a term of three years (staggered terms). The terms of office shall commence upon the day of each member's appointment, unless otherwise specified at the time of appointment, and be for the initial respective periods of one, two, and three years (four members shall initially be appointed for one year, four members shall initially be appointed for two years and six members for 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.

(C) The Mayor shall, initially, designate one of the members as Chairperson, and the Committee shall select a Secretary to record minutes. Thereafter, in subsequent years, the Committee shall annually select a Chairperson and Secretary. The Chairperson shall call the initial meeting of the Committee within thirty (30) days of the adoption of this Ordinance. Thereafter, the Committee shall establish its meeting schedule, which shall be duly published.

SS 27 -7. 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. In the event that the Mayor fails to make a nomination at least 15 days prior to the date of the second regular public meeting of the Council after a position becomes vacant or the Borough Council fails to confirm a nomination, then the appointment shall be made by the Borough Council by the vote of a majority of the members present at the meeting, provided that at least three affirmative votes shall be required, with the Mayor to have no vote thereon except in the case of a tie.

SS 27 – 8. Conflict of interest.

A. Disclosure of interest. No Committee Member shall have or shall acquire any interest, direct or indirect, personal or financial, in any project which the Committee is promoting or in any contract or proposed contract for materials or services or in any lease, mortgage, sale or contract of any nature whatsoever relating to any such project or to the Committee without forthwith making written disclosure to the Committee of the nature and extent of the interest. Such disclosure shall be entered in writing upon the minutes of the Committee.

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B. Voting. No Committee Member having an interest as described in § SS 27-8A shall vote on matters directly relating to such interest.

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

Mayor Conley opened up the public hearing on Ordinance 16-2012. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Catalanello moved that Ordinance 16-2012, which was read by title, be finally adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links,
Mr. Catalanello, Mr. Landrigan. Mrs. Vitale

Nays: None

Mayor Conley declared Ordinance 16-2012 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

INVITATION FOR DISCUSSION (2 of 2)

Mayor opened the meeting to the public for their opportunity to ask questions and make comments on any subject. Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record.

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

Sam Cerciello, Park Avenue, complimented the Council for action taken on Green Avenue and asked the status of litigation involving the Police Department.

John Morris, Bedford Court, expressed support for the Morris County Traction Line Trail extension.

Carmen Pico, North Street, noted that PSE&G has marked North Street and raise concern as the roadway has recently been reconstructed. Mr. Pico asked for the schedule of repairs planned for the North Street pump station.

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 July 23, 2012 in the 2nd Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinance 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 17-2012 for first reading and asked the Clerk to read said ordinance by title:

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ORDINANCE 17-2012 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 190-25B OF THE BOROUGH CODE REGARDING
MANDATORY TESTING OF WATER METERS LARGER THAN TWO INCHES

WHEREAS, the Borough Administrator has recommended that Chapter 190-25B of the Madison Borough Code be amended to require water customers with a meter greater than two (2) inches to have their meter tested every three (3) years and make necessary repairs; and

WHEREAS, the Borough Council agrees with this recommendation.

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

SECTION 1: Section 190-25B of the Borough Code is amended to read as follows:

§190-25 B. Meters larger than two (2) inches.

All meters larger than two (2) inches shall be tested by April 1, 2004, by a qualified inspection agency at the expense of the meter owner. A written report from the agency shall be submitted to the Borough Water Utility within two weeks of said test. Thereafter, each meter larger than two inches shall be tested every three (3) years and a report submitted to the Borough as set forth herein.

If any such test reveals defects, the customer shall make the repairs as requested by the Borough within sixty (60) calendar days. If a meter owner fails to provide test results in conformity with this ordinance and/or fails to make the required meter repairs within the sixty (60) day period, then a five (5%) percent surcharge will be added to each water bill for the first sixty (60) days. After sixty (60) days if the testing and/or repairs or installation have not been satisfactorily completed, the five (5%) percent surcharge will be increased to thirty-five (35%) percent and added to each water bill until the provisions of this ordinance are satisfied and confirmed in writing to the Borough.

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

Dr. Esposito moved that Ordinance 17-2012, 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: Mrs. Tsukamoto, Dr. Esposito, Mr. Links,
Mr. Catalanello, Mr. Landrigan. Mrs. Vitale

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.

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Mrs. Tsukamoto moved adoption of the Resolutions R178-2012 through R 183-2012 and R 185-2012 through R 187-2012 listed on the Consent Agenda. Dr. Esposito seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links,
Mr. Catalanello, Mr. Landrigan. Mrs. Vitale
Nays: None

R 178-2012 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT AND LEASE FOR WIRELESS COMMUNICATION ANTENNAE MONOPOLE AND GROUND FACILITY ON BOROUGH PROPERTY LOCATED ON MADISON AVENUE WATER TANK AND CELL TOWER

WHEREAS, the Borough of Madison publicly advertised for bids in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. to lease space on Borough property on Madison Avenue, Block 211, Lot 1, for a Wireless Communication facility; and

WHEREAS, one bid was received submitted by New York SMSA Limited Partnership d/b/a Verizon Wireless for an initial annual rent of \$48,000; and

WHEREAS, the Borough Administrator has recommended that the Borough Council award the contract and lease to New York SMSA Limited Partnership d/b/a Verizon Wireless as set forth above; and

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 lease of certain area on Lot 1, Block 211, Madison Avenue, for one location on the existing Wireless Communication Monopole and space for one ground facility is hereby awarded to New York SMSA Limited Partnership d/b/a Verizon Wireless for the annual rent of \$48,000.00, subject to New York SMSA Limited Partnership d/b/a Verizon Wireless entering into a Lease agreement approved by the Acting Borough Attorney and such other documents as may be reasonably required by the Acting Borough Attorney.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute the Lease described above in a form acceptable to the Acting Borough Attorney.

R 179-2012 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO ASPLUNDH TREE EXPERT CO. OF HORSHAM, PA FOR ELECTRIC LINE CLEARANCE SERVICES FOR THE HOURLY RATE OF \$122.21

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WHEREAS, the Borough of Madison publicly advertised for bids for electric line clearance for 2012 and 2013 (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, Asplundh Tree Expert Co. submitted the lowest bid in the amount of \$122.21 per hour for approximately 12 weeks beginning July 2012 and June 2013; and

WHEREAS, the Electric Utility Superintendent has recommended that the Contract be awarded to Asplundh Tree Expert Co., in the amount of \$122.21 per hour, not to exceed a total cost of \$65,000.00 per year with the contract for 2013 contingent on funding availability; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$122.21 per hour for 12 weeks, for a total cost not to exceed \$65,000.00 per year for this purpose from the Electric Department Operating Budget, subject to funding availability for the second year of the contract in 2013. The 2012 funding is available in Account 502/214.

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

1. The contract for electric line clearance for 2012 and 2013 is hereby awarded to Asplundh Tree Expert Co., based upon its bid in the amount of \$122.21 per hour, not to exceed a total cost of \$65,000.00 per year, with the contract for 2013 conditioned on availability of funding.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Asplundh Tree Expert Co., in a form acceptable to the Acting Borough Attorney.

R 180-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY THE THURSDAY MORNING CLUB

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

THURSDAY MORNING CLUB
I.D. No. 274-8-12803
R.A. No. 1240 – On Premise
November 17, 2012

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Legalized Games of Chance Control Commission.

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R 181-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING INDEMNIFICATION AND LEGAL DEFENSE OF KENNETH SHANNON AND CRAIG PERRELLI

WHEREAS, Andrea Brown, a resident of Pequannock, New Jersey, has filed suit against the Borough of Madison and Police Officers Kenneth Shannon and Craig Perrelli, individually and/or as agents, servants or employees of the Borough of Madison; and

WHEREAS, the allegations set forth in said lawsuit against Police Officers Kenneth Shannon and Craig Perrelli arise out of the employment duties of Police Officers Kenneth Shannon and Craig Perrelli as Police Officers of the Borough of Madison Police Department; and

WHEREAS, Police Officers Kenneth Shannon and Craig Perrelli have requested that the Borough of Madison provide indemnification and a legal defense in said civil action; and

WHEREAS, Chapter 14, Section 1-4, of the Madison Borough Code provides that whenever a civil action is filed against any employee of the Borough for any action or omission arising out of or in the course of the performance of the duties of such office, position or employment, the Borough “. . .shall defray all costs of defending such action, including reasonable counsel fees and expenses, together with costs of appeal, if any, and shall save harmless and protect such persons from any financial loss resulting from the litigation”.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that the Borough of Madison shall provide a legal defense and indemnify Police Officers Kenneth Shannon and Craig Perrelli in regard to the lawsuit entitled Andreas Brown v. Borough of Madison et. als., filed in United States District Court, District of New Jersey, case number 2:12-CV-005260-SDW-MCA, as provided in Chapter 14 of the Borough Code.

R 182-2012 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING ELIZABETH BRADLEY TO THE POSITION OF OFFICE ASSISTANT I, PART-TIME

WHEREAS, the Superintendent of Public Works recommends the appointment of Elizabeth Bradley to the position of Office Assistant I, Part Time, in the Department of Public Works, effective immediately; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account 300-110, in the 2012 Department of Public Works budget; and

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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 Elizabeth Bradley is hereby appointed to the position of Office Assistant I, Part Time, effective immediately; and

BE IT FURTHER RESOLVED, that Elizabeth Bradley be compensated at the hourly rate of \$15.00 per hour for twenty (20) hours per week.

R 183-2012 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING MICHAEL CACCAVALE TO THE POSITION OF METER READER, PART-TIME

WHEREAS, the Chief Financial Officer recommends the appointment of Michael Caccavale, to the position of Meter Reader, Part-Time, effective July 10, 2012; 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 Michael Caccavale is hereby appointed to the position of Meter Reader, Part-Time, effective July 10, 2012; and

BE IT FURTHER RESOLVED, that Michael Caccavale will be compensated at the hourly rate of \$12.00 per hour, not to exceed 29 hours per week.

R 184-2012 Item removed and the # retired

R 185-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING \$132,000.00 GRANT APPLICATION BY THE MADISON FIRE DEPARTMENT TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR SELF CONTAINED BREATHING APPARATUS

WHEREAS, the Madison Fire Department has requested authorization to apply for a \$132,000.00 grant from the Federal Emergency Management Agency (**FEMA**) as part of the U.S. Department of Homeland Security, for the upgrade of outdated Self Contained Breathing Apparatus (SCBA) and spare SCBA air cylinders; and

WHEREAS, the Federal Emergency Management Agency will fund 95% of the requested amount and the Borough of Madison will be responsible for the remaining 5% of funding; and

WHEREAS, the Borough Council requests a letter of support from our Congressional representatives, in support of grant application number EMW-2012-FO-02881.

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NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Borough of Madison hereby authorizes, endorses and supports the Fire Department's application to obtain a \$132,000.00 grant from the Federal Emergency Management Agency (FEMA) for Self Contained Breathing Apparatus (SCBA) and spare SCBA air cylinders and requests a letter of support for this grant application from the Honorable Rodney P. Frelinghuysen, Congressman from the 11th District, New Jersey, Senator Robert Menendez and Senator Frank Lautenberg .

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Federal Emergency Management Agency (FEMA) Grants Program.

R 186-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF A SUSTAINABLE JERSEY GRANT FUNDED BY PSE&G

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic, and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Madison strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Borough of Madison is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created the Sustainable Jersey Small Grants funded by PSE&G for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, has determined that the Borough of Madison should apply for the aforementioned Grant.

BE IT FURTHER RESOLVED that the Borough Council of the Borough of Madison, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant funded by PSE&G for the \$20,000.00 grant.

R 187-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF A SUSTAINABLE JERSEY GRANT FUNDED BY PSE&G

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic, and social objectives are balanced and mutually supportive; and

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WHEREAS, the Borough of Madison strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Borough of Madison is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created the Sustainable Jersey Small Grants funded by PSE&G for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, has determined that the Borough of Madison should apply for the aforementioned Grant.

BE IT FURTHER RESOLVED that the Borough Council of the Borough of Madison, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant funded by PSE&G for the \$2,000.00 grant.

Mrs. Tsukamoto moved adoption of the Resolutions R188-2012 listed on the Consent Agenda. Dr. Esposito seconded the motion. Mr. Giacobbe read the following resolution in full and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links,
Mr. Catalanello, Mr. Landrigan. Mrs. Vitale

Nays: None

R 177-2012 RESOLUTION OF THE BOROUGH OF MADISON SUPPORTING THE CONSTRUCTION OF A PAVED EXTENSION, BY THE MORRIS COUNTY PARKS COMMISSION, TO THE TRACTION LINE PEDESTRIAN WALKWAY AND BIKEWAY TRAIL

WHEREAS, the Morris County Park Commission has proposed the construction of a paved pedestrian walkway and bikeway adjacent to the northerly side of lands of the New Jersey Transit Railway; and

WHEREAS, the pedestrian walkway and bikeway will be an extension of the existing Traction Line paved trail; and

WHEREAS, this proposed extension of the Traction Line Trail will extend from the existing terminus of the Traction Line Trail at Danforth Road to Elm Street, in the Borough of Madison; and

WHEREAS, this proposed extension of the Traction Line Trail will provide a pedestrian and bicycle mode of travel without motor vehicle traffic.

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 Borough Council supports the construction, by the Morris County Park Commission of a

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paved extension of the Traction Line Trail from the existing Traction Line Trail terminus at Danforth Road to Elm Street, in the Borough of Madison.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mrs. Tsukamoto seconded by Dr. Esposito 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	\$16,237.71
Health & Public Assistance	1,967.87
Public Works & Engineering	146,010.63
Community Affairs	1,334.02
Finance & Borough Clerk	4,208,170.47
Utilities	<u>193,755.73</u>
Total	<u>\$4,567,476.43</u>

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

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links,
Mr. Catalanello, Mr. Landrigan. Mrs. Vitale
Nays: None

NEW BUSINESS

Mr. Giacobbe read Resolution R 188-2012 in full for the record. Mrs. Tsukamoto moved adoption of the Resolution R 188-2012 listed on the Consent Agenda. Dr. Esposito seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links,
Mr. Catalanello, Mr. Landrigan. Mrs. Vitale
None

R 188-2012 RESOLUTION OF THE BOROUGH OF MADISON OPPOSING THE CONSTRUCTION OF A PAVED EXTENSION, BY THE MORRIS COUNTY PARKS COMMISSION, TO THE TRACTION LINE PEDESTRIAN WALKWAY AND BIKEWAY TRAIL

WHEREAS, the Morris County Park Commission has proposed the construction of a paved pedestrian walkway and bikeway adjacent to the northerly side of lands of the New Jersey Transit Railway; and

WHEREAS, the Morris County Park Commission intends to seek a \$545,000.00 grant from the New Jersey Department of Transportation; and

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WHEREAS, numerous residents attended the July 9, 2012 Council meeting and spoke against the expansion of the Traction Line trail through their neighborhood; and

WHEREAS, this proposed extension of the Traction Line Trail will negatively impact the quality of life for residents immediately adjacent to the expansion area and unnecessarily create a public safety hazard.

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 Borough Council opposes the construction, by the Morris County Park Commission of a paved extension of the Traction Line Trail from the existing Traction Line Trail terminus at Danforth Road to Elm Street, in the Borough of Madison and directs the Borough Clerk to provide a certified copy of this resolution to the Morris County Park Commission, the Morris County Board of Chosen Freeholders, the Commissioner of the New Jersey Department of Transportation and our State Legislative delegation.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 11:15 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved October 10, 2012 (EO)