

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

**October 14, 2015 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 14th day of October, 2015. Acting Mayor Baillie 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:

Absent: Mayor Robert H. Conley, excused

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)

September 16, 2015

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

CONTRACT MATTERS (6)

LEAF REMOVAL BID

SKATING RINK IMPROVEMENTS

COAH/MHA UPDATE

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JACOB HENRY PERKINS TRUST FUND  
MRC CONCRETE PATH  
JOINT MEETING

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

PERSONNEL MATTERS (2)  
POLICE PROMOTIONAL ORDINANCE  
IT DEPARTMENT

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

Seconded: Mr. Catalanello  
Vote: Approved by voice vote

**RECONVENE IN COUNCIL CHAMBER**

Acting Mayor Baillie 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. Vitale moved approval of the *Executive Minutes of September 16, 2015*. Mr. Rowe 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**

Acting Mayor Baillie made the following comments:

Dr. William Campbell of Drew University was awarded the Nobel Prize in Physiology/Medicine for 2015 and shares half the award jointly with Satoshi Omura for their discoveries concerning a novel therapy against infections caused by roundworm parasites. The other half of the award went to Youyou Tu for her discoveries concerning a novel therapy against Malaria.

Bottle Hill Day has been rescheduled to Saturday, October 24<sup>th</sup> with the MACA Art Auction/Gala to follow as part of the ceremonies.

Acting Captain Joe Cirella of the Madison Police Department was the Grand Marshall of the Columbus Day Parade in East Hanover and the New York City Columbus Day Parade. The Madison P.B.A. local #92 will be having a Fundraiser for Capt. Cirella to assist him and his family as he undergoes treatment for stage 4 colon cancer. It will be held this Friday, October 16<sup>th</sup> at 6:00 p.m. at the North Star Club, 95 North Street, Madison.

The Chamber of Commerce will hold the annual Halloween Hoopla on Saturday, October 31, 2015, with the parade beginning at 12:15 and a Magic Show from 1:00 to 1:30.

**ANNIVERSARIES:**

Nancy Adamczyk, Director of the Madison Public Library, 45<sup>th</sup> Anniversary on October 1st.

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James Sodano, of the Department of Public Works, 35<sup>th</sup> Anniversary on October 14th.

**Citation Awards to Police Officers, Firefighters and Ambulance Corps Volunteers**  
Councilmember Landrigan presented citation awards to members of the Police, Fire and Volunteer Ambulance Corp. for providing life saving efforts for a Madison resident, noting that the resident's grandson provided aid until the first responders arrived.

***Oath of Office 2 Volunteer Firefighters***

R 283-2015 RESOLUTION OF THE BOROUGH OF MADISON CONFIRMING MEMBERSHIP OF DANIEL HUTTON IN THE MADISON HOSE COMPANY #1

**WHEREAS**, the Fire Chief has advised that Daniel Hutton was voted into the Madison Hose Company #1 as a volunteer firefighter; and

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

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

R 284-2015 RESOLUTION OF THE BOROUGH OF MADISON CONFIRMING MEMBERSHIP OF COLLIN SCARPELLO IN THE MADISON HOSE COMPANY #1

**WHEREAS**, the Fire Chief has advised that Collin Scarpello was voted into the Madison Hose Company #1 as a volunteer firefighter; and

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

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

Mr. Catalanello moved approval of the Resolution 283-2015 and 284-2015. 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

Acting Mayor Baillie administered the oaths.

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### **REPORTS OF COMMITTEES**

#### **Community Affairs**

Ms. Baillie, Chair of the Committee, comments provided previously.

#### **Public Safety**

Mr. Catalanello, Chair of the Committee, made the following comments:  
The Madison Fire Department participated in Fire Prevention week, with this year's campaign, October 4-10. This year's theme is "Here the Beep were you Sleep" reminding residents to install smoke alarms in every bedroom, outside each separate sleeping area, and on every level of your home. The Fire Department responded to 127 calls for assistance, 42 of which were EMS related. Chief Louie DeRosa will be the guest speaker at a presentation on October 20<sup>th</sup>, sponsored by the Madison Historical Society, on the evolution of Madison's fire apparatus from 1881 to the present, highlighting Geraldine, the 1921 Ahrens-Fox fire engine.

#### **Utilities**

Mrs. Vitale, Chair of the Committee, made the following comments:  
The Electric Department reports transfer of residential service to new secondary cable on Greenwood Avenue and re-configuration of transformer locations in that same area, as well as removal of existing 3 phases transformer bank and installation of two single phase transformers on Green Avenue. The Water Department continues water sampling for State mandated testing. 'E' Well redevelopment is still in progress. A generator has been ordered. The Department will be repairing a new valve at the intersection of Central and Cook Avenues Monday, October 19<sup>th</sup>, and they are in the process of installing new service at Highview Terrace for a sprinkler system at the new park donated by Cardinal Landscaping.

#### **Finance and Borough Clerk**

Mr. Landrigan, Chair of the Committee, made the following comments:  
The Tax Assessor has completed recent review of property improvements, for an additional \$35 million in assessments for 2106. Residents have until December 1<sup>st</sup> to file for an appeal. A closing on the former Green Village Road School property is scheduled for December 1<sup>st</sup>, pending receipt of approvals and permits. For the November 3<sup>rd</sup> General Election, all Madison polling locations will be open from 6:00 am until 8:00 pm. on Election Day. Vote by Mail ballots are available in the Borough Clerk's Office or online at [morriselections.org](http://morriselections.org). Registered voters, who cannot get to the polls, can vote in person at the County Clerk's office up until 3:00 p.m. the day before the election, November 2<sup>nd</sup>.

#### **Health**

Mr. Wolkowitz of the Committee made the following comments:  
Influenza vaccines will be available to resident on October 22<sup>nd</sup> from 9:00 to 11:00 at the Madison Health Department. A Women's Health clinic will be held on November 9<sup>th</sup> by appointment. Mr. Wolkowitz noted that a letter to NJ Transit, approved at the last Council meeting, will be revised following discussion with NJTransit representatives and mailed to elected officials at a later day.

#### **Public Works and Engineering**

Mr. Rowe, Chair of the Committee, made the following comments:  
Leaf collection will start on October 26<sup>th</sup>. Bags will be available at the Borough garage starting next Monday, October 19<sup>th</sup>. Cifelli & Sons Construction has completed milling of the southern half of Ridgedale Avenue and will be paving

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tomorrow. The NJ DOT Municipal Aid application for Prospect Street has been submitted. The Borough hopes to receive a \$250,000 grant for this \$500,000 project. The existing stations and lighting for the basketball courts at Dodge Field have been replaced by Musco and Quality Electric Co. The connection to Madison Electric is expected to be completed this week. The drainage improvement project at Memorial Field is scheduled to start this month. The funding for this project is provided by the Open Space fund. The combined 2014 and 2015 sewer lining projects are complete. The projects came in under budget.

**COMMUNICATIONS AND PETITIONS**

The Borough Clerk announced receipt of the following communications:

Email dated October 5, 2015, from Danielle Schmidt of Cook Avenue regarding parking spaces in the Cook Avenue parking lot.

Letter dated October 9, 2015, from Sam Piccolo of Central Avenue regarding privet hedges on Central Avenue at Dodge Field.

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

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

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

**AGENDA DISCUSSIONS**

**10/14/2015-1**      None

**ADVERTISED HEARINGS**

The Clerk made the following statement:

Ordinance 49-2015 scheduled for hearing was introduced by title and passed on first reading at a regular meeting of the Council held on Wednesday, September 16, 2015; Ordinances 50-2015 and 51-2015 were introduced by title and passed on first reading at a regular meeting of the Council held on Monday, September 28, 2015, all were posted and filed according to law, and copies were made available to the general public requesting same.

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

**ORDINANCE 49-2015**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 185-32 OF THE BOROUGH CODE TO INCLUDE TIME LIMIT RESTRICTIONS FOR PARKING ON BURNET ROAD, CANTERBURY ROAD, BUCKINGHAM DRIVE, AVON DRIVE AND TROY COURT**

**WHEREAS**, the Madison Borough Police Department, due to public safety concerns, has recommended that Chapter 185-32 of the Borough Code be

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amended to limit parking time on the roads listed below on weekdays when Madison High School is in session:

<u>Name of Street</u>	<u>Side</u>	<u>Time Limit</u>	<u>Location</u>
Burnet Road, Canterbury Road, Buckingham Drive, Avon Drive, Troy Court	Both	2 hour/weekdays when Madison High School is in session	Entire Length

**WHEREAS**, the Borough Council has determined that Chapter 185-32 of the Madison Borough Code entitled “Schedule IV: Time Limit Parking” should be amended in order implement these changes;

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

**Section 1**: Section 185-32 of the Code of the Borough of Madison entitled “Schedule IV: Time Limit Parking” shall be amended as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Time Limit</u>	<u>Location</u>
Burnet Road, Canterbury Road, Buckingham Drive, Avon Drive, Troy Court	Both	2 hour/weekdays when Madison High School is in session	Entire Length

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

Mr. Catalanello moved that Ordinance 49-2015, which was read by title, be finally adopted. Mr. Wolkowitz seconded the motion.

Acting Mayor Baillie opened up the public hearing on Ordinance 49-2015.

**Thomas Haralampoudis; Pomeroy Road**, raised concern regarding the proposed parking ordinance and suggested paving the contaminated area at the MRC.

**Shard Gupta; Buckingham Drive**, noted safety concerns on Burnet Road and surrounding area and urged adoption of the proposed ordinance.

**Jeff Sarrett; Garfield Road**, agreed with Mr. Haralampoudis’ suggestion and proposed parking restriction only on a portion of Burnet Road.

**Thomas Root; Canterbury Road**, raised concern regarding parking on Burnet Road and the surrounding area and urged adoption of the proposed ordinance.

Following discussion, the motion passed with the following roll call vote recorded:

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

Nays: Mr. Catalanello

Acting Mayor Baillie declared Ordinance 49-2015 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 50-2015  
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$12,800.00  
FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR THE PURCHASE  
OF THREE (3) HISTORIC LAMPPOSTS**

**WHEREAS**, the Electric Utility Superintendent has recommended that the Borough appropriate \$12,800.00 from the Electric Capital Improvement Fund for the purchase of three (3) historic lampposts; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of the funds in the Electric Capital Improvement Fund in an amount not to exceed \$12,800.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$12,800.00 from the Electric Capital Improvement Fund for the purchase of three (3) historic lampposts.

**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 \$12,800.00 is hereby appropriated from the Electric Capital Improvement Fund for the purchase of three (3) historic lampposts.

**SECTION 40:** 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.

Acting Mayor Baillie opened up the public hearing on Ordinance 50-2015. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 50-2015, 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

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Acting Mayor Baillie declared Ordinance 50-2015 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 51-2015  
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$52,000.00  
FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE PURCHASE  
OF A VEHICLE AND RELATED EQUIPMENT FOR THE POLICE DEPARTMENT**

**WHEREAS**, the Police Chief has recommended that the Borough appropriate \$52,000.00 from the General Capital Improvement Fund for the purchase of a vehicle and equipment for the Police Department; 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 \$52,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$52,000.00 from the General Capital Improvement Fund for the purchase of a vehicle and related equipment for the Police Department.

**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 \$52,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of a vehicle and related equipment for the Police Department.

**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.

Acting Mayor Baillie opened up the public hearing on Ordinance 51-2015. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Catalanello moved that Ordinance 51-2015, 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

Acting Mayor Baillie declared Ordinance 51-2015 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:

Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of November 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.

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

ORDINANCE 52-2015 ORDINANCE AMENDING CHAPTER 34, OF THE CODE OF THE BOROUGH OF MADISON ENTITLED "POLICE DEPARTMENT," ESTABLISHING PROMOTION PROCEDURES FOR THE RANKS OF POLICE CHIEF, CAPTAIN, LIEUTENANT AND SERGEANT AND ESTABLISHING A PROCEDURE FOR ACTING APPOINTMENTS AND HIRING POLICE OFFICERS

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

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

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

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

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

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

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Chapter 34 of the Code of the Borough of Madison entitled “Police Department” is hereby amended as follows:

**SECTION 1: Article 34-2(E) PROMOTION TO RANK OF LIEUTENANT**

Article 34-2(F)(C) entitled “Promotion Testing Procedure” is hereby supplemented to add the following:

“The Borough Administrator at the direction of the governing body is authorized to waive the written portion of the Lieutenant promotional examination with the expressed written consent of all candidates eligible for promotion to the rank of Lieutenant.”

**SECTION 2: Article 34-2(I) – PROCEDURE FOR HIRING NEW POLICE OFFICERS**

Article 34-2(I)(A) IS SUPPLEMENTED TO ADD:

“2. Accept applications from existing Borough of Madison Police Department personnel (e.g. dispatchers, special law enforcement officers).

Renumber the former #2 to #3.

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

Mr. Catalanello moved that Ordinance 52-2015, which the Borough Clerk read by title, be adopted. Mr. Wolkowitz seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: Mr. Catalanello

**ORDINANCE 53-2015 ORDINANCE OF THE BOROUGH OF MADISON  
APPROPRIATING \$30,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT  
FUND FOR THE PURCHASE OF A DIGITAL FINGERPRINTING SYSTEM FOR  
THE POLICE DEPARTMENT**

**WHEREAS**, the Police Chief has recommended that the Borough appropriate \$30,000.00 from the General Capital Improvement Fund for a Digital Fingerprinting System; 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 \$30,000.00 for this purpose; and

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**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$30,000.00 from the General Capital Improvement Fund for a Digital Fingerprinting 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:** The amount of \$30,000.00 is hereby appropriated from the General Capital Improvement Fund for a Digital Fingerprinting System.

**SECTION 40:** 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.

Mr. Catalanello moved that Ordinance 53-2015, which the Borough Clerk read by title, be 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

**ORDINANCE 54-2015 ORDINANCE OF THE BOROUGH OF MADISON  
AMENDING CHAPTER 166 OF THE BOROUGH CODE ENTITLED "STREETS  
AND SIDEWALKS" REGARDING ROAD OPENINGS AND EXCAVATIONS**

**WHEREAS**, the Borough Engineer has recommended that the Borough Council amend Chapter 166 of the Borough Code regarding road opening permits; and

**WHEREAS**, the Borough Council concurs in this recommendation to amend the road openings and excavations regulations in the Borough.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey that:

**SECTION 1:** Chapter 166, Article III, of the Borough Code, entitled "Openings and Excavations Encumbrances" is amended to include the following:

...

**Article III. Openings and Excavations Encumbrances**

§ 166-17 Street opening permit requirements and conditions.

A. Applications for street opening permits shall be made on forms to be obtained at the office of the Borough Engineer, in the Madison Municipal Building, between the hours of 8:00 a.m. and 4:00 p.m. on Monday through Friday in each week (except on holidays, when such office is closed).

B. Every application shall generally describe the location and extent of the contemplated work for which the permit is requested and shall state the date upon which the work will be commenced and the date upon which it will be completed.

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The date upon which the work is to be commenced shall be not less than 24 hours after the date of the application. Every permit shall expire six months after the date of the issuance thereof, unless extended as hereinafter provided.

C. If the application for a street permit is approved by the Borough Engineer, the permit shall be issued by the Borough Clerk upon payment to said Clerk of a fee of (for new roads) \$500, (for pavements less than 5 years old) \$300 and (all others) \$100 and compliance by the applicant with all requirements. The Borough Engineer, however, may waive the fee for a utility company that performs all the work, including the surface course for the trench, where bonds already cover the performance of work.

D. On application, for good cause shown, the Borough Engineer can recommend an extension of any permit beyond its expiration date, and the Clerk shall endorse the extended expiration date on the permit.

E. Copies of permits, as granted, and extensions thereof, shall be submitted by the Borough Clerk to the Borough Engineer, Chief of Police and the Supervisor of Public Works. The Chief of Police shall notify the Fire Department of every pending project for which a permit has been granted.

F. If any contemplated project will completely obstruct any thoroughfare or make a length of more than 200 feet of any thoroughfare inaccessible for vehicular traffic for a period in excess of 24 hours, then a period of not less than 72 hours shall elapse after the issuance of the permit before the operation may be started. Unless otherwise approved by the Borough Engineer, where an excavation is to extend the full width of the road, only 1/2 of the excavation shall be made at one time and shall be properly backfilled in accordance with § 166-19 herein before the other 1/2 is excavated. Any full or partial road closure is subject to review and approval by Madison Police Department Traffic Safety Division.

G. Permission to make a curb or street opening or to tear up the surface of the road does not carry with it any right to make drainage, sewer, water, oil, steam, electric or telephone connections. Separate permits to make such connections must be obtained from the Borough Engineer or utility official having jurisdiction over these matters.

H. Insurance.

(1) A certificate of insurance must be supplied in the minimum coverage as listed below. State and County insurance requirements apply within those jurisdictions. Public personal injury liability and property damage liability, including contingent liability and contractual liability shall be as follows:

(a) One person in any one occurrence: \$1,000,000.

(b) Two or more persons in any one occurrence: \$1,000,000.

(c) Aggregate property damage limit: \$1,000,000.

(d) Property damage in any accident: \$1,000,000.

(e) Automobile liability insurance:

[1] One person in any one accident: \$1,000,000.

[2] Two or more persons in any one accident: \$1,000,000.

[3] Property damage in any one accident: \$1,000,000.

(f) Property damage insurance shall be extended to cover damage to underground wires, pipes, ducts, conduits, structures, etc., and further to cover explosive damage and damage due to collapse.

(2) The policies shall remain in force until all work has been completed.

(3) All policies shall be endorsed to provide the Engineer with 10 days written notice in advance of any changes or cancellations which modify the coverage provided. In

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the event that the contractor shall carry blanket liability insurance coverage, compliance with the foregoing requirements shall be met hereunder, provided that the limits of said blanket liability insurance policy shall comply with the amount outlined above.

(4) All policies, whether blanket policies or not, shall name the Borough as a coinsured.

(5) The policies and/or endorsements herein required must be submitted to the Engineer (in duplicate) at least five days prior to the beginning any work.

§ 166-18 Notice of interruption of gas or water service.

Whenever the work done under any permit requires that water or gas services will be interrupted, the persons in charge of supplying such services, or their authorized agents, shall notify affected users of the periods of time when the services will not be available. Such notice shall be given at least 24 hours prior to the interruption of service.

§ 166-19 Emergency street openings.

Street openings may be made without the necessity of a written application, as provided for in § 166-17 hereof, in emergencies, such as broken or frozen water mains or other happenings which would endanger public life, health and safety, provided that notice thereof shall be immediately given to the Madison Police, Municipal Engineer and Superintendent of Public Works. Written application for a permit shall nevertheless be made to the Borough as soon as may be convenient, but in any event within 48 hours of the emergency.

§ 166-20 Deposit to ensure proper repair of street; repair by Borough.

A. No person, firm or corporation shall be granted a permit to open any street until and unless there shall first be deposited with the Borough Clerk an amount estimated to be sufficient to pay the expenses of repairing and replacing such public road, including the restoration of pavement or other surfaces or installations within the street area.

B. Amount of deposit.

(1) The amount of such deposit shall be estimated by the Borough Engineer in accordance with the following schedule of costs; provided, however, that the minimum amount to be deposited with the Borough shall be \$50:

(a) Repairs within the street pavement, the deposit is \$250.

(b) Repairs outside of the street pavement, the deposit is \$100.

(c) Repairs within and outside of the street pavement, the total deposit is \$350.

(d) For projects greater than 50 square yards of disturbance, a bond or restoration guarantee in the amount of \$20 per square yard and such other amounts estimated by the municipal engineer.

(e) For public utility applicants, a corporate surety bond or restoration guarantee covering annual service activities for the entire calendar year in the minimum amount of \$40,000 which shall be supplemented if aggregate work exceeds 1000 square yards of disturbance at the direction of the Borough Engineer.

(2) The cost as determined by the Borough Engineer or his designee for Borough forces to restore the opening as set forth in § 166-22 will be deducted from the deposit.

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C. In the event that the permittee shall fail to properly backfill any excavation or shall fail to repair and replace any pavement, road surface, sidewalk or other construction as required by this article, thereby creating a dangerous or hazardous condition, the Borough of Madison may promptly make the necessary repairs, and the cost thereof shall be deducted from the amount of the permittee's deposit. If the municipal cost of restoration exceeds the deposit amount, the applicant shall be subject to claims for reimbursement of direct costs from the Borough of Madison.

**§ 166-21 Backfill specifications.**

Unless otherwise directed by the Borough Engineer or required in the NJDOT Standard Specifications for Road and Bridge Construction (most recent edition), the following minimum specifications shall govern the backfill to be placed in excavated trenches:

A. All roads shall be backfilled with quarry-processed stone or a substitute acceptable to the Borough Engineer and shall be tamped in twelve-inch layers with a mechanical tamper.

B. All openings shall be backfilled as specified herein. No backfill shall be placed unless the Engineer or his representative is present.

C. Backfill shall be placed in trenches as above specified by the person, firm or corporation making the opening. The trench shall be paved with a temporary patch of bituminous material (cold patch) if the bituminous stabilized base course is not available in cold weather.

D. All material not suitable for backfill and all excess backfill material shall be removed from the site by the person, firm or corporation responsible for the opening and shall not be dumped on any Borough of Madison property, except as otherwise approved by the Borough Engineer or his designee.

**§ 166-22 Maintenance and repair of street openings following backfilling.**

Upon completion of the opening and backfill, the requirements of the NJDOT Standard Specifications for Road and Bridge Construction (most recent edition) and the following minimum specifications shall govern the maintenance and repair of street openings by the permittee.

A. Road openings shall be backfilled to within eight inches of the existing pavement surface. The remainder of the openings shall be filled with four inches of the quarry-processed stone and four inches of bituminous stabilized base course or cold patch during winter months. Each course shall be tamped or rolled with the equivalent capacity of a ten-ton roller. The above trench shall be maintained and kept to the existing shoulder grade by the addition of bituminous material as required.

B. Pavement openings shall be filled and paved as specified hereinabove. The temporary bituminous concrete surface and the quarry-processed stone shall be removed to a depth of eight inches and the existing pavement shall be cut back to a sharp line one foot from each side of the opening. After surfaces of the existing pavement are tack-coated with an asphalt oil, the entire area shall then be covered with six inches of bituminous stabilized base hot mix asphalt (HMA) course and two inches of bituminous surface course hot mix asphalt (HMA) as directed by the Borough Engineer. Each course shall be rolled with the equivalent capacity of a ten-ton roller and the surface course shall be rolled to present an even-riding surface.

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C. Driveway openings shall be replaced in kind, and the appropriate specifications for shoulder openings or road openings shall govern the replacement of the same.

Mr. Rowe moved that Ordinance 54-2015, which the Borough Clerk read by title, be adopted. Mr. Catalanello seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

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

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

R 285-2015 RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION 266-2015, AUTHORIZING DREW UNIVERSITY TO HOST A FIREWORKS DISPLAY ON SATURDAY, OCTOBER 3, 2015

**WHEREAS**, Resolution 266-2015 authorized Drew University to host a Fireworks display on Saturday, October 3, 2015; and

**WHEREAS**, severe weather forecasted prompted the cancellation of the event and Drew University has requested to change the date to October 24, 2015; and

**WHEREAS**, the Borough Council has determined that such permission should be granted subject to the following conditions:

1. The display shall be in compliance with all laws and regulations governing a fireworks display;
2. A permit must be obtained from the Fire Official of Madison ensuring all applicable Fire Code requirements are met;
3. Adequate police or security personnel shall be present for crowd control and to ensure the area surrounding the fireworks is secured from unauthorized public entry;
4. The Fire Department shall be present with adequate personnel to

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maintain a fire watch for the duration of the event;

5. The display shall terminate by 11:00 p.m.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the request by Drew University to hold a fireworks display on Saturday, October 24, 2015, is hereby granted and approved subject to the above noted conditions.

**R 286-2015 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF CARSON LASSITER TO THE INTERN POSITION IN THE JOINT MUNICIPAL COURT**

**WHEREAS**, the Borough Administrator has recommended the appointment of Mr. Carson Lassiter as part-time Intern in the Joint Municipal Court from December 18, 2015 until January 22, 2016, at no compensation; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the appointment of Mr. Carson Lassiter as part-time Intern in the Joint Municipal Court, at no compensation, is hereby approved.

**R 287-2015 RESOLUTION OF THE BOROUGH OF MADISON AWARDING A CONTRACT FOR LEAF REMOVAL TO S. ROTONDI & SONS OF SUMMIT, NEW JERSEY IN THE AMOUNT OF \$69,900.00**

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

**WHEREAS**, the lowest responsible bid was submitted by S. Rotondi & Sons, of Summit, New Jersey in the amount of \$69,900.00 for one year; and

**WHEREAS**, the Borough Qualified Purchasing Agent and Borough Attorney have recommended that the Borough Council award the contract to S. Rotondi & Sons, of Summit, New Jersey for one year in the amount of \$69,900.00; and

**WHEREAS**, the Chief Financial Officer has attested that \$69,900.00 is available in the Public Works operating budget Account 465, Subaccount 221, 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, as follows:

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1. The one year contract for removal and proper recycle of leaves is hereby awarded to S. Rotondi & Sons, of Summit, New Jersey based upon its bid in the amount of \$69,900.00.

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

**R 288-2015 RESOLUTION OF THE BOROUGH OF MADISON APPROVING JACOB HENRY PERKINS TRUST FUND DISBURSEMENT**

**WHEREAS**, the Borough Administrator has recommended a \$895.00 grant to pay for the purchase of a lift chair from the Jacob Henry Perkins Trust (hereafter Perkins Trust) for a Borough resident; and

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

**WHEREAS**, the Borough Council has determined to approve the request for a Perkins Trust grant to pay for the purchase of a lift chair; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that a \$895.00 grant is hereby approved from the Perkins Trust to pay for the purchase of a lift chair for a Madison resident.

**R 289-2015 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF INTERN ALEXANDRA KEMPER AS PAID INTERN IN THE BUILDING AND ADMINISTRATION DEPARTMENTS**

**WHEREAS**, the Assistant Borough Administrator has recommended the appointment of Drew University Civic Scholar Alexandra Kemper, as part-time Intern in the Building and Administration Departments, at the rate of \$9.00/hour; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the appointment of Alexandra Kemper, as part-time Intern in the Building and Administration Departments, at the rate of \$9.00/hour, is hereby approved.

**R 290-2015 RESOLUTION OF THE BOROUGH OF MADISON APPROVING THE KEEPING OF HONEYBEES BY THE MADISON COMMUNITY GARDEN MEMBERS**

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**WHEREAS**, the members of the Madison Community Garden have requested approval to maintain honeybees at the Community Garden located at the Madison Recreation Center; and

**WHEREAS**, the Borough Council agrees with this recommendation, as long as the maintenance of honeybees is in compliance with any and all requests by the Joint Insurance Fund for the Borough.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the request by the Madison Community Garden members to keep honeybees is hereby approved.

**R 291-2015 RESOLUTION OF THE BOROUGH OF MADISON AWARDING A CONTRACT FOR THE CONSTRUCTION OF A CONCRETE WALKING PATH AT THE MADISON RECREATION CENTER TO DIAMOND CONSTRUCTION**

**WHEREAS**, the Borough of Madison desires to award a contract for the construction of a concrete walking path at the Madison Recreation Center (MRC); and

**WHEREAS**, the Borough Administrator has recommended that said contract be awarded to Diamond Construction of Brick, New Jersey, in the amount of \$16,650.00, as per their proposal dated September 17, 2015; and

**WHEREAS**, the Chief Executive Officer has attested that funds are available in an amount not to exceed \$16,650.00 for this purpose.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris in the State of New Jersey that a contract for the construction of a concrete path at the MRC be awarded to Diamond Construction of Brick, New Jersey, in the amount of \$16,650.00.

***UNFINISHED BUSINESS*** - None

***APPROVAL OF VOUCHERS***

On motion by Mrs. Vitale, seconded by Mr. Catalanello and carried, the following vouchers of the Borough of Madison were approved for payment, and the supporting documentation of said vouchers was made part of the Supplemental Minute Book.

Public Safety	\$28,484.29
Health & Public Assistance	12,355.27
Public Works & Engineering	153,920.41
Community Affairs	8,567.41
Finance & Borough Clerk	3,401,720.62
Utilities	257,845.37
Total	<u>\$3,862,893.37</u>

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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** - None

**ADJOURN**

There being no further business to come before the Council, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

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