

**Regular Meeting Minutes – April 22, 2013**

Finance & Borough Clerk	72,553.04
Utilities	<u>1,256,978.80</u>
Total	<u>\$1,532,191.61</u>

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

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

Nays: None

Absent: Mr. Catalanello

**NEW BUSINESS**

Mayor Conley announces the following appointments and requests Council confirmation:

Library Board of Trustees

**Dorothy Meaney**, 3 Candlewood Drive, unexpired five-year term through December 31, 2013

**David Luber**, 7 Lawrence Road, unexpired five-year term through December 31, 2016

Mrs. Vitale moved confirmation of the foregoing appointments. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Catalanello

**ADJOURN**

There being no further business to come before the Council, the meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved June 24, 2013 (EO)

**Regular Meeting Minutes – April 22, 2013**

**WHEREAS**, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$10,500.00 for this purpose, which funds were appropriated by Ordinance 38-2012.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Dennis Harrington, P.E., for field inspections and oversight of the Rosedale Avenue Improvements project in an amount not to exceed \$10,500.00.

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough of Madison within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.

**R 157-2013 RESOLUTION OF THE BOROUGH OF MADISON APPROVING TEMPORARY SIGNS FOR MADISON ENVIRONMENTAL COMMISSION AND THE MADISON GREEN FAIR**

**WHEREAS**, the Madison Environmental Commission has requested permission to put up temporary signs advertising the Madison Green Fair on May 9, 2013, as authorized by Resolution R 272-2012; and

**WHEREAS**, the signs would be located throughout the Borough, commencing on April 23, 2013 and removed by May 10, 2013; and

**WHEREAS**, the Assistant Borough Administrator has recommended that sign regulations be waived to permit up to twenty (20) signs be displayed.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the request of the Madison Environmental Commission to put up temporary signs for the Madison Green Fair as described herein from April 23, 2013 to May 10, 2013, is approved.

***UNFINISHED BUSINESS*** - None

***APPROVAL OF VOUCHERS***

On motion by Mrs. Vitale seconded by Mrs. Tsukamoto 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	\$27,556.28
Health & Public Assistance	855.68
Public Works & Engineering	142,308.67
Community Affairs	31,939.14

**Regular Meeting Minutes – April 22, 2013**

\$32,000.00 BRINGING TOTAL AUTHORIZED PAYMENT TO \$262,345.60 FOR THE SAMSON AVENUE IMPROVEMENTS PROJECT

**WHEREAS**, a contract for the Samson Avenue Improvements project, in an amount not to exceed \$230,345.50 was awarded to Cifelli & Son General Construction, Inc., of Nutley, New Jersey, by Resolution 288-2012; and

**WHEREAS**, the Borough Engineer has recommended approval of a change of scope to the contract to include completing a 660 foot section of Samson Avenue between Kings Road and Main Street, in an additional amount of \$32,000.00 bringing the authorized contract total to \$262,345.50; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$32,000.00 for this purpose, which funds were appropriated by Ordinance 21-2012.

**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 change order request for Cifelli & Son General Construction, Inc., of Nutley, New Jersey, in the total amount not to exceed \$32,000.00, resulting in a payment of \$262,345.50 at this time for the Samson Avenue Improvements project is authorized.

R 156-2013 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO DENNIS HARRINGTON OF MADISON, NJ FOR FIELD INSPECTIONS AND OVERSIGHT OF THE ROSEDALE AVENUE IMPROVEMENTS PROJECT IN THE AMOUNT NOT TO EXCEED \$10,500.00

**WHEREAS**, the Borough Engineer has recommended that the Borough obtain professional services from Dennis Harrington, P.E., for field inspections and oversight of the Rosedale Avenue Improvements project (hereinafter the “Contract”); and

**WHEREAS**, said services would constitute professional services for which a contract may be awarded without the need for competitive bidding pursuant to N.J.S.A. 40A:11-5; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Council award the Contract to Dennis Harrington, P.E. in an amount not to exceed \$10,500.00, for field inspections and oversight of the Rosedale Avenue Improvements project; and

**WHEREAS**, Dennis Harrington, P.E., must submit to the Borough Purchasing Officer the required documents to satisfy the requirements of N.J.S.A. 19:44A-20.5, since this matter is being awarded without competitive bidding; and

**Regular Meeting Minutes – April 22, 2013**

**WHEREAS**, the anticipated term of the contract is May 1, 2013 through December 31, 2013 and may be extended or reduced as recommended by the Joint Court Committee and approved by this governing body; and

**WHEREAS**, said Professional Services provider has submitted a proposal indicating a willingness to provide the services for an annual fee not to exceed \$10,000.00 plus a litigation rate of \$90.00 per hour as described in the contract; and

**WHEREAS**, said Professional Services provider will complete and submit a Business Entity Disclosure Certification which certifies that said provider has not made any reportable contributions to a political or candidate committee in the Borough of Madison or Township of Chatham, County of Morris, State of New Jersey in the previous year, and that the contract will prohibit said Professional Services provider from making any reportable contributions through the term of the contract, and

**WHEREAS**, in accordance with N.J.A.C. 5:30-5.4, the Chief Financial Officer has certified as to the availability of funds for said contract in the 2013 Joint Court budget.

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

1. The Mayor is hereby authorized to execute a contract for the professional services of Thomas R. Basta, Esq., as Prosecutor for the Township of Chatham in the Joint Municipal Court, the cost of such professional service agreement not to exceed the amount certified by the Chief Financial Officer.
2. The Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.
3. The resolution and contract are on file and available for public inspection in the office of the Municipal Clerk during regular business hours Monday through Friday.

**BE IT FURTHER RESOLVED** that the Business Entity Disclosure Certification and the Determination of Value be placed on file with this resolution.

R 154-2013    ITEM REMOVED AND THE # RETIRED

R 155-2013    RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING  
CHANGE ORDER FOR CIFELLI & SON CO., INC. IN THE AMOUNT OF

***Regular Meeting Minutes – April 22, 2013***

**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 2013 Summer Concert Series is approved subject to the safety requirements of the Madison Police Department.
2. The Madison Police Department is authorized to close Green Village Road between Blue Ridge Mountain Sports and Chatham Bookseller from 5:45 p.m. to 8:30 p.m. on June 14, 2013, and will continue on July 12, 2013, August 9, 2013, and September 13, 2013, with rain dates for each concert on the following Friday evening in conjunction with the 2013 Summer Concert Series.

R 152-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING MEMBERSHIP IN THE 2013 EMPLOYEE WELLNESS PROGRAM THROUGH THE MADISON YMCA

**WHEREAS**, the Borough Administrator recommends that the Borough offer employees opportunities for wellness including assistance to become healthier and more productive employees; and

**WHEREAS**, the Borough of Madison desires to contract with the Madison YMCA for a partially subsidized employee wellness program, to offer the benefit of a discounted membership to employees. Participating employees would pay a portion of the membership fees. The Borough contributions would not exceed \$500 per employee/family and not exceed a total of \$20,000 in any calendar year; and

**WHEREAS**, it is anticipated that a healthier work force will increase productivity, improve employee morale and reduce future insurance premiums.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Mayor and Borough Clerk are hereby authorized to execute an agreement for employee membership with the Madison YMCA.

R 153-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AND RATIFYING THE AWARD OF NON-FAIR AND OPEN CONTRACT FOR THE POSITION OF BOROUGH PROSECUTOR FOR 2013

**WHEREAS**, the Borough of Madison has a need to obtain the Professional Services of Thomas R. Basta, Esq., Prosecutor for the Township of Chatham in the Joint Municipal Court, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

***Regular Meeting Minutes – April 22, 2013***

**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 Ms. Coral Rosencranz as part-time employee/ Summer Intern in the Technology and Utility Billing Department effective May 1, 2013, at the rate of pay of \$9.00 per hour is hereby approved.

R 150-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING ADVERTISEMENT FOR OFFICE ASSISTANT I, PART-TIME

**WHEREAS**, the position of Office Assistant in the Building and Tax Assessor's Office is vacant; and

**WHEREAS**, the Borough Administrator has recommended that the Borough advertise for an Office Assistant I, Part-Time for the Building Department and Tax Assessor's Office; and

**WHEREAS**, funds for this purpose are contained in the 2013 Municipal budget; 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 the Personnel Officer is authorized to advertise for an Office Assistant I, Part-Time for the Building Department and Tax Assessor's Office.

R 151-2013 2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING FRIDAY EVENING DOWNTOWN CONCERT SERIES

**WHEREAS**, the Assistant Borough Administrator has recommended approval of the 2013 Summer Concert Series and authorization of closing Green Village Road in front of the Museum of Early Trades and Crafts; and

**WHEREAS**, the concert series will start on June 14, 2013, and will continue on July 12, 2013, August 9, 2013, and September 13, 2013, with rain dates for each concert on the following Friday evening; and

**WHEREAS**, Green Village Road would be closed from 5:45 p.m. to 8:30 p.m. between Blue Ridge Mountain Sports and Chatham Bookseller, with access maintained to the Waverly Green parking lot; and

**WHEREAS**, stores located in the James Building that front on Green Village Road shall be permitted to have merchandise for sale on the sidewalk in front of their stores while the road is closed; and

**WHEREAS**, the Police Department has approved the event with the use of Auxiliary officers.

***Regular Meeting Minutes – April 22, 2013***

**WHEREAS**, NJDOT recommends a revision to the centerline pavement markings on Route 124 to create a “No Passing Zone” in the vicinity of Niles Avenue (M.P. 5.78); and

**WHEREAS**, this project will create safer driving conditions in this area of Route 124; and

**WHEREAS**, the Police Chief and Borough Engineer concur in 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 it supports the use of a “No Passing Zone” on Route 124 in the Borough of Madison as recommended by NJDOT.

**BE IT FURTHER RESOLVE**, that a certified copy of this Resolution shall be forwarded to the NJDOT as requested.

**R 148-2013 RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION R 109-2013 AUTHORIZING THE FARMERS' MARKET FOR 2013**

**WHEREAS**, Resolution R 109-2013 authorized the Downtown Development Commission to continue the Farmers' Market in the Borough of Madison on Green Village Road from Thursday, June 13, 2013 to October 17, 2013; and

**WHEREAS**, the Downtown Development Commission has requested to change the date of the start of the annual Farmers' Market to June 6, 2013; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Downtown Development Commission is hereby given permission to hold the Farmers' Market in the Borough of Madison on Green Village Road from Thursday, June 6, 2013 to October 17, 2013.

**R 149-2013 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF INTERN MS. CORAL ROSENCRANZ TO A SUMMER INTERN POSITION IN THE TECHNOLOGY DEPARTMENT**

**WHEREAS**, the Director of Technology has recommended the appointment of Coral Rosencranz as part-time employee/ Summer Intern in the Technology and Utility Billing Departments; and

**WHEREAS**, the Borough Council agrees with this recommendation, and the Chief Financial Officer has certified funds for this purpose are contained in the 2013 municipal budget.

COMMUNITY GARDEN ADVISORY  
COMMITTEE  
Chris Kellogg  
Charles Courtney

BOARD OF EDUCATION  
Lisa Ellis

BOROUGH COUNCIL  
Ben Wolkowitz  
Bob Landrigan  
Astri Baillie

RECREATION ADVISORY  
COMMITTEE  
Nick Spagnoletti  
Thomas Haralampoudis

PUBLIC MEMBER  
Sandy Kolakowski  
Jennifer Bruns

SENIOR CITIZEN ADVISORY  
COMMITTEE  
Donna Sue Dowton  
Sandy Fielo  
Kay Leary

OPEN SPACE/RECREATION/HISTORIC PRESERVATION COMMITTEE  
Melissa Honohan

ENVIRONMENTAL COMMISSION  
Betsy Uhlman  
Stephan stocker

SHADE TREE MANAGEMENT BOARD  
Gene Cracovia

BOROUGH ENGINEER  
Robert Vogel

PARKS ADVISORY COMMITTEE  
Cathie Coultas  
Paul Allocco  
Robert McDowell

for the purpose of overseeing the development of a master plan for the Madison  
Recreation Center and an overall master plan for the 49 acres.

R 147-2013 RESOLUTION OF THE BOROUGH OF MADISON SUPPORTING  
THE NEW JERSEY DEPARTMENT OF TRANSPORTATION RECOMMENDATION  
FOR A 'NO PASSING ZONE' IN THE VICINITY OF NILES AVENUE

**WHEREAS**, the New Jersey Department of Transportation (NJDOT) recently  
completed a traffic investigation on Route 124 in the Borough of Madison; and

**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 Arts and Cultural Alliance and Madison Historical Society is hereby given permission to hold part of the Artist Tour at the Hartley Dodge Memorial, on Sunday, June 9, 2013, from 1:00 p.m. to 6:00 p.m., conditioned upon a Certificate of Insurance naming the Borough of Madison as an additional insured in an amount satisfactory to the Chief Financial Officer being provided to the Borough Clerk prior to the event.

R 146-2013 RESOLUTION OF THE BOROUGH OF MADISON ESTABLISHING AN AD HOC ADVISORY COMMITTEE FOR THE DEVELOPMENT OF A MASTER PLAN FOR THE MADISON RECREATION CENTER

**WHEREAS**, the Borough of Madison purchased 49.5 acres of property known and designated as a portion of Lot 6 in Block 1.01 on the current tax map of the Borough of Madison; and

**WHEREAS**, the Madison Open Space, Recreation and Historic Preservation Advisory Committee (hereinafter "Open Space Committee") has recommended that the Mayor and Council appoint an ad hoc advisory committee to oversee the development of a master plan for the Madison Recreation Center; and

**WHEREAS**, the Mayor and Council are in agreement with such 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 there is hereby formed the Madison Recreation Center Development Master Planning Committee, which shall be initially comprised of the following members:

after the end of each calendar quarter (i.e. first meeting in April, July, October and January).

- (a) The status of on-going projects including time to completion and anticipated cost at completion versus budget.
- (b) Any projects soon to be proposed or being considered.
- (c) Current balance in the Open Space Trust Fund.
- (d) Any and all other matters at Committee's discretion.

....

SECTION 2: All other provisions of the Ordinance not inconsistent herewith shall remain the same.

Ms. Baillie moved that Ordinance 15-2013, which the Borough Clerk read by title, be adopted. Mr. Wolkowitz seconded the motion. Mrs. Tsukamoto stated that the primary responsibility for reporting needs to be clarified. There was no further Council discussion, and the motion passed with the following roll call vote recorded:

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

#### ***CONSENT AGENDA RESOLUTIONS***

The Clerk made the following statement:

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

Mrs. Vitale moved adoption of the Resolutions listed on the Consent Agenda. Mrs. Tsukamoto seconded the motion. Ms. Baillie abstained from voting on Resolution R 152-2013. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

R 145-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING USE OF THE HARTLEY DODGE MEMORIAL BY THE MADISON ARTS AND CULTURAL ALLIANCE AND MADISON HISTORICAL SOCIETY ON JUNE 9, 2013

**WHEREAS**, the Madison Arts and Cultural Alliance and Madison Historical Society have requested permission to hold part of the Artist Tour on Sunday, June 9, 2013, from 11:00 a.m. to 8:00 p.m., at the Hartley Dodge Memorial; and

**WHEREAS**, the Hartley Dodge Foundation has requested that such permission be granted; and

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

**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**, this expenditure was reviewed as part of the 2013 Capital Budget and the Borough Council has determined that \$50,000.00 should be appropriated from the General Capital Improvement Fund for the purchase of a police vehicle and accessories.

**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 the purchase of a police vehicle and accessories.

**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. |

Ms. Baillie moved that Ordinance 14-2013, which the Borough Clerk read by title, be adopted. Mr. Wolkowitz seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Catalanello

#### ORDINANCE 15-2013

##### ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 25 OF THE BOROUGH CODE ENTITLED "OPEN SPACE, RECREATION AND HISTORIC PRESERVATION COMMITTEE" TO SPECIFY REPORTING REQUIREMENTS TO THE GOVERNING BODY

**WHEREAS**, Ordinance 54-2004, adopted December 13, 2004, established the Madison Open Space, Recreation and Historic Preservation Advisory Committee; and

**WHEREAS**, the governing body wishes to establish a quarterly reporting process for the Committee.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Chapter 25 of the Borough Code be amended as follows:

##### **SECTION 1:**

§ 25-6 Reporting Responsibilities.

The Open Space, Recreation and Historic Preservation Advisory Committee shall report the following information to the Borough Council during the first meeting

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

ORDINANCE 13-2013

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$70,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF A UTILITY TRUCK AND ACCESSORIES

**WHEREAS**, the Superintendent of Public Works has recommended that the Borough appropriate \$70,000.00 from the Water Capital Improvement Fund for the purchase of a utility truck and accessories; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of the funds in the Water Capital Improvement Fund in an amount not to exceed \$70,000.00 for this purpose; and

**WHEREAS**, this expenditure was reviewed as part of the 2013 Capital Budget and the Borough Council has determined that \$70,000.00 should be appropriated from the Water Capital Improvement Fund for the purchase of a utility truck and accessories.

**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 \$70,000.00 is hereby appropriated from the Water Capital Improvement Fund for the purchase of a utility truck and accessories.

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

Mrs. Tsukamoto moved that Ordinance 13-2013, which the Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Catalanello

ORDINANCE 14-2013

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$50,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF A POLICE DEPARTMENT VEHICLE AND ACCESSORIES

**WHEREAS**, the Police Chief has recommended that the Borough appropriate \$50,000.00 from the General Capital Improvement Fund for the purchase of a police vehicle and accessories; 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:** Ordinance 31-2012 is amended to appropriate an additional \$10,000.00 from the Electric Capital Improvement Fund thereby increasing Ordinance 31-2012 to \$35,000.00 to for signal improvements at various locations.

**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 12-2013. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 12-2013, which was read by title, be finally adopted. Mr. Wolkowitz seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Catalanello

Mayor Conley declared Ordinance 12-2013 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

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

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

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

***Sam Cerciello, Park Avenue***, announced his candidacy as an Independent candidate for Council member in the November General Election.

***Maureen Byrne, Albright Circle***, thanks guests who attended the Taste of Madison, held Monday, April 15, 2013.

***Don Brunner, Redmond Drive***, raise concern regarding the lack of backup warning signals on the Recycling vendor's trucks. Mr. Brunner asked for an update on the NJ Transit railroad trestle project on Elm Street.

#### ***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 May 13, 2013 in the 2<sup>nd</sup> Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinances will be published in the 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.

SECTION 1: The amount of \$30,000.00 is hereby appropriated from the Electric Capital Improvement Fund for the purchase of a new vehicle, for the Electric Department Superintendent.

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 11-2013. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 11-2013, which was read by title, be finally adopted. Mrs. Tsukamoto seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Catalanello

Mayor Conley declared Ordinance 11-2013 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

### **ORDINANCE 12-2013**

#### **ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 31-2012 OF THE BOROUGH OF MADISON APPROPRIATING FUNDS FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR SIGNAL IMPROVEMENTS**

**WHEREAS**, Ordinance 31-2012 of the Borough of Madison appropriated \$25,000.00 from the Electric Capital Improvement Fund for signal improvements at various locations; and

**WHEREAS**, the Borough Administrator has recommended that the Borough amend Ordinance 31-2012 to appropriate an additional \$10,000.00 from the Electric Capital Improvement Fund thereby increasing Ordinance 31-2012 to \$35,000.00 for signal improvements; and

**WHEREAS**, by Resolution 98-2013, the Borough Council authorized a contract for said work in the amount of \$34,585.00 with Jen Electric; 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 \$10,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should amend Ordinance 31-2012 to appropriate an additional \$10,000.00 from the Electric Capital Improvement Fund thereby increasing Ordinance 31-2012 to \$35,000.00 for signal improvements at various locations.

purchase and installation of desiccant breather systems and oil filtration systems and all related materials at the James Park substation.

**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 \$45,000.00 is hereby appropriated from the Electric Capital Improvement Fund for the purchase and installation of desiccant breather systems and oil filtration systems and all related materials at the James Park substation.

**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 10-2013. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 10-2013, which was read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Catalanello

Mayor Conley declared Ordinance 10-2013 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

### **ORDINANCE 11-2013**

#### **ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$30,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR PURCHASE OF A 4 WHEEL DRIVE UTILITY VEHICLE THROUGH THE MORRIS COUNTY COOPERATIVE PRICING**

**WHEREAS**, the Electric Utility Superintendent has recommended that the Borough appropriate \$30,000.00 from the Electric Capital Improvement Fund for the purchase of a new vehicle; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of funds in the Electric Capital Improvement Fund in an amount not to exceed \$30,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$30,000.00 from the Electric Capital Improvement Fund for the purchase of a new utility vehicle, for the Electric Department Superintendent.

**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:

to driver distraction, or interfere with the effectiveness of an official traffic sign, devise, or signal.

- j. LED price point signs shall have a dimmer control a photocell, capable of being dimmed in accordance with ambient lighting conditions. Any 'nit' levels that are factory set for daytime and nighttime settings should be the minimum levels required for visibility and clarity, and to minimize glare, given site and ambient lighting conditions.
- k. The difference between ambient lighting conditions with and without any proposed LED signs shall not exceed 0.3 footcandles at night at a distance calculated by taking the square root of the area of LED price points (in square feet) x 100. All measurements taken to determine the difference in illumination shall be taken perpendicular to the face of the LED price points.

Mayor Conley opened up the public hearing on Ordinance 9-2013. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 9-2013, which was read by title, be finally adopted. Mr. Wolkowitz seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Catalanello

Mayor Conley declared Ordinance 9-2013 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

### **ORDINANCE 10-2013**

#### **ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$45,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR THE PURCHASE AND INSTALLATION OF DESICCANT BREATHER SYSTEMS AND OIL FILTRATION SYSTEMS FOR TRANSFORMERS AT JAMES PARK SUBSTATION**

**WHEREAS**, the Electric Utility Superintendent has recommended that the Borough appropriate \$45,000.00 from the Electric Capital Improvement Fund for the purchase and installation of desiccant breather systems and oil filtration systems and all related materials at the James Park substation; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of funds in the Electric Capital Improvement Fund in an amount not to exceed \$45,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$45,000.00 from the Electric Capital Improvement Fund for the

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

**SECTION 1:** Amend 195-34E(19) to read as follows: LED (light-emitting diode) signs are prohibited with the exception of those standards provided in Section 195-33.B(2)(k) that apply to gas stations; however the use of LED technology as an indirect light source for signs is permitted provided the LED source is not visible or used to comprise any part of the sign lettering, logo or external display face.

**SECTION 2:** Delete Section (4) Public Garages and Motor Vehicle Service Station Specifications in Schedule IV, Part 7, Sign Regulations.

**SECTION 3:** Add Section 195-33.B(2)(k) entitled Gas Station Sign Requirements, with the following standards:

- a. Freestanding signs shall be limited to one sign with both station identification and price information. Such sign shall not exceed a maximum height of 15 feet, or a maximum width of 6 (six feet), and shall have a minimum setback of 10 feet for all new signs. The station identification (brand) placard on the sign shall have a maximum area of 16 square feet. In addition, the freestanding sign shall also be permitted to contain up to four (4) price points for various grades of motor fuel based on the following standards: a maximum of 2 square feet of LED area allowed per price point for pricing and a maximum of 4.25 square feet of non-LED sign area for lettering corresponding to each grade of motor fuel advertised.
- b. Wall signs: one non-illuminated building sign is permitted per bay or entrance door with a maximum area of 6 square feet per sign and no more than two total such signs.
- c. Canopy signs: shall be limited to 20% of the façade area with one sign permitted per façade and no more than two canopy facades with such signage.
- d. LED gasoline price signs are prohibited in or adjacent to any historic district.
- e. LED gasoline price signs located on lots adjacent to any single-family or two-family residential district shall be turned off after 10pm.
- f. LED gasoline price signs shall not blink, actively move, flash, nor be combined with video and audio enhanced components.
- g. LED gasoline price point signs shall be limited to no more than two colors per establishment, in accordance with industry standards, to distinguish between grades of motor fuel.
- h. Gasoline station signage for all pricing and lettering shall not exceed 12 inches in height.
- i. Any brightness or glare associated with LED gasoline price point signs shall not impair the vision of drivers, nor contribute

**Frank Merckx, Loantaka Way**, supported the addition of a Good Samaritan provision in the proposed ordinance noting that Drew University has a similar policy.

**Sam Cerciello, Park Avenue**, asked that restaurants be added to the proposed ordinance.

**Andrew Bishop, Drew University**, raised concern regarding the proposed ordinance, noting that students may fear penalty in making a decision to report an emergency involving underage drinking.

**Suzanne Young, Green Hill Road**, raised concern regarding suspension of driving privileges listed in the proposed ordinance, and noted that she does not support the adoption of this ordinance.

**Michael Kopas, Loantaka Way**, noted that Drew University has made great strides to reduce underage drinking; noting emergency calls have been reduced. Mr. Kopas raised concern regarding reporting of emergencies if the proposed ordinance is adopted.

**Eric Range, Belleau Avenue**, encouraged Council to consider delaying the adoption of Ordinance 8-2013 in order to include a Good Samaritan provision.

Mrs. Vitale moved that Ordinance 8-2013, which was read by title, be finally adopted. Mrs. Tsukamoto seconded the motion. Mrs. Vitale noted that the intent of the ordinance is to address house parties and similar underage drinking and is not necessarily directed at University students. There was consensus to make the effective date of the ordinance May 20, 2013. There was no further Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Catalanello

Mayor Conley declared Ordinance 8-2013 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

### **ORDINANCE 9-2013**

#### **ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195, ARTICLE V OF THE BOROUGH CODE ENTITLED "LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF MADISON", TO ALLOW LED PRICE POINT SIGNS AT GAS STATIONS UNDER CERTAIN CONDITIONS**

**WHEREAS**, the Borough of Madison seeks to allow a limited exception to its prohibition of LED signs to acknowledge the unique operational and advertising requirements of gas stations;

**WHEREAS**, Chapter 195 of the Borough Code currently prohibits LED signs in the Borough of Madison;

E. If the person convicted under this Section, Chapter 233 is not a New Jersey resident, the Municipal Judge shall suspend or postpone, as appropriate, the non-resident driving privilege of the person based on the age of the person and submit the required report to the Division. The Municipal Judge shall not collect the license of a non-resident convicted under this Section, Chapter 233. Upon receipt of a report from the Municipal Judge, the Division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

F. Exceptions:

(1) Religious Observance, Presence of a Parent or Guardian. Nothing in Chapter 233 shall prohibit an underage person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony or rite, or consuming or possessing an alcoholic beverage in the presence of, and with the permission of a parent, guardian or relative who has attained the legal age to purchase or consume alcoholic beverages. As used in this Section, Chapter 233, "Guardian" means a person who has qualified as a guardian of the underage person pursuant to testamentary court appointment, or other applicable laws, as determined by the Municipal Judge; and "Relative" means an underage person's grandparent, aunt, uncle, sibling, or any other person related by blood or affinity.

(2) Performance of Employment. Nothing in Chapter 233 shall prohibit possession of alcoholic beverages by any person while engaged in the performance of employment pursuant to an employment permit issued by the Director of the Division of the Alcoholic Beverage Commission, or for a bona fide hotel or restaurant, in accordance with the provisions of R.S. 33:1-26, or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocation school or post secondary educational institution; however, nothing in Chapter 233 shall be construed to preclude the imposition of a penalty under these Sections, N.J.S.A. 33:1-81, or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

SECTION 2. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistency.

SECTION 4. This Ordinance shall take effect May 20, 2013, in accordance with law.

Mayor Conley opened up the public hearing on Ordinance 8-2013.

**BOROUGH ORDINANCE CODE WITH NEW SECTION  
CHAPTER 233**

WHEREAS, the Madison Borough Council deems it advisable to regulate the possession or consumption of alcoholic beverages by underage persons on private property in order to preserve the public health, safety and general welfare of the residents of the Borough.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, NEW JERSEY as follows:

SECTION 1. Part III entitled Board of Health Legislation, of the Code of the Borough of Madison is hereby supplemented with a new Chapter 233 to read in its entirety as follows:

**233-1. Possession or Consumption of Alcoholic Beverages by Persons Under Legal Age on Private Property Prohibited; Penalties; Suspension of Driving Privileges.**

- A. Any person under the legal age to purchase alcoholic beverages who knowingly possesses, without legal authority, or who knowingly consumes any alcoholic beverage on private property, shall be subject upon conviction, to a fine of \$250 for the first offense and \$350 for any subsequent offense.
- B. The Municipal Judge may, in addition to any other sentence imposed for the offense, suspend or postpone, for up to six (6) months, the driving privilege of the defendant. Upon the conviction of any person under this Section, Chapter 233, the Municipal Judge shall forward a report to the Division of Motor Vehicles (the "Division") stating the first and last day of the suspension or postponement period imposed by the Municipal Judge pursuant to this Section, Chapter 233. If a person is less than 17 years of age at the time of the imposition of a sentence, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six (6) months after the person reaches the age of 17 years.
- C. If a person, at the time of the imposition of a sentence, has a valid New Jersey driver's license, the Municipal Judge shall immediately collect the license and forward it to the Division, along with the report. If for any reason the license cannot be collected, the Municipal Judge shall include in the report the complete name, address, date of birth, eye color, and sex of the person, as well as the first and last date of the license suspension period imposed by the Municipal Judge.
- D. The Municipal Judge shall inform the person orally and in writing that, if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject to the penalties set forth in N.J.S.A. 39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of written notice shall not be a defense to a subsequent charge of violation of N.J.S.A. 39:3-40.

**WHEREAS**, it is anticipated that two Green Acres grants will be disbursed in 2013 and be available to reduce the outstanding MRC land acquisition Note balance to 2,888,000; and

**WHEREAS**, the Madison Athletic Foundation (MAF) will endeavor to raise \$934,301 to reduce the outstanding MRC turf fields improvement Note in equal installments over the next five years; and

**WHEREAS**, approximately \$464,566 will be needed in Open Space tax revenues to pay the initial annual debt service and bond issuance costs; and

**WHEREAS**, approximately an additional \$200,000 annually in Open Space tax revenue is required to establish a debt service reserve and fund additional eligible activities authorized by the approved public referendum and Ordinance 4-2004.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the 2013 Open Space tax formula is reduced from \$0.02 cents per One Hundred Dollars (\$100.00) of assessed valuation to \$0.018 cents per One Hundred Dollars (\$100.00) of assessed valuation to be effective for the third and fourth tax quarters of 2013 and the first and second tax quarters of 2014.

Mayor Conley opened up the public hearing on Ordinance 7-2013.

***Nino Coviello, Brannick Drive***, raised concern regarding language in the proposed ordinance asking that changes be made to remove a reference to environmental remediation work and MAF commitment for fundraising.

Mr. Wolkowitz moved that Ordinance 7-2013, which was read by title, be finally adopted. Mr. Landrigan seconded the motion. Mayor Conley suggested that 'projects' be inserted rather than listing specific works and 'will endeavor to' rather than 'has committed' regarding fundraising. Following discussion, there was agreement with the minor changes. The motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Catalanello

Mayor Conley declared Ordinance 7-2013 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

### **ORDINANCE 8-2013**

**ORDINANCE OF THE BOROUGH OF MADISON PROHIBITING THE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS ON PRIVATE PROPERTY AND SUPPLEMENTING THE MADISON**

**OPEN SPACE, RECREATION AND HISTORIC  
PRESERVATION TRUST FUND**

**WHEREAS**, the voters of the Borough of Madison, in the County of Morris, State of New Jersey, approved a referendum on November 4, 2003 which recommended to the Borough Council the establishment of a Municipal Open Space, Recreation and Historic Preservation Trust Fund (hereinafter referred to as the "Open Space Trust Fund") to finance the acquisition and preservation of lands and easements for open space; active and passive recreation; preservation of natural resources, including water supplies; and historic preservation; and

**WHEREAS**, the Madison Borough Council adopted Ordinance 4-2004 on February 9, 2004 which established the Open Space Trust Fund; and

**WHEREAS**, Ordinance 4-2004 codified in part as Article 132-3(B) of the Borough Code established the formula to fund the Open Space Trust Fund through the collection of an amount of two cents (\$0.02) per One Hundred Dollars (\$100.00) of assessed valuation of each annual Borough property tax levy; and

**WHEREAS**, effective January 1, 2013, the Borough of Madison implemented a revaluation of all real property pursuant to an Order from the Morris County Board of Taxation; and

**WHEREAS**, the cumulative assessed valuation of all real property increased from \$2,080,611,829 to \$3,382,032,100 effective January 1, 2013 as a result of the revaluation; and

**WHEREAS**, due to the increase in assessed valuation, the Open Space tax obligation for each property owner will increase as a result of the revaluation unless the formula is changed; and

**WHEREAS**, the Open Space Tax revenues are needed to service the outstanding bonded indebtedness for the Madison Recreation Center (MRC) land acquisition and the development of two artificial turf fields and support facilities on site; and

**WHEREAS**, additional Open Space tax revenues are needed to complete projects at the Madison Recreation Center (MRC) site and improvements at the Bayley-Ellard recreational fields and maintain a funding stream to finance the acquisition and preservation of lands and easements for open space; active and passive recreation; preservation of natural resources, including water supplies; and historic preservation; and

**WHEREAS**, there is a \$3,263,000 Bond Anticipation Note outstanding for the MRC turf field improvements and a \$4,480,000 Bond Anticipation Note outstanding for the MRC land acquisition; and

**ORDINANCE OF THE BOROUGH OF MADISON  
APPROPRIATING \$35,000.00 FROM THE GENERAL CAPITAL  
IMPROVEMENT FUND TO STUDY THE MADISON PUBLIC  
LIBRARY HVAC SYSTEM**

**WHEREAS**, the Library Director has recommended that the Borough appropriate \$35,000.00 from the General Capital Improvement Fund to study the HVAC system at the Madison Free Public Library; and

**WHEREAS**, the approved 2013 Capital Budget will recognize this expenditure; 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 \$35,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$35,000.00 from the General Capital Improvement Fund to study the HVAC system at the Madison Free Public Library.

**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 \$35,000.00 is hereby appropriated from the General Capital Improvement Fund to study the HVAC system at the Madison Free Public Library.

**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 6-2013. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 6-2013, which was read by title, be finally adopted. Mr. Wolkowitz seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Catalanello

Mayor Conley declared Ordinance 6-2013 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

**ORDINANCE 7-2013**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING  
ORDINANCE 4-2004, WHICH ESTABLISHED THE MUNICIPAL**

## **AGENDA DISCUSSIONS**

### **04/22/2013-1** APPROPRIATE \$70,000 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR REPLACEMENT UTILITY TRUCK WITH ACCESSORIES

There was agreement to list an ordinance for introduction as requested by Superintendent David Maines to replace a utility truck for the Water Department

Ordinance 13-2013 is listed for Introduction.

### **04/22/2013-2** APPROPRIATE \$50,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF POLICE DEPARTMENT VEHICLE AND ACCESSORIES

Police Chief Dachisen requested an appropriation for the purchase of a police vehicle to be purchased through the Morris County Cooperative Pricing Council, as discussed during the Capital Budget process.

Ordinance 14-2013 is listed for Introduction.

### **04/22/2013-3** AMEND THE OPEN SPACE, RECREATION AND HISTORIC PRESERVATION ORDINANCE TO INCLUDE QUARTERLY REPORTING

Mr. Wolkowitz explained a proposed amendment to the Open Space, Recreation and Historic Preservation Committee to require quarterly reporting to the Borough Council. Mrs. Tsukamoto suggested that Borough officials and Council liaisons should provide reports. Mayor Conley noted that the reporting responsibility is with the committee in an advisory role to the Council. There was no objection to listing an ordinance for introduction.

Ordinance 15-2013 is listed for Introduction.

### **04/22/2013-4** AD HOC ADVISORY COMMITTEE FOR THE DEVELOPMENT OF A MASTER PLAN FOR THE MADISON RECREATION CENTER

Mayor Conley recommended appointments to an ad hoc advisory committee to provide recommendations to Council for the development of the remaining property at the Madison Recreation Complex. Mrs. Tsukamoto suggested that the liaison for finance and/or engineering be included. Mr. Landrigan suggested that the Borough Engineer be appointed. There was agreement to list a resolution on the Consent Agenda.

Resolution R 146-2013 is listed on the Consent Agenda.

## **ADVERTISED HEARINGS**

The Clerk made the following statement:

Ordinances scheduled for hearing tonight were submitted in writing at Regular meetings of the Mayor and Council held on April 1, 2013 and April 8, 2013, were introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

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

## **ORDINANCE 6-2013**

## **Community Affairs**

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

Mr. Landrigan announced that on May 1<sup>st</sup> Poor Herbie's will host a give back day for the Museum of Early Trades and Crafts and May Day events will take place Saturday May 4<sup>th</sup>, with an after party to be held at the Ambulance Corp. The Chamber of Commerce will hold a Ladies Night Out on Thursday May 9<sup>th</sup>. Mr. Landrigan reported that Union Beach residents are still suffering the effects of Super Storm Sandy and Madison residents continue to help by holding a Borough wide garage sale and book sale with proceeds going to help the relief efforts. Mr. Landrigan noted that the Rotary Club will hold a Family Fun Festival to benefit Union Beach on June 15<sup>th</sup> and 16<sup>th</sup>.

## **Public Safety**

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

Project Community Pride in collaboration with the Board of Education will hold a family night at the Junior School on Friday, April 26<sup>th</sup>, and will also sponsor a Mental Health Awareness Week at the Madison High School. An annual fundraising breakfast to benefit Project Community Pride will be held at the Madison Hotel on May 17<sup>th</sup>. The Madison Boy Scouts and the Environmental Commission have partnered together to organize the fourth annual Green Fair. The Fair will be held Thursday May 16th, 2013, from 3:30 – 6:30pm, on Green Village Road. Ms. Baillie reminded residents that twice weekly garbage pick up will begin on Monday, May 20<sup>th</sup> and the Christie Administration has fully implemented landmark legislation regarding the use of lawn fertilizers. Residents should use lawn fertilizers that contain no phosphorus and low nitrogen. The Public Works Department has also implemented these new regulations on Borough lawns.

## **Finance and Borough Clerk**

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

Mr. Wolkowitz stated that the municipal budget is now complete and the budget process is being looked at for next year. Mr. Wolkowitz met with Chief Financial Officer Robert Kalafut and resident Thomas Bintinger to look at Standard & Poor's guidelines to see what aspects of credit worthiness are applicable to Madison. Mr. Wolkowitz indicated that it is the intention to use those aspects when discussing the municipal budget next year. Mr. Wolkowitz thanked Mr. Bintinger for his assistance.

## ***COMMUNICATIONS AND PETITIONS- none***

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

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

***Don Brunner, Redmond Drive***, asked to verify the time and date of the Project Community Pride fundraising breakfast to be held May 17<sup>th</sup> at 8:00 a.m.

***Sam Cerciello, Park Avenue***, asked for clarification of Resolution R 155-2013, regarding a change order for the Samson Avenue Improvements project, and suggested using part-time inspector for construction projects.

**WHEREAS**, the Office of the Municipal Clerk is the oldest among public servants; and

**WHEREAS**, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

**WHEREAS**, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

**WHEREAS**, the Municipal Clerk serves as the information center on functions of local government and community; and

**WHEREAS**, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and

**WHEREAS**, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk, notably Elizabeth Osborne and Patty Macaluso;

**NOW, THEREFORE**, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby recognize the week of May 5 through May 11, 2013, as Municipal Clerks' Week, and further extend appreciation to our Municipal Clerk, Elizabeth Osborne, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

---

**Robert H. Conley, Mayor**

April 22, 2013

### ***REPORTS OF COMMITTEES***

#### **Health**

Mrs. Vitale of the Committee made the following comments:

The Madison Health Department has been approved to participate in the State approved adult vaccine program and vaccines will be available in May. The Health Department will hold a second Employee Wellness program regarding sun safety on Tuesday, May 21<sup>st</sup>. Mrs. Vitale noted a resolution to restore the Employee YMCA Membership Program listed on the consent agenda. Students from Madison High School will participate in a Day of Service, by painting murals at the Health Department this May as well as helping with hand washing program in the elementary schools

#### **Utilities**

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

The Electric Utility continues pole transfers and installations and would like to thank the Patel Family of Park Lane for access to a damaged pole through their property.

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

Mr. Catalanello, Chair of the Committee, absent.

Mayor Conley presented a Proclamation to long time residents Joseph and Carol Glade in recognition of their volunteerism.

*Proclamation  
of the  
Borough of Madison  
Recognizing*

**JOSEPH AND CAROL GLADE**

**WHEREAS**, Joseph and Carol Glade are longtime Madison residents and dedicated volunteers committed to making Madison a wonderful place in which to live; and

**WHEREAS**, Joseph Glade served on the Borough of Madison Zoning Board of Adjustment from 1986 to 1993 and then again from 2008 through 2011; and

**WHEREAS**, Carol served on the Madison Volunteer Ambulance Corps as an active riding member where she rode multiple day shifts; and

**WHEREAS**, Carol served as president of the Madison Ambulance Corps for two years and was instrumental in establishing new membership policies for the corps; and

**WHEREAS**, both Joseph and Carol actively participated in many Madison Volunteer Ambulance Corps events;

**NOW, THEREFORE**, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby extend thanks and appreciation to **Joseph and Carol Glade** for their efforts, dedication and commitment to the Borough of Madison and wish them well on their move to New Mexico and in all future endeavors.

---

**Robert H. Conley, Mayor**

April 22, 2013

Mayor Conley presented the following proclamation to Borough Clerk Elizabeth Osborne in honor of Municipal Clerks' Week.

***MUNICIPAL CLERKS' WEEK  
MAY 5 THROUGH MAY 11, 2013***

**WHEREAS**, the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

*Proclamation  
of the  
Borough of Madison*

*Proclaiming  
Rotary Club of Madison Month  
In Recognition of Its 90th Anniversary  
May 2013*

**WHEREAS**, Rotary International is the world's first and largest non-profit service organization whose members strive to fulfill the Rotary's motto of "Service Above Self"; and

**WHEREAS**, the Rotary sponsors programs such as the *Polio Plus Program* which administers the polio vaccine and has eradicated this disease in all but three countries and the *Gift of Life Program* which provides life-saving heart surgery to children and support to their families worldwide, as well as organizing fundraisers for international locations where natural disasters strike; and

**WHEREAS**, chartered on May 24, 1923, the Rotary Club of Madison is an organization of professional people and community leaders who are involved with Rotary International programs as well as many projects benefitting the community directly, such as collecting and donating food to the Interfaith Food Pantry and the clean up and beautification program for Madison's May Day; and

**WHEREAS**, the Madison Rotary organizes and sponsors the "Colombia Independence Day" picnic as well as participating in major fundraisers such as sponsoring the Taste of Madison and the Rotary Family Festival; and

**WHEREAS**, the Madison Rotary also distributes dictionaries to all third graders in Madison schools and established the Interact Club, a Rotary service club at Madison High School; and

**WHEREAS**, proceeds raised by the Madison Rotary on Shred-It & Recycle Day and by selling hot dogs and hamburgers on Bottle Hill Day contribute to approximately \$50,000 distributed annually to local charities and initiatives, as well as scholarships for Madison High School seniors;

**NOW, THEREFORE**, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim May 2013 as Rotary Club of Madison Month and encourage all citizens to recognize the Madison Rotary for making Madison and our world a better place in which to live.

---

**Robert H. Conley, Mayor**  
April 22, 2013

Also presented was a Proclamation to the Madison Rotary Club from Assemblywoman Mila Jasey.

EMPLOYEE WELLNESS PROGRAM  
AWARD INSPECTION CONTRACT FOR ROSEDALE AVENUE PROJECT  
AUTHORIZING CHANGE ORDER FOR SAMSON AVENUE PAVING PROJECT  
Date of public disclosure 60 days after conclusion, if disclosure required.

PERSONNEL MATTERS (3)  
OFFICE ASSISTANT – BUILDING DEPARTMENT  
GENERAL PERSONNEL DISCUSSION  
SUMMER INTERN – TECHNOLOGY DEPARTMENT  
Date of public disclosure 90 days after conclusion, if disclosure required.

LITIGATION MATTERS (1)  
BROWN V. MADISON  
Date of public disclosure 60 days after conclusion, if disclosure required.

Seconded: Mrs. Tsukamoto  
Vote: Approved by voice vote

***RECONVENE IN COUNCIL CHAMBER***

Mayor Conley reconvened the Regular Meeting at 8:15 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 March 11, 2013***. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

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

***GREETINGS TO PUBLIC***

Mayor Conley made the following comments:

Mayor Conley offered thoughts and prayers for the victims of the recent bombing in Boston, MA and commended law enforcement and citizen for their cooperation. Mayor Conley announced that this Wednesday, April 24<sup>th</sup> the Borough will host the Morris County Freeholders meeting at 8:00 p.m. in the Council Chambers of the Hartley Dodge Memorial. Mayor Conley also recognized Mr. Landrigan, Mrs. Peg Codey and Mr. Codey for their efforts raising funds to send children from Union Beach, NJ to summer camp as well has equipment for the Union Beach Ambulance Squad.

**PROCLAMATIONS:**

Mayor Conley presented a Proclamation recognizing the Madison Rotary Club 90<sup>th</sup> Anniversary.

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

**April 22, 2013 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 22nd day of April, 2013. 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 3, 2013. This Notice was made available to members of the general public.”

**ROLL CALL**

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

Mayor Robert H. Conley

Council Members:

Jeannie Tsukamoto

Robert Landrigan

Carmela Vitale

Astri J. Baillie

Benjamin Wolkowitz

Absent: Robert G. Catalanello, excused

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**

Mrs. Vitale moved:

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

MINUTES FOR APPROVAL (1)

March 11, 2013

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

CONTRACT MATTERS (6)

BOARD OF EDUCATION TURF FIELD PARTNERSHIP

GREEN VILLAGE ROAD SCHOOL PROPERTY UPDATE

MUNICIPAL PROSECUTOR FOR CHATHAM TWP