

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

**May 30, 2012 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 30th day of May 2012. Mayor Conley called the meeting to order at 7 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

**STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT**

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

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

**ROLL CALL**

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

Mayor Robert H. Conley

Council Members:

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

Also Present:

Raymond M. Codey, Borough Administrator  
James E. Burnet, Assistant Borough Administrator  
Elizabeth Osborne, Borough Clerk  
Matthew Giacobbe, Acting Borough Attorney

**AGENDA REVIEW**

There was approval of the Regular and Executive Agenda.

**READING OF CLOSED SESSION RESOLUTION**

Mrs. Tsukamoto moved:

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

MINUTES FOR APPROVAL (1)

Executive Session Minutes of April 9, 2012

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

CONTRACT MATTERS (4)

192-194 ROSEDALE AVENUE DEVELOPER'S AGREEMENT

GREEN VILLAGE ROAD SCHOOL PROPERTY REDEVELOPMENT

JACOB HENRY PERKINS FUND DISBURSEMENT

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PK ENVIRONMENTAL

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

LITIGATION MATTERS (3)

2012 TAX APPEAL

POLICE DEPARTMENT

BOARD OF HEALTH UPDATE

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

PERSONNEL MATTERS (5)

PURCHASING OFFICER

JOINT MUNICIPAL COURT

HEALTH OFFICER

ASSISTANT BOROUGH ADMINISTRATOR

RECREATION DIRECTOR

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

Seconded: Dr. Esposito

Vote: Approved by voice vote

**RECONVENE IN COUNCIL CHAMBER**

Mayor Conley reconvened the Regular Meeting at 8 p.m. in the Council Chamber with all members present. The Pledge of Allegiance was recited by all.

**GREETINGS TO PUBLIC**

Mayor Conley asked for a moment of silence for former Mayor Ralph G. Engelsman.

Mayor Conley presented the following proclamations:

Proclamation recognizing the 106th Birthday of Cora Jiggetts presented to Mrs. Jiggetts, escorted by Bill Bigelow. Mayor Conley also presented a letters of recognition from U.S. Rep. Rodney Frelinghuysen and NJ Governor Christopher Christie, and proclaimed May 31<sup>st</sup> Cora Jiggetts Day in the Borough of Madison.

***Proclamation  
of the  
Borough of Madison  
presented to***

***Cora Jiggetts  
In celebration of her 106th Birthday  
May 31, 2012***

**WHEREAS**, Cora Jiggetts, the daughter of a slave, was born on May 31, 1906 in Chapel Hill, North Carolina and it was where she grew up and married her first husband Jesse Durham and had a son, Jesse, Jr.; and

**WHEREAS**, in 1930, five years before the Hartley Dodge Memorial was built, she came to live on Central Avenue in Madison to take care of her sister, Jessie; and

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**WHEREAS**, she later moved to Park Avenue to a home, which originally had other tenants, one of whom, Deacon Stillman Jiggetts, became her second husband, and where she continues to live 66 years later; and

**WHEREAS**, Mrs. Jiggetts worked for two Madison families, the Pilches and then the Kreitlers, from 1946 to 1986; and

**WHEREAS**, in addition to the Kreitlers' three children, Mrs. Jiggetts watched over their young neighbor, Bill Bigelow, who today, in his seventies, watches over Mrs. Jiggetts; and

**WHEREAS**, Cora Jiggetts, a deaconess, has been involved in many ministries as a member of the First Baptist Church of Madison for 81 years; and

**WHEREAS**, the Church honored Mrs. Jiggetts in 1995 by renaming its Missionary Ministry the Cora Jiggetts Missionary Ministry and she has earned the title of "Church Mother"; and

**WHEREAS**, she is a grandmother of four, great-grandmother of four and great-great-grandmother of six; and

**WHEREAS**, Cora Jiggetts, who has been able to maintain her independence with assistance from the Kreitler and Bigelow families, the First Baptist Church Outreach and local health agencies, is an inspiration to so many;

**NOW, THEREFORE**, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim May 31, 2012 as Cora Jiggetts Day in honor of her 106th birthday celebration. Congratulations are extended to her on this special day with best wishes for many more years of health and happiness.

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Robert H. Conley, Mayor  
May 30, 2012

Proclamation presented to John Morris recognizing his contributions as President of the Madison Chamber of Commerce.

***Proclamation  
of the  
Borough of Madison***

***Proclaiming  
John Morris Day  
May 30, 2012***

**WHEREAS**, John Morris has served for the past four years as President of the Chamber of Commerce of Madison, whose members are mostly small businesses, but also include some large corporations and the College of Saint Elizabeth, Drew University and Fairleigh Dickinson University; and

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**WHEREAS**, during his tenure, John advanced the mission of the Chamber by expanding membership, increasing revenues, restructuring all programming and events and reorganizing the Chamber's infrastructure, thus creating a more efficient and cost effective organization; and

**WHEREAS**, valuable partnerships with the DDC, Borough and Council were reestablished and the Chamber's presence within Madison's merchant population and the community was greatly strengthened under John's exemplary leadership; and

**WHEREAS**, during his term, the Chamber of Commerce By-Laws were updated and revised and the Board of Directors/Officers panel was restructured and doubled, establishing a Board and Executive team that will sustain the Chamber for years to come; and

**WHEREAS**, John also spearheaded the Fair Sales Tax Law movement for Madison and has been an important part of developing the Chamber's Land Use Committee; and

**WHEREAS**, each year the Chamber awards a graduating student who plans to continue his or her higher education in the field of commerce with the Jack Morris Memorial Scholarship, named in memory of John's father, as a tribute to his commitment to the Chamber and to the Madison community; and

**WHEREAS**, Wilson S. Morris, John's grandfather, served as Mayor of the Borough of Madison from January 1, 1936 to December 31, 1937; and

**WHEREAS**, John and his sister, Ginger Lein, are the owners and operators of Stewart-Morris Awards, Gifts & Flags and the fourth generation of successful retailers in Madison;

**NOW, THEREFORE**, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim May 30, 2012 as **John Morris Day**. His efforts, dedication and commitment make Madison a special place in which to visit, work and live.

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Robert H. Conley, Mayor  
May 30, 2012

**APPROVAL OF MINUTES**

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

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

Nays: None

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Mrs. Tsukamoto moved approval of the ***Regular Meeting Minutes of February 27, 2012***. Dr. Esposito seconded the motion, which passed with the following roll call vote recorded:

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

Mayor Conley made the following additional announcements:

### Employee of the Month for May:

Janine Marotta of the Madison Public Library for the excellent work she performed on both the project to design a new logo and the development of a new website for the Library.

### Anniversary:

20 Years - David Artigliere of the Electric Utility Department on May 11<sup>th</sup>.

Mayor Conley thanked all those who participated in the Memorial Day services.

## ***REPORTS OF COMMITTEES***

### **Public Safety**

Mrs. Tsukamoto, Chair of the Committee, made the following comments:  
Mrs. Tsukamoto announced that the Pfizer 5K, run held on Wednesday, May 23<sup>rd</sup> was a great success raising more than \$7000.00 for the benefit of Project Community Pride. The Madison Police Department responded to 2369 calls for service in the Month of May, including a response to Drew University on May 18<sup>th</sup>, to assist in the delivery of a baby girl. The Police Department responded to Cook Plaza May 20<sup>th</sup> on the report of a fight in progress. Three suspects have been arrested and charged with aggravated assault, and on May 22<sup>nd</sup> police responded to a report of an armed robbery at the Shell Gas Station on the corner of Main Street and Prospect Avenue. A suspect was arrested in Madison this afternoon.

### **Utilities**

Dr. Esposito, Chair of the Committee, made the following comments:  
Dr. Esposito reported that the Electric Utility Study Committee met May 16<sup>th</sup> and discussed automated meter reading, electric purchases and solar energy initiatives, among other topics. Mr. Burnet will make presentation at the next meeting of the Council, and Dr. Esposito asked that the Mayor schedule a town hall meeting in the fall to discuss management of the electric utility.

### **Public Works and Engineering**

Mr. Links, Chair of the Committee, made the following comments:  
Mr. Links reported that roadway reconstruction is now completed on Woodland Avenue as well as Pine Beech Rose and Cedar Avenues. Water main replacement work on Division Avenue, Academy and Main Streets is also completed, representing \$1.3 million in capital projects. More than 1000 players will participate in sports competition at the Madison Recreation Center this weekend.

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### **Finance and Borough Clerk**

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

Mr. Catalanello reminded residents that next Tuesday, June 5th is the Primary Election. Polls will be open from 6am to 8pm. Chief Financial Officer Robert Kalafut has reported that revenue collections, due to cable franchise fees, construction permits, and prior years uncollected taxes are above estimates.

### **Community Affairs**

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

Mr. Landrigan announced that restaurant *Benito's*, located on Waverly Place is now open. Mr. Landrigan thanked members of the Downtown Development Commission, the Garden Club and the Department of Public Works for the 270 flowering hanging baskets have been placed in the downtown area. Mr. Landrigan also announced that the Rotary Club Family Festival begins May 31st through June 3rd at the former Exxon property adjacent to the NY Jets training camp. The Recreation Advisory Committee is looking at the fields and parking at the Bayley-Ellard fields. The Farmers' Market ribbon cutting ceremony will take place on June 14<sup>th</sup>, on Waverly Place, and work will begin recognizing our veterans in Madison both residents and business people who served our country. Mr. Landrigan noted that the work he accomplished with the Federal Emergency Management Agency - FEMA, was a team effort and thanked members of the Madison Police and Fire Departments, the DPW staff as well as Mr. Codey and his staff.

### **Health & Public Assistance**

Mrs. Vitale of the Committee made the following comments:

Mrs. Vitale thanked the members of the Patriotic Celebrations committee for their hard work and dedication to the Memorial Day services.

### **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.**

**Sam Cerciello, Park Avenue**, asked for explanation several resolutions listed on the consent agenda including R 142-2012, R 146- 2012 and R 152-2012. Mr. Cerciello offered to meet with the Borough Council to discuss ideas to do things better in the Borough. Mayor Conley suggested that Mr. Cerciello meet with Council liaison to the Department of Public Works and Engineering

### **AGENDA DISCUSSIONS**

#### **05/30/2012-1 REVIEW OF STRICKLAND PLACE SITE PLAN**

Following Mrs. Tsukamoto's summary of the courtesy review of site plans submitted for the construction of three homes on Strickland Place, formerly 22 Orchard Street, there was consensus to list on the Consent Agenda a resolution approving the site plans, as well as approval of Executive Director Louis Riccio's request for release of funds from the Affordable Housing Trust Fund.

Resolution R 151-2012 is listed on the Consent Agenda.

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### **05/30/2012-2 COMMUTER PARKING FEES**

Mrs. Tsukamoto explained a recommendation from Police Chief John Trevena to increase parking fees for merchants and tenants from \$225 to \$250 per year and resident commuters from \$425 to \$450 for the years 2013 and 2014. Following Council discussion there was agreement to continue discussion and examine the number of spaces and locations, rather than increase fees at this time. Mrs. Tsukamoto will work with Mr. Codey and Mr. Burnet on parking concerns.

### **05/30/2012-3 RESTORATION OF ENERGY TAXES**

Mrs. Vitale asked fellow Council members to approve a resolution in support of Senate Bill S1900 and Assembly Bill A-2921 authorizing a five year phase in funding restoration of energy taxes diverted by the state from municipalities. Following discussion there was consensus to list a resolution in support.

Resolution R 144-2012 is listed on the Consent Agenda.

### **05/30/2012-4 STATE SENATE BILL #1914, USER FEES**

Mrs. Vitale explained a pending State Senate Bill which would require certain user fees for the provision of traditional municipal services to be included within the 2% municipal property tax levy cap. Following discussion there was agreement to list a resolution on the Consent Agenda opposing State Senate Bill #1914, User Fees, as the bill is unclear on its application and, therefore, Council will be unable to properly plan for future years. Mrs. Tsukamoto said that the bill would take away the loophole for municipalities to impose user fees, work around the 2% cap and charge taxpayers more money. She was not supporting the resolution to oppose s1914 because it would protect the taxpayers.

Resolution R 145-2012 is listed on the Consent Agenda.

### **ADVERTISED HEARINGS**

The Clerk made the following statement:

Ordinances scheduled for hearing tonight were submitted in writing at a Regular meeting of the Mayor and Council held on May 14, 2012, 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 6-2012**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$90,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR ABATEMENT PROJECT AT THE MADISON PUBLIC LIBRARY ADULT SERVICES DEPARTMENT**

**WHEREAS**, the Library Director has recommended that the Borough appropriate \$90,000.00 from the General Capital Improvement Fund for the abatement project at the Madison Free Public Library Adult Services Department; and

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**WHEREAS**, the approved 2012 Capital Budget recognized 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 \$90,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$90,000.00 from the General Capital Improvement Fund for the abatement project at the Madison Free Public Library Adult Services Department;  
and

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

**SECTION 1:** The amount of \$90,000.00 is hereby appropriated from the General Capital Improvement Fund for the abatement project at the Madison Free Public Library Adult Services 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.

Mayor Conley opened up the public hearing on Ordinance 6-2012. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Landrigan moved that Ordinance 6-2012, which the Borough Clerk read by title, be finally adopted. Mr. Links seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Conley declared Ordinance 6-2012 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

**ORDINANCE 7-2012**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$11,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF FOUR SETS OF FIREFIGHTING TURNOUT GEAR**

**WHEREAS**, the Fire Chief has recommended that the Borough appropriate \$11,000.00 from the General Capital Improvement Fund for purchase of four sets of firefighting turnout gear; and

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**WHEREAS**, the approved 2012 Capital Budget recognized 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 \$11,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$11,000.00 from the General Capital Improvement Fund for purchase of four sets of firefighting turnout gear; and

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

**SECTION 1:** The amount of \$11,000.00 is hereby appropriated from the General Capital Improvement Fund for purchase of four sets of firefighting turnout gear.

**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 7-2012. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 7-2012, which the Borough Clerk 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, Dr. Esposito, Mr. Links,  
Mr. Catalanello, Mr. Landrigan. Mrs. Vitale  
Nays: None

Mayor Conley declared Ordinance 7-2012 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

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

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

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

***James Sullivan, Broadview Avenue***, noted the large crowds at the Borough Memorial Day services, and indicated he would attend again.

***Don Brunner; Redmond Drive***, asked about a pending lawsuit regarding the Madison Police Department

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**Sam Cerciello, Park Avenue**, asked who is in charge of the Police Department. Mr. Giacobbe explained the Uniform Officer Act and stated that personnel issues can not be discussed as public comments.

**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 June 25, 2012 in the 2<sup>nd</sup> Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinances will be published in the Madison Eagle, be posted at the main entrance to the Borough offices and be made available to members of the public requesting same, as required by law.

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

ORDINANCE 8-2012 ORDINANCE OF THE BOROUGH OF MADISON  
AMENDING ORDINANCE 5-2008 SETTING SALARY RANGES FOR NON-UNION  
FULL-TIME EMPLOYEES TO INCLUDE SALARY RANGE AND TITLE FOR  
PURCHASING OFFICER

**WHEREAS**, the Borough Council has determined to amend Ordinance 5-2008 setting salary ranges for non-union full-time employees to include salary range for “Purchasing Officer” .

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

Section 1. Ordinance 5-2008 setting the salary ranges for non-union full-time employees is hereby amended to include the following salary range and title:

<b>TITLE</b>	<b>MINIMUM</b>	<b>MARKET VALUE</b>	<b>MAXIMUM</b>
Purchasing officer	\$45,000.00	\$55,000.00	\$65,000.00

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

Mrs. Tsukamoto moved that Ordinance 8-2012, as amended, which the Borough Clerk read by title, be adopted. Dr. Esposito seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

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**ORDINANCE 9-2011 ORDINANCE OF THE BOROUGH OF MADISON  
AMENDING ORDINANCE 4-2011 TO INCREASE MAXIMUM SALARY FOR  
MAGISTRATE MUNICIPAL COURT AND INCREASE MAXIMUM HOURLY RATE  
FOR DEPUTY COURT ADMINISTRATOR**

**WHEREAS**, the Borough Council has determined that a change is required in the salary ranges for non-union part-time employees to increase the maximum salary for the Magistrate Municipal Court and to increase the maximum hourly rate for the Deputy Court Administrator, Part-Time.

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

Section 1. Ordinance 4-2011 setting the salary ranges for non-union part-time employees is hereby amended to change the following salary ranges:

<b>TITLE</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
Deputy Court Administrator, P/T	\$21.75	\$28.00
Magistrate Municipal Court	\$16,377.00/yr	\$91,350.00/yr

Section 2. All other provisions of the Ordinance remain unchanged.

Section 3. This ordinance shall take effect as provided by law.

Mrs. Tsukamoto moved that Ordinance 9-2012, which the Borough Clerk read by title, be adopted. Dr. Esposito seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

**ORDINANCE 10-2012 ORDINANCE OF THE BOROUGH OF MADISON  
AMENDING SECTION 155-18A OF THE BOROUGH CODE ENTITLED "SEWER  
USE CHARGE"**

**WHEREAS**, the Chief Financial Officer has recommended that the sewer use charge for tax-exempt properties be imposed on any real property owner who has an executed Payment in Lieu of Taxes (PILOT)/Financial Agreement with the Borough of Madison pursuant to N.J.S.A. 40A:12A-1 et seq. and is connected with

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and serviced by the sanitary sewer system operated by the Borough of Madison;  
and

**WHEREAS**, the Borough Council has determined that there is a need to clarify what property owners are subject to the tax exempt sewer charge.

**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 155 of the Borough Code entitled “Sewers” shall be amended as follows:

**SECTION 1:**

§ 155-18 Sewer use charge established; rate; exception.

A. Add: “Said charge shall also be applied to any real property subject to a Payment in Lieu of Taxes (PILOT)/Financial Agreement with the Borough of Madison pursuant to N.J.S.A. 40A:12A-1 et seq.

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

**SECTION 3:** This Ordinance shall take effect in accordance with the law.

Dr. Esposito moved that Ordinance 10-2012, which the Borough Clerk read by title, be adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

**CONSENT AGENDA RESOLUTIONS**

The Clerk made the following statement:

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

Mrs. Tsukamoto moved adoption of the Resolutions listed on the Consent Agenda. Dr. Esposito seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

R 142-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SETTLEMENT OF THE 2011 AND 2012 TAX APPEAL ENTITLED JOHN D. &

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COURTNEY S. BLUNDIN V. MADISON BOROUGH, DOCKET NOS. : 010027-2011; -2012 OF THE TAX ASSESSMENT OF BLOCK 4402, LOT 33, KNOWN AS 150 GREEN AVENUE, IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

**WHEREAS**, an appeal of the real property tax assessment for tax year 2011 and 2012 involving Block 4402, Lot 33, has been filed by the Taxpayer, John D. & Courtney S. Blundin; and

**WHEREAS**, the proposed Stipulation of Settlement has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Expert; and

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

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

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

150 Green Avenue  
**Year 2011**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 633,000	N/A	\$ 633,000
Imprvts:	\$ 598,700	N/A	\$ 467,100
Total:	\$1,231,700	N/A	\$1,100,100

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

150 Green Avenue  
**Year 2012**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 633,000	N/A	\$ 633,000
Imprvts:	\$ 598,700	N/A	\$ 425,500
Total:	\$1,231,700	N/A	\$1,058,500

3. All Borough officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Borough Tax Appeal Attorney to enter into the Stipulation of Settlement as provided by Taxpayer.

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R 143-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING DEVELOPER'S AGREEMENT BETWEEN THE BOROUGH OF MADISON AND ANDREW T. AND JOANN LEE FOR PREMISES AT 192-194 ROSEDALE AVENUE, DESIGNATED AS BLOCK 701, LOTS 2.01 AND 2.02

**WHEREAS**, Andrew T. and Joann M. Lee are the present owners of property in the Borough of Madison located at 192-194 Rosedale Avenue and designated as Block 701, Lots 2.01 and 2.02 on the current Tax Map of the Borough (the "Property"); and

**WHEREAS**, Andrew T. and Joann M. Lee previously obtained from the Madison Planning Board development approvals for a minor subdivision with variance relief on the Property by Resolution adopted on May 17, 2011, which provided for execution of a developer's agreement with the Borough; and

**WHEREAS**, counsel for the Planning Board has recommended that the attached proposed Developer's Agreement concerning the Property be entered into;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and the State of New Jersey, that the attached Developer's Agreement between Andrew T. & Joann M. Lee and the Borough of Madison regarding the proposed development on Block 701, Lot 2.01 and 2.02 is hereby approved, and the Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute the Developer's Agreement.

R 144-2012 RESOLUTION OF THE BOROUGH OF MADISON IN SUPPORT OF PHASED IN FUNDING RESTORATION

**WHEREAS**, taxes on gas and electric utilities were originally collected by the host municipalities, and when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; and

**WHEREAS**, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

**WHEREAS**, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and

**WHEREAS**, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

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**WHEREAS**, municipalities lost \$331 million in combined Energy Tax and Consolidated Municipal Property Tax Relief Aid (CMPTRA) funding in Fiscal Years 2009, 2010, and 2011, while also being denied scheduled incremental funding; and

**WHEREAS**, as a result of these cuts, in a number of municipalities property taxes are higher now, despite the fact that they are spending less, proving that the State's diversion of tax relief funding has overwhelmed local efforts to reduce property taxes; and

**WHEREAS**, S-1900, sponsored by Senators Paul Sarlo and Linda Greenstein, and A-2921, sponsored by Assemblyman Troy Singleton, would phase-in, over five years, the restoration of \$331 million in municipal property tax relief funding, and ensure that each municipality will be restored to the 2007 (SFY 2008) ETR/CMPTRA level.; and

**WHEREAS**, the sponsors recognize that the loss of those revenues has led to increased property taxes and has hampered local efforts to meet local needs; and

**WHEREAS**, the sponsors agree that the time has come to begin to restore to local budgets the millions that were cut to meet State needs in FY 2009, 2010 and 2011; and

**WHEREAS**, the restoration of \$66.2 million this year is a great first step, which should be easily manageable in a budget that is slated to grow to \$32.15 Billion in the coming year; and the restoration of \$331 million, in 20% increments, over five years will make a big difference in municipalities all around New Jersey; and

**WHEREAS**, the bill would apply the protection of the 'poison pill' to the SFY 2012 distribution of CMPTRA funding, which will prevent further shifts of CMPTRA funding; and which will help to further restrain the appetites of future State policy makers for these municipal property tax relief resources;

**NOW THEREFORE BE IT RESOLVED**, that the Borough of Madison salutes the sponsors for listening to the elected officials in their districts and all around New Jersey and for advancing this legislation;

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**BE IT FURTHER RESOLVED**, that we enthusiastically support S-1900/A-2921, together with any refinements that may be needed to account for any recent changes in the statutes governing local budgets in order to provide municipalities with appropriate budgetary flexibility;

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution be forwarded to Governor Chris Christie, Lieutenant Governor Kim Guadagno, Department of Community Affairs Acting Commissioner Richard Constable, our State Senator Richard J. Codey, our Assembly members John F. McKeon and Mila M. Jasey, and to the New Jersey League of Municipalities.

R 146-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING LICENSE AGREEMENT BETWEEN THE BOROUGH OF MADISON AND NJ TRANSIT FOR A PORTION OF THE WAVERLY GREEN PARKING LOT

**WHEREAS**, the New Jersey Transit Corporation owns a 1,844 square foot parcel adjacent to 23 Waverly Place which is essential for the operation of the Waverly Green Parking lot which New Jersey Transit is willing to allow the Borough to use for anominao consideration pursuant to a 5 year License Agreement; and

**WHEREAS**, entry into such License Agreement will provide the ability for the Borough to provide merchant and customer parking at the Waverly Green Parking Lot, for the benefit of the public; and

**WHEREAS**, executing the License Agreement will provide that the Borough of Madison shall pay New Jersey Transit the sum of \$369.00 per year for said License Agreement with nominal annual escalators thereafter; and

**WHEREAS**, the term of the agreement would be for a five year period, commencing on July 1, 2012 and ending on June 30, 2017; and

**WHEREAS**, the Borough has determined that it is in the best interest of the public to enter into such License Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the Mayor and the Borough Clerk are authorized to sign a License Agreement with New Jersey Transit, including the terms and conditions set forth herein, and in a form acceptable to the Borough Attorney, which License Agreement will be effective July 1, 2012, for a five year term.

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R 147-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING 28<sup>th</sup> ANNUAL GIRALDA FARMS RUN ON SUNDAY, NOVEMBER 11, 2012

**WHEREAS**, the Rose City Runners Club has requested permission to use portions of Loantaka Way, Woodland Road, Treadwell Avenue, Dodge Drive and Madison Avenue in connection with the annual Giralda Farms Run; and

**WHEREAS**, the Police Chief recommends approval of this request; and

**WHEREAS**, the Rose City Runners Club has agreed to reimburse the Madison Police Department for all expenses incurred in connection with the monitoring of said race; and

**WHEREAS**, the Borough Council has reviewed said request and determined that it should be granted.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the Rose City Runners Club is hereby granted permission to use portions of Loantaka Way, Woodland Road, Treadwell Avenue, Dodge Drive and Madison Avenue in connection with the annual Giralda Farms Run to be conducted on Sunday, November 11, 2012, between the hours of 12:00 (noon) and 2:00 p.m. subject to the condition that the Rose City Runners Club reimburse the Madison Police Department for all expenses incurred in connection with the monitoring of said race.

R 148-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY THE AUXILIARY OF THE MADISON VOLUNTEER AMBULANCE CORP. AND SOUTHEAST PROJECT COMMUNITY PRIDE, INC.

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

AUXILIARY OF THE MADISON VOLUNTEER AMBULANCE CORP.

I.D. No. 275-10-10817

R.A. No. 1237 – Off premise

November 19, 2012

SOUTHEAST PROJECT COMMUNITY PRIDE, INC.

I.D. No. 274-5-29399

R.A. No. 1238 – Off premise

December 19, 2012

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

R 149-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF RECYCLING TONNAGE GRANT APPLICATION

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing the Borough of Madison to apply for such tonnage grants will memorialize the commitment of the Borough of Madison to recycling and affirms the assent of the Council of the Borough of Madison, to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Borough of Madison hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling, and hereby designates James Burnet, Assistant Business Administrator

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of the Borough of Madison, as the individual authorized to ensure that said Application is properly filed.

R 150-2012 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING THE SETTLEMENT AGREEMENT AND RELEASE WITH MADISON HEALTH OFFICER JAMES NORGALIS

**WHEREAS**, James Norgalis, the Health Officer for the Borough of Madison, has tendered a written resignation effective May 22, 2012 to accept an employment opportunity in Arizona; and

**WHEREAS**, the Borough Council wishes to accept such resignation.

**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 resignation of James Norgalis as Madison Health Officer effective May 22, 2012 is hereby acknowledged and accepted.
2. The Mayor and Borough Clerk are authorized to execute any and all documents, agreements and releases to effectuate said resignation.

R 151-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING SITE PLAN AND RELEASE OF FUNDS FROM THE AFFORDABLE HOUSING TRUST FUND IN THE AMOUNT OF \$437,000.00

**WHEREAS**, the Affordable Housing Administrator/Municipal Housing Liaison has requested a courtesy review of the site plans and the release of \$437,000.00 from the Affordable Housing Trust Fund for the remediation and construction of three single family homes on Strickland Place; and

**WHEREAS**, the release of said funds shall be in accordance with the approved spending plan for the affordable housing development; and

**WHEREAS**, the Borough Engineer has confirmed that the site plans comply with R-3 Zoning requirements (memorandum attached); and

**WHEREAS**, the Affordable Housing Administrator/Municipal Housing Liaison has advised the Borough that the funds in the Affordable Housing Trust Fund will be used in accordance with the rules and regulations promulgated by the Council on Affordable Housing (“COAH”) for the development of affordable housing.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that review of the site plan and the release of \$437,000.00 from the Housing Trust Fund for the purposes requested herein, to be used in accordance the rules and regulations promulgated

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by COAH in accordance with the approved spending plan for the development of affordable housing is hereby authorized.

R 152-2011 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO DENNIS HARRINGTON OF MADISON, NJ FOR FIELD INSPECTIONS AND OVERSIGHT OF THE NORTH STREET FORCE MAIN IMPROVEMENT PROJECT IN THE AMOUNT NOT TO EXCEED \$12,750.00

**WHEREAS**, the Borough Engineer has recommended that the Borough obtain professional services from Dennis Harrington, P.E., for field inspections and oversight of the North Street Force Main Improvement project (hereinafter the "Contract"); and

**WHEREAS**, said services would constitute professional services for which a contract may be awarded without the need of 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 \$12,750.00, for field inspections and oversight of the North Street Force Main Improvement project; and

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

**WHEREAS**, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$12,750.00 for this purpose, which funds were appropriated by Ordinance 38-2010.

**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 North Street Force Main Improvement project in an amount not to exceed \$12,750.00.

R 153-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING JACOB HENRY PERKINS TRUST DISBURSEMENT

**WHEREAS**, the Chief Financial Officer recommended a grant to pay the electric utility payment on account number 07577 from the Jacob Henry Perkins Trust (hereafter Perkins Trust) on behalf of D. B., a Borough resident; and

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

**WHEREAS**, the Borough Council has determined to approve the request for a Perkins Trust grant to pay the electric utility payment on account number 07577.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that a grant is hereby approved from the Perkins Trust to pay the electric utility payment on account number 07577, for the benefit of D. B., so long as D. B. meets the criteria of Perkins Trust and continues to reside in the Borough of Madison.

R 154-2012 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING JOHN A. PAULMENO TO THE POSITION OF PURCHASING OFFICER

**WHEREAS**, the Assistant Borough Administrator recommends the appointment of John A. Paulmeno to the position of full-time Purchasing Officer, effective upon passage and publication of Ordinance 8-2012 and contingent upon satisfactory results of a background check ; and

**WHEREAS**, the Council concurs 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 John A. Paulmeno is hereby appointed to the full-time position of Purchasing Officer effective upon passage and publication of Ordinance 8-2012.

**BE IT FURTHER RESOLVED**, that John A. Paulmeno be compensated at the annual salary of \$45,000.00. Upon securing his Qualified Purchasing Agent Certification, the annual salary shall be increased to \$55,000.00.

Mrs. Tsukamoto moved adoption of the Resolution R 145-2012 listed on the Consent Agenda. Dr. Esposito seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

R 145-2012 RESOLUTION OF THE BOROUGH OF MADISON OPPOSING STATE SENATE BILL #1914, USER FEES FOR TRADITIONAL MUNICIPAL SERVICES

**WHEREAS**, S-1914, would subject certain “user fees for traditional municipal services” to be included within the 2% cap; and

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**WHEREAS**, the definition of “traditional municipal services” in S-1914 is open-ended, leaving municipalities and State regulators unsure on its application and, therefore, unable to properly plan for future years; and

**WHEREAS**, user fees for traditional county and school services would not be subject to any of the provisions of S-1914, although they have a greater impact on the local property tax bill; and

**WHEREAS**, it is at times more appropriate to fund some services by user fees, especially those services for which a recipient and a cost can be clearly and accurately calculated; and

**WHEREAS**, if municipalities are prohibited from charging user fees, they may be forced to discontinue the service, forcing residents to obtain the services from a private provider, often times at a higher cost than the user fee; and

**WHEREAS**, as municipalities struggle to meet the 2% levy cap, without the full effects of the management reforms and the continued diversion of energy receipt taxes, officials are forced to re-examine their budget and priorities; and

**WHEREAS**, in order to deliver the services that their residents expect and want local officials have been making structural changes to their budget including how programs are funded; and

**WHEREAS**, municipalities must retain the financial flexibility to address their own unique fiscal issues and meet the demands and expectations of their residents.

**NOW THEREFORE BE IT RESOLVED**, that the governing body of the borough of Madison strongly urges the legislature to oppose S-1914; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be forwarded to the sponsor of S-1914, Senator Sweeney, Assembly Speaker Oliver, Senator Richard J. Codey, our Assembly members John F. McKeon and Mila M. Jasey, the New Jersey State League of Municipalities and the Office of the Governor.

**UNFINISHED BUSINESS** - None

**APPROVAL OF VOUCHERS**

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

Public Safety	\$14,819.26
Health & Public Assistance	1,805.14
Public Works & Engineering	106,720.22
Community Affairs	4,781.27
Finance & Borough Clerk	190,247.59
Utilities	<u>1,061,109.48</u>

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Total \$1,379,482.96

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

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

Nays: None

**NEW BUSINESS** - None

**ADJOURN**

There being no further business to come before the Council, the meeting was adjourned at 9:35 p.m.

Respectfully submitted,

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