

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

June 24, 2013 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 24th day of June, 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 G. Catalanello
Robert Landrigan
Carmela Vitale
Astri J. Baillie
Benjamin Wolkowitz

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)
April 8, 2013
April 22, 2013

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

CONTRACT MATTERS (3)

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GVRS UPDATE
EAST STREET PARKING LOT
BOND COUNSEL

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

PERSONNEL MATTERS (3)
NON AFFILIATED COMPENSATION
DIRECTOR SUMMER NATURE PROGRAM
OFFICE ASSISTANT – PART-TIME, FINANCE

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

LITIGATION MATTERS (3)
DPW EMPLOYMENT PROCEDURES
TAX APPEAL – 254 WOODLAND ROAD
COUNTY TAX BOARD UPDATE

Date of public disclosure 90 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 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 **Regular Meeting Minutes of April 1, 2013**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

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

Mrs. Tsukamoto moved approval of the **Executive Minutes of April 8, 2013**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Mrs. Tsukamoto moved approval of the **Executive Minutes of April 22, 2013**. Ms. Baillie 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
Abstain: Mr. Catalanello

Mrs. Tsukamoto moved approval of the **Regular Meeting Minutes of April 22, 2013**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Abstain: Mr. Catalanello

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

PROCLAMATIONS:

Mayor Conley presented a proclamation to Sally Barylick for 50 years of service with the Madison Volunteer Ambulance Corps.

Proclamation
of the
Borough of Madison
Presented to

SALLY BARYLICK

In Recognition of over 50 Years of Service
with the Madison Volunteer Ambulance Corps

WHEREAS, Sally Barylick has been a devoted member of the Madison Volunteer Ambulance Corps for over fifty years; and

WHEREAS, while riding on the ambulance for more than 40 years, Sally has generously provided her time and expertise in attending to and caring for residents in need of emergency response; and

WHEREAS, on one of those responses, Sally had the honor of delivering a baby, a future resident of Madison; and

WHEREAS, Sally served admirably in many positions on the Madison Volunteer Ambulance Corps such as president, captain, trustee and crew chief; and

WHEREAS, over the years, Sally also served as the liaison to the Auxiliary, of which she is now a member;

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 Sally Barylick for her volunteerism, dedication and commitment to the Madison Volunteer Ambulance Corps and to the Auxiliary.

Robert H. Conley, Mayor
June 17, 2013

Mayor Conley presented a proclamation to Theresa Zwick for 50 years of service with the Auxiliary of the Madison Volunteer Ambulance Corps

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Proclamation
of the
Borough of Madison
Presented to

THERESA ZWICK

In Recognition of her 50th Anniversary with
The Auxiliary of the Madison Ambulance Corps

WHEREAS, Theresa Zwick has been a dedicated and loyal supporter of the Auxiliary of the Madison Volunteer Ambulance Corps for the past fifty years; and

WHEREAS, she is a past president of the Auxiliary and is currently serving as its Vice President; and

WHEREAS, Theresa has worked tirelessly and diligently on many fundraisers to help support the Madison Ambulance Corps; and

WHEREAS, over the years, Theresa has also been instrumental in increasing membership for the Auxiliary; and

WHEREAS, Theresa has demonstrated time and again her dependability and enthusiasm during her fifty years as a member of the Auxiliary;

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 **Theresa Zwick** for her efforts, dedication and commitment to the Auxiliary of the Madison Volunteer Ambulance Corps.

Robert H. Conley, Mayor

June 17, 2013

Mayor Conley presented a proclamation Recognizing the Madison-Harding Girl Scouts to Girl Scout Service Unit Manager, Lorraine Figarelli and members of Girl Scout Troop 2252, Pauline Figarelli , Erin Berger, and Nicole Palawasta for their community service by donating camp supplies for the children involved in the Union Beach summer camp program.

Proclamation
of the
Borough of Madison
Recognizing

THE GIRL SCOUTS OF MADISON-HARDING

WHEREAS, after Superstorm Sandy, the Madison-Harding Girl Scouts wanted to help the people of New Jersey who were devastated by the storm; and

WHEREAS, when hearing that the Borough of Madison agreed to assist the town of Union Beach, the Girl Scouts asked what they could do to support this effort; and

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WHEREAS, camp sponsorships were arranged by the Borough of Madison for the children of Union Beach to get away from the turmoil caused by Superstorm Sandy and the Girl Scouts donated toiletries for each child to bring to summer camp; and

WHEREAS, all the Girl Scout troops in Madison-Harding were actively involved in this community service project spearheaded by Service Unit Manager Lorraine Figarelli; and

WHEREAS, these Girl Scouts successfully collected enough toothbrushes, toothpaste, shampoo, body wash, sunscreen and lip balm for members of Girl Scout Troop 2252, namely Erin Berger, Pauline Figarelli and Nicole Palawasta, to fill over 50 packets for the children of Union Beach;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby thank the troops of Madison-Harding Girl Scouts for their community support and express appreciation for their efforts.

Robert H. Conley, Mayor
June 24, 2013

CHECK PRESENTATION:

Mayor Conley accepted a check in the amount of \$1,140.00 presented by the Chatham Day School for the Union Beach Summer Camp Program. The children raised money by soliciting sponsorships for a 60-minute walk with suggested donations of \$5 per child. The students called this campaign the “*The Road to Frost Valley*”. In keeping with their physical fitness theme, the children also made and sold fruit smoothies to the student body.

REPORTS OF COMMITTEES

Health

Mrs. Vitale of the Committee made the following comments:

Mrs. Vitale reminded residents that the animal census continues and at this time of high school graduations, Mrs. Vitale reminded parents of the campaign to educate parents about parties with underage drinking and noted the recently adopted underage drinking ordinance.

Utilities

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

Mrs. Tsukamoto thanked the staff of the Water Department and the Department of Public Works as well as Borough Engineer Robert Vogel for the quick repair to a water main break on Main Street this past Friday. The Water Department thanks the management and staff of Whole Foods for supplying food and water as well as for their understanding. The Water Department has completed meter testing and clean up at Well E and installed new clay valves at Well B. The Electric Department has completed replacement of secondary conductors at Wayne Blvd and Anthony Drive, installed two lampposts at the Madison Train Station and continues work on the voltage tap issue at the James Park substation. The Museum of Early Trades & Crafts, after a study and remediation of moisture issues, has a plan for a three phased project to repair this historic structure. The first phase will cost

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approximately \$500,000 and the Museum asks that \$100,000 from Open Space be used, so that they may leverage a \$400,000 grant. The Housing Authority pilot payment to the Borough, due to lower utility bills which increase net shelter rents, is \$70,000, \$10,000 more than expected.

Public Works and Engineering

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

Mr. Catalanello reported on a 15ft water main break on Main Street last Friday, noting pavement damage. The Department of Public Works has delivered 5000 cu yd of mulch to Madison residents and various May Day locations. The Roads Department has made various road repairs. Juniper Environmental has completed asbestos removal at the Hartley Dodge Memorial. Construction of sidewalks along Samson Avenue is completed and Top Line Construction has completed stripping on Rosedale Avenue. The Sewer Department has replaced new check valves at the Candlewood Pump Station, CME has delivered specification for upgrades to the Treadwell Pump Station, a new comminutor grinder system has been ordered for the North Street Pump Station and several replacement panel boxes have been installed at the West End Pump Station.

Community Affairs

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

Mr. Landrigan reported that the Madison Senior Center will begin its summer seminars on July 8th. Mr. Landrigan thanked the members of the Rotary of Madison for a successful Family Fun Festival, and reminded residents that the Farmers' Market is open on Thursdays.

Public Safety

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

Ms. Baillie provided information regarding pending ordinance 23-2013, amending Chapter 139 of the Borough Code regarding Peddling and Soliciting, recommended by Chief Dachisen to improve public safety. Ms. Baillie reminded residents of the option to join the 'Do Not Solicit' list. Madison Fire Department members participated in the Relay for Life. Ms. Baillie reported that the Borough collected \$30,000 in fines for fire code violations and the funds are used for much needed equipment. Residents interested in joining the Madison Fire Department as a volunteer firefighter are encouraged to visit the Borough website. Ms. Baillie noted that this Wednesday, June 26th the Morris County Board of Chosen Freeholders will be voting on the grant application to purchase the historic Ahrens-Fox, model P-4 fire truck 'Geraldine'.

Finance and Borough Clerk

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

Mr. Wolkowitz noted that the mailing of estimated tax bills will occur this week and stated that discussion of bonding for the debt on the acquisition and improvement to the Madison Recreation Complex will take place this evening. Mr. Wolkowitz noted that market rates have increase slightly. As promised, Mr. Wolkowitz provided financial information including cash flow and utility collections, noting that both look encouraging as compared to the same time period last year.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

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E-mail received June 12, 2013 from Barbara McKenna, Elm Street regarding the bridge repair on Elm Street.

E-mail received June 20, 2013 from the Michelle Mitterer, Greenwood Avenue regarding the Cole Park fountain.

E-mail received June 21, 2013 from the Lisa Hiscano, Spring Garden Drive thanking the Madison Fire Department and Police Department for their assistance during a recent electrical fire/incident.

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 clarification of Resolution R 214-2013 regarding a tax appeal and R 217-2013, regarding a stipend for non-union employees.

Patrick Rowe, Pine Avenue, spoke regarding the proposed bonding for the MRC property and field, suggesting that the cost of replacement of the turf fields be funded long term.

AGENDA DISCUSSIONS

06/24/2013-1 CANCEL JULY 8, 2012 COUNCIL MEETING

Mayor Conley announced that due to a lack of quorum, the previously scheduled July 8th Council meeting has been cancelled.

06/24/2013-1

GENERAL IMPROVEMENT BONDS Series A and Series B

Mr. Wolkowitz provided information regarding proposed issuance of Series A bonds for the land acquisition of the Madison Recreation Complex and Series B bonds for improvements to the land, including the synthetic turf sports fields, noting that the numbers are justifiable to the market. Mr. Wolkowitz also noted that the bonds will be marketed August 1st with settlement on August 15th. There was agreement to list resolutions for authorization of the advertisement and sale of General Improvement Bonds.

Resolutions R 211-2013 and R 212-2013 are listed on Consent Agenda.

06/24/2013-2

APPROPRIATION OF \$10,250.00 FROM THE FIRE DEPARTMENT TRUST FUND FOR REPLACEMENT OF NON-COMPLIANT FIRE HOSE

There was no objection to listing an ordinance for introduction to appropriate \$10,250.00 from the Fire Department Trust fund, the source of funding from fire code violation fines, for replacement of non-compliant fire hoses.

Ordinance 29-2013 is listed for introduction.

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06/24/2013-3 APPROPRIATION OF \$8,000.00 FROM THE FIRE DEPARTMENT TRUST FUND FOR PURCHASE OF NEW SCBA FACE PIECES
There was no objection to listing an ordinance for introduction to appropriate \$8,000.00 from the Fire Department Trust fund, for replacement of new Self-contained Breathing Apparatus face pieces.

Ordinance 30-2013 is listed for introduction.

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 June 10, 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 23-2013
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER
139 OF THE BOROUGH CODE ENTITLED ‘PEDDLING AND SOLICITING’**

WHEREAS, the Chief of Police has recommended that the required applications for Peddling and Soliciting be amended to include fingerprinting and background checks; and

WHEREAS, the Borough Council has determined that there is a need to approve such amendment.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Section 139 of the Borough Code entitled “Fees for copies of particular records and documents” shall be amended as follows:

SECTION 1:

§ 139-2 Application for license.

....

K. Each and every solicitor/peddler shall agree to be fingerprinted for the purpose of verifying that he/she has no criminal record. The fingerprint impressions will be taken by Sagem Morpho, Inc. The necessary form and instructions will be handed out at the time the application is filed with this department.

....

§ 139-4 Investigation; denial or issuance of license

....

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- A. Upon receipt of such application, the Chief of Police shall cause to be made such investigation of the applicant's business and moral character as he deems necessary for the protection of the public good. The Chief of Police requires a criminal history background check to be conducted through Morpho-Trak, in accordance with Article 34-18 of the Borough Code, for which each applicant/solicitor must complete prior to issuance of license. All fees required by Morpho-Trak will be paid by each individual applicant.

The criminal background check from Morpho-Trak will be valid for a 12 month period. If applicants seek an additional solicitor permit after the 12 month period has expired, they will be required to have a criminal history check for a noncriminal justice purpose through the New Jersey State Police and pay the fees required directly to the New Jersey State Police.

The criminal history check shall be kept confidential. For purposes of this background check, the Madison Police Department is hereby authorized to have access to criminal history record information through the State Bureau of Investigation.

....

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

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

Mayor Conley opened up the public hearing on Ordinance 23-2013. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 23-2013, which the Clerk 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. Catalanello, Mr. Landrigan.

Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

Mayor Conley declared Ordinance 23-2013 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law

**ORDINANCE 24-2013
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER
54 OF THE BOROUGH CODE ENTITLED ‘ALARM SYSTEMS’**

WHEREAS, the Chief of Police has recommended amendments to the Borough Code regarding Alarm Systems; and

WHEREAS, the Borough Council has determined that there is a need to approve such increase.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Section 54 of the Borough Code entitled “Alarm Systems” shall be amended as follows:

SECTION 1:

§ 54-3 Permit requirements and conditions

.....

C. Applications for all permits, existing and new alarm installations, must be filed on or before June 1 succeeding the adoption of this Chapter. All alarm permits shall be accompanied by an annual fee payable to the municipality in accordance with the schedule of fees hereinafter set forth.

D. All permits shall expire May 31st of the following year. A renewal application must be accompanied by an annual fee payable to the municipality in accordance with the schedule of fees hereinafter set forth. Any alarm renewal application/or renewal fee that is not filed or paid prior to July 1 shall result in an additional \$25.00 late fee for each month the renewal application and/or renewal fee is past due. The renewal application, on forms supplied by the Police Department, shall provide for any changes in information from that contained in the original application or in the most recent renewal application.

H. OMIT

.....

§ 54-4 Fees

A. OMIT

.....

B. The permittee shall pay an annual alarm fee to the Borough of Madison due on the 1st of June each year as follows:

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(1) Application fee.

Type of Alarm System	Annual Fee
Local alarm	\$40
Central alarm station	\$40
Other alarm system not specified	\$40

C. OMIT

D. OMIT

F. All applications for renewal of a permit must be filed with the Chief of Police by June 1 of each year together with the renewal fees as specified by resolution of the Borough Council. Any alarm renewal application and/or renewal fee that is not filed or paid prior to July 1, shall result in an additional \$ 25.00 late fee for each month the renewal application and/or renewal fee is past due.

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

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

Mayor Conley opened up the public hearing on Ordinance 24-2013. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 24-2013, which the Clerk 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. Catalanello, Mr. Landrigan.

Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

Mayor Conley declared Ordinance 24-2013 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law

**ORDINANCE 25-2013
ORDINANCE OF THE BOROUGH OF MADISON AMENDING SECTION
75-14(1) OF THE BOROUGH CODE TO CORRECT PLUMBING
SUBCODE FEES**

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WHEREAS, the Construction Official has recommended that the Borough Code be amended to reflect the same fees for the Construction Code as adopted by the State of New Jersey Fee Schedule; and

WHEREAS, the Borough Council has determined to amend the fees in accordance with said recommendation.

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

SECTION 1:

Section 75-14 of the Borough Code entitled “Fees” subparagraph

A. (1)(c) shall be amended to state “For additions: one- and two-family, \$0.03 per cubic foot of building or structure volume for the added portion, provided that the minimum fee shall be \$150 and all other, \$0.03 per cubic foot of building or structure volume for the added portion, provided that the minimum fee shall be \$150.”

A. (1)(e) shall be amended to state “For roofing and siding (one- or two-family) a flat fee of \$46. Commercial and all others \$20 per \$1000 of estimated cost”.

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

Mayor Conley opened up the public hearing on Ordinance 25-2013. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 25-2013, which the Clerk 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. Catalanello, Mr. Landrigan.

Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

Mayor Conley declared Ordinance 25-2013 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law

**ORDINANCE 26-2013
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$250,000.00 FROM THE OPEN SPACE TRUST FUND FOR
REMEDICATION AND SAFETY IMPROVEMENTS TO BAYLEY ELLARD
FIELDS**

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WHEREAS, the Borough Council has determined to improve the fields, complete the remediation and make safety improvements at the Bayley Ellard Fields; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$250,000.00 from the Madison Open Space Trust Fund for remediation and safety improvements to the Bayley Ellard Fields; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$250,000.00 for this purpose in the Madison Open Space Trust Fund.

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

SECTION 1: The amount of \$250,000.00 is hereby appropriated from the Madison Open Space Trust Fund for remediation and safety improvements to the Bayley Ellard Fields.

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

Mayor Conley opened up the public hearing on Ordinance 26-2013. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Landrigan moved that Ordinance 26-2013, which the Clerk read by title, be finally adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Conley declared Ordinance 26-2013 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law

**ORDINANCE 27-2013
ORDINANCE AMENDING CHAPTER 34, OF THE CODE OF THE
BOROUGH OF MADISON ENTITLED "POLICE DEPARTMENT,"
ESTABLISHING PROMOTION PROCEDURES FOR THE RANKS OF
POLICE CHIEF, LIEUTENANT AND SERGEANT AND ESTABLISHING A
PROCEDURE FOR ACTING APPOINTMENTS AND HIRING POLICE
OFFICERS**

WHEREAS, the Borough Council has determined to amend Chapter 34 of the Borough Code, Police Department, Section 34-2(H), entitled "Procedure for Hiring New Police Officers" to set forth the procedures for hiring new police officers; and

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WHEREAS, the Borough Council has considered the proposed amendment to the Police Department Ordinance and wishes to amend the Code.

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 34 of the Borough Code entitled “Police Department” shall be amended as follows:

SECTION 1: Section 34-2(H), entitled “Procedure for Hiring New Police Officers” is hereby amended as follows:

§ 34-2(H). Procedure for Hiring New Police Officers

I. A. 1) Accept applications from trained officers with New Jersey Police Training Commission Certificates.

I. A. 3) Delete

III. B. ADD: no more than seven individuals including personnel representing different ranks within the organization as well as the Administrator and Assistant Administrator or their designees.

C. Delete

SECTION 2: All other provisions of Section 34-2 that are not amended herein shall remain the same.

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

Mayor Conley opened up the public hearing on Ordinance 27-2013. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 27-2013, which the Clerk 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. Catalanello, Mr. Landrigan.

Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

Mayor Conley declared Ordinance 27-2013 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law

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 July 22, 2013 in the 2nd Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said 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.

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

ORDINANCE 28-2013

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$100,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR REMEDIATION AND SAFETY IMPROVEMENTS TO BAYLEY ELLARD FIELDS

WHEREAS, the Borough Council has determined to improve the fields, complete the remediation and make safety improvements at the Bayley Ellard Fields; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$100,000.00 from General Capital Improvement Fund for remediation and safety improvements to the Bayley Ellard Fields; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$100,000.00 for this purpose in the General Capital Improvement Fund.

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

SECTION 1: The amount of \$100,000.00 is hereby appropriated from the General Capital Improvement Fund for remediation and safety improvements to the Bayley Ellard Fields.

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

Mr. Landrigan moved that Ordinance 28-2013, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.

Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

ORDINANCE 29-2013

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$10,250.00 FROM THE FIRE DEPARTMENT TRUST FUND FOR REPLACEMENT OF FIRE HOSES

WHEREAS, the Fire Chief has recommended that the Borough appropriate \$10,250.00 from the Fire Department Trust Fund to replace older, non-compliant fire hoses; and

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WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Fire Trust Fund in an amount not to exceed \$10,250.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$10,250.00 from the Fire Trust Fund to replace older, non-compliant fire hoses; 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 \$10,250.00 is hereby appropriated from the Fire Trust Fund to replace older, non-compliant fire hoses.

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 29-2013, 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. Catalanello, Mr. Landrigan.
Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz
Nays: None

ORDINANCE 30-2013

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$8,000.00 FROM THE FIRE DEPARTMENT TRUST FUND TO PURCHASE NEW SELF CONTAINED BREATHING APPARATUS (SCBA) FACE PIECES

WHEREAS, the Fire Chief has recommended that the Borough appropriate \$8,000.00 from the Fire Department Trust Fund to purchase new SCBA face pieces; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Fire Trust Fund in an amount not to exceed \$8,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$8,000.00 from the Fire Trust Fund to purchase new SCBA face pieces; 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 \$8,000.00 is hereby appropriated from the Fire Department Trust Fund to purchase new SCBA face pieces.

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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 30-2013, 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. Catalanello, Mr. Landrigan.
Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz
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. Vitale moved adoption of the Resolutions R 211-213, R 212-2013 and Resolutions R 214-2013 through R 218-2013 listed on the Consent Agenda. Mrs. Tsukamoto seconded the motion. Ms. Baillie abstained from voting on Resolution R 214-2013. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

R 211-2013 RESOLUTION PRESCRIBING THE DETAILS AND BOND FORM THEREOF FOR \$2,888,000 GENERAL IMPROVEMENT BONDS (SERIES A) DATED AUGUST 15, 2013

R 212-2013 RESOLUTION PRESCRIBING THE DETAILS AND BOND FORM THEREOF FOR \$2,263,000 GENERAL IMPROVEMENT BONDS (SERIES B) DATED AUGUST 15, 2013

R 213-2013 Item Removed and the # Retired

R 214-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SETTLEMENT OF THE 2012 TAX APPEAL ENTITLED FITZSIMMONS, TIMOTHY AND CAITLIN V. BOROUGH OF MADISON, DOCKET NOS.: 006413-2012 OF THE TAX ASSESSMENT OF BLOCK 4101, LOT 1, KNOWN AS 254 WOODLAND ROAD, IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

WHEREAS, an appeal of the real property tax assessment for tax years 2012 involving Block 4101, Lot 1, has been filed by the Taxpayer, Fitzsimmons, Timothy and Caitlin; and

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WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated as if set forth at length herein, 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 2012 tax appeal is hereby authorized as follows:

254 Woodland Road
Block 4101, Lot 1
Year 2012

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 574,200	N/A	\$ 574,200
Imprvts:	\$ 864,900	N/A	\$ 611,800
Total:	\$ 1,439,100	N/A	\$ 1,186,000

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 negotiated between the parties and previously provided.

R 215-2013 RESOLUTION OF THE BOROUGH OF MADISON APPROVING TRANSFER OF 2013 LIVERY OWNER'S LICENSE FOR ROSE CITY LIMO, INC.

WHEREAS, any license issued for any taxicab or livery may be transferred to a substitute vehicle in accordance with the provisions of Chapter 173-7 of the Borough of Madison Code after approval of the Council and upon the payment to the Borough of a transfer fee of \$10.00 for each vehicle for which the license is to be transferred; and

WHEREAS, prior to the approval or disapproval by the Council of the transfer of the license to permit the operation of such substituted vehicle, the owner may operate such substituted vehicle or cause the same to be operated, subject to the other provisions of Chapter 173-7; and

WHEREAS, Rose City Limo, Inc. has made application to transfer Livery Owner's License No. 13-22 to a substitute vehicle and, at the same time, has provided proof of insurance and paid the appropriate transfer fee;

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NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, to approve the license transfer request from Rose City Limo, Inc.

R 216-2013 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING ERIKA RANGEL TO THE SUMMER RECREATION DEPARTMENT POSITION OF CO-DIRECTOR, SUMMER NATURE PROGRAM (NATURE NUTS)

WHEREAS, the Assistant Borough Administrator has recommended appointment of Erika Rangel to the part-time summer position of Nature Nuts Program Director in the Recreation Department; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account 370-130, in the 2013 Recreation Department budget; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Erika Rangel is hereby appointed to the part-time summer position of Nature Nuts Program Director in the Recreation Department effective June 24, 2013 at the rate of pay of \$1,100.00 for the summer program.

R 217-2013 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING STIPEND TO CONFIDENTIAL EMPLOYEES EXCLUDED FROM UNION PARTICIPATION

WHEREAS, the Borough Administrator has recommended approving a \$1,000.00 stipend to two confidential Joint Municipal Court employees excluded from union participation to maintain parity with the union employees; and

WHEREAS, the Borough Council has determined to approve a \$1,000 stipend to the non-union confidential employees, effective July 1, 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 Borough Council ratifies and authorizes payment of a \$1,000.00 stipend to Court Administrator Frank Ciampi and Deputy Court Administrator Dawn Allgeier effective July 1, 2013.

R 218-2013 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING SANDRA EMMERICH TO THE POSITION OF OFFICE ASSISTANT, PART-TIME IN THE FINANCE DEPARTMENT

WHEREAS, the Chief Financial Officer recommends the appointment of Sandra Emmerich, to the position of Office Assistant, Part-Time in the Finance Department, upon satisfactory completion of a background check; and

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WHEREAS, the Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that Sandra Emmerich is hereby appointed to the position of Office Assistant, Part-Time in the Finance Department upon satisfactory completion of a background check, at an hourly rate of \$19.47 for 29 hours per week.

BE IT FURTHER RESOLVED that the CFO/Personnel Officer is authorized to recruit for an Office Assistant, Part-Time in the Water and Electric Department.

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, asked for the amount of Borough surplus. Mr. Cerciello also asked that the garbage can along Main Street be cleaned and the gum buster be used.

Patrick Rowe, Pine Avenue, addressed the Council regarding a proposed helipad in Florham Park, noting that Florham Park has scheduled a meeting for July 22nd.

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	\$7,922.84
Health & Public Assistance	1,998.52
Public Works & Engineering	157,411.29
Community Affairs	18,603.83
Finance & Borough Clerk	92,665.70
Utilities	<u>1,237,817.69</u>
Total	<u>\$1,516,419.87</u>

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

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.

Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

NEW BUSINESS

Mayor Conley announces the following appointments and requests Council confirmation:

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BOARD OF HEALTH

Vivian Gil, 322 Main Street, unexpired four-year term through December 31, 2015.

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

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.

Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: 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 August 12, 2013 (EO)