

***Regular Meeting Minutes – September 10, 2012***

Mrs. Tsukamoto moved confirmation of the foregoing appointment. 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

There being no further business to come before the Council, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

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

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**WHEREAS**, Michael Piano, Electric Utility Superintendent, has recommended the appointment of Jay Healy to the position of Customer Serviceman; and

**WHEREAS**, the Administrator and Borough Council are in agreement with this recommendation;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Jay Healy be and is appointed to the position of Customer Serviceman effective October 1, 2012.

**BE IT FURTHER RESOLVED**, that Mr. Healy be compensated in accordance with the current contract in effect between the Borough of Madison and Teamsters Local Union No. 469. Effective October 1, 2012, the salary for Mr. Healy will be \$66,100.00

**UNFINISHED BUSINESS** - None

**APPROVAL OF VOUCHERS**

On motion by Mrs. Tsukamoto seconded by Dr. Esposito, and carried, the following amended 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	\$24,481.43
Health & Public Assistance	19,131.48
Public Works & Engineering	312,003.70
Community Affairs	10,231.01
Finance & Borough Clerk	3,394,169.38
Utilities	<u>1,798,975.12</u>
Total	<u>\$5,558,992.12</u>

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

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

Nays: None

**NEW BUSINESS**

Mayor Conley made the following appointment to the Local Emergency Planning Council, not requiring Council confirmation:

Chief Robert C. Lucid - Drew University Representative  
Carmela Vitale - Senior Citizens Advisory Representative  
Wayne Lejewski, M.D. - Medical representative

Mayor Conley also made the following appointment to the Complete Streets Committee and asked for Council confirmation

Kirk Oakes of Glenwild Road

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

THE HUDDLE CLUB  
I.D. No. 274-5-39130  
R.A. No. 1254 – Off premise  
December 15, 2012

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

R 227-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY PTO KINGS ROAD SCHOOL TO CONDUCT AN ON-PREMISE 50/50 AND AN ON- PREMISE MERCHANDISE RAFFLE ON SUNDAY, OCTOBER 7, 2012

**WHEREAS**, N.J.S.A. 5:8-1 et seq. and N.J.A.C. 13:47-1.1 et seq. prohibit the conducting of games of chance on Sunday unless specifically authorized by a duly adopted municipal ordinance; and

**WHEREAS**, on March 8, 1982, the Council of the Borough of Madison adopted Ordinance No. 5-82 to allow the Council, by resolution, to permit qualified organizations to conduct games of chance on Sunday; and

**WHEREAS**, the New Jersey Legalized Games of Chance Control Commission has issued Registration Identification No. 274-5-18728 to PTO Kings Road School; and

**WHEREAS**, an Application for Raffles Licenses, together with all necessary documents and fees, has been submitted to the Madison Borough Clerk's Office by PTO Kings Road School to conduct an on-premise 50/50 and a Merchandise Raffles Game on Sunday, October 7, 2012, at 215 Kings road, Madison;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the afore-mentioned Applications for Raffles Licenses, R.A. No. 1256 and R.A. 1257, to be held as listed above, be and the same is hereby approved.

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

R 228-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING APPOINTMENT OF JAY HEALY AS CUSTOMER SERVICEMAN

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known as Madison Tax Map Block 1801, Lot 9 also know as 14 Elmer Street in the Borough of Madison; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Borough accepts the updated municipal stormwater easement at property known as Madison Tax Map Block 1801, Lot 9 also know as 14 Elmer Street which was approved by the Planning Board and signed by the Planning Board Chair and Secretary and the Mayor and Borough Clerk are authorized to execute an easement agreement as may be required and approved by the Acting Borough Attorney.

R 224-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY PTSO MADISON HIGH SCHOOL TO CONDUCT AN ON-PREMISE 50/50 RAFFLE ON SUNDAY, OCTOBER 7, 2012

**WHEREAS**, N.J.S.A. 5:8-1 et seq. and N.J.A.C. 13:47-1.1 et seq. prohibit the conducting of games of chance on Sunday unless specifically authorized by a duly adopted municipal ordinance; and

**WHEREAS**, on March 8, 1982, the Council of the Borough of Madison adopted Ordinance No. 5-82 to allow the Council, by resolution, to permit qualified organizations to conduct games of chance on Sunday; and

**WHEREAS**, the New Jersey Legalized Games of Chance Control Commission has issued Registration Identification No. 274-5-33795 to PTSO Madison High School; and

**WHEREAS**, an Application for Raffles License, together with all necessary documents and fees, has been submitted to the Madison Borough Clerk's Office by PTSO Madison High School to conduct an On-Premise 50/50 Raffles Game on Sunday, October 7, 2012, at 170 Ridgedale, Madison;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the afore-mentioned Application for Raffles License, R.A. No. 1255, to be held as listed above, be and the same is hereby approved.

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

R 225-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY THE HUDDLE, INC. d/b/a THE HUDDLE CLUB

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**WHEREAS**, the U.S. Argonne National Laboratory estimates that about 20 million barrels of diesel fuel are consumed each year by idling long-haul trucks (estimated truck emissions total about 10 million tons of CO<sub>2</sub>, 50,000 tons of nitrogen oxides, and 2,000 tons of particulates); and

**WHEREAS**, we can avoid producing unnecessary greenhouse gas emissions and exposure to air toxics by reducing or eliminating wasteful idling; and

**WHEREAS**, petroleum-based gasoline and diesel fuel are non-renewable fuels and should be wisely used and not wasted; and

**WHEREAS**, idling is not generally beneficial to a vehicle's engine because it wears engine parts; and

**WHEREAS**, idling more than **10 seconds** uses more fuel and emits more pollutants than turning a warm engine off and on again ; and

**WHEREAS**, idling more that **10 minutes** uses as much fuel as it takes to travel 5 miles; and

**WHEREAS**, vehicle idling occurs in locations (e.g. school grounds, parking lots, drive-through windows, business centers, etc.) where persons can be exposed to air pollutant emissions; and

**WHEREAS**, moving beyond New Jersey's existing no-idling code of three minutes would significantly improve public health, air quality, reduce costs and greenhouse gas emissions;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough of Madison

Supports the adoption of voluntary "Idle Free Zones" by government agencies, schools, businesses, and other organizations by:

- Encouraging any gasoline or diesel powered motor vehicle to turn off their engines after 10 seconds if they plan to remain in that location for more than 30 seconds.
- Ensuring idling does not occur at idle-frequent locations such as school drop-off and pick up, drive through windows, gas stations, parking lots, business centers, etc.
- Maintaining municipal vehicles to eliminate any visible exhaust.
- Enforcing existing violations and penalties under New Jersey's existing idling code.
- Supporting broad education of the public about the health, environmental and economic impacts of idling and ways to reduce idling.

R 223-2012 RESOLUTION OF THE MADISON BOROUGH COUNCIL  
ACCEPTING UPDATED STORMWATER EASEMENT SHOWN ACROSS BLOCK  
1801, LOT 9 (14 ELMER STREET) IN THE BOROUGH OF MADISON OWNED BY  
STRANGLE GROUP, LLC

**WHEREAS**, the Borough Engineer has advised that the Planning Board recommended accepting an updated municipal stormwater easement at property

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aforesaid Plenary Consumption licensed premises located at 30 Cook Plaza, Madison, New Jersey, to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

**R 221-2012 RESOLUTION OF THE BOROUGH OF MADISON IN SUPPORT OF A SCHOOL ZONE SPEED LIMIT AT THE MADISON JUNIOR SCHOOL**

**WHEREAS**, the Madison Police Department has requested, from the New Jersey Department of Transportation (NJDOT), that along Route NJ 124 (Main Street) for both directions of traffic, 30 miles per hour between Alexander Avenue and Cross Street, except for 25 miles per hour be observed when passing through the Madison Junior School zone, during recess when the presence of children is clearly visible from the roadway, or while children are going to or leaving school during opening or closing hours (approximate mileposts 4.90-5.00); and

**WHEREAS**, the Mayor and Council wish to support and endorse such 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 it endorses and supports the safety improvement request on New Jersey Route 124 (Main Street) in the Borough of Madison, County of Morris, in that area of the Madison Junior High School, as described above, and urges the NJDOT to respond to such request expeditiously.

**R 222-2012 RESOLUTION OF THE BOROUGH OF MADISON SUPPORTING THE ADOPTION OF 'IDLE FREE ZONES' BY GOVERNMENT AGENCIES, SCHOOLS, BUSINESSES AND OTHER ORGANIZATIONS**

**WHEREAS**, emissions from gasoline and diesel powered vehicles contribute significantly to air pollution, including greenhouse gases, ozone formation, fine particulates, and a multitude of potentially harmful pollutants that can trigger an asthma attack and other ailments; and

**WHEREAS**, asthma is a significant public health concern in New Jersey, especially among children (up to 25% of NJ school age children are asthmatic) and the elderly; and

**WHEREAS**, for every gallon of gasoline use, the average car produces about 20 pounds of carbon dioxide (CO<sub>2</sub>), the largest contributor to greenhouse climate change, with one-third of greenhouse gas emissions coming from the transportation sector; and

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Black Brook and Whippany River, immediately upstream of the Madison Commons detention pond, including all of the work to be done as set forth in the written proposal dated May 24, 2012 and provided such contract is in a form approved by the Acting Borough Attorney.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby directed to publish notice of 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 219-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY HARDING TOWNSHIP EDUCATION FOUNDATION INC.

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

HARDING TOWNSHIP EDUCATION FOUNDATION INC.

I.D. No. 194-5-39167

R.A. No. 1253 – On Premise

November 3, 2012

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

R 220-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE #1417-33-017-005 OF SAL'S PUB, INC TRADING AS ROCCO'S TUSCANY GRILL

**WHEREAS**, an application has been filed for a place-to-place transfer (Expansion of Premises) of Plenary Retail Consumption License #1417-33-017-005 Sal's Pub, Inc., for purposes of expanding the premises under license wherein the sale, service, and storage of alcoholic beverages are authorized; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Borough of Madison in the County of Morris and State of New Jersey, does hereby approve, effective September 10, 2012, the expansion of the

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**WHEREAS**, the applicant is willing to use State funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

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

1. That Robert H. Conley or the successor to the office of Mayor is hereby authorized to execute an amendment to the Agreement increasing funding to \$2,050,000 and;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$2,050,000.
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state and local laws, rules and regulations in its performance of the project.
5. That this resolution shall take effect immediately.

R 218-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AGREEMENT WITH OMLAND ENGINEERING ASSOCIATES, INC.

**WHEREAS**, the Madison Borough Engineer has advised the Borough Council that professional design and engineering services are needed to prepare surveys and stream models for stabilization of the existing tributary to Black Brook and Whippany River, immediately upstream of the Madison Commons detention pond; and

**WHEREAS**, the Borough Engineer has recommended that Omland Engineering Associates, Inc., professional engineers, be awarded a professional contract for these services at a cost not to exceed \$18,300.00, based on their written proposal dated May 24, 2012; 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 Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$18,300.00 for this purpose, in Account 501/215; 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 Mayor and Borough Clerk are hereby authorized to execute on behalf of the Borough a professional services contract with Omland Engineering Associates, Inc., in an amount not to exceed \$18,300.00, to perform the design and engineering services to prepare surveys and stream models for stabilization of the existing tributary to

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**WHEREAS**, the Borough Engineer has recommended that the Borough submit a 2013 Municipal Aid Application to the New Jersey Department of Transportation for reconstruction of a portion of Green Avenue from Woodland Road to Shunpike Road; and

**WHEREAS**, the Green Avenue Reconstruction Project will comprise reconstruction of a heavily used collector road, estimated to cost \$629,827.00 and for which funding in the amount of \$314,000.00 is being requested from the State of New Jersey Municipal Aid 2013 program; and

**WHEREAS**, the Borough Engineer has determined that the reconstruction is urgently needed due to current road conditions and the need for curb and drainage improvements.

**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 Council formally approves the grant application for the above stated purpose.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2013-Madison Borough-00062 to the New Jersey Department of Transportation on behalf of the Borough of Madison.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Madison and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

R 217-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AMENDMENT TO PROJECT AGREEMENT FOR GREEN ACRES GRANT TO THE MADISON RECREATION CENTER SITE

**WHEREAS**, the New Jersey Department of Environmental Protection Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

**WHEREAS**, the Borough of Madison has previously obtained a grant of \$1,600,000 from the State to fund the following project(s); Madison Borough Open Space Acquisition; and

**WHEREAS**, the State and Borough of Madison intend to increase Green Acres funding; and

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Mrs. Tsukamoto moved that Ordinance 28-2012, 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, Dr. Esposito, Mr. Links,  
Mr. Catalanello, Mr. Landrigan. Mrs. Vitale  
Nays: None

**CONSENT AGENDA RESOLUTIONS**

The Clerk made the following statement:

Consent Agenda Resolutions R 215-2012 through R 225-2012 and R 227-2012 and R 228-2012 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 215-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AMENDMENT TO TEAMSTERS AGREEMENT**

**WHEREAS**, certain employees in the Water, Sanitation, Roads and Parks and Mechanical Service - Public Works are represented for collective bargaining purposes by Teamsters Local Union No. 469 (hereinafter "Teamsters-Public Works"); and

**WHEREAS**, the previous collective bargaining agreement between the Borough of Madison and the Teamsters-Public Works was signed on May 22, 2006; and

**WHEREAS**, the Borough and the Teamsters-Public Works have agreed on a side bar agreement removing the title of General Foreman from the Teamsters Union contract under certain conditions.

**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, on behalf of the Borough, to execute the attached sidebar agreement between the Borough of Madison and Teamsters Local Union No. 469.

**R 216-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING GREEN AVENUE STATE GRANT APPLICATION**

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

ORDINANCE 27-2012

Item removed and the # retired

ORDINANCE 28-2012

ORDINANCE OF THE BOROUGH OF MADISON AMENDING  
CHAPTER 134 ENTITLED "PARKING LOTS"

**WHEREAS**, the governing body has recommended amendments to the Borough Code to include twenty (20) commuter spaces in the Maple Avenue Parking Lot at a the annual fee set by ordinance for commuter permits and twenty (20) additional spaces in the Kings Road Lot # 3 at a daily parking fee of \$5.00: and.

**WHEREAS**, the Borough Council wishes to implement said changes.

**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 134 of the Borough Code entitled "Parking lots" shall be amended as follows:

**SECTION 1:** Chapter 134-6 of the Code of the Borough of Madison, entitled "Use Regulations for Individual Lots" is hereby amended as follows to add the following:

...  
**Section 5:** § 134-6. Use regulations for individual lots.

....  
E. Maple Avenue Lot. Parking is reserved for parking of vehicles owned by the Borough of Madison or owned by an officer, employee or person in the service of the borough. Appropriate borough identification shall be displayed by hanging it on the vehicle's rear view mirror. Specific temporary exceptions for public parking use may be granted by the Governing Body on a case by case basis. Twenty (20) marked spaces are designated for commuter parking by permit only.

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

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This Ordinance shall take effect immediately upon final passage and publication as required by law.

Mr. Catalanello moved that Ordinance 25-2012, which the Borough Clerk read by title, be 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, Dr. Esposito, Mr. Links,  
Mr. Catalanello, Mr. Landrigan. Mrs. Vitale

Nays: None

**ORDINANCE 26-2012**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$150,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR SEVERAL SMALL PROJECTS ON THE FIVE YEAR CAPITAL PLAN**

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$150,000.00 from the Water Capital Improvement Fund in order to complete several important small projects on the five year water capital plan; 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 \$150,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$150,000.00 from the Water Capital Improvement Fund in order to complete several important small projects on the five year water capital plan.

**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 \$150,000.00 is hereby appropriated from the Water Capital Improvement Fund for valve replacements, cap, demister repairs and cleaning, and replacement of parts for the chlorine feed disinfection system and alarm as well as installation of emergency back-up communications radio for the supervisor monitoring and control system and replacement of old level indicators.

**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.

Mr. Links moved that Ordinance 26-2012, which the Borough Clerk read by title, be adopted. Mr. Catalanello seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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be subject to punishment including fines and/or imprisonment as fixed by law for violations of the ordinances of the Borough of Madison.

**SECTION 8 - CITIZENS PRIVATE RIGHT OF ACTION**

In addition to any rights that were heretofore available, or which may hereafter be available, to citizens, taxpayers, or associations, to challenge violations of this ordinance, every person aggrieved by a violation of the ordinance, or any taxpayer or resident of the Borough of Madison has the right, consistent with the Rules of Court, to file charges in a court of competent jurisdiction, and/or to pursue a civil action for a violation of this ordinance in a court of competent jurisdiction, and to seek and obtain declaratory, injunctive, or other legal or equitable relief, including but not limited to, attorneys fees and costs, arising from or related to a violation of this ordinance.

**SECTION 9 - SEVERABILITY**

If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

**SECTION 10 – INDEXING**

The monetary thresholds of “Definitions” Section (d) and Section 1(c) of this ordinance shall be increased effective March 1 of each calendar year by the percentage increase, in the prior calendar year, of the consumer price index for all urban consumers (CPI-U) for the New York-Northern New Jersey-Long Island region, rounded to the nearest \$10.00. The Clerk of the Borough of Madison shall, by no later than April 1 of each calendar year, prepare and publish the revised thresholds on the official municipal website and in an official municipal newspaper.

**SECTION 11 - REPEALER**

All ordinances or parts of ordinances which are inconsistent with any provisions of this Ordinance are hereby repealed as to the extent of such inconsistencies.

**SECTION 12 - EFFECTIVE DATE**

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40A:11-4, or (ii) are awarded in the case of emergency under N.J.S.A. 40A:11-6. There is no exemption for contracts awarded pursuant to a "Fair and Open Process" under N.J.S.A. 19:44A-20 et seq.

**SECTION 7 - PENALTY**

- (a) It shall be a material breach of the terms of a Borough of Madison agreement or contract for Professional Services or Extraordinary Unspecified Services when a Business Entity that is a party to such agreement or contract has: (i) made or solicited a Contribution in violation of this Ordinance; (ii) knowingly concealed or misrepresented a Contribution given or received; (iii) made or solicited Contributions through intermediaries for the purpose of concealing or misrepresenting the source of the Contribution; (iv) made or solicited any Contribution on the condition or with the agreement that it will be re-contributed to a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Borough of Madison, or a holder of public office having ultimate responsibility for the award of a contract, or any Borough of Madison or Morris County political committee or political party committee, or any PAC; (v) engaged or employed a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any Contribution, which if made or solicited by the professional Business Entity itself, would subject that entity to the restrictions of this Ordinance; (vi) funded contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engaged in any exchange of Contributions to circumvent the intent of this Ordinance; or (viii) directly or indirectly, through or by any other person or means, done any act which if done directly would subject that entity to the restrictions of this Ordinance.
- (b) Furthermore, any Business Entity that violates Section 7 (a) (i-viii) shall be disqualified from eligibility for future Borough of Madison contracts for a period of four (4) calendar years from the date of the violation.
- (c) Any person who knowingly, purposely, or recklessly violates any provision of this ordinance, or who conspires with another person to violate any provision of this ordinance, or who, with the purpose of promoting or facilitating a violation of this ordinance, solicits another person to commit it, or aids or agrees, or attempts to aid another person in planning or committing it, shall

**SECTION 4 - CONTRIBUTION STATEMENT BY BUSINESS ENTITY**

- (a) Prior to awarding any contract or agreement to procure Professional Services" or Extraordinary Unspecified Services" from any Business Entity, the Borough of Madison or its purchasing agents and departments, as the case may be, shall receive a sworn statement from said Business Entity which is the intended recipient of said contract that he/she/it has not made a Contribution in violation of Section 1 of this Ordinance. The Borough of Madison, its purchasing agents and departments shall be responsible for informing the Borough Council that the aforementioned sworn statement has been received and that the Business Entity is not in violation of this ordinance, prior to awarding the contract or agreement.
- (b) A Business Entity shall have a continuing duty to report to the Borough of Madison any Contributions that constitute a violation of this act that are made during the negotiation, proposal process or the duration of a contract. The Borough of Madison, its purchasing agents and departments shall be responsible for informing the governing body within ten (10) business days after receipt of said report from the Business Entity, or at the next Borough Council meeting following receipt of said report from the Business Entity, or whichever comes first.
- (c) The certification required under this subsection shall be made prior to entry into the contract or agreement with the Borough of Madison, or prior to the provision of services or goods, as the case may be, and shall be in addition to any other certifications that may be required by any other provision of law.

**SECTION 5 - RETURN OF EXCESS CONTRIBUTIONS**

A Business Entity that is a party to a contract for Professional Services or Extraordinary Unspecified Services may cure a violation of Section 1 of this Ordinance, if, within 30 days after the date on which the applicable ELEC report is published, said Business Entity notifies the municipality in writing and seeks and receives reimbursement of the Contribution from the recipient of such Contribution.

**SECTION 6 - EXEMPTIONS**

The contribution limitations prior to entering into a contract in Section 1(a) do not apply to contracts which (i) are awarded to the lowest responsible bidder after public advertising for bids and bidding therefor within the meaning of N.J.S.A.

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Madison; (ii) \$500 maximum per calendar year to a Morris County political committee or political party committee; and (iii) \$500 maximum per calendar year to any PAC. However, for each Business Entity party to a contract for Professional or Extraordinary Unspecified Services as defined in subparagraph (a), or engaged in negotiations for a contract defined in subparagraph (a), when such Business Entity's Contribution is aggregated with all "persons" defined in subparagraph (d) of "Definitions" above, by virtue of their affiliation to that Business Entity party, a maximum of \$2,500 to all Borough of Madison candidates, candidate committees, joint candidate committees, and holders of public office having ultimate responsibility for the award of a contract, all Borough of Madison or Morris County political committees and political party committees as described herein combined, without violating subsection (a) of this section.

- (d) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be (i) the Borough of Madison Mayor or Governing body, if the contract requires approval or appropriation from the Mayor or Governing body, or (ii) the Mayor of the Borough of Madison, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.
- (e) Rules regarding subcontractors. No person may be awarded a subcontract to perform under a contract subject to this Ordinance, if the subcontractor would be disqualified by paragraph (a) from receiving the contract at the time that the subcontract is awarded. Nor may any person who would be disqualified by paragraph (a) from receiving the contract perform substantially all of obligations described in a contract for professional or extraordinary services that is subject to this ordinance.

**SECTION 2 - CONTRIBUTIONS MADE PRIOR TO THE EFFECTIVE DATE**

No Contribution or solicitation of contributions made prior to the effective date of this Ordinance shall be deemed to give rise to a violation of this Ordinance.

**SECTION 3 - CONTRACT RENEWAL**

No contract subject to this ordinance may be renewed, extended, or materially modified unless the resulting renewal, extension, or modification would be allowable under the provisions of this ordinance if it were an initial contract.

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used at N.J.S.A. 40A:11-5(1)(a)(ii) and/or media, public relations, lobbying, parking garage management or other consulting and/or management service (hereinafter "Extraordinary Unspecified Services") from any Business Entity if such Business Entity has solicited or made any Contribution to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in the Borough of Madison or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any Borough of Madison or Morris County political committee or political party committee, or (iii) to any continuing political committee or political action committee that regularly engages in the support of Borough of Madison municipal or Morris County elections and/or Borough of Madison municipal or Morris County candidates, candidate committees, joint candidate committees, political committees, political parties, political party committees, (hereinafter "PAC"), in excess of the thresholds specified in subsection (g) within one calendar year immediately preceding the date of the contract or agreement.

- (b) No Business Entity who submits a proposal for, enters into negotiations for, or agrees to any contract or agreement with the Borough of Madison or any of its departments or instrumentalities, for the rendition of Professional Services or Extraordinary Unspecified Services shall knowingly solicit or make any Contribution, to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Borough of Madison, or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any Borough of Madison or Morris County political committee or political party committee, or (iii) any PAC between the time of first communication between that Business Entity and the municipality regarding a specific agreement for Professional Services or Extraordinary Unspecified Services, and the later of the termination of negotiations or rejection of any proposal, or the completion of the performance or specified time period of that contract or agreement.
- (c) The monetary thresholds of this Ordinance are: (i) a maximum of \$300 per calendar year each for any purpose to any candidate or candidate committee for mayor or governing body, or \$500 per calendar year to any joint candidates committee for mayor or governing body, or \$300 per calendar year to a political committee or political party committee of the Borough of

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- (b) “Contribution” has the meaning prescribed in N.J.A.C. 19:25-1.7. By way of illustration, and not limitation, this definition includes pledges, loans, and in-kind contributions.
- (c) A “contract for professional or extraordinary services” means all contracts for “professional services” and “extraordinary unspecifiable services” as such term is used in N.J.S.A. 40A:11-5.
- (d) For purposes of this Ordinance, a “Business Entity” whose contributions are regulated by this ordinance means: (i) an individual including the individual’s spouse, and any child/children; (ii) a firm; corporation; professional corporation; partnership; limited liability company; organization; association; and any other manner and kind of business entity; (iii) any person who owns 10% or more of the equity or ownership or income interests in a person or entity as defined in sections (i) and (ii) above and their spouses and child/children; (iv) all partners or officers of such an entity, in the aggregate, and their spouses and child/children; (v) any person, subcontractor, subsidiary, corporation, firm, partnership, limited liability company, organization or association who has received or indefeasibly acquired the right to receive, from a person described in subparagraph (i) above, more than \$100,000.00 in compensation or income of any kind (including, by way of illustration, and not limitation: wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension contributions, deferred contributions, stock, stock options or gifts), in any twelve (12) month period prior to the award of, or during the term of, a contract subject to this ordinance; and (vi) all persons who are an “affiliate” of a Business Entity as defined in sections (i), (ii) and (v) above, as such term is used in 11 U.S.C. 101(2).

**SECTION 1 – PROHIBITION ON AWARDING PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS**

- (a) To the extent that it is not inconsistent with state or federal law, the Borough of Madison and any of its departments, instrumentalities or purchasing agents shall not enter into any agreement or otherwise contract to procure “professional services” as such term is defined at N.J.S.A. 40A:11-2(6) and used at N.J.S.A. 40A:11-5(1)(a)(i) and/or banking, insurance or other consulting service (hereinafter “Professional Services”), nor “extraordinary unspecified services” as such term is defined at N.J.S.A. 40A:11-2(7) and

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**WHEREAS**, pursuant to N.J.S.A. 40:48-2, a municipality is authorized to adopt such ordinances, regulations, rules and by-laws as necessary and proper for good government, as well as the public health, safety and welfare; and,

**WHEREAS**, pursuant to P.L.2005, c.271 (codified at N.J.S.A. 40A:11-51) a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that have made political contributions, and limiting the contributions that the recipient of such a contract can make during the term of a contract; and,

**WHEREAS**, in the interest of good government, the people and the government of the Borough of Madison desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections;

**NOW, THEREFORE, BE IT RESOLVED**, it shall be the policy of the Borough of Madison to create such a regulation which states that a Business Entity which makes political contributions to municipal candidates and municipal and county political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the Borough of Madison; and,

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

**DEFINITIONS**

As used in this ordinance:

- (a) "Campaign Committee" means (i) every candidate for Borough of Madison elective municipal office; (ii) every candidate committee established by or for the benefit of a candidate for Borough of Madison elective municipal office; (iii) every joint candidate committee established in whole or in part by or for the benefit of a candidate for *Borough of Madison* elective municipal office; (iv) every political party committee of the Borough of Madison; (v) every political party committee of Morris County; and (vi) every political committee, continuing political action committee, or other form of association or organization that regularly engages in the support of candidates for the Borough of Madison municipal or Morris County elective offices or Borough of Madison municipal or Morris County political parties or political party committees. The terms in the foregoing paragraph have the meaning prescribed in N.J.A.C. 19:25-1.7.

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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 23-2012 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.**

***Don Brunner, Redmond Drive***, inquired about once weekly garbage pick-up and schedule for repair work to the train trestle at 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 September 24, 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 24-2012

Item removed and the # retired

ORDINANCE 25-2012

AN ORDINANCE OF THE BOROUGH OF MADISON ESTABLISHING THAT A BUSINESS ENTITY WHICH MAKES POLITICAL CONTRIBUTIONS TO MUNICIPAL CANDIDATES AND MUNICIPAL AND COUNTY POLITICAL PARTIES IN EXCESS OF CERTAIN THRESHOLDS SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM THE BOROUGH OF MADISON IN THE COUNTY OF MORRIS

**WHEREAS**, large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices; and,

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

Mayor Conley declared Ordinance 22-2012 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 23-2012**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 2-2009 TO INCREASE SALARY RANGE FOR POSITIONS OF RECREATION DIRECTOR, PART-TIME AND STREET SWEEPER, PART-TIME**

**WHEREAS**, the Borough Council has determined that a change is required in the salary ranges for non-union part-time employees to increase ranges for the positions of Recreation Director, Part-Time and Street Sweeper, 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 2-2009 setting the salary ranges for non-union part-time employees is hereby amended for the positions of part-time Recreation Director, Part-Time and Street Sweeper, Part-Time.

<b>TITLE</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
Recreation Director, P/T	\$15.00/hr	\$30.00/hr
Sidewalk Sweeper, P/T	7.15/hr	\$20.00/hr

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

Section 3. This ordinance shall take effect immediately upon final passage and publication as required by law.

Mayor Conley opened up the public hearing on Ordinance 23-2012. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Catalanello moved that Ordinance 23-2012, which was read by title, be finally adopted. Mrs. Tsukamoto seconded the motion.

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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 21-2012 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 22-2012**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195-12A OF THE BOROUGH CODE ENTITLED “LAND USE” REGARDING ZONING PERMIT APPLICATIONS TO INCREASE FEES**

**WHEREAS**, the Land Use Administrative Official has recommended amendments to the Borough Code to increase certain fees for zoning permit applications.

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

**SECTION 1:** Chapter 195-12A of the Code of the Borough of Madison, entitled “Fees” is hereby amended as follows to increase certain fees for zoning permit applications:

...		Type of Fee	Fee
		Individual lot grading plan review; new home	\$300.00
....			

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

Mayor Conley opened up the public hearing on Ordinance 22-2012. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Links moved that Ordinance 22-2012, which was read by title, be finally adopted. Mr. Catalanello seconded the motion.

There was no Council discussion, and the motion passed with the following roll call vote recorded:

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Mr. Links moved that Ordinance 20-2012, which was read by title, be finally adopted. Mr. Catalanello seconded the motion.

There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Conley declared Ordinance 20-2012 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 21-2012**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$270,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR IMPROVEMENTS TO SAMSON AVENUE**

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$270,000.00 from the General Capital Improvement Fund for improvements to Samson Avenue including milling and overlay and striping as a bid alternate; 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 \$270,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$270,000.00 from the General Capital Improvement Fund for improvements to Samson Avenue.

**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 \$270,000.00 is hereby appropriated from the General Capital Improvement Fund for improvements to Samson Avenue.

**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 21-2012.

***Tim Harrington, Cross Gates Road***, asked about the scope of the project.

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

Mr. Links moved that Ordinance 21-2012, which was read by title, be finally adopted. Mr. Catalanello seconded the motion.

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Mayor Conley opened up the public hearing on Ordinance 19-2012. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Links moved that Ordinance 19-2012, which was read by title, be finally adopted. Mr. Catalanello seconded the motion.

There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Conley declared Ordinance 19-2012 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 20-2012**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING  
\$100,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND  
FOR IMPROVEMENTS TO THE TREADWELL PUMP STATION**

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$100,000.00 from the General Capital Improvement Fund for pump station improvements to the Treadwell Pump Station; 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 \$100,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$100,000.00 from the General Capital Improvement Fund for pump station improvements to the Treadwell Pump Station.

**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 pump station improvements to the Treadwell Pump Station.

**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 20-2012. Since no member of the public wished to be heard, the public hearing was closed.

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**Sam Cerciello, Park Avenue**, suggested bidding improvement projects for the pump stations as one large project to receive better pricing from contractors.

Since no other member of the public wished to be heard, the public hearing was closed.

Mr. Links moved that Ordinance 18-2012, which was read by title, be finally adopted. Mr. Catalanello seconded the motion.

There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mayor Conley declared Ordinance 18-2012 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 19-2012**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$150,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR IMPROVEMENTS TO THE CANDLEWOOD PUMP STATION**

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$150,000.00 from the General Capital Improvement Fund for pump station improvements to the Candlewood Pump Station; 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 \$150,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$150,000.00 from the General Capital Improvement Fund for pump station improvements to the Candlewood Pump Station.

**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 \$150,000.00 is hereby appropriated from the General Capital Improvement Fund for pump station improvements to the Candlewood Pump Station.

**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.

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up twenty (20) spaces in the Maple Avenue lot, and freeing up twenty (20) additional spaces in Lot #3 for daily parking permits. Mrs. Tsukamoto noted that she anticipates an increase of \$26,000.00 in parking revenues. There was no objection to listing an ordinance for introduction.

Ordinance 28-2012 is prepared 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 August 13, 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 18-2012**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$485,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR IMPROVEMENTS TO THE NORTH STREET PUMP STATION**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$485,000.00 from the General Capital Improvement Fund for pump station improvements to the North Street Pump Station; 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 \$485,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$485,000.00 from the General Capital Improvement Fund for pump station improvements to the North Street Pump Station.

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 \$485,000.00 is hereby appropriated from the General Capital Improvement Fund for pump station improvements to the North Street Pump Station.

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 18-2012.

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**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison in the County of Morris in the State of New Jersey that the Borough accepts the donation of the above described field house.

**BE IT FURTHER RESOLVED** that the Borough of Madison expresses its gratitude to Madison Athletic Foundation.

**9/10/2012-1** GREEN AVENUE STATE GRANT APPLICATION  
Borough Engineer Robert Vogel explained an application process for a grant request for the roadway reconstruction of Green Avenue noting an increase in the request. Mr. Vogel indicated that this project should rank well with the State. Mr. Vogel announced an informal community meeting to discuss future road improvement project to be held September 24, 2012. There was agreement to approve a resolution authorizing the grant application.

Resolution 216-2012 is listed on the Consent Agenda.

**9/10/2012-2** LED PRICE POINT SIGNS  
\_Mayor Conley provided information regarding a proposed LED sign ordinance noting that service stations are required by law to include specific information that is viable from the roadway. There was agreement to amend regulation for service stations. There was also agreement to refer the proposed ordinance back to the Planning Board.

**9/10/2012-3** APPROPRIATION OF \$150,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR SEVERAL PROJECTS ON THE FIVE YEAR CAPITAL PLAN  
Mr. Vogel indicated that six independent projects at sewer pumping sites are include in the capital plan and will be covered by requested funding. There was no objection to listing an ordinance for introduction

Ordinance 26-2012 is prepared for introduction.

**9/10/2012-4** SENATE BILL #1534, EQUALIZING STANDING OF PRIVATE AND PUBLIC COLLEGES BEFORE LAND USE AGENCIES  
Mayor Conley explained that a letter sign by himself and eight other Mayor's from communities within New Jersey that host Colleges and Universities opposing Senate bill #1534, will be sent to the State Senate.

**9/10/2012-5** NOVEMBER COUNCIL MEETING DATE  
There was consensus to schedule a Council meeting on November 5<sup>th</sup> due to a conflict on the second Monday in November with the Veteran's Day holiday and the New Jersey League of Municipalities Annual Conference.

**9/10/2012-6** AMENDMENT TO CHAPTER 139, PEDDLING AND SOLICITING  
This item was removed from the agenda.

**9/10/2012-7** AMENDMENT TO CHAPTER 134, PARKING LOTS  
Mrs. Tsukamoto provided explanation of a proposed amendment to the Borough Code Chapter 134, regarding parking lots, to increase commuter spaces by opening

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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 of proposed Ordinance 27-2012 and Resolutions R 215-2012, R 216-2012 and R 217-2012. Mr. Codey and Mr. Giacobbe provided explanations

**Tim Harrington, Cross Gates Road**, noted that the city of Newport, RI pays less for roadway reconstruction than the Borough and asked that descriptions of discussions be included on the meeting agenda.

**Sandeep Bhatt, Green Avenue**, thanked Mayor and Council for meetings regarding the reconstruction of Green Avenue and urged continuation. Mr. Bhatt also inquired about the design plans and any deficiencies and asked that pot holes be repaired in the interim.

**AGENDA DISCUSSIONS**

**9/10/2012-1(a) MRC FIELD HOUSE BUILDING DONATION**

Mr. Giacobbe give details of a donation of a field house to the Borough from the Madison Athletic Foundation, noting that there are no liens or encumbrances. Mr. Nino Coviello representing the Madison Athletic Foundation, addressed the Mayor and Council, thanking them for accepting the gift and asked that the Junior Football Association have the right to supervise the use of the Filed House, as they have donated the appliances. Mr. Giacobbe advised that as a gift to the Borough it would be difficult to give one group authorization and suggest coming up with procedures for use of the Field House kitchen. Mr. Coviello was asked to send a letter to Mr. Codey.

Mrs. Tsukamoto moved approval of Resolution R 226-2016. Dr. Esposito seconded the motion. There was no further 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 226-2012 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING DONATION OF A FIELD HOUSE AT THE MADISON RECREATION COMPLEX DONATED BY THE MADISON ATHLETIC FOUNDATION**

**WHEREAS**, the Madison Athletic Foundation (“MAF”) has generously offered to donate a field house at the Madison Recreation Center to the Borough; and

**WHEREAS**, the Borough Council has concluded that it would be in the best interest of the Borough to accept the donated field house.

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### **Utilities**

Dr. Esposito, Chair of the Committee, made the following comments:  
Primary electrical service has been completed for 175 Park Avenue. Transmission line maintenance and tree trimming services continue. Hydrant maintenance program to begin. The Utilities Committee is getting together reports for the Asset Management meeting for a future utility asset management plan. The Planning Board continues discussion of a proposed LED ordinance.

### **Public Works and Engineering**

Mr. Links, Chair of the Committee, made the following comments:  
Mr. Links reported, on behalf of the Madison Athletic Foundation, a donation of a field House at the Madison Recreation Center and thanked the Borough Administrator for making it happen. The Engineering Department has been involved in discussion with residents regarding Green Avenue and will hold an informal meeting on September 24<sup>th</sup> at 6:00 p.m. regarding pending roadway projects. Mr. Links announced that the Field House is now open for use and the maintenance shed is now complete. The Department of Public works has no report at this time.

### **Finance and Borough Clerk**

Mr. Catalanello, Chair of the Committee, made the following comments:  
Mr. Catalanello announced that the Borough Clerk's office will be open for late night voter registration for the upcoming General Election on October 16<sup>th</sup> until 8:00 p.m. Mr. Catalanello noted Candidates for Council positions from the Republican Party, John Hoover and Carmen Pico and Astri Baillie and Benjamin Wolkowitz as candidates for the Democratic Party. Boy Scout Troop 25 will conduct a trail project at the MRC site. The Borough Engineer and representatives from the Shade Tree Management Board and Parks Advisory Committees have approved the project and on October 20<sup>th</sup> Cadets from West Point will volunteer their help. More information will be provided.

### **Community Affairs**

Mr. Landrigan, Chair of the Committee, made the following comments:  
Mr. Landrigan reported several health classes available at the Senior Center including Gentle Yoga and Zumba. September 12<sup>th</sup> will be the annual Senior trip at the Shore, and on September 19<sup>th</sup> the Senior Center will host a program regarding Medicare and the State Health program. Saturday September 29<sup>th</sup> the Madison Ambulance Corp. will hold a 'Pig Roast' fundraiser. Residents can purchase tickets at the door. The Chamber of Commerce will host Bottle Hill Day on Saturday, October 6<sup>th</sup>. Mr. Landrigan noted that a number of Drew Student serve on the Madison Ambulance Corp., and have performed quite well.

### **Health & Public Assistance**

Mrs. Vitale of the Committee made the following comments:  
Mrs. Vitale announced that the Madison Health Department will hold 'Matter of Balance' classes to increase balance and activity, simple exercise to increase strength and balance to be held at the Madison YMCA. Mrs. Vitale reported information regarding recent death in New Jersey from West Nile Virus noting that Madison has been treated for mosquitoes.

## ***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.

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**Whereas**, this distinguished group of community leaders successfully pooled their time, talent and finances to establish the Madison-Chatham Adult School, which is now a self-supporting, non-profit organization; and

**Whereas**, the organization now known as the Adult School of the Chathams, Madison and Florham Park has a seventy-five year history of continuously providing extensive and widely varied classes readily available at a reasonable cost within the communities served to complement the more formal established school and college curricula; and

**Whereas**, the Adult School has been eminently successful in anticipating, adapting and expanding its program offerings to incorporate changes in technology designed to better meet the evolving needs and interests of people, organizations and businesses; and

**Whereas**, the Adult School offers 300 in-person classes plus 300 online classes each semester, registers just under 4,000 students each year, has daytime and evening classes at 14 different locations and attracts students from nearly 100 zip codes;

**NOW, THEREFORE**, I, Robert H. Conley, on behalf of the Governing Body, do hereby recognize, honor and congratulate present and past members of the Board of Trustees, faculty and staff of the Adult School of the Chathams, Madison and Florham Park for their vision, foresight and dedication to the organization and for its seventy-five successful years as an increasingly more valuable resource for lifelong education in our communities.

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*Robert H. Conley, Mayor*  
September 10, 2012

## ***REPORTS OF COMMITTEES***

### **Public Safety**

Mrs. Tsukamoto, Chair of the Committee, made the following comments: The Madison Police Department will be hosting a prescription drug drop off program on Saturday September 29th and encouraged residents to dispose of prescription drugs properly. Mrs. Tsukamoto reminded residents that schools are now open and to drive carefully. The Park Avenue construction project is completed, but detours remain along Main Street as PSE&G improvement work continues. September is National Preparedness Month, information can be found at [www.ready.nj.gov](http://www.ready.nj.gov). The Madison Police Department responded to 25 car crashes, 64 medical emergencies, made 16 arrests and answered 2,225 calls for service. The Madison Fire Department is in need of volunteers. Applications can be found at [www.madisonfd.com](http://www.madisonfd.com). The newly formed Complete Streets Committee met for the first time, discussing safety issues at Tory J. Sabatini School and the Madison Junior School. A resolution is listed for consideration this evening to reduce the speed limit along Main Street in front of the Junior School. The Museum of Early Trades and Crafts recently conducted a preservation study and plan and discovered that several area of moisture have created damage. Repair projects will be completed, as the Museum is able to raise funds.

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**WHEREAS**, these households are confidentially recommended to the fund by school social workers and clergy and then are contacted by the Christmas Fund to personalize family gift lists to include ages, clothing sizes and desired toys; and

**WHEREAS**, the gifts, which are wrapped and delivered by the volunteers, are purchased with generous donations provided by the caring community of Madison and through gift drives by Madison students, merchants and civic groups; and

**WHEREAS**, both Patty Raneri and Kathy McBrady have volunteered to shop for the Madison Eagle Christmas Fund for over twelve years; and

**WHEREAS**, the Madison Eagle Christmas Fund has benefited greatly from the service of Patty Raneri and Kathy McBrady as co-chairpersons who each have volunteered over 200 hours per year for the past four years;

**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 Patty Raneri and Kathy McBrady for their many years as Madison Eagle Christmas Fund volunteers. Their efforts, dedication and commitment make Madison a special place in which to live.

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*Robert H. Conley, Mayor*  
September 10, 2012

In recognition of the 75<sup>th</sup> Anniversary of the Adult School for the Chathams, Madison and Florham Park, Mayor Conley presented a proclamation to Dr. Victor Schumacher, Lou Gaburo, Vice President Donna Chalais, Secretary Peter Vernon, and Clare Sievers.

***Proclamation  
of the***

***Borough of Madison***

***In Recognition of the 75th Anniversary of  
The Adult School of the Chathams, Madison and Florham Park***

**Whereas**, seventy-five years ago in 1937, the chairperson of the Madison Social Planning Council called together a committee to consider the organization of an Adult Education School as a cooperative effort between the communities of Chatham, Madison and Florham Park; and

**Regular Meeting Minutes – September 10, 2012**

**Whereas**, the Independent Thrift Shop, through the efforts of donors and volunteers from Madison, the Chathams, Florham Park, Springfield, Summit, Short Hills, Berkeley Heights and New Providence, provides an outstanding service for Madison and surrounding communities; and

**Whereas**, profits from the sales of donated items purchased by the public support many worthwhile organizations each year; and

**Whereas**, the Independent Thrift Shop, in its seventy years of operation, has donated over one million dollars to charities;

**NOW, THEREFORE**, I, Robert H. Conley, on behalf of the Governing Body, do hereby extend congratulations to the Independent Thrift Shop on its **70<sup>th</sup> Anniversary** and express thanks to the many volunteers who have diligently contributed to its success.

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*Robert H. Conley, Mayor*  
September 10, 2012

In recognition of Patty Raneri and Kathy McBrady (as co-chairpersons for the Madison Eagle Christmas Fund), Mayor Conley presented a proclamation to Patty Raneri and Kathy McBrady.

***Proclamation  
of the  
Borough of Madison  
In Recognition of  
Patty Raneri and Kathy McBrady  
September 10, 2012***

**WHEREAS**, Patty Raneri and Kathy McBrady, long-time and highly respected volunteers for the Madison Eagle Christmas Fund, are stepping down after co-chairing the fund for the past four years; and

**WHEREAS**, the Christmas Fund started many years ago when resident Barbara Valk and her family decided to spread the holiday spirit to a few senior citizens at Christmastime with gifts and the tradition has grown into the Madison Eagle Christmas Fund involving many volunteers; and

**WHEREAS**, last year, these volunteers helped 100 households struggling with hardships to enjoy the holidays by providing them with gifts of warm clothing, new shoes, food gift certificates and toys for the children; and

**Regular Meeting Minutes – September 10, 2012**

Mrs. Tsukamoto moved approval of the **Executive Minutes of June 25, 2012**. Dr. Esposito seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

**GREETINGS TO PUBLIC**

Mayor Conley made the following comments:

**Employee of the Month for September:**

Joseph Forte of the Department of Public Works, for discovering a water leak while mowing borough-owned property and helping the Water Department track the leak to a fire hydrant damaged by unauthorized use. The hydrant was repaired - saving the Borough water and money.

**Proclamations:**

In recognition of the 70<sup>th</sup> Anniversary of the Independent Thrift Shop, Mayor Conley presented a proclamation to current president Bev Davie and past presidents Dorrit Stagg and Marilyn (Dolly) Reeve.

*Proclamation  
of the  
Borough of Madison*

*In recognition of the 70th Anniversary  
of the Independent Thrift Shop*

**Whereas**, the Independent Thrift Shop was founded by a dedicated group of volunteers from the Madison-Chatham Red Cross; and

**Whereas**, in 1942, these volunteers had planned to auction donated items to help fund a new ambulance for Madison, but the auction was cancelled due to inclement weather; and

**Whereas**, the unsold items were then taken to a store at 14 Waverly Place to sell; and

**Whereas**, the original volunteers decided to make this a permanent project and the Independent Thrift Shop was created; and

**Whereas**, the Independent Thrift Shop moved to 14 Central Avenue and over the years occupied space at 5 Central Avenue, then 15 Central Avenue and in 1996, moved to its current location at 33 Kings Road; and

**Regular Meeting Minutes – September 10, 2012**

GVRS PILOT/BOE

OMLAND ENGINEERING ASSOC., INC.

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

PERSONNEL MATTERS (6)

POLICE DEPARTMENT

TEAMSTERS LOCAL UNION NO. 469

HEALTH OFFICER

CUSTOMER SERVICEMAN

PART-TIME SALARY ADJUSTMENTS

PURCHASING OFFICER

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.

**APPROVAL OF MINUTES**

Mrs. Tsukamoto moved approval of the **Executive Minutes of May 30, 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

Mrs. Tsukamoto moved approval of the **Regular Meeting Minutes of May 30, 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

Mrs. Tsukamoto moved approval of the **Executive Minutes of June 11, 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

Mrs. Tsukamoto moved approval of the **Regular Meeting Minutes of June 11, 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

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

**September 10, 2012 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 10th day of September, 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 J. Giacobbe, Esq. Acting Borough Attorney

**AGENDA REVIEW**

There was approval of the Regular and Executive Agenda.

**READING OF CLOSED SESSION RESOLUTION**

Mrs. Tsukamoto moved:

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

MINUTES FOR APPROVAL (1)

Executive Minutes of May 30, 2012

Executive Minutes of June 11, 2012

Executive Minutes June 25, 2012

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

CONTRACT MATTERS (4)

10 MAPLE AVENUE

PAY-TO-PLAY