

Regular Meeting Minutes – November 5, 2012

NEW BUSINESS - None

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved January 14, 2013 (EO)

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accordance with the rules and regulations promulgated by the Council On Affordable Housing (“COAH”) for the development of affordable housing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, the release of up to \$50,000.00 from the Housing Trust Fund for the purposes requested herein, to be used in accordance with the rules and regulations promulgated by COAH in accordance with the approved spending plan for the development of affordable housing is hereby authorized.

R 267-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY ST. VINCENT MARTYR PARISH

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

ST. VINCENT MARTYR PARISH
I.D. No. 274-1-812
R.A. No. 1260 – On Premise
R.A. No. 1261 – Off Premise
R.A. No. 1262 – Off Premise
March 16, 2013 Raffles

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

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

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

Public Safety	\$7,157.96
Health & Public Assistance	1,422.61
Public Works & Engineering	148,031.92
Community Affairs	486.37
Finance & Borough Clerk	5,099,720.51
Utilities	<u>5,236.50</u>
Total	<u>\$5,262,055.87</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

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WHEREAS, application of this bill would impose an inflexible and overly specific delineation of the chain of command which would disrupt current arrangements for local mutual aid plans.

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 of Madison urges our State Legislators to oppose S-1397/ A-2593.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Senator Richard J. Codey, Assemblyman John F. McKeon, Assemblywoman Mila M. Jasey, the New Jersey League of Municipalities and the Office of the Governor.

R 265-2012 RESOLUTION OF THE BOROUGH OF MADISON WAIVING ALL INTEREST CHARGES ON ALL OVERDUE PAYMENTS FOR PROPERTY TAXES AND WATER AND ELECTRIC UTILITY PAYMENTS

WHEREAS, due to recent power outages caused by Hurricane Sandy, access to funds may be substantially delayed for taxpayers and utility customers; and

WHEREAS, the Borough Council of the Borough of Madison wishes to make accommodations for tax and utility payments due to the recent hurricane.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Madison, in the County of Morris and State of New Jersey, hereby grants an extension from November 15th to November 30th, 2012 and waives all applicable interest charges that would have been levied on delinquent tax and utility payments.

R 266-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RELEASE OF FUNDS FROM THE AFFORDABLE HOUSING TRUST FUND IN THE AMOUNT OF \$50,000

WHEREAS, the Affordable Housing Administrator/Municipal Housing Liaison has requested the release of up to \$50,000.00 from the Housing Trust Fund be authorized for additional environmental clean-up work at the property at the corner of Orchard Street and Strickland Place; and

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

WHEREAS, the Affordable Housing Administrator/Municipal Housing Liaison has advised the Borough that the funds in the Housing Trust Fund will be used in

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WHEREAS, as things now stand, over 100 municipalities know that they enter 2013 without BPPT revenues that will cost property taxpayers well in excess of \$8 million and, unless matters change, more municipalities will lose more millions in the future; and

WHEREAS, Verizon has notified the Borough of Madison that \$252,000.00 of telecommunications equipment will be unilaterally removed from our rolls in 2013;and

WHEREAS, remedial legislation (A-3393) has been introduced by Assemblyman Ralph Caputo, which will clarify the perceived ambiguity of the statutory definition to further implement the original legislative intent to preserve revenues to local governments; and

WHEREAS, we anticipate the introduction of companion legislation by Senator Bob Smith, as soon as the Senate next convenes;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Madison, County of Morris, commends Assemblyman Caputo and Senator Smith and strongly supports A-3393/S-2324, which would clearly identify the telecommunications carriers subject to taxation on their business personal property and remove the budget uncertainty caused by Verizon's obfuscation; and

BE IT FURTHER RESOLVED, that we urge our State Senator and our representatives in the General Assembly to join as co-sponsors of A-3393/S-2324 and its companion bill; and

BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to the Honorable Governor Chris Christie, the Honorable Speaker of the General Assembly Sheila Oliver, the Honorable President of the State Senate Stephen M. Sweeney, the Honorable Assembly Republican Leader Jon Bramnick, the Honorable Senate Republican Leader Thomas H. Kean, Jr., and our own State Senator and Representatives in the General Assembly, and to the New Jersey State League of Municipalities.

R 264-2012 RESOLUTION OF THE BOROUGH OF MADISON OPPOSING ASSEMBLY BILL A-2593, REQUIRING DESIGNATED FIRE COMMAND STRUCTURE IN MUNICIPAL EMERGENCY OPERATIONS PLANS INVOLVING MUTUAL AID RESPONSES TO FIRES

WHEREAS, Senate Bill S-1397 / A-2593, intends to modify local fire mutual aid plans which set forth policies and procedures to coordinate the utilization of fire services when local fire mutual aid plans are determined to be necessary or appropriate ; and

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Imprvts:	\$664,800	N/A	\$ 595,100
Total:	\$1,105,600	N/A	\$1,035,900

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

58 Pomeroy Road
Year 2012

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$440,800	N/A	\$ 440,800
Imprvts:	\$564,300	N/A	\$ 564,300
Total:	\$1,005,100	N/A	\$1,005,100

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

R 263-2012 RESOLUTION OF THE BOROUGH OF MADISON SUPPORTING BUSINESS PERSONAL PROPERTY TAXES

WHEREAS, in 1997, at the request of incumbent utilities, the laws regarding State taxation of telecommunications corporations were amended in response to technological and market innovations, in order to increase competition; and

WHEREAS, the amendments sought to preserve revenues to local governments by providing that local exchange telephone companies subject to the New Jersey Franchise and Gross Receipts Tax on April 1, 1997 would continue to be subject, annually, to the Business Personal Property Tax (“BPPT”); and

WHEREAS, the statute defines local exchange companies as those telecommunications carriers “providing dial tone and access to 51% of a local telephone exchange”; and

WHEREAS, Verizon’s self-serving interpretation of the statutory definition has led it to claim exemption from the BPPT in any municipality where the corporation unilaterally determines, in any given year, that it no longer supplies dial tone and access to at least 51% of the local telephone exchanges; and

WHEREAS, Hopewell Borough’s challenge to that claim was upheld by the Mercer County Board of Taxation in 2009; and

WHEREAS, Verizon’s appeal of that determination to the Tax Court resulted in a June, 2012 trial court decision accepting the corporation’s self-serving interpretation of the law; and

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Mrs. Tsukamoto moved that Ordinance 37-2012, 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 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 262-2012 RESOLUTION OF THE BOROUGH OF AUTHORIZING SETTLEMENT OF THE 2011 AND 2012 TAX APPEALS ENTITLED DAVID DEPAUL V. MADISON BOROUGH, DOCKET NO. :010283-2011 AND -2012 OF THE TAX ASSESSMENT OF BLOCK 3803, LOT 33, KNOWN AS 58 POMEROY ROAD, IN THE BOROUGH OF MADISON, MORRIS COUNTY , NEW JERSEY

WHEREAS, an appeal of the real property tax assessment for tax year 2011 and 2012 involving 58 Pomeroy Road, Block 3803, Lot 33, has been filed by the Taxpayer, David DePaul; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Appeal Attorney; and

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

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

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

58 Pomeroy Road
Year 2011

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$440,800	N/A	\$ 440,800

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B. A candidate for employment may only be granted exemption status by action of the Governing body upon the advice and recommendation of the Chief of Police. The Chief of Police shall recruit and interview qualified candidates and may reject any or all candidates prior to submission to the Governing Body.

C. Such candidate shall still be subject to the requirements of Article III, Department Oral Interview Phase, Article IV, Background Investigation, Article V, Psychological Evaluation, and Article VI, Medical Examination, as set forth herein above.

D. Once the Background Investigation, the interview, the psychological testing and medical examination have been completed, the Chief shall present the candidate to the Governing Body for its consideration. The Governing Body may, in its discretion either accept or reject any candidate recommended by the Chief of Police.

IX. SUMMARY

A. All applicants shall be notified of the test date, time and place at least five (5) days prior to the test.

B. All applicants that are rejected at any phase of this testing process shall be notified in writing by the Chief of Police within fifteen (15) days after the testing date.

C. All testing results will remain confidential and will not be released to any person or agency unless specifically authorized by the individual applicant.

4) SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

5) REPEALER

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

6) EFFECTIVE DATE

This Ordinance shall take effect after final passage as provided by law and shall be applied for any promotions or hiring, except for promotions to Lieutenant and Sergeant, which shall not take effect until October 1, 2013. Any promotion to Lieutenant and Sergeant prior to that date will be made from the current list of eligible candidates.

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E. All medical records are to be treated as confidential with access limited in accordance with the ADA requirements; the medical records should be kept in a separate file.

VI. MEDICAL EXAMINATION

A. The Madison Borough Police Department shall pay for the applicant to be examined.

1. The Chief of Police shall designate the physician and arrange for the appointment.

B. The physician shall be provided with the department Medical Examination Form and instructed to complete the appropriate sections.

C. Blood and urine analysis is to be conducted for every applicant examined.

1. A screen for drugs in the applicant's system is to be conducted.

D. The completed medical form is to be picked up from the physician by the officer assigned and reviewed by the Chief of Police.

E. If a candidate's medical examination reflects that the applicant has traces of a controlled dangerous substance in their system, he/she are to be disqualified from the selection process.

F. Any other medical problem, other than traces of controlled dangerous substances in the applicant's system, are to be thoroughly reviewed by the physician and a determination made as to the applicant's fitness for police work.

G. All medical records are to be treated as confidential with access limited in accordance with the ADA requirements; the medical records should be kept in a separate file.

VII. SUCCESSFUL CANDIDATE(S)

A. The successful candidate or candidates, if more than one position, will be presented to the Mayor and Council for final approval and appointment. The initial year of employment is a one-year probationary period during which time the candidate may be removed for any cause and without notice. Termination during the probationary period is not grievable and/or not appealable.

VIII. EXEMPTIONS

A. A candidate for employment may be exempted from the selection process as set forth in Articles I through II, herein above, if such a candidate has previously been certified by the New Jersey Police Training Commission as a law enforcement officer; and if that candidate is currently employed as a law enforcement officer with a bona fide law enforcement agency. Any such candidate will still be subject to the eligibility requirements set forth in Article III-VI, therein above.

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G. Applicants possessing a valid New Jersey Police Training Commission Certificate will be subject to the departmental interview process and not required to take a written examination.

III. DEPARTMENT ORAL INTERVIEW PHASE

A. The department interview shall be conducted by the Chief of Police and/or an officer designated by the Chief of Police and the Business Administrator and/or his designee.

B. The Chief of Police shall appoint a department Oral Board Committee. The Oral Board Committee shall evaluate and rank the candidates. The Committee shall consist of personnel representing different ranks within the organization and the Business Administrator and/or his designee.

C. The Candidates will then be ranked and selected for the Background Investigation Phase.

IV. BACKGROUND INVESTIGATION

A. When the candidate has successfully passed Phases I, II, and III of this ordinance, a background investigation is to be initiated.

B. The Background Policy and Procedure, contained in the Department Rules and Regulations, is to be followed.

C. The completed background investigation shall be evaluated by the Chief of Police and the Detective Bureau.

V. PSYCHOLOGICAL EVALUATION

A. The applicant shall be required to undergo a psychological examination paid for by the Borough and shall be notified of the evaluation at least three (3) days in advance.

1. The applicant will be notified of the following:

- (a). Time
- (b). Location
- (c). Name of Consultation Team
- (d). Date

B. The psychological evaluation is designed to provide the department with dimensional information about a candidate that will assist in the selection process.

C. The Chief of Police shall interpret the psychological evaluation report.

D. If a candidate does not successfully pass the psychological examination, he/she is disqualified from the selection process.

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G. The Chief, or his designee, shall arrange for the testing locations for the written, physical and oral testing phases.

1. The Chief, or his designee, will be responsible for making all the proper notifications to the applicants.

2. Applications will not be rejected because of omissions or deficiencies that can be corrected prior to the testing or interview process.

H. Eligibility

1. Must be a citizen of the United States.

2. Must possess a high school diploma, or equivalency.

3. Must be of good moral character.

4. Must be at least eighteen (18) years old.

5. Must not have been convicted of a crime.

6. Must possess a valid New Jersey driver's license.

II. SECOND PHASE – WRITTEN EXAMINATION

A. Applicants shall submit to a written examination.

1. In order for an applicant to move on to Phase III, the applicant must attain a minimum score of 70% on the written examination.

B. The written examination shall be administered by the New Jersey State Association of Chiefs of Police.

C. The applicant must be present at the testing location on the date and time specified. If the applicant does not report to the testing location as specified, he shall be ineligible for further consideration for the current vacancy.

1. The applicant may apply their written test score and be eligible when another vacancy exists within the appropriate time frame.

D. Written test scores shall be submitted to the Chief of Police for review.

E. All applicants that do not qualify to participate in the next phase shall be notified in writing along with their written test score.

F. If an applicant has taken the New Jersey Chief of Police examination for another agency, he/she may apply his/her test score and be exempt from taking the test again. His test score must be current.

1. For the purpose of this section, current shall mean that the applicant would have had to have taken the written examination within one (1) year, prior to the posted test date for the position of Patrolman with Madison Borough.

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A. When a vacancy exists, the Chief of Police shall forward a request to the Madison Borough Council to hire a Police Officer. The Chief, after receiving approval to initiate the hiring process of a new officer, shall proceed as follows:

1. Accept applications from only trained officers with New Jersey Police Training Commission Certificates.

(a). Sworn officers from other agencies.

(b). Alternate route officer from police academies.

2. Work with the Borough Personnel Officer to advertise in the official newspapers and other appropriate media outlets.

(a). The advertisement shall be for a two-week period.

(b). The advertisement will indicate the filing deadline.

B. All applications shall be given out and collected at police headquarters and a copy shall also be provided to the Business Administrator.

C. When a candidate is given an application, the time, date and location of the written test will be attached.

D. When the desk officer provides a candidate with an application, he/she shall complete the information on the applicant list form.

E. When the application is returned, the desk officer on duty shall:

1. Place a check in front of the applicant's name on the applicant list.

2. Collect the application and attach a \$10.00 money order or a certified check that is made payable to the New Jersey State Association of Chiefs of Police.

3. Give the applicant a numbered test booklet after recording the booklet number next to the applicant's name.

4. The desk officer shall place the application, with the money order or certified check attached, in the Chief's office box.

F. When the applications are received by the Chief's secretary, he/she shall check to ensure that the appropriate fee has been rendered and attached to the application form.

1. He/she shall stamp the date that the application was received.

2. All original applications are to be forwarded to the Chief's office.

3. The Chief's secretary shall forward the checks or money orders to the appropriate Chief's Association.

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Record Review	20%
Mayor, Council and Chief Interview	35%

E. The candidate with the highest overall score shall be voted on by the Mayor and Council as the Sergeant.

F. Where two (2) or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-129, or a resident over a non-resident pursuant to N.J.S.A. 40A:14-122.6. Seniority shall prevail over residency in the case of candidates that are ranked equally.

2) Chapter 34 of the Code of the Borough of Madison entitled “Police Department” is hereby amended to create a new Section 34-2(G), entitled “Acting Designation, No Office or Position Created” which shall provide as follows:

§34-2(H) Acting Designation; No Office or Position Created

A. The Mayor and Council of the Borough of Madison have the discretion and authority to assign the functions and duties of superior officer ranks, once the Mayor and Council of the Borough of Madison have certified by resolution that the position of any superior officer rank(s) is vacant and until a superior officer rank(s) is promoted. The Mayor and Council may designate an officer who is qualified to perform the functions and duties of any superior officer rank in an acting capacity.

B. It is explicitly understood that no office or position of any kind is created by the assignment of functions and duties of a higher rank to an officer of a lower rank on an acting basis. Such designation shall also not be considered an appointment to a position, nor constitute a promotion. Such designation shall not entitle the officer to any additional compensation or other emoluments of office unless specifically provided for in a collective bargaining agreement or Borough of Madison Personnel Policies and Procedures Handbook. The officer fulfilling such assignment is not and is not intended to constitute the holding of a defacto office or position within the meaning of N.J.S.A. 40A:9-6 or any other law. The officer designated in an acting capacity shall continue to fulfill the assignment at the pleasure of the Mayor and Council.

3) Chapter 34 of the Code of the Borough of Madison, entitled “Police Department,” is hereby amended to create a new Section 34-2(H), which shall provide as follows:

§34-2(I) PROCEDURE FOR HIRING NEW POLICE OFFICERS:

I. FIRST PHASE

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Specialized Training (e.g. FBI Academy) 0 to 3 points

Each completed course +1 point to a total of 3 points.

Performance Evaluations 0 to 8 points

All previous performance evaluations shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

2 points if a majority of the evaluations meets expectations

4 points if all evaluations meet expectations

6 points if a majority of the evaluations meets expectations and some exceed expectations

8 points if a majority of evaluations exceeds expectations

Commendations 0 to 3 points

+1 point for each commendation up to maximum of 3 points.

Education

Candidate only gets the point(s) associated with the highest educational degree attained and not the point(s) for each separate education degree.

Associate's Degree	1 point
Bachelor's Degree	2 points
Master's Degree	3 points
Doctorate Degree	4 points

Military Experience

Active Duty or Reserve Duty-Candidate only gets the highest of the following point(s).

Any enlisted rank	1 point
Any officer rank	2 points

Disciplinary Actions

Each major sustained discipline (more than 5 day) -2 points.

Each minor sustained discipline (5 day suspension or less including written reprimands) -1 point. All previous sustained disciplinary actions shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

5. The weight or percentage of each portion of the process shall be as follows:

Written examination	25%
Oral examination	20%

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conducted by an outside agency (e.g. Chiefs of Police Association, International Chiefs of Police Association, etc.) by a Board of three (3) examiners, at least one of which shall be a Personnel Evaluator from the outside testing agency. None of the evaluators shall be an officer, employee, resident or relative thereof, of the Borough of Madison or of any of the candidates. To proceed to the record review and interview portion of the promotional process, a candidate must achieve a minimum score of seventy (70%) percent.

* The testing organization shall assign each candidate an identification number, which shall be the only identification used when the written and oral examination is graded. The identification numbers of all candidates for promotion shall be posted on a pass/fail basis only. A complete master list of the actual results of the written and oral examination shall be placed under seal and retained in the office of the Borough Administrator and shall not be revealed to the Mayor and Council until after the interview and record review of the applicants are complete.

3. Satisfactory psychological examination and certification by a Borough selected physician stating that the candidate is able to perform the essential functions of the Sergeant title. Candidates shall not move forward in the promotional process without the completion of a satisfactory psychological examination.

4. Record Review and Interview by the Mayor and Council and the Police Chief

Candidates that successfully achieve a minimum score of seventy percent (70%) on the written examination and a minimum score of seventy (70%) percent on the oral examination and received a satisfactory psychological examination shall proceed to the next step in the promotional process, the review of service record and interview. The interview shall be conducted by the Mayor and Council and Police Chief. The record review shall be conducted by the Borough Administrator, the Assistant Borough Administrator and the Police Chief.

(a). The interview with the Mayor and Council and the Police Chief shall focus on, but not be limited to, leadership and management skills, knowledge of the Borough of Madison's form of government, knowledge of the Police Department Ordinance, familiarity with the municipal budget process, the police department budget in particular, staff/resource allocations, Attorney General Guidelines and knowledge of N.J.S.A. 40A:14-118. The Mayor and Council and Police Chief shall grade each candidate on a thirty-five (35) point scale and shall ask each candidate the identical questions and the Borough Clerk will keep written records of each candidate's responses to same.

(b). The Borough Administrator, Assistant Borough Administrator and Police Chief shall examine the personnel jacket of each candidate and give specific weight to each category and grade each candidate on a twenty (20) point scale. The weight of each category of the record review shall be the maximum of the following points in each of the enumerated categories as follows:

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E. The candidate with the highest overall score shall be voted on by the Mayor and Council as the Lieutenant.

F. Where two (2) or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-129, or a resident over a non-resident pursuant to N.J.S.A. 40A:14-122.6. Seniority shall prevail over residency in the case of candidates that are ranked equally.

§34-2(G) Promotion to Rank of Sergeant

A. The Borough of Madison Governing Body desires to promote the most qualified candidate to the position of Sergeant. This ordinance establishes the eligibility requirements and the process for promotion to Sergeant. The promotion process shall be on the basis of merit, experience, education, demonstrated ability, psychological examination, competitive examinations and an interview. In accordance with N.J.S.A. 40A:14-129, promotion of any officer shall be made from the membership of the Madison Police department. No person shall be eligible for promotion to Sergeant unless he or she shall have served as a full-time police officer in the Borough of Madison Police Department for a period of five (5) years or more.

B. The Police Chief shall announce the promotional process to members of the department at least thirty (30) days before the written examination is to be given. The announcement shall be posted in common areas of the department accessible to all members. The announcement shall contain, at a minimum, the rank to be filled, the dates of the exams, source materials or reading lists from which exam questions will be taken or topics from which questions will be formulated. Candidates, who qualify, shall notify the Police Chief of his or her interest in taking the examination by submitting a letter of interest no later than ten (10) calendar days after the promotion announcement. Failure to do so shall render the officer ineligible to participate in the process.

C. Promotion Testing Procedure:

The promotion testing procedure for the Borough of Madison Police Department shall consist of the following: a written examination, an oral examination, a psychological examination, a record review and interview with the Mayor and Council and Police Chief.

1. Written Examinations*: The written examination shall be supplied by a professional testing company, professional law enforcement organization (e.g. State Chiefs of Police Association, International Chiefs of Police Association, etc.) To proceed to the oral examination of the examination procedure, a candidate must achieve a minimum score of seventy (70%) percent on the written examination.

2. Oral Examinations*: Candidates will be notified, in writing, of their successful or unsuccessful completion of the written portion of the exam by the Borough Administrator or his designee. The oral examination shall take place after the receipt of the written examination results. A standardized interview will be

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2 points if a majority of the evaluations meets expectations

4 points if all evaluations meet expectations

6 points if a majority of the evaluations meets expectations and some exceed expectations

8 points if a majority of evaluations exceeds expectations

Commendations

0 to 3 points

+1 point for each commendation up to maximum of 3 points.

Education

Candidate only gets the point(s) associated with the highest educational degree attained and not the point(s) for each separate education degree.

Associate's Degree	1 point
Bachelor's Degree	2 points
Master's Degree	3 points
Doctorate Degree	4 points

Military Experience

Active Duty or Reserve Duty-Candidate only gets the highest of the following point(s).

Any enlisted rank	1 point
Any officer rank	2 points

Disciplinary Actions

Each major sustained discipline (more than 5 day) -2 points. Each minor sustained discipline (5 day suspension or less including written reprimands) -1 point. All previous sustained disciplinary actions shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

5. The weight or percentage of each portion of the process shall be as follows:

Written examination	25%
Oral examination	20%
Record Review	20%
Mayor, Council and Chief Interview	35%

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promotional process, a candidate must achieve a minimum score of seventy (70%) percent.

*The testing organization shall assign each candidate an identification number, which shall be the only identification used when the written and oral examination is graded. The identification numbers of all candidates for promotion shall be posted on a pass/fail basis only. A complete master list of the actual results of the written and oral examination shall be placed under seal and retained in the office of the Police Chief and shall not be revealed to the Mayor and Council until after the interview and record review of the applicants are complete.

3. Satisfactory psychological examination and certification by a Borough selected physician stating that the candidate is able to perform the essential functions of the Lieutenant title. Candidates shall not move forward in the promotional process without the completion of a satisfactory psychological examination.

4. Record Review and Interview by the Mayor and Council and Police Chief

Candidates that successfully achieve a minimum score of seventy percent (70%) on the written examination and a minimum score of seventy (70%) percent on the oral examination and received a satisfactory psychological examination shall proceed to the next step in the promotional process, the review of service record and interview. The interview shall be conducted by the Mayor and Council and the Police Chief. The record review shall be conducted by the Borough Administrator, Assistant Borough Administrator and the Police Chief.

(a). The interview with the Mayor and Council and Police Chief shall focus on, but not be limited to, leadership and management skills, knowledge of the Borough of Madison's form of government, knowledge of the Police Department Ordinance, familiarity with the municipal budget process, the police department budget in particular, staff/resource allocations, Attorney General Guidelines and knowledge of N.J.S.A. 40A:14-118. The Mayor and Council and Police Chief shall grade each candidate on a thirty-five (35) point scale and shall ask each candidate the identical questions and the Borough Clerk will keep written records of each candidate's responses to same.

(b). The Borough Administrator, Assistant Borough Administrator and Police Chief shall examine the personnel jacket of each candidate and give specific weight to each category and grade each candidate on a twenty (20) point scale. The weight of each category of the record review shall be the maximum of the following points in each of the enumerated categories as follows:

Specialized Training (e.g. FBI Academy) 0 to 3 points

Each completed course +1 point to a total of 3 points.

Performance Evaluations 0 to 8 points

All previous performance evaluations shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

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A. The Borough of Madison Governing Body desires to promote the most qualified candidate to the position of Lieutenant. This ordinance establishes the eligibility requirements and the process for promotion to Lieutenant. The promotion process shall be on the basis of merit, experience, education, demonstrated ability, psychological examination, competitive examinations and an interview. In accordance with N.J.S.A. 40A:14-129, the promotion of any officer shall be made from the membership of the Madison Police department. No person shall be eligible for promotion to Lieutenant unless he or she shall have served as a full-time police officer in the Borough of Madison Police Department for a period of ten (10) years or more. Promotions to the rank of Lieutenant shall be open to members of the next lowest rank who have served at least two (2) years in said rank, unless the Mayor and Council, in the best interest of the department, chooses to test a wider pool of candidates, in which case they may open testing to the next lower rank and/or reduce the length of time requirement in rank.

B. The Police Chief shall announce the promotional process to members of the department at least thirty (30) days before the written examination is to be given. The announcement shall be posted in common areas of the department accessible to all members. The announcement shall contain, at a minimum, the rank to be filled, the dates of the exams, source materials or reading lists from which exam questions will be taken or topics from which questions will be formulated. Candidates, who qualify, shall notify the Police Chief of his or her interest in taking the examination by submitting a letter of interest no later than ten (10) calendar days after the promotion announcement. Failure to do so shall render the officer ineligible to participate in the process.

C. Promotion Testing Procedure:

The promotion testing procedure for the Borough of Madison Police Department shall consist of the following: a written examination, an oral examination, a psychological examination, a record review and interview with the Mayor and Council and the Police Chief.

1. Written Examinations*: The written examination shall be supplied by a professional testing company, professional law enforcement organization (e.g. State Chiefs of Police Association, International Chiefs of Police Association, etc.) To proceed to the oral examination of the examination procedure, a candidate must achieve a minimum score of seventy (70%) percent on the written examination.

2. Oral Examinations*: Candidates will be notified, in writing, of their successful or unsuccessful completion of the written portion of the exam by the Police Chief or his designee. The oral examination shall take place after the receipt of the written examination results. A standardized interview will be conducted by an outside agency (e.g. Chiefs of Police Association, International Chiefs of Police Association, etc.) by a Board of three (3) examiners, at least one of which shall be a Personnel Evaluator from the outside testing agency. None of the evaluators shall be an officer, employee, resident or relative thereof, of the Borough of Madison or of any of the candidates. To proceed to the record review and interview portion of the

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Education

Candidate only gets the point(s) associated with the highest educational degree attained and not the point(s) for each separate education degree.

Associate's Degree	1 point
Bachelor's Degree	2 points
Master's Degree	3 points
Doctorate Degree	4 points

Military Experience

Active Duty or Reserve Duty-Candidate only gets the highest of the following point(s).

Any enlisted rank	1 point
Any officer rank	2 points

Disciplinary Actions

Each major sustained discipline (more than 5 day) -2 points. Each minor sustained discipline (5 day suspension or less including written reprimands) -1 point. All previous sustained disciplinary actions shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

5. The weight or percentage of each portion of the process shall be as follows:

Written examination	25%
Oral examination	20%
Record Review	20%
Mayor, Council and Chief Interview	35%

E. The candidate with the highest overall score shall be voted on by the Mayor and Council as the Captain.

F. Where two (2) or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-129, or a resident over a non-resident pursuant to N.J.S.A. 40A:14-122.6. Seniority shall prevail over residency in the case of candidates that are ranked equally.

§34-2(F) Promotion to Rank of Lieutenant

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3. Satisfactory psychological examination and certification by a Borough selected physician stating that the candidate is able to perform the essential functions of the Captain title. Candidates shall not move forward in the promotional process without the completion of a satisfactory psychological examination.

4. Record Review and Interview by the Mayor and Council and Police Chief

Candidates that successfully achieve a minimum score of seventy percent (70%) on the written examination and a minimum score of seventy (70%) percent on the oral examination and received a satisfactory psychological examination shall proceed to the next step in the promotional process, the review of service record and interview. The interview shall be conducted by the Mayor and Council and the Police Chief. The record review shall be conducted by the Borough Administrator, Assistant Borough Administrator and the Police Chief.

(a). The interview with the Mayor and Council and Police Chief shall focus on, but not be limited to, leadership and management skills, knowledge of the Borough of Madison's form of government, knowledge of the Police Department Ordinance, familiarity with the municipal budget process, the police department budget in particular, staff/resource allocations, Attorney General Guidelines and knowledge of N.J.S.A. 40A:14-118. The Mayor and Council and Police Chief shall grade each candidate on a thirty-five (35) point scale and shall ask each candidate the identical questions and the Borough Clerk will keep written records of each candidate's responses to same.

(b). The Borough Administrator, Assistant Borough Administrator and Police Chief shall examine the personnel jacket of each candidate and give specific weight to each category and grade each candidate on a twenty (20) point scale. The weight of each category of the record review shall be the maximum of the following points in each of the enumerated categories as follows:

Specialized Training (e.g. FBI Academy) 0 to 3 points

Each completed course +1 point to a total of 3 points.

Performance Evaluations 0 to 8 points

All previous performance evaluations shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

2 points if a majority of the evaluations meets expectations

4 points if all evaluations meet expectations

6 points if a majority of the evaluations meets expectations and some exceed expectations

8 points if a majority of evaluations exceeds expectations

Commendations 0 to 3 points

+1 point for each commendation up to maximum of 3 points.

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or more. Promotions to the rank of Captain shall be open to members of the next lowest rank who have served at least two (2) years in said rank, unless the Mayor and Council, in the best interest of the department, chooses to test a wider pool of candidates, in which case they may open testing to the next lower rank and/or reduce the length of time requirement in rank.

B. The Police Chief shall announce the promotional process to members of the department at least thirty (30) days before the written examination is to be given. The announcement shall be posted in common areas of the department accessible to all members. The announcement shall contain, at a minimum, the rank to be filled, the dates of the exams, source materials or reading lists from which exam questions will be taken or topics from which questions will be formulated. Candidates, who qualify, shall notify the Police Chief of his or her interest in taking the examination by submitting a letter of interest no later than ten (10) calendar days after the promotion announcement. Failure to do so shall render the officer ineligible to participate in the process.

C. Promotion Testing Procedure:

The promotion testing procedure for the Borough of Madison Police Department shall consist of the following: a written examination, an oral examination, a psychological examination, a record review and interview with the Mayor and Council and the Police Chief.

1. Written Examinations*: The written examination shall be supplied by a professional testing company, professional law enforcement organization (e.g. State Chiefs of Police Association, International Chiefs of Police Association, etc.) To proceed to the oral examination of the examination procedure, a candidate must achieve a minimum score of seventy (70%) percent on the written examination.

2. Oral Examinations*: Candidates will be notified, in writing, of their successful or unsuccessful completion of the written portion of the exam by the Police Chief or his designee. The oral examination shall take place after the receipt of the written examination results. A standardized interview will be conducted by an outside agency (e.g. Chiefs of Police Association, International Chiefs of Police Association, etc.) by a Board of three (3) examiners, at least one of which shall be a Personnel Evaluator from the outside testing agency. None of the evaluators shall be an officer, employee, resident or relative thereof, of the Borough of Madison or any of the candidates. To proceed to the record review and interview portion of the promotional process, a candidate must achieve a minimum score of seventy (70%) percent.

*The testing organization shall assign each candidate an identification number, which shall be the only identification used when the written and oral examination is graded. The identification numbers of all candidates for promotion shall be posted on a pass/fail basis only. A complete master list of the actual results of the written and oral examination shall be placed under seal and retained in the office of the Police Chief and shall not be revealed to the Mayor and Council until after the interview and record review of the applicants are complete.

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Master’s Degree	3 points
Doctorate Degree	4 points

Military Experience

Active Duty or Reserve Duty-Candidate only gets the highest of the following point(s).

Any enlisted rank	1 point
Any officer rank	2 points

Disciplinary Actions

Each major sustained discipline (more than 5 day) -2 points. Each minor sustained discipline (5 day suspension or less including written reprimands) -1 point. All previous sustained disciplinary actions shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

5. The weight or percentage of each portion of the process shall be as follows:

Written examination	25%
Oral examination	20%
Record Review	20%
Mayor and Council Interview	35%

E. The candidate with the highest overall score shall be voted on by the Mayor and Council as the Police Chief.

F. Where two (2) or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-129, or a resident over a non-resident pursuant to N.J.S.A. 40A:14-122.6. Seniority shall prevail over residency in the case of candidates that are ranked equally.

§34-2(E) Promotion to Rank of Captain

A. The Borough of Madison Governing Body desires to promote the most qualified candidate to the position of Captain. This ordinance establishes the eligibility requirements and the process for promotion to Captain. The promotion process shall be on the basis of merit, experience, education, demonstrated ability, psychological examination, competitive examinations and an interview. In accordance with N.J.S.A. 40A:14-129, the promotion of any officer shall be made from the membership of the Madison Police department. No person shall be eligible for promotion to Captain unless he or she shall have served as a full-time police officer in the Borough of Madison Police Department for a period of ten (10) years

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4. Record Review and Interview by the Mayor and Council

Candidates that successfully achieve a minimum score of seventy percent (70%) on the written examination and a minimum score of seventy (70%) percent on the oral examination and received a satisfactory psychological examination shall proceed to the next step in the promotional process, the review of service record and interview. The interview shall be conducted by the Mayor and Council. The record review shall be conducted by the Borough Administrator and the Assistant Borough Administrator.

(a). The interview with the Mayor and Council shall focus on, but not be limited to, leadership and management skills, knowledge of the Borough of Madison’s form of government, knowledge of the Police Department Ordinance, familiarity with the municipal budget process, the police department budget in particular, staff/resource allocations, Attorney General Guidelines and knowledge of N.J.S.A. 40A:14-118. The Mayor and Council shall grade each candidate on a thirty-five (35) point scale and shall ask each candidate the identical questions and the Borough Clerk will keep written records of each candidate’s responses to same.

(b). The Borough Administrator and Assistant Borough Administrator shall examine the personnel jacket of each candidate and give specific weight to each category and grade each candidate on a twenty (20) point scale. The weight of each category of the record review shall be the maximum of the following points in each of the enumerated categories as follows:

Specialized Training (e.g. FBI Academy) 0 to 3 points

Each completed course +1 point to a total of 3 points.

Performance Evaluations 0 to 8 points

All previous performance evaluations shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

2 points if a majority of the evaluations meets expectations

4 points if all evaluations meet expectations

6 points if a majority of the evaluations meets expectations and some exceed expectations

8 points if a majority of evaluations exceeds expectations

Commendations 0 to 3 points

+1 point for each commendation up to maximum of 3 points.

Education

Candidate only gets the point(s) associated with the highest educational degree attained and not the point(s) for each separate education degree.

Associate’s Degree	1 point
Bachelor’s Degree	2 points

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to be given. The announcement shall be posted in common areas of the department accessible to all members. The announcement shall contain, at a minimum, the rank to be filled, the dates of the exams, source materials or reading lists from which exam questions will be taken or topics from which questions will be formulated. Candidates, who qualify, shall notify the Borough Administrator of his or her interest in taking the examination by submitting a letter of interest no later than ten (10) calendar days after the promotion announcement. Failure to do so shall render the officer ineligible to participate in the process.

C. Promotional Testing Procedure:

The promotional testing procedure for the Borough of Madison Police Department may consist of the following: a written examination, an oral examination, a psychological examination, a record review and an interview with the Mayor and Council. The Mayor and Council reserve the right to waive the written examination and/or oral examination by the outside entity and shall so notify any applicant when the initial announcement for the promotional process is posted.

1. **Written Examinations*:** The written examination shall be supplied by a professional testing company, professional law enforcement organization (e.g. State Chiefs of Police Association, International Chiefs of Police Association, etc.) To proceed to the oral examination of the examination procedure, a candidate must achieve a minimum score of seventy (70%) percent on the written examination.

2. **Oral Examinations*:** Candidates will be notified, in writing, of their successful or unsuccessful completion of the written portion of the exam by the Borough Administrator or his designee. The oral examination shall take place after the receipt of the written examination results. A standardized interview will be conducted by an outside agency (e.g. Chiefs of Police Association, International Chiefs of Police Association, etc.) by a Board of three (3) examiners, at least one of which shall be a Personnel Evaluator from the outside testing agency. None of the evaluators shall be an officer, employee, resident or relative thereof, of the Borough of Madison or of any of the candidates. To proceed to the record review and interview portion of the promotional process, a candidate must achieve a minimum score of seventy (70%) percent.

* The testing organization shall assign each candidate an identification number, which shall be the only identification used when the written and oral examination is graded. The identification numbers of all candidates for promotion shall be posted on a pass/fail basis only. A complete master list of the actual results of the written and oral examination shall be placed under seal and retained in the office of the Borough Administrator and shall not be revealed to the Mayor and Council until after the interview and record review of the applicants are complete.

3. **Satisfactory psychological examination and certification** by a Borough selected physician stating that the candidate is able to perform the essential functions of the Police Chief title. Candidates shall not move forward in the promotional process without the completion of a satisfactory psychological examination.

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

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

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

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

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

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

- 1) Chapter 34 of the Code of the Borough of Madison entitled “Police Department” is hereby amended to create new Sections 34-2(D)-(H), which shall provide as follows:

§34-2(D) Promotion to Rank of Police Chief

A. The Borough of Madison Governing Body desires to promote the most qualified candidate to the position of Police Chief. This ordinance establishes the eligibility requirements and the process for promotion to Police Chief. The promotion process shall be on the basis of merit, experience, education, demonstrated ability, psychological examination, competitive examinations and an interview. In accordance with N.J.S.A. 40A:14-129, the promotion of any officer shall be made from the membership of the Madison Police department. No person shall be eligible for promotion to Police Chief unless he or she shall have served as a full-time police officer in the Borough of Madison Police Department for a period of ten (10) years or more. Promotions to the rank of Police Chief shall be open to members of the next lowest rank who have served at least two (2) years in said rank, unless the Mayor and Council, in the best interest of the department, chooses to test a wider pool of candidates, in which case they may open testing to the next lower rank and/or reduce the length of time requirement in rank.

B. The Borough Administrator shall announce the promotional process to members of the department at least thirty (30) days before any written examination is

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Mr. Links moved that Ordinance 36-2012, which the Borough Clerk 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 36-2012 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.

Sam Cerciello, Park Avenue, complimented all Borough staff and volunteers for their work during the storm and noted that Borough Council meetings are not up to date on Cable Television, Channel 21. Mr. Cerciello asked for clarification of pending lawsuits with the Borough.

John Morris, Bedford Court, noted that during the horrific storm, order was kept, things were civil and the downtown has reopened relatively quickly, to return a sense of normal to the community.

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

The Ordinance scheduled for introduction and first reading tonight will have a hearing during the meeting of November 26, 2012 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.

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

ORDINANCE 37-2012

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

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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 75 of the Borough Code entitled “Building Construction” shall be amended as follows:

Section 1. Chapter 75 entitled, “Building Construction”, section 75-2 Building Construction, Definitions is hereby amended to include:

“EARTHWORK”

Any commercial or industrial operation or action connected with excavations and embankments of each in preparing foundations of buildings or the preparation of a site for construction or physical alteration. Earthwork includes and is not limited to excavation and piling of earth in an engineering operation and/or rock removal and physical alteration of terrain.”

Section 2. Chapter 75 entitled, “Building Construction”, Add New Section 75-15 Construction and Demolition Hours, to provide as follows:

“75-15 - Construction and demolition activity, excluding emergency work, shall be performed between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 5:00 p.m. on Saturdays and federal holidays. No commercial work is allowed on Sundays. All motorized equipment used in construction and demolition activity shall be operated with a muffler. No earthwork associated with commercial or industrial construction will be permitted on weekends.

The Uniform Construction Code Official of the Borough of Madison has the authority to extend the aforementioned hours after a determination that the public health, safety and welfare will not be impaired by construction activity and that there is sufficient justification for a waiver.”

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 4. All Ordinances of the Borough of Madison which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect immediately upon final passage and publication as provided by law.

Mayor Conley opened up the public hearing on Ordinance 36-2012. Since no member of the public wished to be heard, the public hearing was closed.

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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 \$2,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$1,999.97 from the General Capital Improvement Fund to purchase one crime scene camera.

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 \$2,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase one crime scene camera.

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 35-2012. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 35-2012, which the Borough Clerk read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Conley declared Ordinance 35-2012 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 36-2012

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 75 OF THE BOROUGH CODE ENTITLED "BUILDING CONSTRUCTION" TO ESTABLISH HOURS FOR CONSTRUCTION AND DEMOLITION ACTIVITY

WHEREAS, the Borough Administrator has recommended amending Chapter 75, of the Borough Code, entitled "Building Construction" to include, a new Section 75-15, entitled "Construction and Demolition Hours"; and

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

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WHEREAS, the Acting Police Chief has recommended that the Borough appropriate \$3,000.00 from the General Capital Improvement Fund to purchase two dispatch chairs; 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 \$3,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$3,000.00 from the General Capital Improvement Fund for the purchase of two dispatch chairs.

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:

SECTION 1: The amount of \$3,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase two dispatch chairs.

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 34-2012. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 34-2012, which the Borough Clerk read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mayor Conley declared Ordinance 34-2012 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 35-2012

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$2,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR
THE PURCHASE OF ONE CRIME SCENE CAMERA**

WHEREAS, the Acting Police Chief has recommended that the Borough appropriate \$2,000.00 from the General Capital Improvement Fund to purchase one crime scene camera; and

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ORDINANCE 33-2012

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$9,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF TWO POLE MOUNTED SPEED MONITOR DEVICES

WHEREAS, the Acting Police Chief has recommended that the Borough appropriate \$9,000.00 from the General Capital Improvement Fund to purchase two pole mounted speed monitor devices; 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 \$9,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$9,000.00 from the General Capital Improvement Fund for the purchase of two pole mounted speed monitor devices.

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:

SECTION 1: The amount of \$9,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase two pole mounted speed monitor devices.

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 33-2012. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 33-2012, which the Borough Clerk read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mayor Conley declared Ordinance 33-2012 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 34-2012

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$3,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF TWO DISPATCH CHAIRS

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ADVERTISED HEARINGS

The Clerk made the following statement:

Ordinance 32-2012 through 35-2012 scheduled for hearing were introduced by title and passed on first reading at a regular meeting of the Council held on October 10, 2012; Ordinance 36-2012 was introduced at the October 22, 2012 Council meeting; all were posted and filed according to law, and copies were made available to the general public requesting same.

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

ORDINANCE 32-2012
ORDINANCE OF THE BOROUGH OF MADISON RESCINDING
ORDINANCE 3-90 AND 5-91 AMENDING CHAPTER 134 ENTITLED
“PARKING LOTS” OF THE BOROUGH CODE TO PROVIDE FOR
PARKING FEES FOR RECREATIONAL VEHICLES

WHEREAS, Ordinance 3-90, adopted March 12, 1990, and Ordinance 5-91 adopted April 8, 1991, established parking fees for recreational vehicles stored at the Borough of Madison Public Works facility; and

WHEREAS, the Borough Administrator has recommended that Ordinance 3-90 and Ordinance 5-91 both be rescinded effective April 1, 2013, due to increase liability to the Borough by permitting residents to park recreational vehicles on Borough owned property.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and the State of New Jersey that Ordinance 3-90 and Ordinance 5-91 be rescinded; and

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

SECTION 1: That Chapter 134, Paragraph (A) of the Borough code be amended to remove Section 134-9 in its entirety.

SECTION 2: This Ordinance shall take effect on April 1, 2013.

Mr. Links moved that Ordinance 36-2012, which the Borough Clerk read by title, be tabled, explaining that further review is necessary. Dr. Esposito seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

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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.**

Lisa Ellis, Britten Avenue, thanked the many Madison employees and volunteers for their help during the storm and noted that she is blessed to live in Madison. Mrs. Ellis noted that children at the Madison Junior School will be participating in programs to 'pay forward' the wonderful contributions residents have made, by working on relief efforts.

Thomas Bintinger, Rolling Hills Court, wished to recognize the efforts of the OEM team and Borough staff, especially their advanced planning. Mr. Bintinger reported that the Library remains open to residents as a warming station.

Fran Boardman, Shadylawn Drive, recognized the efforts of Mr. Landrigan and his exceptional work as OEM Coordinator.

Mayor Conley announced that bus service will be available, beginning tomorrow from Madison to Midtown Manhattan, while the NJ Transit train service is suspended. This service will be available to residents of neighboring towns as well.

AGENDA DISCUSSIONS

11/05/2012-1 HURRICANE SANDY UPDATE/TAX AND UTILITY PAYMENTS
Mayor Conley explained that, due to super storm Sandy, there will be a resolution list on the Consent Agenda granting an extension to pay property taxes from November 15th to November 30th, 2012 and waives all applicable interest charges that would have been levied on delinquent tax and utility payments

Resolution R 265-2012 is listed on Consent Agenda.

11/05/2012-2 POLICE DEPARTMENT PROMOTIONAL ORDINANCE
Mr. Giacobbe provided information regarding a proposed Police Department promotional ordinance, noting that the ordinance address all ranks and sets rules and regulations so they are clear. Mrs. Tsukamoto noted how important to have a well thought out process for promotions with an emphasis on employee performance. There was agreement to list the proposed ordinance for introduction.

Ordinance 37-2012 is listed for Introduction.

11/05/2012-3 BUSINESS PERSONAL PROPERTY TAXES
Mrs. Vitale noted new legislation brought about by a court case between Verizon and the Township of Hopewell, explaining that the result is a loss of revenue to over 100 municipalities of more than eight million dollars. Following discussion there was agreement to list a resolution supporting A-3393/S-2324, legislation which would clearly identify the telecommunications carriers subject to taxation on their business personal property and remove the budget uncertainty caused by Verizon's obfuscation.

Resolution R 263-2012 is listed on Consent Agenda.

Regular Meeting Minutes – November 5, 2012

Mr. Landrigan, in his role as Office of Emergency Management Coordinator, provided a report on the storm damage and cleanup efforts, noting that an estimated cost will be in excess of \$20,000,000.00, with 30 homes sustaining major damage, more than 100 homes with minor damage and over 2500 others suffering storm related harm. Mr. Landrigan was happy to report no death or injuries occurred. During the storm all major roads were blocked and many secondary roads as well, but by Wednesday, all roads within the Borough have been cleared. By Thursday, eighty-five percent of the electric infrastructure has been restored. Mr. Landrigan thanked Electric Utility Superintendent Michael Piano and his crew for their efforts. Mr. Landrigan noted that Morris County has been declared a disaster area. Mr. Landrigan thanked members of the Police and Fire Departments as well as Mr. Codey and Mr. Burnet for their efforts. Mr. Landrigan thanked Fran Boardman and her daughter manning the emergency telephone lines.

REPORTS OF COMMITTEES

Public Safety

Mrs. Tsukamoto, Chair of the Committee, made the following comments:
Mrs. Tsukamoto thanked employees and volunteers for their efforts, before, during and after the storm. Mrs. Tsukamoto asked that residents remember the impact the storm has on blood supplies and asked, that if you are able, to donate blood.

Utilities

Dr. Esposito, Chair of the Committee, made the following comments:
Dr. Esposito reported that electric crews from out of state as well as tree trimming companies have been assisting with repairs. Central Jersey Power & Light crews have been working with Madison Electric crews as well. Dr. Esposito stated that Madison's water supply is safe.

Public Works and Engineering

Mr. Links, Chair of the Committee, no report.

Finance and Borough Clerk

Mr. Catalanello, Chair of the Committee, made the following comments:
Mr. Catalanello reported that Madison polling locations will be open for the General Election, tomorrow, from 6:00 a.m. to 8:00 p.m.

Community Affairs

Mr. Landrigan, Chair of the Committee, made a report earlier.

Health & Public Assistance

Mrs. Vitale of the Committee made the following comments:
Mrs. Vitale noted that the Madison Health Department has remained open as a warming station, and thanked Health Officer Lisa Gulla and her staff for their assistance in preparing meals for residents. Mrs. Vitale thanked Mr. Landrigan and Acting Chief Darren Dachisen for their work as OEM coordinators, as well as, all the responders and volunteers, who spent each night at the OEM headquarters.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

The Mayor and Council received twenty-eight (28) storm related emails.

Regular Meeting Minutes – November 5, 2012

LABOR NEGOTIATIONS
CHATHAM BOROUGH HEALTH SERVICES
MRC FENCING

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

LITIGATION MATTERS (2)
BOARD OF HEALTH
PROPERTY TAX APPEAL

Date of public disclosure 60 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 August 13, 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 August 13, 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:
Two weeks ago, the Borough received reimbursement from FEMA for last year's October storm and now, in this past week, Superstorm Sandy has had an incredible impact on our region. Mayor Conley noted volunteers and employees tireless efforts during and after the storm and noted that they will be recognized at a future Council meeting. Madison showed its best during this trying time. Mayor Conley thanked the Police and Fire Department staff and members of the Electric Utility and Public Works Department who continue the clean up.

Employee of the Month for November:

Police Officer Michael Minni of the Madison Police Department for his assistance to a handicapped driver in changing his tire at night. The driver sent a letter to the Borough expressing his gratitude for Officer Minni's courteous assistance.

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

November 5, 2012 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 5th day of November, 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 August 13, 2012

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

CONTRACT MATTERS (6)

REVALUATION

AFFORDABLE HOUSING TRUST FUND

GVRS UPDATE