

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

March 10, 2014 - 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 March, 2014. Mayor Conley called the meeting to order at 7:00 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 2, 2014. 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:

Robert G. Catalanello

Robert Landrigan

Carmela Vitale

Astri J. Baillie

Benjamin Wolkowitz

Patrick W. Rowe, joined the Council meeting at 9:35 p.m.

Also Present:

Raymond M. Codey, Borough Administrator

James E. Burnet, Assistant Borough Administrator

Elizabeth Osborne, Borough Clerk

Matthew J. Giacobbe, Esq. Borough Attorney

AGENDA REVIEW

There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Mr. Landrigan moved:

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

MINUTES FOR APPROVAL (1)

none

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

CONTRACT MATTERS (4)

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LOCAL RISK MANAGEMENT POLICY
PROJECT COMMUNITY PRIDE
PBA NEGOTIATIONS
NATIONAL TERMINAL. INC.

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

LITIGATION MATTERS (2)
TAX APPEAL – 12 DELLWOOD PARKWAY EAST
FDU TAX CANCELLATION

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

PERSONNEL MATTERS (1)
PART-TIME CLERK-UTILITY BILLING OFFICE

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

Seconded: Mr. Catalanello
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

None

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

EMPLOYEES OF THE MONTH:

P. O. Luis Goncalves and Sgt. Joseph Longo of the Madison Police Department for their assistance to a 95-year old resident whose only contact with the outside world, her phone, stopped working. The officers purchased a phone for the resident, installed it, transferred the contacts from her old phone, and instructed the resident on the use of the new phone. Service above and beyond the call of duty.

Russ Brown, Construction Official, for his assistance to the Madison Police Department in the expansion of their evidence room. With his expertise, a doorway was cut into an existing masonry wall, a door frame and metal gate were installed and the evidence room was expanded into an existing storage area, thereby saving thousands of dollars in construction costs for this project.

ANNIVERSARIES:

25th Anniversary - Robert Kalafut , CFO, on March 1st.

25th Anniversary - Christine Shesler, of the Health Department, on March 1st.

PROCLAMATIONS

Mayor Conley read a proclamation for the Colorectal Cancer Awareness Month of March.

*Proclamation
of the
Borough of Madison
Proclaiming
Colorectal Cancer Awareness Month
March 2014*

WHEREAS, colorectal cancer is the third most commonly diagnosed cancer and the second most common cause of cancer deaths for men and women in the United States and New Jersey; and

WHEREAS, colorectal cancer affects men and women equally and every year there are over 150,000 new cases diagnosed with a death rate of over 50,000; and

WHEREAS, colon cancer accounts for over 10.1% of all cancer cases and deaths in Morris County; and

WHEREAS, only 39 percent of colorectal cancer patients have their cancers detected at an early stage; and

WHEREAS, the survival rate of individuals who have early stage colorectal cancer is 90 percent which is why there are over one million colon cancer survivors in the United States; however, five percent of those diagnosed later will have cancer spread to other organs; and

WHEREAS, if the majority of people in the United States age 50 or older were screened regularly for colorectal cancer, the death rate from this disease could plummet by up to 70 percent; and

WHEREAS, colorectal cancer is preventable, treatable, and beatable in most cases;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, proclaim the month of March 2014 as **Colorectal Cancer Awareness Month** to provide a special opportunity to offer education on the importance of early detection and screening.

Robert H. Conley Mayor

March 10, 2014

A proclamation for the Madison Young Playwrights Theatre Month for month of March was presented to Marketing Manager, Jennifer DeWitt and young Playwrights.

*Proclamation
of the
Borough of Madison*

*Proclaiming March 2014 as
Madison Young Playwrights Month
at
Playwrights Theatre
Madison, New Jersey*

Whereas, Playwrights Theatre, founded in 1986, has nurtured creative writing skills for all ages through the New Jersey Writers Project, a co-sponsored program of the New Jersey State Council on the Arts/Department of State; and

Whereas, Playwrights Theatre has produced performances and offered new plays to local and statewide audiences as a result of its dedication to prospective playwrights; and

Whereas, Playwrights Theatre, brings a unique program to the community through its local in-school playwriting initiative, the Madison Young Playwrights Program; and

Whereas, Playwrights Theatre will present performances of student-written work during the Madison Young Playwrights Festival, to be presented in schools on March 19th, March 20th and March 28th; and

Whereas, Playwrights Theatre has continually received a positive response from students, teachers, and parents for its effectiveness in working with all students, many of whom have realized the benefits of self-discovery and expression through playwriting;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim March 2014 as **MADISON YOUNG PLAYWRIGHTS MONTH**. In so doing, I extend very best wishes to Playwrights Theatre and to all young writers within our community for continued growth and success. Further, I encourage the public's participation to attend performances and commend our young playwrights for their creativity and artistry.

Robert H. Conley Mayor

March 10, 2014

Mayor Conley presented a proclamation welcoming the 2014 Special Olympics U.S.A. Games to New Jersey was presented to Betty Lunn, Area 3 Director of

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Morris/Sussex/Warren Counties Special Olympics, Frank Shapiro, Member of the Special Olympics Committee, and Peggy Cox, Special Education Teacher at Madison High School along with Special Olympics athletes from Madison High School and Madison Junior School.

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

2014 Special Olympics U.S.A. Games to New Jersey

WHEREAS, Special Olympics is an international organization that unleashes the human spirit through the transformative power and joy of sports every day around the world; and

WHEREAS, through work in sports, health education and community building, Special Olympics is addressing inactivity, injustice, intolerance and social isolation by encouraging and empowering people with intellectual disabilities, which leads to a more welcoming and inclusive society; and

WHEREAS, founded in 1968 by Eunice Kennedy Shriver, the Special Olympics movement has grown from a few hundred to nearly 4.2 million athletes in over 170 countries; and

WHEREAS, with the support of more than one million coaches and volunteers, Special Olympics is able to deliver 32 Olympic-type sports and more than 70,000 competitions throughout the year, in national and international competitions; and

WHEREAS, New Jersey has been selected to host the 2014 Special Olympics USA Games, which will take place June 14 – 21, 2014, with venues throughout Mercer County including Princeton University, Rider University, The College of New Jersey, the Lawrenceville School, the Hun School of Princeton, the Peddie School, the Sun National Bank Center and Mercer County Park, and Brunswick Zone-Carolier in Middlesex County, following the Opening Ceremony at Prudential Center in Newark; and

WHEREAS, the 2014 USA Games will feature nearly 3,500 athletes competing in 16 Olympic-style sports, with the support of 1,000 coaches, 10,000 volunteers and an estimated 70,000 family, friends and spectators; and

WHEREAS, the 2014 USA Games will showcase 270 Special Olympics athletes from New Jersey competing in this national event;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, whole-heartedly support the work of Special Olympics and we welcome to New Jersey all the athletes, families, coaches, officials and volunteers, who will make these 2014 USA Games a tremendous success and congratulate all who live by the motto of Special Olympics: “Let me win, but if I cannot win, let me be brave in the attempt.”

Robert H. Conley Mayor

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REPORTS OF COMMITTEES

Health

Mr. Landrigan of the Committee made the following comments:

The Health Department encourages residents to have colon/rectal cancer screenings. Please contact your own physician or contact the Health Department for more information.

Public Works and Engineering

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

The Public Works Department has been busy filling pot holes, using more than 15 tons of material thus far this season. There is significant ice build up on the synthetic turf fields which should resolve itself with some warm weather. The bid opening for the 2014 Road Improvement Program is scheduled for Thursday March 13th at 10:00 a.m.. The project includes reconstruction of Academy Road, Belmont Avenue, part of North Street, Pine Tree Terrace, Durwood Place, Fletcher Place as well as, part of Niles Avenue, Vinton Road and Wilson Lane, for a total of nine street segments. Construction plans and specifications for the East Street parking lot improvements are being complete by staff and the bid schedule anticipates a public bid opening on or about May 15th for the project. Mr. Catalanello also reported that the Sewer Main Lining Bid documents are being produced in-house with a similar anticipated bid opening in May of this year. The level controls at the Candlewood Pump Station have been replaced with more modern equipment. Staff has ordered new motor start controls with a dry pit submersible motor to replace vertical shaft motors and pumps and at the Treadwell Pump Station improvements to the generator and an upgraded gas main are planned for this location. Several improvements regarding concrete, manholes, and above ground controls will also move forward. A metering device at Brooklake Road is being maintained to record Madison effluent treated at the Madison Chatham Joint Meeting. Actual flow monitoring for January and February has been conveyed to the Joint Meeting. Mr. Catalanello noted that the Madison Athletic Foundation has started its biannual raffle for this May, stating that a maximum of 2000 tickets will be sold at a cost of \$100.00 per ticket. Please contact any MAF member to purchase a ticket.

Utilities

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

The Water Department continues repairs at Well A, as well as mark outs for utility and builder reconstruction. Winter maintenance at all Wells continues. Water sampling is routine and Stage 2 testing is ongoing. The Electric Department is concentrating on new 3 phase service to the new apartment building at 21 Central Avenue.

Public Safety

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

The Madison Fire Department reminds residents to change the batteries in smoke and CO detectors, when setting clocks for Day Light Saving time. The Police Department reports responding to 2891 calls during the month of February including motor vehicle crashes and stops, 215 summonses have been issued and 20 arrests made. The Police monitored 120 radar posts and responded to 57 alarm activations, as well as checking on the welfare of citizens and responding to 27 animal and 16 utility complaints. The Police Department staff continues to attend various training classes. Lieutenant Joseph Cirella has just marked his 25th anniversary with the Police Department.

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Finance and Borough Clerk

Mr. Wolkowitz, Chair of the Committee, made the following comments:
Mr. Wolkowitz provided information regarding the New Jersey Clean Energy Program as highlighted in a recent *Madison Eagle* article. Residents are encouraged to take advantage of a low interest and rebate program for energy upgrades to their homes.

Community Affairs

Mr. Rowe, Chair of the Committee, absent.

CAP BANK ORDINANCE

Mayor Conley calls up Ordinance 4-2014 for first reading and asked the Borough Clerk to read said ordinance by title:

ORDINANCE 4-2014

CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Madison in the County of Morris finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.0 % increase in the budget for said year, amounting to \$ 527,255 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Madison, in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Borough of Madison shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$615,131 and that the CY 2014 municipal budget for the Borough of Madison be approved and adopted in accordance with this ordinance; and,

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BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mr. Wolkowitz moved that Ordinance 4-2014, which the Borough Clerk read by title, be adopted. Mr. Landrigan seconded the motion.

Borough of Madison Chief Financial Officer, Robert Kalafut explained the recommendation to establish a cap bank by the introduction of Ordinance 4-2014.

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

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

Nays: None

Absent: Mr. Rowe

BUDGET INTRODUCTION

Statement by Borough Clerk:

Upon introduction and adoption, the 2014 Budget and Tax Resolution will be published by summary in the Madison Eagle on March 27, 2014 with a public hearing date set for April 14, 2014 at 8 p.m. in the Council Chamber, Hartley Dodge Memorial, 50 Kings Road, at which time and place all interested individuals will have an opportunity to be heard, and there will be consideration for final adoption. A copy of the budget as introduced will be filed with the Madison Public Library and the County Library for public review.

***R 83-2014* RESOLUTION OF THE BOROUGH OF MADISON ADOPTING 2014 BUDGET AND TAX RESOLUTION**

Mr. Wolkowitz moved that Resolution R 83-2014, which the Borough Clerk read by title, be adopted. Mr. Landrigan seconded the motion.

Mr. Burnet provided a statement of the proposed Municipal Budget for 2014, noting a zero percent increase, with no decrease in services. Mr. Dave Evans of the auditing firm, Nisivoccia, explained that for 2014, the Borough will conduct a self examination of the budget. Mr. Evans noted the strong financial performance of the municipality. Mayor Conley asked for comments from the governing body. Mr. Wolkowitz noted key aspects of the proposed budget including an increase in the amount of funds allocated for capital projects and no reduction in staff or services. Mr. Wolkowitz proposed a rebate program for resident senior citizens, noting he hopes to have the program in place by mid-year. Mr. Wolkowitz thanked Mr. Burnet and Mr. Kalafut for their work on the proposed municipal budget. Mr. Landrigan stated that he has heard from residents that roadways need repairs, and that he supports the proposed budget. Mr. Landrigan stated that he wishes to see if future

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changes in the purchasing of electricity in the next year will have an impact before reducing rates. Mr. Catalanello provided a letter from Council member Rowe to add to the record. Mr. Catalanello raised concern regarding increasing electric rates and recommends maintaining capital expenditures but including an electric rate reduction for all utility users. Mr. Catalanello urged a need to control spending. Mr. Catalanello asked that the introduction of the budget be tabled until utility rate reductions can be more thoroughly reviewed. Mrs. Vitale noted her support of the proposed zero percent increase in the municipal budget. Mrs. Vitale has looked at the history of the electric utility and suggested that using surplus is appropriate for capital expenditures. Ms. Baillie offered that a healthy surplus should be used for capital expenditures and that she supports the proposed budget. Ms. Baillie thanked Administration for their work on the proposed budget. Mr. Catalanello read a statement provided by Mr. Rowe, noting several reasons for not supporting the proposed budget. Mr. Rowe recommends introduction of a budget that would include significant electric rate cuts for residents and a sustainable operating budget that does not rely on increasing transfers from the electric utility. Mayor Conley noted the good sharing of thoughts on the budget this evening, and stated that only eight other communities in New Jersey can have these discussions, regarding an electric utility. Mayor Conley suggested conversations in the fall regarding a new rate structure for the electric utility.

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

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

Nays: Mr. Catalanello

Absent: Mr. Rowe

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

Email received February 3, 2014 from David Arthur, Ferndale Road regarding the proposed municipal budget.

Mr. Rowe joined the Council meeting at 9:35 p.m.

INVITATION FOR DISCUSSION (1 of 2)

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

Sam Cerciello, Park Avenue, offered suggestions regarding reduction of the municipal budget, suggesting the Board of Education occupy part of the Hartley Dodge Memorial Building.

Thomas Bintinger, Rolling Hills Court, offered his support of the introduced municipal budget and thanked the Administration for their efforts.

Sam DeMarzo, Ridgedale Avenue, noted he attends the Council meeting for those residents who do not attend and raise concern regarding the proposed municipal budget suggesting lower utility rates and lower tax rates.

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Jerry Stevenson, Ardsleigh Road, raised concern regarding the introduced budget.

Dave Arthur, Ferndale Road, suggested there is a better way to budget other than drawing down municipal surplus. Mr. Arthur suggested cutting salaries and employee health insurance. Mr. Arthur asked that the Council consider another proposed budget.

AGENDA DISCUSSIONS

03/10/2014-1 APPROPRIATE \$16,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR EMERGENCY BOILER REPLACEMENT AT THE DPW GARAGE

Mr. Burnet explained the urgent situation regarding repair of the boiler at the Public Works garage. There was no objection to listing an ordinance for introduction.

Ordinance 5-2014 is listed for introduction.

ADVERTISED HEARINGS- NONE

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.

Since no member of the public wished to be heard, the invitation for discussion was closed.

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 March 24, 2014 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 Ordinance 5-2014 for first reading and asked the Clerk to read said ordinance by title:

ORDINANCE 5-2014 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$16,000.00 FROM THE GENERAL CAPITAL
IMPROVEMENT FUND FOR REPLACEMENT OF THE DEPARTMENT OF
PUBLIC WORKS BOILER

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WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$16,000.00 from the General Capital Improvement Fund for replacement of the Department of Public Works Boiler; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in the General Capital Improvement Fund in an amount not to exceed \$16,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$16,000.00 from the General Capital Improvement Fund for replacement of the Boiler.

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 \$16,000.00 is hereby appropriated from the General Capital Improvement Fund for the replacement of the Boiler.

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. Catalanello moved that Ordinance 5-2014, which the Borough Clerk read by title, be introduced. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mr. Landrigan moved adoption of the Resolutions listed on the Consent Agenda. Mr. Catalanello seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

R 84-2014 SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division

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of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Madison has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2014 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Madison that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

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BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

R 85-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING TRANSFER OF 2014 LIVERY OWNER'S LICENSE FOR PRECISE LIMOUSINE TRANSPORT SERVICE, LLC

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

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

WHEREAS, Precise Limousine Transport Service, LLC, has made application to transfer Livery Owner's License No. 14-11 to a substitute vehicle and, at the same time, has provided proof of insurance and paid the appropriate transfer fee;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, to approve the license transfer request from Precise Limousine Transport Service, LLC.

R 86-2014 RESOLUTION OF THE BOROUGH OF MADISON, COUNTY OF MORRIS, STATE OF NEW JERSEY APPOINTING A CERTIFYING OFFICER TO PJM INTERCONNECTION, L.L.C. AND ADOPTING THE REQUIRED RISK MANAGEMENT PLAN

WHEREAS, the Borough of Madison, as a member of the Public Power Association of New Jersey ("PPANJ"), is a member of PJM Interconnection, L.L.C. ("PJM"); and

WHEREAS, PJM is the regional transmission organization that coordinates the movement of wholesale electricity in all or parts of 13 States and the District of Columbia; and

WHEREAS, as part of the Minimum Participation Criteria established by PJM each participant must annually file an Officer Certification Form; and

WHEREAS, in addition to several items attested to in the form, the Certifying Officer must certify that each participant in PJM markets has in place a risk management policy; and

WHEREAS, the PPANJ has adopted a risk management policy for adoption by each member of the PPANJ that participates in the PJM markets;

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NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Madison that the Borough Administrator, Assistant Borough Administrator and Chief Financial Officer are hereby authorized to act as certifying officer for the purpose of submitting the PJM Officer Certification Form and that the attached risk management policy, included and made part hereof, is hereby adopted.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Executive Director of the PPANJ.

R 87-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE FARMERS' MARKET FOR 2014

WHEREAS, the Downtown Development Commission has recommended to the Borough Council that the Farmers' Market be continued in the Borough of Madison to be held on Green Village Road from Thursday, June 5, 2014 to October 16, 2014; and

WHEREAS, the Borough Council recognizes that the Farmers' Market has been a welcome addition to the Borough in that it creates another community event which has been successfully run in the past;

WHEREAS, the Borough Council finds that it is a benefit to the Borough of Madison and its citizens to allow the continued operation of the Farmers' Market; and

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

1. A Farmers' Market is authorized to be conducted on Green Village Road from Thursday, June 5, 2014 to October 16, 2014.
2. The Farmers' Market shall be conducted in accordance with the 1993 "Guidelines for Madison's Farmers' Market", as amended, as well as the Madison Farmers' Market Regulations and By Laws, subject to the dates and times and other conditions set forth in this resolution. Farmers shall be allowed to sell agricultural products that are produced and sold on their farms, including eggs, pork, wheat flour and baked goods and the sale of field-grown and cut field flowers; however, the sale of potted plants, shrubbery or other landscaping products shall not be permitted.
4. The requirements of the Peddling and Soliciting Ordinance (Chapter 139 of the Madison Borough Code) shall not apply to the Farmers' Market as authorized by Chapter 139-13(c).

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5. The requirements of the Sign Ordinance (Chapter 195 of the Madison Borough Code) shall not apply to the extent that the Farmers' Market shall be permitted to have signs as utilized in previous years;

6. The requirements of the Parking Ordinance (Chapter 195 of the Madison Borough Code) shall not apply to the extent that there shall be two (2) hour parking during market hours in areas denoted as one hour parking;

7. The requirements of the Sidewalk and Outside Dining Ordinance (Chapter 195 of the Madison Borough Code) shall not apply to the extent that merchants shall be allowed to have additional tables and displays on the sidewalks during market hours.

R 88-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SETTLEMENT OF THE 2012 AND 2013 TAX APPEALS ENTITLED REETH, GEORGE P. JR./THERESA V. BOROUGH OF MADISON, DOCKET NOS. : 008952-2012 AND 001151-2013 OF THE TAX ASSESSMENT OF BLOCK 4903, LOT 13, KNOWN AS 12 DELLWOOD PARKWAY EAST, IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

WHEREAS, an appeal of the real property tax assessment for tax years 2012 and 2013 involving Block 4903, Lot 13, has been filed by the Taxpayer, Reeth, George P. Jr. /Theresa; and

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

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

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

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

12 Dellwood Parkway East
Year 2012

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 619,000	N/A	\$ 619,000
Imprvts:	\$ 615,000	N/A	\$ 615,000
Total:	\$ 1,234,000	N/A	\$ 1,234,000

2. Settlement of the 2013 tax appeal is hereby authorized as follows:

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12 Dellwood Parkway East
Year 2013

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 737,400	N/A	\$ 737,400
Imprvts:	\$ 1,597,400	N/A	\$ 1,465,300
Total:	\$ 2,334,800	N/A	\$ 2,200,000

3. The provisions of the N.J.S.A. 54:A-8 (Freeze Act) are hereby applicable to the Taxpayer's 2014 Assessment only

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

R 89-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CANCELLATION OF REAL PROPERTY TAX PAYMENT

WHEREAS, the Tax Collector has recommended approval of a property tax cancellation of the 2014 taxes on property located at 285 Madison Avenue, block 101, lot 6 per an Agreement for Payment in Lieu of Taxes between the Borough of Madison and Fairleigh Dickinson University dated February 7, 2014; and

WHEREAS, the Council has determined to cancel said taxes thereon.

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 tax collector is authorized to cancel the 2014 property taxes thereon in lieu of payment regarding block 101, lot 6.

R 90-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING ON-LINE AUCTION OF SURPLUS PROPERTY BY THE MADISON POLICE DEPARTMENT WITH PROPERTYROOM.COM

WHEREAS, the Borough of Madison has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, the Local Unit Electronic Technology Pilot Program and Study Act (P.L. 2001, c.30) authorizes the sale of surplus property no longer needed for public use through the use of an online auction services; and

WHEREAS, the Borough of Madison intends to utilize the online auction services of PropertyRoom.com located at www.propertyroom.com; and

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WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9.

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 is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled www.propertyroom.com.

BE IT FURTHER RESOLVED that the terms and conditions of the agreement entered into between PropertyRoom.com and the Borough of Madison are available at www.propertyroom.com and in the Borough Clerk's office.

BE IT FURTHER RESOLVED that a certified copy of the within Resolution be forwarded by the Borough Clerk to the State of New Jersey Division of Local Government Services.

R 91-2014 RESOLUTION OF THE BOROUGH OF MADISON TERMINATING THE PURCHASE ORDER/CONTRACT TO RIGGINS, INC. OF MILLVILLE, NEW JERSEY AND RATIFYING AN AWARD OF A CONTRACT WITH NATIONAL TERMINAL, INC. OF NEWARK, NEW JERSEY FOR ULTRA LOW SULFUR DIESEL FUEL UNDER THE NEW JERSEY STATE COOPERATIVE CONTRACT

WHEREAS, the Borough of Madison authorized entry into a contract for ultra low sulfur diesel fuel with Riggins, Inc., for a one year term, which contract was authorized by Resolution R 39-2014; and

WHEREAS, the Borough of Madison now desires to ratify an award of a purchase/order contract for Ultra Low Sulfur Diesel Fuel with a new authorized vendor under the State Co-Operative Pricing Council program; and

WHEREAS, the purchase of goods and services by a local contracting unit is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-10, et seq.; and

WHEREAS, National Terminal, Inc. of Newark, New Jersey has been awarded the State Co-Operative Pricing Council Contract #82768 for Ultra Low Sulfur Diesel Fuel and

WHEREAS, the Superintendent of Public Works has recommended that the Borough Council utilize this contract for the purchase of Ultra Low Sulfur Diesel Fuel in the amount of \$100,000.00; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$100,000.00 for this purpose, which are in the 2014 Gasoline Budget# 460, account 421. This is contingent upon the adoption of the 2014 Municipal Budget.

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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 previous contract for Ultra Low Sulfur Diesel Fuel with Riggins, Inc. of Millville, New Jersey is terminated and a purchase order/contract be awarded to National Terminal, Inc. of Newark, New Jersey, for Ultra Low Sulfur Diesel Fuel, at a total price not to exceed \$100,000.00 under the New Jersey State Co-Operative Pricing Council Contract #82768 Ultra Low Sulfur Diesel Fuel and same is hereby ratified and approved.

R 92-2014 RESOLUTION OF THE BOROUGH OF MADISON GRANTING “LIGHT IT UP BLUE” CAMPAIGN PERMISSION TO PUBLICIZE APRIL AS AUTISM AWARENESS MONTH

WHEREAS, Jaime B. Conroy on behalf of “Light It Up Blue”, requests permission to decorate Waverly Place blue from April 1, 2014, to April 30, 2014, in support of the “Light It Up Blue” campaign to raise awareness during “Autism Awareness Month;” and

WHEREAS, the Borough Council has determined to grant this request.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the request to decorate Waverly Place in blue from April 1, 2014, to April 30, 2014, in support of the “Light It Up Blue” campaign to raise awareness during “Autism Awareness Month” is hereby approved with final plans to be reviewed and approved by the Borough Administrator and with the understanding that the ribbons will be removed by organizers of the program no later than May 9, 2014.

R 93-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING ST. BALDRICK’S CHILDRENS’ CANCER EVENT AT WAVERLY PLACE ON SUNDAY, MARCH 30, 2014

WHEREAS, Tom Selquist has applied for special permission to close Waverly Place on Sunday, March 30, 2014, from 2:00 p.m. to 5:00 p.m.; and

WHEREAS, the Council has determined that special permission should be issued provided that Mr. Selquist complies with all requests from the Police Department and Health Department.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey, that special permission is

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authorized to close Waverly Place on Sunday, March 30, 2014 from 2:00 p.m. to 5:00 p.m. subject to compliance with requests from Borough officials.

R 94-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF TAXI DRIVER'S PERMIT FOR MADISON STATION TAXI, LLC, APPLICATION DATED FEBRUARY 25, 2014

WHEREAS, an application for renewal of taxi driver's permit dated January 16, 2014 was received by the Borough Clerk and

WHEREAS, the Borough of Madison denied application for Taxi-Livery driver's permit on February 10, 2014 as per resolution R 67-2014 and

WHEREAS, in accordance with N.J.S.A. 2A:168A-2, the applicant was provided with a written explanation based upon consideration of the factors enumerated and

WHEREAS, the Chief of Police met with the applicant and recommended applicant attend a defensive driving course and certain corrections be made on his application and

WHEREAS, the applicant made the recommended changes to his application and attended a defensive driving course and

WHEREAS, the application was resubmitted on February 25, 2014 to the Borough Clerk and the Chief of Police approved the February 25, 2014 application.

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 following Taxi Driver's Permit be renewed for the year 2014 as follows:

LICENSE NO.

14-4D

NAME

Bernardo S. Brun

R 95-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF TAXI OWNER'S LICENSE FOR MADISON STATION TAXI LLC FOR 2014

BE IT RESOLVED, BY THE COUNCIL OF THE BOROUGH OF MADISON, COUNTY OF MORRIS, STATE OF NEW JERSEY, THAT THE FOLLOWING TAXI OWNER'S LICENSE RENEWAL BE APPROVED FOR THE YEAR 2014.

LICENSE NO.

14-17

NAME

BERNARDO S. BRUN
MADISON STATION TAXI, LLC
(FORMERLY MADISON SQUARE TRANSPORTATION)
P.O. BOX 351, MADISON, NJ

VEHICLE

1 TAXI

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R 96-2014 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING MARY SCHULTZ TO THE POSITION OF OFFICE ASSISTANT, PART-TIME IN THE WATER AND ELECTRIC DEPARTMENT

WHEREAS, the Chief Financial Officer recommends the appointment of Mary Schulz to the position of Office Assistant, Part-Time in the Water and Electric Department, upon satisfactory completion of a background check; and

WHEREAS, the Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that Mary Schulz is hereby appointed to the position of Office Assistant, Part-Time In the Water and Electric Department upon satisfactory completion of a background check, at an hourly rate of \$15.00 for 29 hours per week.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mr. Landrigan, seconded by Mr. Catalanello 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	\$23,458.37
Health & Public Assistance	1,900.39
Public Works & Engineering	243,904.43
Community Affairs	5,465.00
Finance & Borough Clerk	160,524.93
Utilities	<u>68,295.69</u>
Total	<u>\$503,548.81</u>

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

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

Nays: None

NEW BUSINESS

Mayor Conley announced the following appointment and requested Council confirmation:

SHADE TREE MANAGEMENT BOARD

Lauren Hagerstrom, of 6 Dogwood Drive, as Alt. #1 for the unexpired five year term through December 31, 2015

Mr. Rowe moved confirmation of the foregoing appointment. Ms. Baillie seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

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ADJOURN AND RECONVENE EXECUTIVE SESSION

There being no further business to come before the Council, the meeting was adjourned at 9:50 p.m. and the Executive Session immediately reconvened.

RECONVENE AND ADJOURN

The Regular Meeting reconvened at 10:15 p.m. and immediately adjourned.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved May 28, 2014 (EO)