

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

**May 23, 2016 – 6 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 23rd day of May, 2016. Acting Mayor Wolkowitz called the meeting to order at 6:00 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 8, 2016. 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:

Absent: Mayor Robert H. Conley, excused

Council Members:

Robert G. Catalanello

Carmela Vitale

Astri J. Baillie

Benjamin Wolkowitz

Patrick W. Rowe

Absent: Robert Landrigan, excused

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. Catalanello moved:

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

MINUTES FOR APPROVAL (1)

April 25, 2016

May 9, 2016

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

PERSONNEL MATTERS (4)

POLICE SERGEANT INTERVIEWS

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POLICE CHIEF COMPENSATION  
DEPUTY COURT ADMINISTRATOR  
PUBLIC WORKS DEPARTMENT

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

Seconded: Mr. Rowe  
Vote: Approved by voice vote

**RECONVENE IN COUNCIL CHAMBER**

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

Acting Mayor Wolkowitz asked for a moment of silence for Lt. Joseph Franklin, a retired member of the Roxbury Police Department, killed in an accident during the recent Police Unity Bicycle Tour.

**APPROVAL OF MINUTES**

Ms. Baillie moved approval of the **Executive Minutes of April 25, 2016**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Regular Meeting Minutes of April 25, 2016**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Executive Minutes of May 9, 2016**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Regular Meeting Minutes of May 9, 2016**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

**GREETINGS TO PUBLIC**

**Proclamation**

Acting Mayor Wolkowitz read the following Proclamation:

**Proclamation  
of the  
Borough of Madison  
Proclaiming**

**NATIONAL GUN VIOLENCE AWARENESS DAY  
June 2, 2016**

**WHEREAS**, every day, 91 Americans are killed by gun violence and countless others are injured; and

**WHEREAS**, Americans are 25 times more likely to be murdered with guns than people in other developed countries; and

**WHEREAS**, protecting public safety in the communities they serve is the highest responsibility of mayors; and

**WHEREAS**, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from dangerous people; and

**WHEREAS**, mayors and law enforcement officers know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and

**WHEREAS**, June 2, 2016 would have been the 19th birthday of Hadiya Pendleton, a teenager who marched in President Obama's second inaugural parade and was tragically shot and killed just weeks later; and

**WHEREAS**, to help honor Hadiya – and the 91 Americans whose lives are cut short and the countless survivors who are injured by shootings every day – a national coalition of organizations has designated June 2, 2016 as the second annual National Gun Violence Awareness Day; and

**WHEREAS**, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods and orange is a color that symbolizes the value of human life; and

**WHEREAS**, anyone can join this campaign by pledging to Wear Orange on June 2nd to help raise awareness about gun violence and to honor the lives and lost human potential of Americans stolen by gun violence; and

**WHEREAS**, we renew our commitment to reduce gun violence, pledge to do all we can to keep firearms out of the wrong hands and encourage responsible gun ownership to help keep our children safe;

**NOW, THEREFORE**, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim June 2, 2016 as **National Gun Violence Awareness Day** and encourage all citizens to support their local

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communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

Robert H. Conley, Mayor  
May 23, 2016

**Swearing In Ceremony – Lieutenants Joseph Longo and John Miscia  
Police Officers Travis Daniel and Ryan Dunn**

Acting Mayor Wolkowitz asked for a motion. Mrs. Vitale moved that the Resolutions 167-2016 and 168-2016 be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Landrigan

R 167-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING APPOINTMENT OF SERGEANT JOSEPH M. LONGO AS LIEUTENANT IN THE MADISON POLICE DEPARTMENT EFFECTIVE MAY 23, 2016

**WHEREAS**, the Borough Council, after due consideration, has determined to appoint Sergeant Joseph M. Longo to the position of Lieutenant in the Madison Police Department effective May 23, 2016;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Joseph M. Longo is hereby appointed to the position of Lieutenant in the Madison Police Department, effective May 23, 2016, to be compensated in accordance with the Superior Officers Collective Bargaining Agreement.

R 168-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING APPOINTMENT OF ACTING LIEUTENANT JOHN R. MISCIA AS LIEUTENANT IN THE MADISON POLICE DEPARTMENT EFFECTIVE MAY 23, 2016

**WHEREAS**, the Borough Council, after due consideration, has determined to appoint Acting Lieutenant John R. Miscia to the position of Lieutenant in the Madison Police Department effective May 23, 2016;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that John R. Miscia is hereby appointed to the position of Lieutenant in the Madison Police Department, effective May 23, 2016, to be compensated in accordance with the Superior Officers Collective Bargaining Agreement.

Acting Mayor Wolkowitz administered the oath of office to the following officers: Lieutenants Joseph Longo and John Miscia, and Police Officers Travis Daniel and Ryan Dunn

**REPORTS OF COMMITTEES**

**Utilities**

Mr. Wolkowitz of the Committee made the following comments:

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The Electric Department has installed new poles on Oak Court, and new construction of a primary feeder on Brittin Street. The Water Department reports 83 requests for mark-outs, and additional work at the Public Library and the KRE project. New water mains installed on Cross Street. Reporting for the Finance Department, Mr. Wolkowitz noted receipt of the draft 2015 audit. The annual tax sale will take place at the end of September, and Linda Sawyer, Purchasing Agent reports that the Borough's purchasing system has been upgraded. Mr. Wolkowitz reminded residents of the upcoming Primary Election June 7<sup>th</sup>, noting polls will be open from 6:00 a.m. to 8:00 p.m.

### **Health**

Mr. Catalanello of the Committee made the following comments:

The Madison Health Department held two food handler courses and the Madison Community Forum is planning meetings for Wednesday, May 25<sup>th</sup> and Tuesday, June 7<sup>th</sup> from 6:00-8:00 at the Madison Community House, to review the results of a recent survey on aging. A Men's Health Screening clinic will be held June 6<sup>th</sup>, participants must register before attending.

### **Finance and Borough Clerk**

Mr. Landrigan, Chair of the Committee, absent.

### **Public Safety**

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

Mrs. Vitale noted the Employees' of the Month from the Police Department. On May 16<sup>th</sup>, Madison Police intern Patrick Brown started his internship with the Police Dept for his second year in a row. The Madison Police Department has received multiple calls and reports of individuals being targeted in an ongoing IRS phone scam. In most cases the caller is advising victims that either there is a warrant for their arrest or failure to pay the owed amount will result in their arrest. If residents receive a suspicious phone call, hang up and call the IRS directly at 800-829-1040. If you have any questions or realize you have become the victim of a scam please contact the Madison Police Department at 973-593-3000. The Fire Department notes the 135 Anniversary of the Hook & Ladder Company #1. Rescue training was conducted at the Roseland Fire Department and ten Madison High School Students attended a Day of Service at the Fire Department. The Patriotic Celebrations Committee invites the Mayor and Council to join memorial Day the ceremonies beginning at 9:00 a.m. on Condorso Way.

### **Community Affairs**

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

Ms. Baillie noted that the Farmers' Market will open on Thursday, June 2<sup>nd</sup> on Central Avenue. The market will feature live music each week. The Senior Center reports new leadership at the Morris County Nutrition Project, which manages the Meals on Wheels program. County case managers will review all new clients to determine eligibility and access to assistance programs. All volunteers who deliver meals will now be registered with NORWESCAP/RSVP and their hours logged to ensure funding guidelines are met.

### **Public Works and Engineering**

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

The Public Works Department reports that the flower baskets and art poles have been installed in the downtown. A total of 105 trees have been planted, and work on road cracks and patching continues. As a reminder to residents, the Borough trash collection is back on a twice-a-week garbage pick-up schedule. The Madison

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Construction Department continues to see significant year-over-year growth in revenues and the number of demolition permits being issued.

**COMMUNICATIONS AND PETITIONS**

The Borough Clerk announced receipt of the following communications:

E-mail received May 9, 2016 from Mary Azzolini of Winding Way inviting the Mayor and Council the MHS Senior Night baseball game against Livingston High School on May 21st at 7:00 pm, at Dodge Field.

**INVITATION FOR DISCUSSION (1 of 2)**

Acting Mayor Wolkowitz 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.**

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

**AGENDA DISCUSSIONS**

**05/23/2016-1** CHANGE IN BUILDING OCCUPANCY AND USE AMENDMENT  
Ms. Baillie provided information on a proposed amendment from the Planning Board, regarding the Central Business District zones for how change of use parking requirements are computed based on the difference between the parking required for the prior use versus the parking required for the proposed use. Mr. Wolkowitz noted that the Downtown Development Commission is in support of the proposed changes. There was agreement to list an ordinance for introduction.

Ordinance 45-2016 is listed for introduction.

**ADVERTISED HEARINGS**

The Clerk made the following statement:

Ordinances scheduled for hearing tonight were submitted in writing at a Regular meeting of the Mayor and Council held on May 9, 2016, were introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

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

**ORDINANCE 40-2016  
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING  
\$52,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR  
THE PURCHASE OF A POLICE VEHICLE**

**WHEREAS**, the Police Chief has recommended that the Borough appropriate \$52,000.00 from the General Capital Improvement Fund for the purchase of a police vehicle and accessories; and

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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 \$52,000.00 for this purpose; and

**WHEREAS**, this expenditure was reviewed as part of the 2016 Capital Budget and the Borough Council has determined that \$52,000.00 should be appropriated from the General Capital Improvement Fund for the purchase of a police vehicle and accessories.

**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 \$52,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of a police vehicle and accessories.

**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.

Acting Mayor Wolkowitz opened up the public hearing on Ordinance 40-2016. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 40-2016, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Landrigan

Acting Mayor Wolkowitz declared Ordinance 40-2016 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 41-2016  
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$  
500,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR  
THE RECONSTRUCTION OF PROSPECT STREET**

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$500,000.00 from the General Capital Improvement Fund for road improvements to Prospect Street, including new pavement, traffic calming and pedestrian sidewalk ramp improvements; 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 \$500,000.00 for this purpose; and

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**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$500,000.00 from the General Capital Improvement Fund for road improvements to Prospect Street.

**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 \$500,000.00 is hereby appropriated from the General Capital Improvement Fund for road improvements to Prospect Street.

**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.

Acting Mayor Wolkowitz opened up the public hearing on Ordinance 40-2016. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Rowe moved that Ordinance 41-2016, which the Borough Clerk read by title, be adopted. Mr. Catalanello seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Landrigan

Acting Mayor Wolkowitz declared Ordinance 41-2016 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 42-2016**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 34 OF THE BOROUGH CODE ENTITLED “POLICE DEPARTMENT” TO REVISE RULES AND REGULATIONS FOR THE PROMOTION PROCESS**

**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 further desires to establish appropriate hiring criteria based on merit, experience, moral character and sufficient physical health when hiring police officers;

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

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Chapter 34 of the Code of the Borough of Madison entitled “Police Department” is hereby amended as follows:

**SECTION 1: Article 34-2 APPOINTMENT**

Add: Article 34-2(C)(1) entitled “Promotion Testing Review Procedure” is hereby added as follows:

Within ten (10) days of the posting of the ranking of candidates a candidate may file a written letter requesting a review of the ranking. Said letter must contain the reason(s) or justification(s) for the review and must be submitted to the Appropriate Authority. The Appropriate Authority will assess the request and determine the merit of the review.

- a. If merit exists the candidate score shall be re-tabulated
- b. If the re-tabulated score affects the candidate ranking a revised ranking shall be published.
- c. if merit does not exist, the candidate shall be informed in writing.

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

Acting Mayor Wolkowitz opened up the public hearing on Ordinance 40-2016. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 42-2016, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Landrigan

Acting Mayor Wolkowitz declared Ordinance 42-2016 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 43-2016**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 1230 OF THE MADISON BOROUGH CODE ENTITLED “WATER” TO UPDATE THE WATER CONNECTION FEE SCHEDULE**

**WHEREAS**, the Borough Engineer and Borough Auditor have recommended that the Borough amend Chapter 190 of the Madison Borough Code entitled “Water” to include an updated water connection fee schedule; and

**WHEREAS**, Nisivoccia and Company, LLP, Certified Public Accountants and consultant to the Borough, has performed a study of the capital costs and interest on debt service together with the number of equivalent users at December 31, 2015, and based on such study has recommended a water connection fee in the amount of \$3,134.00 for new customers; and

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**WHEREAS**, such water connection fee is authorized by N.J.S.A. 40A:31-11 entitled “County and Municipal Water Supply”.

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

**SECTION 1:** Chapter 190-11.2 of the Madison Borough Code, currently entitled “Connection fee” is hereby amended as follows:

§190-11.2 Connection fee

There shall be a water connection fee established in accordance with N.J.S.A. 40A:31-11 in addition to the fees for department services set forth in Section 190-33. The water connection fee for the remainder of 2016 shall be:

- A. For single family dwelling units, \$3,134.00, and for multiple dwelling units, \$3,134.00 per unit.
- B. In the case of any building or portion thereof to be used for industrial, commercial, educational or other than dwelling purposes, the Borough Engineer shall determine by accepted standards the number of units to be connected or added to an existing connection; where a unit equals an annual average daily flow of 248 gallons or fraction thereof: \$3,134.00 per unit.

This fee shall, pursuant to statute, be recalculated at the end of each budget year and may be reset by ordinance of the Borough Council after public hearing, on a yearly basis. The water connection fee shall be payable in full to the Borough of Madison at the time a building water connection permit is issued for connection to the municipal water system by the Borough of Madison.

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

Acting Mayor Wolkowitz opened up the public hearing on Ordinance 43-2016. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Catalanello Vitale moved that Ordinance 43-2016, which the Borough Clerk read by title, be adopted. Mr. Rowe seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Landrigan

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Acting Mayor Wolkowitz declared Ordinance 43-2016 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 44-2016  
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER  
155 OF THE MADISON BOROUGH CODE ENTITLED “SEWER” TO  
UPDATE THE SEWER CONNECTION FEE SCHEDULE**

**WHEREAS**, the Borough Engineer and Borough Auditor have recommended that the Borough amend Chapter 155 of the Madison Borough Code entitled “Sewer” to include an updated sewer connection fee schedule; and

**WHEREAS**, Nisivoccia and Company, LLP, Certified Public Accountants and consultant to the Borough, has performed a study of the capital costs and interest on debt service together with the number of equivalent users at December 31, 2015, and based on such study has recommended a sewer connection fee in the amount of \$5,212.00 for new customers; and

**WHEREAS**, such sewer connection fee is authorized by N.J.S.A. 40A:26A-11 entitled “Municipal and County Sewerage Facilities”.

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

**SECTION 1:** Chapter 155-4A of the Madison Borough Code, currently entitled “Connection expenses; responsibility for maintenance, repair and replacement of laterals” is hereby amended as follows:

§155-4 Connection fees; connection expenses; responsibility for maintenance, repair and replacement of laterals.

A. Sewer connection fees.

There shall be a basic connection fee established in accordance with N.J.S.A. 40A:26A-11. The fee for the remainder of 2016 shall be:

1. For single family dwelling units, \$5,212.00, and for multiple dwelling units, \$5,212.00 per unit.
2. In the case of any building or portion thereof to be used for industrial, commercial, educational or other than dwelling purposes, the Borough Engineer shall determine by accepted standards the number of units to be connected or added to an existing connection; where a unit equals an annual average daily flow of 265 gallons or fraction thereof: \$5,212.00 per unit.

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This fee shall, pursuant to statute, be recalculated at the end of each budget year and may be reset by ordinance of the Borough Council after public hearing, on a yearly basis. The sewer connection fee is based upon the usage of a single dwelling unit or equivalent discharge. The sewer connection fee shall be payable in full to the Borough of Madison at the time a building sewer permit is issued for connection to the public sanitary sewer by the Borough of Madison.

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

Acting Mayor Wolkowitz opened up the public hearing on Ordinance 40-2016. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Catalanello moved that Ordinance 44-2016, which the Borough Clerk read by title, be adopted. Mr. Rowe seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Landrigan

Acting Mayor Wolkowitz declared Ordinance 44-2016 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)***

Acting Mayor Wolkowitz 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:

Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of June 13, 2016 in the 2<sup>nd</sup> Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinances will be published in the Madison Eagle, be posted at the main entrance to the Borough offices and be made available to members of the public requesting same, as required by law.

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

ORDINANCE 45-2016 ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF THE BOROUGH CODE, LAND DEVELOPMENT ORDINANCE, REGARDING CHANGE IN BUILDING OCCUPANCY AND USE

**WHEREAS**, the Planning Board has recommended amending Chapter 195 of the Borough Code, the Madison Land Development Ordinance, in regard to a change in building occupancy and use; and

**WHEREAS**, the Borough Council has considered the proposed amendment to the Madison Land Development Ordinance and wishes to amend the Code as recommended.

**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 195 of the Borough Code entitled “Madison Land Development Ordinance” shall be amended as follows:

**SECTION 1:** Section 195-32.4, entitled ‘Fees’ shall have the following added to it:

§ 195-32.4 F. Off Street Parking.

(3).

If there is a change in building occupancy and use (but not physical expansion), then the parking requirements are computed based on the difference between the parking required for the legally existing (prior) use versus the parking required for the new (proposed ) use, provided there shall be no reduction in the amount of any existing on-site or designated off-site parking; however, further provided that retail uses with incidental accessory sales of food or beverage items (comprising less than 5 percent of total establishment revenue or less than 15% of establishment floor area), as well as specialty food establishments of less than 1,500 square feet that do not provide full meals for on-site or off-site consumption, may include up to eight (8) seats for on-site consumption of such items without generating any additional off-street parking requirements in the CBD Zones.

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

Ms. Baillie moved that Ordinance 45-2016, 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: Mr. Catalanello, Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

Absent: Mr. Landrigan

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**ORDINANCE 46-2016    ORDINANCE OF THE BOROUGH OF MADISON  
AUTHORIZING A CAPITAL RESERVE OF \$300,000.00 FOR THE  
MADISON ELECTRIC UTILITY SUBSTATIONS**

**WHEREAS**, the Utility Advisory Committee and the Utility Strategic Planning Committee have recommended that the Borough Council appropriate \$300,000.00 to establish a reserve fund for substation repairs; and

**WHEREAS**, the 2016 Capital Budget supports this expenditure; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of \$300,000 in the Electric Capital Improvement Fund that may be used for this purpose; and

**WHEREAS**, the Mayor and Borough Council agree with the recommendation of the Committees and wishes to establish a reserve for substation repairs.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Madison, in the County of Morris and State of New Jersey, that a \$300,000.00 reserve for substation repairs, from the Electric Capital Improvement Fund is hereby established for this purpose.

Mr. Rowe moved that Ordinance 46-2016, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. Mr. Rowe noted that he feels it is not in the best interest of the rate payers to spend money now and recommends bonding at the time of replacement. Mr. Wolkowitz noted that the strategic planning committees advised placing funds in reserve for future replacements. Mr. Catalanello noted he agrees with Mr. Rowe and suggested repairing the substations now. Mrs. Vitale stated that the Strategic Planning Committee and the Electric Utility Committee have discussed this very important issue. Mr. Wolkowitz noted that this issue is a philosophical one and establishing reserves is recommended by several strategic committees. Following Council discussion the motion passed with the following roll call vote recorded:

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

Nays: Mr. Catalanello, Mr. Rowe

Absent: Mr. Landrigan

**ORDINANCE 47-2016    ORDINANCE OF THE BOROUGH OF MADISON  
APPROPRIATING \$40,000.00 FROM THE WATER CAPITAL  
IMPROVEMENT FUND FOR FOR THE PURCHASE OF UTILITY METERS,  
HANDHELD READING DEVICES AND ACCESSORIES**

**WHEREAS**, the Chief Financial Officer has recommended that the Borough appropriate \$40,000.00 from the Water Capital Improvement Fund for the purchase of utility meters, handheld reading devices and accessories; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of the funds in the Water Capital Improvement Fund in an amount not to exceed \$40,000.00 for this purpose; and

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**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$40,000.00 from the Water Capital Improvement Fund for the purchase of utility meters, handheld reading devices and accessories.

**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 \$40,000.00 is hereby appropriated from the Water Capital Improvement Fund for the purchase of utility meters, handheld reading devices and accessories.

**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. Rowe moved that Ordinance 47-2016, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Landrigan

ORDINANCE 48-2016    ORDINANCE OF THE BOROUGH OF MADISON  
APPROPRIATING \$40,000.00 FROM THE ELECTRIC CAPITAL  
IMPROVEMENT FUND FOR THE PURCHASE OF UTILITY METERS,  
HANDHELD READING DEVICES AND ACCESSORIES

**WHEREAS**, the Chief Financial Officer has recommended that the Borough appropriate \$40,000.00 from the Electric Capital Improvement Fund for the purchase of utility meters, handheld reading devices and accessories; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of the funds in the Electric Capital Improvement Fund in an amount not to exceed \$40,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$40,000.00 from the Electric Capital Improvement Fund for the purchase of utility meters, handheld reading devices and accessories.

**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 \$40,000.00 is hereby appropriated from the Electric Capital Improvement Fund for the purchase of utility meters, handheld reading devices and accessories.

**SECTION 2:** The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

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

Mr. Rowe moved that Ordinance 48-2016, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Landrigan

**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. Rowe moved adoption of the Resolutions listed on the Consent Agenda. Mr. Catalanello seconded the motion. Mrs. Vitale abstained from voting on Resolution 174-2016. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Landrigan

R 169-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF A FIRE DEPARTMENT VEHICLE UNDER MORRIS COUNTY COOPERATIVE PRICING COUNCIL

**WHEREAS**, the Borough of Madison desires to award a contract for the purchase of a fire department vehicle under the Morris County Co-Operative Pricing Council program; and

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

**WHEREAS**, Beyer Ford, 170 Ridgedale Avenue Morristown, New Jersey, 07960 has been awarded Morris County Co-Operative Pricing Council contract number 15-A Item #5; and

**WHEREAS**, the Fire Chief has recommended that the Borough Council utilize this contract for purchase of a fire department vehicle as follows; under contract 15-A, Item #5, one 2016 Ford Police Interceptor SUV for \$30,576.25; and

**WHEREAS**, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$30,576.25, through Appropriation Ordinance 28-2016.

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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, as follows:

1. A contract for the purchase of a fire department vehicle, one 2016 Ford Police Interceptor SUV for \$30,576.25 is hereby approved.
2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Beyer Ford, 170 Ridgedale Avenue Morristown, New Jersey, 07960, for the purchase of a fire department vehicle at a total price not to exceed \$30,576.25, in a form acceptable to the Borough Attorney.

R 170-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY THE SHAKESPEARE THEATRE OF NEW JERSEY, INC.

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

THE SHAKESPEARE THEATRE OF NEW JERSEY, INC.  
I.D. No. 274-5-32247  
R.A. No. 1377 – Off Premise  
January 3, 2017

R 171-2016 RESOLUTION OF THE BOROUGH OF MADISON CONFIRMING FINAL PAYMENT AND CREDIT CHANGE ORDER REQUEST FROM CIFELLI & SON, INC BRINGING TOTAL AUTHORIZED PAYMENT TO \$939,037.94 FOR THE 2015 RIDGEDALE AVENUE IMPROVEMENTS PROJECT

**WHEREAS**, a contract for the 2015 Ridgedale Avenue Improvements project, in an amount not to exceed \$1,008,914.02 was awarded to Cifelli & Son, Inc., of Nutley, New Jersey, by Resolution 180-2016; and

**WHEREAS**, the Borough Engineer has recommended approval of a credit change order to the contract for field changes that were encountered during the construction and reduced total contract costs bringing the contract total to \$939,037.94; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of funds in the final amount not to exceed \$939,037.94 for this purpose, which funds were appropriated by Ordinance 2-2015 in the amount of \$950,000.00 and the ordinance will contain sufficient funds to include this final payment and credit change order;

**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 final payment and change order request from Cifelli & Son, Inc. of Nutley, New Jersey, in the total

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contract amount not to exceed \$939,037.94 for the 2015 Ridgedale Avenue Improvements project is authorized.

R 172-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING BINGO LICENSE APPLICATION SUBMITTED BY MADISON VOLUNTEER AMBULANCE CORPS INC.

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

MADISON VOLUNTEER AMBULANCE CORPS INC.  
I.D. No. 274-10-31453  
B.A. No. 68  
June 10, 2016

R 173-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING 2016 MEMORIAL DAY PARADE

**WHEREAS**, the Madison Patriotic Celebrations Committee has requested permission to hold a Memorial Day Parade and Ceremony on Monday, May 30, 2016; and

**WHEREAS**, the parade will begin at 9:30 a.m., and proceed on a route approved by the Madison Borough Police Chief, said route beginning at Condorso Way, proceeding down Main Street to Prospect Street and ending in front of the Hartley Dodge Memorial where there will be a ceremony at the conclusion of the parade; and

**WHEREAS**, Police Chief Dachisen recommends approval of 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 of the Madison Patriotic Celebrations Committee to hold Memorial Day Parade and Ceremony on Monday, May 30, 2016, as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department and Madison Fire Department.

R 174-2016 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING DRAINAGE EASEMENT ON BLOCK 602, LOT 27.03 (173 RIDGEDALE AVENUE) IN THE BOROUGH OF MADISON OWNED BY ALAN S. ANDREAS

**WHEREAS**, Alan S. Andreas, owner of property located at Block 602, Lot 27.03, commonly known as 173 Ridgedale Avenue in the Borough of Madison applied to the Madison Planning Board for subdivision approval; and

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**WHEREAS**, Alan S. Andreas has previously submitted to the Borough Planning Board a “Minor Subdivision Plan” of Lot 27.03 in Block 602 prepared by Christian M. Kastrud, Professional Engineer, to perfect the subdivision; and

**WHEREAS**, the Borough Engineer has advised that the Planning Board recommended accepting drainage easements shown on the Final Plat Subdivision by the Borough of Madison.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough accepts the drainage easements as shown on “Final Plat Subdivision” of Lot 27.03 in Block 602 prepared by Christian M. Kastrud, Professional Engineer, which was approved by the Planning Board and signed by the Planning Board Chair and Secretary on December 1, 2015 and the Mayor and Borough Clerk are authorized to execute an easement agreement as may be required and approved by the Borough Attorney.

**R 175-2016 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF INTERN LUCAS GLYNN TO INTERN POSITION IN THE ENGINEERING DEPARTMENT**

**WHEREAS**, the Borough Administrator has recommended the appointment of Lucas Glynn as a part-time Intern in the Engineering Department, at no compensation; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the appointment of Lucas Glynn as a part-time Intern in the Engineering Department, at no compensation, is hereby approved.

**R 176-2016 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING BRIANA DIAMOND TO THE POSITION OF VIOLATIONS CLERK**

**WHEREAS**, the Joint Municipal Court Administrator has recommended that Briana Diamond be appointed to the position of Violations Clerk, effective May 23, 2016; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that Briana Diamond is hereby appointed to the position of Violations Clerk of the Madison Joint Municipal Court, effective May 23, 2016, to be compensated at \$35,000.00 annually.

***UNFINISHED BUSINESS*** - None

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**APPROVAL OF VOUCHERS**

On motion by Mr. Wolkowitz, 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	\$14,275.91
Health & Public Assistance	1,483.48
Public Works & Engineering	159,304.76
Community Affairs	15,223.53
Finance & Borough Clerk	6,090,337.19
Utilities	<u>979,366.06</u>
Total	<u>\$7,259,990.93</u>

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

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

Nays: None

Absent: Mr. Landrigan

**NEW BUSINESS** - None

**ADJOURN**

There being no further business to come before the Council, the meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved June 27, 2016 (EO)