

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

June 13, 2016 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 13th day of June, 2016. 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 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:

Mayor Robert H. Conley

Council Members:

Robert G. Catalanello
Robert Landrigan
Carmela Vitale
Astri J. Baillie
Benjamin Wolkowitz
Patrick W. Rowe

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. Wolkowitz 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 (5)

HDM REMEDIATION

AFFORDABLE HOUSING UPDATE

COMMUNITY CENTER ARCHITECTURAL DESIGN SERVICES

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CIFELLI & SON CHANGE ORDER
R & J CONTROL, INC.

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

PERSONNEL MATTERS (4)
NATURE NUTS PROGRAM COUNSELOR
NON-UNION F/T CONFIDENTIAL EMPLOYEES
DPW – OFFICE ASSISTANT, F/T AND P/T
CLASS II SPECIAL OFFICER

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

LITIGATION MATTERS (1)
11-19 GREENWOOD AVENUE

Date of public disclosure 60 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 8:15 p.m. in the Council Chamber with all members present. The Pledge of Allegiance was recited by all.

Mayor Conley asked for a moment of silence for the 49 victims of a mass shooting at a nightclub in Orlando, Florida.

APPROVAL OF MINUTES

None

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

Mayor Conley asked for a moment of silence for the 49 victims of a mass shooting in Orlando, Florida.

Mayor Conley thanked the members of the Patriotic Celebrations Committee for their hard work on the Memorial Day Ceremony.

EMPLOYEES OF THE MONTH FOR JUNE:

The Employees of the Month for June are Jim Trimble of the Utilities Department and Magdalena Martorana of the Water and Electric Department for their commitment and dedication in keeping the utility department up to date in the absence of their supervisors who were out on medical leave.

PROCLAMATION:

Mr. Conley presented a proclamation in Support of the Parents Who Host, Lose the Most: Don't be a Party to Teenage Drinking Campaign to Frank Iannarone and Police Chief Darren Dachisen.

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**Proclamation
of the
Borough of Madison
Proclaiming
Support for Parents Who Host, Lose the Most:
Don't Be a Party to Teenage Drinking Campaign**

WHEREAS, alcohol is the leading drug problem among young people creating many health and safety risks; and

WHEREAS, parents play a major role in their children's choices about alcohol, tobacco and other drugs; and

WHEREAS, underage use of alcohol is a serious problem that too often leads to harmful consequences for youth and their families; and

WHEREAS, parents who supply alcohol to their teen's friends under any circumstances, even in their own homes, are breaking the law; and

WHEREAS, parents who knowingly allow a person under 21 to remain in their home or on their property while consuming or possessing alcoholic beverages can be prosecuted; and

WHEREAS, parents can be sued if they allow anyone under 21 to consume alcohol and they, in turn, hurt someone or damage property; and

WHEREAS, our youth deserve to live and grow to adulthood in an environment where alcohol is not misused; and

WHEREAS, MAASA (Madison Alliance Addressing Substance Abuse) has partnered with Drug Free Action Alliance and *Parents Who Host, Lose the Most: Don't be a party to teenage drinking* to reinforce our community message that underage drinking is unsafe, unhealthy and unacceptable;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim support for the ***Parents Who Host, Lose the Most: Don't be a party to teenage drinking*** campaign to encourage parents, educators, businesses, community organizations and others to learn more about the health and safety risks along with the potential legal ramifications associated with underage drinking.

ROBERT H. CONLEY, MAYOR
June 13, 2016

Swearing In Ceremony – Sergeants Paul Kosakowski, Ed Mitchko, Lisa Esposito

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Mayor Conley called for a motion. Mrs. Vitale moved that the following resolutions 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, Mr. Landrigan, Mrs. Vitale,
Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

R 177-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING APPOINTMENT OF POLICE OFFICER PAUL J. KOSAKOWSKI AS SERGEANT IN THE MADISON POLICE DEPARTMENT EFFECTIVE JUNE 14, 2016

WHEREAS, the Borough Council, after due consideration, has determined to appoint Acting Detective Sergeant Paul J. Kosakowski to the position of Sergeant in the Madison Police Department effective June 14, 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 Paul J. Kosakowski is hereby appointed to the position of Sergeant in the Madison Police Department, effective June 14, 2016, to be compensated in accordance with the Superior Officers Collective Bargaining Agreement.

R 178-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING APPOINTMENT OF POLICE OFFICER EDWARD MITCHKO, JR. AS SERGEANT IN THE MADISON POLICE DEPARTMENT EFFECTIVE JUNE 14, 2016

WHEREAS, the Borough Council, after due consideration, has determined to appoint Detective Edward Mitchko, Jr. to the position of Sergeant in the Madison Police Department effective June 14, 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 Edward Mitchko, Jr. is hereby appointed to the position of Sergeant in the Madison Police Department, effective June 14, 2016, to be compensated in accordance with the Superior Officers Collective Bargaining Agreement.

R 179-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING APPOINTMENT OF POLICE OFFICER LISA ESPOSITO AS SERGEANT IN THE MADISON POLICE DEPARTMENT EFFECTIVE JUNE 14, 2016

WHEREAS, the Borough Council, after due consideration, has determined to appoint Corporal Lisa Esposito to the position of Sergeant in the Madison Police Department effective June 14, 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 Lisa Esposito is hereby appointed to the position of Sergeant in the Madison Police Department, effective June 14, 2016, to be compensated in accordance with the Superior Officers Collective Bargaining Agreement.

Mayor Conley administered the oath of office to Sergeants Paul Kosakowski, Edward Mitchko and Lisa Esposito.

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REPORTS OF COMMITTEES

Utilities

Mr. Wolkowitz, Chair of the Committee, made the following comments:
The Madison Electric Department reports completed installation of a new pole on Danforth Road, due to a car/pole accident. The staff has begun annual substation testing and annual line clearance, and continues new construction of primary feeder on Brittan Street. There will be a presentation under Agenda Discussions regarding the utilities, addressing automated meters and self generation of electrical power.

Health

Mr. Catalanello Chair of the Committee, no report.

Finance and Borough Clerk

Mr. Landrigan, Chair of the Committee, made the following comments:
The Borough Auditors, Nisivoccia, LLP, have completed the annual 2015 audit. The Capital and municipal budget process for 2017 will begin in July. Briana Diamond has been appointed as Violations Clerk in the Joint Municipal Court.

Public Safety

Mrs. Vitale, Chair of the Committee, made the following comments:
On May 23, 2016 Acting Lieutenant John Miscia was promoted to the rank of Lieutenant and will take command of the Patrol Division. Also promoted to the rank of Lieutenant was Sergeant Joseph Longo, who will command the Support Services Division. Patrol Officers Travis Daniel and Ryan Dunn graduated the Morris County Police Academy. Officer Dunn was awarded the Top Gun award for the highest average in firearms training and a 3rd place award in physical fitness. Officer Adam Riley has completed his field training and PTC certifications and has assumed solo patrol within the Patrol Division. On May 24, 2016 Madison Police Department hosted case law training in our EOC which afforded us low cost training for numerous Madison officers. Recently hired per diem dispatchers Joseph Montagna and Edward Gibney started their training in the Communications Division, and will be added to the pool of per diem dispatchers to reduce overtime costs within the division. The Fire Department responded to 91 calls in May. The Department conducted 74 inspections and 34 smoke detector Certificates of Occupancy. The Fire Department's 2085 feet of hose has passed inspection. The Morris County Historic Preservation Commission presented Chief Louis DeRosa with a plaque for "Geraldine" the historic 1921 Ahrens Fox Fire Truck, at a ceremony held last Wednesday.

Community Affairs

Ms. Baillie, Chair of the Committee, made the following comments:
The Farmers' Market began last Thursday and will continue each week through October 6th. The market is located on Central Avenue, from 2:00 -7:00 p.m. each Thursday. The Summer Seminar Series begins its 31st season on Thursday, July 7th. Co-sponsored by the Friends of the Madison Senior Center and the Friends of the Madison Public Library, the programs are held in the Chase Room of the library and are free of charge. The 2016 brochure is in the Council packet and all are welcome. After a few years absence, the Friends of the Madison Senior are planning a return to Bottle Hill Day with a new marketing approach. Graphics, giveaways and promotional materials will help publicize the many activities at the center and highlight the financial support the group provides every year. They will again fund landscaping by a local company for the garden areas that overlook the parking lot. At the TriTown 55+ Community Forum participants discussed the top areas of

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concern including transportation, housing, walkability and communication. Representatives from the Grotta Foundation were on hand to offer possible solutions and to encourage community-wide participation in the planning process. The Chamber of Commerce will hold fire extinguisher inspections on June 14th between 12:00 noon and 4:00 p.m. on the corner of Central and Main Streets. All merchants and residents are welcome.

Public Works and Engineering

Mr. Rowe, Chair of the Committee, made the following comments: Cifelli & Sons Construction continues to work on the 2016 Road Improvement project. They have completed drainage and curbing work at Loantaka and Crescent Roads and are now working on Kinney and West Streets. Public Service Electric & Gas has repaved Fairview Avenue. The Borough completed line striping work on Fairview Avenue while also completing the balance of mill and overlay striping work. Earlier this evening, there was a meeting to review the design for the Prospect Street Reconstruction project that should be completed later this year. The Borough's sewer consultant, Kleinfelder, has indicated the plans and specs for the North Street pump station and sewer main evaluation and repair will be ready for review and bidding this week.

COMMUNICATIONS AND PETITIONS - None

INVITATION FOR DISCUSSION (1 of 2)

Mayor Conley opened the meeting to the public for their opportunity to ask questions and make comments on those items listed on the Agenda only. 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

06/13/2016-1 ZONING AMENDMENTS FOR GIRALDA FARMS

Ms. Baillie provided a recommendation from the Planning Board to update the land use policy regarding the PCD-O District, to encourage new business growth at Giralda Farms.

Ordinance 49-2016 is listed for Introduction.

06/13/2016-2 POMEROY WOODS/LIBRARY CONSERVATION EASEMENT

Ms. Baillie recommended that Council authorize a survey and the filing of a deed for a conservation easement on the wooded portion of the Library property for preservation as open space. There was agreement with Ms. Baillie's recommendation.

06/13/2016-3 SELF GENERATION AND UTILITY METERS, HANDHELD READING DEVICES

Mr. Burnet provided a PowerPoint presentation regarding self generation and utility meters. One hundred and eighty electric and 50 water modules will be installed on existing meters, capable of merging to fully automated. Self Generation would supply a portion of the electric power for the Borough, built and maintained by an independent developer. Self generation has three purposes, to help with peak shaving, protect the Borough from future rate increases and help with reliability. The

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next step will be to issue an RFP to see what offers are submitted. Mr. Landrigan moved to move forward with an RFP for self generation, seconded by Ms. Baillie and approved by unanimous voice vote.

Ordinances 47-2016 and 48-2016 are listed for Hearing and Adoption.

06/13/2016-4 REQUESTS FOR PROPOSALS FOR ENERGY AUDITS

Mr. Burnet provided information regarding the issuance of an RFP for proposals for Energy Audits, noting that the company performing the audit does offer to provide upgrades based on the audit results. Mr. Burnet also noted that there is no cost to the Borough. Mr. Rowe moved to move forward with an RFP for energy audit services, seconded by Mr. Wolkowitz and approved by unanimous voice vote.

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 23, 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.

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

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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.

Mayor Conley opened up the public hearing on Ordinance 45-2016. Since no member of the public wished to be heard, the public hearing was closed.

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

Nays: None

Mayor Conley declared Ordinance 45-2016 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 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.

Mayor Conley opened up the public hearing on Ordinance 46-2016.

Michael Soriano; Woodland Road, offered his support for proposed Ordinance 46-2016, noting that the Strategic Planning process, supported the establishment of reserves for the electric utility substations.

Jerry Stevenson; Ardsleigh Road, urged Council to vote against the proposed ordinance, noting that technology is constantly changing. Mr. Stevenson also noted Councilmember Catalanello's letter in a recent issue of the *Madison Eagle*.

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Thomas Bintinger; Rolling Hills Court, spoke in support of the proposed ordinance establishing a reserve for the electric utility substations, noting that future councils will have the option to decide to bond if necessary.

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

Mr. Wolkowitz moved that Ordinance 46-2016, which the Clerk read by title, be finally adopted. Mr. Rowe seconded the motion. Following lengthy Council discussion regarding appropriations, reserves, and bonding, the motion passed with the following roll call vote recorded:

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

Nays: Mr. Catalanello, Mr. Rowe

Mayor Conley declared Ordinance 46-2016 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 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

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.

Mayor Conley opened up the public hearing on Ordinance 47-2016. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Wolkowitz moved that Ordinance 47-2016, which the Clerk read by title, be finally 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, Mr. Landrigan, Mrs. Vitale,
Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

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Mayor Conley declared Ordinance 47-2016 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 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.

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

Mayor Conley opened up the public hearing on Ordinance 48-2016. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Wolkowitz moved that Ordinance 48-2016, which the Clerk read by title, be finally 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, Mr. Landrigan, Mrs. Vitale,
Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

Mayor Conley declared Ordinance 48-2016 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)

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.

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Theresa Giordano; Crestwood Drive, raise concern regarding a neighbor's dog, asking Council to have the dog removed from the owner. Mrs. Giordano provided a petition signed by several neighbor's asking that the dog be removed

Travis Benway; Lynwood Place, asked how many residents have to be threatened by the dog before it can be removed.

Mr. Giacobbe noted the process for the removal of a vicious dog.

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 27, 2016 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 49-2016 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 195 OF THE MADISON BOROUGH CODE
ENTITLED "LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF
MADISON" REGARDING THE PCD-O ZONE (GIRALDA FARMS)

WHEREAS, the Borough amended its Master Plan in 2014 to better reflect current conditions and opportunities within the Borough's PCD-O District.

WHEREAS, the 2014 Master Plan Land Use Element Amendment updates the land use policy for Giralda Farms (PCD-O District) and recognizes both the unique environmental setting and design of the Giralda campus, as well as more recent development trends within the campus, including multi-tenanted buildings and the need to modify certain bulk requirements to better support such development and to more effectively respond to future development opportunities.

WHEREAS, the 2014 Master Plan Amendment identified the following goals to guide future development of Giralda Farms:

- . To continue to maximize the economic benefits of Giralda Farms to the community and region by retaining and attracting high quality jobs and innovative businesses that value the unique setting and environmental character of the campus;
- . To effectively integrate a broader range of nonresidential uses, including administrative and professional office uses in multi- tenanted buildings, and non-hazardous research/development and technology uses accessory to office uses;
- . To recognize the unique environmental setting and design of Giralda Farms and to continue to mitigate and balance the environmental impacts of development with development opportunities through incorporation of sustainable design and low impact development techniques;
- . To strengthen and encourage transit connections between the campus and the Madison train station; and,
- . To provide greater flexibility with respect to permitted use and bulk standards of the PCD-O District with an eye toward advancing the above goals.

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WHEREAS, the following amendments to the PCD-O Zone are consistent with the recommendations of the 2014 Master Plan Amendment.

The PCD-O Planned Commercial Development-Office Zone regulations shall be amended to read as follows:

§ 195-32.8. PCD-O Planned Commercial Development-Office Zone regulations.

A. Purpose. The purpose of this zone is to:

- . (1) Preserve existing natural resources and give proper consideration to the physical constraints of the land.
- . (2) Provide for safe and efficient vehicular and pedestrian circulation.
- . (3) Provide for screening, landscaping, signing and lighting.
- . (4) To continue to maximize the economic benefits of Giralda Farms to the community and region by retaining and attracting high quality jobs and innovative businesses that value the unique setting and environmental character of the campus.
- . (5) Provide for compliance with appropriate design standards to ensure adequate light and air, proper building arrangements and minimum adverse effects on surrounding property.
- . (6) Develop proper safeguards to minimize the impact on the environment, including, but not limited to, minimizing soil erosion and sedimentation, air and water pollution and noise levels.
- . (7) Ensure the provision of adequate water supply, drainage and storm water management, sanitary facilities and other utilities and services.
- . (8) Retain as much of the natural, vegetative cover, particularly in critical environmental areas, where it serves important functional as well as aesthetic purposes.
- . (9) Implement the adopted policies of the Borough of Madison Comprehensive Master Plan, as amended, dealing with proper land development, site design and conservation.
- . (10) To recognize the unique environmental setting and design of Giralda Farms and to continue to mitigate and balance the environmental impacts of development with development opportunities through incorporation of innovative, sustainable design and low impact development techniques
- . (11) Advance and promote sound growth and the general welfare.

B. Principal permitted uses.

(1) Business, administrative and professional offices.

(2) Up to 10% of any permitted office building may be used for any combination of the following uses:

- (a) Non-hazardous laboratories, research and development, experimentation and testing;
- (b) Facilities for higher education and/or partnerships between the private sector and higher education; and,
- (c) High technology/innovation business incubator facility.

C. Accessory uses.

- . (1) Uses which are customarily incidental and accessory to the principal uses, as permitted herein.
- . (2) One residential conference center within a single PCD-O complex.
- . (3) Indoor and outdoor recreational facilities for use by PCD-O tenants, owners and their guests.
- . (4) One hotel within the overall PCD-O Zoning District, in accordance with the standards in Section 195-32.8. D (5).

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. (5) A full service, non-drive through restaurant or private eating club is permitted in existing (as of the date of adoption of this amendment) accessory structures only.

D. Supplementary requirements.

. (1) Size. No tract, parcel or lot to be used for a planned commercial development- office shall contain less than 175 acres. Public or private streets, roads or rights- of-way shall not be deemed to divide acreage of a planned commercial development-office.

. (2) Boundary line setback and perimeter buffer zone.

. (a) Boundary line setback requirements. No building or structure in a planned commercial development-office shall be erected within 200 feet of the right-of-way of Woodland Avenue, Madison Avenue or Treadwell Avenue, and no building or structure in the PCD-O shall be erected within 250 feet of the right-of-way of Loantaka Way.

. (b) Buffer zone requirements. The applicant shall be required to maintain a buffer zone area of at least 200 feet along the perimeter of any PCD-O, except that no buffer area shall be required along the interior periphery of any PCD-O site to the extent that said boundary line also adjoins the Borough of Madison and Township of Chatham municipal boundary line. Said buffer zone shall be kept in its natural state where wooded, and, when natural vegetation is sparse or nonexistent, the Planning Board may require the applicant to supplement the existing vegetation. Within said buffer zone, no structure or off-street parking or loading areas shall be permitted, except utility easements, gatehouses, fences and signs. Roads other than circumference roads may be permitted to cross through the buffer area. Said buffer zone may be included for the purpose of computing the planned commercial development-office density requirements.

. (c) Reduction in buffer zone requirements. The buffer zone requirements may be reduced by the Planning Board where existing or proposed vegetation and topographic features accomplish the primary objective of preserving the vista from adjoining and boundary streets.

. (3) Utilities. All PCD-O developments shall be served by public water and public sewers. All utility wiring shall be underground.

. (4) Office/commercial building standards.

. (a) Floor area ratio. The maximum floor area ratio shall be 0.30 to the tract, but in no event shall the gross floor area within any PCD-O complex exceed 2,250,000 square feet.

. (b) Minimum lot size. There shall be a minimum lot size of 20 acres for each office building operation.

. (c) Height. No building height or any part thereof or appurtenances thereto shall exceed the lesser of 60 feet above ground level or 50 feet above the center line of the nearest point of Loantaka Way or Madison Avenue.

. (d) Off-street parking. Every building shall be provided with off-street parking at a maximum ratio of 30 parking spaces for each acre of PCD-O area. Not more than 15% of all parking shall be surface, at-grade, uncovered parking. Off-street parking shall be screened and integrated with natural grade and environmental characteristics. Smaller footprint parking structures that are not entirely subsurface are permitted in accordance with the following design standards:

. [1] The siting of such structures should take advantage of natural grades to minimize soil disturbance and visual impacts;

. [2] The height of such structures should not exceed a maximum of 20 feet above pre- development grade to the highest point of the roof or parapet of the parking structure;

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[3] Any above grade part of a parking structure visible from a public right-of-way should be effectively screened with dense plantings, berms, and other landscape elements;

[4] Architectural elements should be incorporated to ensure structure design compatibility with principal structures; and,

[5] Such structures should not intrude into any required setbacks, with the exception of interior yards that do not abut any public right-of-way.

[6] In cases where structures meet these standards, the reviewing Board may exempt the parking provided in this manner from the District's surface parking cap and overall parking cap.

(e) Maximum impervious surface.

[1] Not more than 17.5% of the tract shall be developed with buildings, parking areas, walks, roads or other materials, including detention/retention basins less porous than presently existing.

[2] For purposes of calculating impervious coverage only, subsurface garages with a minimum average soil depth of at least 1.5 feet shall not count toward the calculation of impervious coverage; however, it should be noted that they may be considered impervious for purposes of storm water management.

[3] The Planning Board may consider an increase in the maximum impervious coverage, from 17.5 to 20%, provided that there is no net increase in runoff volume and that low impact development techniques are incorporated to provide enhanced water quality and groundwater recharge.

(f) Open space organization. Open space shall be deeded to a corporation, association or other legal entity consisting of one or more of the property owners within the PCD-O for their use, control, management and maintenance. Any agreement providing for such ownership shall be reviewed and approved by the Borough Attorney to ensure that adequate safeguards are included guaranteeing the continuance of the agreement in perpetuity and protecting the Borough from harm. In any event, the agreement shall give the Borough the right to perform maintenance and assess the cost to the property owners in the event that the property owners fail to maintain the property in accordance with the agreement. All provisions of N.J.S.A. 40:55D-43 of the Municipal Land Use Law shall govern the establishment of the open space organization.

(5) Additional standards for a Hotel:

(a) A hotel in the PCD-O provides transient lodging accommodations to the general public, and contains up to 200 rooms/suites, and may include additional facilities and services, such as a full-service restaurant, meeting space/private function areas, and a fitness center/private club for use by hotel guests and the general public on a membership basis.

(b) One hotel may be permitted within the PCD-O District.

(c) At least one access driveway shall be provided directly from a public right-of-way, if approved by all governmental authorities with permitting authority.

(c) No more than one freestanding sign may be permitted for each public street frontage abutting a hotel with a maximum of two such signs in total. Each sign shall contain no more than 30 square feet and be no more than five feet in height. Such signs shall be externally illuminated and attractively landscaped along their base.

(d) All building signs for any hotel shall be limited to no more than a total of 45 square feet, and shall be externally illuminated.

E. Findings for PCD-O. Prior to the preliminary approval of a PCD-O, the Planning Board should find the following facts and conclusions:

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. (1) That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning article standards and objectives pursuant to this section.

. (2) That the proposals for maintenance and conservation of open space and buffers are reliable, and the amount, location and purpose of the open space is adequate for the objectives set forth in this article.

. (3) That provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic and the amenities of light and air, recreation and visual enjoyment are adequate.

. (4) That the proposed planned commercial development-office will not have an unreasonably adverse impact upon the area in which it is proposed to be established.

. (5) In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the occupants and owners of the proposed development in the total completion of the development are adequate.

. (6) That the proposed development will promote the PCD-O objectives.

F. Infrastructure.

. (1) The Planning Board should not grant site plan approval and/or should condition such approval upon finding that:

. (a) The proposed storm water management system is adequate to meet the expected storm water flows.

. (b) The proposed sanitary sewage collection and treatment system is adequate to meet the expected sanitary sewage demand.

. (c) The proposed potable water system is adequate to meet expected water demands.

. (d) The proposed solid waste management plan can adequately handle the proposed solid waste to be generated by the project.

. (e) The roadways and intersections surrounding the zone and leading to and from the tract are capable of handling the expected traffic demands generated by the proposed development. In determining the capability of such roadways and intersections to handle the expected traffic demands to be generated by the proposed development, the Planning Board should endeavor to apply, whenever feasible and appropriate, "Level of Service C," as defined in ASHTO.

. (f) The electric supply system is capable of handling the demand required by the proposed development.

. (g) The proposed landscape management plan shall limit the use of pesticides and chemical fertilizers by following the principles and practices of Integrated Pest Management.

. (2) In determining whether the systems are adequate, the Planning Board should determine that the existing system and all proposed improvements needed and necessary to accommodate the proposed development are either in existence, being constructed, bonded or included under any developer's agreement between the developer and municipality or other agency responsible for the system.

. (3) Where appropriate, the Planning Board should make submission of a developer's agreement to be approved by the Borough Council, posting of bonds or actual installation of improvements to ensure the adequacy of the systems a requirement for final approval.

. (4) As part of the application for site plan approval, Planning Board may impose such reasonable and appropriate traffic controls and/or monitoring of traffic conditions, including staggering of work hours, staggering of ingress and egress or some use of mass transport or van pooling, to the extent and for such reasonable time periods as such controls may be required by the anticipated traffic to be

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generated by the proposed development during peak hours. However, where it appears that such controls or agreement involves a capital contribution of public funds for any road, intersection or other off-site improvements, then, to the extent of such expenditure or public funds, the approval of the Borough Council shall also be obtained.

(5) All developer's agreements required under this section shall be in recordable form.

Ms. Baillie moved that Ordinance 49-2016, 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, Mr. Landrigan, Mrs. Vitale,
Ms. Baillie, Mr. Wolkowitz, Mr. Rowe
Nays: None

ORDINANCE 50-2016 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING ORDINANCE 2-2016 APPROPRIATING \$33,500.00 FROM
THE GENERAL CAPITAL IMPROVEMENT FUND FOR ENVIRONMENTAL
ENGINEERING SERVICES AT THE HARTLEY DODGE MEMORIAL TO
INCREASE THE APPROPRIATION FROM \$33,500.00 TO \$73,500.00

WHEREAS, Ordinance 2-2016 of the Borough of Madison appropriated \$33,500.00 from the General Capital Improvement Fund for environmental engineering services at the Hartley Dodge Memorial; and

WHEREAS, the Borough Engineer has recommended that the Borough amend Ordinance 2-2016 to appropriate an additional \$40,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 2-2016 to \$73,500.00 to complete NJDEP submittals and plans and specifications; 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 \$73,500.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should amend Ordinance 2-2016 to appropriate an additional \$40,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 2-2016 to \$73,500.00.

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: Ordinance 2-2016 is hereby amended to appropriate an additional \$40,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 2-2016 to \$73,500.00 to complete NJDEP submittals and plans and specifications.

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 50-2016, 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, Mr. Landrigan, Mrs. Vitale,
Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

ORDINANCE 51-2016 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING SECTION 185-29 OF THE BOROUGH CODE TO PROHIBIT
PARKING ON A PORTION OF THE EAST SIDE OF HIGHLAND AVENUE
DURING SCHOOL AND SPORTING EVENTS AT MADISON JUNIOR
SCHOOL

WHEREAS, the Chief of Police has recommend there be no parking on a portion of the East Side of Highland Avenue, during school hours of Madison Junior School and during sporting events of Madison Junior School; and

WHEREAS, the Borough Council has determined that Chapter 185 of the Madison Borough Code entitled “Vehicles and Traffic” should be amended in order to implement this change.

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

Section 1: Section 185-29 of the Code of the Borough of Madison entitled

“Schedule I: No Parking”, is hereby amended to include the following:

<u>Name of Street</u>	<u>Sides</u>	<u>Location</u>
Highland Avenue	East	South of Brittin Street, 300ft to the bend

The No parking restrictions will apply during the school year, during school hours and sporting events held at Madison Junior School

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

Mrs. Vitale moved that Ordinance 51-2016, 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, Mr. Landrigan, Mrs. Vitale,
Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

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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. Wolkowitz 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 180-2016 RESOLUTION OF THE BOROUGH OF MADISON IN SUPPORT OF SENATE BILL S-2254 AND ASSEMBLY BILL A-3821 WHICH AFFIRMS THE LEGISLATIVE INTENT OF THE FAIR HOUSING ACT

WHEREAS, the Borough of Madison supports the provision of affordable housing in a reasonable, rational and achievable way, consistent with economic realities and sound planning; and

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, hundreds of municipalities filed declaratory judgment actions to voluntarily comply with their State imposed affordable housing requirements; and

WHEREAS, recently the Ocean County Superior Court included a distinct “gap period” analysis retroactively over an additional 16 year period, separate and apart from the normal 10 year present and prospective need; and

WHEREAS the Fair Housing Act (FHA) and existing case law, requires that “present and prospective fair share of the housing need in a given region ... shall be computed for a 10-year period.” [N.J.S.A. 52:27D-307(c)]; and

WHEREAS, the “gap issue” arises out of COAH’s inability to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need, as well as constant litigation by certain groups; and

WHEREAS, any retroactive “gap” obligations could have significant and unfunded impacts on municipalities, may double count households under both present and prospective need and will likely result in forcing municipalities and their property taxpayers to subsidize development; and

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WHEREAS, Senate Bill S-2254 sponsored by Senators Greenstein and Bateman and Assembly Bill A-3821, sponsored by Assemblymen DeAngelo and Benson, re-affirm the legislative intent of the Fair Housing Act so as to preclude significant, unfair impacts and instead progress toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities, facilitate municipal compliance and the provision of affordable housing.

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of June, 2016 by the Borough of Madison that:

1. The Borough of Madison strongly urges New Jersey Legislators to reaffirm the legislative intent of the Fair Housing Act (FHA) immediately and **clarify** that affordable housing need is the sum of present and prospective need for a ten year period.
2. The Borough of Madison supports Senate Bill S-2254 and Assembly Bill A-3821.
3. Copies of this resolution be distributed to the Governor and Lieutenant Governor, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, the Legislative Sponsors, Senator Richard J. Codey, Assemblyman John McKeon, Assemblywoman Mila Jasey, Senator Jeff Van Drew, Senator Ronald Rice, Assemblyman Jerry Green and the New Jersey League of Municipalities.

R 181-2016 RESOLUTION OF THE BOROUGH OF MADISON RENEWING LIQUOR LICENSES IN THE BOROUGH OF MADISON FOR THE 2016-2017 LICENSE TERM

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following applications for renewal of Liquor Licenses for the 2016 - 2017 license term be, and hereby are, approved:

CLUB LICENSES - FEE: \$180.00; July 1, 2016 through June 30, 2017

License #1417-31-020-001
Madison Lodge BPO Elks #1465
192 Main Street
Madison, NJ 07940

License # 1417-31-019-002
Center Pub Assoc Of Drew University
36 Madison Avenue
Madison, NJ 07940

License #1417-31-022-001
North Star Athletic Club

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95 North Street
Madison, NJ 07940

CONSUMPTION LICENSES – FEE \$2,386.00; July 1, 2016 through June 30, 2017

License #1417-33-005-003
The Cambridge Shanghai Company LLC
Shanghai Jazz Restaurant and Bar
24 Main Street
Madison, NJ 07940

License #1417-33-010-005
L'Allegria Restaurant Corp
9-11 Prospect Street
Madison, NJ 07940

License #1417-33-024-009
Tavern At Main Corp
t/a 54 Main Bar & Grill
54 Main Street
Madison, NJ 07940

License #1417-33-011-009
NJ Entertainment, LLC
t/a Plaza Lanes
53 Madison Plaza
Madison, NJ 07940

License Number 1417-33-017-007
Salgino Pub Inc.
Rocco's Restaurant
30 Cook Plaza
Madison, NJ 07940

DISTRIBUTION LICENSES - FEE: \$1,798.00; July 1, 2016 through June 30, 2017

License # 1417-44-007-003
VNB Wine and Spirit
Rose City Liquors
84 Main Street
Madison, NJ 07940

License #1417-44-009-008
Shah Traders Inc.
Madison Liquor & Convenience
6 Elm Street
Madison, NJ 07940

License #1417-44-013-010
JELMA INC.
Gary's Wine & Marketplace
121 Main Street
Madison, NJ 07940

License # 1417-44-016-005
Sagar Beverage, LLC (inactive)
28 Phillip Dr.
Parsippany, NJ 07054

License # 1417-44-004-010
TRID CORP
MADISON WINE CELLARS
29 Main Street
Madison, NJ 07940

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License # 1417-44-001-008 (inactive)
Whole Food Markets Group, Inc
t/a Whole Foods Market
550 Bowie Street
Austin, TX 78703

License #1417-44-003-006 (inactive)
Silver Sea Enterprises Inc.
Bottle Hill Wine & Spirits
Madison, NJ 07940

R 182-2016 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING JULIA MCBRIDE TO SUMMER RECREATION DEPARTMENT COUNSELOR POSITION FOR THE SUMMER NATURE PROGRAM (NATURE NUTS)

WHEREAS, the Qualified Purchasing Agent/Personnel Director has recommended appointment of Julia McBride as Nature Nuts Program Counselor in the Nature Nuts Program in the Recreation Department; and

WHEREAS, the Chief Financial Officer has also certified that funds are available in Account 370-130, in the 2016 Recreation Department budget; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Julia McBride is hereby appointed to the part-time summer position of Nature Nuts Program Counselor in the Recreation Department at the rate of \$10.00 per hour.

R 183-2016 RESOLUTION OF THE BOROUGH OF MADISON PERTAINING TO THE 2015 AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled: "General Comments and Recommendations"; and

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WHEREAS, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: "General Comments and Recommendations" as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit their office.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Madison, County of Morris, State of New Jersey, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

R 184-2016 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF INTERN THOMAS ENSMENGER AS AN INTERN IN THE ADMINISTRATION DEPARTMENT

WHEREAS, the Assistant Borough Administrator has recommended the appointment of Drew University Civic Scholar Thomas Ensmenger, as part-time unpaid Intern in the Administration Department; 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 Thomas Ensmenger, as part-time unpaid Intern in the Administration Department, is hereby approved.

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R 185-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING THE APPOINTMENT OF NON-PAID INTERNS FOR SUMMER SEMESTER 2016

WHEREAS, resumes of individuals interested in public health are received by the Health Officer for potential non-paid intern positions; and

WHEREAS, during the calendar year of 2016, various resumes have been received; and

WHEREAS, the Health Officer has determined that those volunteer interns can benefit the Health Department and residents of the Borough of Madison; and

WHEREAS, the Madison Board of Health has approved appointments of interns for the calendar year 2016; and

WHEREAS, three students have been interviewed and accepted to work as unpaid interns for the Madison Health Department;

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Madison, County of Morris that the following individuals be approved as non-paid interns for the Summer Semester, 2016;

Lea Kimmelman- Rutgers University- Graduate Student

Sophia Duke-Mosier- American University- Undergraduate

Audrey Carroll-

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon passage.

R 186-2016 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING THE APPOINTMENT OF INTERN PATRICK MCLAUGHLIN TO A SUMMER INTERN POSITION IN THE PUBLIC WORKS DEPARTMENT

WHEREAS, the Superintendent of Public Works has recommended appointment of Patrick McLaughlin as Summer Intern in the Public Works Department; and

WHEREAS, the Borough Council agrees with these recommendations.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Patrick McLaughlin is hereby appointed to the position of Summer Intern in the Public Works Department effective immediately at the rate of pay of \$10.00 per hour.

R 187-2016 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING SALARY INCREASE TO CONFIDENTIAL EMPLOYEES EXCLUDED FROM UNION PARTICIPATION

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WHEREAS, the Borough Administrator has recommended approving a \$1,000.00 salary increase to twelve confidential employees excluded from union participation to maintain parity with the union employees; and

WHEREAS, the Borough Council has determined to approve a \$1,000 salary increase to the non-union confidential employees, effective July 1, 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 the Borough Council ratifies and authorizes payment of a \$1,000.00 salary increase to Theresa Devecchi, Patricia Macaluso, Connie Phillips, Kristy Kiehl, Linda Sawyer, Frank Ciampi, Dawn Allgeier, Sandra Emmerich, Benjamin Keenan, John Rafter, Joseph Mittermaier, Kevin O’Keefe, Erika Cruz and Vincent Zvolensky effective July 1, 2016.

R 188-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A TRI-PARTY AGREEMENT WITH KRE MADISON NJ URBAN RENEWAL, LLC AND MARCHETTO HIGGINS STIEVE FOR ARCHITECTURAL DESIGN SERVICES FOR THE COMMUNITY CENTER

WHEREAS, professional design services are required for the leased space at the former Green Village Road School project site for a proposed Community Center; and

WHEREAS, the parties have agreed that KRE Madison NJ Urban Renewal, LLC will advance the funds in an amount not to exceed \$43,700 for these services and be reimbursed by a credit against water and sewer connection fees; and

WHEREAS, the Borough Council wishes to authorize the execution of an agreement for architectural and professional engineering design services for the Community Center project.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Borough Council authorizes the Mayor and Borough Clerk to execute a tri-party agreement with KRE Madison NJ Urban Renewal LLC and Marchetto Higgins Stieve for architectural and engineering design services for the proposed Community Center.

R 189-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CHANGE ORDER TO CIFELLI AND SON CONSTRUCTION FOR THE 2016 ROAD IMPROVEMENT PROGRAM

WHEREAS, the Borough Engineer has advised the Council that changes in water main replacement work on Cross Street were encountered during construction for the 2016 Road Improvement Program; and

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WHEREAS, the Borough Engineer has recommended that based on said change order, the base contract with Cifelli and Son Construction shall be increased by \$93,450.00 which results in no additional appropriation being needed; and

WHEREAS, the Council wishes to approve said change order and payment.

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 change in the amount of \$93,450.00 to the Cifelli and Son Construction contract is approved.

R 190-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A PROPERTY SURVEY AND CONSERVATION EASEMENT ON PROPERTY KNOWN AS POMEROY WOODS

WHEREAS, the Borough of Madison owns property designated as Block 3803, Lot 21, the Madison Public Library, Borough of Madison, which contains a wooded area known as the Pomeroy Woods; and

WHEREAS, the Borough Council has determined to authorize a property survey and the filing of a Conservation Easement on the wooded portion of the Library property for preservation as open space to maintain water stabilization and buffers for the neighborhood.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that the Mayor and Borough Clerk are authorized to execute a Conservation Easement for the property at Lot 21, Block 3803, commonly known as the Pomeroy Woods at the Madison Public Library, in the form approved by the Madison Borough Attorney and upon complete execution of the Conservation Easement, the Borough Attorney is authorized to record said easement in the Morris County Clerk's Office.

R 191-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY THE ROTARY CLUB OF MADISON

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:

ROTARY CLUB OF MADISON
I.D. No. 274-8-20538
R.A. No. 1378 – Off Premise
December 8, 2016

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R 192-2016 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING LORETTA CERUTTI TO THE POSITION OF FULL TIME OFFICE ASSISTANT IN THE PUBLIC WORKS DEPARTMENT

WHEREAS, the Personnel Director has recommended appointing Loretta Cerutti to the position of full-time Office Assistant in the Public Works Department effective immediately; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account 300-110 in the 2016 Department of Public Works budget; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Loretta Cerutti is hereby appointed to the position of full-time Office Assistant in the Public Works Department, effective immediately, to be compensated at the annual salary of \$42,500.00.

R 193-2016 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING CARIDAD REYES TO THE POSITION OF OFFICE ASSISTANT, PART-TIME

WHEREAS, the Personnel Director recommends the appointment of Caridad Reyes to the position of Office Assistant, Part Time, in the Department of Public Works, effective immediately; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account 300-110, in the 2016 Department of Public Works budget; 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 Caridad Reyes is hereby appointed to the position of Office Assistant I, Part Time, effective immediately; and

BE IT FURTHER RESOLVED, that Caridad Reyes be compensated at the hourly rate of \$15.00 per hour for twenty-nine (29) hours per week.

R 194-2016 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING BONNIE MULCAHY TO THE POSITION OF RECYCLING MONITOR, PART-TIME

WHEREAS, the Personnel Director recommends the appointment of Bonnie Mulcahy to the position of Recycling Monitor, in the Department of Public Works, effective immediately; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account 300-110, in the 2016 Department of Public Works budget; and

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WHEREAS, the Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that Bonnie Mulcahy is hereby appointed to the position of, effective immediately; and

BE IT FURTHER RESOLVED, that Bonnie Mulcahy be compensated at the hourly rate of \$15.00 per hour for up to twelve (12) hours per week.

R 195-2016 RESOLUTION OF THE MADISON BOROUGH COUNCIL
AWARDING CONTRACT FOR PURCHASE OF NEW UNUSED GENERATOR
WITH TRAILER AND FUEL TANK TO R&J CONTROL, INC OF DOVER, NJ IN
THE AMOUNT OF \$32,491.83

WHEREAS, the Borough Engineer has recommended that the Borough Council award the contract to R&J Control, Inc. in the amount of \$32,491.83; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$32,491.83 for this purpose which funds were appropriated by Ordinance 34-2016.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that a contract for the purchase of a new 50 KW multivoltage portable towable generator with extended run fuel tank is hereby awarded to R&J Control, Inc. based upon quote dated June 1, 2016, in the amount of \$32,491.83.

R 196-2016 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING
VINCENT GALGANO TO THE POSITION OF CLASS II SPECIAL POLICE
OFFICER IN THE MADISON POLICE DEPARTMENT

WHEREAS, Article 34-1(f) of the Borough Code provides for the appointment of up to two Class II Special Police Officers; and

WHEREAS, the 2016 Police Operating budget contains funds for this purpose; and

WHEREAS, the Borough Council, after due consideration, has determined to appoint Vincent Galgano to the position of Class II Special Police Officer in the Madison Police Department effective June 14, 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 Vincent Galgano is hereby appointed to the position of Class II Special Police Officer in the Madison Police Department, effective June 14, 2016, to be compensated at the rate of \$30.00 per hour, with no health benefits provided by the Borough.

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UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mr. Catalanello, seconded by Mr. Rowe 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	\$9,510.37
Health & Public Assistance	4,786.62
Public Works & Engineering	170,448.40
Community Affairs	4,150.47
Finance & Borough Clerk	405,123.42
Utilities	<u>317,292.45</u>
Total	<u>\$911,311.73</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 - None

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved July 11, 2016 (EO)