

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

**June 23, 2014 - 7 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 June, 2014. Acting Mayor Landrigan called the meeting to order at 7:00 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

**STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT**

The Borough Clerk read the statement pursuant to the Open Public Meetings Act:

“In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by transmitting a copy of the meeting notice to the Madison Eagle and Morris County Daily Record, posting a copy on the bulletin board at the main entrance of the Hartley Dodge Memorial, and filing a copy in the office of the Clerk, all on January 2, 2014. This Notice was made available to members of the general public.”

**ROLL CALL**

The Borough Clerk called the roll and the following acknowledged their presence:

Absent: 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. Landrigan moved:

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

MINUTES FOR APPROVAL (1)  
June 9, 2014

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

CONTRACT MATTERS (7)  
GABEL ASSOCIATES PROFESSIONAL SERVICE CONTRACT  
BFJ PLANNING-TRAFFIC EXPERT

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FIREFIGHTERS EQUIPMENT CO.-SELF CONTAINED BREATHING APPARATUS  
STANZIALE CONSTRUCTION ,LLC – EAST STREET PARKING LOT  
JEN ELECTRIC, INC. – SIGNAL IMPROVEMENT PROJECTS  
CHATHAM BOROUGH CONSTRUCTION CODE SERVICES CONTRACT  
AMENDMENT  
PROJECT COMMUNITY PRIDE

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

PERSONNEL MATTERS (2)  
SHARED SERVICES STIPENDS  
TAX COLLECTOR/CHIEF ACCOUNTANT

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

LITIGATION MATTERS (1)  
TAX APPEALS

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

Seconded: Mr. Catalanello  
Vote: Approved by voice vote

**RECONVENE IN COUNCIL CHAMBER**

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

**GREETINGS TO PUBLIC**

Acting Mayor Landrigan made the following comments:

Madison and Chatham both won at the recently held Mayor's Trophy game, which Acting Mayor Landrigan displayed.  
Mr. Landrigan invited all residents to a fundraiser this Monday, June 30th, at Plaza Lanes. Residents can help fund children with homes that are still destroyed from Hurricane Sandy attend a YMCA summer camp. For just \$30.00, residents can bowl for four hours, including bowling shoes, pizza, and soda. There will also be a 50/50 raffle and a merchandise raffle, as well. All proceeds will benefit the summer camperships for Union Beach children. Please contact the Madison YMCA or the Borough Clerk's office to register.

The Madison Public Library has kicked off their summer reading program with more than 300 registered. A teen and adult summer reading program will begin next week.

**APPROVAL OF MINUTES**

Ms. Baillie moved approval of the **Executive Minutes of June 9, 2014**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Ms. Baillie moved approval of the **Regular Meeting Minutes of June 9, 2014**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

### **REPORTS OF COMMITTEES**

#### **Public Works and Engineering**

Mr. Catalanello, Chair of the Committee, made the following comments:  
The 2014 Road Improvement Program work on Academy Road curbing replacement, sidewalk replacement are now complete. Once the Vinton, Wilson and Academy roads have had the preparatory work completed the contractor will schedule the milling and repaving crews for several consecutive days. This will allow the drainage and concrete crews to move on to Belmont Ave, Pine Tree Terrace, Durwood Place and Fletcher Place. The gas main has been installed at the Treadwell Pump Station and work continues to make the emergency generator operational. Full emergency operation is anticipated within two weeks (well ahead of hurricane season). The Library HVAC design is complete and the draft of the bid specs will be sent to the Borough Attorney for review in anticipation of a fall bid opening.

#### **Utilities**

Mrs. Vitale, Chair of the Committee, made the following comments:  
The Electric Utility staff installed new poles and anchors at 80 Green Village Road and new anchors at Hoyt Street. Transferred poles were installed on Alexander Avenue and the staff completed oil filtration system at the James Street pump station. The staff has also wired and energized lamp posts on Prospect Street.

#### **Public Safety**

Ms. Baillie, Chair of the Committee, made the following comments:  
The Madison Fire Department hosted a basic Trench Rescue course for 10 firefighters from Madison, Morristown and Florham Park. The Public Works staff dug a trench so that the firefighters could learn in true working conditions. The Fire Department also participated in the Madison High School Day of Service. Ten High School students helped and learned about firefighting at the firehouse for five hours.

#### **Finance and Borough Clerk**

Mr. Wolkowitz, Chair of the Committee, made the following comments:  
The Borough is exploring the possibility of refinancing a large portion of debt with the Bond Counsel and more information will be forthcoming this summer if necessary. Mr. Wolkowitz reminded residents that the deadline for the Electric Utility Rebate program is September 1<sup>st</sup>. Mrs. Vitale hosted an event at the Rexford S. Tucker Apartments located at 15 Chateau Thierry and summer interns are available for additional help if needed. Mr. Wolkowitz noted that Borough finances are running just about where they were at this time last year and appear to be in excellent shape. The Strategic Planning Operating Committee asks that residents fill out a survey regarding Borough services, which is available online or in all Borough offices and the Council Chamber. Mr. Wolkowitz congratulated Borough Tax Collector Francine DeAngelis, recently named CFO in Morris Township and noted that the position of tax collector will be advertised.

#### **Community Affairs**

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

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Mr. Rowe thanked the Madison Basketball Association for its donation of four backboards and installation, which will be voting on later this evening. The DDC was awarded the "Best New Sign" Award for the Alley Way signs by the Chamber of Commerce at their annual gala. The award acknowledges the new custom signs the DDC made and installed in all the alleys leading from the downtown area to various parking areas. The DDC will host an August 16<sup>th</sup> Summer Clam Bake. This is a family event designed to commemorate and celebrate the 125<sup>th</sup> Anniversary of Madison's incorporation. There will be tables, food, live music and family friendly activities will fill the Train Station Crescent parking area. The new Volunteer Management Center Telephone Reassurance coordinator, Deborah Stamm, met with our volunteers who place calls to homebound seniors. An updated volunteer handbook and county resource guides were distributed. The Borough of Madison is the only site running at full capacity, with 11 volunteers and 19 clients. The 30<sup>th</sup> annual Summer Seminar Series at the Madison Public Library begins July 7th. The Friends groups of the Madison Senior Center and Madison Public Library provide funding for the speakers.

### **COMMUNICATIONS AND PETITIONS**

The Borough Clerk announced receipt of the following communications:

Email received June 12, 2014 from Bob Balascio, Knollwood Ave, regarding road repairs at Main and Central Avenue.

Email received June 20, 2014 from Ross Snyder, Candlewood Drive, regarding abandoned bicycles at the train station.

### **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**

#### **06/23/2014-1 LUKE MILLER FORGE ROOF REPLACEMENT**

Mrs. Cathie Coultas, member of the Parks Advisory Commission, addressed the Council and provided information regarding a request to replace the roof at the Luke Miller Forge. Ms. Baillie noted that the Opens Space Committee passed a resolution at their most recent meeting supporting the request. There was no objection to listing a resolution for consideration.

Resolution R 194-2014 is listed on the Consent Agenda.

### **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 28, 2014 and June 9, 2014, 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.

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

**ORDINANCE 32-2014  
ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 34-2013 APPROPRIATING \$100,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE EAST STREET PARKING LOT TO INCREASE THE APPROPRIATION FROM \$100,000.00 TO \$120,000.00**

**WHEREAS**, Ordinance 34-2013 of the Borough of Madison appropriated \$100,000.00 from the General Capital Improvement Fund to repair the East Street parking lot including drainage, striping, signage, curbing and concrete work; and

**WHEREAS**, the Borough Engineer has recommended that the Borough amend Ordinance 34-2013 to appropriate an additional \$20,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 34-2013 to \$120,000.00 to make repairs to the East Street parking lot; 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 \$120,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should amend Ordinance 34-2013 to appropriate an additional \$20,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 34-2013 to \$120,000.00 to make repairs to the East Street parking lot; and

**WHEREAS**, the Madison Area YMCA has agreed to reimburse eighty percent (80%) of the \$120,000.00 projected costs.

**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 34-2013 is hereby amended to appropriate an additional \$20,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 34-2013 to \$120,000.00 to make repairs to the East Street parking lot.

**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 Landrigan opened up the public hearing on Ordinance 32-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Catalanello moved that Ordinance 32-2014, which was read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no further Council discussion, and the motion passes with the following roll call vote recorded:

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

Nays: None

**Mayor's Statement:** Acting Mayor Landrigan declares Ord. 32-2014 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 33-2014**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$150,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR SEWER LINING IMPROVEMENTS**

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$150,000.00 from the General Capital Improvement Fund for sewer lining 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 \$150,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$150,000.00 from the General Capital Improvement Fund for sewer lining improvements.

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

**SECTION 1:** The amount of \$150,000.00 is hereby appropriated from the General Capital Improvement Fund for sewer lining improvements.

**SECTION 40:** 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 Landrigan opened up the public hearing on Ordinance 33-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Catalanello moved that Ordinance 33-2014, which was read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no further Council discussion, and the motion passes with the following roll call vote recorded:

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

Nays: None

**Mayor's Statement:** Acting Mayor Landrigan declares Ord. 33-2014 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 34-2014**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$75,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR EMERGENT STORM SEWER CONSTRUCTION ON MADISON AVENUE BETWEEN LOANTAKA TERRACE AND VINAL PLACE**

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$75,000.00 from the General Capital Improvement Fund for emergent storm sewer construction on Madison Avenue between Loantaka Terrace and Vinal Place; 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 \$75,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$75,000.00 from the General Capital Improvement Fund for emergent storm sewer construction on Madison Avenue between Loantaka Terrace and Vinal Place.

**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 \$75,000.00 is hereby appropriated from the General Capital Improvement Fund for emergent storm sewer construction on Madison Avenue between Loantaka Terrace and Vinal Place.

**SECTION 40:** 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 Landrigan opened up the public hearing on Ordinance 34-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Catalanello moved that Ordinance 34-2014, which was read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no further Council discussion, and the motion passes with the following roll call vote recorded:

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

Nays: None

**Mayor's Statement:** Acting Mayor Landrigan declares Ord. 34-2014 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 35-2014**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$30,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR SIGNALIZATION IMPROVEMENTS**

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$30,000.00 from the General Capital Improvement Fund for signalization 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 \$30,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$30,000.00 from the General Capital Improvement Fund for signalization improvements.

**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 \$30,000.00 is hereby appropriated from the General Capital Improvement Fund for signalization improvements.

**SECTION 40:** 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 Landrigan opened up the public hearing on Ordinance 35-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Catalanello moved that Ordinance 35-2014, which was read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no further Council discussion, and the motion passes with the following roll call vote recorded:

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

Nays: None

**Mayor's Statement:** Acting Mayor Landrigan declares Ord. 35-2014 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 36-2014**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$200,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR MILLING AND OVERLAY OF VARIOUS STREETS**

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$200,000.00 from the General Capital Improvement Fund for milling and

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overlay of various Borough Streets, including Division Avenue, Union Hill Road, and a portion of Woodland Road and a portion of Prospect Street; 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 \$200,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$200,000.00 from the General Capital Improvement Fund for milling and overlay of various Borough Streets, including Division Avenue, Union Hill Road, and a portion of Woodland Road and a portion of 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 \$200,000.00 is hereby appropriated from the General Capital Improvement Fund for the milling and overlay of various Borough Streets.

**SECTION 40:** 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 Landrigan opened up the public hearing on Ordinance 36-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Catalanello moved that Ordinance 36-2014, which was read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no further Council discussion, and the motion passes with the following roll call vote recorded:

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

Nays: None

**Mayor's Statement:** Acting Mayor Landrigan declares Ord. 36-2014 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 37-2014**

**AN ORDINANCE AUTHORIZING THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, NEW JERSEY TO ENTER INTO A FINANCIAL AGREEMENT WITH KRE MADISON NJ URBAN RENEWAL, LLC FOR PROPERTY AT 33 GREEN VILLAGE ROAD DESIGNATED AS BLOCK 3001, LOT 8**

WHEREAS, the Mayor and Council of the Borough of Madison adopted a resolution designating the property at 33 Green Village Road Block 3001, Lot 8 (the "Property") as an area in need of redevelopment in accordance with the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the "Redevelopment Area"); and

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WHEREAS, thereafter the Mayor and Council adopted an Ordinance approving a redevelopment plan for the Redevelopment Area (the “Redevelopment Plan”) pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*; and

WHEREAS, KRE Madison NJ Urban Renewal, LLC (the “Entity”) proposes to construct 135 residential units, 7,500 sq. ft. of retail space and a 3,000 sq. ft. community center on the Property (hereinafter the “Project”); and

WHEREAS, the Entity wishes to have a long term tax exemption granted for the Project and has requested that the Borough grant such tax exemption; and

WHEREAS, on May 28, 2014, the Entity filed an Application with the Borough for approval of a long term tax exemption for the Improvements proposed for the Project as permitted by the Long Term Tax Exemption Law (*N.J.S.A. 40A 20-1, et seq.*) (the “LTTEL”); and

WHEREAS, the Borough is agreeable to granting a long term tax exemption for those Improvements; and

WHEREAS, the provisions of the LTTEL, and such other statutes as may be sources of relevant authority, if any, authorize the Borough to accept, in lieu of real property taxes, an annual service charge paid by the Entity to the Borough as set forth in such laws; and

WHEREAS, the Borough made the following findings:

- (a) As to the relative benefits of the Project:
  - i. The Project will provide economic activity within the Redevelopment Area, create jobs and yield significant municipal revenue.
  - ii. The property is currently tax exempt while the Financial Agreement is expected to generate at least \$710,000.00 in annual service charges.
  - iii. The Project will convert underutilized property to productive residential and commercial use, in accordance with the Borough’s redevelopment goals and objectives.
  - iv. The Borough will receive affordable housing funds of up to \$2,081,562.00 as the Project is built.
  - v. The Borough will have the use of a 3,000 sq. ft. community center and approximately 16,500 sq. ft. of outdoor open space as part of the Project.

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- (b) As to the assessment of the importance of the tax exemption in obtaining development of the Project and influencing the locational decisions of probable occupants:
- i. In the current real estate marketplace, the rents likely to be achieved by this Project are not sufficient to pay for the costs of land and construction and the payment of full taxes while allowing the developer the opportunity to make a return on its investment that is sufficient to both warrant the risks and to convince the lending markets to provide the construction and permanent financing required by the Project.
  - ii. The Borough believes that amounts to be paid under the terms of the Financial Agreement are greater than the incremental costs to be incurred by the Borough as a result of the project, and believes that it is in its interest to provide the necessary incentive that will cause the project to be constructed. Because the formulas used in the Financial Agreement will provide for growth in the amounts to be paid over time, the Borough expects the Project will continue to make payments that are greater than the costs to be incurred. Finally, the useful life of the Project is expected to be substantially longer than the term of the Financial Agreement, so that in the future the Project will become fully taxable and remain part of the Borough's ratable base for many years thereafter; and

WHEREAS, the Mayor and Council have approved the Application, subject to such conditions as may be indicated herein, and have determined the amount of the Annual Service Charge, and have authorized the execution of the attached Financial Agreement; and

WHEREAS, Borough and the Entity wish to enter into this Financial Agreement to memorialize the terms and conditions by which the Entity will pay an Annual Service Charge (as defined therein) in lieu of real property taxes on the Project Improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY that:

1. The recitals above are fully incorporated herein.
2. The application of the Entity is hereby accepted and approved subject to the modifications as set forth in the attached Financial Agreement.
3. The Mayor is hereby authorized and directed, subject to the satisfaction of all legal requirements and such specific conditions as are enumerated in this Ordinance, to execute the

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Financial Agreement with the Entity, in substantially the form attached hereto, but with such non-material changes, insertions or deletions as the Mayor, in consultation with the Borough Attorney and Special Redevelopment Counsel to the Borough deems in his sole discretion necessary or desirable, with such execution by the Mayor to be deemed as conclusive evidence of the Mayor's consent to such changes, insertions or deletions.

4. The Borough Clerk is hereby authorized and directed, upon execution of the Financial Agreement in accordance with the terms of this ordinance, to attest to the signature of the Mayor and to affix the corporate seal of the Borough to that Financial Agreement.
5. This Ordinance shall not be in force and effect until such time as all of the following conditions have been satisfied.
  - a. The Entity has paid to the Borough all fees and charges required by the Financial Agreement to be paid as of the time of the execution of the Financial Agreement.
  - b. The Entity has submitted such additional information regarding the Application, as may be requested by the Borough.
6. The Borough Clerk is hereby authorized and directed to publish this Ordinance at the times and in the manner required by law and to make a copy of this ordinance available for inspection by the public at the offices of the Borough during the Borough's normal business hours.
7. The Borough Clerk is hereby authorized and directed to send a copy of this Ordinance and the executed Financial Agreement to the Director of the Division of Local Government Services in the NJ Department of Community Affairs.
8. This ordinance shall take effect upon final passage and publication in the manner provided by law.

Acting Mayor Landrigan opened up the public hearing on Ordinance 37-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Catalanello moved that Ordinance 37-2014, which was read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no further Council discussion, and the motion passes 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’s Statement:** Acting Mayor Landrigan declares Ord. 37-2014 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 38-2014  
ORDINANCE OF THE BOROUGH OF MADISON ADOPTING AN AMENDED  
REDEVELOPMENT PLAN IN ACCORDANCE WITH N.J.S.A. 40A:12A-7**

WHEREAS, on August 22, 2011, the Mayor and Council adopted Resolution No. 192-2011 which determined a certain delineated area to be a “Redevelopment Area” as defined in N.J.S.A. 40A:12A-3; and

WHEREAS, pursuant to Ordinance 32-2011, the Mayor and Council adopted a plan for redevelopment of the Redevelopment Area entitled the “Green Village School Redevelopment Plan;” and

WHEREAS, the Borough’s Planner has proposed revisions to the Green Village School Redevelopment Plan by way of an amendment to the Green Village School Redevelopment Plan dated May 21, 2014 (the “May 21, 2014 Amended Green Village School Redevelopment Plan” or “Amended Plan”), which will supersede the aforementioned Green Village School Redevelopment Plan; and

WHEREAS, on May 28, 2014, the Mayor and Council, by Resolution No. 168-2014, referred the proposed Amended Plan to the Madison Planning Board, pursuant to N.J.S.A. 40A:12A-7, for review and report thereon; and

WHEREAS, the proposed Amended Plan meets all of the requirements of N.J.S.A. 40A:12A-7; and

WHEREAS, the area governed by the Amended Plan is the same as defined in Resolution No. 192-2011.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Madison, County of Morris, State of New Jersey, that the “May 21 2014 Amended Green Village School Redevelopment Plan” is hereby adopted and it shall replace and supersede the previous Plan adopted by Ordinance 32-2011.

Acting Mayor Landrigan opened up the public hearing on Ordinance 38-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Catalanello moved that Ordinance 38-2014, which was read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no further Council discussion, and the motion passes 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’s Statement:** Acting Mayor Landrigan declares Ord. 38-2014 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 39-2014**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 10-2014 CONCERNING SECTION 185-29 OF THE BOROUGH CODE TO PROHIBIT PARKING ON THE SOUTH SIDE OF BURNET ROAD DURING SCHOOL AND SPORTING EVENTS AT MADISON HIGH SCHOOL**

**WHEREAS**, the Chief of Police has recommended there be no parking on the South Side of Burnet Road for the entire length, during school hours of Madison High School and during school sporting and/or other events occurring at Madison High School throughout the year; 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>
Burnet Road	South	From Ridgedale Avenue to Chateau Thierry Avenue

The No parking restrictions will apply during the school year, during school hours and during school sporting and/or other events occurring at Madison High School throughout the year.

**Section 2:** This Ordinance shall take effect as provided by law. Acting Mayor Landrigan opened up the public hearing on Ordinance 39-2014. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 39-2014, which was read by title, be finally adopted. Mr. Wolkowitz seconded the motion. There was no further Council discussion, and the motion passes 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’s Statement:** Acting Mayor Landrigan declares Ord. 39-2014 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the 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.**

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 July 14, 2014 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.

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

ORDINANCE 40-2014    ORDINANCE OF THE BOROUGH OF MADISON  
APPROPRIATING \$25,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT  
FUND FOR THE PURCHASE 24 NEW SELF CONTAINED BREATHING  
APPARATUS

**WHEREAS**, the Madison Fire Chief has recommended that the Borough appropriate \$25,000.00 from the General Capital Improvement Fund to purchase 24 new Self Contained Breathing Apparatus (SCBA), 48 new cylinders and 24 New High Temp(HT) face pieces for the Fire Department in the amount of \$149,824.00; and

**WHEREAS**, the Madison Fire Department has received a FY2013 FEMA Assistance to Firefighters Grant (AFG) in the amount of \$125,400.00; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of funds in the General Capital Improvement Fund in an amount not to exceed \$25,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$25,000.00 from the General Capital Improvement Fund to purchase 24

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new Self Contained Breathing Apparatus (SCBA), 48 new cylinders and 24 New High Temp(HT) face pieces for the Fire Department.

**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 \$25,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase 24 new Self Contained Breathing Apparatus (SCBA), 48 new cylinder and 24 New High Temp(HT) face pieces for the Fire Department.

**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.

Ms. Baillie moved that Ordinance 40-2014, which the Borough Clerk read by title, be adopted. Mr. Wolkowitz seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

**CONSENT AGENDA RESOLUTIONS**

**The Clerk made the following statement:**

Consent Agenda Resolutions will be enacted with a single motion; any Resolution requiring expenditure is supported by a Certification of Availability of Funds; any Resolution requiring discussion will be removed from the Consent Agenda; all Resolutions will be reflected in full in the minutes.

Mr. Catalanello moved adoption of the Resolutions listed on the Consent Agenda. Ms. Baillie seconded the motion. Ms. Baillie abstained from voting on Resolution R 207-2014. 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 187-2014 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING DONATION OF BASKETBALL BACKBOARDS FOR THE COURTS AT DODGE FIELD FROM THE MADISON BASKETBALL ASSOCIATION

**WHEREAS**, the Madison Basketball Association has generously offered to fund the purchase and installation of replacement backboards for the Dodge Field basketball courts; and

**WHEREAS**, the Borough Council has concluded that it would be in the best interest of the Borough to accept the offer of the Madison Basketball Association.

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**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison in the County of Morris in the State of New Jersey that the Borough accepts the donation of the above described replacement basketball backboards, and permission is granted for the installation of the backboards at Dodge Field basketball courts.

**BE IT FURTHER RESOLVED** that the Borough of Madison expresses its gratitude to the members of the Madison Basketball Association.

R 188-2014 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT FOR PURCHASE OF SELF CONTAINED BREATHING APPARATUS (SCBA) TO FIREFIGHTERS EQUIPMENT COMPANY, INC., OF DOVER, NEW JERSEY UNDER STATE CONTRACT IN THE AMOUNT OF \$149,824.00

**WHEREAS**, the Borough of Madison desires to award a contract for the purchase of self contained breathing apparatus (SCBA) to Firefighters Equipment Company, Inc. under state contract number A80961 in the amount of \$149,824.00; and

**WHEREAS**, the purchase of goods and services by local contracting units through a state contract is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12, et seq.; and

**WHEREAS**, Firefighters Equipment Company, Inc. has been awarded state contract A80961 for self contained breathing apparatus (SCBA); and

**WHEREAS**, the Fire Chief has recommended that the Borough Council utilize this contract for the purchase of self contained breathing apparatus (SCBA) in the amount of \$149,824.00; and

**WHEREAS**, the contract award is contingent upon funds being available in an amount not to exceed \$149,824.00 for this purpose from the General Capital Improvement Fund and receipt of a \$125,400.00FY2013 FEMA Assistance to Firefighters Grant (AFG).

**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 self contained breathing apparatus (SCBA) is hereby awarded to Firefighters Equipment Company, Inc. under state contract number A80961, at a total price not to exceed \$149,824.00.

2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Firefighters Equipment Company, Inc. under state contract number A80961 for the purchase of

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self contained breathing apparatus (SCBA) at a total price not to exceed \$149,824.00, in a form acceptable to the Borough Attorney.

**R 189-2014 RESOLUTION OF THE MADISON BOROUGH COUNCIL  
AWARDING CONTRACT TO STANZIALE CONSTRUCTION IN THE AMOUNT OF  
\$114,223.00 FOR THE 2014 EAST STREET PARKING LOT**

**WHEREAS**, the Borough of Madison publicly advertised bids for the reconstruction of the East Street Parking Lot; and

**WHEREAS**, the lowest qualified bid was submitted by Stanziale Construction in the amount of \$114,223.00 for the base bid, plus the bid alternate; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Council award the contract to Stanziale Construction in the amount of \$114,223.00 for the base bid , plus the bid alternate; and

**WHEREAS**, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$114,223.00 for this purpose which funds were appropriated by Ordinance 34-2013 and Ordinance 32-2014.

**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. The contract for the East Street Parking Lot project is hereby awarded to Stanziale Construction based upon its bid in the amount of \$114,223.00 for the base bid, plus the bid alternate.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Stanziale Construction in a form acceptable to the Borough Attorney.

**R 190-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING  
THE PURCHASE OF SERVICES FROM JEN ELECTRIC, INC. OF SPRINGFIELD,  
NEW JERSEY UNDER STATE AND COUNTY CONTRACT FOR TRAFFIC  
SIGNAL MAINTENANCE**

**WHEREAS**, the Borough of Madison desires to purchase services for the 2014 signal improvement project from an authorized vendor under State and County Contracts; and

**WHEREAS**, the purchase of goods and services through pre-bid State and County agencies by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12, et seq; and

**WHEREAS**, JEN Electric, Inc., of Springfield, New Jersey has been awarded New Jersey State and Morris County Cooperative Bid Contracts; and

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**WHEREAS**, the Borough Engineer has recommended that the Borough Council utilize these contracts for regular signal maintenance at multiple locations in the total amount not to exceed \$30,000.00; and

**WHEREAS**, the Borough Engineer has determined and certified in writing that the cumulative value of services in this calendar year may exceed \$17,500.00; and

**WHEREAS**, JEN Electric, Inc., must submit to the Borough Purchasing Agent the required documents to satisfy the requirements of N.J.S.A. 19:44A-20.5, since this matter is awarded without competitive bidding; and

**WHEREAS**, JEN Electric, Inc., must complete and submit a Business Entity Disclosure Certification which certifies that JEN Electric, Inc., has not made any reportable contributions to a political or candidate committee in the Borough of Madison in the previous one year; and

**WHEREAS**, the Chief Financial Officer has attested that funds are available in Ordinance 35-2014 for this purpose.

**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. Upon ten days after receipt of the Business Entity Disclosure Certification and other required documents from JEN Electric, Inc., the purchase of services for the 2014 signal improvement project from JEN Electric, Inc., at a total price not to exceed \$30,000.00 is hereby approved under New Jersey State and Morris County contracts and the Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract with JEN Electric, Inc. for the maintenance of various traffic signals at a total price not to exceed \$30,000.00, in a form acceptable to the Borough Attorney.

2. When received, the Business Entity Disclosure Certification, Political Contribution Disclosure Form and the Determination of Value shall be placed on file with this resolution.

3. The Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough of Madison within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.

R 191-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SETTLEMENT OF THE 2013 TAX APPEAL ENTITLED DAVID NIU V. BOROUGH OF MADISON, DOCKET NO. : 005399-2013 OF THE TAX ASSESSMENT OF BLOCK 4903, LOT 8, KNOWN AS 7 DELLWOOD PARKWAY SOUTH, IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

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**WHEREAS**, an appeal of the real property tax assessment for tax year 2013 involving Block 4903, Lot 8, has been filed by the Taxpayer, David Niu; and

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

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

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

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

7 Dellwood Parkway South  
**Year 2013**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 662,200	N/A	\$ 662,200
Imprvts:	\$ 398,900	N/A	\$ 298,900
Total:	\$ 1,061,100	N/A	\$ 961,100

2. The provisions of the N.J.S.A. 54:A-8 (Freeze Act) are hereby applicable to the Taxpayer's 2014 and 2015 Assessment.

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

R 192-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SETTLEMENT OF THE 2011, 2012, AND 2013 TAX APPEALS ENTITLED BANTA, ROBERT & VIRGINIA REVOC. TRUST V. BOROUGH OF MADISON, DOCKET NOS. : 003757-2011, 002748-2012 AND 001758-2013 OF THE TAX ASSESSMENT OF BLOCK 2601, LOT 1, KNOWN AS 107 MAIN STREET, IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

**WHEREAS**, an appeal of the real property tax assessment for tax years 2011, 2012 and 2013 involving Block 2601, Lot 1, has been filed by the Taxpayer, Robert Banta & Virginia Revoc Trust; and

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

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

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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. Settlement of the 2011 and 2012 tax appeals are hereby authorized as follows:

107 Main Street  
**Years 2011, 2012**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 852,000	N/A	\$ 852,000
Imprvts:	\$ 841,700	N/A	\$ 698,000
Total:	\$ 1,693,700	N/A	\$ 1,550,000

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

107 Main Street  
**Years 2013**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 1,590,000	N/A	\$ 1,590,000
Imprvts:	\$ 1,217,600	N/A	\$ 1,217,600
Total:	\$ 2,807,600	N/A	\$ 2,807,600

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

R 193-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SETTLEMENT OF THE 2013 TAX APPEAL ENTITLED VIGILANTE, DANIEL V. BOROUGH OF MADISON, DOCKET NO. : 012587-2013 OF THE TAX ASSESSMENT OF BLOCK 4004, LOT 13, KNOWN AS 89 SAMSON AVENUE, IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

**WHEREAS**, an appeal of the real property tax assessment for tax year 2013 involving Block 4004, Lot 13, has been filed by the Taxpayer, Daniel Vigilante; and

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

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

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

89 Samson Avenue

**Year 2013**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 603,400	\$603,400	\$ 603,400
Imprvts:	\$ 404,500	\$ 404,500	\$ 246,600
Total:	\$ 1,007,900	\$1,007,900	\$ 850,000

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

R 194-2014 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO BFJ PLANNING OF NEW YORK, NY FOR EXPERT TRANSPORTATION SERVICES REGARDING THE PARK AVENUE CORRIDOR IN THE AMOUNT NOT TO EXCEED \$15,000.00

**WHEREAS**, the Borough Administrator has recommended that the Borough obtain professional services from BFJ Planning, for expert transportation services regarding the Park Avenue corridor (hereinafter the "Contract"); and

**WHEREAS**, said services would constitute professional services for which a contract may be awarded without the need of competitive bidding pursuant to N.J.S.A. 40A:11-5; and

**WHEREAS**, the Borough Administrator has recommended that the Borough Council award the Contract to BFJ Planning, in an amount not to exceed \$15,000.00, for expert transportation services regarding the Park Avenue corridor; and

**WHEREAS**, BFJ Planning., must submit to the Borough Purchasing/Personnel Officer the required documents to satisfy the requirements of N.J.S.A. 19:44A-20.5, since this matter may be awarded without competitive bidding; and

**WHEREAS**, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$15,000.00 for this purpose, which funds are available in the 2014 operating budget.

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**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with BFJ Planning, for expert transportation services regarding the Park Avenue corridor in an amount not to exceed \$15,000.00.

**R 195-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXPENDITURE FROM THE OPEN SPACE TRUST FUND FOR REPLACEMENT OF THE ROOF AT THE LUKE MILLER FORGE**

**WHEREAS**, the Parks Advisory Committee has requested funding to replace the roof at the Luke Miller Forge; and

**WHEREAS**, the Open Space Advisory Committee has recommended that up to \$8,000.00 from the Municipal Open Space Trust Fund be disbursed for the requested replacement of the roof at the Luke Miller Forge; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of the funds in the Municipal Open Space Trust Fund in an amount not to exceed \$8,000.00 for this purpose.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that up to \$8,000.00 is hereby authorized to be allocated from the Municipal Open Space Trust Fund to replace the roof at the Luke Miller Forge.

**R 196-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE**

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

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

**WHEREAS**, the Borough of Madison intends to utilize the online auction services of PropertyRoom.com located at [www.propertyroom.com](http://www.propertyroom.com); and

**WHEREAS**, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9, 2008-21 R.

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**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Borough is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled [www.propertyroom.com](http://www.propertyroom.com).

**BE IT FURTHER RESOLVED** that the terms and conditions of the agreement entered into between PropertyRoom.com and the Borough of Madison are available at [www.propertyroom.com](http://www.propertyroom.com) and in the Borough Clerk's office.

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

R 197-2014 RESOLUTION OF THE BOROUGH OF MADISON SUPPORTING GRANT APPLICATION OF THE TOWNSHIP OF CHATHAM FOR A GRANT FROM THE MORRIS COUNTY OPEN SPACE PRESERVATION TRUST FUND

**WHEREAS**, the Township of Chatham has requested support of a grant application, to the Morris County Open Space Preservation Trust Fund, to acquire 165 acres at Giralda Farms; and

**WHEREAS**, the Borough Administrator has recommended that the Council authorize the issuance of a letter of support of the grant application of the Township of Chatham.

**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 is hereby authorized to issue a letter of support for the Morris County Open Space Preservation Trust Fund grant, to acquire 165 acres at Giralda Farms, as requested by the Township of Chatham.

R 198-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING DEVELOPER'S AGREEMENT BETWEEN THE BOROUGH OF MADISON AND TIRO ASSOCIATES, LLC FOR PREMISES LOCATED AT 134 MAIN STREET AND DESIGNATED ON THE TAX MAP AS BLOCK 1803, LOT 16

**WHEREAS**, Tiro Associates, LLC ("Developer") is the owner of certain property in the Borough of Madison located at 134 Main Street and designated as Block 1803, Lot 16 on the current Tax Map of the Borough (the "Property"); and

**WHEREAS**, Developer obtained from the Madison Borough Zoning Board of Adjustment development approvals for construction of 2 commercial buildings and related site improvements to replace an existing nonconforming structure and a large paved area on the Property by Resolution adopted on March 13, 2014, which provided for execution of a developer's agreement with the Borough; and

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**WHEREAS**, counsel has recommended that the attached proposed Developer's Agreement concerning the Property be entered into.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and the State of New Jersey, that the attached Developer's Agreement between Tiro Associates, LLC and the Borough of Madison is hereby approved, and the Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute the Developer's Agreement.

R 199-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING BINGO LICENSE APPLICATION SUBMITTED BY MADISON VOLUNTEER AMBULANCE CORP

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

MADISON VOLUNTEER AMBULANCE CORP  
I.D. No. 274-10-31453  
B.A. No. 65  
November 7, 2014

R 200-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY T J MARTELL FOUNDATION FOR LEUKEMIA, CANCER & AIDS RESEARCH INC. TO BE HELD AT POOR HERBIE'S RESTAURANT

**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, which raffles drawing is to be held at Poor Herbie's Restaurant, be and the same is hereby approved:

T J MARTELL FOUNDATION FOR LEUKEMIA, CANCER & AIDS RESEARCH  
I.D. No. 732-5-38238  
R.A. No. 1318 – Off Premise  
December 11, 2014

R 201-2014 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 are hereby approved:

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THE SHAKESPEARE THEATRE OF NEW JERSEY, INC.  
I.D. No. 274-5-32247  
R.A. No. 1319 – Off Premise  
January 5, 2015

R 202-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING TRANSFER OF 2014 LIVERY OWNER'S LICENSE FOR MADISON TRANSPORTATION, INC.

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

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

**WHEREAS**, Madison Transportation, Inc. has made application to transfer Livery Owner's License No. 14-9 to a substitute vehicle and, at the same time, has provided proof of insurance and paid the appropriate transfer fee;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey, to approve the license transfer request from Madison Transportation, Inc.

R 203-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY THE THURSDAY MORNING CLUB

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

**THURSDAY MORNING CLUB**  
I.D. No. 274-8-12803  
R.A. No. 1317 – On Premise  
November 15, 2014

R 204-2014 RESOLUTION OF THE BOROUGH OF MADISON AWARDED PROFESSIONAL SERVICES CONTRACT TO GABEL ASSOCIATES OF HIGHLAND PARK, NEW JERSEY FOR ENERGY CONSULTING SERVICES

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**WHEREAS**, the Assistant Borough Administrator has recommended that the Borough obtain professional services from Gabel Associates, Inc. of Highland Park, New Jersey for Energy Consulting Services; and

**WHEREAS**, said services would constitute professional services for which a contract may be awarded without the need of competitive bidding pursuant to N.J.S.A. 40A:11-5; and

**WHEREAS**, the Assistant Borough Administrator has determined and certified in writing that the value of this acquisition will exceed \$17,500.00; and

**WHEREAS**, the Assistant Borough Administrator has recommended that the Borough Council award the Contract to Gabel Associates of Highland Park, Inc. in an amount not to exceed \$53,000.00 for Energy Consulting Services; and

**WHEREAS**, Gabel Associates, Inc. must submit to the Borough Purchasing/Personnel Officer the required documents to satisfy the requirements of N.J.S.A. 19:44A-20.5, since this matter may be awarded without competitive bidding; and

**WHEREAS**, Gabel Associates, Inc. must complete and submit a Business Entity Disclosure Certification which certifies that Gabel Associates, Inc. has not made any reportable contributions to a political or candidate committee in the Borough of Madison in the previous one year, and that the contract will prohibit Gabel Associates, Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$53,000.00 for this purpose, which funds are available in the Electric Utility operating budget.

**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. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from Gabel Associates, Inc., the Mayor/Acting Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Gabel Associates, Inc. for Energy Consulting Services in an amount not to exceed \$53,000.00, such contract to be in a form approved by the Borough Attorney.

2. When received, the Business Disclosure Entity Certification, Political Contribution Disclosure Form and the Determination of Value shall be placed on file with this resolution.

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3. The Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough of Madison within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.

R 205-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING STIPEND OF \$210.00 PER MONTH FOR ADDITIONAL PROFESSIONAL SERVICES BY THE ADMINISTRATIVE OFFICER IN THE LAND USE SERVICES DIVISION TO THE TOWNSHIP OF HARDING

**WHEREAS**, the Borough Administrator has recommended that the Administrative Officer in the Land Use Services Division, Frances Boardman, be granted a stipend of \$225.00 per month for additional work due to a shared service agreement with the Township of Harding; and

**WHEREAS**, the Township of Harding, in a Shared Service Agreement dated June 15, 2014, will pay the Borough of Madison \$10,000.00 annually in quarterly payments; and

**WHEREAS**, the stipend will not become part of the base salary and can be terminated by the Borough upon thirty (30) days written notice and/or upon the expiration of the Shared Services Agreement with the Township of Harding; and

**WHEREAS**, the stipend is contingent upon the full execution of the collective bargaining agreement with the Federation Employees Union(s) for the period January 1, 2014 through December 31, 2017.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison in the County of Morris in the State of New Jersey that Francis Boardman, Administrative Officer in the Land Use Services Division, is hereby granted a stipend of \$225.00 per month for increased work responsibilities, effective immediately.

R 206-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING STIPEND OF \$250.00 PER MONTH FOR ADDITIONAL PROFESSIONAL SERVICES BY THE OFFICE ASSISTANT IN THE CONSTRUCTION DEPARTMENT TO THE BOROUGH OF CHATHAM

**WHEREAS**, the Borough Administrator has recommended that the Office Assistant in the Construction Department, Valerie Walters, be given a stipend of \$250.00 per month for additional work due to a shared service agreement with the Borough of Chatham; and

**WHEREAS**, the Borough of Chatham and the Borough of Madison have executed a Shared Service Agreement dated November 26, 2013; and

**WHEREAS**, in exchange for providing Construction Code Services, Madison receives 92.5% of all Chatham construction fees collected; and

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**WHEREAS**, the stipend will not become part of the base salary and can be terminated by the Borough of Madison upon thirty (30) days written notice and/or upon the expiration of the shared Services Agreement with the Borough of Chatham; and

**WHEREAS**, the stipend is contingent upon the full execution of the collective bargaining agreement with the Federation Employees Union(s) for the period January 1, 2014 through December 31, 2017.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison in the County of Morris in the State of New Jersey that Valerie Walters, Administrative Officer in the Land Use Services Division, is hereby granted a stipend of \$250.00 per month for increase work load, effective immediately.

**R 207-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MADISON YMCA FOR PROJECT COMMUNITY PRIDE COUNSELING SERVICES**

**WHEREAS**, the Assistant Borough Administrator has negotiated an agreement with the Madison Area YMCA for professional counseling services currently provided by Project Community Pride; and

**WHEREAS**, the Borough of Madison will pay an annual fee to the Madison Area YMCA and provide office space and utilities pursuant to a contract to be executed by the parties in a form acceptable to the Madison Borough attorney.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Acting Mayor and Borough Clerk are hereby authorized, on behalf of the Borough, to execute an agreement for professional counseling services with the Madison Area YMCA.

**R 208-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXPANSION OF THE ELECTRIC UTILITY REBATE PROGRAM FOR 2014**

**WHEREAS**, the Borough Council recognizes a need for an Electric Rebate Utility Rebate Program and has allocated \$100,000 in the 2014 Municipal Budget for this purpose; and

**WHEREAS**, the Borough Council finds that it is a benefit to the Borough of Madison to establish an Electric Utility Rebate Program and guidelines for the calendar year 2014; and

**WHEREAS**, the Borough Council is in agreement to expand Article 2 of the application for an Electric Rebate to include “participation in any Federal State of County Housing Assistance Program”.

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**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison County of Morris, State of New Jersey, that the eligibility criteria for the Electric Utility Rebate program is hereby expanded as herein noted.

R 209-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE DOWNTOWN DEVELOPMENT COMMISSION TO HOLD A CLAM BAKE ON SATURDAY, AUGUST 16, 2014

**WHEREAS**, the members of the Downtown Development Commission have requested permission to hold a “clam bake” on Saturday, August 16, 2016, on the crescent parking lot; and

**WHEREAS**, approval of the governing body is required in order to obtain permission from NJ Transit to use the space; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the request by the Downtown Development Commission to hold a “clam bake” on Saturday, August 16, 2014, on the crescent parking area is hereby approved, subject to such safety requirements as may be determined by the Madison Fire, Police and Public Works Departments.

R 210-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AMENDMENT OF THE INTERLOCAL SERVICES AGREEMENT WITH THE BOROUGH OF CHATHAM TO PROVIDE CONSTRUCTION CODE, PLUMBING SUB-CODE, FIRE SUB-CODE AND ELECTRICAL SUB-CODE SERVICES

**WHEREAS**, the Borough Administrator has recommended an amendment to the Interlocal Services Agreement with the Borough of Chatham to provide Construction Code, Plumbing Sub-Code, Fire Sub-Code and Electrical Sub-Code Services dated November 26, 2013, to amend language regarding public records; and

**WHEREAS**, the Council concurs in this recommendation to amend the language of the agreement regarding public records.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that the Mayor and Borough Clerk are hereby authorized to execute a First Amendment to the Interlocal Services Agreement with the Borough of Chatham to provide Construction Code, Plumbing Sub-Code, Fire Sub-Code and Electrical Sub-Code Services as described herein, in a form acceptable to the Borough Attorney.

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R 211-2014 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING THE APPROVAL OF THE RECOMMENDATION OF THE FINANCE COMMITTEE AND OPERATING COMMITTEE OF THE MADISON-CHATHAM JOINT MEETING REGARDING ITEMS OF BUSINESS APPROVED AT THE JUNE 16, 2014 JOINT MEETING

**WHEREAS**, the Finance Committee and Operating Committee of the Madison-Chatham Joint Meeting held a regularly scheduled meeting on June 16, 2014; and

**WHEREAS**, the Borough of Madison was not represented by a quorum of members at said meeting; and

**WHEREAS**, the following items of business were introduced and approved by the members present at the Joint Meeting of June 16, 2014:

1. Approval of the minutes of the Finance and Operating Committee Meeting of May 19, 2014.
2. Approval of the June Financial Report, Check Registry and Purchase Orders Rendered.
3. Approval of Resolution # 14-35: Upgrade of EMCP Generator Control Panel. This is a budgeted capital project. (attached).
4. Approval of Kleinfelder to perform a Stormwater Runoff Analysis for a not to exceed amount of \$3,500. (proposal attached).
5. Approval of a check in the amount of \$354, which was issued out of the current PO's. This check is being sent to NJDEP to apply for two dissolved oxygen certifications for the MCJM lab, in response to low dissolved oxygen readings by QC Laboratories.

**NOW THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that the Borough of Madison that the Borough Council hereby ratifies the above listed actions taken at the Joint Meeting held June 16, 2014.

**UNFINISHED BUSINESS** - None

**APPROVAL OF VOUCHERS**

On motion by Mr. Catalanello, seconded by Mrs. Vitale 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	\$11,648.41
Health & Public Assistance	1,442.99
Public Works & Engineering	163,832.86
Community Affairs	6,298.27

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Finance & Borough Clerk	159,636.41
Utilities	<u>1,431,346.26</u>
Total	<u>\$1,774,205.20</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 8:35 p.m.

Respectfully submitted,

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