

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

**December 8, 2014 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 8th day of December, 2014. Mayor Conley called the meeting to order at 6:30 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

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

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

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

**ROLL CALL**

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

Mayor Robert H. Conley

Council Members:

Robert Landrigan

Carmela Vitale

Astri J. Baillie

Benjamin Wolkowitz

Patrick W. Rowe

Absent: Robert G. Catalanello, excused

Also Present:

Raymond M. Codey, Borough Administrator

James E. Burnet, Assistant Borough Administrator

Elizabeth Osborne, Borough Clerk

Matthew J. Giacobbe, Esq., Borough Attorney

**AGENDA REVIEW**

There was approval of the Regular and Executive Agenda.

**READING OF CLOSED SESSION RESOLUTION**

Mr. Landrigan moved:

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

MINUTES FOR APPROVAL (1)

October 27, 2014

November 13, 2014

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

CONTRACT MATTERS (8)

YARD WASTE COLLECTION AND DISPOSAL BID

DPW MANAGEMENT STUDY

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RECYCLING SERVICES AGREEMENT  
TESTING & INSPECTION SERVICES FOR SUBSTATION  
DISTRIBUTION EQUIPMENT BID  
2014 SANITARY SEWER MAIN LINING BID  
ROAD IMPROVEMENT INSPECTION SERVICES  
GVRS REDEVELOPER AGREEMENT  
MADISON HOUSING AUTHORITY – RAD PROGRAM  
Date of public disclosure 60 days after conclusion, if disclosure required.

PERSONNEL MATTERS (4)  
PROGRAM DIRECTOR, PART-TIME, DDC  
DEPARTMENT HEAD COMPENSATION  
PART-TIME EMPLOYEE COMPENSATION  
FMBA LABOR NEGOTIATIONS  
Date of public disclosure 90 days after conclusion, if disclosure required.

LITIGATION MATTERS (1)  
TAX APPEAL - 72 GARFIELD 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 p.m. in the Council Chamber with all members present. The Pledge of Allegiance was recited by all.

**APPROVAL OF MINUTES**

Mr. Rowe moved approval of the **Executive Minutes of October 27, 2014**. Mr. Wolkowitz seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Regular Meeting Minutes of October 27, 2014**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Executive Minutes of November 13, 2014**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

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Mr. Landrigan moved approval of the **Special Meeting Minutes of November 13, 2014**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Catalanello

**GREETINGS TO PUBLIC**

Mayor Conley made the following comments:

**MADISON 125<sup>TH</sup> ANNIVERSARY CELEBRATION**

Mayor Conley noted the history of the incorporation of the Borough of Madison on December 27, 1889 and welcomed former mayors and current Chatham Township Mayor Kevin Sullivan. Madison High School sophomore Ransom Silliman read an 1889 editorial from the *Madison Weekly Eagle*.

Proclamation:

Mayor Conley invited Former Mayors Gary E. Ruckelshaus, John J. Dunne, Ellwood 'Woody' Kerkeslager and Mary-Anna Holden forward and each read and presented the following Proclamation to celebrate Madison's 125<sup>th</sup> Anniversary:

*Proclamation*  
*of the*  
*Borough of Madison*  
*IN RECOGNITION OF THE 125<sup>TH</sup> ANNIVERSARY*  
*OF MADISON, NEW JERSEY*

**WHEREAS**, Madison, a borough located in Morris County in the State of New Jersey, was incorporated on December 27<sup>th</sup>, 1889 and adopted the borough form of government; and

**WHEREAS**, in 1776, the cluster of homes along Ridgedale Avenue and Kings Road was known as Bottle Hill, named for a village tavern, and during the Revolutionary War, a number of officers were garrisoned in the homes of Bottle Hill residents, namely, the Millers and the Sayres, whose homes still stand on Ridgedale Avenue today; and

**WHEREAS**, in 1809, the Madison Academy was built in an elaborate building on the corner of Park and Ridgedale Avenues, where children of the community continued to be educated for seventy-two years; and

**WHEREAS**, in 1825, a new Presbyterian Church building on Main Street, housing the First Presbyterian Church of the Township of Chatham, was dedicated. In 1846, it became known as the Presbyterian Church of Madison; and

**WHEREAS**, in 1834, in recognition of the fourth President and the desire of the local temperance movement, the village name was changed from Bottle Hill to Madison; and

**WHEREAS**, in 1837, the Morris and Essex Railroad came to Madison from Newark, changing the village forever. At first two horses pulled a small car over the single track line, but shortly after completion, a tiny steam locomotive provided the power for one passenger car and one freight car twice a day; and

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**WHEREAS**, in 1856, the first greenhouse began operating when Alfred M. Treadwell built several greenhouses on his estate. For over a century, Madison has been known as the "Rose City"; and

**WHEREAS**, in 1866, Drew University was founded as the Drew Theological Seminary by the Methodist Episcopal Church with help from Daniel Drew, who donated part of the former William Gibbons Estate to the church. The Gibbons mansion was renamed Mead Hall after Drew's wife, Roxanna Mead; and

**WHEREAS**, in 1889, a Special Election ordered by Judge Francis Child was held on December 24, 1889 at a store building on Main Street. Residents voted to secede from Chatham Township so that Madison could have a municipal water supply and an electric utility. James P. Albright served as the first Mayor and continued in that capacity for fifteen years. The water plant was built in 1891 on Station Road and within five years the water and light utilities were self supporting;

**NOW, THEREFORE**, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby recognize the **125<sup>th</sup> Anniversary** of the **Borough of Madison** and encourage all citizens to celebrate this momentous occasion.

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Robert H. Conley, Mayor  
December 8, 2014

Certificates:

Mayor Conley presented certificates to members of the championship Madison High School Girls Field Hockey Team.

Employee of the Month:

Mayor Conley announced the Employee of the Month for December is Laura Cole of the DDC for her excellent communication and organizational skills and for helping to grow the scope and reach of the Downtown Development Commission. Mayor Conley presented a proclamation to Mrs. Cole.

20<sup>th</sup> Anniversary

Marlene Dolan of the Health Department - December 20<sup>th</sup>.

**REPORTS OF COMMITTEES**

**Health**

Mr. Landrigan of the Committee made the following comments:  
The Health Department continues to provide influenza vaccines for adults and children and annual cat and dog licenses must be renewed by January.

**Public Works and Engineering**

Mr. Catalanello, Chair of the Committee, absent

**Utilities**

Mrs. Vitale, Chair of the Committee, made the following comments:  
Reporting for Mr. Catalanello, Mrs. Vitale noted that the five remaining roads in the 2014 Road Reconstruction program have been completed. The plans for reconstruction of Waverly Green parking lot are nearly complete and all bids

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received for the Library HVAC replacement exceeded engineering estimate and will need to be rebid. The Capital Strategic Planning Committee will report to Council next month. The last round of leaf collection by the Department of Public Works is underway.

### **Public Safety**

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

Ms. Baillie noted a number of changes in the Madison Police Department including hiring of a new police officer and a dispatcher. Ms. Baillie thanked the public safety staff and wished everyone Happy Holidays.

### **Finance and Borough Clerk**

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

Mr. Wolkowitz noted closing on the advance refunding bonds on December 4<sup>th</sup> and the Electric Utility Rebate program ended on December 1<sup>st</sup>, with 365 applications received. Mr. Wolkowitz also noted a contract agreement reached with the Fireman's Benevolent Association.

### **Community Affairs**

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

Mr. Rowe announced that the Senior Center received notice from the Volunteer Management Center (VMC) will be closing at the end of the year: For the last 40 years, the VMC has taken great pride in connecting individuals and groups to volunteer opportunities through our affiliation with over 500 nonprofits, schools, and government agencies in New Jersey. While this closing was not unexpected, the Senior Center's volunteers are looking forward to a re-organization of these programs under the management of Northwest New Jersey Community Action Partnership in January. Northwest has been instrumental in developing these types of programs for the county and their leadership will provide a timely and necessary restructuring. Harmony House held a ribbon-cutting ceremony on Wednesday, December 3<sup>rd</sup>, in their renovated facility on Division Avenue. We look forward to working with Micheline Hill in meeting the need for adult care resources.

Mayor Conley announced the annual Reorganization Meeting will be held January 1<sup>st</sup> at 12:00 noon.

### **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.**

### **AGENDA DISCUSSIONS**

**12/08/2014-1**

**STRATEGIC PLANNING COMMITTEE – MUNICIPAL**

**BUDGET**

Thomas Bintinger, Chairman of the Budget Strategic Planning Committee presented the committee's recommendations. The presentation includes observations that the Borough should maintain services, provide for contractual debt service and appropriate funds for continued capital improvements. The committee recommends

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a firm but flexible budget process.

**12/08/2014-2 MADISON ATHLETIC FOUNDATION QUARTERLY REPORT**

Reporting for the Madison Athletic Foundation, Mrs. Brenda Catalanello presented a ceremonial check in the amount of \$50,000. And reported a 4<sup>th</sup> quarter update, noting the total 2014 contribution of %150,000. The MAF is planning a spring fundraiser.

**12/08/2014-3 GVRS REDEVELOPMENT PLAN AMENDMENT**

Robert Powell, representing KRE offered a brief presentation to explain the proposed amendment and noted design plans will be submitted to the Planning Board, shortly Dean Marchetta, Architect, presented a visual demonstration explaining the difference in building height.

Ordinance 58-2014 is scheduled for hearing.

**12/08/2014-4 COUNCIL BEST PRACTICES**

Mayor Conley explained his goals for the Council Best Practices and noted he will spend time rewording the proposed document. Best Practices will not be on the Reorganization meeting agenda.

**12/08/2014-5 CANCELLATION OF COMPLETED CAPITAL IMPROVEMENT ORDINANCES**

Discussion items #5 through #9 were considered together. CFO Robert Kalafut provided explanation of annual cancellations, briefly noting each resolution. *Resolutions R 330-334-2014 are listed on Consent Agenda.*

**12/08/2014-6 CANCELLATIONS OF OUTSTANDING CHECKS**

*Resolution R 331-2014 listed on the Consent Agenda*

**12/08/2014-7 CANCELLATION OF ONE (1) GENERAL CAPITAL GRANT RECEIVABLE**

*Resolution R 332-2014 listed on the Consent Agenda*

**12/08/2014-8 CANCELLATION OF CURRENT YEAR APPROPRIATION ELECTRIC UTILITY**

*Resolution R 333-2014 listed on Consent Agenda*

**12/08/2014-9 CANCELLATION OF EMERGENCY APPROPRIATION ELECTRIC UTILITY**

*Resolution R 334-2014 listed on Consent Agenda*

**12/08/2014-10 METC TEMPORARY USE OF SPACE AT THE HARTLEY DODGE MEMORIAL**

Mr. Codey noted a request for courtesy use of office space at the Hartley Dodge Memorial from the staff at the Museum of Early Trades & Crafts. There was no objection to the request.

**ADVERTISED HEARINGS**

The Clerk made the following statement:

Ordinance scheduled for hearing tonight was submitted in writing at a Regular meeting of the Mayor and Council held on November 24, 2014, was introduced by title and

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passed on first reading, was published in the Madison Eagle and made available to members of the general public requesting same.  
Mayor Conley called up Ordinance 58-2014 for second reading and asked the Clerk to read said ordinance by title:

**ORDINANCE 58-2014**

**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 that the property located at 33 Green Village Road was an area in need of redevelopment as defined in N.J.S.A. 40A:12A-3(hereafter the “GVRS Redevelopment Area”); and

WHEREAS, pursuant to Ordinance 32-2011, the Mayor and Council adopted a plan for redevelopment of the GVRS Redevelopment Area (the “GVRS Redevelopment Plan”); and

WHEREAS, pursuant to Ordinance 38-2014 the Borough adopted an amendment to the GVRS Redevelopment Plan, which superseded the aforementioned plan adopted pursuant to Ordinance 32-2011; and

WHEREAS, on November 20, 2014, the Madison Planning Board voted to recommend an amendment to the GVRS Redevelopment Plan (the “Amended GVRS Redevelopment Plan”)and directed its planner, Susan G. Blickstein, to transmit that plan to the Mayor and Council for adoption, pursuant to N.J.S.A. 40A:12A-7; and

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

WHEREAS, the area governed by the Amended GVRS Redevelopment 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 Amended GVRS Redevelopment Plan prepared by Susan G. Blickstein, AICP/PP, PhD as amended and revised through November 24, 2014 is hereby adopted and it shall replace and supersede the previous redevelopment plans adopted by Ordinance 32-2011 and Ordinance 38-2014.

Mayor Conley opened up the public hearing on Ordinance 58-2014.

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**Deb Starker; Beverly Road**, on behalf of Madison Arts and Cultural Alliance offered to provide input on the proposed performance space at the site of the former Green Village Road School property.

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

Ms. Baillie moved that Ordinance 58-2014, 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. Landrigan, Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

Absent: Mr. Catalanello

Mayor Conley declared Ordinance 58-2014 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.**

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

***INTRODUCTION OF ORDINANCES-NONE***

***CONSENT AGENDA RESOLUTIONS***

The Clerk made the following statement:

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

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

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

Nays: None

Absent: Mr. Catalanello

R 326-2014 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

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**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.

**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 327-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXECUTION OF A THE DRUG FREE COMMUNITIES (DFC) MENTORING GRANT AGREEMENT

**WHEREAS**, the Madison Health Department Officer has recommended that the Borough of Madison enter into a Memorandum of Understanding (MOU) to allocate grant funds to implement substance abuse prevention programs; and

**WHEREAS**, this partnership will consist of the Community Coalition for a Safe and Healthy Morris (CCSHM) and Madison/Chatham Coalition for a Healthy Community (MCCHC) working to minimize and prevent substance abuse in our communities; and

**WHEREAS**, the recommendation has been considered at the Regular Public Meeting of the Borough Council on December 8, 2014.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris and State of New Jersey, that the Borough of Madison authorizes and supports the execution of the MOU which is attached hereto and made a part hereof. When received, the grant funds will be reflected, with no matching fund requirement from the Borough, in the 2015 municipal budget and utilized in support of the MOU obligation.

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R 328-2014 RESOLUTION OF THE BOROUGH OF MADISON REJECTING BIDS FOR YARD WASTE COLLECTION AND DISPOSAL AND AUTHORIZATION FOR REBID

**WHEREAS**, the Borough of Madison publicly advertised for bids for Yard Waste Collection and Disposal in accordance with Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, one (1) bid was received and the Borough Attorney determined that the sole bidder was non-responsive; and

**WHEREAS**, the Purchasing Officer has recommended that the bid be rejected pursuant to N.J.S.A. 40A:11-13.2(a) and rebid;

**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 sole bid received on November 13, 2014 for Yard Waste Collection and Disposal is hereby rejected for the reasons set forth herein and the Borough Administrator is authorized to solicit new bids.

R 329-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SETTLEMENT OF THE 2013 AND 2014 TAX APPEALS ENTITLED JEAN VAN DE WALLE AND ANA WONG V. BOROUGH OF MADISON, DOCKET NOS. : 006356-2013 AND 003303-2014 OF THE TAX ASSESSMENT OF BLOCK 4402, LOT 14, KNOWN AS 72 GARFIELD AVENUE, IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

**WHEREAS**, an appeal of the real property tax assessment for tax years 2013 and 2014 involving Block 4402, Lot 14, has been filed by the Taxpayers, Jean Can de Walle and Ana Wong; 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:

72 Garfield Avenue  
**Year 2013**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 780,000	N/A	\$ 780,000
Imprvts:	\$ 433,600	N/A	\$ 433,600



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WHEREAS, the Chief Financial Officer has indicated that the Chief Accountant has recommended these items should be canceled.

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. All outstanding checks and charges listed on the attached Memorandum dated November 26, 2014 from Kim Kientz, Chief Accountant/Tax Collector, to Robert F. Kalafut, Chief Financial Officer, be canceled.
2. The Chief Financial Officer is authorized to take whatever action is necessary to effectuate this Resolution.

**R 332-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CANCELLATION OF ONE OUTSTANDING GENERAL CAPITAL GRANT RECEIVABLE**

WHEREAS, the Madison Borough Chief Financial Officer has recommended that one (1) outstanding General Capital Grant Receivable be cancelled.

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 General Capital Grant Receivable listed on the attached schedule prepared by the Chief Financial Officer be cancelled.
2. The Chief Financial Officer is authorized to take whatever action is necessary to effectuate this Resolution.

**R 333-2014 RESOLUTION OF THE BOROUGH OF MADISON CANCELLING THE 2014 CURRENT YEAR APPROPRIATION IN THE ELECTRIC UTILITY**

WHEREAS, the Chief Financial Officer has reviewed the current budget for wholesale purchased power and has determined that \$250,000.00 will not be spent due to the mild summer weather and a large consumer's reduced energy requirements; and

WHEREAS, the Chief Financial Officer has recommended that the Council adopt a Resolution canceling \$250,000.00 in the 2014 current year appropriation in

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the Electric Utility Account 5-09-55-500-430 (Wholesale Purchase of Power) thus reducing the amount to \$13,500,000.00; and

WHEREAS, the Borough Council has determined to make such cancellation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that \$250,000.00 of the 2014 current year appropriation for the Electric Utility Account 5-09-55-500-430 is hereby cancelled.

**R 334-2014 RESOLUTION OF THE BOROUGH OF MADISON CANCELLING THE EMERGENCY APPROPRIATION IN THE ELECTRIC UTILITY**

WHEREAS, Resolution R 337-2013 authorized an emergency appropriation for the cost of wholesale purchased power in the 2013 municipal budget; and

WHEREAS, the Chief Financial Officer has recommended that the Council adopt a Resolution canceling the open balance of \$319,126.55 in the 2013 Emergency Appropriation for the Electric Utility; and

WHEREAS, the Borough Council has determined to make such cancellation.

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 open balance of \$319,126.55 in the 2013 Emergency Appropriation for the Electric Utility is hereby cancelled.

**R 335-2014 RESOLUTION OF THE BOROUGH OF MADISON AWARDED PROFESSIONAL SERVICES CONTRACT TO GOVERNMENT MANAGEMENT ADVISORS, LLC OF EAST BRUNSWICK, NJ FOR A DEPARTMENT OF PUBLIC WORKS MANAGEMENT STUDY**

WHEREAS, the Borough Administrator has recommended that the Borough obtain professional services from Government Management Advisors, LLC for a Department of Public Works Management Study; and

WHEREAS, the Borough Administrator has recommended that the Borough Council award such Contract to Government Management Advisors, LLC, in an amount not to exceed \$14,000.00, for the Department of Public Works Management Study; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$14,000.00 for this purpose in Account 4-01-35-470-25.

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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 management services with Government Management Advisors, LLC, for a DPW Management Study in an amount not to exceed \$14,000.00, such contract to be in a form approved by the Borough Attorney.

R 336-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY ST. VINCENT MARTYR CHURCH

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

ST. VINCENT MARTYR CHURCH I.D. No. 274-1-812  
R.A. No. 1334 – On Premise Merchandise  
R.A. No. 1335 – On Premise Merchandise  
R.A. No. 1336 – Off Premise Merchandise  
R.A. No. 1337 – Off Premise Merchandise  
Date of Raffles: March 21, 2015

R 337-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING COLLECTIVE BARGAINING AGREEMENT WITH THE FMBA

**WHEREAS**, the Borough of Madison (“Borough”) commenced collective negotiations with each of its employee bargaining units; and

**WHEREAS**, the Borough was able to successfully negotiate a collective bargaining agreement with the Fireman’s Mutual Benevolent Association Local No. 74 for the period January 1, 2014 to December 31, 2017; and

**WHEREAS**, the Mayor and Council having considered the specific terms and conditions contained in the memorandum of agreement for the above-enunciated bargaining unit;

**NOW THEREFORE BE IT RESOLVED** as follows:

1. The Mayor and Council approve the agreement for the above bargaining unit; and

2. The Mayor and Council hereby authorize the Borough Administrator, Raymond M. Codey and Mayor Robert H. Conley to execute the finalized collective bargaining agreement without further action being necessary; and

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3. The Mayor and Council authorize Borough Administrator Raymond M. Codey to effectuate the collective bargaining agreement upon execution by all necessary parties.

**R 338-2014 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO EN-TECH CORPORATION IN THE AMOUNT OF \$140,100.00 FOR THE 2014 SANITARY SEWER MAIN LINING PROGRAM**

**WHEREAS**, the Borough of Madison publicly advertised for bids for the 2014 Sanitary Sewer Main Lining Program (the “Contract”) in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

**WHEREAS**, the lowest qualified bid was submitted by En-Tech Corporation in the amount of \$140,100.00; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Council award the contract to En-Tech Corporation in the amount of \$140,100.00; and

**WHEREAS**, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$140,100.00 for this purpose which funds were appropriated by Ordinance 33-2014.

**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 2014 Sanitary Sewer Main Lining Program is hereby awarded to En-Tech Corporation based upon its bid in the amount of \$140,100.00.

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

**R 339-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF LIVERY OWNER’S LICENSE FOR MADISON LIMOUSINE SERVICE FOR 2015**

**BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Livery Owner’s License renewal be approved for the year 2015.

<u>LICENSE NO.</u>	<u>NAME</u>	<u>Vehicles</u>
15-1, 15-2, 15-3, 15-4, 15-5, 15-6 15-7, 15-8	Michael Lekas Madison Limousine Service 340 Main Street, Madison	8 Liveries

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R 340-2014 RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION 98-2014 AWARDING A CONTRACT TO DENNIS HARRINGTON, P.E. OF MADISON, NJ FOR FIELD INSPECTIONS AND OVERSIGHT OF THE 2014 ROAD IMPROVEMENT PROGRAM

**WHEREAS**, the Borough of Madison previously awarded a contract to Dennis Harrington, P.E., for professional engineering services regarding the 2014 Road Improvements Program; and

**WHEREAS**, additional services were requested of Dennis Harrington, P.E., for field inspection work for the 2014 Road Improvement Program; and

**WHEREAS**, the Borough Engineer has recommended that the Borough amend the contract with Dennis Harrington, P.E., for these services at an additional amount of \$17,000.00; and

**WHEREAS**, the Chief Financial Officer has attested that funds will be available for this purpose in Ordinance 2-2014.

**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. An amendment to the contract between the Borough and Dennis Harrington, P.E., as described herein is approved; and
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute the amendment to the contract with Dennis Harrington, P.E., in a form acceptable to the Borough Attorney.

R 341-2014 RESOLUTION OF THE BOROUGH OF MADISON AWARDING RECYCLING CONTRACT TO WASTE MANAGEMENT/RECYCLE AMERICA FOR THE DISPOSAL OF PAPER ITEMS AND COMMINGLED CONTAINERS

**WHEREAS**, the Borough Recycling Coordinator has recommended to the Borough Council that it enter into a contract with WM Recycle America for a term of two (2) years with the option to renew for up to three (3) additional one (1) year terms for the disposal of paper items and commingled containers; and

**WHEREAS**, the Borough Council has determined that the Borough should award a contract to WM Recycle America for the disposal of paper items and commingled containers for a period of two (2) years with the option to renew for up to three (3) additional one (1) year terms, effective January 1, 2015, based on the

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terms and pricing and payment information set forth in the Recycling Services Agreement dated \_\_\_\_\_, from WM Recycle America; and

**WHEREAS**, said services would involve the disposal of recyclable materials for which a contract may be awarded without the need of competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(S); and

WHEREAS, this contract and any renewals thereof is expressly contingent upon adequate funds for these purposes being allocated in the annual municipal budget of the Borough of Madison for each year of the contract term.

**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 Mayor and Borough Clerk are hereby authorized to enter into, on behalf of the Borough, a contract with WM Recycle America, for the disposal of paper items and commingled containers for a period of two years, effective January 1, 2015, with the option to renew for up to three (3) additional one (1) year terms, on the basis set forth above. The contract shall be in a form acceptable to the Borough Attorney.

2. 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 342-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF THEATER LICENSE FOR BOW TIE CINEMAS FOR 2015**

**BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Theater License be approved for the year 2015:

Company Name: BTC HOLDINGS 409, LLC

Name of Theater: BOW TIE CINEMAS

Location of Theater: 14 LINCOLN PLACE

MADISON, NEW JERSEY

**R 343-2014 RESOLUTION OF THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, NEW JERSEY, WITH RESPECT TO THE ISSUANCE AND SALE BY THE MADISON HOUSING AUTHORITY OF ONE OR MORE SERIES OF HOUSING REVENUE BONDS (RENTAL ASSISTANCE DEMONSTRATION PROJECT), SERIES 2015 AND AUTHORIZING AND APPROVING CERTAIN MATTERS IN CONNECTION THEREWITH**

WHEREAS, the Madison Housing Authority (the “Authority”) is a public body corporate and politic, constituting an instrumentality of the State of New Jersey

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(the “State”), created by the Borough of Madison (the “Borough”) pursuant to the provisions of the Housing Authorities Law, Chapter 67 of the Pamphlet Laws of 1950, codified at N.J.S.A. 55:14A-1 *et seq.*, repealed and replaced by the Local Redevelopment and Housing Law, under Chapter 79 of the Pamphlet Laws of 1992, as amended and supplemented, and codified at N.J.S.A. 40A:12A-1 *et seq.* (the “Act”);

WHEREAS, the Authority owns and operates residential rental public housing projects, for which it has received approval from the United States Department of Housing and Urban Development (“HUD”) to convert to multifamily housing under the Rental Assistance Demonstration program, P.L. 112-55 (2012) (“RAD”), administered by HUD;

WHEREAS, the Act authorizes the Authority to issue bonds (N.J.S.A. 40A:12A-16(5) and -29);

WHEREAS, in furtherance of the purposes of the Act, the Authority proposes to issue one or more series of bonds in an aggregate principal amount not to exceed \$1,850,000 (the “Bonds”), upon substantially the terms and conditions contained in the commitment letter attached hereto as Exhibit A (as such terms may be further negotiated by the Authority), and to apply the proceeds of the Bonds to finance capital improvements to the housing projects that are subject to the RAD program, to refund existing debt and/or pay costs in connection therewith;

WHEREAS, the Bonds, when issued, will be special and limited obligations of the Authority, neither the Borough, nor any political subdivision thereof (other than the Authority, but solely to the extent of the trust estate as defined in the Bond Resolution (defined below)), will be obligated to pay the principal or redemption price of, or interest on, the Bonds, and neither the faith and credit nor the taxing power of the Borough or any political subdivision thereof will be pledged to the payment of the principal or redemption price of, or interest on, the Bonds;

WHEREAS, the Bonds will be issued pursuant to the terms of the Act, the Bond Resolution, other applicable law and agreements and a resolution to be adopted by the Authority prior to the issuance of the Bonds (collectively, together with any amendments or supplements, the “Bond Resolution”); and

WHEREAS, if required in the judgment of bond counsel to the Authority, the Authority will conduct a public hearing with respect to the Bonds pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), following public notice published in one or more local newspapers;

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF MADISON as follows:

Section 1. The Authority proposes to issue one or more series of Bonds in accordance with a Bond Resolution in an aggregate principal amount not to exceed \$1,850,000 to (i) finance capital improvements to the housing projects that are subject to the RAD program, (ii) refund existing debt, and/or (iii) pay costs in

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connection therewith. The Bonds shall be dated, shall bear interest at such rate of interest, and shall be payable as to principal, interest and premium, if any, all as is approved by the Authority and specified in the Bond Resolution; provided, however, that the Bonds shall bear interest at an initial stated interest rate not in excess of the tax exempt equivalent of the 5/25 Federal Home Loan Bank Amortizing Advance Rate plus 2% per annum<sup>1</sup>, which interest rate shall change on the fifth (5th) anniversary of the closing date, and on each subsequent five (5) year anniversary thereafter, equal to an annual rate of two percent (2%) per annum in excess of the tax exempt equivalent of the then prevailing five (5) year Federal Home Loan Bank Amortizing Annual Rate (subject to rounding). In no event, however, shall the interest paid on the Bonds ever be less than 2.5% per annum. In addition, each five (5) year interest rate adjustment shall be subject to a maximum increase of 2.5% over the preceding 5-year rate. The Bonds shall mature no later than twenty-six (26) years from the date of issuance of the Bonds and shall be subject to redemption prior to maturity (provided that any redemption premium shall not exceed three percent (3%) of the principal amount prepaid). The Bonds, when issued, will be special and limited obligations of the Authority. Neither the Borough, nor any political subdivision thereof (other than the Authority, but solely to the extent of the trust estate as defined in the Bond Resolution), will be obligated to pay the principal or redemption price of, or interest on, the Bonds. Neither the faith and credit nor the taxing power of the Borough nor any political subdivision thereof will be pledged to the payment of the principal or redemption price of, or interest on, the Bonds. Nothing in the Bonds or the Bond Resolution will assign or pledge therefor any other funds or assets of the Authority or the Borough.

Subject to satisfaction of the conditions set forth below, the Borough hereby finds and determines, in accordance with N.J.S.A. 40A:12A-29d, that the rate of interest, as described above, is in the best interest of the Borough. The Authority shall establish, to the satisfaction of the Borough Administrator at or before the issuance of the Bonds, that the Authority has either performed, or covenanted to perform, each of the following conditions:

(1) The proceeds of the Bonds shall be applied to: (i) finance capital improvements to the Authority's housing projects that are subject to the RAD program; (ii) refund existing debt; and/or (iii) pay costs in connection therewith. The proceeds of the Bonds shall not be used for any other purpose without the prior written consent of the Borough Administrator.

(2) The two elevators at the Rexford Tucker Apartments will be repaired/replaced on an expedited basis.

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1 For illustration purposes only, on December 4, 2014, the 5/25 Federal Home Loan Bank Amortizing Advance Rate was 2.07%, plus 2% equals 4.07%. After adjusting for the bank's tax exempt equivalent rate (approximately 59%), the stated interest rate on the Bonds according to the index would be 2.4% (i.e., 59% of 4.07%). Because the index results in a rate lower than the 2.5% floor, the initial stated interest rate on the Bonds would be 2.5%. Note that the foregoing rates are subject to change.

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(3) Borough residents shall continue to have preference for affordable housing units owned by the Authority.

(4) The Authority shall agree to provide an annual report of its activities to the Borough and to discuss its annual audit at a public Council Meeting of the Borough while Bonds are outstanding.

(5) All Authority housing projects that are subject to the RAD program shall have a recorded restrictive covenant mandating their use for affordable housing for a minimum term of 25 years from the date of issuance of the Bonds. The Authority shall grant the Borough the right to require the Authority to extend the restriction period for an undetermined length.

(6) The Board of the Authority shall meet with the Board of Madison Affordable Housing Corporation (the “Corporation”) to discuss transferring ownership of the Corporation’s 24 affordable housing units in the Borough to the Authority to take advantage of the RAD operational program benefits.

(7) The Authority shall provide a copy of the closing transcript with respect to the Bonds to the Borough.

Section 2. If a public hearing is required in the judgment of bond counsel to the Authority, the Mayor of the Borough is hereby authorized, as the applicable elected representative, as such term is defined in Section 147(f) of the Code, to approve of the issuance of the Bonds after a public hearing in satisfaction of the requirements of Section 147(f)(2) of the Code, and this resolution shall be evidence of such authorization.

Section 3. The Mayor, Borough Administrator and Borough Chief Financial Officer are each hereby authorized and directed to execute and deliver such documents, and to take such other action as may be necessary or appropriate in order to consummate the transactions contemplated hereby.

Section 4. A copy of this Resolution shall be filed with the Clerk of the Borough of Madison. This resolution shall take effect upon the adoption hereof.

R 344-2014 RESOLUTION OF THE MADISON BOROUGH COUNCIL  
AUTHORIZING FIRST AMENDMENT TO THE REDEVELOPER AGREEMENT  
BETWEEN THE BOROUGH OF MADISON AND KRE MADISON NJ URBAN  
RENEWAL, LLC FOR PROPERTY AT 33 GREEN VILLAGE ROAD DESIGNATED  
AS BLOCK 3001, LOT 8

**WHEREAS**, KRE Madison NJ Urban Renewal, LLC and the Borough of Madison entered into a Redeveloper Agreement dated May 28, 2014; and

**WHEREAS**, the Madison Planning Board’s recent approval requires that an Amendment to the Redeveloper Agreement be entered into between KRE Madison NJ Urban Renewal, LLC and the Borough of Madison; and

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**WHEREAS**, the Madison Borough Administrator has recommended that the attached First Amendment to the Redeveloper Agreement be entered into.

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

1. The First Amendment to the Redeveloper Agreement between KRE Madison NJ Urban Renewal, LLC and the Borough of Madison regarding the proposed redevelopment on Lot 8 , Block 3001 is hereby approved.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into such agreement on behalf of the Borough of Madison in a form acceptable to the Borough Attorney for recording in the Morris County Clerk's Office.

R 345-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY PTO CENTRAL AVENUE SCHOOL

**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:

PTO CENTRAL AVENUE SCHOOL  
I.D. No. 274-5-23982  
R.A. No. 1338 – On Premise  
January 17, 2015

R 346-2014 RESOLUTION OF THE BOROUGH OF MADISON REJECTING ALL BIDS FOR THE PURCHASE OF PREVENTIVE MAINTENANCE, TESTING AND INSPECTION SERVICES FOR JAMES PARK AND KINGS ROAD ELECTRICAL SUBSTATION DISTRIBUTION EQUIPMENT

**WHEREAS**, the Borough of Madison publicly advertised for bids for the purchase of Preventive Maintenance, Testing and Inspection Services for James Park and Kings Road Electrical Substation Distribution Equipment (“Electrical Inspection”) in accordance with Local Public Contract Law N.J.S.A. 40A:11 et seq.; and

**WHEREAS**, the Borough received two bids for the work; and

**WHEREAS**, after review by the Borough Staff and Attorney, it was determined that the bid specification needed to be revised and clarified to effectuate the work intended by the Borough; and

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**WHEREAS**, these revisions include, but are not limited to, the revising of the bid proposal sheet to include hourly rates and estimated hours for additional and emergency work, revising the required submission list to include resumes of employees assigned to the project, detailing the equipment to be serviced, clarifying the required experience, and limiting the use of subcontractors.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison in the County of Morris, State of New Jersey, that all bids for the purchase of Preventive Maintenance, Testing and Inspection Services for James Park and Kings Road Electrical Substation Distribution Equipment are hereby rejected for the reasons set forth herein and the Borough Staff is authorized and directed to revise the bid procurement document.

**UNFINISHED BUSINESS** - None

**APPROVAL OF VOUCHERS**

On motion by Mr. Landrigan, 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	\$29,797.19
Health & Public Assistance	3,578.78
Public Works & Engineering	187,358.03
Community Affairs	7,158.29
Finance & Borough Clerk	3,858,599.84
Utilities	<u>429,384.43</u>
Total	<u>\$4,515,876.56</u>

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

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

Nays: None

Absent: Mr. Catalanello

**NEW BUSINESS** - None

**ADJOURN**

There being no further business to come before the Council, the meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved January 12, 2015 (EO)