

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

September 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 September, 2014. Mayor Conley called the meeting to order at 7:00 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

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

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

ROLL CALL

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

Mayor Robert H. Conley

Council Members:

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

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)
August 11, 2014
August 21, 2014

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

CONTRACT MATTERS (7)

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HONEYWELL GDP REPORT
BOARD OF EDUCATION CONTRACT AMENDMENT
JESCO, INC./DPW LOADER
MRC WATERLINE EASEMENT AGREEMENT
TELEPHONE SERVICES
JOINT MEETING CONTRACT UPDATE
ELECTRIC PROCUREMENT

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

PERSONNEL MATTERS (5)
POLICE DISPATCHER
POLICE DEPARTMENT INTERN
BILLING UTILITY ADMINISTRATIVE ASSISTANT
P/T ADMINISTRATIVE ASSISTANT
ELECTRIC UTILITY DEPARTMENT

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

Seconded: Mr. Catalanello
Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

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

Mayor Conley asked for a moment of silence in remembrance of those who lost their lives on September 11, 2001.

APPROVAL OF MINUTES

Mr. Rowe moved approval of the **Executive Minutes of August 11, 2014**.
Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Mr. Rowe moved approval of the **Regular Meeting Minutes of August 11, 2014**.
Mr. Wolkowitz seconded the motion, which passed with the following roll call vote recorded:

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

Mr. Rowe moved approval of the **Executive Minutes of August 21, 2014**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

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Mr. Rowe moved approval of the **Special Meeting Minutes of August 21, 2014**.
Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

The Annual softball game rematch with Quest is scheduled for October 19, 2014 at Dodge Field. Mayor Conley noted receipt of a flag and letter from the United States Congress celebrating the Borough of Madison's 125th Anniversary.

Mayor Conley administered the oath of office to newly confirmed volunteer firefighters Evan Webb and Andrew Palmer.

The Oath was administered to Police Officer Christopher Burans by Mayor Conley.

PROCLAMATIONS

A Proclamation recognizing Constitution Week was read and presented to Joanne Foster.

**Proclamation
of the
Borough of Madison
Proclaiming
Constitution Week
September 17 – 23, 2014**

WHEREAS, two hundred and twenty seven years ago, delegates to the Constitutional Convention in Philadelphia signed one of the most enduring documents in history – the Constitution of the United States; and

WHEREAS, our Constitution is the foundation of our liberty and has guaranteed the rights of our people through a history of tremendous change and progress; and

WHEREAS, during Constitution Week, citizens should remember those who have fought and those who have died to preserve, protect and defend the Constitution; and

WHEREAS, this anniversary of the Constitution provides an historic opportunity for all Americans to learn about and celebrate the achievements of our founding fathers; and

WHEREAS, the Borough of Madison, named in honor of President James Madison, the “Father of the Constitution”, is celebrating its 125th anniversary this year;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim September 17 through 23, 2014

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as **Constitution Week** and urge all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves

A Proclamation recognizing September 2014 as National Ovarian Cancer Awareness Month was read by Mayor Conley.

**Proclamation
of the
Borough of Madison
Proclaiming
NATIONAL OVARIAN CANCER AWARENESS MONTH
September 2014**

WHEREAS, each year, by proclaiming September as *Ovarian Cancer Awareness Month*, we call attention to a disease that affects women across our county, state and country, with the American Cancer Society estimating that in the United States this year, 15,000 women are projected to lose their lives to ovarian cancer and about 22,000 new cases of ovarian cancer will be diagnosed; and

WHEREAS, these women are mothers and daughters, sisters and grandmothers, community members and cherished friends, and the absence they leave in our hearts will be deeply felt forever; and

WHEREAS, women who are middle-aged or older, who have a family history of ovarian or breast cancer, or have had certain cancers in the past are at increased risk of developing ovarian cancer; and

WHEREAS, because ovarian cancer often goes undetected until advanced stages, increasing awareness of risk factors is critical to fighting this disease; and

WHEREAS, the public awareness campaign strives to increase knowledge about this disease and recognizes the best defense against ovarian cancer is early detection, therefore, it is essential that women know the risk factors associated with the disease; and

WHEREAS, this month is dedicated to prevention and awareness, to honor those we have lost, to show our support for women who bravely carry on the fight and to take action to lessen the tragic toll ovarian cancer takes on families across our country;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby recognize *September 2014 as Ovarian Cancer Awareness Month* and call upon citizens, government agencies, organizations, health care providers and research institutions to raise ovarian cancer awareness and continue helping women live longer, healthier lives.

REPORTS OF COMMITTEES

Health

Mr. Landrigan of the Committee made the following comments:

The Board of Health reminds residents to keep up to date on their children's vaccinations and Mr. Landrigan urged residents to attend the Conroy family

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sponsored second annual Laugh Out Loud comedy fundraiser to benefit Autism Speaks on Friday, September 19, 2014 at 7:00 p.m. at Madison Volunteer Ambulance Corps.

Public Works and Engineering

Mr. Catalanello, Chair of the Committee, made the following comments: Once weekly garbage collection will begin next Monday, September 14th. The 2014 Road Improvement Program has completed Academy, Vinton, Wilson, Belmont and Madison Free Public Library. Curb, sidewalk and drainage improvement work was completed on Pine Tree, Durwood, Fletcher and part of Niles over the past two weeks. The contractor has started curb and drainage improvements on North Street. Residents on North Street that wish to tie in roof drains and leader pipes directly to the new storm drains and catch basins are advised to contact the Borough Engineer Robert Vogel or field inspector Dennis Harrington immediately to coordinate any work required on private property. It is anticipated that milling and paving work for the remaining five roads included in the 2014 Road Improvement program can be accomplished within the month of September. New Transformers will be installed at the North Street Pump Station by the end of next month.

Utilities

Mrs. Vitale, Chair of the Committee, made the following comments: The Electrical Department staff has installed new battery banks and infrared thermal imaging equipment at both substations, as well as new poles along Kings Road, Loveland Road and Park Avenue. The Electrical Department has also completed pole transfers at Park Avenue, Elm Street and Parkside Drive.

Public Safety

Ms. Baillie, Chair of the Committee, made the following comments: The Madison Police Department warns residents of a utility scam and urges residents not to give out any personal or financial information. An explanation of the scam will be included in the next utility bills. Ms. Baillie congratulated new volunteer Firefighters Evan Webb and Andrew Palmer and Police Officer Christopher Burans.

Finance and Borough Clerk

Mr. Wolkowitz, Chair of the Committee, made the following comments: At a Special Meeting held August 21st, the Council introduced an ordinance for the refinancing of Borough debt and a hearing on that ordinance will take place later this evening, as well as a discussion regarding amending the Electric Utility Rebate Program. Mr. Wolkowitz announced that KRE Madison NJ Urban Renewal has made first payments as per their agreement for the purchase of the former Green Village Road School property and noted that the Strategic Planning Committees continue to meet and should present reports to Council in the fall.

Community Affairs

Mr. Rowe, Chair of the Committee, made the following comments: The Civic Center's Fall 2014 schedule for the Senior Center's activities and Adult School classes is now available. Thanks to the Friends of the Madison Senior Center for funding printing costs for the recent electric bill insert which highlights services available through the Senior Center as well as information on how to make a donation to the Friends. To date, \$830 has been donated. As requests for Meals-on-Wheels have grown, so has the number of Telephone Reassurance clients. Desk volunteers make daily calls to isolated seniors and the client list has grown from 18 in July to 30 in August. Mr. Rowe noted that Mayor Conley was the guest at the Senior Center's first "Breakfast with the Mayor," hosted by the Friends of the

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Madison Senior Center. Mayor Conley noted questions and comments from residents were generally very positive.

COMMUNICATIONS AND PETITIONS

None

INVITATION FOR DISCUSSION (1 of 2)

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

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

AGENDA DISCUSSIONS

09/08/2014-1 PATRIOTIC CELEBRATIONS COMMITTEE PRESENTATION
Ron DeBiasse and Jeff Pettitt, members of the Patriotic Celebrations Committee, requested permission to install a flag pole and accessories at the Lucy D. Field in honor of Madison Veterans and post World War II housing formerly at this site. There was no objection to the Committee's recommendation.

Resolution R 255-2014 is listed on Consent Agenda.

09/08/2014-2 ITEM REMOVED FROM THE AGENDA

09/08/2014-3 ELECTRIC REBATE PROGRAM REVISIONS
Mr. Wolkowitz noted that the Electric Utility Rebate Program established in May which offered residents, with an income below \$40,000 annually, and participation in one of a number of assistant programs offered by the State, a \$100 rebate toward their electric utility bill, has the capacity to expand and recommended amending the income requirement and removing the requirement for participation in any additional program. The filing deadline would also be moved to December 1, 2014. Following discussion, there was no objection to listing a resolution on the Consent Agenda to amend the program.

Resolution R 251-2014 is listed on Consent Agenda.

09/08/2014-4 FORECLOSED PROPERTY MAINTENANCE ORDINANCE.
Mrs. Vitale explained recently enacted legislation regarding a municipality's ability to impose fines against lenders who do not maintain vacant foreclosed property. Senate Bill S 1229 also requires out of state lenders to name an in-state representative for such properties. There was no objection to listing an ordinance for introduction on the next Council meeting agenda.

09/08/2014-5 CONSTRUCTION FEE WAIVER
Mr. Burnet noted an ordinance for introduction regarding the waiver of construction fees for work done to promote accessibility by disabled persons. There was agreement to list an ordinance for introduction.
Ordinance 48-2014 is listed for introduction.

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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 x, 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.

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

ORDINANCE 43-2014

ORDINANCE OF THE BOROUGH OF MADISON ESTABLISHING THE MADISON UTILITY ADVISORY COMMITTEE

WHEREAS, the Mayor and Council wish to make permanent the Madison Utility Advisory Committee; and

WHEREAS, the Council has determined that it is in the best interest of the Borough of Madison to establish such a committee.

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

Section 1: The Madison Borough Code is amended to include the following Chapter 47 entitled “Utility Advisory Committee”:

§ 47-1. Definitions.

For purposes of this chapter, the word Utilities or Utility shall mean the Borough of Madison’s Water and Electric Utilities.

§ 47-2. Powers.

The purpose of the Committee is to advise the Mayor and Council. As such the Committee does not have the power to enter into agreements, set utility rates, or to transact any business on behalf of the Borough of Madison.

§ 47-3. Purpose.

The purpose of the Committee shall be:

- A. To assist Mayor, Council and Borough staff in studying the future of the Utilities and to provide Borough staff with technical assistance that will enhance performance, system reliability, risk management and utility best practices.
- B. To assist the Mayor, Council and Borough staff in developing capital plans for the Utilities.
- C. To advise the Mayor and Council on utility performance, system reliability, risk management and utility efficiency.
- D. To provide support to the Mayor and Council regarding metering systems, self-generation, inter-connection and other financial/technical issues.
- E. To assist Borough staff on other utility related issues as requested by the Mayor and Council.

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§ 47-4. Membership and Sub-Committees.

- A. Numbers of members. Membership shall consist of nine regular members, two Public Officials and four ex-officio members.
- B. Classification of members. The regular members, known collectively as Members, and the Ex-Officio Members, shall consist of the following:
 - (1) Public officials: Two regular members, specifically the Mayor and the Council Liaison to Utilities.
 - (2) (4) At-large Members: Nine regular members. These members shall be any individual, resident or nonresident, with an identifiable interest in the activities and mission of the Utilities Advisory Committee.
 - (5) Ex-officio members: Four members who shall be the Administrator or Assistant Administrator, the Borough Engineer, the Electric Utility Superintendent or designated representative, and either the Department of Public Works Superintendent or designated representative for the Madison Water Department.
- C. The Mayor, Council liaison and all regular members of the Commission, excluding the ex-officio members, shall exercise voting power.
- D. Appointment. Appointments of all members shall be made by the Mayor with the advice and consent of the Borough Council. In the event that the Mayor fails to make a nomination at least 5 days prior to the date of the second regular public meeting of the Council after a position becomes vacant or the Borough Council fails to confirm a nomination, then the appointment shall be made by the Borough Council by the vote of a majority of the members present at the meeting, provided that at least three affirmative votes shall be required, with the Mayor to have no vote thereon except in case of a tie.
- E. Terms. Regular members shall serve for terms of three years. The term of any public official shall not extend beyond the current term of public office.
- F. Vacancy. In the event of a vacancy, the Committee will recommend a successor who may be appointed by the Mayor with the advice and consent of the Council to fill the unexpired term.
- G. The Committee shall maintain two standing sub-committees, Water Utility Operations sub-committee and Electric Utility Operations sub-committee. The Committee may also create ad-hoc sub-committees in order to study specific topics or initiatives.

§ 47-5. Committee Secretary.

The Mayor shall annually appoint the Committee Secretary, who shall be an employee of the Borough in either the Land Use, Public Works or Utility Department. The Secretary shall keep minutes and records of all meetings and proceedings, including voting records, attendance, reports and findings. Copies of all minutes shall be delivered promptly to the Borough Clerk.

§ 47-6. Facilitation of Meetings.

The Mayor, Council Liaison or Administrator shall set the agenda and facilitate the meetings.

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§ 47-7. Meetings.

- A. Schedule. The Committee shall meet at least 4 times a year.
- B. Notice. Notice of the annual schedule and of any special or additional meetings shall be made to the public pursuant to the Open Public Meetings Act. See N.J.S.A 10;4-6 et seq. Any cancellation or change of meeting shall be made by the Administrator. Committee Members will be notified at least 48 hours in advance.
- C. Open meetings. The meetings of the Committee shall be open to the public.
- D. Quorum. A majority of the voting members of the Committee shall constitute a quorum for the transaction of business.
- E. Absence from meetings. All regular members are expected to attend all meetings. When a member has exceeded three unexcused absences in any 12 month period, the Committee may request the resignation and recommend a replacement to the Mayor for approval by the Council.

§ 47-8. Remuneration.

The members of the Committee shall receive no salary or other compensation for their services.

§ 47-9. Conflict of interest.

Disclosure of interest. No Committee Member shall have or shall acquire any interest, direct or indirect, personal or financial, in any project which the Committee is promoting or in any contract or proposed contract for materials or services or in any lease, mortgage, sale or contract of any nature whatsoever relating to any such project or to the Committee without forthwith making written disclosure to the Committee of the nature and extent of the interest. Such disclosure shall be entered in writing upon the minutes of the Committee.

Mayor Conley opened up the public hearing on Ordinance 43-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 43-2014, which was read by title, be finally adopted. Mr. Rowe seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mayor Conley declared Ordinance 43-2014 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.

**ORDINANCE 44-2014
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 34 OF
THE BOROUGH CODE ENTITLED "POLICE DEPARTMENT" TO REORGANIZE
THE COMPOSITION OF THE POLICE DEPARTMENT**

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WHEREAS, the Borough Administrator has recommended that Chapter 34 of the Borough Code entitled “Police Department” be amended to reorganize the composition and staffing of the Police Department; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison in the County of Morris and State of New Jersey that Chapter 34 of the Borough Code entitled “Police Department” shall be amended as follows:

SECTION 1: Section 34-1 entitled “Department established, composition” is hereby amended to read as follows:

Section 34-1 Department established, composition

The Police Department of the Borough of Madison is hereby established and shall consist of the following ranks and shall not exceed the number of officers specifically established herein at each rank enumerated below:

- A. Chief of Police
- B. 1 Captain
- C. 2 Lieutenants
- D. 5 Sergeants
- E. 27 Police Officers
- F. 2 Class II Special Police Officers

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

Mayor Conley opened up the public hearing on Ordinance 44-2014. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 44-2014, which was read by title, be finally 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

Mayor Conley declared Ordinance 44-2014 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.

ORDINANCE 45-2014

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 190 OF THE MADISON BOROUGH CODE ENTITLED “WATER” TO UPDATE THE WATER CONNECTION FEE SCHEDULE

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

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WHEREAS, Nisivoccia and Company, LLP, Certified Public Accountants and consultant to the Borough, has performed a study of the capital costs and interest on debt service together with the number of equivalent users at December 31, 2013, and based on such study has recommended a water connection fee in the amount of \$3,017.00 for new customers; and

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

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

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

§190-11.2 Connection fee

There shall be a water connection fee established in accordance with N.J.S.A. 40A:31-11 in addition to the fees for department services set forth in Section 190-33. The water connection fee for the remainder of 2014 shall be:

- A. For single family dwelling units, \$3,017.00, and for multiple dwelling units, \$3,017.00 per unit.
- B. In the case of any building or portion thereof to be used for industrial, commercial, educational or other than dwelling purposes, the Borough Engineer shall determine by accepted standards the number of units to be connected or added to an existing connection; where a unit equals an annual average daily flow of 248 gallons or fraction thereof: \$3,017.00 per unit.

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

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

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Mayor Conley opened up the public hearing on Ordinance 45-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 45-2014, which was read by title, be finally adopted. Mr. Rowe seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Conley declared Ordinance 45-2014 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.

ORDINANCE 46-2014

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 155 OF THE MADISON BOROUGH CODE ENTITLED “SEWER” TO UPDATE THE SEWER CONNECTION FEE SCHEDULE

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

WHEREAS, Nisivoccia and Company, LLP, Certified Public Accountants and consultant to the Borough, has performed a study of the capital costs and interest on debt service together with the number of equivalent users at December 31, 2013, and based on such study has recommended a sewer connection fee in the amount of \$4,938.00 for new customers; and

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

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

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

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

A. Sewer connection fees.

There shall be a basic connection fee established in accordance with N.J.S.A. 40A:26A-11. The fee for the remainder of 2014 shall be:

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1. For single family dwelling units, \$4,938.00, and for multiple dwelling units, \$4,938.00 per unit.
2. In the case of any building or portion thereof to be used for industrial, commercial, educational or other than dwelling purposes, the Borough Engineer shall determine by accepted standards the number of units to be connected or added to an existing connection; where a unit equals an annual average daily flow of 265 gallons or fraction thereof: \$4,938.00 per unit.

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

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

Mayor Conley opened up the public hearing on Ordinance 46-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 46-2014, which was read by title, be finally adopted. Mr. Rowe seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Conley declared Ordinance 46-2014 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.

ORDINANCE 47-2014

REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF \$15,076,000 AGGREGATE PRINCIPAL AMOUNT OF OUTSTANDING BONDS OF THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, APPROPRIATING A SUM NOT EXCEEDING \$17,500,000 TO PAY THE COST THEREOF AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$17,500,000 AGGREGATE PRINCIPAL AMOUNT OF REFUNDING BONDS OF SAID BOROUGH TO FINANCE SUCH APPROPRIATION

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

Section 1. The Borough of Madison, in the County of Morris, New Jersey (the "Borough") is hereby authorized to refund \$15,076,000 aggregate principal amount of the Borough's outstanding General Improvement Bonds, dated October 15, 2008 and maturing on or after October 15, 2019 (the "Outstanding Bonds").

The Outstanding Bonds bear interest from their date at the rates per annum, payable on April 15 and October 15 of each year until maturity or prior redemption, and mature in annual installments on October 15 in each year, as follows:

Principal	Interest	
<u>Year</u>	<u>Amount</u>	<u>Rate</u>
2019	\$1,425,000	4.75 %
2020	1,495,000	5.00
2021	1,520,000	5.00
2022	1,520,000	5.00
2023	1,520,000	5.00
2024	1,520,000	5.00
2025	1,520,000	5.00
2026	1,520,000	5.00
2027	1,520,000	5.00
2028	1,516,000	5.00

The Outstanding Bonds are subject to optional redemption on or after October 15, 2018 at a redemption price of 100%.

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The Borough Council may determine by subsequent resolution not to refund a portion of the Outstanding Bonds.

Section 2. The Borough Council of the Borough has ascertained and hereby determines that the Outstanding Bonds set forth in Section 1 of this ordinance have not been paid or discharged and that the Borough is authorized by Section 51(a) of the Local Bond Law of New Jersey (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law") to issue its refunding bonds as hereinafter provided to refund the Outstanding Bonds. The object of the refunding is to effect debt service savings for the Borough.

Section 3. A sum not exceeding \$17,500,000 is hereby appropriated (a) to refund the Outstanding Bonds set forth in Section 1 of this ordinance in the aggregate principal amount of \$15,076,000 and (b) to pay an amount not exceeding \$170,000 for the cost of the issuance of the refunding bonds, including underwriter's compensation, printing, advertising, financial and legal expenses therefor, as permitted by Section 51(b) of the Local Bond Law (collectively, the "Purpose").

Section 4. To finance the Purpose, refunding bonds of said Borough in an aggregate principal amount not exceeding \$17,500,000 are hereby authorized to be issued pursuant to the Local Bond Law (the "Refunding Bonds"). The Refunding Bonds shall be sold at public or private sale and shall be in registered form and shall contain the word "refunding" in their title and shall recite that they are issued pursuant to the Local Bond Law and shall bear such date or dates, mature at such time or times not exceeding 40 years from their date,

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bear interest at such rate or rates per annum, be payable at such time or times, be in such denominations, carry such registration privileges, be executed in such manner consistent with the provisions of the Local Bond Law for bonds of a municipality, be payable at such place or places, and be subject to such terms of redemption, with or without premium, as may be hereafter determined by resolution of the Borough Council within the limitations prescribed by law.

Section 5. The Refunding Bonds shall be direct, unlimited and general obligations of the Borough and the Borough shall be obligated to levy ad valorem taxes upon all taxable real property within the Borough for the payment of the principal of and the interest on the Refunding Bonds without limitation as to rate or amount. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the Refunding Bonds. Each Refunding Bond issued pursuant to this ordinance shall recite that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened and to have been performed precedent to and in the issuance of the Refunding Bond exist, have happened and have been performed, and that the Refunding Bond, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by the Constitution or statutes of said State.

Section 6. The Chief Financial Officer is hereby authorized to execute a certificate addressed to the underwriters of the Refunding Bonds stating that the preliminary official statement to be prepared by the Borough with respect to the Refunding Bonds is "deemed

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final" as of its date within the meaning of Rule 15c2-12 of the Securities and Exchange Commission. The distribution of such preliminary official statement to potential purchasers of the Refunding Bonds is hereby approved.

Section 7. All matters with respect to the Refunding Bonds not determined by this ordinance shall be determined by subsequent resolution or resolutions to be hereafter adopted by the Borough Council of the Borough, or the performance or determination thereof delegated by resolution or resolutions, to the Chief Financial Officer.

Section 8. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$17,500,000 (the amount of the Refunding Bonds authorized), but \$15,076,000 (the amount of Outstanding Bonds being refunded) shall be deducted from gross debt pursuant to Section 52 of the Local Bond Law, and that the issuance of the bonds authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 9. It is hereby determined and stated that no sum need be appropriated hereby as a down payment.

Section 10. The Borough is hereby authorized to enter into any agreements that may be necessary to effect the purchase of securities, as permitted by Sections 53(c) and 60 of the Local Bond Law, to accomplish the refunding.

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Section 11. This refunding bond ordinance shall take effect twenty days after the first publication thereof after final passage as provided by the Local Bond Law.

Mayor Conley opened up the public hearing on Ordinance 47-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Wolkowitz moved that Ordinance 47-2014, which was read by title, be finally adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mayor Conley declared Ordinance 47-2014 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 invitation for discussion was closed.

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

Ordinance 48-2014 scheduled for introduction and first reading tonight will have a hearing during the meeting of September 22, 2014 in the 2nd Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinances will be published in the Madison Eagle, be posted at the main entrance to the Borough offices and be made available to members of the public requesting same, as required by law.

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

ORDINANCE 48-2014 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 195 OF THE BOROUGH CODE, LAND DEVELOPMENT
ORDINANCE, REGARDING WAIVER OF BUILDING PERMIT FEES

WHEREAS, the Borough Administrator has recommended amending Chapter 195 of the Borough Code, the Madison Land Development Ordinance, in

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regard to the waiver of construction fees for work done to promote accessibility by disabled persons; and

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

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that Chapter 195 of the Borough Code entitled “Madison Land Development Ordinance” shall be amended as follows:

SECTION 1: Section 195-12, entitled ‘Fees’ shall have the following added to it:

§ 195-12. Waiver of building permits fees.

A.

No person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing public or private structure or any of the facilities contained therein.

B.

A disabled person, or a parent or a sibling of a disabled person, shall not be required to pay any municipal fee or charge in order to secure a construction permit for any construction, reconstruction, alteration or improvement which promotes accessibility to his/her own living unit.

C.

For the purposes of this section, "disabled person" means a person who has the total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, including blindness, and shall include, but not be limited to, any resident of this state who is disabled pursuant to the federal Social Security Act (42 U.S.C. § 416) or the federal Railroad Retirement Act of 1974 (45 U.S.C. § 231 et seq.) or is rated as having a 60% disability or higher pursuant to any federal law administered by the United States Veterans' Act. For purposes of this subsection, "blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20° shall be considered as having a central visual acuity of 20/200 or less.

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

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Mr. Catalanello moved that Ordinance 48-2014, which the Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

CONSENT AGENDA RESOLUTIONS

The Clerk made the following statement:

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

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

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

Nays: None

R 248-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING TEMPORARY SIGNS FOR CHATHAM-MADISON KIWANIS CLUB

WHEREAS, the Chatham-Madison Kiwanis Club has requested permission to put up temporary signs advertising a Pasta Dinner to benefit community organizations and scholarships, on Wednesday, October 8, 2014; and

WHEREAS, up to ten (10) signs would be installed at various locations, commencing on September 24, 2014 and removed by October 9, 2014; and

WHEREAS, the Zoning Officer has recommended that a temporary sign permit be issued.

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 request of the Chatham-Madison Kiwanis Club to put up temporary signs as described herein from September 24, 2014 to October 9, 2014, is approved and the Chatham-Madison Kiwanis Club is directed to remove the temporary signs no later than October 10, 2014.

R 249-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AMENDMENT TO THE CONTRACT FOR SALE AGREEMENT WITH THE MADISON BOARD OF EDUCATION FOR THE SALE OF THE FORMER GREEN VILLAGE ROAD SCHOOL PROPERTY

WHEREAS, the Borough Administrator has recommended an amendment to the Contract for Sale with the Madison Board of Education (BOE) for the sale of the

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former Green Village Road School property to require that the BOE repay the Borough of Madison any funds received from KRE that need to be refunded to the redeveloper pursuant to the Redeveloper Agreement; and

WHEREAS, the Council concurs with this recommendation to amend the language of the agreement regarding the repayment of fees and the waiver of MRC user fees charged to the BOE upon receipt of a \$1,000,000.00 contribution from the BOE for said project.

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 an amendment to the Contract for Sale as described herein, in a form acceptable to the Borough Attorney.

R 250-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF A LOADER FOR THE DEPARTMENT OF PUBLIC WORKS THROUGH THE MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION

WHEREAS, the Borough of Madison desires to award a contract for the purchase of a loader under the Middlesex Regional Educational Services Commission program; and

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

WHEREAS, Jesco, Inc. of South Plainfield, New Jersey, has been awarded the Middlesex Regional Educational Services Commission contract number MRESC 14/15-04, Ground Equipment; and

WHEREAS, the Public Works Superintendent has recommended that the Borough Council utilize this contract for the purchase of a loader; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$135,524.57 for this purpose in Ordinance 21-2014.

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. A contract with Jesco, Inc. for the purchase of a loader, in an amount not to exceed \$135,524.57 is hereby approved.

2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Jesco, Inc. of South Plainfield, New Jersey, for the purchase of a loader at a total price not to exceed \$135,524.57, in a form acceptable to the Borough Attorney.

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R 251-2014 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 the eligibility for an Electric Rebate to include any residents of Madison with an annual income in 2013 of \$40,000.00 or less for single individuals, \$60,000.00 or less for husband and wife and \$70,000.00 or less for families, eliminate the requirement for dual registration in supplemental energy assistance programs and to extend the enrollment deadline to December 1, 2014.

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 252-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A SPECIAL EVENT PERMIT TO ALLOW THE USE OF PUBLIC PARKING LOT NUMBER TWO BY THE ROTARY CLUB OF MADISON FOR A PUBLIC SHREDDING EVENT ON NOVEMBER 8, 2014

WHEREAS, the Rotary Club of Madison has requested permission to use public parking lot number two on Saturday, November 8, 2014, between the hours of 10:00 a.m. and 1:00 p.m. for a public shredding event; and

WHEREAS, the Borough Administrator has recommended that such permission be granted; and

WHEREAS, the Rotary Club has submitted a Special Event Permit Application to the Borough as well as a Certificate of Liability Insurance naming the Borough of Madison as an additional insured; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Rotary Club of Madison is hereby given permission to hold a public shredding event at Madison public parking lot number two, on November 8, 2014, between the hours of 10:00 a.m. and 1:00 p.m. and subject to such safety requirements as may be directed by the Madison Police Department and/or Fire Department.

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R 253-2014 ITEM REMOVED AND THE # RETIRED

R 254-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE BOROUGH TO CHANGE TELEPHONE SERVICE TO MONMOUTH TELECOM NETWORKS FROM BROADVIEW

WHEREAS, the Borough Purchasing Agent has recommended that the Borough change its telephone service to Monmouth Telecom in order to have an annual cost savings of 4,500.00; and

WHEREAS, the Borough currently utilizes Broadview Networks as its telephone service.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the Borough Administrator is authorized to sign a contract for telephone service for the Borough with Monmouth Telecom in accordance with the communications proposal submitted by Monmouth Telecom in order to effectuate the cost savings set forth herein.

R 255-2014 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING FLAG POLE DONATION FROM MEMBERS OF THE PATRIOTIC CELEBRATION COMMITTEE, MADISON ELKS CLUB AND THE AMERICAN LEGION POST 43

WHEREAS, members of the Patriotic Celebrations Committee, the Madison Elks Club and American Legion Post 43 have generously offered to donate a flag pole to the Borough of Madison for display at Lucy D Field in recognition and remembrance of the Veterans' Housing located at this site after World War II; and

WHEREAS, the Borough Council has concluded that it would be in the best interest of the Borough to accept the donation.

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 a flag pole for Lucy D Field.

BE IT FURTHER RESOLVED that the Borough of Madison expresses its gratitude to the members of the Patriotic Celebrations Committee, the Madison Elks Club and the American Legion Post 43.

R 256-2014 RESOLUTION OF THE BOROUGH OF MADISON SUPPORTING MADISON POLICE DEPARTMENT TRAINING IN THE USE OF NARGAN TO COUNTERACT THE EFFECTS OF AN OPIATE OVERDOSE

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WHEREAS, members of the Madison Police Department are being trained in the use of Narcan, a drug used to counteract the effects of an opiate overdose which can save lives; and

WHEREAS, having a police department trained in the use of Narcan is a valuable benefit to Madison residents; and

WHEREAS, Police Chief Dachisen recommends support of the training and use of Narcan by the Madison Police Department.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Borough Council supports the training and use of Narcan by members of the Madison Police Department.

R 257-2014 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING RESIGNATION OF CHIEF LINEMAN RALPH GRANKE EFFECTIVE SEPTEMBER 3, 2014

WHEREAS, Ralph Granke, Chief Lineman in the Electric Utility Department, has tendered a written resignation effective September 3, 2014.

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 resignation effective September 3, 2014 of Ralph Granke as Chief Lineman, is hereby acknowledged and accepted.

R 258-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY PTSO MADISON HIGH SCHOOL

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:

PTSO MADISON HIGH SCHOOL
I.D. No. 274-5-33795
R.A. No. 1324– On Premise
September 27, 2014
October 17, 2014
November 1, 2014
November 8, 2014
November 27, 2014

PTSO MADISON HIGH SCHOOL
I.D. No. 274-5-33795
R.A. No. 1325 – Off Premise
October 20, 2014

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PTSO MADISON HIGH SCHOOL
I.D. No. 274-5-33795
R.A. No. 1326 – On Premise
October 23, 2014

R 259-2014 RESOLUTION OF THE BOROUGH OF MADISON CONFIRMING MEMBERSHIP OF ANDREW T. PALMER IN THE MADISON HOSE COMPANY #1

WHEREAS, the Fire Chief has advised that Andrew T. Palmer was voted into the Madison Hose Company #1 as a volunteer firefighter; and

WHEREAS, Section 18-27 of the Madison Borough Code requires that each person so voted shall be confirmed as a member of such division by the Council 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, that Andrew T. Palmer is hereby confirmed as a member of the Madison Hose Company #1 effective immediately.

R 260-2014 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF LAYTON LASSITER TO THE INTERN POSITION IN THE MADISON POLICE DEPARTMENT

WHEREAS, Police Chief Daren Dachisen has recommended the appointment of Layton Lassiter to the position of Intern in the Madison Police Department, to assist with traffic report organization, traffic sign survey and other various projects, at no compensation; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Layton Lassiter is hereby appointed to the position of Intern in the Madison Police Department effective immediately, at no compensation.

R 261-2014 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING MAGDALENA MARTORANA TO THE POSITION OF FULL TIME OFFICE ASSISTANT IN THE WATER & ELECTRIC UTILITY ADMINISTRATION DEPARTMENT

WHEREAS, the Borough Administrator has recommended hiring Magdalena Martorana as a Full-Time Office Assistant, in the Water & Electric Utility Administration Department, effective immediately; and

WHEREAS, the Borough Council agrees with this recommendation.

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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 Magdalena Martorana is hereby appointed to the position of Office Assistant in the Water & Electric Utility Administration Department, effective immediately, to be compensated in accordance with the current Collective Bargaining Agreement for the Federation of White Collar Workers at an annual salary of \$42,900.00.

R 262-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXECUTION OF ASSIGNMENT AND ASSUMPTION AGREEMENT WITH RESPECT TO 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 ("Disposing 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 certain property located at 134 Main Street and designated as Block 1803, Lot 16 on the current Tax Map of the Borough (the "Property"), by Resolution adopted on March 13, 2014, which provided for execution of a developer's agreement with the Borough; and

WHEREAS, the Borough and Disposing Developer entered into the contemplated Developer's Agreement as of June 24, 2014; and

WHEREAS, Disposing Developer has conveyed the Property to Tiro Development Associates, LLC ("Acquiring Developer"), and Disposing Developer and Acquiring Developer seek to enter into the attached Assignment and Assumption of Developer's Agreement with the Borough, consistent with Paragraph 20 of the Developer's Agreement; and

WHEREAS, counsel has recommended that the attached Assignment and Assumption of Developer's Agreement be entered into, conditioned on acceptance by Borough of a replacement performance guarantee as provided for in Paragraph 20 of the Developer's Agreement;

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 Assignment and Assumption of Developer's Agreement is hereby approved, conditioned on acceptance by Borough of a replacement performance guarantee as provided for in Paragraph 20 of the Developer's Agreement, and the Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute the Assignment and Assumption of Developer's Agreement.

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R 263-2014 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING DONATION OF NEW SCOREBOARD FROM MEMBERS OF MADISON LITTLE LEAGUE FOR DODGE FIELD

WHEREAS, members of Madison Little League have generously offered to donate new scoreboard for use at Dodge Field; and

WHEREAS, the Borough Council has concluded that it would be in the best interest of the Borough to accept the donation.

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 new scoreboard by Madison Little League for Dodge Field, pending final approval from the Superintendent of the Electric Utility.

BE IT FURTHER RESOLVED that the Borough of Madison expresses its gratitude to the members of Madison Little League.

R 264-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING APPLICATION FOR LIVERY DRIVER'S PERMIT FOR ROSE CITY LIMO, INC. FOR 2014

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Livery Driver's Permit be approved for the year 2014:

2014

LICENSE NO.

NAME

14-5D

Samuel Mantone

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mrs. Vitale seconded by Mr. Catalanello and carried, the following vouchers of the Borough of Madison were approved for payment, and the supporting documentation of said vouchers was made part of the Supplemental Minute Book.

Public Safety	\$23,851.43
Health & Public Assistance	3,755.24
Public Works & Engineering	157,833.89
Community Affairs	4,991.16
Finance & Borough Clerk	3,640,329.60
Utilities	<u>117,110.14</u>
Total	<u>\$3,947,871.46</u>

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

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

Nays: None

NEW BUSINESS

Mayor Conley announced the following appointment:

MADISON HOUSING AUTHORITY

George Hayman, 6 Madison Avenue, five-year term through August 10, 2019.

Mayor Conley announced the following appointments and requests Council confirmation:

Utilities Advisory Committee

Regular members:

Martin Barbato

6 Arlena Court , three-year term through December 31, 2016

Jeffrey Kerr

43 Dean Street, three-year term through December 31, 2016

Ronald A. Poeter

70 Shunpike Road, three-year term through December 31, 2016

Alan Sawyer

11 Fox Chase Road, two-year term through December 31, 2015

Kevin Williams

116 Rosedale Avenue, two-year term through December 31, 2015

Herbert C. Worthington

38 Noe Avenue, two-year term through December 31, 2015

Susanne Patenaude

34 Beech Avenue, one-year term through December 31, 2014

Bill Hutchinson

2 Coursen Way, one-year term through December 31, 2014

Vacancy,

one-year term through December 31, 2014

Mr. Rowe moved confirmation of the foregoing appointments. 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

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Elizabeth Osborne

Borough Clerk

Approved September 22, 2014 (EO)