

September 24, 2007 Meeting Minutes

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

September 24, 2007 - 6 p.m.

Call to Order

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 24th day of September 2007. Mayor Kerkeslager called the meeting to order at 6:00 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

Statement in Compliance with the Open Public Meetings Act

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

"In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by publishing a copy of the meeting notice in 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 4, 2007. Notice of change in time from 7 p.m. to 6 p.m. was done in the same manner, all on September 20, 2007. Copies of said Notice were made available to members of the general public."

Roll Call

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

Mayor Ellwood R. Kerkeslager

Council Members:

Mary-Anna Holden
Astri J. Baillie
Donald J. Bowen
Carmela Vitale

John M. Elias, arrived at 6:05 p.m.

Robert H. Conley

Also Present:

Joseph Mezzacca, Jr., Borough Attorney

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Marilyn Schaefer, Borough Clerk

Raymond M. Codey, Acting Administrator

AGENDA REVIEW

Mr. Mezzacca reviewed R 229-2007 and R 230-2007 regarding the Housing Authority Cooperation Agreement and Payment in Lieu of Taxes Agreement which were added to the Agenda for consideration and adoption later in the meeting; Mr. Mezzacca commented that Housing Authority Director Lou Riccio would like to close the purchase of 22-24 Central Avenue this Thursday; the Planning Board has scheduled a courtesy review if the Borough adopts the resolutions and approves these documents. One Personnel Matter was added to the Agenda.

Reading of Closed Session Resolution

Mr. Elias moved:

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

EXECUTIVE SESSION MINUTES (1)

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

PERSONNEL MATTERS (2)

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

CONTRACT MATTERS (9)

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

Seconded: Mrs. Vitale

Vote: Unanimous voice vote of members present

Reconvene in Council Chamber

Mayor Ellwood R. Kerkeslager reconvened the Regular Meeting at 7:50 p.m. in the Council Chamber with all members present. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Regular Meeting Minutes of September 10, 2007**. Mrs. Holden seconded the motion, which passed with the following roll call vote recorded:

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Yeas: Mrs. Holden, Ms. Baillie, Mr. Bowen
Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: None

Ms. Baillie moved approval of the ***Executive Minutes of September 10, 2007***. Mrs. Holden seconded the motion, which passed by voice vote.

GREETINGS TO PUBLIC

Mayor Kerkeslager read the following resolution:

R 218-2007

RESOLUTION OF THE BOROUGH OF MADISON APPOINTING DARREN DACHISEN TO THE POSITION OF ACTING LIEUTENANT IN THE MADISON POLICE DEPARTMENT

WHEREAS, the Madison Borough Chief of Police has recommended that Darren Dachisen be appointed to the position of Acting Lieutenant in the Madison Police Department; and

WHEREAS, the Madison Borough Council, after due consideration, has determined to appoint Darren Dachisen to the position of Acting Lieutenant in the Madison Police Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Darren Dachisen is hereby appointed to the position of Acting Lieutenant in the Madison Police department effective immediately, to be compensated in accordance with the Letter of Agreement Between the Borough of Madison and Madison Superior Officers Association (S.O.A.) Regarding the Appointment of Sergeant Darren Dachisen to Acting Lieutenant ("Letter Agreement").

BE IT FURTHER RESOLVED that the Mayor and Borough Administrator are authorized to enter into the Letter Agreement for this purpose.

Mr. Conley moved approval of the above resolution. Mrs. Holden seconded the motion, which passed by voice vote.

Borough Attorney Joseph Mezzacca, Jr., administered Acting Lieutenant Dachisen's Oath of Office. There was a long round of applause as his badge was affixed and Acting Lieutenant Dachisen shook the hand of each of the Governing Body members.

Mayor Kerkeslager announced and read the following proclamation:

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Proclamation of the Borough of Madison

Proclaiming

National Breast Cancer Awareness Month

October 2007

WHEREAS, the Borough of Madison values the health of all of its citizens; and

WHEREAS, the Borough of Madison supports awareness of certain diseases, such as Breast Cancer, which affects the lives of its citizens; and

WHEREAS, October is National Breast Cancer Awareness Month; and

WHEREAS, the *Tie A Ribbon for the Cure* campaign, sponsored by the North Jersey Affiliate of the Susan G. Komen Breast Cancer Foundation (the "Affiliate"), promotes such awareness as well as remembrance for those who have been touched by this disease; and

WHEREAS, the goal of the Affiliate is to raise awareness and reach the citizens of Madison; and

WHEREAS, the Borough of Madison, through the efforts of the Affiliate, will proudly join in the *Tie A Ribbon for the Cure* campaign in the retail business district.

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NOW, THEREFORE, I, Ellwood R. Kerkeslager, Mayor of the Borough of Madison, do hereby proclaim *October as National Breast Cancer Awareness Month* in Madison, to be marked by the tying of pink ribbons in the retail business district for the period of October 1, 2007 through October 31, 2007 for the **2007 TIE A RIBBON FOR THE CURE CAMPAIGN**.

Ellwood R. Kerkeslager, Mayor

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Mayor Kerkeslager asked that Council authorize the Susan G. Komen Breast Cancer Foundation to tie pink ribbons on downtown trees from October 1, 2007, through October 31, 2007, during National Breast Cancer Awareness Month. Ms. Baillie so moved. Mrs. Vitale seconded the motion, which passed by voice vote.

Mayor Kerkeslager announced information received from Congressman Rodney Frelinghuysen that the Madison Volunteer Ambulance Corps was awarded an Operations and Safety Grant from the U.S. Department of Homeland Security FEMA Assistance to Firefighters Grant Program in the amount of \$26,811.00 to modify facilities.

Mayor Kerkeslager commented that he received a telephone call from Verizon informing the Borough that in a two-year time frame, the 175 Park Avenue property owned by Verizon will be sold along with Verizon's headquarters building in Newark and another property (not named); all three of these properties are used as call centers, and the call center function will be relocated and consolidated in a location yet to be determined.

REPORTS OF COMMITTEES

Community Affairs

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

This past week Recreation Director Doug Smith and Mrs. Holden discussed with the Board of Education the subject of the schools doing a better job of recycling at the schools. This will help in Madison's total recycling. Mrs. Holden commented that they will be looking to encourage other items to be recycled other than what the Borough is currently recycling as a service to the neighborhoods in order to keep certain items out of the landfill.

The Recreation Department met with the Board of Education regarding the tennis courts at the High School and their reconditioning of them; some new tennis court products are available that would have a 20 to 25 year life.

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Senior Center Director Edna Lerley-Byrne and Mrs. Holden met with Judy Beecher of Florham Park; Florham Park will be building a Senior Center; presently, senior services are part of Florham Park's Recreation Department and are reliant upon volunteers. Mrs. Holden was looking at exploring an inter-local agreement starting with transportation services; right now Madison has a van that is four years old with one driver; Florham Park has a plethora of drivers and no van, although they are scheduled to receive a handicap accessible van from the Board of Education; Mrs. Holden thinks there are opportunities to apply for grant funding to give seniors additional days of the week with van service.

Utilities

Ms. Baillie, Chair of the Committee, no report.

Health & Public Assistance

Mr. Bowen, Chair of the Committee, no report.

Public Works and Engineering

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

Chateau Thierry was milled and paved this past couple of weeks along with certain other streets; the Department of Public Works has been busy; Mrs. Vitale commented on the striping on Chateau Thierry and praised the Traffic Calming Committee.

Finance and Borough Clerk

Mr. Elias, Chair of the Committee, no report.

Mr. Elias commented on preliminary numbers received from the Division of Local Government Services regarding pension contributions and liabilities for next year, which looks to be up another 50%.

Public Safety

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

Mr. Conley congratulated Acting Lieutenant Dachisen on his appointment. Regarding first responders, Mr. Conley commented that every year across the nation first responders are killed or injured in performance of their duties while operating on highway roads; Fire Chief Douglas Atchison and Fire Captain Lou DeRosa have been working with officials at the state level to help develop and adopt statewide procedures for highway operations. Regarding traffic calming, the Committee is back in operation, is reviewing traffic calming options within Madison and will soon roll out its program.

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COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

Received 9/13/2007 from Thomas Marano who copied the Borough with a letter he wrote to the Editor of the Madison Eagle wherein he agreed with the Council that the Council is working very hard on Fire & Police building matters, and things are not as bad as they may seem.

Received 9/19/2007 from Eugene Zipper, Greenwood Avenue, who reported that he heard from Cablevision that they are considering what he wrote to them about Madison's Council meetings not being broadcast in a very effective manner—sometimes they are on earlier or later or sometimes not at all; they promised that they would do better; Mr. Zipper commented that seeing is believing.

INVITATION FOR DISCUSSION (1 of 2)

Mayor Kerkeslager opened the meeting to the public for their opportunity to ask questions and make comments. The 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.**

Nancy Wallace, Maple Avenue, commented about traffic at the corner of Maple Avenue and Kings Road; it is a very dangerous situation with cars turning onto Maple from Kings Road with parking on both sides of Maple; it is too narrow for cars to be parking on both sides of the street; up to a certain point, parking is permitted on Maple Avenue up to four hours; Mrs. Wallace does not believe it is right for people to be parking there and commuting when other people are paying for parking. Mr. Conley, Liaison to Public Safety, will take her comments back to the Police Department. Mr. Mezzacca commented that it is important for residents to bring this information forward; if four-hour parking limits were put all the way up Maple Avenue, it would also apply to the homeowners.

Agenda Discussions

09/24/07-1 FENCES AND WALLS ORDINANCE

Ms. Baillie moved discussion of the ordinance regarding fences and walls. Mrs. Vitale seconded the motion, which passed by voice vote. After detailed discussion, it was agreed that the Planning Board be notified that the Borough will introduce an ordinance setting a 4' height open fencing restriction in front yards. Once it is introduced, it will be

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sent back to the Planning Board for comments. Ms. Baillie will work with Mr. Mezzacca to make sure that the change is incorporated. Mayor Kerkeslager will take this information to the Planning Board tomorrow night.

An ordinance will be listed for introduction on the October 10, 2007 Agenda.

09/24/07-2 TWO ORDINANCES REGARDING BOND GUARANTY AND AGREEMENTS WITH MORRIS COUNTY IMPROVEMENT AUTHORITY; ONE RESOLUTION RE BONDING

Mr. Elias moved the above for discussion. Mr. Conley seconded the motion. After discussion, there was unanimous consent by voice vote to move forward with the two ordinances for introduction and the resolution later in the meeting regarding funding for the purchase of 53 acres from Rock Florham for open space purposes. Mr. Codey commented that there will be a five-year call feature on the bond issue, after which the bonds may be prepaid at any time.

Two ordinances are listed for introduction later in the meeting. One resolution is listed on the Consent Agenda in this regard.

09/24/07-3 ADDITIONAL FUNDING FOR THE REGIONAL TRAFFIC STUDY

Mr. Conley moved approval of an additional \$9,000 for Madison's share of the regional traffic study, which would make a total of \$29,000 for this purpose to be funded through Madison's Open Space Trust Fund. Ms. Baillie seconded the motion, which passed by voice vote.

Formal action will be taken at the October 10, 2007 meeting.

Added to Agenda

09/24/07-4 SOUNDPROOFING FOR TEEN CENTER

Ms. Baillie moved approval of soundproofing the Teen Center at a projected cost of up to \$13,000. Mrs. Holden seconded the motion. Mr. Bowen resisted approval, as an elevator has not yet been installed at that location. The motion passed with the following roll call vote recorded:

Yeas: Mrs. Holden, Ms. Baillie, Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: Mr. Bowen

Note: Funds are available from the Administration Department budget and do not have to be appropriated.

INVITATION FOR DISCUSSION (2 of 2)

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Mayor Kerkeslager opened the meeting to the public for their opportunity to ask questions and make comments. The 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.**

Eugene Zipper, Greenwood Avenue, commented about an earlier meeting where he asked about the number of housing units that the Madison Housing Authority is in charge of where individuals receive some sort of subsidy; he was looking for confirmation of what that number was; he wanted to know if his question would be answered or if he must pursue the answer directly with Mr. Riccio. Mrs. Vitale volunteered to get the information for Mr. Zipper as she is the Liaison to the Housing Authority.

Nancy Wallace, Maple Avenue, strongly advocated the removal of gum from the sidewalks in the downtown.

Jim McCloskey, Dean Street, advocated that the Mayor and Council Members remember to use the microphones; it does make it so much easier for people to understand what everyone is saying. He asked about Dean Street, water main replacement and repaving. Mrs. Vitale commented that Madison has to get back on schedule—repaving was put off on many streets because water main replacement had to be done first. Mrs. Vitale will find out where Dean Street stands and get back to Mr. McCloskey.

Don Brunner, Redmond Drive, asked if a crosswalk on the east end of Main Street (near Starbucks) is still under discussion; Mayor Kerkeslager commented that the Downtown Development Commission East Business District Committee has that issue and other traffic issues under active consideration

Advertised Hearings

The Clerk made the following statement:

Ordinances scheduled for hearing tonight were submitted in writing, introduced by title, and passed on first reading at a Regular meeting of the Mayor and Council held on September 10, 2007, were published in the Madison Eagle, posted on the Bulletin Board at the main entrance to the Hartley Dodge Memorial and made available to members of the general public requesting same.

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

ORDINANCE 62-2007

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ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 155 OF THE BOROUGH CODE ENTITLED "SEWERS"

BE IT ORDAINED, by the Municipal Council of the Borough of Madison as follows:

1. Article I, "CONNECTIONS," is amended and supplemented as follows:

A. Section 155-1. DEFINITIONS is hereby amended and supplemented to provide in its entirety as follows:

BIOCHEMICAL OXYGEN DEMAND (BOD)- The quantity of oxygen, expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty (20) degrees Celsius. The standard laboratory procedure shall be that found in the latest edition of "Standard Methods for the Examination of Water and Wastewater"; ASTM Standards, Part 23, Water; Atmospheric Analysis (1972); EPA Methods for Chemical Analysis of Water and Wastes (1971).

Chemical oxygen demand (COD) - Means a measure of the oxygen required to oxidize all compounds in water, both organic and inorganic (in milligrams per liter, mg/l) in a waste sample under specific conditions of an oxidizing agent, temperature and time as determined by analytical procedures set forth in the for Chemical Analysis of Water and Wastes (USEPA, Office of Technology Transfer, Washington, D.C., March 1983).

CATEGORICAL STANDARD - Any limitation upon the discharge of pollutants adopted by the United States Environmental Protection Agency pursuant to Section 307(b) of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977.

COMPOSITE SAMPLE - See "Samples, Types of".

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DISCHARGE - The action of pumping, leaching, releasing, spilling, leaking, pouring emitting, emptying, or dumping and also means the causing of permitting of any of the aforesaid.

DISPOSAL - The storage, treatment, utilization or processing and final disposition of septage.

FOOD ESTABLISHMENTS – Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption by the public such as restaurant, commercial, kitchen, caterer, hotel, school, hospital, prison, correctional facility, and care institution, These establishments use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also include are infrared hearing, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

Governmental entity - Means a Federal, State, interstate agency, county or municipal government or school district whose jurisdiction is partially or entirely within the State.

GRAB SAMPLE - See "Samples, Types of".

HAZARDOUS POLLUTANT -

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1. Any toxic pollutant;
2. Any hazardous substance as defined by the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11; or
3. Any substance regulated as a pesticide under the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. § 136 et seq.; or

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4. Any substance the use or manufacture of which is prohibited under the Federal Toxic Substances Control Act, 15 U.S.C. § 2601 et seq.; or

5. Any substance identified as a known carcinogen by the International Agency for Research on Cancer; or

6. Any hazardous waste designated pursuant to the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. or the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.

IMMEDIATE ACCESS - Access without delay but in no event beyond ten minutes from the time the request for access is made by authorized Madison-Chatham Joint Meeting personnel to any employee of the User.

INDIRECT DISCHARGE - Any discharge into Madison-Chatham Joint Meeting's domestic treatment works.

INDUSTRIAL USER - The term "Industrial User" means a source of discharge of industrial waste.

INDUSTRIAL WASTES - The liquid wastes from industrial manufacturing processes, as defined in the 1972 Edition of the "Standard Industrial Classification Manual", as distinct from sanitary sewage. Industrial wastes includes the leachate from landfills or other contaminated areas.

INHIBITORY POLLUTANT - Any pollutant which, when entering a domestic treatment works, in sufficient quantity will interfere with the treatment works' physical, chemical, and/or biological processes.

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INTERFERENCE - A Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

1. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

2. Therefore is a cause of a violation of any requirement of the POTW's NJPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

JOINT MEETING - The legal entity which owns or operates the Molitor Water Pollution Control Facility.

Local limits - Any restriction on quantities, quality, or concentrations of pollutants discharged into a local agency's treatment works, developed to prevent upset, interference, or pass-through of pollutants to the treatment works, and to protect worker health and safety, and protect/improve the quality of the sludge generated by the treatment works.

MCJM - Abbreviation for Madison-Chatham Joint Meeting

MG/L - Abbreviation for milligrams per liter.

NATIONAL PRETREATMENT STANDARD - "National Pretreatment Standard", "Pretreatment Standard," or "Standard" means any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with section 307(b) and (c) of the Clean Water

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Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR § 403.5.

NJPDES - The New Jersey Pollutant Discharge Elimination System or "NJPDES" means the New Jersey system for the issuance of permits pursuant to the Water Pollution Control Act.

NJDEP - The New Jersey Department of Environmental Protection.

Non-contact cooling water - Water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algacides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

Oil and grease - Includes the nonpetroleum-based pollutants of animal and vegetable origin, and petroleum-based pollutants, which are analyzed by a USEPA and/or New Jersey State Certified Laboratory approved method for oil and grease referenced in 40 CFR Part 136, as amended, including subsequent amendments, and the petroleum-based pollutants analyzed by a USEPA and/or New Jersey State Certified Laboratory approved method for petroleum hydrocarbons cited in Methods for Chemical Analysis of Water and Wastes, USEPA, as amended.

OIL, GREASE AND SAND INTERCEPTOR OR TRAPS – A device designed and installed so as to separate and retain deleterious hazardous or undesirable matter from sanitary waste while permitting sanitary sewerage or liquid wastes to discharge into the drainage system by gravity.

PASS THROUGH - A Discharge which exits the POTW into waters of the United States or Waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NJPDES permit (including an increase in the magnitude or duration of a violation).

PERSON - Any individual, firm, company, partnership, corporation, association, group or society.

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Petroleum hydrocarbons or petroleum-based oil and grease - The petroleum-based pollutants analyzed by an EPA and/or New Jersey State Certified Laboratory approved method for petroleum hydrocarbons cited in Methods for Chemical Analysis of Water and Wastes, USEPA, as amended.

pH - The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of the hydrogen-ions, in grams, per liter of solution.

POLLUTION - The condition of water resulting from the introduction therein of substances of any kind and in quantities rendering it detrimental or immediately or potentially dangerous to public health, or unfit for public or commercial use.

PRETREATMENT - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR § 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR § 403.6(e).

PRETREATMENT REQUIREMENTS - Any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

PRETREATMENT STANDARDS - Means all applicable Federal Rules implementing Section 307 of the Clean Water Act, as well as any non-conflicting State, or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall apply.

Process wastewater - Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to,

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leachate and cooling water other than non-contact cooling water. This definition includes the terms commercial wastewater and industrial wastewater as used in 40 CFR Part 503.

"POTW" OR Publicly owned treatment works: Any device or system used in the storage and treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a State, municipality or political subdivision. This definition includes sewers, pipes, or other conveyances if they convey wastewater to a POTW providing treatment.

PUBLIC SEWER - See "Sewers, Types of".

Radioactive waste - Any waste which contains radioactive material in concentrations which exceed those listed in 10 CFR Part 20, Appendix B, Table II, Column 2, or exceed the "Criteria for Identifying and Applying Characteristics of Hazardous Waste and for Listing Hazardous Waste" in 40 CFR Part 261, whichever is applicable.

SAMPLES, TYPES OF -

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GRAB SAMPLE - "Grab sample" means an individual sample collected over a time period of less than 15 minutes.

COMPOSITE SAMPLE - "Composite sample" means a sample composed of several discrete samples combined in a known proportion. For wastewater monitoring, a composite sample is a sample composed of several discrete samples collected at equal time intervals, or proportionally to the flow rate of the discharge.

SANITARY SEWAGE - Means any liquid waste containing animal or vegetable matter in suspension or solution, or the water carried wastes resulting from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or any other source of water carried waste of human origin or containing putrescible material. The term specifically excludes industrial, hazardous or toxic wastes and materials.

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SANITARY SEWER - See "Sewers, Types of".

Septage - The liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system, or a holding tank when the system is cleaned or maintained.

SEWAGE - means any wastes, including wastes from humans, households, commercial establishments, and industries that are discharged to or otherwise enter a sewage treatment works.

SEWER - A pipe or conduit that carries or is intended to carry wastewater or drainage water.

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SEWER SYSTEM - All trunks, sub-trunks, sewers, interceptors, laterals, branches, and all other sewer appurtenances, whether privately owned or owned by the Borough of Madison, Borough of Chatham or the Madison-Chatham Joint Meeting, the sewage from which is delivered to the sewage treatment plant.

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SEWERAGE SYSTEM - Any facility or extension thereof designed to provide for the collection, treatment or discharge of sewage. Also, see "Sewers, Types of".

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SEWERAGE TREATMENT PLANT - An arrangement of devices and structures used for treating of sewage other than that used on and for a property under one ownership as an individual sanitary disposal system.

SEWERS, TYPES OF - An underground pipe or drain used to carry off water and waste matter as follows:

BRANCH SEWER - A sewer which receives wastewater from a relatively small area and discharges into a main sewer.

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OUTFALL SEWER - A sewer which receives wastewater from a collecting system or treatment plant and carries it to a point of final discharge.

PUBLIC SEWER - A sewer owned or controlled by the Joint Meeting, a public utility, or other governmental agency.

SANITARY SEWER - A sewer that carries water carried wastes from residences, commercial building, industrial plants and institutions.

SIGNIFICANT INDUSTRIAL USER-

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1. The term Significant Industrial User means any user including, but not limited to, any significant industrial user as defined in 40 CFR 403.3(t) where:

i. The User is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;

ii. The User's average volume of process wastewater exceeds 25,000 gallons per day;

iii. The amount of BOD, COD or Suspended Solids in the industrial process wastewater discharge exceeds the mass equivalent of 25,000 gallons per day of the domestic waste;

iv. The volume of industrial process wastewater in the discharge exceeds five percent or more of the average daily dry weather flow of the Madison-Chatham Joint Meeting;

v. The User's discharge of process wastewater contributes, five percent or more of the daily mass loading of any of the pollutants listed in N.J.A.C. 7:14A-4, Appendix A Tables II through V;

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vi. The User is designated as an Significant Industrial User by NJDEP on the basis that the User has a reasonable potential for adversely affecting the Madison-Chatham Joint Meeting's operation;

vii. The User is designated as a Significant Industrial User by the NJDEP on the basis that the User has been in violation of any Federal, State, or local pretreatment standard or requirement, including, but not limited to, significant noncompliance as defined in 40 CFR 403.8(f)(2)(vii); or

viii. The NJDEP determines it would be consistent with the intent of Federal or State law or regulation to require a permit for the User.

SIGNIFICANT NONCOMPLIER - "Significant Noncomplier," "Significant Noncompliance" or "SNC" means any person who commits any of the violations described below, unless the NJDEP uses, on a case-by-case basis, a more stringent frequency or factor of exceedance to determine a significant noncomplier and the NJDEP states the specific reasons therefor, which may include the potential for harm to human health or the environment.

A. Violations which cause a person to become or remain an SNC under the state definition of significant noncomplier include:

1. A serious violation for the same pollutant, at the same discharge point source, in any two months of any consecutive six month period;

2. Exceedance of an effluent limitation expressed as a monthly average, for the same pollutant, at the same discharge point source, by any amount in any four months of any consecutive six month period;

3. If there is not an effluent limitation for a particular pollutant expressed as a monthly average, exceedance of the monthly average of the daily maximums for the effluent limitation, for the

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same pollutant, at the same discharge point source, by any amount in any four months of any consecutive six month period;

4. Any exceedance of an effluent limitation for pH by any amount, excluding the excursions specifically excepted by a permit issued by the NJDEP with continuous pH monitoring, at the same discharge point source in any four months of any consecutive six month period; or

5. Failure to submit a completed discharge monitoring report in any two months of any consecutive six month period.

B. Under the federal definition set forth at 40 CFR 403.8(f)(2)(vii), an Industrial User is in Significant Noncompliance if its violation meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, SS, fats, oil, and grease, and 1.2 for all other pollutants except pH).

3. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the NJDEP determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

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5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

6. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self- monitoring reports, and reports on compliance with compliance schedules;

7. Failure to accurately report noncompliance;

8. Any other violation or group of violations which the NJDEP determines will adversely affect the operation or implementation of the pretreatment program.

Sludge - The solid residue and associated liquid resulting from the physical, chemical or biological treatment of domestic or industrial wastewaters.

Slug discharge - Any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

STORM DRAIN OR STORM SEWER - A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Stormwater - Water resulting from precipitation (including rain and snow) that:

1. Runs off the land's surface;
2. Is transmitted to the subsurface; or
3. Is captured by separate storm sewers or other sewerage or drainage facilities, or conveyed by snow removal equipment.

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SUSPENDED SOLIDS, (SS) - Total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering and prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.

SYSTEM - All trunks, interceptors, conduits, pipe lines, mains, pumping and ventilation stations, appurtenances, treatment or disposal systems, plants and works, outfalls, and all other structures and conveyances and real and tangible personal property acquired, constructed or operated by the Madison-Chatham Joint Meeting for the purposes of the Madison-Chatham Joint Meeting.

TREATMENT WORKS - Any device or systems, whether publicly or privately owned or operated, used in the storage, treatment, recycling, or reclamation of domestic or industrial waste of a liquid nature including intercepting sewers, outfall sewers, sewage collection systems, cooling towers, and ponds, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; and any other works including sites for the treatment process or for ultimate disposal of residues resulting from such treatment. Additionally, "treatment works" means any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of pollutants, or industrial waste in the sanitary sewer systems.

UNPOLLUTED WATER - Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

USEPA - Abbreviation for the Environmental Protection Agency, an agency of the United States Government.

USER - Any individual, firm, company, partnership, corporations, association, group or society, which discharges wastewater into a treatment works.

WASTEWATER - A combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions.

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WASTEWATER FACILITIES - The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS - An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "wastewater treatment plant" or "waste treatment plant" or "water pollution control plant."

B. Any provisions of this Section, 155.1 DEFINITIONS, as amended and supplemented that are inconsistent with the provisions of this amendment and supplement are hereby repealed.

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2. ARTICLE II, "DISCHARGE OF WASTES," is hereby amended and supplemented as follows:

A. Section 155-8. ENUMERATION OF PROHIBITED DISCHARGES is hereby amended and supplemented as follows:

SECTION 155.8 PROHIBITED WASTES AND SEWER USE

A. GENERAL PROHIBITIONS

No person shall discharge, deposit, cause or allow to be deposited or discharged into the MCJM wastewater facilities and wastewater treatment works or public sewer, any substance, wastewater or pollutant which may cause pass through or interference or that will:

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1. Not be susceptible to treatment or will interfere with the process or efficiency of the treatment system, or will exhibit inhibitory toxicity in the treatment system;
2. Violate State or Federal Statutes, Rules or Regulations or Pretreatment standards as the same may be promulgated from time to time;
3. Cause the MCJM facilities to violate State or Federal Statutes, Rules or Regulations or Pretreatment standards as the same may be promulgated from time to time, the MCJM NJPDES Permit, applicable receiving water standards, MCJM's permit regulating sludge which is produced during the treatment process or any other permit issued to the MCJM.

B. SPECIFIC PROHIBITIONS

No person shall discharge, deposit, cause or allow to be deposited or discharged into the MCJM wastewater facilities, wastewater treatment works or public sewer, any substance, wastewater or pollutant which contains the following:

1. Storm waters, surface water, groundwater, roof runoff, swimming pool water, sub-surface drainage, foundation, floor drain or basement sump drainage, pond water, non-contact cooling water or unpolluted industrial wastes.
2. Any liquid containing fats, wax, grease, or oils, either emulsified or not, in excess of 100 mg/l of solvent soluble materials or containing substances which may solidify or become viscous at temperatures between 32 and 140 degrees F. (0 degrees and 60 degrees C.).
3. The discharge of petroleum hydrocarbons in excess of 100 mg/L monthly average or 150 mg/L daily maximum as set forth at N.J.A.C. 7:14A-21.2(a) is prohibited.

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4. Any residues from petroleum storage, refining or processing; waste fuels, lubricants, solvents, or paints.

5. Any wastewater containing any liquids, solids or gases which, by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to create an explosive, flammable or combustible atmosphere in any part of the MCJM wastewater facilities or wastewater treatment works, including, but not limited to wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

6. Any solid or viscous substance in quantities or of such size capable of causing obstruction to the flow in sewers or interference with the proper operation of the MCJM wastewater facilities or wastewater treatment works, such as, but not limited to, mud, straw, metal, rags, glass, tar, plastics, wood and shavings, ashes, cinders, sand, feathers, whole blood, paunch manure, hair and fleshing, entrails, paper or plastic containers, etc.

7. Any ground or un-ground garbage, either from a commercial garbage disposal units or any other source, except residential garbage disposal systems.

8. Any pollutant, including oxygen demanding pollutants (Biochemical Oxygen Demand, Chemical Oxygen Demand, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the MCJM wastewater facilities or wastewater treatment works.

9. Heat in amounts which will inhibit biological activity in the MCJM wastewater facilities or wastewater treatment works resulting in Interference, but in no case heat in such quantities that the temperature at said wastewater facilities or wastewater treatment works exceeds 40°C (104°F) unless alternate temperature limits are approved.

10. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

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11. Pollutants which result in the presence of toxic gases, vapors, or fumes within the MCJM wastewater facilities, wastewater treatment works or public sewer in a quantity that may cause acute worker health and safety problems.

12. Any waste having a pH lower than 5 or higher than 9 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the MCJM.

13. Any radioactive waste or isotope of such half-life or concentration as to be in excess of that permitted by appropriate regulatory agencies having control over their use or in such quantity as to cause damage or hazard to structures, equipment, personnel of the Borough of Madison, Borough of Chatham or MCJM, the wastewater facilities or wastewater treatment works.

14. Any waste containing phenols, noxious or malodorous solids, liquids or gases, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.

15. Any wastewater containing toxic pollutants or other substances which may, in sufficient quantity, cause injury, damage or hazard to personnel, structures or equipment, or interference with the MCJM wastewater facilities, wastewater treatment works, public sewer system or any portion of the liquid or solids treatment or handling processes, or that may pass through the treatment facilities in such condition that it may not achieve State, Federal or other existing requirements for the effluent or for the receiving waters. Except as permitted under Section 155.8.2 Local Limits, the following chemicals are specifically prohibited: alcohols, aldehydes, arsenic, and arsenicals, bromine, chlorinated hydrocarbons, compounds with chlorine demands in excess of 100 ppm, chromium or chromium compounds, copper and copper salts, creosol, cyanide or cyanide compounds, fluorine, iodine, mercury or mercury compounds, nickel and nickel compounds, pesticides, silver and silver compounds, sulfonamide, toxic dyes (organic or mineral), zinc and zinc compounds or other heavy metals; all strong oxidizing agents such as peroxide, chromates, dichromate, permanganates, etc., compounds producing hydrogen sulfide or any other toxic inflammable or explosive gases, either upon acidification, alkalization, reduction or oxidation; strong reducing agents such as nitrates, sulfites, sulfides; strong acids or strong alkalis, except to the extent set forth herein.

16. Any material which exerts or causes:

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a. Unusual concentrations of inert Suspended Solids (such as, but not limited to, Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

b. Excessive discoloration (such as, but not limited to, dye solutions and vegetable tanning solutions) which cannot be removed by the wastewater treatment works. In no case shall a discolored discharge be permitted if, in the opinion of the MCJM, said discharge is likely to interfere with the operation of the wastewater treatment system or to cause a violation of the facility's NJPDES permit, applicable water quality criteria, or sludge disposal regulations.

c. Unusual BOD, COD, or chlorine requirements in such quantities as to constitute an unacceptable load or interference on the MCJM wastewater facilities or wastewater treatment works.

d. Any unusual volume of flow or concentration of wastes constituting a "slug" of such volume or strength so as to cause a treatment process upset and subsequent loss of treatment efficiency.

17. Septage or wastes from septic tanks, cesspools or other such sources of sanitary sewage.

18. Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limits.

SECTION 155.8.1 CATEGORICAL STANDARDS

No person shall discharge, deposit, cause or allow to be deposited or discharged into the wastewater facilities wastewater treatment works of the MCJM, or public sewer any waste which violates applicable categorical standards. As pretreatment standards for toxic or other industrial wastes are promulgated by the USEPA for a given category of Industrial User, all Industrial Users shall conform to the USEPA timetable for complying with applicable discharge limitations. Notwithstanding anything set forth herein, an Industrial User shall comply with all Local Limits and any more stringent standards which are established by the MCJM or other regulatory agencies. Changes and additions may be implemented as necessary from time to time

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by resolution of the MCJM or ordinance of the Borough. Categorical standards can be modified only through the Federal regulatory mechanisms available pursuant to 40 CFR 403.7.

SECTION 155.8.2 LOCAL LIMITS

{RESERVED}

SECTION 155.8.3 COMPLIANCE DETERMINATION

A. Compliance determinations with respect to any conformance with ordinances or permit conditions or limitations may be made on the basis of instantaneous grab samples, sequential grab samples, or composite samples. Sequential grab samples or composite samples may be taken over a 24-hour period, or any other time span, as deemed necessary by the NJDEP, to meet the requirements of a specific situation.

B. Whenever it shall be necessary for the purpose of these general sewer use requirements, authorized representatives of the MCJM, NJDEP, USEPA or other governmental authorities having jurisdiction may, upon presentation of credentials, enter upon the premises of any User as follows:

1. During business hours, on notice to authorized personnel of the User, but without the necessity of a warrant, for the purposes of inspecting, copying or photographing any records required to be kept.

2. At any time without a warrant or prior notice for the purpose of installing or inspecting any monitoring equipment or method, inspecting the process wastewater pretreatment facility, and/or measuring, sampling and/or testing any discharge of wastewater either from process wastewater pretreatment facilities or the point of discharge to the MCJM wastewater facilities or wastewater treatment works. The User shall instruct security personnel to provide immediate access to such representatives upon presentation of valid credentials at any hour and under any and all circumstances. The User's security personnel will be entitled to accompany the entering representatives.

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3. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the MCJM and shall not be replaced. The costs of clearing such access shall be born by the User.

4. Immediate access shall be granted to authorized representatives of the MCJM, NJDEP, USEPA or other governmental authorities having jurisdiction upon presentation of valid credentials. Unreasonable delays in allowing access to the User's premises shall be a violation of this ordinance.

C. Each User shall reimburse the MCJM for the actual costs incurred by the MCJM for such monitoring, sampling, investigation, engineering evaluation, administrative costs, legal or other services which are necessary or appropriate, in addition to those services which are minimally required and which are properly allocable to the User's operation. Payment for such expenses shall be made by the User within ten (10) days after the submission of an invoice by the MCJM.

SECTION 155.8.4 EMERGENCY SUSPENSIONS

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A. Upon advance notice to the Borough Administrator and the Health Officer, the Superintendent of the MCJM may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. Upon advance notice to the Borough Administrator and the Health Officer, the Superintendent of the MCJM may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, which presents, or may present, an endangerment to the environment, or for noncompliance with pretreatment standards and requirements.

B. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, and upon advance notice to the Borough Administrator and the Health Officer, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent of the MCJM and/or the NJDEP may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent and/or the NJDEP that the period of endangerment has passed.

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SECTION 155.8.5 AFFIRMATIVE DEFENSES TO GENERAL PROHIBITIONS

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A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the General Prohibitions in Section 155.8, if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or cause Interference and that either:

A. A local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the MCJM was regularly in compliance with its NJPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

SECTION 155.8.6 NOTIFICATION OF CHANGED CONDITIONS

Each User must notify the Superintendent of the MCJM, and obtain prior written approval, at least ten (10) days in advance of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater, or result in the User meeting the definition of Significant Indirect User established at N.J.A.C. 7:14A-1.2, or of any substantial change in the volume or character of pollutants in their discharge. The MCJM reserves the right to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the MCJM to violate its NJPDES permit.

A. The Superintendent may require the User to submit such information as may be deemed necessary to evaluate the changed condition.

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For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

SECTION 155.8.7 NOTIFICATION OF SLUG DISCHARGES

A. An Industrial User shall immediately notify the MCJM of any incident of accidental or slug discharge. The notification shall include the location of the discharge, type of waste, concentration and volume.

B. An Industrial User shall take immediate action to contain and minimize the accidental or slug discharge so as to prevent interference with the treatment process, damage to the treatment system, and pass through to the receiving stream or contamination of the sludge.

C. Within five (5) days following accidental and or slug discharge, the Industrial User shall submit to the NJDEP and MCJM a detailed written report describing the date, time and cause of the discharge, the quantity and characteristics of the discharge and corrective action taken at the time of the discharge, and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to treatment system, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by any permit or other applicable law.

SECTION 155.8.8 NOTIFICATION OF SIGNIFICANT INDIRECT USER STATUS

The MCJM shall notify the NJDEP at least annually which facilities within the sewer service area meet the definition of Significant Indirect User as set forth at N.J.A.C. 7:14A-1.2. The MCJM may use a variety of sources to identify SIUs including, but not limited to user surveys, existing MCJM files, water use and billing records, utility company records, sewer connection permits, business license records, Chamber of Commerce rosters, the local telephone directory, property tax records, industrial directories, newspapers, advertisements, world wide web, and drive-bys. Once a potential discharger has been identified, the MCJM may, if it is uncertain of the operations of that facility, send the user a questionnaire in order to better evaluate the users'

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potential of being classified as an SIU. Alternatively, the MCJM may conduct inspections of some or all such facilities.

SECTION 155.8.9 INDEMNIFICATION

The Industrial User shall indemnify and save harmless the MCJM for any expense, loss or damage occasioned the MCJM, by reason of permit violation, the discharge of process wastewater or any prohibited substance, including, but not limited to the following:

A. Any cost incurred by the MCJM in removing, correcting, preventing or terminating any adverse effects upon the MCJM wastewater facilities or wastewater treatment works;

B. Any increase in the cost of sludge processing or disposal;

C. Any fines or penalties assessed against the MCJM for such violations of its permits;

D. The reasonable costs of any investigative inspection or monitoring survey which leads to the establishment of a violation of a NJPDES Significant Indirect User Permit and the reasonable costs of preparing and litigating any action successfully concluded against the User for such violation; and

E. Any other actual or compensatory damages to the MCJM resulting from the discharge.

B. Any provisions of this Section 155.8 PROHIBITED WASTES as amended and supplemented that are inconsistent with this amendment and supplement are hereby repealed.

C. Section 155-9. REQUIRED GREASE AND OIL SEPARATORS is hereby amended in its entirety. It shall now read as follows:

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SECTION 155.9 GREASE, OIL AND SAND INTERCEPTORS OR TRAPS

A. Grease, oil and sand interceptors or traps shall be provided for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients for all Food Establishments and when in the Opinion of the Plumbing Code Official or Health Officer, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Plumbing Code Official and designed in accordance with Standard PDI-G 101 entitled, "Testing and Rating Procedure for Type 1 Hydro Mechanical Grease Interceptors with Appendix of Installation and Maintenance" and shall be located as to be readily and easily accessible for cleaning and inspection.

B. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

C. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times. The User shall be responsible for the maintenance of said interceptor(s) or traps and for the removal and disposal of the captured material and shall maintain records of the dates and means of disposal. All interceptors or traps shall be in conformance with applicable plumbing code requirements.

D. Where installed, all grease and oil interceptors or traps shall be inspected every six months by the Health Department and provisions of Section 155-9 shall be enforced by the Health Department. Failure to maintain grease interceptors or traps in a satisfactory manner will result in notification of said condition by the inspecting officer. The owner shall have five (5) days to correct routine maintenance violations, and ten (10) days to effect mechanical repairs, from the date of written notice, or shall be subject to the violations and penalties more fully set forth in § 155.10 of this article.

E. Application fees, inspection fees, and use fees for grease, oil and sand interceptors or traps shall be paid to the Borough in accordance with the applicable rate schedule.

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F. This provisions of this Section 155.9 shall be graced and shall not become effective until one year after the date of enactment of the Ordinance herein.

D. Any provisions of this Section 155.9 GREASE, OIL AND SAND INTERCEPTORS OR TRAPS as amended that are inconsistent with this amendment are hereby repealed.

This Ordinance is deemed severable and if any part or provisions is deemed invalid, the reminder shall continue in full force and effect.

This Ordinance, with the exception of Section 155.9, shall take effect upon passage, New Jersey Department of Environmental Protection approval and publication as provided by law.

Mayor Kerkeslager declared Ordinance 62-2007 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 63-2007

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$229,876.72 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR INTER-BOROUGH NETWORK HARDWARE AND SOFTWARE

WHEREAS, the Network Administrator has recommended that the Borough appropriate \$229,876.72 from the General Capital Improvement Fund for purchase of networking hardware for the Fire and Police Building and revision of the Borough computer network; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$229,876.72 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$229,876.72 from the General Capital Improvement Fund for purchase of networking hardware for the Fire and Police Building and revision of the Borough computer network; and

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WHEREAS, Ordinance 36-2005 appropriated \$105,777.00 from the General Capital Improvement Fund for server upgrades which were not previously implemented and therefore a subsequent Resolution will be adopted canceling Ordinance 36-2005; and

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

SECTION 1: The amount of \$229,876.72 is hereby appropriated from the General Capital Improvement Fund for purchase of networking hardware for the Fire and Police Building and revision of the Borough computer network.

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

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

Mayor Kerkeslager opened the hearing on the above ordinance and asked if anyone wished to be heard. Mr. Conley asked that the "Inter-Borough" be corrected to "Intra-Borough" in the title of the ordinance, which was agreeable to all. Mr. Mezzacca commented that the following amendment to Ordinance 63-2007 should be adopted; said amendment is not significant, and the ordinance may be adopted after the public hearing:

The 4th "Whereas" of Ordinance 63-2007 will be amended to read"and therefore a subsequent **Resolution** will be adopted canceling Ordinance 36-2005....."

Mr. Elias moved approval of the above amendment. Mrs. Vitale seconded the motion, which passed by voice vote.

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

Mr. Elias moved that Ordinance 63-2007, be finally adopted as amended. Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Holden, Ms. Baillie, Mr. Bowen
Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: None

Mayor Kerkeslager declared Ordinance 63-2007 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

Note: Ordinance 64-2007 – Hearing October 10, 2007

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ORDINANCE 65-2007

ORDINANCE OF THE BOROUGH OF MADISON AMENDING SECTION 75-14(2) OF THE BOROUGH CODE TO INCREASE PLUMBING SUBCODE FEE TO BE EQUAL TO STATE FEES

WHEREAS, the Construction Official has recommended that the Borough Code be amended to reflect the same fees for the plumbing subcode as adopted by the State of New Jersey Fee Schedule; and

WHEREAS, the Borough Council has determined to amend the fees in accordance with said recommendation.

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

SECTION 1: Section 75-14 of the Borough Code entitled "Fees" subparagraph A.(2) shall be amended to state "The plumbing subcode fee shall be 100% of state fees, provided that the minimum fee shall be \$46.00."

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

Mayor Kerkeslager opened the hearing on the above ordinance and asked if anyone wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 65-2007, which the Borough Clerk read by title, be finally adopted. Mr. Elias seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Holden, Ms. Baillie, Mr. Bowen
Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: None

Mayor Kerkeslager declared Ordinance 65-2007 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 66-2007

ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 26-2007 TO APPROPRIATE AN ADDITIONAL \$24,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR A TOTAL APPROPRIATION OF \$142,000.00 FOR

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ASSESSMENT OF HVAC, BATHROOM REPAIRS, NEW BOOK STACK, INTERIOR SIGNAGE, REUPHOLSTERING CHAIRS, AND DRAINAGE DITCH STABILIZATION DESIGN WORK AT THE MADISON PUBLIC LIBRARY

WHEREAS, Ordinance 26-2007 of the Borough of Madison appropriated \$118,000.00 from the General Capital Improvement Fund for assessment of HVAC (\$8,500.00), bathroom repairs (\$10,000.00), new book stack (\$6,000.00), interior signage (\$3,000.00), reupholstering chairs (\$4,000.00), drainage ditch stabilization design work (\$51,500.00), and parking lot realignment at the Madison Public Library (\$35,000.00); and

WHEREAS, the Library Director has recommended that the Borough amend Ordinance 26-2007 to appropriate an additional \$24,000.00 from the General Capital Improvement Fund for the drainage ditch stabilization design work, thereby increasing Ordinance 26-2007 to \$142,000.00; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$24,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should amend Ordinance 26-2007 to appropriate an additional \$24,000.00 from the General Capital Improvement Fund for the drainage ditch stabilization design work, thereby increasing Ordinance 26-2007 to \$142,000.00.

WHEREAS, the Library Director has recommended that the Borough transfer the \$35,000.00 previously earmarked for parking lot realignment at the Madison Free Public Library to be utilized for the drainage ditch stabilization work, which transfer is reflected in the total drainage ditch stabilization design work appropriation of \$110,500.00.

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

SECTION 1: Ordinance 26-2007 is amended to appropriate an additional \$24,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 26-2007 to \$142,000.00 for assessment of HVAC (\$8,500.00), bathroom repairs (\$10,000.00), new book stack (\$6,000.00), interior signage (\$3,000.00), reupholstering chairs (\$4,000.00), and drainage ditch stabilization design work (\$110,500.00) at the Madison Public Library.

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

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

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Mayor Kerkeslager opened the hearing on the above ordinance and asked if anyone wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Elias moved that Ordinance 66-2007, which the Borough Clerk read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Holden, Ms. Baillie, Mr. Bowen
Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: None

Mayor Kerkeslager declared Ordinance 66-2007 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 67-2007

ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 7-2007 TO INCREASE APPROPRIATION FROM \$30,000.00 TO \$50,000.00 FOR PURCHASE OF ENCLOSED GENERATOR FOR THE NORTH STREET SEWER PUMP STATION

WHEREAS, Ordinance 7-2007 of the Borough of Madison appropriated \$30,000.00 from the General Capital Improvement Fund to build a generator building at the North Street pump station; and

WHEREAS, the Superintendent of Public Works has recommended that the Borough amend Ordinance 7-2007 to appropriate an additional \$20,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 7-2007 to \$50,000.00 to purchase a new generator with an enclosure attached; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$20,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should amend Ordinance 7-2007 to appropriate an additional \$20,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 7-2007 to \$50,000.00 to purchase a new generator with an enclosure attached.

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:

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SECTION 1: Ordinance 7-2007 is amended to appropriate an additional \$20,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 7-2007 to \$50,000.00 to purchase a new generator with an enclosure attached.

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

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

Mayor Kerkeslager opened the hearing on the above ordinance and asked if anyone wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 67-2007, which the Borough Clerk read by title, be finally adopted. Mr. Elias seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Holden, Ms. Baillie, Mr. Bowen
Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: None

Mayor Kerkeslager declared Ordinance 67-2007 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 68-2007

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$6,000.00 FROM THE FIRE DEPARTMENT TRUST ACCOUNT FOR PAGERS

WHEREAS, the Fire Chief has recommended that the Borough appropriate \$6,000.00 from the Fire Department Trust Fund to replace pagers for the members in the volunteer division of the Fire Department; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Fire Department Trust Fund in an amount not to exceed \$6,000.00 for this purpose; and

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WHEREAS, the Borough Council has determined that the Borough should appropriate \$6,000.00 from the Fire Department Trust Fund to replace pagers for the members in the volunteer division of the Fire Department; and

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

SECTION 1: The amount of \$6,000.00 is hereby appropriated from the Fire Department Trust Fund to replace pagers for the members in the volunteer division of the Fire Department.

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

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

Mayor Kerkeslager opened the hearing on the above ordinance and asked if anyone wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 68-2007, which the Borough Clerk read by title, be finally adopted. Mrs. Holden seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Holden, Ms. Baillie, Mr. Bowen
Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: None

Mayor Kerkeslager declared Ordinance 68-2007 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

Ordinances being introduced at this meeting will have a hearing during a Regular Meeting of the Council scheduled to begin at 7:45 p.m. or as soon as practical thereafter on Wednesday, October 10, 2007, when interested parties will have an opportunity to be heard; each ordinance will be published, posted and made available to members of the public. Copies of each ordinance are available in the Office of the Clerk at no charge up to and including the hearing date.

Mayor Kerkeslager called up ordinances for introduction and asked the Borough Clerk to read said ordinances by title:

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ORDINANCE 69-2007

ORDINANCE OF THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, NEW JERSEY AUTHORIZING THE EXECUTION OR ACKNOWLEDGMENT AND DELIVERY OF CERTAIN AGREEMENTS IN CONNECTION WITH THE MORRIS COUNTY IMPROVEMENT AUTHORITY'S LEASE REVENUE BONDS, SERIES 2007B

Note to file: Ordinance 69-2007 was introduced and passed 9/24/2007, published, Madison Eagle 9/27/2007; hearing and final adoption October 10, 2007, Published Madison Eagle October 18, 2007; then cancelled by R 278-2007 RESOLUTION OF THE BOROUGH OF MADISON CANCELLING ORDINANCE 69-2007 AND ORDINANCE 70-2007, said resolution Adopted and Approved November 26, 2007

Mr. Elias moved that Ordinance 69-2007, which the Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Holden, Ms. Baillie, Mr. Bowen
Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: None

ORDINANCE 70-2007

GUARANTY ORDINANCE OF THE BOROUGH OF MADISON SECURING THE MORRIS COUNTY IMPROVEMENT AUTHORITY'S "LEASE REVENUE BONDS, SERIES 2007B" IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,000,000 (THE "SERIES 2007B BONDS")

Note to file: Ordinance 70-2007 was introduced and passed 9/24/2007, published, Madison Eagle 9/27/2007; hearing and final adoption October 10, 2007, Published Madison Eagle October 18, 2007; then cancelled by R 278-2007 RESOLUTION OF THE BOROUGH OF MADISON CANCELLING ORDINANCE 69-2007 AND ORDINANCE 70-2007, said resolution Adopted and Approved November 26, 2007

Mr. Elias moved that Ordinance 70-2007, 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: Mrs. Holden, Ms. Baillie, Mr. Bowen
Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: None

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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. It was noted that R 218-2007 appointing Darren Dachisen to the position of Acting Lieutenant was adopted earlier in the meeting, and R 231-2007 was added to the Consent Agenda; therefore the Clerk read R 231-2007 by title:

R 231-2007

RESOLUTION OF THE BOROUGH OF MADISON GRANTING PERMISSION TO 4 CONNECTIONS, LLC TO USE BOROUGH OF MADISON RIGHT-OF-WAY

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WHEREAS, 4 Connections, LLC, 4 Gatehall Drive, Parsippany, NJ is seeking to install one (1) fiber optic cable on existing poles within the **Borough of Madison**; and

WHEREAS, 4 Connections, LLC is a public utility as defined in N.J.S.A. 48:2-13 and as such has been authorized by the Federal Communications Commission and the New Jersey Board of Regulatory Commissioners to offer certain telecommunications services in the State of New Jersey; and

WHEREAS, the installation of the fiber optic cable in the thoroughfares and public rights-of-way of the **Borough of Madison** requires the authorization and approval of the governing body of the **Borough of Madison** for placement of such fiber cable pursuant to N.J.S.A. 48:17-11; and

WHEREAS, 4 Connections, LLC desires to install one (1) fiber optic cable on existing poles along Main Street and Park Avenue as shown on plans attached hereto as Exhibit "A"; and

WHEREAS, the Borough Council has determined to grant 4 Connections, LLC such limited right of way, including use of existing underground duct work, if any, but said right of way permission shall not include the right to create any new underground duct work without additional permission; and

WHEREAS, 4 Connections, LLC has agreed to pay to the Borough of Madison such non-discriminatory fees as may be charged to all such similarly situated users in the Borough; and

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WHEREAS, the **Borough of Madison** finds such plans to be in the public interest.

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. 4 Connections, LLC, be and is hereby granted municipal authorization to use the right of way of the Borough of Madison to such limited extent as described herein and set forth in Exhibit "A", provided that no new underground duct work or trenching shall be permitted without additional approval. This right of way grant is subject to approval by other departments or governmental agencies with jurisdiction.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into an agreement reflecting the terms hereof in a form acceptable to the Borough Attorney.

Mr. Elias moved adoption of the Resolutions listed on the Consent Agenda including R 217-2007 and R 219-2007 through R 231-2007. Mrs. Vitale seconded the motion. Mr. Bowen voted against adoption of Resolutions R 217-2007, which authorizes another plaque on public property, and R 219-2007, R 229-2007 and R 230-2007 regarding the Housing Authority purchase of the old Board of Health building. It was noted that what the Council has done for the Housing Authority regarding the old Board of Health building is consistent with what the Borough did for the Elm Street property. At the conclusion of comments, the motion passed with the following roll call vote recorded:

Yeas: Mrs. Holden, Ms. Baillie

Mr. Bowen, as to R 220-2007 through R 228-2007 and R 231-2007

Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: Mr. Bowen, as to R 217-2007, R 219-2007, R 229-2007 and R 230-2007

R 217-2007

**RESOLUTION OF THE BOROUGH OF MADISON GRANTING PERMISSION TO
PLANT A TREE AND PUT A PLAQUE AT THE PUBLIC WORKS GARAGE
HONORING JOHN ARTIGLERE**

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WHEREAS, the Superintendent of Public Works has recommended a tree be planted and a plaque be placed at the Public Works Garage commemorating the service of former Superintendent John Artiglere to the Borough of Madison; and

WHEREAS, the Council commends and endorses the planting of the tree and the placement of the plaque.

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 Council hereby approves the planting of a tree and the placement of a plaque at the Public Works Garage commemorating the service of former Superintendent John Artiglere to the Borough of Madison.

R 218-2007 was adopted earlier in the meeting.

R 219-2007

RESOLUTION OF THE BOROUGH OF MADISON RELEASING UP TO \$500,000.00 FROM THE HOUSING TRUST FUND FOR THE DEVELOPMENT OF THE FIREHOUSE APARTMENTS (22 CENTRAL AVENUE) IN ACCORDANCE WITH THE APPROVED SPENDING PLAN

WHEREAS, the Affordable Housing Administrator/Municipal Housing Liaison has requested the release of up to \$500,000 from the Housing Trust Fund be authorized for the development of the Firehouse Apartments on Central Avenue; and

WHEREAS, the release of said funds shall be in accordance with the approved spending plan for the affordable housing development; and

WHEREAS, the Affordable Housing Administrator/Municipal Housing Liaison has advised the Borough that the Funds in the Housing Trust fund will be used in accordance with the rules and regulations promulgated by the Council On Affordable Housing ("COAH") for the development of affordable housing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, the release of up to \$500,000.00 from the Housing Trust Fund for the purposes requested herein, to be used in accordance the rules and regulations promulgated by COAH in accordance with the approved spending plan for the development of affordable housing is hereby authorized.

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R 220-2007

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACT WITH ATLANTIC AMBULANCE CORP. TO PROVIDE EMERGENCY MEDICAL DISPATCHING

WHEREAS, the N.J.A.C. 17:24-1.1, et seq. requires that the municipality provide pre-arrival health-care instructions be given by the phone operator/dispatcher/police officer on all emergency medical-related calls. Presently, no Madison Police Officers are trained to administer pre-arrival instructions.

WHEREAS, the Borough Administrator has recommended the Borough retain the professional services of Atlantic Ambulance Corp. (formerly known as Atlantic Health Systems) to provide emergency medical dispatching for the Borough for a period of three (3) years at the rate of \$4,800.00 for the first contract year for up to six hundred (600) calls and \$8.50 for each call over six hundred (600); \$5,100 for the second contract year for up to six hundred (600) calls and \$9.00 for each call over six hundred (600) calls; and \$5,400 for the third contract year for up to six hundred (600) calls and \$9.50 for each call over six hundred (600) calls.

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

WHEREAS, the Director of Finance has attested to the availability of funds in an amount not to exceed the amounts specified above for each contract year respectively for this purpose;

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

1. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract with Atlantic Ambulance Corp. to provide emergency medical dispatching for the Borough for a period of three (3) years at the rate of \$4,800.00 for the first contract year for up to six hundred (600) calls and \$8.50 for each call over six hundred (600); \$5,100 for the second contract year for up to six hundred (600) calls and \$9.00 for each call over six hundred (600) calls; and \$5,400 for the third contract year for up to six hundred (600) calls and \$9.50 for each call over six hundred (600) calls, 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 221-2007

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RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE MADISON PBA LOCAL #92 TO HOST A FIREWORKS DISPLAY ON BOTTLE HILL DAY AT THE MADISON HIGH SCHOOL

WHEREAS, Madison's Police Benevolent Association #92 (PBA) and the Madison Firemen's Mutual Benevolent Association #74 have applied for permission to hold a fireworks display on Bottle Hill Day, October 6, 2007, on the grounds at Madison High School; and

WHEREAS, the Borough Council has determined that such permission should be granted subject to the following conditions:

The display shall be in compliance with all laws and regulations governing a fireworks display;

Written permission from the Board of Education for use of their grounds shall be obtained;

A permit must be obtained from the Fire Official of Madison ensuring all applicable Fire Code requirements are met;

Adequate police personnel shall be present for crowd control and to ensure the area surrounding the fireworks is secured from unauthorized public entry;

The display shall terminate by 11:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the request by Madison's Police Benevolent Association #92 (PBA) and the Madison Firemen's Mutual Benevolent Association #74 to hold a fireworks display on Bottle Hill Day, October 6, 2007, is hereby granted and approved subject to the above noted conditions.

R 222-2007

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF A MULTI PURPOSE VEHICLE UNDER STATE CONTRACT #A67466 FROM PRINCETON NASSAU/CONOVER FORD FOR AN AMOUNT NOT TO EXCEED \$47,994.00

WHEREAS, the Borough of Madison desires to purchase a multi-purpose vehicle for the Fire Department from an authorized vendor under State Contract #A67466; and

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

WHEREAS, Princeton Nassau/Conover Ford, Princeton, New Jersey has been awarded New Jersey State contract number A67466; and

WHEREAS, the Superintendent of the Public Works Department has recommended that the Borough Council utilize this contract for a utility truck in the amount of \$47,994.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$47,994.00 for this purpose which funds were appropriated by Ordinance 52-2007.

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 purchase of a utility truck from Princeton Nassau/Conover Ford, at a total price not to exceed \$47,994.00 is hereby approved under the New Jersey State contract number A67466.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Princeton Nassau/Conover Ford for the purchase of a utility truck at a total price not to exceed \$47,994.00, in a form acceptable to the Borough Attorney.

R 223-2007

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF SOFTWARE AND NETWORK SERVICES FROM CREATIVE NETWORKING CONCEPTS UNDER STATE CONTRACT #81219 IN THE AMOUNT OF \$55,290.00

WHEREAS, the Borough of Madison desires to purchase software and network services from an authorized vendor under State Contract #81219; and

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

WHEREAS, Creative Networking Concepts, 25 Brookside Avenue, Sussex, New Jersey has been awarded New Jersey State contract number 81219; and

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WHEREAS, the Network Administrator has recommended that the Borough Council utilize this contract for software and network services in the amount of \$55,290.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$55,290.00 for this purpose upon final adoption of Ordinance 63-2007.

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

1. Upon final adoption of Ordinance 63-2007, the purchase of software and network services from Creative Networking Concepts, at a total price not to exceed \$55,290.00 is hereby approved under the New Jersey State contract number 81219.
2. Upon final adoption of Ordinance 63-2007, the Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Creative Networking Concepts for the purchase of software and network services at a total price not to exceed \$55,290.00, in a form acceptable to the Borough Attorney.

R 224-2007

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF SERVERS AND DESKTOP PC'S FROM HEWLETT PACKARD COMPANY UNDER STATE CONTRACT #81249 IN THE AMOUNT OF \$86,871.00

WHEREAS, the Borough of Madison desires to purchase servers and desktop PCs from an authorized vendor under State Contract #81249; and

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

WHEREAS, Hewlett Packard Company, 10810 Farnam Drive, Omaha, Nebraska, has been awarded New Jersey State contract number 81249; and

WHEREAS, the Network Administrator has recommended that the Borough Council utilize this contract for servers and desktop PCs in the amount of \$86,871.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$86,871.00 for this purpose upon final adoption of Ordinance 63-2007.

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

1. Upon final adoption of Ordinance 63-2007, the purchase of servers and desktop PCs from Hewlett Packard Company, at a total price not to exceed \$86,871.00 is hereby approved under the New Jersey State contract number 81249.
2. Upon final adoption of Ordinance 63-2007, the Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Hewlett Packard Company for the purchase of servers and desktop PCs at a total price not to exceed \$86,871.00, in a form acceptable to the Borough Attorney.

R 225-2007

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF SOFTWARE FOR INTER-BOROUGH NETWORK PROJECT FROM ASAP SOFTWARE EXPRESS UNDER STATE CONTRACT #56508 IN THE AMOUNT OF \$54,020.23.00

WHEREAS, the Borough of Madison desires to purchase software for the inter-Borough network project from an authorized vendor under State Contract #56508; and

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

WHEREAS, ASAP Software Express, 850 Asbury Drive, Buffalo Grove, Illinois, has been awarded New Jersey State contract number 56508; and

WHEREAS, the Network Administrator has recommended that the Borough Council utilize this contract for software for the inter-Borough network project in the amount of \$54,020.23; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$54,020.23 for this purpose upon final adoption of Ordinance 63-2007.

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

1. Upon final adoption of Ordinance 63-2007, the purchase of software for the inter-Borough network project from ASAP Software Express, at a total price not to exceed \$54,020.23 is hereby approved under the New Jersey State contract number 56508.
2. Upon final adoption of Ordinance 63-2007, the Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and

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contract to ASAP Software Express for the purchase of software for the inter-Borough network project at a total price not to exceed \$54,020.23, in a form acceptable to the Borough Attorney.

R 226 – 2007

RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY ROTARY CLUB MADISON AND MUSEUM OF EARLY TRADES & CRAFTS

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:

ROTARY CLUB MADISON

I.D. No. 274-8-20538

R.A. No. 1062 – Off Premises

December 20, 2007

MUSEUM OF EARLY TRADES & CRAFTS

I.D. No. 274-5-31208

R.A. No. 1063 – On Premises

November 17, 2007

ROTARY CLUB MADISON

I.D. No. 274-8-20538

R.A. No. 1064 – Off Premises

April 3, 2008

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Legalized Games of Chance Control Commission.

R 227-2007

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RESOLUTION OF THE BOROUGH OF MADISON ACKNOWLEDGING THE MORRIS COUNTY IMPROVEMENT AUTHORITY'S LOCAL FINANCE BOARD APPLICATION TO FINANCE THE 2007 PROJECT AND AUTHORIZING THE INCLUSION OF CERTAIN INFORMATION PERTAINING TO THE BOROUGH TO BE INCLUDED THEREIN

WHEREAS, The Morris County Improvement Authority (including any successors and assigns, the "Authority") has been duly created by resolution no. 42 entitled "Resolution of the Board of Chosen Freeholders of Morris County, New Jersey creating the Morris County Improvement Authority" duly adopted by the Board of Chosen Freeholders (the "Board of Freeholders") of the County of Morris (the "County") in the State of New Jersey (the "State") on April 10, 2002 as a public body corporate and politic of the State pursuant to and in accordance with the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto (the "Act") and other applicable law;

WHEREAS, the Authority is authorized by law, to purchase, lease or otherwise acquire public facilities for the benefit of certain local governmental units located within and including the County, including without limitation, the Borough of Lincoln Park ("Lincoln Park") and the Borough of Madison ("Madison" and together with Lincoln Park, the "Lease Local Units"); the Lease Local Units and the County shall be collectively referred to as, the "Local Units");

WHEREAS, pursuant to the Act, including Section 34 thereof (N.J.S.A. 40:37A-77), the Authority shall obtain a leasehold interest in and to the hereinafter defined Lease Local Unit Projects (including existing improvements, the "Ground Leased Property") pursuant to the terms of that certain Ground Lease to be dated as of the first date of the month of issuance of the Series 2007 Bonds (the "Ground Lease") between the respective Lease Local Units, as lessor and the Authority, as lessee;

WHEREAS, the County has requested the Authority's assistance in financing (i) various bridge improvements, (ii) various road improvements and (iii) the acquisition of equipment all as more fully set forth on Exhibit A (the "County Project") to a resolution authorizing the issuance of a general obligation bond (the "County General Obligation Bond") to the Authority pursuant to N.J.S.A. 40A:2-27(a)(2) (the "County Bond Resolution");

WHEREAS, (A) Lincoln Park has requested the Authority's assistance in (i) refinancing bond anticipation notes originally issued for the purpose of financing the construction and renovation of borough buildings and (ii) raising additional funds for the continued construction and renovation of borough buildings (collectively, the "Lincoln Park Project") and (B) the Borough of Madison has requested the Authority's assistance in financing the acquisition of land for open space (the "Madison Project" and together with the Lincoln Park Project, the "Lease Local Unit Projects") as set forth on Exhibit A to the

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respective Property and Infrastructure Lease Agreements, to be entered into between the Authority and each Lease Local Unit in connection herewith (the "Project Lease Agreement");

WHEREAS, the Authority intends to finance the Lease Local Unit Projects through the issuance of the Authority's "Property and Equipment Leasing Program Local Unit Lease Revenue Bonds, Series 2007" with such further series designation to represent one bond for each Lease Local Unit and collectively in the aggregate principal amount to not to exceed \$28,500,000 (the "Series 2007 Lease Local Unit Bonds" and together with the County General Obligation Bond, the "Series 2007 Local Unit Bonds");

WHEREAS, the Series 2007A Lease Local Unit Bonds will be issued pursuant to the terms of the Authority's bond resolution entitled "RESOLUTION AUTHORIZING THE ISSUANCE OF PROPERTY AND EQUIPMENT LEASING PROGRAM LOCAL UNIT LEASE REVENUE BONDS, SERIES 2007 OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY" (the "Lease Local Unit Bond Resolution"), the Act and other applicable law;

WHEREAS, the Series 2007 Lease Local Unit Bonds shall be issued in one series for each participating Lease Local Unit;

WHEREAS, each Lease Local Unit will have finally adopted an ordinance guarantying the principal of and interest on the respective series of Series 2007 Lease Local Unit Bonds applicable to such Lease Local Unit, all pursuant to N.J.S.A. 40:37A-80 of the Act (collectively, the "Local Unit Guaranties"), prior to the respective issuance of such series of Series 2007 Lease Local Unit Bonds;

WHEREAS, pursuant to the terms of the Project Lease Agreements, the Authority contemplates leasing the applicable Lease Local Unit Projects to the Lease Local Units for the respective terms set forth therein;

WHEREAS, the principal of, and interest on the applicable series of Series 2007 Lease Local Unit Bonds shall be paid from certain rental payments made by the Lease Local Units in accordance with the terms of the Project Lease Agreements and as otherwise set forth in the Lease Local Unit Bond Resolution and, with respect to the Series 2007 Lease Local Unit Bonds shall be otherwise secured by the Local Unit Guaranties;

WHEREAS, the Authority shall deposit the proceeds of the Series 2007 Lease Local Unit Bonds issued under the Lease Local Unit Bond Resolution with a trustee to be designated under the Lease Local Unit Bond Resolution (the "Trustee") to pay the cost of: (i) the acquisition, construction, renovation or installation of the Lease Local Unit Projects; (ii) certain accrued interest to the extent set forth in the Lease Local Unit Bond Resolution; (iii) certain costs of issuance to be identified in the Lease Local Unit Bond Resolution; (iv) capitalized interest on the Series 2007 Lease Local Unit Bonds, if any and (v) such other items as shall be set forth in the Lease Local Unit Bond Resolution;

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WHEREAS, the Local Unit Bonds and the County General Obligation Bond will be purchased with the proceeds from the Authority's "Property and Equipment Leasing Program County Guaranteed Pooled Revenue Bonds, Series 2007" in an aggregate amount not to exceed \$34,500,000 (the "Series 2007 Pooled Bonds") to be issued under the Authority bond resolution entitled "RESOLUTION AUTHORIZING THE ISSUANCE OF PROPERTY AND EQUIPMENT LEASING PROGRAM COUNTY GUARANTEED POOLED REVENUE BONDS, SERIES 2007 OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY" (the "Pooled Bond Resolution");

WHEREAS, the issuance of the Series 2007 Pooled Bonds for the purpose of acquiring the Series 2007 Local Unit Bonds to finance the Local Unit Projects shall collectively be referred to as the "Series 2007 Project");

WHEREAS, the principal of, redemption premium, if any, and interest on the Series 2007 Pooled Bonds shall be secured by the pledge of the Trust Estate as defined in the Pooled Bond Resolution by the Authority to the Trustee named therein, which Trust Estate shall include, among other things, the Project Lease Agreements and the principal of, redemption premium, if any, and interest on the Series 2007 Local Unit Bonds, the payment on which shall be made by the Local Units in accordance with the Local Bond Law or other law as applicable, and which in the case of Local Units shall be made from the levy of *ad valorem* taxes upon all the taxable property within the jurisdiction of such Local Units, without limitation as to rate or amount, and which Series 2007 Local Unit Bonds shall be assigned by the Authority to the Trustee as further security for the payment of the Series 2007 Pooled Bonds in accordance with the terms of the Pooled Bond Resolution and the Project Lease Agreements;

WHEREAS, payment of the principal of (including mandatory sinking fund installments, if any) and interest on the Series 2007 Pooled Bonds shall be fully, unconditionally and irrevocably guaranteed in an amount not to exceed \$34,500,000 in accordance with (i) the terms of a guaranty ordinance of the County to be finally adopted by the Board of Freeholders, (ii) by a guaranty certificate to be executed by an authorized officer of the County on the face of each Series 2007 Pooled Bond and (iii) as may be required by any rating agency, underwriter, Series 2007 Pooled Bond purchaser or other entity that will allow the Authority to sell the Series 2007 Pooled Bonds at the lowest possible cost to the Local Units, an agreement setting forth the County's obligation to make any such guaranty payments in accordance with and within the parameters set forth in this ordinance (collectively, the "County Guaranty"), all pursuant to Section 37 ("Section 37") of the Act (N.J.S.A. 40:37A-80) and other applicable law, which payments shall also be included as part of the Trust Estate applicable to the Series 2007 Pooled Bonds pledged by the Authority to the Trustee under the Pooled Bond Resolution;

WHEREAS, in accordance with the terms of the Pooled Bond Resolution, the County Guaranty and the Project Lease Agreements, the Trustee shall not notify the County of the possible need for payments from the County under the County Guaranty to pay all of a portion of the principal of and interest on the Series 2007 Pooled Bonds when due until the respective payment dates for the Local Units under their Series 2007 Local Unit

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Bonds and Project Lease Agreements shall have passed and the Local Units shall have failed to make their required payments thereunder in full;

WHEREAS, those Local Units constituting "materially obligated persons" within the meaning and for the purposes set forth in Rule 15c2-12 ("Rule 15c-12") promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934, as amended, will be required to enter into those certain "Local Unit Continuing Disclosure Agreements" to be dated as of the first day of the month of issuance of the Series 2007 Local Unit Bonds (as the same may be amended and supplemented from time to time in accordance with their respective terms, the "Local Unit Continuing Disclosure Agreements") with the Authority and the Trustee, as dissemination agent (the "Dissemination Agent") in order to satisfy the secondary market disclosure requirements of Rule 15c2-12;

WHEREAS, pursuant to the terms of the Pooled Bond Resolution, as a "materially obligated person" within the meaning and for the purposes set forth in Rule 15c2-12, the County will be required to enter into that certain "County Continuing Disclosure Agreement" to be dated as of the first day of the month of issuance of the Series 2007 Pooled Bonds (as the same may be amended and supplemented from time to time in accordance with its terms, the "County Continuing Disclosure Agreement") with the Dissemination Agent in order to satisfy the secondary market disclosure requirements of Rule 15c2-12;

WHEREAS, pursuant to the terms of the Pooled Bond Resolution, the Authority (i) shall not be considered a "materially obligated person" within the meaning and for the purposes set forth in Rule 15c2-12 and (ii) shall be required to provide certain material events notices in accordance with Rule 15c2-12, and accordingly, the Authority (a) may be required to enter into a separate continuing disclosure agreement, and (b) shall be required to provide such material events notices under the terms of the Local Unit Continuing Disclosure Agreements, all in order to satisfy the secondary market disclosure requirements of Rule 15c2-12 (the "Authority Continuing Disclosure Agreement" and together with the Local Unit Continuing Disclosure Agreements and the County Continuing Disclosure Agreement, the "Continuing Disclosure Agreements");

WHEREAS, in order to market and sell the Series 2007 Pooled Bonds, the Authority will have to (i) make an application (the "Local Finance Board Application") to, and seek, obtain, and officially recognize the findings from the Local Finance Board (the "Local Finance Board") in the Department of Local Government Services of the State Department of Community Affairs, all in accordance with N.J.S.A. 40A:5A-6, 7 and 8 of the Local Authorities Fiscal Control Law, which Local Finance Board Application, hearing and process shall to the extent permitted by applicable law, incorporate the requests for approval by the Local Finance Board of the issuance of the Series 2007 Local Unit Bonds and the Series 2007 Pooled Bonds, (ii) authorize the distribution of a preliminary official statement "deemed final" within the meaning and for the purposes of Rule 15c2-12 describing the terms of the Series 2007 Bonds, the Series 2007 Project and the other transactions contemplated hereby (the "Preliminary Official Statement"),

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(iii) enter into a bond purchase agreement with an underwriter to be selected by a fair and open process (the "Underwriter") by the Authority in accordance with its policy for the selection of underwriters as established by Authority resolution no 02-10 adopted July 24, 2002 and entitled "RESOLUTION Adopting a Policy for the Selection of Underwriters and other Ancillary Service Providers in connection with the Sale of Securities" for the sale of all of the Series 2007 Pooled Bonds (the "Bond Purchase Agreement"), (iv) execute and deliver a final Official Statement incorporating the terms of the sale of the Series 2007 Pooled Bonds and certain other information into the Preliminary Official Statement (the "Official Statement"), (v) obtain the required resolutions and ordinances of the Local Units necessary in order to authorize the Local Unit Projects and the financing of the Local Unit Projects through the Series 2007 Project (the "Local Unit Official Action"), (vi) cause the Local Units to make certain representations, warranties and covenants concerning the loans, the Series 2007 Local Unit Bonds and the transactions contemplated hereby prior to their respective execution and delivery of the Project Lease Agreements, but no later than the execution and delivery of the Bond Purchase Agreement (the "Local Unit Letter of Representations") and (vii) cause the Local Units to make certain representations, warranties and covenants concerning the applicable Local Unit Projects and Series 2007 Local Unit Bonds, the use of the funds attributable to the Local Unit Projects and the transactions contemplated hereby prior to their respective execution and delivery of the Project Lease Agreements, but no later than the execution and delivery of the Bond Purchase Agreement, all in connection with preserving the exclusion of the interest of the Series 2007 Pooled Bonds from the gross income of the holders thereof for federal income tax purposes (the "Local Unit Tax Letter of Representations" and together with the Preliminary Official Statement, the Bond Purchase Agreement, the Official Statement and the Local Unit Letter of Representations, the "Sale Documents");

WHEREAS, the Authority shall have no obligation with respect to the Series 2007 Project other than the financing thereof;

WHEREAS, in accordance with Section 13 ("Section 13") of the Act (N.J.S.A. 40:37A-56), prior to the issuance of the Series 2007 Bonds, the Authority will have made a detailed report of the Series 2007 Project to the Board of Freeholders, which report will include, without limitation, descriptions of the Pooled Bond Resolution, the Lease Local Unit Bond Resolution, the Series 2007 Pooled Bonds, the Series 2007 Lease Local Unit Bonds, the master forms of the Project Lease Agreements, the master forms of the Continuing Disclosure Agreements, and if necessary, desirable or convenient as determined by the Authority and the County, such other applicable agreements that may include one or more of the Local Finance Board Application or any Sale Documents (collectively, the "Financing Documents");

WHEREAS, the Authority may include certain information with respect to Madison, including but not limited to certain demographic and financial information, the 2007 Project, and such other publicly available documents of Madison that the Authority deems necessary (the "Madison Information") in the Authority's Local Finance Board Application;

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WHEREAS, the Authority will submit the Local Finance Board Application to the Local Finance Board for the Local Finance Board's review of the applicable Financing Documents, including the County Guaranty, and the Series 2007 Project financed thereby; and

WHEREAS, the Authority believes: (i) it is in the public interest to accomplish such purpose; (ii) said purpose is for the health, wealth, convenience or betterment of the inhabitants of the County; (iii) the amounts to be expended for said purpose are not unreasonable or exorbitant; and (iv) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the County and will not create an undue financial burden to be placed upon the Authority or the County.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Madison as follows:

Section 1. Madison hereby officially declares its intent to finance its portion of the 2007 Project through the Authority.

Section 2. Madison acknowledges that the Authority is submitting the Local Finance Board Application to the Local Finance Board for the financing of the 2007 Project and Madison hereby authorizes the Authority to include the Madison Information in the Local Finance Board Application and to discuss any aspect of the Madison Information with the Local Finance Board.

Section 3. All actions taken to date by the Authority, the Authority's bond counsel, DeCotiis, FitzPatrick, Cole & Wisler, LLP, the Authority's financial advisor, Acacia Financial Group, Inc., and any underwriter for the Series 2007 Bonds with respect to the Madison Information and the Local Finance Board Application are hereby ratified and approved.

Section 4. To the extent the Series 2007 Bonds are issued in any year other than 2007, references herein to "2007" may without any further action be changed to the year of issuance of such Series 2007 Bonds.

Section 5. This resolution shall take effect immediately.

Section 6. Upon the adoption hereof, the Madison shall forward certified copies of this resolution to John Bonanni, Chairperson of the Authority, and Stephen B. Pearlman, Esq., DeCotiis, FitzPatrick, Cole & Wisler, LLP, Bond Counsel to the Authority.

[R 228-2007 RESOLUTION OF THE BOROUGH OF MADISON AMENDING THE 2007 CAPITAL BUDGET](#)

R 229-2007

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RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE EXECUTION OF A COOPERATION AGREEMENT BETWEEN THE BOROUGH OF MADISON AND THE MADISON HOUSING AUTHORITY

WHEREAS, there exists a history of cooperation between the Borough of Madison and the Housing Authority of the Borough of Madison; and

WHEREAS, several Cooperation Agreements were executed between the Borough of Madison and the Madison Housing Authority since 1971, providing for cooperation in the construction of low-income housing and senior housing, which projects have been completed; and

WHEREAS, the Borough of Madison and the Housing Authority of the Borough of Madison now wish to cooperate in a project for twelve (12) units of low income, age restricted for rent housing on property located at 24 Central Avenue, Block 1601, Lot 9; and

WHEREAS, the United States Department of Housing and Urban Development requires submission of a Cooperation Agreement in order to review the application of the Housing Authority of the Borough of Madison for funding of the project; and

WHEREAS, the Cooperation Agreement is expressly authorized by the provisions of the Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*

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:

The Cooperation Agreement attached hereto is hereby approved.

The Mayor and Borough Clerk are hereby authorized and directed to execute the Cooperation Agreement on behalf of the Borough.

R 230-2007

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AGREEMENT FOR PAYMENT IN LIEU OF TAXES WITH THE MADISON AFFORDABLE HOUSING CORPORATION PURSUANT TO N.J.S.A. 55:14K-1

WHEREAS, the Madison Affordable Housing Corporation ("MAHC") desires to develop a project for twelve (12) units of low income, age restricted for rent housing on property located at 24 Central Avenue, Lot 9, Block 1601, as shown on the official tax map of the Borough of Madison; and

WHEREAS, N.J.S.A. 55:14k-1 permits the entry of MAHC into an agreement with the Borough for a Payment in Lieu of Taxes ("PILOT"); and

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WHEREAS, whereby the MAHC has submitted an Agreement for Payment in Lieu of Taxes indicating that the estimated annual PILOT payment would be \$6,644.86.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that the Mayor and Borough Clerk are authorized to execute an Agreement for Payment in Lieu of Taxes with the Madison Affordable Housing Corporation regarding a project at 24 Central Avenue, Madison, New Jersey, as described herein and in a form approved by the Borough Attorney.

R 231-2007

RESOLUTION OF THE BOROUGH OF MADISON GRANTING PERMISSION TO 4 CONNECTIONS, LLC TO USE BOROUGH OF MADISON RIGHT-OF-WAY

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WHEREAS, 4 Connections, LLC, 4 Gatehall Drive, Parsippany, NJ is seeking to install one (1) fiber optic cable on existing poles within the **Borough of Madison**; and

WHEREAS, 4 Connections, LLC is a public utility as defined in N.J.S.A. 48:2-13 and as such has been authorized by the Federal Communications Commission and the New Jersey Board of Regulatory Commissioners to offer certain telecommunications services in the State of New Jersey; and

WHEREAS, the installation of the fiber optic cable in the thoroughfares and public rights-of-way of the **Borough of Madison** requires the authorization and approval of the governing body of the **Borough of Madison** for placement of such fiber cable pursuant to N.J.S.A. 48:17-11; and

WHEREAS, 4 Connections, LLC desires to install one (1) fiber optic cable on existing poles along Main Street and Park Avenue as shown on plans attached hereto as Exhibit "A"; and

WHEREAS, the Borough Council has determined to grant 4 Connections, LLC such limited right of way, including use of existing underground duct work, if any, but said right of way permission shall not include the right to create any new underground duct work without additional permission; and

WHEREAS, 4 Connections, LLC has agreed to pay to the Borough of Madison such non-discriminatory fees as may be charged to all such similarly situated users in the Borough; and

WHEREAS, the **Borough of Madison** finds such plans to be in the public interest.

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:

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1. 4 Connections, LLC, be and is hereby granted municipal authorization to use the right of way of the Borough of Madison to such limited extent as described herein and set forth in Exhibit "A", provided that no new underground duct work or trenching shall be permitted without additional approval. This right of way grant is subject to approval by other departments or governmental agencies with jurisdiction.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into an agreement reflecting the terms hereof in a form acceptable to the Borough Attorney.

Unfinished Business - None

APPROVAL OF VOUCHERS

On motion by Mr. Bowen, 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 \$20,704.67

Health & Public Assistance 12,192.93

Public Works & Engineering 285,159.07

Community Affairs 10,378.33

Finance & Borough Clerk 943,687.88

Utilities 4,738,186.37

Total \$6,010,309.25

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

Yeas: Mrs. Holden, Ms. Baillie, Mr. Bowen

Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: None

New Business - None

Adjourn and reconvene executive session

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There being no further business to come before the Council, the meeting was adjourned at 9:20 p.m. and the Executive Session was immediately reconvened in the Committee Room.

RECONVENE AND ADJOURN

The Regular Meeting reconvened at 10:30 p.m. in the Committee Room and immediately adjourned.

Respectfully submitted,

Marilyn Schaefer

Borough Clerk

Approved October 10, 2007 (MS)