

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

August 11, 2014 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 11th day of August, 2014. Mayor Conley called the meeting to order at 7:00 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

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

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

ROLL CALL

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

Mayor Robert H. Conley

Council Members:

Robert G. Catalanello

Robert Landrigan

Carmela Vitale

Benjamin Wolkowitz

Patrick W. Rowe

Absent: Astri J. Baillie, excused

Also Present:

Raymond M. Codey, Borough Administrator

James E. Burnet, Assistant Borough Administrator

Elizabeth Osborne, Borough Clerk

Matthew J. Giacobbe, Esq. Borough Attorney

AGENDA REVIEW

There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Mr. Landrigan moved:

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

MINUTES FOR APPROVAL (1)

July 28, 2014

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

CONTRACT MATTERS (4)

SEC COMPLIANCE

JACOB HENRY PERKINS TRUST FUND

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SEWER AND WATER CONNECTION FEE SCHEDULE
JESCO, INC.

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

PERSONNEL MATTERS (1)
CROSSING GUARDS

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

Seconded: Mr. Catalanello
Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

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

APPROVAL OF MINUTES

Mrs. Vitale moved approval of the **Executive Minutes of July 28, 2014**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

Mrs. Vitale moved approval of the **Regular Meeting Minutes of July 28, 2014**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

The next regular meeting of the Mayor and Council is scheduled for September 8, 2014. The Downtown Development Commission will host the August 16th Summer Clam Bake. This family event is designed to commemorate and celebrate the 125th Anniversary of Madison Borough's incorporation. Tickets are on sale in the Borough Clerk's office.

ANNIVERSARY:

Tom Knudsen of the Madison Public Library – 30th Anniversary on August 26th

Mayor Conley read a proposed resolution declaring Madison a 'Stigma Free Town' and asked for a motion regard Resolution R 233-2014.

R 233-2014 RESOLUTION OF THE BOROUGH OF MADISON PROMOTING PUBLIC AWARENESS OF MENTAL ILLNESS AND OVERCOMING THE STIGMA, STEREOTYPING AND DISCRIMINATION BY DECLARING THE BOROUGH OF MADISON A STIGMA FREE TOWN

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WHEREAS, the Borough Council of the Borough of Madison in the State of New Jersey and County of Morris recognizes that one in five Americans have experienced some sort of mental illness according to the Substance Abuse and Mental Health Services Administration (SAMHSA); and

WHEREAS, despite major accomplishments and the progress achieved, New Jersey must still overcome significant challenges before it can reach the goal of making quality mental health care available to all those who need it; and

WHEREAS, mental health problems are more common than cancer and heart disease combined (SAMHSA), and more than half of all Iraq and Afghanistan veterans hospitalized at VA hospitals are treated for mental illness according to Veteran’s Administration, and the stigma associated with mental illness is the biggest roadblock to recovery; and

WHEREAS, the Codey Fund for Mental Health has initiated a statewide campaign requesting towns throughout New Jersey to designate their municipality a Stigma Free Town; and

WHEREAS, by declaring the Borough of Madison, a Stigma Free Town, the Borough Council supports the elimination of the stigma associated with mental health illness and will promote public awareness of mental health issues and work to overcome stigma, stereotyping, discrimination and removing any barriers to recovery

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Borough of Madison is a Stigma Free Town.

NOW, BE IT FURTHER RESOLVED that on major thoroughfares in and out of the Borough of Madison, road signs be erected showing the establishment of a Stigma Free Town.

Mr. Landrigan moved Resolution R 233-2014, which was read by Mayor Conley. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Senator Richard J. Codey thanked the Mayor and Council and accepted a signed copy of Resolution R 233-2014 on behalf of the Cody Fund for Mental Health.

REPORTS OF COMMITTEES

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Health

Mr. Landrigan of the Committee made the following comments:
With the new school year beginning soon, the Madison Health Department reminds parents that vaccinations need to be up to date.

Public Works and Engineering

Mr. Catalanello, Chair of the Committee, made the following comments:
Road and sewer projects are moving along and there will be a full presentation by Borough Engineer Robert Vogel later this evening under Agenda Discussions.

Utilities

Mrs. Vitale, Chair of the Committee, made the following comments:
The Electric Utility Department staff completed installation of new poles on Broadway and Central Avenues and began pole transfers on Parkside Avenue. The Electric Utility Department staff has also completed removal of old reels and poles from the public works yard.

Public Safety

Ms. Baillie, Chair of the Committee, absent.

Finance and Borough Clerk

Mr. Wolkowitz, Chair of the Committee, made the following comments:
Mr. Wolkowitz noted a very successful National Night Out held on August 5th and reported the Madison Fire Department has responded to 219 general alarm calls, 218 investigations and 253 medical calls in the month of July. Mr. Wolkowitz also noted a successful note sale, with four bids received on the \$1.684 million bond anticipation note, which is smaller than last year as the Borough has paid down \$215,000 of principal. The interest rate received is .58%. Mr. Wolkowitz noted that the Strategic Planning Committees continue to meet and should present reports to Council in the fall. Borough Bond Counsel Steven L. Rogut, Esq., will address Council tonight regarding an opportunity to refinance Borough debt.

Community Affairs

Mr. Rowe, Chair of the Committee, made the following comments:
Earlier today *Places Mobile* was in Madison to work on a state-of-the-art interactive area guide. Their product, "My Town USA," is built on the Google Maps Street View technology. Mr. Rowe noted that the First Annual Summer Clambake will take place this coming Saturday at 5:00 pm at the Madison Train Station. Residents can save \$10.00 a ticket by purchasing them in advance. The fall season at the Senior Center will kick off with "Breakfast with the Mayor" on Monday, September 8th. Residents will have the opportunity to ask Borough-related questions of Mayor Conley while enjoying bagels, fruit, quiches and other treats. The program is sponsored by the Friends of the Madison Senior Center. The Senior Center Advisory Committee Fall Event scheduled for October 18th will feature Attorney Tom Murphy's presentation of "Healthy, Wealthy and Wise: 10 Common Eldercare Questions for seniors and Caregivers." The program will be held at the Civic Center at 10:00 am.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

Letter received July 30, 2014 from Christine C. Sherman, Fairview Avenue regarding pedestrian safety on Central Avenue.

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Email received July 30, 2014 from Carol Allocco, Spring Garden Drive, regarding the intersection of Spring Garden Drive and Rosedale Avenue.

INVITATION FOR DISCUSSION (1 of 2)

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

Tim Harrington; Cross Gates Road, noted that he hopes the Borough offers training to municipal officials in dealing with individuals with mental illness.

AGENDA DISCUSSIONS

08/11/2014-1 ADVANCED REFUNDING

Bond Counsel Steven Rogut, Esq., addressed the Mayor and Council regarding proposed refunding of 2008 Bonds scheduled to mature in 2028, noting the advantage of entering the market this October. Mr. Rogut noted that terms will be set when you go to market. Following discussion there was agreement to schedule a special meeting of the Council in August to introduce an ordinance for refunding bonds.

08/11/2014-2 2014 ROAD IMPROVEMENTS PROGRAM UPDATE

Borough Engineer Robert Vogel provided an update on the 2014 Road Improvements Program noting the completion of Academy, Vinton, Wilson, Belmont and the Public Library parking area. Curb, sidewalk and drainage improvement work was completed on Pine Tree, Durwood, Fletcher and part of Niles over the past two weeks, and the contractor has started curb and drainage improvements on North Street.

08/11/2014-3 CORRECTIVE ACTION PLAN

Chief Financial Officer Robert Kalafut noted the completion of the 2013 Audit Report prepared by the Municipal Auditor, which contains two recommendations regarding separation of duties and cancellation of completed grant receivables. Mr. Kalafut presented a corrective action plan that addresses these recommendations and asked for Council approval.

Resolution R 238-2014 is listed on Consent Agenda.

08/11/2014-4 CANCELLATION OF GENERAL CAPITAL GRANT RECEIVABLES

Mr. Kalafut recommended cancellation of open grant receivables, as recommended in the 2013 Audit Report including the Morris County Community Development Block Grants in the amount of \$ 32,475.00 and the Hartley Dodge Memorial Trustees Grant in the amount of \$150,045.20.

Resolution R 239-2014 is listed on Consent Agenda.

ADVERTISED HEARINGS

The Clerk made the following statement:

Ordinances scheduled for hearing tonight were submitted in writing at a Regular meeting of the Mayor and Council held on July 28, 2014, were introduced by title and

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passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

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

**ORDINANCE 41-2014
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 15 OF
THE MADISON BOROUGH CODE ENTITLED “DOWNTOWN DEVELOPMENT
COMMISSION”**

WHEREAS, the Downtown Development Commission has recommended that the Borough Council amend subsection E, of Section 15-2, of the Borough Code regarding terms for DDC members, eliminating the following language “with no members serving more than three consecutive terms”; and

WHEREAS, the Borough Council desires to amend subsection E, of Section 15-2, of the Borough Code, entitled ‘Downtown Development Commission’.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that subsection E, of Section 15-2, of the Borough Code, entitle ‘Downtown Development Commission’ is hereby amended and Section 195-30.6 is amended to read as follows:

§15-2: Membership of the Commission

...

E. Terms. Regular and the advisory member shall serve for terms of three (3) years. The term of any public official, including Planning Board and Board of Education commissioners, shall not extend beyond the current term of public office.

...

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

Mayor Conley opened up the public hearing on Ordinance 41-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Rowe moved that Ordinance 41-2014, which was read by title, be finally adopted. Mr. Catalanello seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Ms. Baillie

Mayor Conley declared Ordinance 41-2014 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

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ORDINANCE 42-2014

ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 11-2014 SETTING SALARY RANGES FOR NON-UNION FULL-TIME EMPLOYEES TO INCLUDE SALARY RANGE FOR CHIEF ACCOUNTANT AND TAX COLLECTOR

WHEREAS, the Borough Council has determined to amend Ordinance 11-2014 setting salary ranges for non-union full-time employees to include salary range for Chief Accountant and Tax Collector

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

Section 1. Ordinance 11-2014 setting the salary ranges for non-union full-time employees is hereby amended to include the following salary range:

TITLE	MINIMUM	MARKET VALUE	MAXIMUM
Chief Accountant	\$50,000.00	\$75,000.00	\$100,000.00
Tax Collector	11,000.00	26,000.00	41,000.00

Section 2. This ordinance shall take effect as provided by law.

Mayor Conley opened up the public hearing on Ordinance 42-2014. Since no member of the public wished to be heard, the public hearing was closed. Mr. Wolkowitz moved that Ordinance 42-2014, which was read by title, be finally adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mayor Conley declared Ordinance 42-2014 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

INVITATION FOR DISCUSSION (2 of 2)

Mayor opened the meeting to the public for their opportunity to ask questions and make comments on any subject. Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record.

He/she shall limit his/her statement to three (3) minutes or less

Frank Merckx, Woodside Road, Dean of Campus Life at Drew University, thanked the Council for adopting Resolution R 233-2014, declaring the Borough of Madison a Stigma Free Town and invited the Mayor and Council to join together in the conversation regarding mental health.

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INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

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

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

ORDINANCE 43-2014 ORDINANCE OF THE BOROUGH OF MADISON
ESTABLISHING THE MADISON UTILITY ADVISORY COMMITTEE

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

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

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

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

§ 47-1. Definitions.

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

§ 47-2. Powers.

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

§ 47-3. Purpose.

The purpose of the Committee shall be:

- A. To assist Mayor, Council and Borough staff in studying the future of the Utilities and to provide Borough staff with technical assistance that will enhance performance, system reliability, risk management and utility best practices.
- B. To assist the Mayor, Council and Borough staff in developing capital plans for the Utilities.
- C. To advise the Mayor and Council on utility performance, system reliability, risk management and utility efficiency.

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D. To provide support to the Mayor and Council regarding metering systems, self-generation, inter-connection and other financial/technical issues.

E. To assist Borough staff on other utility related issues as requested by the Mayor and Council.

§ 47-4. Membership and Sub-Committees.

A. Numbers of members. Membership shall consist of nine regular members, two Public Officials and four ex-officio members.

B. Classification of members. The regular members, known collectively as Members, and the Ex-Officio Members, shall consist of the following:

(1) Public officials: Two regular members, specifically the Mayor and the Council Liaison to Utilities.

(2) (4) At-large Members: Nine regular members. These members shall be any individual, resident or nonresident, with an identifiable interest in the activities and mission of the Utilities Advisory Committee.

(5) Ex-officio members: Four members who shall be the Administrator or Assistant Administrator, the Borough Engineer, the Electric Utility Superintendent or designated representative, and either the Department of Public Works Superintendent or designated representative for the Madison Water Department.

C. The Mayor, Council liaison and all regular members of the Commission, excluding the ex-officio members, shall exercise voting power.

D. Appointment. Appointments of all members shall be made by the Mayor with the advice and consent of the Borough Council. In the event that the Mayor fails to make a nomination at least 5 days prior to the date of the second regular public meeting of the Council after a position becomes vacant or the Borough Council fails to confirm a nomination, then the appointment shall be made by the Borough Council by the vote of a majority of the members present at the meeting, provided that at least three affirmative votes shall be required, with the Mayor to have no vote thereon except in case of a tie.

E. Terms. Regular members shall serve for terms of three years. The term of any public official shall not extend beyond the current term of public office.

F. Vacancy. In the event of a vacancy, the Committee will recommend a successor who may be appointed by the Mayor with the advice and consent of the Council to fill the unexpired term.

G. The Committee shall maintain two standing sub-committees, Water Utility Operations sub-committee and Electric Utility Operations sub-committee. The

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Committee may also create ad-hoc sub-committees in order to study specific topics or initiatives.

§ 47-5. Committee Secretary.

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

§ 47-6. Facilitation of Meetings.

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

§ 47-7. Meetings.

A. Schedule. The Committee shall meet at least 4 times a year.

B. Notice. Notice of the annual schedule and of any special or additional meetings shall be made to the public pursuant to the Open Public Meetings Act. See N.J.S.A 10;4-6 et seq. Any cancellation or change of meeting shall be made by the Administrator. Committee Members will be notified at least 48 hours in advance.

C. Open meetings. The meetings of the Committee shall be open to the public.

D. Quorum. A majority of the voting members of the Committee shall constitute a quorum for the transaction of business.

E. Absence from meetings. All regular members are expected to attend all meetings. When a member has exceeded three unexcused absences in any 12 month period, the Committee may request the resignation and recommend a replacement to the Mayor for approval by the Council.

§ 47-8. Remuneration.

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

§ 47-9. Conflict of interest.

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

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Mrs. Vitale moved that Ordinance 43-2014, which the Borough Clerk read by title, be adopted. Mr. Rowe seconded the motion. Mrs. Vitale noted that the Electric Utility Study Committee was not established by ordinance and suggested formal recognition of the committee. Following Council discussion, the motion passed with the following roll call vote recorded:

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

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

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

WHEREAS, the Borough Council agrees with this recommendation.

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

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

Section 34-1 Department established, composition

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

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

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

Mr. Rowe moved that Ordinance 44-2014, which the Borough Clerk read by title, be adopted. Mr. Wolkowitz seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

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ORDINANCE 45-2014 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 190 OF THE MADISON BOROUGH CODE ENTITLED
“WATER” TO UPDATE THE WATER CONNECTION FEE SCHEDULE

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

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

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

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

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

§190-11.2 Connection fee

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

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

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

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issued for connection to the municipal water system by the Borough of Madison.

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

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

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

Nays: None

Absent: Ms. Baillie

ORDINANCE 46-2014 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 155 OF THE MADISON BOROUGH CODE ENTITLED
“SEWER” TO UPDATE THE SEWER CONNECTION FEE SCHEDULE

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

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

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

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

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

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

A. Sewer connection fees.

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

1. For single family dwelling units, \$4,938.00, and for multiple dwelling units, \$4,938.00 per unit.
2. In the case of any building or portion thereof to be used for industrial, commercial, educational or other

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than dwelling purposes, the Borough Engineer shall determine by accepted standards the number of units to be connected or added to an existing connection; where a unit equals an annual average daily flow of 265 gallons or fraction thereof: \$4,938.00 per unit.

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

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

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

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

CONSENT AGENDA RESOLUTIONS

The Clerk made the following statement:

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

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

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

R 234-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY BPOE #1465 MADISON LODGE TO CONDUCT DAILY INSTANT RAFFLE GAMES, INCLUDING SUNDAYS

WHEREAS, N.J.S.A. 5:8-1 et seq. and N.J.A.C. 13:47-1.1 et seq. prohibit the conducting of games of chance on Sunday unless specifically authorized by a duly adopted municipal ordinance; and

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WHEREAS, on March 8, 1982, the Council of the Borough of Madison adopted Ordinance No. 5-82 to allow the Council, by resolution, to permit qualified organizations to conduct games of chance on Sunday; and

WHEREAS, the New Jersey Legalized Games of Chance Control Commission has issued Registration Identification No. 274-6-34038 to BPOE #1465 Madison Lodge; and

WHEREAS, an Application for Raffles License, together with all necessary documents and fees, has been submitted to the Madison Borough Clerk's Office by BPOE #1465 Madison Lodge to conduct Instant Raffle Games seven days a week on its premises at 192 Main Street, Madison, from September 8, 2014 through September 8, 2015.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the aforementioned Application for Raffles License, R.A. No. 1322, to be held as listed above, be and the same is hereby approved.

R 235-2014 RESOLUTION OF THE BOROUGH OF MADISON CERTIFYING SUBMISSION OF EXPENDITURE FOR RECYCLING TAXES PURSUANT TO P. L. 2007, CHAPTER 311

WHEREAS, the Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax (REA) of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW, THEREFORE, BE IT ORDAINED, by the Borough of Madison that the Borough of Madison hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2013 in the amount of \$13,728.63.

Documentation supporting this submission is available at Borough of Madison, Hartley Dodge Memorial Building, 50 Kings Rd, Madison, NJ 07940, and shall be maintained for no less than five years from this date. The REA Tax has been

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certified by James Burnet, Assistant Borough Administrator/ Certified Municipal Recycling Coordinator.

R 236-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF RECYCLING TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the Borough of Madison to apply for such tonnage grants will memorialize the commitment of the Borough of Madison to recycling and affirms the assent of the Council of the Borough of Madison, to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Borough of Madison hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling, and hereby designates James Burnet, Assistant Borough

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Administrator/Certified Municipal Recycling Coordinator of the Borough of Madison, as the individual authorized to ensure that said Application is properly filed.

R 237-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PARTICIPATION IN THE MORRIS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, Morris County is eligible to receive Federal funds available through the Department of Housing and Urban Development; and

WHEREAS, in order to receive certain Federal funds which are potentially available to the County of Morris under the Community Development Block Grant Program, and the HOME Investment Partnerships Program authorized by Title II of the Cranston-Gonzalez National Affordable Housing Act, Federal Register, Vol. 56, No. 143, dated July 2, 1991; and

WHEREAS, an agreement has been proposed under which the Borough of Madison and the County of Morris which will form a consortium by establishing a cooperation agreement for Federal Fiscal Years 2015, 2016 and 2017; and direct its activities to the elimination of housing problems within New Jersey in accordance with the housing goals and strategies outlined in the Morris County Consolidated Plan; and

NOW THEREFORE, BE IT RESOLVED, by the Borough of Madison in the County of Morris, in the State of New Jersey, being the governing body thereof, as follows:

1. The agreement entitled, "AGREEMENT BETWEEN THE COUNTY OF MORRIS AND CERTAIN MUNICIPALITIES LOCATED THEREIN ESTABLISHING A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT AND HOME ACTIVITIES" PROGRAM" pursuant to the National Affordable Housing Act of 1990, a copy of which is on file in the County of Morris, Department of Human Services, Division of Community & Behavioral Health Services, Office of Community Development, shall be executed by the Borough of Madison as well as the Freeholder Director of the County of Morris and Clerk of the Board of Chosen Freeholders in accordance with the provisions of the law.
2. This resolution shall take effect in accordance with the law.

R 238-2014 RESOLUTION OF THE BOROUGH OF MADISON COUNCIL APPROVING CORRECTIVE ACTION PLAN REPORT

WHEREAS, the 2013 Audit Report prepared by the Municipal Auditor contained two (2) recommendations to be remedied, and;

WHEREAS, the Chief Financial Officer has prepared a Corrective Action Plan which the Borough Council has reviewed and approved.

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NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Corrective Action Plan attached hereto is hereby approved.

R 239-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CANCELLATION OF OLD GENERAL CAPITAL GRANT RECEIVABLES

WHEREAS, the Madison Borough Chief Financial Officer has recommended that certain outstanding General Capital Grant Receivables be cancelled.

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

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

R 240-2014 RESOLUTION OF THE BOROUGH OF MADISON DIRECTING THE UNDERTAKING OF A CONTINUING DISCLOSURE REVIEW AND AUTHORIZING PARTICIPATION IN THE MUNICIPALITIES CONTINUING DISCLOSURE COOPERATION INITIATIVE OF THE DIVISION OF ENFORCEMENT OF THE U.S. SECURITIES AND EXCHANGE COMMISSION

WHEREAS, the Borough of Madison (the “Governmental Entity”) has entered into continuing disclosure agreements(s) in connection with certain of its prior bond and/or note issuance(s) (the “Prior Issuances”), agreeing to file certain financial information and operating data and/or certain enumerated event notices with the former nationally recognized municipal securities information repositories or the Municipal Securities Rulemaking Board (the “MSRB”) pursuant to the provisions of Rule 15C2-12 of the Securities Exchange Act of 1934, as amended (the “Rule”); and

WHEREAS, the Governmental Entity has made certain representations regarding its continuing disclosures in bond and/or note offering documents in connection with its Prior Issuances; and

WHEREAS, in response to widespread concerns that many municipal issuers have not been complying with their obligations to file continuing disclosure documents under the Rule, and furthermore have made false representations concerning compliance in bond and note offering documents, the Division of Enforcement (the “Division”) of the U.S. Securities and Exchange Commission (the “Commission”) has set forth its Municipalities Continuing Disclosure Cooperation

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Initiative (the “MCDC Initiative”), attached hereto as Exhibit A, whereby the Commission will recommend favorable settlement terms to municipal issuers involved in the offer or sale of municipal securities, as well as underwriters of such offerings, if they self-report to the Division, by 12:00 on December 1, 2014, possible violations involving materially inaccurate statements in bond and note offering documents related to prior compliance with continuing disclosure obligations pursuant to the Rule ; and

WHEREAS, pursuant to Local Finance Notice 2014-9, attached hereto as Exhibit B, the Director of the Local Finance Board (LFB), Division of Local Government Services of the Department of Community Affairs of the State of New Jersey, has recommended the undertaking of a Review (as hereinafter defined) by all municipal issuers and participation in the MCDC Initiative, where appropriate, as determined by the facts of each Review (the “LFB Recommendation”).

NOW, THEREFORE, IN CONNECTION WITH THE LFB RECOMMENDATIONS, BE IT RESOLVED BY THE GOVERNMENTAL ENTITY as follows:

Section 1. The Governmental Entity, through its Chief Financial Officer or third-party disclosure-dissemination agent, is hereby directed to conduct a continuing disclosure review of its prior continuing disclosure undertakings (the “Review”), and the Governmental Entity hereby ratifies any such previously conducted Review. Such Review shall include, but is not limited to, a historical review of the Governmental Entity’s continuing disclosure obligations and filings in connection with its Prior Issuances that are presently outstanding and those which are no longer outstanding but, as of the date five years prior to the date of submission of the Questionnaire (as hereinafter defined), were outstanding; and the undertaking, at any time, of any applicable remedial filings with the MSRB deemed necessary for compliance with its continuing disclosure obligations.

Section 2. The Governmental Entity, through its Chief Financial Officer, is hereby authorized to participate in the MCDC Initiative, if in the discretion of the Chief Financial Officer after consultation with Governmental Entity officials, it is determined that the Governmental Entity may have made materially inaccurate statements in its bond and/or note officering documents related to prior compliance with continuing disclosure obligations pursuant to the Rule in connection with its Prior Issuances issued during the period beginning five years prior to the date of submission of the Questionnaire.

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Section 3. The Chief Financial Officer of the Governmental Entity is hereby authorized to execute and deliver any and all documents and instruments, including the Municipalities Continuing Disclosure Cooperation Initiative Questionnaire for Self-Reporting Entities contained in the MCDIC Initiative (the “Questionnaire”), and to do and cause to be done any and all acts and things necessary or proper for participating in the MCDIC Initiative and all related transactions, including the Review, contemplated by this resolution.

Section 4. All resolution or proceedings, or part thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

Section 5. This resolution shall become effective in accordance with applicable law.

R 241-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING JACOB HENRY PERKINS TRUST FUND DISBURSEMENT

WHEREAS, the Borough Administrator recommended a \$10,000.00 grant to pay for the installation of a natural gas generator to support critical medical equipment from the Jacob Henry Perkins Trust (hereafter Perkins Trust) on behalf of D. C., a Borough resident; and

WHEREAS, the Borough Administrator has advised the Borough Council that D. C. meets the criteria for a Perkins Trust grant; and

WHEREAS, the Borough Council has determined to approve the request for a Perkins Trust grant to pay for the installation of a natural gas generator; and

WHEREAS, the Borough Administrator recommends approving the disbursement of the grant for the above cited purpose.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that a \$10,000.00 grant is hereby approved from the Perkins Trust to pay for the installation of a natural gas generator, for the benefit of D.C.

R 242-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF A BACKHOE LOADER UNDER THE MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION

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

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

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

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

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$100,631.28 for this purpose in Ordinance 18-2014.

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

1. A contract with Jesco, Inc. for the purchase of a backhoe loader, in an amount not to exceed \$100,631.28 is hereby approved.

2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Jesco, Inc. of South Plainfield, New Jersey, for the purchase of a backhoe loader at a total price not to exceed \$100,631.28, in a form acceptable to the Borough Attorney.

R 243-2014 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING SCHOOL CROSSING GUARDS FOR THE 2014-2015 SCHOOL YEAR

WHEREAS, N.J.S.A. 40A:9-154.1 provides that municipalities may appoint school crossing guards for terms not exceeding one year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following school crossing guards are hereby appointed for the 2014/2015 school year commencing September 2, 2014 and ending June 19, 2015, unless the school year is extended due to winter weather closings:

JOSEPH AMATO
GLENN ATKINSON
WILLIAM BORIE
JANET M. BRUNS
THEODORE R. BRUNS, JR.
FRANCES CARUSO
VIRGINIA G. CERCIELLO
ANDREW COBB
TERESA CROSS
LORENZO D'AMATO
GIUSEPPE D'AVINO
EDWARD DIEMER
CATHERINE M. ECKES
NANCY ESPOSITO
MIROSLAV HADVAB
JACQUELINE HARRINGTON

RONALD LEONARDIS
JAMIE LIMONE
MARGARET M. LOSAPIO
NICHOLAS LOSAVIO
MARY MARANO
MICHAEL MUCCI
CATHERINE PENDOLINO
CONCETTA M. PERILLO
NANCY PERALTA
MARIO RATTROVO
JANET TEDESCO
ELIZABETH TWILLMAN
MARIE A. VANDEUSEN
JUANITA VAN RYZIN
AGNES R. YULIANO

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UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

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

Public Safety	\$18,136.39
Health & Public Assistance	5,852.85
Public Works & Engineering	139,000.73
Community Affairs	6,864.88
Finance & Borough Clerk	3,500,633.74
Utilities	<u>238,664.69</u>
Total	<u>\$3,909,453.28</u>

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

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

Nays: None

Absent: Ms. Baillie

NEW BUSINESS - None

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved September 8, 2014 (EO)