

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

October 15, 2014 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 15th day of October, 2014. Mayor Conley called the meeting to order at 7:00 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

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

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

ROLL CALL

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

Mayor Robert H. Conley

Council Members:

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

Also Present:

Raymond M. Codey, Borough Administrator
James E. Burnet, Assistant Borough Administrator
Elizabeth Osborne, Borough Clerk
Matthew J. Giacobbe, Esq. Borough Attorney

AGENDA REVIEW

There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Mr. Landrigan moved:

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

MINUTES FOR APPROVAL (1)
September 22, 2014

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

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CONTRACT MATTERS (2)
BOND SALE AND N.J. ENVIRONMENTAL INFRASTRUCTURE TRUST (JOINT MEETING) METC CONSTRUCTION PROGRESS

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

PERSONNEL MATTERS (4)
DEPARTMENT OF PUBLIC WORKS
TAX COLLECTOR'S OFFICE
BUILDING INSPECTOR – PER DIEM
ELECTRIC UTILITY DEPARTMENT

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

POTENTIAL LITIGATION MATTERS (2)
PILGRAM PIPELINE, RT. 24
HEALTH DEPARTMENT

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

Seconded: Mr. Catalanello
Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

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

APPROVAL OF MINUTES - NONE

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

Mayor Conley noted the passing of longtime resident Carmela DeBiasse, founder of the Madison Christmas Fund.

EMPLOYEE OF THE MONTH:

Employee of the Month for October is Russ Brown for his compassionate assistance to a family in need by installing a generator at the Cuozzo home, on his own time, to ensure uninterrupted critical medical care for Mr. Cuozzo in the event of a power failure.

The Madison Public Library will celebrate Halloween on Friday, October 24. The Haunted Library will be featured from 4 to 6:15 p.m. Two interesting programs for adults to be held at the Public Library are, Paul Robeson: a Chautauqua with Marvin Jefferson scheduled for Sunday, October 26th at 2p.m., and on Wednesday, November 12 at 7:00 p.m. Harry Ettliger, a real veteran of the Monuments Men, will speak about his experiences during World War II.

Mayor Conley read the following Proclamation:

Proclamation
of the
Borough of Madison
In Support of
NATIONAL CYBER SECURITY AWARENESS MONTH

WHEREAS, the Borough of Madison recognizes that it has a vital role in identifying, protecting and responding to cyber threats that may have significant impact to our individual and collective security and privacy; and

WHEREAS, critical infrastructure sectors are increasingly reliant on information systems to support financial services, energy, telecommunications, transportation, utilities, health care and emergency response systems; and

WHEREAS, the Stop.Think.Connect.™ Campaign (www.stophinkconnect.org) has been designated as the National Public Awareness Campaign, implemented through a coalition of private companies, nonprofit and government organizations and academic institutions aimed at increasing the understanding of cyber threats and empowering the American public to be safer and more secure online; and

WHEREAS, maintaining the security of cyberspace is a shared responsibility in which each of us has a critical role to play and awareness of computer security essentials will improve the security of the information infrastructure and economy of the Borough of Madison; and

WHEREAS, the President of the United States of America, the U.S. Department of Homeland Security, the CIS/Multi-State Information Sharing and Analysis Center, the National Association of State Chief Information Officers, the Council on CyberSecurity and the National Cyber Security Alliance have declared October as National Cyber Security Awareness Month; and

WHEREAS, all citizens are encouraged to visit the www.stophinkconnect.org website to learn about cyber security and put that knowledge into practice in their homes, schools, workplaces and businesses;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim that the Borough of Madison is officially supporting National Cyber Security Awareness Month and the National Public Awareness Campaign, Stop. Think. Connect.™

Robert H. Conley, Mayor

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Mayor Conley called forward the members and coaches of the Madison Area YMCA Gymnastics Team and presented the following Proclamation:

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*Proclamation
of the
Borough of Madison
Presented to
The YMCA National Gymnastics Champions
Madison Area YMCA Gymnastics Team
The Rosettes*

WHEREAS, gymnastics is primarily an individual based sport but the Madison Area YMCA gymnast team focuses on supporting one another through the ups and downs as well as the hard work and dedication from each individual; and

WHEREAS, the team has 17 gymnasts in Level 3, 5 gymnasts in Level 4, 15 gymnasts in Level 6, 16 gymnasts in Level 8 and 4 gymnasts in Level 9; and

WHEREAS, the YMCA National Gymnastics Championships were held in Tampa, Florida on July 1 through July 5, 2014; and

WHEREAS, over 1,800 gymnasts from 102 YMCA organizations competed in the Nationals; and

WHEREAS, the Madison Area YMCA Rosettes Level 8 won the National Championship and the Rosettes Level 9 placed second; and

WHEREAS, the Rosettes are also New Jersey State Champions and Regional Champions for New Jersey and Pennsylvania; and

WHEREAS, some of the girls have been on the team for ten years practicing nine to twelve hours per week throughout the school year, and even more when the Nationals approached; and

WHEREAS, the team has a very dedicated coaching staff consisting of Ellen Gavin, Vladimir Peleksic, Christina Lopez, Meredith Valentine, Cassandra Baumgartner, Karley Walek and Kristin Durning training them;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby congratulate the members of The Rosettes for achievement in winning the YMCA National Gymnastics Championship and for their commitment, dedication and outstanding teamwork in reaching this goal.

Robert H. Conley, Mayor

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REPORTS OF COMMITTEES

Health

Mr. Landrigan of the Committee made the following comments: Enterovirus-D68 is a type of Enterovirus with symptoms ranging from mild to severe. Mild symptoms may include runny nose, sneezing, cough, body and muscle aches and sometimes fever. Mr. Landrigan noted Ebola information available on the Borough's website and encouraged residents to wash their hands often and to seek help immediately if symptoms appear. Emergency staff will be brief on Ebola protocols. Residents can contact Mr. Landrigan by email with additional questions.

Public Works and Engineering

Mr. Catalanello, Chair of the Committee, made the following comments: Annual leaf collection will begin in two weeks. The 2014 Roads Improvement Program continues with improvements to North Street completed. The five remaining roads should be completed by the end of the month. Formal community meeting with area residents of Oak Court and Central Avenue took place to help improve safety measures, working with surrounding towns and Morris County. Installation of new transformers at the North Street location which will serve both sewer and water pump stations has been completed.

Utilities

Mrs. Vitale, Chair of the Committee, made the following comments: The Madison Water Department has begun flushing fire hydrants. Residents may experience low water pressure. Staff also continues repairing and performing shutoffs for new construction projects and homeowners. The Electric Department has completed conduit installation at the North Street pump station, and continues to install new electric poles.

Public Safety

Ms. Baillie, Chair of the Committee, made the following comments: Ms. Baillie reported a recent Madison Fire Department's trench rescue and recovery assist in the Township of Boonton. Ms. Baillie noted that Fire Prevention Week was October 5th through the 11th this year, and the Fire Department partnered with Domino's Pizza during this week, offering free pizza each night, if the home's smoke detectors were working when pizza was delivered. Ms. Baillie thanked detectives with the Madison Police Department for apprehending a suspect in the Madison Area YMCA break-in, and in September, the Police Department assisted the County Prosecutor's office in the arrest of 16 individuals involved in a drug distribution ring. The Joint Municipal Court reports that operations are going well, with all five participating municipalities seeing benefits. The Complete Streets Committee met and discussed updates on the development of the Park Avenue corridor and the need for improved traffic calming measures, improved signage for Oak Court and Central Avenue and results of a completed sidewalk survey. A sidewalk improvement plan and schedule will be created from the survey.

Finance and Borough Clerk

Mr. Wolkowitz, Chair of the Committee, made the following comments: Mr. Wolkowitz noted that KRE Madison NJ Urban Renewal LLC, redeveloper for the former Green Village School property has begun making monthly payments and will appear before the Planning Board with concept plans in November. The CFO will discuss the State Best Practices checklist later this evening. The Borough

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anticipates receiving 100% of State Aid. The Borough Tax Assessor has completed 2014 added assessments totaling \$28 million and an application for a spot revaluation for the Giralda Farms property has been sent to Morris County.

Community Affairs

Mr. Rowe, Chair of the Committee, made the following comments:
Distribution of decals and information cards to local merchants for the Madison Access program is almost complete. The Senior Advisory Committee will be hosting Healthy, Wealthy & Wise at 10:00 a.m. this Saturday at the Civic Center. Thomas Murphy, Esq. will discuss probate, wills and trusts, Medicaid and veterans benefits, assets and taxes and other topics of interest to seniors, families and caregivers. Bottle Hill Day 2014 was an amazing success. Thanks to Lisa Ellis, Jerry Veza and Johanna Habib, Russell Stern, Mike Kopas and Mark Fabyanski. The event raised \$12,500 for future DDC projects. The Sidewalk Art Gallery Gala and Auction, sponsored by MACA and the DDC, will take place this coming Friday. The Madison Chamber of Commerce is sponsoring the 2014 Halloween Hoopla on Saturday, October 25th starting at 12:15pm.

COMMUNICATIONS AND PETITIONS-None

INVITATION FOR DISCUSSION (1 of 2)

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

Noting residents in the audience, Mayor Conley asked Mr. Giacobbe to make a statement regarding recent dog bite incident. Mr. Giacobbe stated that the matter will be heard in Municipal Court on October 29th and as such the Mayor and Council can take no further action and should not make any comment.

Deborah Starker, Beverly Road, President of the Madison Cultural Arts Alliance, invited residents to the Sidewalk Art Gallery gala and auction at the Hartley Dodge Memorial this Friday, October 17, 2014 at 7:00 p.m.

AGENDA DISCUSSIONS

10/15/2014-1 SCHOOL CROSSING GUARDS

Ms. Baillie noted a recent discussion regarding increased compensation for School Crossing Guards and suggested that the Council move forward with a salary survey of surrounding communities in preparation for the 2015 budget discussion.

10/15/2014-2 AMEND CHAPTER 94-2, APPENDIX B, OF THE BOROUGH CODE TO INCREASE CHARGE FOR UTILITY SERVICE RESTORATION

Mr. Codey noted utility restoration cost increases and the need for flexibility for the Utility Collector to charge fees. There was agreement to list an ordinance for introduction.

Ordinance 50-2014 is listed for Introduction.

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10/15/2014-3 NARCAN PROGRAM MADISON POLICE DEPT.
Mr. Codey explained that in order for the Police Department to receive training and to implement an overdose prevention program, there needs to be medical supervision of the program. There was no objection to listing a resolution on the Consent Agenda.

Resolution R 279-2014 is listed on the Consent Agenda.

10/15/2014-4 2014 BEST PRACTICES CHECKLIST
Robert F. Kalafut, CFO addressed the Mayor and Council regarding the submission of the 2014 Best Practices Check list, noting that the Borough has only four questions, out of fifty, that cannot be answer in the affirmative. If approved, the check list will be submitted October 16th.

Resolution R 280-2014 is listed on the Consent Agenda.

ADVERTISED HEARINGS

The Clerk made the following statement:

The ordinances scheduled for hearing tonight was submitted in writing at a Regular meeting of the Mayor and Council held on September 22, 2014, was introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

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

ORDINANCE 49-2014

AN ORDINANCE OF THE BOROUGH OF MADISON, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 145 ENTITLED “PROPERTY MAINTENANCE, ARTICLE II, VACANT RESIDENTIAL AND NON-RESIDENTIAL PREMISES”

WHEREAS, the Borough of Madison (“Borough”) has reviewed recent amendments to Title 2A, 40 and 46 of the New Jersey Statutes regarding vacant and abandoned property and the responsibilities of foreclosing creditors; and

WHEREAS, as a result of such legislation, certain amendments to the Code of Borough of Madison are required:

NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Borough Council of the Borough of Madison that the following provisions of the Code of The Borough of Madison are amended as follows:

SECTION ONE: Chapter 145 Article II § 145-8 is amended by the addition of the following new sections:

§ 145-8G Creditor responsibility:

Pursuant to the provisions of the Public Laws of 2014, Chapter 35, a creditor filing a summons and complaint to foreclose a lien on a residential property that is vacant and abandoned, whether the filing of the summons and complaint is made before or after the determination that the property is vacant and abandoned, shall be responsible for the care, maintenance, security and upkeep of the exterior of the

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residential property. This obligation applies whether the determination that the property is vacant and abandoned is made by the public officer pursuant to the provisions of Chapter 145 Article V 8, 145-15 of the Code of the Borough of Madison, pursuant to the provisions of N.J.S.A. 2A:50-73 or otherwise.

§ 145-8H Notice to creditor; time to correct violations:

If the public officer, or other authorized municipal official, determines that a creditor obligated to care, maintain, secure and keep up a vacant and abandoned property has failed to do so in violation of the provisions of Chapter 148 of this Code, the public officer or other authorized municipal official shall issue a notice of violation to the creditor that has filed a summons and complaint to foreclose on the property in question. The notice shall require the person or entity to correct the violation within thirty (30) days of receipt of the notice, or within ten (10) days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of this notice shall constitute evidence that a property is “vacant and abandoned” for purposes of N.J.S.A. 2A:50-73.

§ 145-8I Designated representative of out-of-State creditor; violation.

An out-of-State creditor shall include the full name and contact information of the in-State representative or agent in the notice required to be provided to the municipal clerk pursuant to paragraph one of N.J.S.A. 46:10B-51. An out-of-state creditor found by a court of competent jurisdiction to have violated this provision shall be subject to a fine of \$2,500.00 for each day of the violation commencing on the day after the ten (10) day period set forth in paragraph one of N.J.S.A. 40:10b-51 with respect to notifying the municipal clerk that an action to foreclose the property has been filed.

SECTION TWO: Chapter 145, Article V § 145-15, is amended by adding the following new sections:

§ 145-15I. Additional notice required.

Notice of violations of property maintenance, building or other property codes for any property declared vacant and abandoned pursuant to this Chapter shall be given a foreclosing creditor pursuant to the procedures of this Code as required by P.L. 2014, c. 35.

§ 145-18E. Violations and penalties.

Except as set forth in Chapter 1, Article 1 § 1-15 and herein, any person, firm, corporation or entity violation any provision of this Chapter shall, upon conviction, be punishable as provided in Chapter 1, General Provisions, Article I, of this Code. A creditor required to care, maintain, secure and keep up a property under this Chapter cited in a notice issued pursuant to § 145-8H shall be subject to a fine of \$1,500.00 for each day of the violation.

AND BE IT FURTHER ORDAINED that any prior Ordinances which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistencies;

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AND BE IT FURTHER ORDAINED that should any section, part of any section, or clause or phrase of this ordinance for any reason be held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance;

AND BE IT FURTHER ORDAINED that this Ordinance shall become effective upon final passage and publication as required by law.

Mayor Conley opened up the public hearing on Ordinance 49-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 49-2014, which was read by title, be finally adopted. Mr. Rowe seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Conley declared Ordinance 49-2014 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.

Christine Sherman; Central Avenue, thanked the Council and Administrators for actions taken to improve safety measures on Central Avenue. Mrs. Sherman noted the proposed assignment of a school crossing guard at Central and Fairview Avenues.

Vishwa Adluri; Maple Avenue, raised concern regarding a drainage pipe in his front yard and asked that the Borough Engineer offer some assistance.

Ray Samori; Stafford Drive, raised concern regarding a recent dog bite incident involving his wife and asked that the Borough take action before another resident is bitten. Mr. Giacobbe stated that the matter will be heard in Municipal Court October 29th.

Maria Slabaugh, Stafford Drive, stated that she feels the Borough's actions regarding a recent dog biting incident are not good enough and asked for further action by the Mayor and Council.

John Fetterly; Green Avenue, noted a State Administrative Code that gives a municipality authority to quarantine an animal involved in a bite incident, in the absence of an Animal Control Officer. Mr. Giacobbe noted that the Borough of Madison has an appointed Animal Control Officer.

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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 October 27, 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 50-2014 AN ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 94 OF THE BOROUGH CODE ENTITLED 'ELECTRIC UTILITY', APPENDIX B, TO INCREASE THE RECONNECTION FEE

WHEREAS, the Borough Administrator has recommended that the rules and regulations of the Electric Utility and the rules and regulations of the Water Utility be amended pursuant to section 94-2, Appendix B, and section 190-3 of the Borough Code to set forth fees for reconnection of service; and

WHEREAS, the Borough Council agrees with these recommendations.

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 rules and regulations of the Electric Utility, section 94-2, Appendix B of the Borough Code, and the rules and regulations of the Water Utility, Section 190-3 of the Borough Code, are each amended to provide for the following reconnection fees:

PAYMENT OF WATER AND ELECTRIC BILLS

If service is discontinued for non-payment of a bill, there will be a charge for restoring service of \$100.00 for residential properties and \$250.00 for commercial properties.

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

Mrs. Vitale moved that Ordinance 50-2014, 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,
Ms. Baillie, Mr. Wolkowitz, Mr. Rowe
Nays: None

ORDINANCE 51-2014 ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$45,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT

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FUND FOR ACCESSIBLE RAMP IMPROVEMENTS AT THE HARTLEY DODGE MEMORIAL

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$45,000.00 from the General Capital Improvement Fund for accessible ramp improvements at the Hartley Dodge Memorial; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$45,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$45,000.00 from the General Capital Improvement Fund for accessible ramp improvements at the Hartley Dodge Memorial.

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 \$45,000.00 is hereby appropriated from the General Capital Improvement Fund for accessible ramp improvements at the Hartley Dodge Memorial..

SECTION 40: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

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

Mr. Catalanello moved that Ordinance 51-2014, which the Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

**ORDINANCE 52-2014 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$200,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR THE WAVERLY GREEN PARKING LOT IMPROVEMENTS PROJECT**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$200,000.00 from the General Capital Improvement Fund for the Waverly Green Parking Lot Improvements project; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$200,000.00 for this purpose; and

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WHEREAS, the Borough Council has determined that the Borough should appropriate \$200,000.00 from the General Capital Improvement Fund for the Waverly Green Parking Lot Improvements project I.

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

SECTION 1: The amount of \$200,000.00 is hereby appropriated from the General Capital Improvement Fund for the Waverly Green Parking Lot Improvements project.

SECTION 40: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

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

Mr. Catalanello moved that Ordinance 52-2014, which the Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

ORDINANCE 53-2014 BOND ORDINANCE TO AUTHORIZE THE FUNDING OF A PORTION OF THE COST OF THE REHABILITATION OF THE MADISON-CHATHAM JOINT MEETING'S MOLITOR WATER POLLUTION CONTROL FACILITY BY AND FOR THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,166,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

WHEREAS, the Borough of Madison, in the County of Morris, State of New Jersey, and the Borough of Chatham, in the County of Morris, State of New Jersey, jointly operate a sanitary sewerage treatment system as members of the Madison-Chatham Joint Meeting (the "Joint Meeting"), with each municipality being financially responsible for a proportionate share of the system's costs - Madison's share being 61.89% and Chatham's being 38.11%; and

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WHEREAS, the Borough Council of the Borough of Madison has determined that it is necessary to authorize and provide for financing the rehabilitation of the Molitor Water Pollution Control Facility located in the Borough of Chatham and owned and operated by the Joint Meeting; and

WHEREAS, the Borough will fund \$2,166,000 of the total estimated project costs of \$3,500,000 (with Chatham funding the \$1,334,000 balance), which costs shall include all work, materials and appurtenances necessary and suitable therefor; and

WHEREAS, the Joint Meeting has heretofore filed a loan application for the financing of allowable costs of the aforesaid project with the New Jersey Environmental Infrastructure Trust Financing Program (the "State Program"); and

WHEREAS, the Borough Council of the Borough of Madison has heretofore adopted a resolution making application to the Local Finance Board in the Division of Local Government Services of the New Jersey Department of Community Affairs for approval of the Borough's request for financing its portion of allowable costs of said project from the State Program pursuant to N.J.S.A. 58:11B-9(a), for an exemption from the down payment requirement for this bond ordinance pursuant to N.J.S.A. 40A:2-7(d) and N.J.S.A. 40A:2-11(c) and for a waiver of the maturity schedule requirement for bonds issued by the Borough pursuant to the State Program pursuant to N.J.S.A. 40A:2-26(e); NOW, THEREFORE,

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

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Section 1. The Borough of Madison, in the County of Morris, State of New Jersey (the "Borough"), is hereby authorized to fund its proportionate share of the costs of the rehabilitation of the Madison-Chatham Joint Meeting's Molitor Water Pollution Control Facility located in the Borough of Chatham consisting of: rehabilitation of final clarifiers No. 3 and No. 4; rehabilitation of primary clarifiers No. 1 and No. 2; replacement of secondary digester cover; improvements to final clarifiers No. 1 and No. 2; and all related improvements and work, materials and appurtenances necessary and suitable therefor, all as shown on and in accordance with the plans and specifications prepared or to be prepared by the Madison-Chatham Joint Meeting Engineer.

Section 2. The sum of \$2,166,000 is hereby appropriated to the payment of the Borough's share of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of the Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of the Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the total estimated cost of said purpose is \$2,166,000, and (4) the estimated maximum amount of bonds or notes necessary to be issued for said purpose

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is \$2,166,000, and (5) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$408,000, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. To finance said purpose, bonds of the Borough of an aggregate principal amount not exceeding \$2,166,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 5. To finance said purpose, bond anticipation notes of the Borough of an aggregate principal amount not exceeding \$2,166,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

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Section 6. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law, and may be renewed from time to time pursuant to and within the limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Chief Financial Officer, who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 7. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 8. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of the Borough, and that such statement so filed shows that the gross debt of the Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$2,166,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

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Section 9. Any funds received from private parties, the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose (except any funds received as loans from the State Program, which shall be applied to the payment of the cost of such purpose or to the payment of any outstanding bond anticipation notes, but shall not reduce the amount of bonds authorized for such purpose), shall be applied to the payment of the cost of such purpose or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 10. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 11. The Borough intends to issue bonds or notes to finance the costs of the improvements described in Section 1 of this ordinance. If the Borough or the Joint Meeting incur such costs prior to the issuance of such bonds or notes, the Borough expects to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this ordinance.

Section 12. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations

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authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 13. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Mr. Wolkowitz moved that Ordinance 53-2014, which the Borough Clerk read by title, be adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

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 R 272-2014 through R 289-2014 listed on the Consent Agenda. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

R 272-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY FRIENDS OF MADISON PUBLIC LIBRARY

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

FRIENDS OF MADISON PUBLIC LIBRARY
I.D. No. 274-5-37411
R.A. No. 1328 – Off Premise 50/50
March 7, 2015

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R 273-2014 RESOLUTION OF THE BOROUGH OF MADISON RENEWING 2014-2015 LIQUOR LICENSE IN THE BOROUGH OF MADISON GRANTED TO WHOLE FOOD MARKETS GROUP, INC

WHEREAS, a Special Ruling has been issued by the State of New Jersey Division of Alcoholic Beverage Control to permit consideration of a renewal application for inactive License No. 1417-44-001-008 in the name of Whole Food Markets Group, Inc. pursuant to N.J.S.A. 33:1-12.39; and

WHEREAS, said license has been inactive since February 24, 2009, and the petition concerns the third license term for which relief is being sought; and

WHEREAS, the Special Ruling allows the Governing Body of the Borough of Madison the discretion to renew the subject license for the 2014-2015-license term; and

WHEREAS, the special ruling indicates that this will be the final extension entertained by the State of New Jersey, Division of Alcoholic Beverage Control.

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 following application for renewal of Liquor License for the 2014-2015 license term is hereby approved:

DISTRIBUTION LICENSES - FEE: \$1,798.00; July 1, 2014 through June 30, 2015

Whole Food Markets Group, Inc.
Inactive License No. 1417-44-001-008
Mailing Address: 550 Bowie Street
Austin, TX 78703

R 274-2014 RESOLUTION OF THE BOROUGH OF MADISON RENEWING 2014-2015 LIQUOR LICENSE IN THE BOROUGH OF MADISON GRANTED TO SAGAR BEVERAGE, LLC

WHEREAS, a Special Ruling has been issued by the State of New Jersey Division of Alcoholic Beverage Control to permit consideration of a renewal application for inactive License No. 1417-44-016-005 in the name of Sagar Beverage, LLC pursuant to N.J.S.A. 33:1-12.39; and

WHEREAS, said license has been inactive since May 14, 2012, and the petition concerns the second license term for which relief is being sought; and

WHEREAS, the Special Ruling allows the Governing Body of the Borough of Madison the discretion to renew the subject license for the 2014-2015-license term.

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 following

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application for renewal of Liquor License for the 2014-2015 license term is hereby approved:

DISTRIBUTION LICENSES - FEE: \$1,798.00; July 1, 2014 through June 30, 2015

Inactive License # 1417-44-016-005
Sagar Beverage, LLC
28 Phillip Drive
Parsippany, NJ 07054

R 275-2014 RESOLUTION OF THE BOROUGH OF MADISON OPPOSING PROPOSED SENATE BILL A-947/S-2216 REQUIRING MUNICIPALITIES TO RELEASE BID LISTS PRIOR TO BID DATE

WHEREAS, A-947/S-2216 would require municipalities, counties and local authorities to release the names, upon request, of all parties who have received bid documents prior to the bid opening once three or more bid packages have been obtained; and

WHEREAS, the release of the bidders' list would have to be made available in a timely manner in accordance with the Open Public Records Act and the municipalities will have the option to post the list on their websites; and

WHEREAS, failure to release this information would prohibit a municipality from accepting the bids and require the re-advertisement for bids; and

WHEREAS, the Appellate Division's decision in O'Neill Electric Co., v. the Board of Chosen Freeholders of the County of Warren, 297 N.J. Super. 473 (App. Div. 1997) stated that "access to a bidders list facilitates collusive or bid-rigging arrangements and that withholding disclosure, makes this more difficult." Id. at 480. The Court went on to say that bid rigging is an "extremely serious problem, which costs the public enormous sums of money. The relatively insignificant interest of the plaintiff and *amici* in obtaining bidders lists cannot overcome the grave danger to the public resulting from a failure to keep the door tightly closed to potential corruption in public bidding." Id.; and

WHEREAS, the governing body of the Borough of Madison agrees with the court in the O'Neill decision and we are concerned that the release of bidders' names prior to the receipt of bids could lead to collusion and bid rigging; and

WHEREAS, the benchmark of "three or more bids" before the release of the bidders' list is an arbitrary benchmark that will lead to costly litigation; and

WHEREAS, the governing body of the Borough of Madison strongly supports an open and competitive bidding process and the release of bidders after a bid opening;

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NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Madison strongly opposes A-947/S-2216;

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Governor Chris Christie, Senate President Steven M. Sweeney, State Senator Richard J. Codey, Assemblyman John McKeon, Assemblywoman Mila Jasey and the New Jersey State League of Municipalities.

R 276-2014 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING RESIGNATION/RETIREMENT OF EQUIPMENT OPERATOR PHILIP CERVONE EFFECTIVE SEPTEMBER 30, 2014

WHEREAS, Philip Cervone, Equipment Operator in the Public Works Department, has tendered a written irrevocable resignation/retirement dated September 30, 2014; and

WHEREAS, Mr. Cervone has executed a Full and Final Separation Agreement of the same date.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that the resignation/retirement of Philip Cervone as Equipment Operator, is hereby acknowledged and accepted, and the Mayor and Borough Clerk are authorized to sign the Full and Final Separation and Release Agreement.

R 277-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SATURDAY TRI-COLLEGE EVENT IN SUPPORT OF DOWNTOWN MADISON

WHEREAS, the Assistant Borough Administrator has recommended approval of the a Tri-College event and authorization of closing Green Village Road in front of the Museum of Early Trades and Crafts; and

WHEREAS, the event will be held on November 8, 2014 from 11:30 a.m. to 7:00 p.m.; and

WHEREAS, Green Village Road would be closed for games and activities from 11:30 a.m. to 7:00 p.m. between Blue Ridge Mountain Sports and Chatham Bookseller, with access maintained to the Waverly Green parking lot.

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 Tri-College Event is approved subject to the safety requirements of the Madison Police Department.

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2. The Madison Police Department is authorized to close Green Village Road between Blue Ridge Mountain Sports and Chatham Bookseller from 11:30 a.m. to 7:00 p.m. on November 8, 2014, in conjunction with the Tri-College event.

R 278-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY PTO KINGS ROAD SCHOOL

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

PTO KINGS ROAD SCHOOL
I.D. No. 274-5-18728
R.A. No. 1329 – Off premise 50/50
R.A. No. 1330 – On premise merchandise
Date of Raffles: April 17, 2015

R 279-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AN AGREEMENT FOR MEDICAL OVERSIGHT WITH ATLANTIC AMBULANCE CORPORATION FOR PARTICIPATION IN THE NALOXONE (NARCAN) PROGRAM

WHEREAS, the Atlantic Medical Corp. and the Borough of Madison have agreed to enter into a Medical Oversight agreement participation in the Naloxone (Narcan) program, all according to N.J.A.C. 8:41A-5.1 et seq.; and

WHEREAS, the Madison Borough Council has reviewed the proposed agreement and is agreeable to contracting for such services.

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 Police Chief is authorized to enter into an agreement for Medical Oversight of the Naloxone (Narcan) program as described herein in such form approved by the Borough Attorney.

R 280-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF BEST PRACTICES WORKSHEET AND CERTIFICATION FORM

WHEREAS, the Borough of Madison is required to complete a Best Practices Inventory and submit a Best Practices Worksheet and Certification Form to the New Jersey Division of Local Government Services no later than October 17, 2014, in order to qualify for 100% of state financial aid for 2015; and

WHEREAS, the Borough Administrator has recommended that the Chief Financial Officer and Borough Clerk be authorized to complete and submit the Best

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Practices Worksheet and Certification Form to the New Jersey Division of Local Government Services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that the Borough Administrator, Chief Financial Officer and Borough Clerk are hereby authorized to complete and submit the Best Practices Worksheet and Certification Form to the New Jersey Division of Local Government Services by October 17, 2014.

R 281-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING USE OF THE HARTLEY DODGE MEMORIAL BY THE MADISON ARTS AND CULTURAL ALLIANCE AND DOWNTOWN DEVELOPMENT COMMISSION ON OCTOBER 17, 2014

WHEREAS, the Madison Arts and Cultural Alliance and Downtown Development Commission have requested permission to hold an Art Banner Gala on Friday, October 17, 2014, from 7:00 p.m. to 10:00 p.m., at the Hartley Dodge Memorial; and

WHEREAS, the Assistant Borough Administrator recommends that Council approve this request.

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 Madison Arts and Cultural Alliance and Downtown Development Commission is hereby given permission to hold an Art Banner Gala at the Hartley Dodge Memorial, on Friday, October 17, 2014, from 7:00 p.m. to 10:00 p.m., conditioned upon a Certificate of Insurance naming the Borough of Madison as an additional insured in an amount satisfactory to the Chief Financial Officer being provided to the Borough Clerk prior to the event.

R 282-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING THE HIRING OF MICHAEL (MICKEY) QUINN AS A PER DIEM BUILDING INSPECTOR IN THE CONSTRUCTION DEPARTMENT

WHEREAS, the Borough Administrator has recommended that Michael (Mickey) Quinn be hired as an additional part-time, per diem building inspector in the Construction Department, to be compensated at a rate of \$40.00 per hour; and

WHEREAS, the Construction Department requires additional part time personnel due to the volume of permits issued by the Boroughs of Madison and Chatham; and

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WHEREAS, per diem building inspectors do not receive any health or pension benefits and are funded under the 2014 Construction Department operating budget; and

WHEREAS, Mr. Quinn is being hired as an employee, not an independent contractor; and

WHEREAS, the Borough Council agrees with said recommendation.

NOW, THEREFORE, BE IT RESOLVED that the hiring of Michael (Mickey) Quinn as a part-time, per diem building inspector in the Construction Department, at a rate of compensation of \$40.00 per hour, not to exceed 29 hours per week, is hereby approved.

R 283-2014 BOND ORDINANCE TO AUTHORIZE THE FUNDING OF A PORTION OF THE COST OF THE REHABILITATION OF THE MADISON-CHATHAM JOINT MEETING'S MOLITOR WATER POLLUTION CONTROL FACILITY BY AND FOR THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,166,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

BE IT RESOLVED that the ordinance heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 24th day of November, 2014, at 8:00 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

R 284-2014 RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, NEW JERSEY, MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-7(d), N.J.S.A. 40A:2-11(c), N.J.S.A. 40A:2-26(e) AND N.J.S.A. 58:11B-9(a)

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WHEREAS, the Borough Council of the Borough of Madison desires to make application to the Local Finance Board for its review and/or approval of (A) a proposed bond ordinance (without a down payment) authorizing the funding of Madison's share of the rehabilitation of the Madison-Chatham Joint Meeting sewer plant, (B) the Borough of Madison's participation in the New Jersey Environmental Infrastructure Trust Financing Program (the "State Program"), and (C) a maturity schedule for a proposed bond issue for loans from the State Program with principal amounts of annual installments that deviate from the requirements of N.J.S.A. 40A:2-26(b); and

WHEREAS, the Borough Council of the Borough of Madison believes:

(a) the limitations as to principal amounts of annual installments set forth in N.J.S.A. 40A:2-26(b) will adversely affect the financial position of the local unit;

(b) it is in the public interest to accomplish such purpose;

(c) said purpose or improvements are for the health, welfare and convenience or betterment of the inhabitants of the local unit or units;

(d) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and

(e) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

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

Section 1. The application to the Local Finance Board is hereby approved, and Rogut McCarthy LLC, Bond Counsel, and Nisivoccia & Company LLP, Borough Auditors,

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along with other representatives of the Borough of Madison, are hereby authorized to prepare such application and to represent the Borough of Madison in matters pertaining thereto.

Section 2. The Borough Clerk of the Borough of Madison is hereby directed to prepare and file a copy of this resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statutes.

R 285-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RIDGEDALE AVENUE RECONSTRUCTION PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Madison, in the County of Morris and State of New Jersey, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-Ridgedale Avenue Reconstruction-00620 to the New Jersey Department of Transportation on behalf of the Borough of Madison.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Madison and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

R 286-2014 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING JOEL PHILLIPS TO THE POSITION OF CHIEF LINEMAN

WHEREAS, the Electric Utility Superintendent has recommended promoting Joel Phillips to the position of Chief Lineman in the Electric Utility Department; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Joel Phillips is hereby appointed to the position of Chief Lineman in the Electric Utility Department, effective immediately, to be compensated in accordance with the current Collective

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Bargaining Agreement for Electric Utility Department Employees at an annual salary of \$99,807.00.

R 287-2014 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING SEBASTIANO BASSOLINO TO THE POSITION OF APPRENTICE LINEMAN

WHEREAS, the Electric Utility Superintendent has recommends that Sebastiano Bassolino, who presently works in the Department of Public Works as a Truck Driver, be appointed to the position of Apprentice Lineman in the Electric Utility Department; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Sebastiano Bassolino is hereby appointed to the position of Apprentice Lineman in the Electric Utility Department, effective on a date mutually established by the Superintendent of Public Works and the Superintendent of the Electric Utility, but no later than January 1, 2015, to be compensated in accordance with the current Collective Bargaining Agreement for Electric Utility Department Employees at an annual salary of \$53,966.00.

R 288-2014 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING VITO LUPPINO TO THE POSITION OF ACTING FOREMAN IN THE MADISON SEWER DEPARTMENT

WHEREAS, the Superintendent of Public Works has recommended that Vito Luppino be promoted to the position of Acting Foreman in the Madison Sewer Department pending the results of a reorganization study of the entire Madison Department of Public Works; and

WHEREAS, the Madison Borough Council, after due consideration, has determined to temporarily promote Vito Luppino to the position of Acting Foreman, pending the results of the study.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Vito Luppino is hereby promoted to the position of Acting Foreman in the Madison Sewer Department effective immediately.

BE IT FURTHER RESOLVED that Mr. Luppino is entitled to receive a five (5%) percent differential in compensation retroactive September 22, 2014.

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R 289-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY GRACE EPISCOPAL CHURCH

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

GRACE EPISCOPAL CHURCH
I.D. No. 274-1-35285
R.A. No. 1331 – On Premise
October 25, 2014

Mr. Landrigan moved adoption of the Resolution R 290-2014 listed on the Consent Agenda. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: Mr. Rowe

Abstain: Mr. Catalanello

R 290-2014 RESOLUTION OF THE BOROUGH OF MADISON OPPOSING PROPOSED PILGRIM PIPELINE

WHEREAS, Pilgrim Pipeline Company (“Pilgrim”) is proposing to build a new bi-directional pipeline through the Borough of Madison that would transport crude oil and refined petroleum products between Albany, New York and Linden, New Jersey; and

WHEREAS, the pipeline will carry oil extracted from North Dakota’s Bakken shale through the process of hydraulic fracturing or fracking, an extreme method of oil and gas extraction that depletes and despoils clean water resources, creates toxic air emissions and radioactive waste, and contributes to the climate change crisis by releasing large quantities of methane gas into the atmosphere; and

WHEREAS, the Pilgrim pipeline raises significant safety concerns for the Borough of Madison, as well as potential harm to municipal and county infrastructure, and likely negative impact upon future development in the community; and

WHEREAS, the Borough Council of the Borough of Madison is concerned that heavy construction equipment will also be in close proximity to homes and foundations due to the constraints of available workspace. Temporary workplace usage will also severely impact the existing soil reducing water absorption and may increase future flooding possibilities; and

WHEREAS, the Borough Council of the Borough of Madison is concerned about the hazard the project may create due to the nature and volume of the highly flammable oil flowing through the pipeline, and its proposed route, which crosses

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through residential neighborhoods. These communities will be in the “impact radius” should an explosion and or spill occur; and

WHEREAS, according to Public Employees for Environmental Responsibility, the Pipeline and Hazardous Materials Administration (PHMSA) only has 135 inspectors to oversee 2.6 million miles of pipeline, and only a fifth of that pipeline system has been inspected by PHMSA or its state partners since 2006; and

WHEREAS, the potential for a pipeline explosion could harm hundreds of people, we express grave concerns about this project negatively affecting the health, safety, and welfare of our citizens; and

WHEREAS, the Borough Council’s responsibility is to provide a safe environment for its residents and this pipeline raises serious safety concerns as described above; and

WHEREAS, the proposed project may result in a loss of tax revenue for the Borough of Madison based on right-of-way agreements with Pilgrim Pipeline and a decline in the property values of homes along and adjacent to the new pipeline and surrounding neighborhoods as a direct result of the project; and

WHEREAS, the New Jersey Legislature recognized the significance of the New Jersey Highlands region and afforded special protection to the region and its resources in 2004 with the passage of the New Jersey Highlands Water Protection and Planning Act. The Act created the Highlands Water Protection and Planning Council and the Highlands Regional Master Plan to ensure planning would be used in the Highlands to combat sprawl and the depletion of water quality and quantity as the region provides drinking water to 5.4 million state residents; and

WHEREAS, the federal government acknowledged the exceptional value of the Highlands resources and the urgent need for their preservation in 2004 when Congress passed the Highlands Conservation Act which “recognizes the importance of the water, forest, agricultural, wildlife, recreational and cultural resources of the Highlands region, and national significance of the Highlands region to the United States; and

WHEREAS, many Borough residents depend on ground water and public community water systems for water supply and septic systems for waste disposal and this project will impact ground water quality and quantity and the septic fields of residents along and adjacent to the right of way; and

WHEREAS, the wise stewardship of our natural resources involves protection of the Borough of Madison’s water supplies and water and other natural resources for generations to come; and

WHEREAS, protection of the Borough of Madison’s water supplies and resources is better accomplished by prevention of contamination and environmental

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degradation, rather than attempting to clean up contamination and restoring degraded environments after the fact.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Madison, in the County of Morris, that the Borough Council opposed the proposed Pilgrim Pipeline, and calls for a moratorium on any and all planning, proposal, surveying or construction of the Pilgrim pipeline through the Borough of Madison and because this project will traverse and negatively impact numerous significant natural areas and the resources of the municipality and the Highlands region, the Council requests a full environmental review, including a Highlands Act review, be conducted by the DEP to assess the myriad environmental consequences of the project.;

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Governor Chris Christie, Senate President Steven M. Sweeney, State Senator Richard J. Codey, Assemblyman John McKeon, Assemblywoman Mila Jasey, all Morris County Municipalities and the Morris County Board of Chosen Freeholders.

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	\$187,133.37
Health & Public Assistance	9,962.81
Public Works & Engineering	318,185.95
Community Affairs	10,178.45
Finance & Borough Clerk	3,489,820.31
Utilities	<u>721,671.62</u>
Total	<u>\$4,736,952.51</u>

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

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

Nays: None

NEW BUSINESS

Mayor Conley announced the following appointments and requests Council confirmation:

Utilities Advisory Committee

Regular member:

Joseph Moniz, 213 Main Street, one-year term through December 31, 2014

Senior Citizen Advisory Committee

John F. Hoover, 17 Overhill Drive– DDC Rep., unexpired term through December 31, 2014.

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Downtown Development Commission

John F. Hoover, 17 Overhill Drive– Senior Citizen Advisory Rep., unexpired term through December 31, 2014.

Mrs. Vitale moved confirmation of the foregoing appointments. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

ADJOURN

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

Respectfully submitted,

Elizabeth Osborne

Borough Clerk

Approved November 10, 2014 (EO)