

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

**January 28, 2015 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 28th day of January, 2015. 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 8, 2015. 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  
John Napolitano, Esq. for 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)

January 12, 2015

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

CONTRACT MATTERS (3)

JOINT MEETING CONTRACT UPDATE  
INFORMATION TECHNOLOGY SERVICES  
ELECTRIC POWER PURCHASE

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

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PERSONNEL MATTERS (1)  
PROBATIONARY POLICE OFFICERS

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**

Ms. Baillie moved approval of the **Executive Minutes of January 12, 2015**. 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

Ms. Baillie moved approval of the **Regular Meeting Minutes of January 12, 2015**. 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

**GREETINGS TO PUBLIC**

Mayor Conley presented a Proclamation recognizing the Christmas Committee to the Toto Family, Rose Ferdinand, Margaret Dougherty Weisgerber, Bill Odell and Carmela DelGuidice.

*Proclamation  
of the  
Borough of Madison  
In Recognition of the Christmas Committee*

**WHEREAS**, the Christmas Committee has been spreading joy and the holiday spirit to Madison families for over 55 years; and

**WHEREAS**, Rose Ferdinand has volunteered her time and talents as treasurer of the Christmas Committee for over 50 years; and

**WHEREAS**, Francis Xavier Dougherty and Margaret Dougherty Weisgerber helped launch the first parade in 1978; and

**WHEREAS**, the parade route initially ran from Central Avenue School to Waverly Place with Santa landing on the rooftop of the American National Bank Building (now Chase Bank); and

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**WHEREAS**, over the years, many dedicated volunteers have contributed their time and efforts to the Committee, including Carmela Vitale, who was instrumental in helping to establish and expand the parade in the 1980's; and

**WHEREAS**, with a twinkle in his eye, Bill Odell was Madison's own special Santa for 35 years from 1978 to 2013, bringing the magic of Christmas to thousands of children; and

**WHEREAS**, with a smile on her face and a holly, jolly attitude, Carmela DelGiudice was Mrs. Claus for over 25 years, having replaced Mayor Betty Baumgartner; and

**WHEREAS**, since 1979, Carmine Toto has been volunteering his talents to the Christmas Committee and in 1980, the Toto Family helped establish Santa's house; and

**WHEREAS**, over the last 35 years, the Toto Family has expanded the Christmas village to include a crèche scene, animatronics elf workshop, reindeer, sleigh and other festive regalia;

**NOW, THEREFORE**, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby commend and laud the volunteers of the Christmas Committee for their efforts, thank them for the joy they continue to bring to our community and recognize their dedication in helping to make Madison such a special town.

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Robert H. Conley, Mayor  
January 26, 2015

***REPORTS OF COMMITTEES***

**Community Affairs**

Ms. Baillie, Chair of the Committee, made the following comments:  
The Senior Center continues Mah Jongg groups each Tuesday at 1:15 p.m. with no registration required. The Chamber of Commerce, the Downtown Development Commission and the Rotary Club have planned the 2015 Taste of Madison fund raising event, scheduled for Monday, March 30<sup>th</sup>. Tickets will be available in February. Ms. Baillie thanked the members of the Strategic Planning Committees for their efforts.

**Public Safety**

Mr. Catalanello, Chair of the Committee, made the following comments:  
The Madison Fire Department asks resident to help with snow removal around fire hydrants, asking that a 3 ft area be cleared for better access by the Fire Department during an emergency.

**Utilities**

Mrs. Vitale, Chair of the Committee, made the following comments:  
The Water Departments continues to work on mark outs for utilities for homeowners, and contractors, and emergency mark outs. Meter replacements and installations are ongoing and shutoff of service for customers with frozen pipes continues.

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Monthly water sample analysis is ongoing and repairs were made to a 6" main break at 15 Lawrence Road. The skating rink was resurfaced with additional water and the Water Department assisted the Road Department with snow plowing. The Electric Department has completed installation of a new pad transformer at the North Street pump station.

### **Finance and Borough Clerk**

Mr. Landrigan of the Committee made the following comments:

Mr. Landrigan provided information regarding the upcoming municipal budget schedule noting introduction of the budget scheduled for the March 9<sup>th</sup> Council meeting. Mr. Landrigan noted developer KRE Madison NJ Urban Renewal, LLC is scheduled to provide preliminary site plans before the Planning Board on March 18<sup>th</sup>, and petitions for municipal offices for the June Primary are due in the Borough Clerk's office before 4:00 p.m. on March 30<sup>th</sup>.

### **Health**

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

The Board of Health held their reorganization meeting this past Tuesday, appointing Donald Bowen as the Board President for 2015. Pet Licensing continues with the application deadline January 31<sup>st</sup>. Mr. Wolkowitz encouraged residents to take a look at a new web portal for additional public health information, which can be accessed from the Borough's website.

### **Public Works and Engineering**

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

In January, Mr. Rowe was able to meet with the Historic Preservation Committee, the Environmental Commission, and with the chair of the Shade Tree Management Board to get a better understanding of each group's mission and current plans for 2015. Mr. Rowe noted that the Public Works team did a great job clearing snow and spreading salt on the streets during the almost-blizzard that hit New Jersey this week. As a reminder Mr. Rowe noted that the next Yard Waste collection day is Saturday, February 7th from 9:00 a.m. to 3:00 p.m.

### **COMMUNICATIONS AND PETITIONS**

The Borough Clerk announced receipt of the following communications:

Email dated January 28, 2015, from John T. Hoover of Central Avenue regarding residential parking permits.

### **INVITATION FOR DISCUSSION (1 of 2)**

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

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

### **AGENDA DISCUSSIONS**

**01/26/2015-1** HILLCREST AVE AND GREEN VILLAGE ROAD LANDSCAPING  
DONATION

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Mayor Conley noted that resident John Pignataro has offered his service with landscaping and maintaining the triangle at the intersection of Hillcrest Avenue and Green Village Road. Mayor Conley thanked Mr. Pignataro for his generosity.

Resolution R 58-2015 is listed on the Consent Agenda.

**01/26/2015-2 STRATEGIC PLANNING COMMITTEE REPORT – CAPITAL BUDGETING**

Bruce Galton, Chair of the Strategic Planning Committee regarding capital budgeting presented the committee's findings, including a brief overview of the work from the past year noting that the Borough has identified and valued approximately \$375 million of assets comprised of land, buildings, roads, electric and water utilities, sewer and storm water systems, vehicles, major equipment and miscellaneous items. In order to prepare an overall inventory list, each department head was asked to review asset lists, values and replacement schedules. The Committee has several recommendations for the governing body regarding the Capital Budgeting Process. The Committee recommends that the Capital Budgeting Process include ongoing consistent investment programs for most asset categories, and that a system of prioritization be established. The Committee recommends that these assets be reviewed during each budget cycle, and that the forecasted replacement timeframe and cost estimates be updated. Potential next steps for the committee would be to analyze each category and develop a 20 year rolling program. Mr. Wolkowitz noted that the committee's finding will be posted on Rosenet and thanked the committee members for their efforts.

**01/26/2015-3 2015 CAPITAL BUDGET INTRODUCTION**

Mr. Burnet and Borough Engineer Robert Vogel provided an overview of the proposed capital budget including specific projects to be advanced this year. Mr. Burnet noted that Department Heads will address the Council at the February 9<sup>th</sup> Council meeting. Following discussion, Mr. Vogel was asked to add the unit price for sidewalks to the proposed roadway reconstruction program.

**01/26/2015-4 OPPOSING MC BOARD OF FREEHOLDERS PROPOSED BAN ON GRANT FUNDS FOR HISTORIC CHURCHES**

Mayor Conley noted a proposed Morris County Freeholder resolution to eliminating Historic Preservation Grant funding for historic churches and suggested Council approve a resolution opposing such a ban.

Resolution R 57-2015 is listed on the Consent Agenda.

**01/26/2015-5 2015 ELECTRIC UTILITY REBATE**

Mr. Wolkowitz recommended establishing an annual electric utility rebate credit program similar to last year's program, noting 354 applications approved in 2014. There was no objection to listing an ordinance for introduction.

Ordinance 6-2015 is listed for introduction.

**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 January 12, 2015, were introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

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

**ORDINANCE 1-2015**

**ORDINANCE 1-2015 ORDINANCE OF THE BOROUGH OF MADISON AMENDING AND SUPPLEMENTING CERTAIN AFFORDABLE HOUSING PROVISIONS OF CHAPTER 195 OF THE MADISON BOROUGH CODE ENTITLED “LAND DEVELOPMENT ORDINANCE”**

**STATEMENT OF PURPOSE:** The purpose of this ordinance is to require a 10% minimum inclusionary development, in all zoning districts, for all residential projects with ten or more units, and a payment in lieu for any partial units. Due to the lack of available land within the Borough for stand-alone affordable housing projects, the Borough believes its commitment to affordable housing is best advanced by requiring inclusionary affordable housing development as set forth in this Ordinance, and by requiring all affordable housing units to remain affordable for a period of not less than 30 years.

**WHEREAS**, the Madison Borough Planning Board has reviewed the Land Development Ordinance of the Borough of Madison and recommends that the Borough Council consider amending and supplementing that Ordinance to require a 10% minimum inclusionary development for all residential projects with ten or more units, and a payment in lieu for any partial units consistent with the regulations of the New Jersey Council on Affordable Housing (“COAH”) as now in effect or hereafter amended (the “COAH Regulations”); and

**WHEREAS**, the Planning Board recommends to the Borough Council the adoption of these amendments and supplements to the Land Development Ordinance and finds that they are substantially consistent with the Master Plan or designed to effectuate such plan elements, and/or if they are wholly or partially inconsistent, that an affirmative vote of the majority of the full authorized membership of the governing body has been received in recognition of the substantial public benefits as cited in the Statement of Purpose section of this Ordinance.

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

**SECTION 1:** Section 195-48 of Chapter 195 of the Madison Borough Code entitled “Affordable Housing Growth Share Requirements” shall be amended and supplemented to read as follows:

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**§195-48. Affordable Housing Inclusionary Development Requirements**

A. Purpose. The purpose of this **§ 195-48** is to require all new developments to include a minimum 10% inclusionary set aside for affordable housing.

B. Applicability. The provisions of this **§ 195-48** shall apply to all new development activity in the Borough of Madison regardless of whether the development requires approval by the Planning Board or Board of Adjustment, except as expressly exempted herein.

C. Exemptions. The provisions of this **§ 195-48** shall not apply to the following development activities:

(1) thru (6) No change.

(7) (New section added) Any redevelopment project which, prior to the date of this Ordinance:

(a) is being proposed by a redeveloper that has been designated by the Borough of Madison for such project; and

(b) the Redevelopment Agreement between the Borough of Madison and the designated redeveloper provides for a monetary contribution for affordable housing.

D. Residential development. All new residential developments in all zones, except as exempted above, shall be subject to the following affordable housing requirements:

(1) In the case of residential development in any zoning district involving the creation and/or development and/or addition of ten or more market rate dwelling units and/or single-family building lots, at least ten percent (10%) of all dwelling units and/or single family building lots must be an affordable housing unit. Any fractional affordable housing requirement may be addressed by a payment in lieu pursuant to **§ 195-48D(2)**. The required affordable housing unit(s) shall be constructed on-site, unless the Borough approves a proposal involving the provision of affordable housing elsewhere within the Borough of Madison. Construction of the affordable housing unit(s) shall be subject to the standards and requirements in **§ 195-48F**. Affordable housing units constructed as part of an inclusionary development under this section shall be subject to the affordable housing policies, procedures and administration provisions of **§ 195-47**.

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(2) In the case of residential development involving the creation of fewer than ten dwelling units and/or single-family building lots, the developer shall be required to make a payment in lieu of providing affordable housing, which shall be placed in the payment-in-lieu fund governed by **§ 195-48I**. The amount of the required payment shall be consistent with COAH Regulations and shall be negotiated with the Borough based on consideration of the anticipated cost of providing affordable housing units. The minimum payment amount shall be calculated based on \$182,750 multiplied by the fractional affordable housing requirement as calculated to two decimal points.

~~(3) The Planning Board may on application waive the requirement in **§ 195-48D(1)** for affordable housing to be provided on-site and authorize a payment in lieu pursuant to **§ 195-48D(2)**. (This subsection (3) to be deleted).~~

(E) thru (I) No Change.

**SECTION 2:** **§ 195-47** of Chapter 195 of the Madison Borough Code entitled “Affordable housing policies, procedures and administration” shall be amended and supplemented to increase the length of affordability controls, as follows:

In subsections D, 0(1), P(2)(a)[1], and P(5)(a)[1], the words “20 years” shall be replaced by the words “30 years”.

**SECTION 3:** This ordinance supersedes any inconsistent provisions of the Land Development Ordinance of the Borough of Madison, whether or not stated expressly herein. All other provisions of the Land Development Ordinance not inconsistent herewith shall remain in effect.

**SECTION 4:** This Ordinance shall take effect as provided by law.

Mayor Conley opened up the public hearing on Ordinance 1-2014. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 1-2014, which was read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mayor Conley declared Ordinance 1-2014 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 2-2015  
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$950,000.00  
FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR ROAD  
IMPROVEMENTS ON RIDGEDALE AVENUE**

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$950,000.00 from the General Capital Improvement Fund for road improvements to Ridgedale Avenue, including new pavement, traffic calming and pedestrian sidewalk ramp improvements; 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 \$950,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$950,000.00 from the General Capital Improvement Fund for road improvements to Ridgedale Avenue.

**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 \$950,000.00 is hereby appropriated from the General Capital Improvement Fund for road improvements to Ridgedale Avenue.

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

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

Mayor Conley opened up the public hearing on Ordinance 2-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Rowe moved that Ordinance 2-2014, 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,  
Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

Mayor Conley declared Ordinance 2-2014 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

**ORDINANCE 3-2015  
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$200,000.00  
FROM THE GENERAL CAPITAL IMPROVEMENT FUND TO SUPPLEMENT  
ORDINANCE 23-2014 WHICH APPROPRIATED \$450,000.00 FOR**

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**REPLACEMENT OF THE HVAC SYSTEM AND MISCELLANEOUS REPAIRS  
AND IMPROVEMENTS AT THE MADISON PUBLIC LIBRARY**

**WHEREAS**, Ordinance 23-2014 of the Borough of Madison appropriated \$450,000.00 from the General Capital Improvement Fund for the replacement of the HVAC System and miscellaneous repairs and improvements at the Madison Public Library; and

**WHEREAS**, the Borough Engineer has advised that the additional funds will be necessary to include ceiling and lighting replacements; and

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate an additional \$200,000.00 from the General Capital Improvement Fund for the replacement of the HVAC System and miscellaneous repairs; 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

**WHEREAS**, the Borough Council has determined that the Borough should appropriate an additional \$200,000.00 from the General Improvement Capital Fund for the replacement of the HVAC System and miscellaneous repairs.

**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 replacement of the HVAC System and miscellaneous repairs.

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

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

Mayor Conley opened up the public hearing on Ordinance 3-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Rowe moved that Ordinance 3-2014, 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,  
Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

Mayor Conley declared Ordinance 3-2014 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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**INVITATION FOR DISCUSSION (2 of 2)**

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

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

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

**INTRODUCTION OF ORDINANCES**

The Clerk made the following statement:

Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of February 23, 2015 in the 2<sup>nd</sup> 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 4-2015 ORDINANCE OF THE BOROUGH OF MADISON  
AMENDING CHAPTER 75 OF THE BOROUGH CODE ENTITLED  
'BUILDING CONSTRUCTION' TO INCREASE FIRE SUBCODE FEES

**WHEREAS**, the Borough Construction Code Official has recommended that the Building Construction Fee Schedule be adjusted since the Construction Code Fee Schedule regarding Fire Subcode Fees was last revised in 1997; and

**WHEREAS**, the proposed changes to the Fee Schedule will be consistent with current State of New Jersey regulations; and

**WHEREAS**, the Borough Council has determined to adjust the Construction Fee Schedule of the Borough Code.

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

**SECTION 1:** Chapter 75 of the Borough Code, entitled "Building Construction" is amended to reflect the following:

Section 74-14. Fees

(15) The Fire protection subcode permit fees are as follows:

(a) Sprinkler heads shall be \$91 for one to 20 heads; \$168 for 21 to 100 heads; \$321 for 101 to 200 heads; \$831 for 201 to 400 heads; \$1,150 for 401 to 1,000 heads; and \$1,469 for more than 1,000 heads.

(b) Alarm devices shall be \$50 for one to 12. For each additional 25 devices, the fee shall be \$17.

(c) Each standpipe shall be \$321.

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- (d) An independent preengineered system shall be \$129.
- (e) A smoke control system shall be \$92.
- (f) An underground storage tank shall be \$46.
- (g) Gas or oil-fired appliances not connected to the plumbing system shall be \$65.
- (h) A kitchen exhaust system shall be \$46.
- (i) A fire pump shall be \$150.

**SECTION 2:** This Ordinance shall take effect March 1, 2015.

Mr. Rowe moved that Ordinance 4-2015, which the Borough Clerk read by title, be 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,  
Ms. Baillie, Mr. Wolkowitz, Mr. Rowe  
Nays: None

**ORDINANCE 5-2015 AN ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 94, OF THE BOROUGH CODE ENTITLED 'ELECTRIC UTILITY', APPENDIX B, TO EXPAND THE RECONNECTION FEE**

**WHEREAS,** the Utility Collector 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, Service Codes SC1 and SC4, \$250.00 for commercial properties, Service Codes SC2 and SC3, and \$500 for large commercial properties, Service Code SC5.

.....

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

Mrs. Vitale moved that Ordinance 5-2015, 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:

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

ORDINANCE 6-2015 ORDINANCE OF THE BOROUGH OF MADISON  
AMENDING CHAPTER 94 OF THE BOROUGH CODE ENTITLED  
“ELECTRIC UTILITY” TO AMEND THE RULES AND REGULATIONS OF  
THE ELECTRIC UTILITY DEPARTMENT AND SET FORTH  
REQUIREMENTS TO ESTABLISH REBATE CREDIT PROGRAM

**WHEREAS**, the Borough Administrator has recommended amending the Electric Utility Rules and Regulations in order to include a new section establishing an annual electric utility rebate credit program; and

**WHEREAS**, the Madison Borough Attorney, has recommended that the amended Rules and Regulations be adopted by ordinance and incorporated into Chapter 94, as Section 94-1 (D).

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

**SECTION 1:** Section 94-1 of the Borough Code entitled “Schedule of rates” shall have the following paragraph added:

D. A \$100.00 per applicant targeted annual electric utility rebate credit program is hereby established for income-eligible Madison residents, subject to annual appropriations therefore in the municipal budget. The program guidelines, eligibility criteria and application process, attached hereto, to be set forth in Appendix A.

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

Mrs. Vitale moved that Ordinance 6-2015, 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

**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.

Ms. Baillie 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:

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

Nays: None

R 48-2015 RESOLUTION OF THE BOROUGH OF MADISON  
AUTHORIZING MEMBERSHIP IN THE NATIONAL COOPERATIVE PURCHASING  
NETWORK (TCPN)

**WHEREAS**, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, the National Cooperative Purchasing Network , hereinafter referred to as the “TCPN” has offered voluntary participation in a Cooperative Pricing System for purchase of goods and services; and

**WHEREAS**, on January 26, 2015, the governing body of the Borough of Madison, County of Morris, State of New Jersey duly considered participation in the National Cooperative Purchasing Network for the provision and performance of goods and services.

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

1. This Resolution shall be known and may be cited as the National Cooperative Purchasing Resolution of the Borough of Madison.
2. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Purchasing Agreement with TCPN.
3. The TCPN shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.
4. The Resolution shall take effect immediately upon passage.

R 49-2015 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AND  
RATIFYING THE AWARD OF NON-FAIR AND OPEN CONTRACTS FOR THE  
POSITION OF PROSECUTOR FOR 2015

**WHEREAS**, the Joint Municipal Court of the Borough of Madison, Borough of Chatham, Township of Harding, the Township of Chatham and the Township of Morris has a need to obtain the Professional Services of Maryann O'Donnell McCoy, Esq., Matheau D. Nunn, Esq., and Mathew Dorsi, Esq., Prosecutors, as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Borough Administrator of the Borough of Madison has determined that the value of the professional services may exceed \$17,500; and

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**WHEREAS**, the anticipated term of the contract is one year and may be extended or reduced as recommended by the Joint Court Committee and approved by this governing body; and

**WHEREAS**, said Professional Services providers have completed and submitted a Business Entity Disclosure Certification which certifies that said provider has not made any reportable contributions to a political or candidate committee in the Borough of Madison or any other towns participating in the Joint Municipal Court, County of Morris, State of New Jersey in the previous year, and that the contract will prohibit said Professional Services provider from making any reportable contributions through the term of the contract, and

**WHEREAS**, in accordance with N.J.A.C. 5:30-5.4, the Chief Financial Officer has certified as to the availability of funds in the 2015 Joint Municipal Court budget as adopted by the Joint Municipal Court Committee but contingent upon governing body approval of the 2015 municipal budget.

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

1. The Mayor is hereby authorized to execute contracts for the professional services of Maryann O'Donnell McCoy, Esq., Matheau D. Nunn, Esq., and Mathew Dorsi, Esq., as Prosecutors, the cost of such professional service agreement not to exceed the amount certified by the Chief Financial Officer and reflected in their contract. The Towns to be represented by each Prosecutor are specified in their individual contracts.
2. The Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.
3. The resolution and contract are on file and available for public inspection in the office of the Municipal Clerk during regular business hours Monday through Friday.

**BE IT FURTHER RESOLVED** that the Business Entity Disclosure Certifications and the Determinations of Value be placed on file with this resolution.

R 50-2015 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AND RATIFYING THE AWARD OF NON-FAIR AND OPEN CONTRACT FOR THE POSITION OF PUBLIC DEFENDER FOR 2015

**WHEREAS**, the Joint Municipal Court of the Borough of Madison, Borough of

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Chatham, Township of Harding, the Township of Chatham and the Township of Morris has a need to obtain the Professional Services of Robert A. Warmington, Esq., Public Defender for the Borough of Chatham, the Borough of Madison, Township of Chatham and Township of Harding and Timothy J. Brunnock, Esq., Public Defender for the Township of Morris, as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Borough Administrator of the Borough of Madison has determined that the value of the professional services may exceed \$17,500; and

**WHEREAS**, the anticipated term of the contract is one year and may be extended or reduced as recommended by the Joint Court Committee and approved by this governing body; and

**WHEREAS**, said Professional Services providers have completed and submitted a Business Entity Disclosure Certification which certifies that said provider has not made any reportable contributions to a political or candidate committee in the Borough of Madison, or any of the participating towns in the Joint Municipal Court, County of Morris, State of New Jersey in the previous year, and that the contract will prohibit said Professional Services provider from making any reportable contributions through the term of the contract, and

**WHEREAS**, in accordance with N.J.A.C. 5:30-5.4, the Chief Financial Officer has certified as to the availability of funds in the 2015 Joint Municipal Court budget as adopted by the Joint Municipal Court Committee but contingent upon governing body approval of the 2015 municipal budget.

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

1. The Mayor is hereby authorized to execute a contract ratifying the action of the Joint Court Committee for the professional services of Robert A. Warmington, Esq., and Timothy J. Brunnock, Esq. as Public Defenders, the cost of such professional service agreement not to exceed the amount certified by the Chief Financial Officer and reflected in their contracts.

2. The Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.

3. The resolution and contract are on file and available for public inspection in the office of the Municipal Clerk during regular business hours Monday through Friday.

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**BE IT FURTHER RESOLVED** that the Business Entity Disclosure Certifications and the Determinations of Value be placed on file with this resolution.

R 51-2015 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A SHARED SERVICE AGREEMENT WITH THE TOWNSHIP OF BERKELEY HEIGHTS TO PROVIDE INFORMATION TECHNOLOGY SERVICES

**WHEREAS**, the Township of Berkeley Heights and the Borough of Madison wish to renew a Shared Services agreement for the provision of Information Technology Support Services,, wherein Madison provides the Township of Berkeley Heights IT Support Services, subject to existing work load obligations, not to exceed twenty (20) hours per month, nor 250 hours annually, at an hourly rate of \$75.00; and

**WHEREAS**, the Madison Borough Council has determined to renew said shared services agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Mayor and Borough Clerk are authorized to enter into a Shared Services agreement with the Township of Berkeley Heights for the provision of Information Technology Support Services, such agreement to be in a form approved by the Madison Borough Attorney.

R 52-2015 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A SHARED SERVICE AGREEMENT WITH THE BOROUGH OF CHATHAM TO PROVIDE INFORMATION TECHNOLOGY SERVICES

**WHEREAS**, the Borough of Chatham and the Borough of Madison wish to renew a Shared Services agreement for the provision of Information Technology Support Services, wherein Madison provides the Borough of Chatham with up to six (6) hours of IT Support Services per day, subject to existing work load obligations, not to exceed twenty (20) hours per month, nor 250 hours annually, at an hourly rate of \$75.00; and

**WHEREAS**, the Madison Borough Council has determined to renew said shared services agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Mayor and Borough Clerk are authorized to enter into a Shared Services agreement with the Borough of Chatham for the provision of Information Technology Support Services, such agreement to be in a form approved by the Madison Borough Attorney.

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R 53-2015 RESOLUTION OF THE BOROUGH OF MADISON RENEWING AMUSEMENT DEVICE LICENSE AND PERMITS FOR PLAZA LANES FOR 2015

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

MICHAEL F. RICCONI, OWNER  
Plaza Lanes  
53 Madison Plaza/300 Main Street  
Madison, NJ

**BE IT FURTHER RESOLVED**, that this License will permit operation of eight amusement machines at Plaza Lanes.

R 54-2015 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF TAXI DRIVER'S PERMITS FOR 2015

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

<u>LICENSE NO.</u>	<u>NAME</u>
15-2D	John J. Patrisco, Jr. Travelers Taxi of Madison LLC
15-3D	Bernardo S. Brun Madison Station Taxi LLC

R 55-2015 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF TAXI OWNERS' LICENSES FOR MADISON STATION TAXI LLC AND TRAVELERS TAXI OF MADISON, LLC FOR 2015

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

<u>LICENSE NO.</u>	<u>NAME</u>	<u>Vehicle</u>
15-10	John J. Patrisco, Jr. Travelers Taxi of Madison LLC 31 Kings Road, Madison	1 Taxi
15-11	Bernardo S. Brun Madison Station Taxi LLC P.O. Box 351, Madison	1 Taxi

R 56-2015 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY THE JOHN TAYLOR BABBITT

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**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:

John Taylor Babbitt Foundation  
I.D. No. 75-4-38067  
R.A. No. 1340 – On Premise Merchandise  
March 7, 2015

R 57-2015 RESOLUTION OF THE BOROUGH OF MADISON OPPOSING THE MORRIS COUNTY BOARD OF CHOSEN FREEHOLDERS PROPOSED RESOLUTION TO ELIMINATE HISTORIC PRESERVATION GRANT FUNDING FOR HISTORIC CHURCHES

**WHEREAS**, the Morris County Board of Chosen Freeholders have proposed a resolution eliminating Historic Preservation Grant funding for Historic Churches; and

**WHEREAS**, this proposed resolution would ban funding for many of the historic structures and building in towns across the county. Funds used for the preservation of these beautiful buildings, that are part of the history and character of many communities in Morris County, are used to preserve the buildings and not to support the religious operations of the churches; and

**WHEREAS**, numerous churches in Madison including the United Methodist Church, Webb Memorial Chapel and the Presbyterian Church of Madison have received substantial grant funding from the Morris County Preservation Trust Fund to maintain and preserve their historic structures.

**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 Borough Council opposes the proposed resolution by the Morris County Board of Chosen Freeholders of a ban on Historic Preservation Grant funding for Historic Churches and directs the Borough Clerk to provide a certified copy of this resolution to the Morris County Board of Chosen Freeholders.

R 58-2015 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING DONATION OF TIME AND MATERIAL TO LANDSCAPE THE TRIANGLE AT HILLCREST AVENUE AND GREEN VILLAGE ROAD BY JOHN PIGNATARO

**WHEREAS**, Mr. John Pignataro has generously offered to donate his time and materials to landscape an area known as the triangle at the corner of Hillcrest Avenue and Green Village Road; and

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**WHEREAS**, the Borough Council has concluded that it would be in the best interest of the Borough to accept the donated time and materials to landscape this portion of Hillcrest Avenue and Green Village Road.

**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 accepts the donation of the above described time and materials for landscaping by Mr. John Pignataro, under the supervision of Public Works Superintendent.

**BE IT FURTHER RESOLVED**, that the Borough of Madison expresses its gratitude to Mr. John Pignataro.

**R 59-2015 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF A SUSTAINABLE JERSEY GRANT FUNDED BY PSE&G**

**WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic, and social objectives are balanced and mutually supportive; and

**WHEREAS**, the Borough of Madison strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

**WHEREAS**, the Borough of Madison is participating in the Sustainable Jersey Program; and

**WHEREAS**, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created the Sustainable Jersey Small Grants funded by PSE&G for this purpose.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, has determined that the Borough of Madison should apply for the aforementioned Grant.

**BE IT FURTHER RESOLVED** that the Borough Council of the Borough of Madison, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant funded by PSE&G for the \$20,000.00 grant.

**R 60-2015 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING MICHAEL BAUMGARTNER TO THE RECREATION DEPARTMENT POSITION OF SKATE GUARD**

**WHEREAS**, the Assistant Borough Administrator has recommended appointment of Michael Baumgartner to the part-time position of Skate Guard in the Recreation Department; and

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**WHEREAS**, the Chief Financial Officer has certified that funds are available in Account 370-130, in the 2015 Recreation Department budget; 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 Michael Baumgartner is hereby appointed to the part-time position of Skate Guard in the Recreation Department at the rate of pay of \$14.00 per hour.

**R 61-2015 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF A SECOND SUSTAINABLE JERSEY GRANT FUNDED BY PSE&G**

**WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic, and social objectives are balanced and mutually supportive; and

**WHEREAS**, the Borough of Madison strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

**WHEREAS**, the Borough of Madison is participating in the Sustainable Jersey Program; and

**WHEREAS**, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created the Sustainable Jersey Small Grants funded by PSE&G for this purpose.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, has determined that the Borough of Madison should apply for the aforementioned Grant.

**BE IT FURTHER RESOLVED** that the Borough Council of the Borough of Madison, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant funded by PSE&G for the \$2,000.00 grant.

***UNFINISHED BUSINESS*** - None

***APPROVAL OF VOUCHERS***

On motion by Mr. Catalanello, seconded by Mr. Rowe 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	\$17,053.12
Health & Public Assistance	4,341.46
Public Works & Engineering	145,633.81
Community Affairs	41,040.88

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Finance & Borough Clerk	322,771.03
Utilities	<u>997,472.12</u>
Total	<u>\$1,528,312.42</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** - None

**ADJOURN**

There being no further business to come before the Council, the meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved February 23, 2015 (EO)