

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

October 26, 2015 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 26th day of October, 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
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)

None

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

CONTRACT MATTERS (6)

SKATING RINK IMPROVEMENTS

MADISON COMMUNITY POOL

GREEN ACRES GRANT

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COAH UPDATE

SEWER STUDY – KLEINFELDER

STATE HEALTH BENEFIT PROGRAM

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

PERSONNEL MATTERS (1)

CONFIDENTIAL SECRETARY – ADMIN DEPT.

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 **Regular Meeting Minutes of September 16, 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 **Special Meeting Minutes of October 5, 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 made the following comments:

Mayor Conley asked for a moment of silence for recently deceased resident business owners Darwin Chang and Peter Coviello.

Mayor Conley thanked Borough volunteers and staff for their efforts in making Bottle Hill Day a great success, and noted that the Madison Public Library will reopen on November 9th. Mayor Conley announced that the Borough has been recognized for our local Complete Street Policy by NJ Department of Transportation and the Federal Highway Administration.

Mayor Conley also announced that Mr. Codey has been selected as the “Outstanding Manger of the Year” by the New Jersey Management Association. He will be recognized at their annual luncheon at the NJLOM Conference on November 18th.

REPORTS OF COMMITTEES

Community Affairs

Ms. Baillie, Chair of the Committee, made the following comments:

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Ms. Baillie thanked all who participated in making this year's Bottle Hill Day a success. Ms. Baillie announced that the Madison Chamber of Commerce must cancel the outdoor Pumpkin Illumination on October 30th but notes that the annual "Halloween Hoopla," festivities will be held on Saturday, October 31 starting at 12:15 p.m. Children and their parents are invited to attend a Halloween costume parade followed by a magic show and trick-or-treating in the downtown business area.

Madison PhotoPlus, located at 40 Main Street has generously offered to take a free photo of each child in their costume.

Public Safety

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

Mr. Catalanello noted that the Madison Police Department fundraiser held Friday, October 16th to raise money for Capt. Joseph Cirella was well attended by both Madison residents and many from surrounding towns. Residents can still donate by purchasing a t-shirt through the Police Benevolent Association.

Utilities

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

Mrs. Vitale noted the success of Bottle Hill Day, held on Saturday, October 24th and thanked the staff for their efforts, including Mr. Burnet and Lisa Ellis of the Downtown Development Commission.

Finance and Borough Clerk

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

Mr. Landrigan noted that the sale of the former Green Village Road School property is scheduled to take place on December 1st, with the Board of Education receiving \$9 million and the Borough \$1 million in proceeds from the sale. The Tax Collector will hold the annual tax sale on December 17th, with very few properties involved. For next Tuesday's General Election, all Madison polling locations will be open from 6:00 am until 8:00 pm. Districts #5 and #13 will vote at the Hartley Dodge Memorial in the Court Room, due to the HVAC Improvements project at the Library.

Registered voters, who cannot get to the polls, can vote in person at the County Clerk's office up until 3 p.m. the day before the election, November 2nd

Health

Mr. Wolkowitz of the Committee made the following comments:

The Madison Health Department has concluded the annual flu vaccine clinics, but vaccines are still available by appointment. The Health Department will hold a Women's Health screening clinic on Monday, November 9th. Please contact the Health Department for an appointment.

Public Works and Engineering

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

Leaf collection has begun and will continue through mid-December. Leaf bags are available at the Borough Garage. All reconstruction and paving work on Ridgedale Avenue is now complete. The majority of striping work is done with the balance of work completed within a week. The Dodge Field basketball court lights are now installed and operational. Court resurfacing will begin in the springtime. The drainage improvement project at Memorial Field has begun. The regrading and drainage work is underway.

COMMUNICATIONS AND PETITIONS

None

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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

10/26/2015-1 NEW ROSENET WEBSITE PRESENTATION

Mr. Wolkowitz thanked the members of the Communications Strategic Planning Committees for their recommendation to improve the Boroughs communications and announced the presentation of the new Borough Website. Erika Cruz, of the Technology Department, provided explanation of the new websites features including the capability for resident to received customized notification of Borough events, notices, etc.

10/26/2015-2 AUTHORIZE BUDGET TRANSFERS

Borough of Madison CFO Robert Kalafut explained budget transfers from excess appropriations that are allowed to be authorized during the last two months of the current budget year by resolution.

Resolution R 292-2015 is listed on the Consent Agenda.

ADVERTISED HEARINGS - None

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.**

John Hoover, Overhill Road, shared his enthusiasm for the new website and asked that information regarding Boards and Committees be kept current.

INTRODUCTION OF ORDINANCES - 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:

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

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Ms. Baillie, Mr. Wolkowitz, Mr. Rowe
Nays: None

**R 292-2015 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING
2015 BUDGET TRANSFERS**

WHEREAS, there appears to be insufficient funds in the following accounts (excepting the appropriation for Contingent Expenses or Deferred Charges) to meet the demands for the balance of Police – Salaries & Wages, Fire – Salaries & Wages, Municipal Court – Other Expenses, Vehicle Maintenance – Fire-Other Expenses, Vehicle Maintenance- Public Works-Salaries & Wages, and Senior Citizens – Other Expenses; and;

WHEREAS, there appears to be surplus in the following account (excepting the appropriation for Contingent Expenses, Deferred Charges, Cash Deficit of Preceding Year, Reserve for Uncollected Taxes, Down Payments, Capital Improvement Fund, or Interest and Debt Redemption Charges), over and above the demand deemed to be necessary for the balance of the Current Year, in Health Insurance – Other Expenses.

NOW, THEREFORE, BE IT RESOLVED, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provision of R.S. 40A:4-58, part of the surplus in the account heretofore mentioned be and the same is hereby transferred to the accounts (excepting the appropriation for Contingent Expenses or Deferred Charges) mentioned as being insufficient, to meet the current demands, and;

BE IT FURTHER RESOLVED, that the Chief Financial Officer be and is hereby authorized and directed to make the following transfers:

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Police Salary & Wages	\$60,000	Additional Overtime required	Health Insurance Other Expenses	\$184,000
Fire Salary & Wages	\$20,000	Additional overtime due to winter storms		
Municipal Court Salary & Wages	\$14,000	Additional overtime due to higher court activities		
Zoning Board Other Expenses	\$5,000	Professional Services for attorney fees		
Public Works Other Expenses	\$60,000	Replenish salt bins		
Vehicle Maintenance Fire- Other Expenses	\$10,000	Additional funds necessary for repairs to vehicles		
Vehicle Maintenance Public Works Salary & Wages	\$9,000	Additional Snow Removal Overtime		
Health Department Salary & Wages	\$5,000	Additional overtime is required due to staff absence		
Senior Citizens Other Expenses	\$1,000	Delayed reimbursement for exercise classes from participants		
Total Current Fund	<u>\$184,000</u>			

R 293-2015 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING GREEN ACRES ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Madison has previously obtained a grant of \$2,375,000 from the State to fund the following project(s):

1417-04-009: Madison Borough Open Space Acquisition

WHEREAS, the State and the Borough of Madison intend to increase Green Acres funding by \$500,000; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT RESOLVED BY THE Madison Borough Council that:

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1. That the Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as #1417-04-009 (Madison Borough Open Space Acquisition), and;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$2,875,000.
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. That this resolution shall take effect immediately.

R 294-2015 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXECUTION OF A DRUG FREE COMMUNITIES (DFC) MENTORING GRANT AGREEMENT

WHEREAS, the Madison Health Department Officer has recommended that the Borough of Madison enter into a Memorandum of Understanding (MOU) to allocate grant funds to implement substance abuse prevention programs; and

WHEREAS, this partnership will consist of the Community Coalition for a Safe and Healthy Morris (CCSHM) and Madison/Chatham Coalition for a Healthy Community (MCCHC) working to minimize and prevent substance abuse in our communities; and

WHEREAS, the recommendation has been considered at the Regular Public Meeting of the Borough Council on October 26, 2015.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris and State of New Jersey, that the Borough of Madison authorizes and supports the execution of the MOU which is attached hereto and made a part hereof. When received, the grant funds will be reflected, with no matching fund requirement from the Borough, in the 2016 municipal budget and utilized in support of the MOU obligation.

R 295-2015 ITEM REMOVED AND THE # RETIRED

WHEREAS, the Borough Administrator has recommended that the Contract for filming Borough Council meetings and special events should be awarded for 2016 to Robert Kopacz as a media consultant on the same terms and conditions as the 2016 contract, in the amount of \$525 per Borough Council meeting and \$100 per hour for consulting services as may be agreed upon, as well as courtesy rental space at the Hartley Dodge Memorial or other Borough-owned property; and

WHEREAS, this contract involves an Extraordinary Unspecifiable Service (EUS); and

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WHEREAS, the Borough Council has determined to award said contract to Robert Kopacz for the year 2016; and

WHEREAS, this contract award is expressly contingent upon adequate funds for this purpose being included in the adopted 2016 budget.

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

1. A Contract with Robert Kopacz, of Summit, N.J. as a media consultant is hereby awarded for the year 2016 based upon his quote in the amount of \$525 per Borough Council meeting for filming of Borough Council meetings for television and \$100 per hour for other consulting services the Borough may request, as well as courtesy rental space at the Hartley Dodge Memorial or other Borough-owned property.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into a Contract with Robert Kopacz of Summit, N.J. in a form acceptable to the Borough Attorney.

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

R 296-2015 AWARDING CONTRACT TO KLEINFELDER EAST, INC. FOR PROFESSIONAL SERVICES DESIGN WORK FOR THE SANITARY SEWER INFRASTRUCTURE REPORT IN THE AMOUNT OF \$29,950.00

WHEREAS, the Borough Engineer has recommended that the Borough obtain professional engineering services from Kleinfelder East, Inc., for engineering and design services for the Sanitary Sewer Infrastructure Report; and

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

WHEREAS, the Borough Engineer has determined and certified in writing that the value of this contract will exceed \$17,500.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the Contract to Kleinfelder East, Inc., in an amount not to exceed \$29,950.00; and

WHEREAS, Kleinfelder East, Inc. must submit to the Borough Purchasing Agent the required documents to satisfy the requirements of N.J.S.A. 19:44A-20.5, since this matter is being awarded without competitive bidding; and

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WHEREAS, Kleinfelder East, Inc. must complete and submit a Business Entity Disclosure Certification which certifies that Kleinfelder East, Inc. has not made any reportable contributions to a political or candidate committee in the Borough of Madison in the previous one year, and that the contract will prohibit Kleinfelder East, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$29,950.00 for this purpose in Ordinance 18-2012.

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. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from Kleinfelder East, Inc., the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract with Kleinfelder East, Inc. for additional engineering and design services for the Sanitary Sewer Infrastructure Report in an amount not to exceed \$29,950.00, such contract to be in a form approved by the Borough Attorney.

2. When received, the Business Entity Disclosure Certification, Political Contribution Disclosure Form and the Determination of Value shall be placed on file with this resolution.

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

R 297-2015 RESOLUTION OF THE BOROUGH OF MADISON RESCINDING RESOLUTION 243-2015 AWARDED CONTRACT TO OUTDOOR DESIGN, INC. IN THE AMOUNT OF \$38,200.00 FOR MEMORIAL PARK SOCCER FILED REPLACEMENT PROJECT

WHEREAS, Resolution 243-2015 authorized the Mayor and Borough Clerk to execute a contract with Outdoor Design, Inc. for the Memorial Park Soccer Filed Replacement Project; and

WHEREAS, the Borough Engineer and Borough Attorney have recommended that Resolution 243-2015 be rescinded, and that the proposal by Outdoor Design, Inc., be rejected for material misrepresentations set forth in the Outdoor Design proposal, and their inability to produce a valid Business Registration Certificate (BRC); and

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WHEREAS, the Mayor and Council have determined that Resolution 243-2015 should be rescinded, and the contract with Outdoor Design, Inc. should not be executed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Resolution 243-2015, awarding a contract to Outdoor Design, Inc. is hereby rescinded.

R 298-2015 RESOLUTION OF THE MADISON BOROUGH COUNCIL
AWARDING CONTRACT TO LEO HINES & SON, LLC FOR THE MEMORIAL
PARK SOCCER FIELD REPLACEMENT PROJECT IN THE AMOUNT OF
\$38,000.00

WHEREAS, the Borough of Madison received quotes for the Soccer Field Replacement project at Memorial Park (the “Contract”) in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, Resolution 297-2015 rescinds the award of a contract to Outdoor Design in the amount of \$38,200.00 for misrepresentation of proposal documentation; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the contract to Leo Hines & Son, LLC in the amount of \$38,000.00; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$38,000.00 for this purpose which funds were appropriated by Ordinance 14-2015.

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 contract for Soccer Field Replacement project at Memorial Park is hereby awarded to Leo Hines & Son, LLC based upon its proposal in the amount of \$38,000.00, contingent upon proof of business registration and statutory requirements.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Leo Hines & Son, LLC in a form acceptable to the Borough Attorney.

R 299-2015 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING
USE OF A PORTION OF BOROUGH PARKING LOT #3 AS A INTERNET SAFETY
ZONE

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WHEREAS, the Madison Police Chief has recommended that the Borough Council authorize use a portion of Borough Parking Lot #3 as an safety zone for residents to use during internet transactions, child custody exchanges, etc ; and

WHEREAS, the 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 an internet safety zone be provided in Borough Parking Lot #3, for resident to use as a location under surveillance in close proximity to Police headquarters.

R 300-2015 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING MEDICAL AND PRESCRIPTION DRUG PLAN OFFERINGS UNDER THE STATE HEALTH BENEFIT PROGRAM OF THE STATE OF NEW JERSEY

WHEREAS, Chapter 78, P.L. 2011 requires a Local Government employer participating in the New Jersey State Health Benefits Plan to offer employees a minimum of three (3) coverage levels options plus a high deductible health plan; and

WHEREAS, the Borough of Madison is choosing to satisfy the Chapter 78, P.L. 2011 prescribed minimum by offering the following four (4) plans for the Plan Year 2016 to its eligible employees/eligible dependents.

- NJ Direct 15
- NJ Direct 15/25
- Aetna Freedom 15/25
- Aetna Liberty
- Aetna HD4000

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 Borough shall offer the above five (5) New Jersey State Health Benefit Plans offerings to eligible employees and their dependents.
- 2) The above five (5) New Jersey State Health Benefit Plan offerings will be the sole offerings for the 2016 Plan Year with these plan offerings to remain fixed and in effect until the earlier of the following:
 - a. Change in New Jersey State Health Benefit Plan offerings
 - b. Change in premiums such that the offerings that are in addition to the NJ Direct 15 carry with them higher premiums than the NJ Direct 15 plan.
 - c. Borough of Madison withdrawal from the New Jersey State Health Benefit Plan program
 - d. Such other changes as may be mutually agreed through the collective bargaining process.
 - e. Until the expiration of the 2016 Plan Year on December 31, 2016.

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R 301-2015 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING ERIKA CRUZ TO THE POSITION OF CONFIDENTIAL SECRETARY IN THE DEPARTMENT OF ADMINISTRATION

WHEREAS, the Borough Administrator recommends the appointment of Erika Cruz to the position of Confidential Secretary in the Department of Administration, effective October 27, 2015; and

WHEREAS, the 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 Erika Cruz is hereby appointed to the position of Confidential Secretary in the Department of Administration, effective October 27, 2015 at an annual salary of \$45,212.00.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mr. Catalanello, seconded by Ms. Baillie 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	\$41,254.35
Health & Public Assistance	1,704.22
Public Works & Engineering	115,031.27
Community Affairs	2,745.94
Finance & Borough Clerk	709,761.20
Utilities	<u>758,967.92</u>
Total	<u>\$1,629,464.90</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 8:40 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved November 9, 2015 (EO)