

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

July 28, 2014 - 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 July, 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, via Teleconference

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)

May 12, 2014

May 28, 2014

June 23, 2014

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

CONTRACT MATTERS (6)

HATCH MOTT MCDONALD - HYDRAULIC LIFT

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ADULT SCHOOL LEASE RENEWAL
TILCON, NEW YORK, INC.
D & L PAVING CONTRACTORS, INC.
CIFELLI & SON GENERAL CONSTRUCTION, INC.
JOINT MEETING CONTRACT UPDATE

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

PERSONNEL MATTERS (5)
SKATE SUPERVISOR AND PROGRAM DIRECTOR (WINTER SKI PROGRAM)
ACTING TAX COLLECTOR
QUALIFIED PURCHASING AGENT
DPW PERSONNEL
CHIEF ACCOUNTANT/ TAX COLLECTOR

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

POTENTIAL LITIGATION MATTERS (1)
GVRS PROPERTY UPDATE

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

Mr. Catalanello moved approval of the following minutes:

*Regular Meeting Minutes of April 28, 2014,
Executive Minutes of May 12, 2014, Regular Meeting Minutes of May 12, 2014,
Executive Minutes of May 28, 2014, Regular Meeting Minutes of May 28, 2014,
Executive Minutes of June 23, 2014 Regular Meeting Minutes of June 23, 2014.*

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:

The Friends of the Madison Public Library in cooperation with the Madison Rotary Club and the Madison YMCA will hold a 'Touch a Truck' event on Saturday, August 2nd from 10:00 a.m. to 3:00 p.m. on the grounds of the Public Library.

EMPLOYEES OF THE MONTH:

Employees of the Month for July are Tom Knudsen and Ralph Graham of the Madison Public Library for their work during the abatement process. Tom Knudsen prepared the lobby area, assisted the contractors and cleaned and restored the lobby area.

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Ralph Graham established and supervised a mini library operation in the Chase Auditorium for the convenience of library patrons.

ANNIVERSARY:

David Carey of the Madison Fire Department – 20th Anniversary on July 12th

REPORTS OF COMMITTEES

Health

Mr. Landrigan of the Committee made the following comments:

The Madison Health Department reminds residents to eliminate any standing water where mosquitoes can lay eggs. Mosquitoes that breed around the home are primarily responsible for transmitting West Nile Virus to humans.

Public Works and Engineering

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

The Roads Improvement program is underway with paving of Academy, Vinton, Wilson and Belmont roads scheduled for the coming week, weather permitting.

Utilities

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

The Electric Department continues cleanup from recent storms, replacing poles on Valley Road and Glenwild Road. Primary voltage lines have been replaced on Greenwood Avenue and Valley Road, as well as Woodland Road at Union Hill Road. Mrs. Vitale noted that the Electric Utility Advisory Committee has met twice this summer and that a proposed ordinance restructuring the committee to include the water utility will be ready for discussion at the next Council meeting.

Public Safety

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

Fencing of the wetland area at the Madison Recreation Center is scheduled for tomorrow. A number of police officers volunteered their time to clean up and enhance the shooting range at the Public Works garage, and Madison Volunteer Firefighters Kevin Syth, Evan Webb and David Ernst completed a 171 hour Firefighters #1 training course at the Morris County Fire Academy. The Fire Department's ladder and pump trucks have all passed recent inspections, as required.

Finance and Borough Clerk

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

The 2015 municipal budget process has begun with Department Head meetings scheduled to begin August 1, 2014. Mr. Wolkowitz noted that the Borough's Bond Counsel will attend the next meeting of the Mayor and Council to discuss the possible refunding of outstanding debt in order to reduce interest costs. The first deadline to file litigation regarding the designation of a redeveloper for the former Green Village Road School Property has passed and the next date for filing any objection to the adopted ordinance regarding the redevelopment is August 11, 2014. The Strategic Planning Committees continue to meet through the summer and each will report to the Council shortly.

Community Affairs

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

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Mr. Rowe asked for residents help in celebrate the Borough of Madison's 125th Birthday by joining the Flat Madison Challenge. The DDC would like to see posted 125 pictures of Flat Madison by Bottle Hill Day, September 27th. Residents should color and cut out Flat Madison, take pictures of Flat Madison in their favorite places throughout Madison, N.J. or any Madison throughout the World. Post pictures at #FLATMAD #MAD125 #LOVEMADISONNJ and look for the Flat Madison display on Bottle Hill Day. If you receive over 125 likes on #FLATMAD posting, you will be eligible to win a \$25 Love Madison Shopping Spree. Mr. Rowe noted that the Senior Center Advisory Committee reports Nick's Flooring installed new tiles in the Main Room in early July and the results have drawn excellent reviews from the Seniors.

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.**

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

AGENDA DISCUSSIONS

07/28/2014-1 2013 MUNICIPAL AUDIT

Chief Financial Officer Robert Kalafut provided a brief explanation of the annual audit, noting the statutory compliance by Council and exceptions noted by the Auditor. There was agreement to list Resolution R 212-2014 on the Consent Agenda.

Resolution R 212-2014 is listed on the Consent Agenda.

07/28/2014-2 DOWNTOWN DEVELOPMENT COMMISSION TERM LIMITS

Mr. Rowe noted a request from the Downtown Development Commission to change member term limits, to bring the DDC's terms of membership in line with other Borough Advisory Committees.

Ordinance 41-2014 is listed for Introduction.

07/28/2014-3 GARBAGE AND RECYCLING PRESENTATION

Mr. Burnet provided a presentation regarding Borough garbage and recycling collection and disposal, including the costs and benefits of the present programs and possible alternatives. Following discussion of dual and single stream recycling and the benefit of haulers using natural gas vehicles, Mayor Conley opened the meeting to the public for their opportunity to make comments:

John Hoover; Overhill Drive, noted no reasons why the current system should be changed, nothing is broken.

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Victor Schumacher; Central Avenue asked that, unless there is significant saving, the current system should be left the way it is.

Since no other members of the public wished to be heard, Mayor Conley closed this portion of the meeting.

Following discussion, Mr. Catalanello moved that the collection of garbage and recycling remain status quo. Ms. Baillie seconded the motion, which passed with the following roll call vote recorded:

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

Nays: Mr. Rowe

07/28/2014-4 MRC NOTE ROLLOVER

Mr. Kalafut provided explanation of the Madison Recreation Center (MRC) note of \$1,900,000, which will mature on August 15th, noting a minimum payment due of \$133,932. Mr. Kalafut stated that the Madison Athletic Foundation made a donation of \$100,000 as of May 2014 and the Borough has received \$44,365 in user fees during 2013 and \$56,745 in 2014. With these funds applied against the outstanding note principal, it leaves a balance to be rolled over of \$1,684,000. There was agreement to authorize a payment of \$215,000 in principal on the note as well as \$19,000 of interest, rolling over the note for \$1,685,000.

ADVERTISED HEARINGS

The Clerk made the following statement:

The Ordinance scheduled for hearing tonight was submitted in writing at a Regular meeting of the Mayor and Council held on June 23, 2014, was introduced by title and passed on first reading, was 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 40-2014

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$25,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE PURCHASE 24 NEW SELF CONTAINED BREATHING APPARATUS

WHEREAS, the Madison Fire Chief has recommended that the Borough appropriate \$25,000.00 from the General Capital Improvement Fund to purchase 24 new Self Contained Breathing Apparatus (SCBA), 48 new cylinders and 24 New High Temp(HT) face pieces for the Fire Department in the amount of \$149,824.00; and

WHEREAS, the Madison Fire Department has received a FY2013 FEMA Assistance to Firefighters Grant (AFG) in the amount of \$125,400.00; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in the General Capital Improvement Fund in an amount not to exceed \$25,000.00 for this purpose; and

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WHEREAS, the Borough Council has determined that the Borough should appropriate \$25,000.00 from the General Capital Improvement Fund to purchase 24 new Self Contained Breathing Apparatus (SCBA), 48 new cylinders and 24 New High Temp(HT) face pieces for the Fire Department.

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 \$25,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase 24 new Self Contained Breathing Apparatus (SCBA), 48 new cylinder and 24 New High Temp(HT) face pieces for the Fire Department.

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

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

Mayor Conley opened up the public hearing on Ordinance 40-2014. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 40-2014, which was read by title, be finally adopted. Mr. Wolkowitz seconded the motion. There was no further Council discussion, and the motion passes 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 40-2014 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.

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 August 11, 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.

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

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

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

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

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

§15-2: Membership of the Commission

...

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

...

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

Mr. Rowe moved that Ordinance 41-2014, 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 42-2014 ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 11-2014 SETTING SALARY RANGES FOR NON-UNION FULL-TIME EMPLOYEES TO INCLUDE SALARY RANGE FOR CHIEF ACCOUNTANT AND TAX COLLECTOR

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

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

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

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

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

Mr. Rowe moved that Ordinance 42-2014, 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 listed on the Consent Agenda. Mr. Catalanello seconded the motion. Mr. Landrigan abstained from voting on Resolution R 215-2014. 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 212-2014 RESOLUTION OF THE BOROUGH OF MADISON PERTAINING TO THE 2013 AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to local fiscal affairs; and

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WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled: "General Comments and Recommendations"; and

WHEREAS, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: "General Comments and Recommendations" as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit their office.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Madison, County of Morris, State of New Jersey, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

R 213-2014 RESOLUTION OF THE BOROUGH OF MADISON GRANTING
TURN THE TOWNS TEAL, INC. PERMISSION TO TIE RIBBONS AROUND
TREES ON THE STREETS OF MADISON FROM SEPTEMBER 1, 2014
THROUGH SEPTEMBER 30, 2014 IN SUPPORT OF THEIR TURN THE TOWNS
TEAL CAMPAIGN TO FIGHT OVARIAN CANCER

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WHEREAS, Turn the Towns Teal, Inc. has requested permission for ribbons to be tied on Borough street trees on the main streets of the Borough from September 1, 2014 to September 30, 2014 in support of their “Turn the Towns Teal Campaign” to fight ovarian cancer; and

WHEREAS, the Borough Council has determined to grant this request with the understanding that the ribbons be removed after September 30, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the request for ribbons to be tied on Borough street trees from September 1, 2014 to September 30, 2014 in support of the Turn the Towns Teal, Inc. “Turn the Towns Teal Campaign” to fight ovarian cancer is hereby approved.

BE IT FURTHER RESOLVED that the Kaleidoscope of Hope Foundation will arrange for removal of the ribbons after September 30, 2014.

R 214-2014 RESOLUTION OPPOSING S-1972 AND A-474, CONCERNING REGISTRATION OF MULTI-FAMILY DWELLINGS UNDER THE “HOTEL AND MULTIPLE DWELLING LAW”

WHEREAS, S-1972 and A-474 would preempt all municipal ordinances requiring registration of multiple dwellings units of 3 or more units which were enacted pursuant to N.J.S.A. 40:48-2.12c; and

WHEREAS, the “Hotel and Multiple Dwelling Law,” currently provides municipalities with the option to require local registration for multi-family dwellings of three or more units, and authorizes the State to require registration in addition to local registration; and

WHEREAS, municipalities which choose to require the registration of multi-family dwellings do so because they find it to be a more reliable, efficient and effective process than relying upon State registration; and

WHEREAS, local registration is usually part of a multi-faceted community development strategy, including annual inspections of such units, to maintain housing stock and vibrant neighborhoods; and

WHEREAS, S-1972 and A-474 will not reduce red tape, but rather create an unnecessary and bureaucratic process for municipalities to maintain an up-to-date inventory of housing, incurring costs without any revenue off-set;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Madison that it opposes S-1972 and A-474 as an unnecessary and unwarranted intrusion on local discretion which will result in an unwieldy, bureaucratic process for municipalities, a process which does not serve the public interest and could be detrimental to public health and safety; and

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BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the Governor of the State of New Jersey, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, State Senator Richard Codey, Assemblywoman Mila M. Jasey, Assemblyman John F. McKeon, the members of the Assembly Housing and Community Development Committee and the New Jersey State League of Municipalities.

R 215-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY THE AUXILIARY OF THE MADISON VOLUNTEER AMBULANCE CORP.

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:

AUXILIARY OF THE MADISON VOLUNTEER AMBULANCE CORP.
I.D. No. 275-10-10817
R.A. No. 1320 – Off Premise
November 17, 2014

R 216-2014 RESOLUTION OF THE BOROUGH OF MADISON RENEWING LIQUOR LICENSES IN THE BOROUGH OF MADISON FOR THE 2014-2015 LICENSE TERM

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following applications for renewal of Liquor License for the 2014 - 2015 license term be, and hereby are, approved

CLUB LICENSES - FEE: \$180.00; July 1, 2014 through June 30, 2015

License #1417-31-022-001
North Stars Athletic Club
95 North Street
Madison, NJ 07940

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

License #1417-44-003-006
Silver Sea Enterprises Inc.
Bottle Hill Wine & Spirits
Madison, NJ 07940

R 217-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING TRANSFER OF 2014 LIVERY OWNER'S LICENSE FOR PRECISE LIMOUSINE TRANSPORT SERVICE, LLC

WHEREAS, any license issued for any taxicab or livery may be transferred to a substitute vehicle in accordance with the provisions of Chapter 173-7 of the Borough of Madison Code after approval of the Council and upon the payment to the Borough of a transfer fee of \$10.00 for each vehicle for which the license is to be transferred; and

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WHEREAS, prior to the approval or disapproval by the Council of the transfer of the license to permit the operation of such substituted vehicle, the owner may operate such substituted vehicle or cause the same to be operated, subject to the other provisions of Chapter 173-7; and

WHEREAS, Precise Limousine Transport Service, LLC, has made application to transfer Livery Owner's License No. 14-15 to a substitute vehicle and, at the same time, has provided proof of insurance and paid the appropriate transfer fee;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, to approve the license transfer request from Precise Limousine Transport Service, LLC.

R 218-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING ADVERTISEMENT FOR SKATE SUPERVISOR AND WINTER SKI PROGRAM DIRECTOR, PART-TIME

WHEREAS, the Assistant Borough Administrator has recommended that the Borough advertise for the positions of Skate Supervisor and Winter Ski Program Director, both Part-Time positions for the Recreation Department; and

WHEREAS, funds for this purpose are contained in the 2014 Municipal budget; 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 the Personnel Officer is authorized to advertise for a Skate Supervisor and Winter Ski Program Director, Part-Time positions for the Recreation Department.

R 219-2014 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING ROBERT F. KALAFUT AS ACTING TAX COLLECTOR

WHEREAS, the Borough is without a Tax Collector since the resignation of the former Tax Collector, July 7, 2014; and

WHEREAS, the Borough must have a Tax Collector as per State statute N.J.S.A. 40A:9-141; and

WHEREAS, the Borough Council has determined to appoint Chief Financial Officer Robert F. Kalafut to the position of Acting Tax Collector, to be effective July 8, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Robert F. Kalafut is

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hereby appointed to the position of Acting Tax Collector, at no additional compensation, effective July 8, 2014.

R 220-2014 RESOLUTION OF THE BOROUGH OF MADISON AWARDING PROFESSIONAL SERVICES CONTRACT TO HATCH MOTT MACDONALD, INC. OF MILLBURN, NJ FOR AN ENVIRONMENTAL AND SITE IMPROVEMENT PROJECT AT BOROUGH GARAGE

WHEREAS, the Borough Administrator has recommended that the Borough obtain professional services from Hatch Mott MacDonald, Inc. for the NJDEP remediation and improvement project at the Borough DPW Garage; and

WHEREAS, the Borough Administrator has recommended that the Borough Council award the Contract to Hatch Mott MacDonald, Inc. in an amount not to exceed \$7,000.00, for the NJDEP remediation and improvement project at the Borough DPW Garage; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$7,000.00 for this purpose in Ordinance 19-2014.

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 hereby authorized to execute, on behalf of the Borough, a professional service contract for professional engineering services with Hatch Mott MacDonald, Inc., for the NJDEP remediation and improvement project at the Borough DPW Garage in an amount not to exceed \$7,000.00, such contract to be in a form approved by the Borough Attorney.

R 221-2014 RESOLUTION OF THE MADISON BOROUGH COUNCIL AUTHORIZING EXECUTION OF A LEASE AGREEMENT WITH THE ADULT SCHOOL OF THE CHATHAMS, MADISON AND FLORHAM PARK FOR A PORTION OF THE MADISON CIVIC CENTER BUILDING AT 28 WALNUT STREET IN MADISON

WHEREAS, the Borough of Madison owns the building located at 28 Walnut Street known as Block 1601, Lot 42 in the Borough of Madison and referred to as the “Civic Center”; and

WHEREAS, The Adult School of the Chathams, Madison and Florham Park is a non-profit entity providing services to Madison residents; and

WHEREAS, the Borough Council is desirous of leasing space in the Civic Center to The Adult School of the Chathams, Madison and Florham Park; and

WHEREAS, the Lease would provide a lease of space in a portion of the second floor of the rear Civic Center Building to The Adult School of the Chathams;

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Madison and Florham Park for a one-year lease commencing July 1, 2014, for a nominal rent of one dollar (\$1.00) per year, on such further terms as are reflected in the Lease Agreement; and

WHEREAS, the Lease may be made pursuant to N.J.S.A. 40A:12-15.

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 hereby authorized to execute a Lease prepared and approved by the Borough Attorney on the terms set forth herein, said Lease to commence on July 1, 2014.

R 222-2014 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING LINDA SAWYER TO THE POSITION OF QUALIFIED PURCHASING AGENT

WHEREAS, the Borough Administrator has recommend the appointment of Linda Sawyer to the position of Qualified Purchasing Agent; and

WHEREAS, Linda Sawyer, the Purchasing Agent for the Borough of Madison, holds a certificate # Q-1589, from the Department of Community Affairs, Division of Local Government Services, certifying that she is a “Qualified Purchasing Agent”, effective June 10, 2014, pursuant to N.J.S.A. 40A:11-9; and

WHEREAS, the Borough Council agrees with such 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 Linda Sawyer is hereby appointed to the position of Qualified Purchasing Agent for the Borough of Madison effective immediately.

R 223-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING APPOINTMENT OF DANNY DEBIASSE TO ACTING LEADMAN IN ROADS DEPARTMENT

WHEREAS, the Superintendent of Public Works has recommended that Daniel DeBiasse be appointed to the position of Acting Leadman in the Madison DPW Roads Department; and

WHEREAS, the Madison Borough Council, after due consideration, has determined to appoint Daniel DeBiasse to the position of Acting Leadman in the Madison DPW Roads Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Daniel DeBiasse is hereby appointed to the position of Acting Leadman in the Madison DPW Roads Department retroactive to May 5, 2014.

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BE IT FURTHER RESOLVED that provided Danny DeBiase continues to serve in this capacity, he will be entitled to receive a five (5 %) percent differential in compensation to be effective July 7, 2014.

R 224-2014 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO TILCON CONTRACTING FOR PAVING IMPROVEMENTS UNDER MORRIS COUNTY COOPERATIVE BID IN AN AMOUNT NOT TO EXCEED \$125,000.00

WHEREAS, the Borough of Madison desires to award a contract for paving improvements to an authorized vendor under the Morris County Co-Operative Pricing Council program; and

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

WHEREAS, Tilcon Contracting, of Wharton, New Jersey has been awarded Morris County Co-Operative Pricing Council Contract # 6, Road Resurfacing; and

WHEREAS, the Borough Engineer has recommended that the Borough Council utilize this contract for paving improvements in an amount not to exceed \$125,000.00; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$125,000.00 for this purpose in Ordinance 36-2014.

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

1. A contract for paving improvements by Tilcon Contracting of Wharton, New Jersey, at a total price not to exceed \$125,000.00 is hereby approved under the Morris County Co-Operative Pricing Council Contract #6, Road Resurfacing.

2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Tilcon Contracting of Wharton, New Jersey, for paving improvements at a total price not to exceed \$125,000.00, 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 225-2014 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO D & L PAVING CONTRACTORS, INC. FOR CURB IMPROVEMENTS UNDER MORRIS COUNTY COOPERATIVE BID IN AN AMOUNT NOT TO EXCEED \$ 62,000.00

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WHEREAS, the Borough of Madison desires to award a contract for the curb improvements to an authorized vendor under the Morris County Co-Operative Pricing Council program; and

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

WHEREAS, D & L Paving Contractors, Inc., of Nutley, New Jersey has been awarded Morris County Co-Operative Pricing Council Contract # 6, Road Resurfacing; and

WHEREAS, the Borough Engineer has recommended that the Borough Council utilize this contract for curb improvements in an amount not to exceed \$62,000.00; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$62,000.00 for this purpose in Ordinance 36-2014.

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

1. A contract for curb improvements by D & L Paving Contractors, Inc. of Nutley, New Jersey, at a total price not to exceed \$62,000.00 is hereby approved under the Morris County Co-Operative Pricing Council Contract #6, Road Resurfacing.

2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to D & L Paving Contractors, Inc. of Nutley, New Jersey, for curb improvements at a total price not to exceed \$62,000.00, 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 226-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING FINAL PAYMENT AND CHANGE ORDER REQUEST FROM CIFELLI & SON, INC IN THE AMOUNT OF \$22,705.11 BRINGING TOTAL AUTHORIZED PAYMENT TO \$621,924.11 FOR THE GREEN AVENUE RECONSTRUCTION – SOUTH SECTION PROJECT

WHEREAS, a contract for the Green Avenue Reconstruction - South Section project, in an amount not to exceed \$599,219.00 was awarded to Cifelli & Son, Inc., of Nutley, New Jersey, by Resolution 247-2013; and

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WHEREAS, the Borough Engineer has recommended approval of a change order to the contract for field changes that were encountered during the construction bringing the contract total to \$621,924.11; and

WHEREAS, the Borough Engineer has advised the project has been completed and has recommended approval of final payment including the change order to Cifelli & Son, Inc. of Nutley, New Jersey in an additional amount of \$22,705.11; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in an additional amount not to exceed \$22,705.11 for this purpose, which funds were appropriated by Ordinance 18-2013 in the amount of \$630,000.00 and the ordinance will contain sufficient funds to include this final payment and change order;

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 final payment and change order request from Cifelli & Son, Inc. of Nutley, New Jersey, in the total contract amount not to exceed \$621,924.11 for the Green Avenue Reconstruction – South Section project is authorized.

R 227-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING DREW UNIVERSITY TO HOST A FIREWORKS DISPLAY ON SATURDAY, SEPTEMBER 27, 2014

WHEREAS, the Director of Student Activities at Drew University has applied for permission to hold a fireworks display on Saturday, September 27, 2014, on the grounds of Drew University; and

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

1. The display shall be in compliance with all laws and regulations governing a fireworks display;
2. A permit must be obtained from the Fire Official of Madison ensuring all applicable Fire Code requirements are met;
3. Adequate police or security personnel shall be present for crowd control and to ensure the area surrounding the fireworks is secured from unauthorized public entry;
4. The Fire Department shall be present with adequate personnel to maintain a fire watch for the duration of the event;
5. The display shall terminate by 11:00 p.m.

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NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the request by Drew University to hold a fireworks display on Saturday, September 27, 2014, is hereby granted and approved subject to the above noted conditions.

R 228-2014 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING KIMBERLY A. KIENTZ TO THE POSITION OF TAX COLLECTOR

WHEREAS, the Chief Financial Officer has recommended that Kimberly A. Kientz be appointed to the position of Borough Tax Collector, effective September 2, 2014; and

WHEREAS, Kimberly A. Kientz holds a valid Tax Collector Certificate and is a Certified Municipal Finance Officer.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey that Kimberly A. Kientz is hereby appointed to the position of Tax Collector effective September 2, 2014, at an annual salary of \$26,000.00.

R 229-2014 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING KIMBERLY A. KIENTZ TO THE POSITION OF CHIEF ACCOUNTANT

WHEREAS, the Chief Financial Officer has recommended that Kimberly A. Kientz be appointed to the position of Chief Accountant, effective September 2, 2014; and

WHEREAS, Kimberly A. Kientz is a Certified Municipal Finance Officer.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey that Kimberly A. Kientz is hereby appointed to the position of Chief Accountant effective September 2, 2014, at an annual salary of \$75,000.00.

R 230-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY PTO MADISON JUNIOR SCHOOL

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:

PTO MADISON JUNIOR SCHOOL
I.D. No. 274-5-26391
R.A. No. 1321 – Off-premise 50/50
December 19, 2014

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R 231-2014 RESOLUTION OF THE BOROUGH OF MADISON CONFIRMING MEMBERSHIP OF ANTHONY SANCHEZ IN THE MADISON HOOK & LADDER COMPANY #1

WHEREAS, the Fire Chief has advised that Anthony Sanchez was voted into the Madison Hook & Ladder Company #1 as a volunteer firefighter; and

WHEREAS, Section 18-27 of the Madison Borough Code requires that each person so voted shall be confirmed as a member of such division by the Council of the Borough of Madison.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Anthony Sanchez is hereby confirmed as a member of the Madison Hook & Ladder Company #1 effective immediately.

R 232-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING APPLICATION OF LIVERY OWNER'S LICENSE FOR ROSE CITY LIMO, INC. FOR 2014

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Livery Owner's License renewal be approved for the year 2014:

<u>LICENSE NO.</u>	<u>NAME</u>	<u>Vehicles</u>
14-19, 14-20	Ann Marie Davies Rose City Limo, Inc.	2 Liveries

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	\$67,422.87
Health & Public Assistance	4,647.62
Public Works & Engineering	352,388.70
Community Affairs	20,030.93
Finance & Borough Clerk	4,082,818.88
Utilities	<u>1,321,757.27</u>
Total	<u>\$5,848,766.27</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

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NEW BUSINESS - None

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved August 11, 2014 (EO)