

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

August 8, 2016 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 8th day of August, 2016. 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, 2016. 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

Astri J. Baillie

Benjamin Wolkowitz

Patrick W. Rowe

Absent: Carmela Vitale, excused

Also Present:

Raymond M. Codey, Borough Administrator

James E. Burnet, Assistant Borough Administrator

Elizabeth Osborne, Borough Clerk

Matthew J. Giacobbe, Esq. Borough Attorney

AGENDA REVIEW

There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Mr. Wolkowitz moved:

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

MINUTES FOR APPROVAL (1)

July 25, 2016

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

CONTRACT MATTERS (6)

CIFELLI & SON CONTRACTING, INC.

ROCK-GW, LLC

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AFFORDABLE HOUSING UPDATE
NORTH STREET PUMP STATION BID
SANITARY SEWER BID

NEW JERSEY PUBLIC POWER AUTHORITY

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

LITIGATION MATTERS (1)

TAX APPEAL - 326 MAIN STREET

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

PERSONNEL MATTERS (1)

POLICE CHIEF COMPENSATION

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 July 25, 2016**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Mrs. Vitale

Ms. Baillie moved approval of the **Regular Meeting Minutes of July 25, 2016**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Mrs. Vitale

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

PROCLAMATION:

September 2016 as National Childhood Cancer Awareness Month.

*Proclamation
of the
Borough of Madison*

*Proclaiming
National Childhood Cancer Awareness Month
September 2016*

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WHEREAS, more than 15,000 children and teens will be diagnosed with cancer in the United States this year and approximately one-quarter of them will not survive; and

WHEREAS, cancer is the leading cause of death by disease for children; and

WHEREAS, over the past several decades, thanks to ongoing advances in research and treatment, the five-year survival rate for all childhood cancers has increased to 80 percent; and

WHEREAS, dedicated researchers around the world continue to pioneer new therapies and explore the root causes of the disease; and

WHEREAS, recognition should be made to the families, friends, healthcare professionals, volunteers and communities who lend their support to children battling pediatric cancer;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim September as **National Childhood Cancer Awareness Month** to raise awareness of childhood cancer and extend our admiration to the courageous youngsters who struggle with this disease.

Robert H. Conley, Mayor

August 8, 2016

EMPLOYEE OF THE MONTH FOR AUGUST:

Employee of the Month for August is Kevin O’Keefe of the Finance Department for his assistance obtaining reimbursement funding from the New Jersey Department of Environmental Protection and the HDSRF for site remediation.

ANNIVERSARY FOR AUGUST:

Kevin Williams of the Madison Fire Department – 20th Anniversary on August 12th.

REPORTS OF COMMITTEES

Utilities

Mr. Wolkowitz, Chair of the Committee, made the following comments:
The Electric Department reports that three new poles and an anchor have been installed at the KRE project on Kings Road, as well as two new poles and anchor on Madison Avenue. The Water Department reports completion of the connections on Kings and Green Village Roads and continued maintenance and repair work.

Health

Mr. Catalanello, Chair of the Committee, made the following comments:
August is immunization month and all school aged children must be up to date on the 2015 recommended schedule of immunizations, before attending school. The Zika virus continues in the news with weekly conference calls, seminars and case management sessions to determine action, if necessary. Additional information is available on the CDC website.

Finance and Borough Clerk

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Mr. Landrigan, Chair of the Committee, no report.

Public Safety

Mrs. Vitale, Chair of the Committee, absent.

Community Affairs

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

Ms Baillie noted that the Fire Department responded to 117 calls, 35 prevention inspections and 25 resale inspections in the month of July. The bi-annual ‘Touch a Truck’ event was held Saturday, July 30th, with more than 1,000 residents participating in this event to support the Madison Public Library. Chief DeRosa notes that Volunteer Firefighters are still needed. The Police Department reports that surrounding communities have been experiencing an increase in motor vehicle thefts. The majority of these thefts are taking place during the overnight hours. Residents are reminded to never leave cars running or keys in the ignition, always roll up the windows and lock the car, even if it’s in front of your home, never leave valuables in plain view, even if your car is locked and park in a well-lighted area. The Senior Center reports that the 32nd Summer Seminar Series concluded on Thursday, August 4th, with strong audience attendance for all programs. The DDC/MACA Sidewalk Art Gala has been set for Saturday, November 5th, to be held at Hartley Dodge Memorial. Bottle Hill Day is scheduled for Saturday, October 1st and this year will include the 2016 Morris and Essex Dog Show at Dodge Field.

Public Works and Engineering

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

Cifelli & Sons Construction has completed work on the 2016 Road Improvement contract. The planter replacement project on Waverly Place is also completed. Award of a contract to Cifelli & Sons Construction for the Prospect Street Road Improvements is listed for consideration on tonight’s agenda. The North Street Pump Station Improvements project and the Sanitary Sewer Cleaning, Televising and Repair project are listed on the consent agenda, both to be rejected. The Green Village Road sewer connection work has been completed.

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

08/08/2016-1 OPEN SPACE TRUST FUND REQUESTS

Ms. Baillie noted two requests for funding from the Open Space Trust Fund. The first request is from the Parks Advisory Committee for \$54,000 to replace the multipurpose building at Memorial Park. The second request is from the Recreation Department in the amount of \$27,000.00, to provide automatic defibrillators for all athletic fields in Madison. Both groups have applied for 10% additional grant funding. There was agreement to list ordinances for introduction.

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Ordinances 57-2016 and Ord. 58-2016 are 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 July 25, 2016, 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.

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

**ORDINANCE 54-2016
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$14,500.00 FROM GENERAL CAPITAL IMPROVEMENT FUND TO
PURCHASE TWELVE (12) NEW SIGNS FOR VARIOUS PARKS**

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$14,500.00 from the General Capital Improvement Fund to purchase twelve (12) new signs for various parks; 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 \$14,500.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$14,500.00 from the General Capital Improvement Fund to purchase twelve (12) new signs for various parks.

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 \$14,500.00 is hereby appropriated from the General Capital Improvement Fund to purchase twelve (12) new signs for various parks.

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 54-2016. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Rowe moved that Ordinance 54-2016, 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, Ms. Baillie, Mr. Wolkowitz, Mr. Rowe
Nays: None

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Absent: Mrs. Vitale

Mayor Conley declared Ordinance 54-2016 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 55-2016
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$75,000.00 FROM THE ELECTRIC UTILITY CAPITAL IMPROVEMENT
FUND FOR TRAFFIC SIGNAL AND CALL BOX IMPROVEMENTS**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$75,000.00 from the Electric Utility Capital Improvement Fund for traffic signal and call box improvements; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Electric Utility Capital Improvement Fund in an amount not to exceed \$75,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$75,000.00 from the Electric Utility Capital Improvement Fund for traffic signal and call box improvements.

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 \$75,000.00 is hereby appropriated from the Electric Utility Capital Improvement Fund for traffic signal and call box improvements.

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 54-2016. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Wolkowitz moved that Ordinance 54-2016, which was read by title, be finally adopted. Mr. Rowe seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mrs. Vitale

Mayor Conley declared Ordinance 55-2016 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 56-2016

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ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$150,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR CONSTRUCTION DOCUMENTS AND PROFESSIONAL SERVICES FOR THE EAST WING OF THE HARTLEY DODGE MEMORIAL BUILDING

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$150,000.00 from the General Capital Improvement Fund for construction documents and professional services for the Hartley Dodge Memorial building and grounds; 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 \$150,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$150,000.00 from the General Capital Improvement Fund for construction documents and professional services for the entire building and grounds.

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 \$150,000.00 is hereby appropriated from the General Capital Improvement Fund for construction documents and professional services for the entire building.

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 54-2016. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Rowe moved that Ordinance 54-2016, 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, Ms. Baillie, Mr. Wolkowitz, Mr. Rowe
Nays: None
Absent: Mrs. Vitale

Mayor Conley declared Ordinance 56-2016 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.

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

Ordinances 57-2016 and 58-2016 scheduled for introduction and first reading tonight will have a hearing during the meeting of September 12, 2016, Ordinance

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59-2016 will have a hearing date to be determined, all hearings will take place in the 2nd Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinances will be published in the Madison Eagle, be posted at the main entrance to the Borough offices and be made available to members of the public requesting same, as required by law.

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

ORDINANCE 57-2016 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$54,000.00 FROM THE MUNICIPAL OPEN SPACE
TRUST FUND FOR REPLACEMENT OF THE MEMORIAL PARK
MULTIPURPOSE BUILDING

WHEREAS, the Open Space Advisory Committee and Historic Preservation Committee have recommended funding up to \$54,000.00 from the Municipal Open Space Trust Fund for replacement of the Memorial Park multipurpose building; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Municipal Open Space Trust Fund in an amount not to exceed \$54,000.00 for this purpose.

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 \$54,000.00 is hereby appropriated from the Municipal Open Space Trust Fund for replacement of the Memorial Park multipurpose building. The disbursement of the Open Space funding is expressly contingent upon confirmation that \$6,000.00 has been raised from private sources for the project.

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.

Ms. Baillie moved that Ordinance 57-2016, 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, Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

Absent: Mrs. Vitale

ORDINANCE 58-2016 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$27,000.00 FROM THE MUNICIPAL OPEN SPACE
TRUST FUND FOR AUTOMATIC EXTERNAL DEFIBRILLATORS AT
ATHLETIC FIELDS

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WHEREAS, the Open Space Advisory Committee and Historic Preservation Committee have recommended funding up to \$27,000.00 from the Municipal Open Space Trust Fund for automatic external defibrillators at athletic fields; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Municipal Open Space Trust Fund in an amount not to exceed \$27,000.00 for this purpose.

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 \$27,000.00 is hereby appropriated from the Municipal Open Space Trust Fund for automatic external defibrillators at athletic fields. The disbursement of the Open Space funding is expressly contingent upon confirmation that \$5,000.00 has been raised from private sources for the project.

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.

Ms. Baillie moved that Ordinance 58-2016, 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, Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

Absent: Mrs. Vitale

ORDINANCE 59-2016 AN ORDINANCE OF THE BOROUGH OF MADISON AUTHORIZING THE EXECUTION OF AN INTER-MUNICIPAL AGREEMENT ESTABLISHING THE NEW JERSEY PUBLIC POWER AUTHORITY, A MUNICIPAL SHARED SERVICES ENERGY AUTHORITY

WHEREAS, the Mayor and Council of the Borough of Madison find that the Borough will benefit by joining other municipalities to establish a municipal shared services energy authority according to the provisions set forth in The Municipal Shared Services Energy Authority Act, N.J. Stat. Ann. §40A:66-1(2016) for the purpose of acting jointly to promote the stability and viability of the Member systems and to achieve efficiencies and savings for the retail customers of the Member systems; and

WHEREAS, the creation of this municipal shared services energy authority, to be known as the New Jersey Public Power Authority (“NJPPA”), will be governed by an Inter-Municipal Agreement (“IMA”) between the member municipalities; and

WHEREAS, The purposes for which NJPPA is organized are to act jointly and perform according to standard electric industry practices all authorized endeavors to achieve savings and efficiencies for retail customers in Member systems through coordinated bulk power and fuel supply programs; undertake the planning, financing, development, acquisition, construction, reconstruction, improvement, enlargement, betterment, operation and maintenance of a project or

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projects to supply electric power and/or energy for the present and future needs of its Members; and to effect joint development of electric energy resources or production, distribution, and transmission of electric power and/or energy in whole or in part for the benefit of the contracting Members; and to do and perform all acts and things for the benefit of its Members and others, which by law, expressed or implied, it is authorized, empowered or permitted to do and perform

WHEREAS, the Mayor and Council find that it would be in the best interest of the Borough of Madison to enter into the IMA in the form attached hereto.

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

Section 1. The Borough of Madison shall become a member of a municipal shared services energy authority to be known as the New Jersey Public Power Authority (“NJPPA”).

Section 2. The appropriate municipal officials are hereby authorized to execute the Inter-municipal agreement attached hereto.

Section 3. Any and all other ordinances inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 4. In the event that any section paragraph, clause phrase, term, provision or part of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 5. This Ordinance shall take effect immediately upon final passage, approval, publication and the posting of the appropriate signs as required by law.

Mr. Wolkowitz moved that Ordinance 59-2016, 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, Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

Absent: Mrs. Vitale

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.

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.

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Mr. Wolkowitz 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, Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

Absent: Mrs. Vitale

R 235-2016 RESOLUTION OF THE BOROUGH OF MADISON AWARDING A CONTRACT TO CIFELLI & SON CONTRACTING, INC. IN THE AMOUNT OF \$347,196.00 FOR PROSPECT STREET RECONSTRUCTION

WHEREAS, the Borough of Madison publicly advertised for bids for the Reconstruction of Prospect Street (the “Contract”) in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the lowest qualified bid was submitted by Cifelli & Son Contracting, Inc. in the amount of \$347,196.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the contract to Cifelli & Son Contracting, Inc. in the amount of \$347,196.00; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$347,196.00 for this purpose which funds were appropriated by Ordinance 41-2016.

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 the Reconstruction of Prospect Street is hereby awarded to Cifelli & Son Contracting, Inc. based upon its bid in the amount of \$347,196.00.

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

R 236-2016 RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MADISON IN THE COUNTY OF MORRIS AUTHORIZING SETTLEMENT OF THE 2013, 2014 AND 2015 TAX APPEALS ENTITLED EDWARD F. CARR, JR. v. BOROUGH OF MADISON, DOCKET NOS: 012249-2013L 011795-2014; 010134-2015 OF THE TAX ASSESSMENT OF Block 2301, Lot 5, KNOWN AS 326 MAIN STREET IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessment for tax years 2013, 2014 and 2015 on Block 2301, Lot 5 have been filed by the Taxpayer, Edward F. Carr, Jr.; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Expert; and

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WHEREAS, the settlement of said matter as more fully set forth below is in the best interest of the Borough of Madison.

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

1. Settlement of the 2013, 2014 and 2015 tax appeals are hereby authorized as follows:

326 Main Street
Block 2301, Lot 5
Years: 2013; 2014; 2015

<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land: \$612,000	\$612,000	\$600,000
Imprvts: \$260,300	\$260,300	\$115,000
Total: \$872,300	\$872,300	\$715,000

2. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

R 237-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY WOMAN'S NATIONAL FARM & GARDEN ASSOCIATION INC. BEACON HILL BRANCH OF NJ

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:

WOMANS NATIONAL FARM & GARDEN ASSOCIATION INC.
BEACON HILL BRANCH OF NJ
I.D. No. 75-8-39302
R.A. No. 1388 – On Premise merchandise
Bottle Hill Day – October 1, 2016

R 238-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING ENTRY INTO A FIRE MUTUAL AID AGREEMENT BETWEEN PARTICIPATING MORRIS COUNTY MUNICIPALITIES AND FIRE DISTRICTS

WHEREAS, the Borough of Madison provides fire protection resources for ordinary emergency response requirements within its jurisdiction; and

WHEREAS, the Fire Departments in Morris County have a day-to-day responsibility to provide for the safety and security of lives and property; and

WHEREAS, local resources can become exhausted during the small percentage of large magnitude fire or disaster occurrences; and

WHEREAS, mutual aid is the most cost-effective method of providing sufficient resources to a local jurisdiction for those extraordinary occurrences; and

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WHEREAS, it is of mutual benefit for fire agencies located within the County of Morris to provide supplemental resources to each other in the event of a local emergency or disaster; and

WHEREAS, this plan will provide a uniform procedure for the coordination of the requesting, dispatching, and utilization of fire department personnel and equipment whenever a local fire agency requires mutual aid assistance from any other jurisdiction, both contiguous and non-contiguous, in the event of a fire or emergency; and

WHEREAS, a county area mutual aid plan is encouraged by, and is compatible with the State of New Jersey Resource Deployment Act; and

WHEREAS, participation in a county area mutual aid plan will not impose liability on the local entity; and

WHEREAS, it is the desire of the governing body of the Borough of Madison to participate in the fire mutual aid plan in accordance with the plan as submitted by the Morris County Alliance of Active Fire Chiefs.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Madison in the County of Morris and State of New Jersey does hereby authorize their fire protection agency to provide mutual aid assistance to each participating municipality, district, state or federal organization, as identified in the Morris County Fire Mutual Aid Plan approved by the Morris County Alliance of Active Fire Chiefs on the 13th day of July, 2016 and as may be amended from time to time by the Morris County Alliance of Active Fire Chiefs and ratified by this governing body.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the County Board of Chosen Freeholders, the County Fire Coordinator, the County OEM Coordinator and all Morris County Municipalities.

R 239-2016 RESOLUTION OF THE BOROUGH OF MADISON REJECTING ALL BIDS FOR THE NORTH STREET PUMP STATION IMPROVEMENTS PROJECT

WHEREAS, the Borough of Madison publicly advertised for bids for the North Street Pump Station Improvements project in accordance with Local Public Contracts Law N.J.S.A. 40A:11-1 *et seq.*; and

WHEREAS, the Borough received nine (9) bids; and

WHEREAS, the Borough Attorney disqualified the apparent low bidder, Rapid Pump & Meter, and the apparent underbidder, Fred Devens Construction, because of legal deficiencies in their Stockholder Disclosure Statements and other portions of their bid submissions; and

WHEREAS, the Qualified Purchasing Agent has confirmed that the remaining seven bid submissions exceed the funds available for the project; and

WHEREAS, the Borough Attorney has opined that rejection of the bids is appropriate pursuant to statutory authority.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris and State of New Jersey that all bids for the North Street Pump Station Improvement project are hereby rejected for the reasons set forth herein and the Borough Engineer and Qualified Purchasing Agent are authorized to solicit new bids.

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R 240-2016 RESOLUTION OF THE BOROUGH OF MADISON REJECTING ALL BIDS FOR THE SANITARY SEWER CLEANING, TELEVISIONING & REPAIR PROJECT

WHEREAS, the Borough of Madison publicly advertised for bids for the Sanitary Sewer Cleaning, Televisioning & Repair project in accordance with Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Borough received four (4) bids; and

WHEREAS, the Borough Attorney disqualified the apparent low bidder, North American Pipeline Services, because of legal deficiencies in the Bid Bond and other portions of their bid submission; and

WHEREAS, the Qualified Purchasing Agent has confirmed that the remaining three bid submissions exceed the funds available for the project; and

WHEREAS, the Borough Attorney has opined that rejection of the bids is appropriate pursuant to statutory authority.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris and State of New Jersey that all bids for the Sanitary Sewer Cleaning, Televisioning & Repair project are hereby rejected for the reasons set forth herein and the Borough Engineer and Qualified Purchasing Agent are authorized to solicit new bids.

R 241-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF WATER METERS/DATA RECORDERS AND RADIO FREQUENCY METER INTERFACE UNDER MORRIS COUNTY COOPERATIVE PRICING COUNCIL

WHEREAS, the Borough of Madison desires to award a contract for the purchase of Water Meters/Data Recorders and Radio Frequency meter interface 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, Rio Supply, Inc., 100 Allied Parkway, Sicklerville, New Jersey, 08094 has been awarded Morris County Co-Operative Pricing Council contract number #47; and

WHEREAS, the Public Works Superintendent has recommended that the Borough Council utilize these contracts for the purchase of Water Meters/Data Recorders and Radio Frequency meter interface under contract #47, in the amount of \$18,276.00; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$18,276.00 for this purpose in the Water Department operating account.

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 the purchase of Water Meters/Data Recorders and Radio Frequency meter interface, for \$18,276.00 is hereby approved.
2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Rio Supply, Inc., 100 Allied Parkway, Sicklerville, New Jersey, 08094, for the purchase of Water

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Meters/Data Recorders and Radio Frequency meter interface at a total price not to exceed \$18,276.00, in a form acceptable to the Borough Attorney.

R 242-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Borough of Madison has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, the Local Unit Electronic Technology Pilot Program and Study Act (P.L. 2001, c.30) authorizes the sale of surplus property no longer needed for public use through the use of an online auction services; and

WHEREAS, the Borough of Madison intends to utilize the online auction services of GovDeals.com.

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 is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled GovDeals.com.

BE IT FURTHER RESOLVED that the terms and conditions of the agreement entered into between GovDeals.com and the Borough of Madison are available at GovDeals.com and in the Borough Clerk's office.

BE IT FURTHER RESOLVED that a certified copy of the within Resolution be forwarded by the Borough Clerk to the State of New Jersey Division of Local Government Services.

R 243-2016 RESOLUTION OF THE BOROUGH OF MADISON GRANTING TURN THE TOWNS TEAL® PERMISSION TO TIE RIBBONS AROUND TREES ON THE STREETS OF MADISON FROM SEPTEMBER 1, 2016 THROUGH SEPTEMBER 30, 2016 IN SUPPORT OF THEIR TURN THE TOWNS TEAL CAMPAIGN TO FIGHT OVARIAN CANCER

WHEREAS, Turn the Towns Teal® has requested permission for ribbons to be tied on Borough street trees on the main streets of the Borough from September 1, 2016 to September 30, 2016 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, 2016.

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, 2016 to September 30, 2016 in support of the "Turn the Towns Teal Campaign" to fight ovarian cancer is hereby approved.

BE IT FURTHER RESOLVED that Turn the Towns Teal will arrange for removal of the ribbons no later than October 3, 2016.

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R 244-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING USE OF DODGE FIELD BY THE DOWNTOWN DEVELOPMENT COMMISSION TO HOST THE 2016 MORRIS & ESSEX KENNEL CLUB DOG SHOW ON OCTOBER 1, 2016

WHEREAS, the Downtown Development Commission requested permission to use Dodge Field on Saturday, October 1, 2016, for the 2016 Morris & Essex Match Show and “My Dog Fun Day” event; and

WHEREAS, the Borough Administrator has recommended that such permission be granted; and

WHEREAS, upon Council approval for use of Dodge Field, the Morris & Essex Kennel Club will submit a Certificate of Liability Insurance naming the Borough of Madison as an additional insured; 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 the Downtown Development Commission is hereby given permission to hold the 2016 Morris & Essex Match Show and “My Dog Fun Day” event at Dodge Field, on Saturday, October 1, 2016, subject to such safety requirements as may be directed by the Madison Police Department, Fire Department and Health Department.

R 245-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY MADISON JUNIOR SCHOOL ATHLETIC ORGANIZATION INC.

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:

MADISON JUNIOR SCHOOL ATHLETIC ORGANIZATION INC.
I.D. No. 274-5-41390
R.A. No. 1389 – Off Premise Merchandise
December 20, 2016

R 246-2016 RESOLUTION OF THE BOROUGH OF MADISON CERTIFYING SUBMISSION OF EXPENDITURE FOR RECYCLING TAXES PURSUANT TO P. L. 2007, CHAPTER 311

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

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

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the “Local Public Contracts Law”, the amount of grant monies received by the municipality shall not be less than the annual amount

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of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW, THEREFORE, BE IT ORDAINED, by the Borough of Madison that the Borough of Madison hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2015 in the amount of \$13,709.43. Documentation supporting this submission is available at Borough of Madison, Hartley Dodge Memorial Building, 50 Kings Rd, Madison, NJ 07940, and shall be maintained for no less than five years from this date. The REA Tax has been certified by James Burnet, Assistant Borough Administrator/ Certified Municipal Recycling Coordinator.

R 247-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF RECYCLING TONNAGE GRANT APPLICATION

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

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

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

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

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

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

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

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

R 248-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING SALARY INCREASE FOR POLICE CHIEF DARREN P. DACHISEN

WHEREAS, Darren P. Dachisen is the Police Chief for the Borough of Madison; and

WHEREAS, the Borough Administrator has recommended a merit increase for Police Chief Darren Dachisen, to reflect his superior performance and give him parity with the compensation paid to Police Chiefs in Morris County; and

WHEREAS, the Borough Council has recommended increasing the salary of Police Chief Darren Dachisen to \$150,000.00, annually, effective July 1, 2016 with no additional merit adjustment hereafter for calendar year 2016.

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 salary of Police Chief Darren P. Dachisen shall be increased to \$150,000.00 annually effective July 1, 2016.
2. The governing body expresses its gratitude to Chief Darren Dachisen for his diligent efforts on behalf of the Borough of Madison.

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	\$21,136.60
Health & Public Assistance	4,492.15
Public Works & Engineering	147,540.47
Community Affairs	8,509.71
Finance & Borough Clerk	339,743.45
Utilities	<u>276,701.20</u>
Total	<u>\$798,123.58</u>

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

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

Nays: None

Absent: Mrs. Vitale

NEW BUSINESS - None

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

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Elizabeth Osborne
Borough Clerk
Approved September 12, 2016 (EO)