

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

**November 25, 2013 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 25<sup>th</sup> day of November, 2013. 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 3, 2013. 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

Edward T. Rebholz

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**

Mrs. Vitale 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 (5)

Cross River Fiber

AT&T MOBILITY CORP

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39 GREEN VILLAGE ROAD  
JOHN GARCIA CONSTRUCTION CO.  
TILCON NEW YORK, INC.

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

LITIGATION MATTERS (1)

TAX APPEALS 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- NONE**

**GREETINGS TO PUBLIC**

Mayor Conley asked for a motion to consider Resolution R 319-2013.

R 319-2013 RESOLUTION OF THE BOROUGH OF MADISON CONFIRMING MEMBERSHIP OF DAVID J. ERNST IN THE MADISON HOSE COMPANY NO.1, INC.

**WHEREAS**, the Fire Chief has advised that David J. Ernst was voted into the Madison Hose Company No.1, Inc. 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 David J. Ernst is hereby confirmed as a member of the Madison Hose Company No. 1, Inc. effective immediately.

Ms. Baillie moved adoption of Resolution R 319-2013. 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. Rebholz

Nays: None

Mayor Conley administered the Oath of Office to Volunteer Fire Fighter David J. Ernst.

**Proclamation for Former Council Member**

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Mayor Conley read and presented a Proclamation in honor of former Council Member Jeanie Tsukamoto.

Mayor Conley presented Mrs. Tsukamoto with a pewter box engraved with the Hartley Dodge Memorial, and with a Council Chair engraved with Mrs. Tsukamoto's name and years of service as Council Member. Mrs. Tsukamoto thanked all and expressed her thoughts and best wishes.

Mayor Conley congratulated members of the Madison Sustainable Advisory Committee for their efforts to attain Silver Certification by Sustainable Jersey, awarded at the recent League of Municipalities Awards luncheon. Mayor Conley also noted that Madison was awarded the Sustainable Jersey Champion Award for receiving 455 points, far in excess of the number required.

### ***REPORTS OF COMMITTEES***

#### **Health**

Mrs. Vitale of the Committee made the following comments:

The Madison Health Department has flu vaccines available and a reminder that all preschool children must be vaccinated. An adult health screening clinic is scheduled for Wednesday Dec 4<sup>th</sup>. A free rabies clinic will be offered on Saturday December 7<sup>th</sup> and annual animal licensing will be available as well. Men's cancer screening will take place on December 9<sup>th</sup>. Please call the Health Department for appointments.

#### **Public Works and Engineering**

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

Roadway reconstruction work continues on Green Avenue, with paving scheduled for the week after the holiday, due to the cold weather. The new boiler is operational at the Hartley Dodge Memorial building and the 2013 water main project along Ridgedale Avenue has been completed.

#### **Community Affairs**

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

Resident medical coverage review is being conducted at the Senior Center through December 7<sup>th</sup> with a volunteer representative from Medicare available for questions. The Madison Arts and Cultural Alliance will hold a Holiday Festival before the Christmas parade this Friday, with performance in various downtown locations.

#### **Public Safety**

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

Ms. Baillie noted her attendance at the annual League of Municipalities conference in Atlantic City, along with the Mayor and several Council members. Ms Baillie noted attending the Sustainable Jersey awards program and several seminars including an interesting seminar on aging office complexes. Ms Baillie also attended a risk management seminar that reduces the Borough's insurance premiums. The Madison Fire Department thanks resident John Desimone for donating his house to the Fire Department for practice fire fighting techniques, before being torn down. The Fire Department also reminded resident to use caution cooking and decorating this holiday season.

#### **Finance and Borough Clerk**

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

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The Borough has reached an agreement with the Public Work staff, noting that the contract agreement mirrors other union contracts, with the addition of a 2% salary increase for 2014. Mr. Wolkowitz also noted two items impacting the budget. Payments have been received from FEMA for reimbursement of storm related expenses and an agenda recommendation will be submitted for dedication of these funds to capital projects. Also, the closing on the surplus property at 27 Belleau Avenue took place November 19<sup>th</sup> and these funds will also be recommended for capital improvements. Mr. Wolkowitz noted several energy production meetings led by Mr. Burnet and noted his visit to Seaside Heights to view their energy management.

### **Utilities**

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

The Electric Utility continues to replace utility poles and has completed installation of the annual Christmas tree on Waverly Place. The Electric Utility Superintendent, Michael Piano, recently viewed the energy management in Seaside Heights.

### **COMMUNICATIONS AND PETITIONS**

The Borough Clerk announced receipt of the following communications:

E-mail received November 24, 2013 from Anthony Mancini, Main Street regarding smoking ordinance.

Letter received November 25, 2013 from Bob Jennings, Albright Circle, regarding non conforming use at property on Samson Avenue.

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

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.**

**Don Brunner; Redmond Drive**, asked for clarification of Resolution R 324-2013, directing the Planning Board to submit any recommendations or modifications regarding the declaration of property at 39 Green Village Road as an area in need of rehabilitation.

**Kevin Kigore, Academy Road**, address the Council regarding roadway repairs to Academy Road, noted that he will attend Council meetings until repairs are complete.

**Marybeth Forte, Academy Road**, asked that roadway repairs to Academy Road be included in the 2014 Capital Budget.

**Mayor Ellwood Kerkeslager; Prospect Street**, complimented the Mayor and Council on the recent adoption of an ordinance to prohibit smoking in public parks, on quick action regarding property at 39 Green Village Road and for supporting the establishment of a municipal shared services energy authority. Mayor Kerkeslager also noted a recent letter to the Editor of the *Madison Eagle* regarding vehicle speed on Prospect Street.

**Marilyn Musielski, Academy Road**, noted her email to Council regarding the roadway condition on Academy Road, noting safety issues.

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**Carman Pico, North Street**, inquired about a time frame for the resurfacing of Ridgedale Avenue, now that water main replacement is completed.

**AGENDA DISCUSSIONS - NONE**

**ADVERTISED HEARINGS- NONE**

**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.

Mrs. Vitale 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,  
Ms. Baillie, Mr. Wolkowitz, Mr. Rebholz

Nays: None

R 320-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING USE OF THE HARTLEY DODGE MEMORIAL BY THE MADISON ARTS AND CULTURAL ALLIANCE AND MADISON HISTORICAL SOCIETY ON NOVEMBER 29, 2013

**WHEREAS**, the Madison Arts and Cultural Alliance and Madison Historical Society have requested permission to hold a Holiday Arts Festival on Friday, November 29, 2013, from 11:00 a.m. to 4:00 p.m., at the Hartley Dodge Memorial; and

**WHEREAS**, the Borough Council wishes to approve such request.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Madison Arts and Cultural Alliance and Madison Historical Society is hereby given permission to hold a Holiday Arts Festival at the Hartley Dodge Memorial, on Friday, November 29, 2013, from 12:00 p.m. to 4:00 p.m., conditioned upon a Certificate of Insurance naming the Borough of Madison as an additional insured in an amount satisfactory to the Chief Financial Officer being provided to the Borough Clerk prior to the event.

R 321-2013 RESOLUTION OF THE BOROUGH OF MADISON IN SUPPORT OF SENATE BILL S 3005/A 2316 TO CREATE A MUNICIPAL SHARED SERVICES ENERGY AUTHORITY

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**WHEREAS**, the Borough of Madison owns and operates a not-for-profit electric utility that is owned by the customers it serves, and

**WHEREAS**, the Borough of Madison's electric utility is one of ten (10) such utilities commonly referred to as public power utilities located throughout the State of New Jersey, and

**WHEREAS**, the Borough of Madison desires to fulfill its long-term obligation to provide reliable electric service at the lowest reasonable cost by maximizing its strengths through shared services with other New Jersey public power utilities, and

**WHEREAS**, shared services through a municipal shared services energy authority will provide opportunities for savings in the purchase of wholesale power and energy as well as investment in capacity resources, and

**WHEREAS**, the Office of Legislative Services has estimated that those savings will range between \$6.57 million and \$67.71 million, and

**WHEREAS**, enabling legislation is required to establish a municipal shared services energy authority to achieve those savings for the more than 160,000 residents as well as businesses served by these locally-owned and controlled electric utilities.

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

1. The Borough of Madison supports the establishment of a municipal shared services energy authority under S.3005/A.2316 as sound public policy.
2. The Borough of Madison urges the New Jersey Senate to join the Assembly and approve said legislation for consideration by the Governor.
3. The Borough of Madison urges the Governor to sign said legislation into law at his earliest convenience.

**BE IT FURTHER RESOLVED**, that copies of this Resolution also be forwarded to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

R 322-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING FINAL PAYMENT AND CHANGE ORDER REQUEST FROM JOHN GARCIA CONSTRUCTION CO. IN THE AMOUNT OF \$66,768.41 BRINGING TOTAL PAYMENT TO \$625,083.66 FOR THE GREEN AVENUE WATER MAIN REPLACEMENT PROJECT

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**WHEREAS**, a contract for the 2013 Ridgedale Avenue Water Main Replacement project, in an amount not to exceed \$558,315.25 was awarded to John Garcia Construction Co., Inc., of Clifton, New Jersey, by Resolution 167-2013; and

**WHEREAS**, the Borough Engineer has recommended approval of a change order to the contract for changes that were encountered during the construction, in an additional amount of \$66,768.41 bringing the contract total to \$625,083.66; and

**WHEREAS**, the Borough Engineer has advised the project has been completed and has recommended approval of final payment including the change order to John Garcia Construction Co., Inc. of Clifton, New Jersey in an amount not to exceed \$66,768.41; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of funds in an amount sufficient for this purpose, which funds were appropriated by Ordinance 5-2013.

**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 John Garcia Construction Co., Inc. of Clifton, New Jersey, in the total amount not to exceed \$66,768.41 for the 2013 Water Main Replacement project is authorized.

R 323-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING FINAL PAYMENT AND CHANGE ORDER REQUEST FROM TILCON, NEW YORK, INC., IN THE AMOUNT OF \$4,517.50 BRINGING TOTAL PAYMENT TO \$286,337.50 FOR THE SPORTS FIELD PARKING LOT

**WHEREAS**, a contract for the Sports Field Parking Lot project, in an amount not to exceed \$281,820.00 was awarded to Tilcon New York, Inc., of Wharton, New Jersey, by Resolution 256-2013; and

**WHEREAS**, the Borough Engineer has recommended approval of a change order to the contract for changes that were encountered during the construction, in an additional amount of \$4,517.50 bringing the contract total to \$286,337.50; and

**WHEREAS**, the Borough Engineer has advised the project has been completed and has recommended approval of final payment including the change order to Tilcon New York, Inc. of Wharton, New Jersey in an amount not to exceed \$4,517.50; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of funds in an amount sufficient for this purpose, which funds were appropriated by Ordinance 31-2013.

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**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 Tilcon New York, Inc. of Whaton, New Jersey, in the total amount not to exceed \$4,517.50 for the Sports Field Parking Lot project is authorized.

R 324-2013 RESOLUTION OF THE BOROUGH OF MADISON DETERMINING TAX BLOCK 3001, LOT 23, 39 GREEN VILLAGE ROAD, BOROUGH OF MADISON, NEW JERSEY TO BE AN AREA IN NEED OF REHABILITATION

**WHEREAS**, N.J.S.A. 40A:12A-14 vests in the Mayor and Council the authority to determine whether certain property or properties meet the criteria for designation as an area in need of rehabilitation; and

**WHEREAS**, the existing building on property designated as Block 3001, Lot 23 commonly known as 39 Green Village Road (the "Property") was extensively damaged by fire, and suffered severe water damage resulting from sprinkler activation and other firefighting efforts; and

**WHEREAS**, as a result of the fire and water damage, the building is deteriorated, substandard and unsafe; and

**WHEREAS**, the Mayor and Council also determined that the Property meets the criteria for designation as an area in need of rehabilitation because the building is more than 50 years old, as is the water, sewer and utility infrastructure; and

**WHEREAS**, the Mayor and Council have determined that a program of rehabilitation would prevent further deterioration and promote the overall development of the community; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-14 the governing body must submit the proposed resolution to the Planning Board before it can adopt the Resolution declaring the Property as an area in need of rehabilitation.

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

1. The proposed Resolution, attached hereto, declaring the Property as an area in need of rehabilitation shall be submitted to the Planning Board for its review.

The Planning Board is directed to submit any recommendations or modifications that it may have to the proposed Resolution within the time required by N.J.S.A. 40A:12A-14.

R 325-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AT&T MOBILITY CORPORATION TO INSTALL TEMPORARY ANTENNA ON THE MADISON AVENUE WATER TANK

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**WHEREAS**, AT&T Mobility Corporation has requested permission to install a temporary antenna on the Madison Avenue water tower for a sixty (60) day period to improve communications during the Super Bowl to be held in New Jersey ; and

**WHEREAS**, the Borough Council wishes to authorize AT&T Mobility Corporation to install a temporary antenna on the Madison Avenue water tower for a sixty (60) day period to improve communications during the Super Bowl; and

**WHEREAS**, the Borough Engineer has deemed the request acceptable from a technical perspective.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the AT&T Mobility Corporation is hereby authorized to install temporary equipment at the Madison Avenue water tower site for a sixty (60) day period to improve communications during the Super Bowl to be held in New Jersey.

R 326-2013 Item removed and the # retired

R 327-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT WITH THE TEAMSTERS LOCAL UNION NO. 469

**WHEREAS**, the Borough of Madison (“Borough”) commenced collective negotiations with each of its employee bargaining units; and

**WHEREAS**, the Borough was able to successfully negotiate a collective bargaining agreement with the Teamsters Local Union No. 469, which has been ratified by their members, for the period January 1, 2010 to December 31, 2014; and

**WHEREAS**, the Mayor and Council have considered the specific terms and conditions contained in the memorandum of agreement for the above-enunciated bargaining unit.

**NOW THEREFORE BE IT RESOLVED** as follows:

1. The Mayor and Council approve the agreement for the above bargaining unit; and

2. The Mayor and Council hereby authorize the Borough Administrator, Raymond M. Codey and Mayor Robert H. Conley to execute the finalized collective bargaining agreement without further action being necessary; and

3. The Mayor and Council authorize Borough Administrator Raymond M. Codey to effectuate the collective bargaining agreement upon execution by all necessary parties.

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**UNFINISHED BUSINESS** - None

**APPROVAL OF VOUCHERS**

On motion by Mrs. Vitale 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	\$25,064.37
Health & Public Assistance	1,351.35
Public Works & Engineering	90,402.51
Community Affairs	1,837.93
Finance & Borough Clerk	154,534.54
Utilities	<u>2,222,339.70</u>
Total	<u>\$2,495,530.40</u>

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

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

Nays: None

**NEW BUSINESS** - None

**ADJOURN**

There being no further business to come before the Council, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved December 9, 2013 (EO)