

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

**January 27, 2020 – 7:00 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 27th day of January, 2020. 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 9, 2020. 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:

Carmela Vitale  
Astri J. Baillie  
Maureen Byrne  
John F. Hoover  
Debra J. Coen  
Rachel F. Ehrlich

Also Present:

Raymond M. Codey, Borough Administrator  
James E. Burnet, Assistant Borough Administrator  
Kathleen Notine, Deputy 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 (3)

Reorganization Minutes January 5, 2020, Executive Minutes January 13, 2020, Regular Minutes January 13, 2020

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

CONTRACT MATTERS (3)

AFFORDABLE HOUSING UPDATE

TREE TRIMMING & REMOVAL SERVICES  
CIVIC CENTER CLEANING CONTRACT

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

PERSONNEL MATTERS (6)  
DEPUTY COURT ADMINISTRATOR  
CERTIFIED MUNICIPAL REGISTRAR OPTION  
POLICE DEPARTMENT STAFFING  
POLICE DISPATCHER  
APPRENTICE LINEMAN  
DPW SUPERVISOR

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

Seconded: Ms. Baillie  
Vote: Approved by voice vote

***RECONVENE IN COUNCIL CHAMBER***

Mayor Conley reconvened the Regular Meeting at 8:15 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 ***Reorganization Meeting Minutes of January 5, 2020***. Ms. Byrne seconded the motion, which passed with a unanimous voice call vote recorded.

Ms. Baillie moved approval of the ***Executive Minutes of January 13, 2020***. Ms. Byrne seconded the motion, which passed with a unanimous voice call vote recorded.

Ms. Baillie moved approval of the ***Regular Minutes of January 13, 2020***. Ms. Byrne seconded the motion, which passed with a unanimous voice call vote recorded.

***GREETINGS TO PUBLIC***

Mayor Conley made the following comments:

On January 19, 2020, Mayor Conley attended a Martin Luther King, Jr. Beloved Community Service celebration at Holy Family Chapel on St. Elizabeth's Campus which was sponsored by the Interfaith Council and was very inspirational. Mayor Conley stated on January 22nd there was an informational meeting for Central Avenue School parents regarding the Central Avenue Subdivision and that the presentation is available on Rosenet. Mayor Conley explained the discussion regarding the plastic ban ordinance will not be tonight but that the ordinance will still take effect in March. Mayor Conley invited resident Yana Kane Esrig to read the poem "Hometown" which she wrote after attending the Reorganization meeting on January 5 2020.

***REPORTS OF COMMITTEES***

**Finance and Borough Clerk**

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

The tax department wants to remind everyone that first quarter taxes are due February 1<sup>st</sup>. Accounts payable reported that Edmunds budget and Accounts Payable rolled over and opened ten days ago. We will continue with the 2020 Budget process. Tonight we will hear from the Electric Utility and DPW Supervisors regarding their Capital needs, accomplishments for 2019 and goals for 2020. We will also hear about the financial performance of both the Electric Utility and the Water Utility and discuss the Electric Utility Dividend and proposed Rebate for 2020. The Budget process will continue through March and hopefully the final vote will be April 27<sup>th</sup>.

## **Public Safety**

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

No report.

## **Public Works and Engineering**

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

Engineering reported Burnet Road Reconstruction will be submitted to NJDOT for review this week. The Recycling Center construction continues and should be completed in the next few weeks. Bid documents for 2020 Road Improvements and Glenwild Road will be advertised this week. DPW continues to maintain Borough vehicles and do general parks maintenance. They continue with leaf pickup and pothole repair. We will discuss plastic ban ordinance and proposed tree ordinance. Sustainable Madison secured a \$10,000.00 grant from Sustainable Jersey for a feasibility study regarding placing solar panels in parking lots at the MRC, Kings Road and Madison Pool parking lots.

## **Community Affairs**

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

Starting with Seniors, on January 22<sup>nd</sup>, the Tri-Town 55+ Coalition hosted a Housing and Transportation Forum attended by 35 invited guests to discuss needs, options and barriers to seniors. Two task forces will be formed to work on potential solutions. Representative Mikie Sherrill stopped in to offer support and encouragement. The Senior Citizens Advisory Committee is offering lunch before meetings to attract attendance. The first luncheon was attended by 30 people and the next one is on February 13 at 12:00 pm and is open to the public. Representative Mikie Sherrill's casework team will be available to help constituents navigate federal agencies including the IRS, Social Security, VA and Medicare on February 13<sup>th</sup> from 12:00-2:00 pm at the Madison Civic Center just before the Senior Citizen's Advisory meeting. Tax return prep appointments are now available on Wednesday afternoons at the Civic Center. The Senior Center van is now making trips outside of Madison and seniors are encouraged to use the van for trips to Summit Medical in Florham Park. We encourage joining Community Pass to learn about services and programs. From the Chamber of Commerce, the Taste of Madison is Monday, March 23<sup>rd</sup> at Brooklake Country Club and Rosenet has the ticket information. Museum of Early Trades and Crafts just opened a new exhibit called "Surveying NJ Landscape." In connection with this exhibit, the museum is hosting a discussion on February 6<sup>th</sup> in collaboration with Raritan Watershed Partnership and a special evening on March 26<sup>th</sup> with Dan Stringham, an experienced mountaineer who has summited Mt. Everest. The museum is moving forward with its conservation and restoration work on the interior decorative paint. The Recreation Department Spring and Summer schedule is available by request and there are 16 programs on 12 fields. Rental applications are being accepted and rental revenue should total about \$37,000. The fifth through eighth grade ski club had their first trip on January 27<sup>th</sup> with 220 children and chaperones. Spring Track registration is open. The Rosedale Rink has not opened this season because of unseasonably warm temperatures. Updates are available on Rosenet or by signing up for Notify Me.

## **Health**

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

On Tuesday, January 21<sup>st</sup>, the redesigned Rosenet.Org site went live. The end product has a lighter design, latest news carousel, citizen help center and cleaner global navigation menu. Residents are encouraged to download the free Recycle Coach App and never miss another collection. From the Health Department, flu vaccine is still available for residents; flu activity has elevated. Retail food store licensing is still in process. Dog and cat licensing is being done at the Borough Clerk's Office this year, although if brought to the Health Department they will be transferred to the Clerk's Office. Residents are asked to complete pet licensing as soon as possible, but because of the transition to the Clerk's Office we are extending the deadline to February 29<sup>th</sup> without a fine. Currently there is no local concern regarding Coronavirus. The

Health Department is monitoring the CDC and state Department of Health regarding activity throughout the country of both Coronavirus and seasonal flu activity.

### **Utilities**

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

The Electric utility crews were called out several times this month for outages due to high winds and weather conditions. This past Saturday, January 25, the Stand-By Crew was called to a pole fire in front of the Kings Road Substation due to a failure in a minor piece of equipment. At the scene, the crew determined that the top of the pole was damaged. They called in additional Electric Department Personnel to help shut down the circuit on the pole and tie it in with another circuit. It took approximately 2 hours to complete the job, during which there were brief flickers but no outages. The crews were back on site today to continue repairs at the pole that was damaged. It is expected to take 3-4 days to complete the permanent repairs. LED streetlight replacement work continues. While the crew was indoors due to inclement conditions, the crew washed and waxed all of the bucket trucks. Ms. Ehrlich stated she toured the water and light plant and met supervisors Jim Mattina, Ken O'Brien and Tom Debiasse. These department heads provided an excellent introduction to our utility infrastructure and operations, including capital projects and the everyday work required to maintain our public utilities in state of good repair.

### **COMMUNICATIONS AND PETITIONS**

The Borough Clerk announced receipt of the following communications:

None received

### **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.**

**Tom Haralampoudis, Pomeroy Road** stated concerns about the proposed tree ordinance, specifically the cost to residents.

### **AGENDA DISCUSSIONS**

#### **01/27/2020-1 TREE PROTECTION ORDINANCE**

Gene Cracovia, Chair of the Shade Tree Management Board, made a presentation regarding the proposed Tree Protection Ordinance. Mr. Cracovia explained that Madison is losing large canopy trees for several reasons and they are not being replaced. Mr. Cracovia said that canopy trees provide many benefits to Madison and the larger community. The proposed ordinance establishes the position of Municipal Arborist and defines when a permit is required. Mr. Cracovia explained that it aligns with surrounding municipalities.

#### **01/27/2020-2 BOROUGH UTILITIES AND SURPLUS**

Jim Burnet, CFO made a presentation regarding Public Works, Utilities and Utilities Surplus. He introduced Jim Mattina, Electric Utilities Superintendent and Ken O'Brien, Director of Public works who explained their department's 2019 accomplishments, 2020 goals and capital budgets. Mr. Burnet presented the electric utility and water utility financial reports which included rate comparisons. Mr. Burnet stated the electric dividend and rebate can continue as they did in 2019. Mr. Burnet also noted various challenges and goals going forward.

#### **01/27/2020-3 ELECTRIC UTILITY REBATE**

During Mr. Burnet's presentation, Ms. Ehrlich explained the importance of the Borough \$200 Electric Utility Rebate for families who qualify.

**01/27/2020-4**

**PLASTIC BAG BAN AMENDMENT**

Mayor Conley explained that the ordinance to amend the plastic ban will be introduced at the February 10, 2020 meeting. Mayor Conley stated the ban would be implemented as scheduled in March but minor adjustments would be made.

**ADVERTISED HEARINGS**

The Clerk made the following statement:

Ordinances scheduled for hearing tonight were submitted in writing at a Regular meeting of the Mayor and Council held on January 13, 2020 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 1-2020**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$1,610,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR 2020 ROAD RECONSTRUCTION PROJECTS, RELATED WORK AND MISCELLANEOUS PROJECTS**

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$1,610,000.00 from the General Capital Improvement Fund for 2020 Road Reconstruction Projects, including new pavement, traffic calming, curbing and pedestrian sidewalk improvements, related work and miscellaneous projects throughout the Borough; 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 \$1,610,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$1,610,000.00 from the General Capital Improvement Fund for the 2020 Road Reconstruction Projects, related work and miscellaneous projects throughout the Borough.

**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 \$1,610,000.00 is hereby appropriated from the General Capital Improvement Fund for the 2020 Road Reconstruction Projects, related work and miscellaneous projects throughout the Borough.

**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 1-2020. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Byrne moved that Ordinance 1-2020, which was read by title, be finally adopted. Mr. Hoover seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Ms. Baillie, Ms. Byrne  
Mr. Hoover, Ms. Coen, Ms. Ehrlich

Nays: None

Mayor Conley declared Ordinance 1-2020 adopted and fully passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

## **ORDINANCE 2-2020**

### **ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$1,065,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR 2020 MILLING AND OVERLAY PROJECTS**

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$1,065,000.00 from the General Capital Improvement Fund for 2020 Milling and Overlay projects, including mill, overlay, signage, striping, curb, sidewalk and crack sealing improvements, related work and miscellaneous projects throughout town; 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 \$1,065,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$1,065,000.00 from the General Capital Improvement Fund for the 2020 Milling and Overlay projects, signage, striping, curb, sidewalk and crack sealing improvements, related work and miscellaneous projects throughout town.

**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 \$1,065,000.00 is hereby appropriated from the General Capital Improvement Fund for the 2020 Milling and Overlay projects, signage, striping, curb, sidewalk and crack sealing improvements, related work and miscellaneous projects throughout town.

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

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

Mayor Conley opened up the public hearing on Ordinance 2-2020. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Byrne moved that Ordinance 2-2020, which was read by title, be finally adopted. Mr. Hoover seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Ms. Baillie, Ms. Byrne  
Mr. Hoover, Ms. Coen, Ms. Ehrlich  
Nays: None

Mayor Conley declared Ordinance 2-2020 adopted and fully passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the 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.**

**Tom Salaki; Fairwood Road**, Mr. Salaki spoke in favor of the proposed tree protection ordinance.

***INTRODUCTION OF ORDINANCES***

The Clerk made the following statement:

Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of February 24, 2020 in the 2<sup>nd</sup> Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinances will be published in the Madison Eagle, be posted at the main entrance to the Borough offices and be made available to members of the public requesting same, as required by law.

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

ORDINANCE 3-2020 ORDINANCE OF GOVERNING BODY OF THE BOROUGH OF MADISON AMENDING THE TREE CODE OF THE BOROUGH OF MADISON TO ADD A NEW CHAPTER 178 ENTITLED "TREE PROTECTION"

**WHEREAS**, the Governing Body of the Borough of Madison has determined that one of the Borough's characteristics that has made it an attractive and welcoming community are its tree lined streets and tree canopy; and

**WHEREAS**, the Governing Body of the Borough of Madison has determined that the preservation, protection, maintenance and controlled removal of certain trees is essential to the health, safety, economy and general welfare of the Borough; and

**WHEREAS**, The New Jersey Shade Tree and Community Forestry Assistance Act, *N.J.S.A. 13:1L-17.1 et. seq.* provides that shade trees and forests are a necessary and important part of community and urban environments, and are critical to the environmental, social and economic welfare of the State; and

**WHEREAS**, the protection and preservation of trees has been found by the New Jersey Courts to unquestionably affect the public interest.

**NOW, THEREFORE**, be it ordained by the Governing Body of the Borough of Madison, County of Morris, State of New Jersey, as follows:

**SECTION 1:** The Code of the Borough of Madison is hereby amended to add a new Chapter 178, which shall read as follows:

"Chapter 178, Tree Protection"

**§ 178-1. Findings of Fact**

The Borough Council finds that indiscriminate, uncontrolled and excessive destruction and removal of trees upon lots and tracts of land within the Borough of Madison will cause increased drainage control costs, increased soil erosion and sedimentation, decreased fertility of the soil, degradation of water resources, decreased groundwater recharge, increased buildup of atmospheric carbon dioxide, the establishment of a heat island effect and increased dust and pollution. The singular or cumulative effect of any of the foregoing could adversely impact the character of the Borough, decrease property values, render the land unfit and unsuitable for its most appropriate use, and negatively affect the health, safety and general welfare of the Borough's residents.

**§178-2. Purpose**

The Governing Body desires to regulate and control indiscriminate and excessive removal of trees within the Borough and to require appropriate tree replacement.

**§178-3. Definitions**

The following words and expressions used in this Chapter shall have the following meanings:

**BOROUGH TREE:** A tree located on land owned by the Borough or which is located on a street, highway, public place, right-of-way, Borough easement, park or parkway or within the sidewalk lines.

**LIMIT OF DISTURBANCE LINE:** The line on a property beyond which the natural grade and existing vegetation will not be disturbed by a construction project. It shall be indicated on a plan by a dashed line and shall include not only the area around each structure's foundation but also clearing and grading required for driveway, power, water, sewer, communications, and other installations.

**DRIPLINE:** A line connecting the tips of the outermost branches of a tree projected vertically onto the ground.

**LANDMARK TREE:** Any tree designated and identified as such by the Shade Tree Management Board (STMB) of the Borough of Madison pursuant to the standards set forth in the General Code of the Borough of Madison Chapter 45-1.

**NON-BOROUGH TREE:** Any tree other than a Borough tree as heretofore defined.

**MUNICIPAL ARBORIST:** The Administrative Officer of the Tree Protection ordinance, duly appointed by the Governing Body who shall have the following qualifications:

1. Bachelor's degree in forestry, arboriculture or horticulture from an accredited college or university, or
2. Certification as a "Certified/Licensed Tree Expert" (CTE/LTE) by the State of New Jersey, or
3. International Society of Arboriculture (ISA) Certified Arborist, and
4. A minimum of five (5) years' experience in the planting, care and maintenance of trees.

**REPLACEMENT TREE:** A nursery-grown certified tree marked with a durable label indicating genus, species and variety, and satisfying the standards for nursery stock and installation thereof set forth by the American Nursery & Landscape Association and guaranteed for two years. The Municipal Arborist shall publish on the municipal website a suitable species list for Replacement Trees. Any tree used in a required planting must be at least 2 ½ inches caliper in diameter and must be nursery stock, balled and burlapped and guaranteed for two years from the date of installation.

**SHADE TREE MANAGEMENT BOARD:** The advisory committee established by Chapter 45 of Borough of Madison Code.

**SIGNIFICANT TREE:** Any tree, measured 4.5 feet above the grade with a diameter of 16 inches (circumference of 50 inches) or greater, or any tree designated by the Shade Tree Management Board as a Landmark Tree.

**TREE:** Any deciduous or evergreen species, measured 4.5 feet above the grade with a diameter of 6 inches (circumference of 19 inches) or greater, up to a diameter of 16 inches (circumference of 50 inches).

**TREE FUND:** A fund established by the Governing Body only to be expended for the planting of trees in any public street, public park or public right-of-way at locations on the Tree Planting Schedule defined herein.

**§178-4. Appointment of Municipal Arborist.**

A Municipal Arborist shall be appointed by the Mayor and confirmed by the Council with the advice of the Shade Tree Management Board on an annual basis commencing January 1 and ending December 31. The Municipal Arborist shall possess the qualifications defined in Section 178-3 and shall be paid for any services authorized on behalf of the Borough in accordance with an annual fee schedule established with the Borough. The Municipal Arborist shall be prohibited from taking any action on or representing any Madison private clients while under contract with the Borough. After the selection of the Municipal arborist, the Borough shall enter into a contract with the arborist, which shall set forth the fees charged by the arborist for providing services to the Borough. The Borough's contract with the arborist shall be published with the publication of the tree inventory and tree planting schedule as provided herein.

**178-5. Duties of the Municipal Arborist.**

The Municipal Arborist shall be charged with performing site inspections, administration and enforcement of the tree removal and protection requirements of this Chapter, reviewing

and providing written reports on development applications, attendance at the Shade Tree Management Board meetings, and the preparation, maintenance and updating of the tree inventory.

#### **§178-6. Removal Restrictions**

Subject to the exemptions set forth herein, no person shall remove or damage, or cause to be removed or damaged any tree located upon Borough-owned land, easements or right-of way without the express approval of the Municipal Arborist, unless such action is specifically exempted by the provisions of this Chapter.

#### **§178-7. Tree Removal Permits.**

A. Permit Required. A tree removal permit is required for any of the following:

- (1) Any tree 6 inches in diameter (circumference of 19 inches) or greater; or
- (2) Any removal or destruction of any Significant Tree; or
- (3) Any removal or destruction of more than 50% of standing non-Borough trees on a lot during any calendar year.

B. Exemptions.

- (1) A permit is not required for removal of any Borough tree directed to be removed by the Borough of Madison, County of Morris or State of New Jersey.
- (2) Any property owner shall be permitted to remove two (2) non-significant trees on their property within any (24) month period without applying for a tree removal permit.

C. Permit Application. Applications for a permit shall be made to the Municipal Arborist on forms provided for this purpose in the Land Use Department and shall contain the following information:

- (1) The name and address of the owner of the property from which the trees are to be removed.
- (2) The name and address and phone number of the applicant. Where the applicant is not the property owner, written consent of the property owner is required.

(3) A development plan of the property or diagram that shall contain the following information:

- (a) A description of the premises where removal is to take place, including lot and block numbers and street addresses as assigned.
- (b). An indication of all trees to be removed, specifically by an assigned number, the species and diameter of each tree with a diameter of six (6) inches or more.
- (c) An indication of all trees to remain and proposed Replacement Trees, if any, including their size and species specifically by an assigned number.
- (d) Any other information which may reasonably be required to enable the application to be properly evaluated including, but not limited to, a description of the purpose for which this application is to be made; e.g. scenic improvements, hardship, danger to adjacent properties, removal of diseased or damaged trees, transplanting or removal in a growing condition to other locations, installation of utilities, drainage of surface water, or other pertinent information.

(4) Any removed tree that requires a permit must be replaced on a one to one basis. If, in the discretion of the Municipal Arborist, due to available space, species of trees and/or required space between plantings, a lesser number would be appropriate, the Municipal Arborist may grant a downward adjustment.

In lieu of providing a Replacement Tree, the owner of real property must contribute \$350.00 per removed tree to the Tree Fund, with such funds to be used for tree plantings in public spaces. Each December, the Borough shall publish an inventory of trees located on public streets, public parks and public rights-of-way (“tree inventory”). The Municipal Arborist shall be required to maintain and update the tree inventory. In conjunction with the publication of the tree inventory, the Borough shall publish a schedule of trees on the tree

inventory to be replaced or new tree plantings to be made on public streets, public parks or public rights-of-way in the ensuing twelve months (“tree planting schedule”). Trees purchased with monies in the tree fund shall be planted at locations on the tree planting schedule nearest to the site(s) that generated the remittance of monies pursuant to Section 178-12

D. The Municipal Arborist shall deny the permit if the application does not comply with this Ordinance.

E. Additional Requirements for Construction Projects.

(1) Where the removal of a tree, and/or more than 50% of the standing non-Borough trees on a lot (as defined in Section 178-3 hereof), is proposed for the construction of any building, recreation area or any structure for which a building permit is required, no building permit shall be issued until the applicant has obtained a tree permit required under this Chapter.

(2) The plan of the property submitted with the permit application shall indicate the construction disturbance line.

(3) The plan shall indicate any or all trenches for underground public utilities.

(4) Tree Protection During Construction.

All trees to be preserved are to be protected during construction using the following criteria:

**a.** The limit of protection shall be the dripline unless otherwise approved by the Borough Engineer or his or her designee with the advice of the Municipal Arborist.

**b.** Tree protection barriers shall be installed by the Applicant and approved by the Municipal Arborist and shall remain and be maintained until all construction and grading are completed and final inspection has taken place.

- c. The protective barriers shall be independently supported fencing firmly secured and not supported by any trees and shall be a minimum of three (3) feet high.
- d. Unless the project site is constrained in such a manner that the tree protection area would encompass all usable area typically required for construction activities to proceed, in the tree protection areas, it shall be prohibited to:
  - i. Store any building material.
  - ii. Store any fill of soil.
  - iii. Store or park any equipment, including temporary toilet facilities.
  - iv. Use as a work area.
  - v. Attach any signs, wires, or other attachments to any tree.
  - vi. Exception: Tree removal equipment is permitted, but only during operations for tree removal.
- e. The provisions of Section 195-44 et. seq. of the Borough Code, Soil Erosion and Sediment Control, shall be adhered to where applicable.

#### F. Applications for Development

(1) All Land Development applications to the Planning Board or Zoning Board of Adjustment for development under the Borough of Madison Land Development Ordinance shall contain a demolition permit plan which, shall be prepared by an appropriately licensed professional (professional engineer, land surveyor, landscape architect, professional planner, architect, forester, certified arborist, certified tree expert, etcetera) showing all surface features, subsurface structures and trees proposed to be removed as part of the development.

(2) The demolition plan shall be a completeness item on the checklists for single and two-family residential applications, minor and major subdivisions and site plan applications.

(3) The Municipal Arborist shall review the development plans and provide a written report to the appropriate Land Use Board and the Applicant at least ten (10) business days prior to the scheduled meeting date. The Municipal Arborist shall be paid from the Technical Review escrow for each application pursuant to Section 195-12(B) of the Borough of Madison Land Development Ordinance.

#### G. Other Permit Considerations.

(1) All reasonable efforts shall be made to preserve Landmark Trees and Significant Trees including, but not limited to, relocation of planned and/or proposed infrastructure, driveways, and buildings. Removal of Landmark Trees shall require written notice to the Shade Tree Management Board.

(2) If the Municipal Arborist or certified arborist submits in writing that a tree is dead, dying, hazardous, storm damaged and /or infested with insects, a replacement tree is not required.

#### H. Standards.

Upon receipt of a tree removal permit application the Municipal Arborist shall inspect the site on which are located the tree or trees sought to be removed. The Municipal Arborist shall issue such permit based on any of the following factors:

(1) Where the area where such tree or trees are located will be occupied by a building, deck, patio, pool or structure, a driveway, a roadway, a stormwater management facility, or a sewer line or other underground utility, or where the area where such tree or trees are located is within twelve (12) feet of a building or structure or within seven (7) feet of any of the other improvements set forth in this paragraph.

- (2) Where a Certified Arborist recommends in writing that the proposed removal would constitute a horticulturally advantageous thinning of an existing overgrown area.
- (3) Where proposed changes in the topography of the area where such tree or trees are located would require significant remediation, such as welling or construction of an aerification system, to allow the tree or trees to survive.
- (4) Where the presence of the tree or trees is likely to cause hardship or will endanger the public or an adjoining property owner.
- (5) Where the tree or trees are damaging a structure.
- (6) Where the root system has become invasive to the extent that no other solution remains.
- (7) Where the location of the tree interferes with the use of an existing outdoor pool.

#### I. Conflicts with Other Laws.

Notwithstanding anything in this Chapter to the contrary, no tree removal shall be permitted where prohibited by any other municipal, state or federal statute, ordinance or regulation.

#### J. Fees.

- (1) The application fee shall be \$25.00 for each tree to be removed. Said fee may be changed by ordinance at the discretion of the Governing Body.
- (2) The permit application fee shall be waived if the tree or trees to be removed are determined by the Municipal Arborist to be dead, dying, hazardous, storm damaged, infested and/or directed to be removed by the State of New Jersey.

#### K. Scheduling Requirements.

- (1) The Municipal Arborist shall issue an approval or a denial of a tree removal application within ten (10) business days of a complete permit application being filed.
- (2) The applicant must notify the Municipal Arborist when the following events have taken place:
  - (a) Tree or trees to be removed shall be indicated on site with flagging tape.

(b) All tree removals are completed.

(c) For construction projects:

(i) If existing trees are within the construction zone, after required tree protection measures have been installed.

(ii) For projects that require demolition, after demolition, but prior to start of construction.

(iii) If excavation of building structures is required after excavation, prior to construction.

(iv) If trenching is required, after mark-out of all trenches.

(v) Final grade is established.

#### L. Permit Time Limit.

All tree removal permits shall be limited to one (1) year from date of issuance. If the approved tree removal has not occurred within one (1) year, a new permit must be applied for and is subject to the payment of new fees. If, however, the applicant diligently pursues other governmental approval, or if approved development is ongoing, the permit may be renewed for up to one year.

#### **§ 178-8. Public Utilities and Public Transportation Corporations**

Any public utility or public transportation corporation that maintains overhead wires, underground pipes or conduits shall review plans for pruning and/or tree removal at least two (2) weeks prior to the commencement of work with the Municipal Arborist and a representative of the Shade Tree Management Board and obtain written permission from the Municipal Arborist to proceed. Utilities and public transportation corporations may undertake emergency tree work to restore electrical, telephone, cable TV or other wire services without prior advance notice. In such event, the utility shall notify the Municipal Arborist of said work within three (3) business days of commencement. The utilities owned and operated by the Borough of Madison shall be exempt from the noticing requirements.

**§178-9. Enforcement.** The Municipal Arborist shall have the sole jurisdiction and responsibility to identify any violations hereunder. The Municipal Arborist shall oversee all applicable tree removal or destruction and soil removal incidental thereto. Upon ascertaining a violation of this chapter, the Municipal Arborist shall maintain all relevant documentation associated with any violation. The Municipal Arborist shall contact the owner of the property within three (3) business days to correct the violation. If such violation(s) are not resolved within 10 days, the Municipal Arborist shall issue a summons to be heard in the Municipal Court as provided in this Article. In addition to other remedies, the Borough Engineer or his/her designee or other proper municipal official may institute a stop work order to prevent a continuing violation of the terms of this chapter.

**§178-10. Violations and Penalties.** Any person violating or causing to be violated any of the provisions of this chapter shall be subject to a fine of not less than \$100 and not more than \$2,000 for each offense, together with court costs.

**§ 178-11. Appeals.**

If an applicant or permit holder disagrees with the decision of the Municipal Arborist, as the Administrative Officer of this ordinance, they may request a meeting with the Municipal Arborist and the Shade Tree Management Board for review of the matter and/or may appeal to the Zoning Board of Adjustment regarding the decision of the Administrative Officer, as provided for in the Municipal Land Use Law.

**§178-12 Payment to Tree Fund.**

- A. A Tree Fund shall be established by the Governing Body to receive and disburse replacement tree contributions. Appropriations from the Tree Fund shall be authorized by the Governing Body. The purpose of the fund is to provide for the planting of replacement trees on public land. The Tree Fund will also cover administrative costs to implement plans, specifications, and bid documents for planting contracts on public lands only, in accordance with the Local Public Contracts Law.
- B. All tree replacements under the ordinance codified in this Section shall be made on the actual site from which the trees were removed and shall replace each tree destroyed or removed. However, if the site in question cannot physically accommodate the total replacement amount of trees, a fee of \$350.00 per replacement tree may be paid to the Tree Fund in lieu of such replacement.

**SECTION 2: SEVERABILITY.** If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

**SECTION 3: EFFECTIVE DATE.** This chapter shall take effect as provided by law.

Ms. Byrne moved that Ordinance 3-2020, which the Borough Clerk read by title, be adopted. Mr. Hoover seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Ms. Baillie, Ms. Byrne,  
Mr. Hoover, Ms. Coen, Mrs. Ehrlich  
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.

Mrs. Vitale moved adoption of the Resolutions listed on the Consent Agenda. Ms. Baillie seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Ms. Baillie, Ms. Byrne,  
Mr. Hoover, Ms. Coen, Mrs. Ehrlich  
Nays: None

R 56-2020 RESOLUTION OF THE BOROUGH OF MADISON EXTENDING THE CONTRACT AWARD TO d & b CLEANING FOR CLEANING SERVICES FOR THE MADISON CIVIC CENTER, WATER AND ELECTRIC BUILDING AND THE POLICE DEPARTMENT FOR 2020

**WHEREAS**, the Borough of Madison solicited quotes for cleaning services for the Civic Center, Water and Electric Building and the Police Department in 2019 (the "Contract") in accordance with the Local Public Contracts Law; and

**WHEREAS**, D & B Cleaning for cleaning services was awarded a contract for the Civic Center, Water and Electric Building and the Police Department for 2019 in the total amount of \$32,400.00, with a renewal to extend the contract for one-year not to exceed \$32,400.00; and

**WHEREAS**, the Borough wishes to extend the contract to D & B Cleaning in an amount not to exceed \$32,400.00 for 2020; and

**WHEREAS**, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$32,400.00 for this purpose in the 2020 municipal budget.

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

1. The extended contract for cleaning services for 2020 at the Civic Center, Water and Electric Building and the Police Department is hereby awarded to D & B Cleaning based upon a quote in the amount of \$32,400.00.

2. D & B Cleaning shall submit a completed Business Entity Disclosure Certification and a Political Contribution Disclosure Form to the Purchasing Agent, which shall be on file for ten (10) days before payment is made.

3. The contract is expressly contingent upon D & B Cleaning providing the Borough's Qualified Purchasing Agent a copy of the statutorily required Worker Compensation Insurance Policy and an adequate Liability policy naming the Borough of Madison as additional insured.

4. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with D & B Cleaning in a form acceptable to the Borough Attorney.

R 57-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTINUATION OF THE ELECTRIC UTILITY REBATE PROGRAM FOR 2020

**WHEREAS**, the Borough Council recognizes a need for an Electric Utility Rebate Program; and

**WHEREAS**, the Borough Council finds that it is a benefit to continue the Borough of Madison Electric Utility Rebate Program and guidelines for the calendar year 2020; and

**WHEREAS**, it's anticipated that the total cost of the program will be less than \$60,000.00.

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

1. An Electric Utility Rebate Program is authorized for assistance to eligible residents for the calendar year 2020, in the amount of \$200.00 as a one-time credit toward electric utility charges.

2. The Program will be conducted in accordance with the attached 'Announcement of the Madison Electric Utility Rebate Program for 2020' guidelines.

R 58-2020 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING MADISON GARDEN CLUB DONATION OF SCULPTURE FOR ROSE GARDEN PARK

**WHEREAS**, the Garden Club of Madison has organized generous donations for a sculpture to be located and installed at Rose Garden Park, in memory of resident and member Barbara Carey; and

**WHEREAS**, the Borough Council has concluded that it would be in the best interest of the Borough to accept the donated sculpture and to assist with installation of the sculpture at

Rose Garden Park under the direction of the Director of Public Works and insurance coverage of the Borough.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison in the County of Morris in the State of New Jersey that the Borough accepts the donation of the sculpture and permission is granted for such installation to be done under the direction of the Director of Public Works and his staff.

**BE IT FURTHER RESOLVED** that the Borough of Madison expresses its gratitude to the donors for this project.

R 59-2020 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING DIANE HINDS AND GERARDO FRISOLI TO THE POSITION OF SUBSTITUTE CROSSING GUARD

**WHEREAS**, the QPA/Personnel Director has recommended appointing Diane Hinds and Gerardo Frisoli to the position of Substitute Crossing Guard; and

**WHEREAS**, the Chief Financial Officer has attested that funds are available for this purpose in the 2020 Police Department Budget # 240, Operating Account for Part-time Help # 130.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey that upon satisfactory completion of a background check Diane Hinds and Gerardo Frisoli are each appointed to the position of Substitute Crossing Guard for the Borough of Madison for the school year commencing upon the effective date of this resolution and ending June 15, 2020, unless the school year is extended due to winter weather closings

**BE IT FURTHER RESOLVED**, that Diane Hinds and Gerardo Frisoli each be compensated in accordance with the Borough Resolution establishing the salaries for part-time, substitute school crossing guards.

R 60-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING 2019 BUDGET TRANSFER

**WHEREAS**, certain transfers of funds for various 2019 budget appropriations are necessary to cover expenditures; and

**WHEREAS**, N.J.S.A. 40A:4-58 provides for transfer of appropriations with an excess over and above the amount deemed necessary to fulfill their purposes to those appropriations deemed to be insufficient; and

**WHEREAS**, the appropriations subject to fund transfers hereby are not within those restricted by N.J.S.A. 40A:4-58 for transfer purposes.

**NOW, THEREFORE, BE IT RESOLVED**, by an affirmative vote of the members of the Council of the Borough of Madison, in the County of Morris, New Jersey, that the Chief Financial

Officer is hereby authorized to make transfers between appropriation accounts of the 2019 Municipal Budget as follows:

Budget Line receiving funds	Amount Transferred in	Reason for request	Budget line transferring \$\$	Amount transferred out
Health Department Professional Svc (330-215)	+ \$3,000	Staff support was provided with staff fro Bloomfield	Health Dept Staff, PT Help (330-130)	- \$3,000

R 61-2020 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL APPLICATION FOR LIVERY OWNER'S LICENSE FOR TRAVELERS TAXI AND LIMOUSINE LLC FOR 2020

**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 application be approved for the year 2020:

<u>LICENSE NO.</u>	<u>NAME</u>	<u>Vehicle</u>
2020-6L	John J. Patrisco, Jr. Travelers Taxi & Limousine LLC 31 Kings Road, Madison, NJ	1 Livery

R 62-2020 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL APPLICATION LIVERY DRIVER'S PERMIT FOR TRAVELERS TAXI AND LIMOUSINE LLC FOR 2020

**BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following livery driver's permit be approved for the year 2020:

<u>LICENSE NO.</u>	<u>DRIVER</u>
2020-1D	John J. Patrisco, Jr. Travelers Taxi & Limousine, LLC

R 63-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING GOOD GRIEF INC. TO HOLD A 5K RUN AT GIRALDA FARMS ON SUNDAY, JUNE 7, 2020

**WHEREAS**, Good Grief, Inc. has requested permission to use portions of Laurel Way, Woodland Road, Treadwell Avenue, and Madison Avenue in connection with a benefit 5k run at Giralda Farms; and

**WHEREAS**, the Police Chief recommends approval of this request; and

**WHEREAS**, Good Grief, Inc. has agreed to reimburse the Madison Police Department for all expenses incurred in connection with the monitoring of said race; and

**WHEREAS**, the Borough Council has reviewed said request and determined that it should be granted.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that Good Grief, Inc. is hereby granted permission to use portions of Laurel Way, Woodland Road, Treadwell Avenue, and Madison Avenue in connection with the 5k Run to be conducted on Sunday, June 7, 2020, between the hours of 7:00 a.m. and 2:00 p.m. subject to the condition that Good Grief, Inc. reimburse the Madison Police Department for all expenses incurred in connection with the monitoring of said race.

R 64-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE AWARD OF CERTAIN NON-FAIR AND OPEN CONTRACTS FOR THE JOINT MUNICIPAL COURT OF MADISON, THE CHATHAMS, HARDING TOWNSHIP AND MORRIS TOWNSHIP

**WHEREAS**, the Joint Municipal Court of Madison, the Chathams, Harding Township and Morris Township has a need to obtain the following Professional Services as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, the Borough Administrator of the Borough of Madison has determined that the value of certain Professional Services listed herein may exceed \$17,500; and

**WHEREAS**, the Joint Court Committee of the Joint Municipal Court of Madison, the Chathams, Harding Township and Morris Township approved the appointment of each listed professional at their regularly scheduled meeting held January 22, 2020; and

**WHEREAS**, each Professional Services provider has completed and submitted a Business Entity Disclosure Certification where required by N.J.S.A. 19:44A-1, et seq., which certifies that said provider has not made any reportable contributions to a political or candidate committee in the Borough of Madison, County of Morris, State of New Jersey in the previous year, and that the contract will prohibit said Professional Services provider from making any reportable contributions through the term of the contract, and

**WHEREAS**, in accordance with N.J.A.C. 5:30-5.4, the Chief Financial Officer has certified as to the availability to cover the maximum dollar value of each pending contract as set forth in this Resolution; and

**WHEREAS**, this Resolution and Certification of funds does not obligate the Borough to spend the maximum for each contract.

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

1. The Mayor is hereby authorized to execute contracts for each of the professional services listed herein, the cost of each such professional service agreement not to exceed the amount certified by the Chief Financial Officer.

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

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

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

Prosecutor	Maryann O'Donnell McCoy, Esq.	\$450/per session not to exceed \$30,000
Prosecutor	Mason Thompson, LLC	\$450/per session not to exceed \$16,500
Prosecutor	DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C.	\$450/per session not to exceed \$10,000
Public Defender	Marshal L. Gates, Esq.	\$85/hr not to exceed \$11,000
Public Defender	Robert A. Warmington, Esq.	\$85/hr not to exceed \$13,000

R 65-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXTENSION OF TIME FOR RENEWAL OF PET LICENSES FOR 2020

**WHEREAS**, annual pet licenses are to be renewed each year before January 31<sup>st</sup> in compliance with the provisions of Chapter 59 of the Borough Code; and

**WHEREAS**, the Council of the Borough of Madison has determined that due to the implementation of a new online system for licensing pets, an extension of the deadline to renew such licenses is warranted.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that an extension of time from January 31<sup>st</sup> until February 28<sup>th</sup> for the renewal of pet licenses for the year 2020 is hereby authorized.

R 66-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING FINAL PAYMENT AND CHANGE ORDER REQUEST FROM NATIONAL WATERMAIN CLEANING CO. IN THE AMOUNT OF \$63,900.00 FOR AN EMERGENCY SEWER LINING REPLACEMENT PROJECT

**WHEREAS**, a contract for an emergency Sewer Lining Repair was awarded to National Water Main Cleaning Company, Inc. of Caton, Massachusetts, in the amount of \$62,000.00., by Resolution 280-2019; and

**WHEREAS**, the Borough Engineer has recommended approval of a change order to the contract for changes that were encountered during the emergency storm sewer replacement, bringing the contract total to \$63,900.00; and

**WHEREAS**, the Borough Engineer has advised the project has been completed and has recommended approval of final payment including the change order to National Water Main Cleaning Co., in an amount not to exceed \$63,900.00; 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 Ordinances 45-2019 and 9-2019.

**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 National Water Main Cleaning Co. of Caton, Massachusetts, in the total amount not to exceed \$63,900.00 for the emergency storm sewer lining project is authorized.

R 67-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF AN ENGINEERING DEPARTMENT VEHICLE UNDER EDUCATIONAL SERVICES COMMISSION OF NJ ESC CO-OP #65MCECCPS-ESCNJ 17/18-21

**WHEREAS**, the Borough of Madison desires to award a contract for the purchase of an Engineering Department vehicle under the New Jersey State Contract 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

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**WHEREAS**, Beyer Ford, 170 Ridgedale Avenue Morristown, New Jersey, 07960 has been awarded Educational Services Commission of NJ ESC Co-op#65MCESCCPS - ESCNJ 17/18-21; and

**WHEREAS**, the Borough Engineer and Qualified Purchasing Agent have recommended that the Borough Council utilize this contract for purchase of an Engineering Department vehicle as follows; under contract NJ ESC Co-op#65MCESCCPS - ESCNJ 17/18-21, one 2020 Ford Escape SE 4WD; and

**WHEREAS**, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$32,139.81 for this purpose, which funds are available in the Engineering Department – Operating budget.

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

1. A contract for the purchase of an Engineering Department vehicle and accessories, for \$32,139.81 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 Beyer Ford, 170 Ridgedale Avenue, Morristown, New Jersey, 07960, for the purchase of an Engineering Department vehicle and accessories at a total price not to exceed \$32,139.81, in a form acceptable to the Borough Attorney.

**R 68-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CHANGE ORDER REQUEST FROM DENVILLE LINE PAINTING, INC. IN THE AMOUNT OF \$6,124.70 BRINGING TOTAL CONTRACT AMOUNT TO \$51,124.70 FOR THE ROAD RESTRIPIING IMPROVEMENT PROGRAM**

**WHEREAS**, a contract for the 2019 Road Improvement Program, in an amount not to exceed \$45,000.00 was awarded to Denville Line Painting, Inc., of Rockaway, New Jersey; and

**WHEREAS**, the Borough Engineer has recommended approval of a change order to the contract for field changes that were encountered during the construction and additional road striping of \$6,124.70, bringing the revised contract total to \$51,124.70; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of funds in an additional amount not to exceed \$51,124.70 for this purpose, which funds were appropriated by Ordinance 1-2019.

**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 \$6,124.70 change order request from Denville Line Painting, Inc. of Denville, New Jersey, in

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the total amount not to exceed \$51,124.70 for the 2019 Road Improvement Program is authorized.

**R 69-2020 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT FOR TREE TRIMMING AND REMOVAL SERVICES TO HONOR TREE SERVICE, INC OF MADISON, NEW JERSEY**

**WHEREAS**, the Borough of Madison publicly advertised for bids for Tree Trimming AND removal Services for 2020 (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

**WHEREAS**, Honor Tree Service, Inc., of Madison, New Jersey, was the lowest responsible, responsive bid, submitting a bid in the amount of \$87.00 per hour for request one and \$87.00 per hour for request two; and

**WHEREAS**, the QPA/Personnel Director has recommended that the Contract be awarded to Honor Tree Service, Inc., in the amount of \$87.00 per hour for request one and \$87.00 per hour for request two; and

**WHEREAS**, the Chief Financial Officer has attested that funds will be available in the amount of \$87.00 per hour for request one and \$87.00 per hour for request two for this purpose, which funds are available in the 2020 Shade Tree Management Board Budget Department # 303, Operating Account #214, Tree Maintenance.

**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 Tree Trimming and Removal Services 2020 is hereby awarded to Honor Tree Service, Inc. based upon its bid in the amount of \$87.00 per hour for request one and \$87.00 per hour for request two.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Honor Tree Service, Inc. in a form acceptable to the Borough Attorney.

**R 70-2020 RESOLUTION OF THE BOROUGH OF MADISON TEMPORARILY ESTABLISHING THE 2020 ELECTRIC UTILITY DIVIDEND RATES**

**WHEREAS**, Ordinance 65-2016, amended Chapter 94 of the Borough Code to set forth requirements to establish an annual customer cost adjustment known as an "Electric Utility Dividend"; and

**WHEREAS**, in order to temporarily implement a \$2 million electric utility dividend, the following REVISED rate table shall be used to apply credits to each billing statement starting February 1, 2020 based on kilowatt (kwh) consumption; and

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<b>Table 2 - Calculation of Dividend Rate by Class</b>	
<b>Rate Class</b>	<b>2020 Dividend \$/kWh</b>
RS-Residential Service – Class 1	\$ 0.0195
GS-D General Service – Class 2	\$ 0.0144
GS-ML Mid Level General Service – Demand-Class 3	\$ 0.0115
GSS- N General Service Non-Demand – Class 4	\$ 0.0207
GSL-DX Large General Service with d – Demand Class 5	\$ 0.0112

**WHEREAS**, The Council shall review the municipal and utility budgets of the Borough and determine the final electric utility dividend rate by March 30, 2020;

**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 2020 Utility Dividend rates as listed above are hereby established.

**UNFINISHED BUSINESS** - None

**APPROVAL OF VOUCHERS**

On motion by Mrs. Vitale, seconded by Ms. Baillie and carried, the following vouchers of the Borough of Madison were approved for payment, and the supporting documentation of said vouchers was made part of the Supplemental Minute Book.

Current Fund	\$4,078,699.16
General Capital Fund	6,053.40
Electric Operating Fund	722,215.20
Electric Capital Fund	10,708.88
Water Operating Fund	54,876.85
Water Capital Fund	0.00
Trusts	<u>10,234.38</u>
Total	<u>\$4,882,787.87</u>

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

Yeas: Mrs. Vitale, Ms. Baillie, Ms. Byrne,  
Mr. Hoover, Ms. Coen, Mrs. Ehrlich

Nays: None

**NEW BUSINESS**

**ADJOURN**

There being no further business to come before the Council, the meeting was adjourned at 10:50 p.m.

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Respectfully submitted,

Kathleen Notine  
Deputy Borough Clerk  
Approved February 10, 2020 (EO)