

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

March 30, 2020 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 30th day of March, 2020. Mayor Conley called the meeting to order at 6:00 p.m. via Teleconference in the Council Chamber 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 10, 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 via teleconference:

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
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

Ms. Baillie moved:

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

MINUTES FOR APPROVAL (1)

February 24, 2020

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

LITIGATION MATTERS (1)

AFFORDABLE HOUSING UPDATE

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

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CONTRACT MATTERS (1)

BYRAM LABS

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

PERSONNEL MATTERS (1)

APPRENTICE LINEMAN

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

Seconded: Mrs. Vitale

Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

Mayor Conley reconvened the Regular Meeting at 7:10 p.m. via teleconference, with all members present. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Executive Minutes of February 24, 2020**. Mrs. Vitale seconded the motion, which passed with a unanimous voice call vote recorded.

Ms. Baillie moved approval of the **Regular Meeting Minutes of February 24, 2020**.

Mrs. Vitale seconded the motion, which passed with a unanimous voice call vote recorded.

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

Mayor Conley thanked the Madison Police and Fire Departments on behalf of all of Madison.

The Mayor and Council gave the following shout outs of thanks to:

Russ Brown

Suburban Shoe Shop

Frank Iannarone, Madison Pharmacy

Marie Slabaugh and Paula Notari for Shopping for Seniors

Linda Sawyer

Restaurants providing meals to front line workers

Mayor Conley reminded all residents to maintain safe social distancing to continue to flatten the curve of the corona virus pandemic.

REPORTS OF COMMITTEES

Finance and Borough Clerk

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

Mrs. Vital noted that the 2020 municipal budget will be introduced this evening and thanked CFO Jim Burnet and all department heads for their hard work preparing the budget.

Public Safety

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

Ms. Baillie thanked the members of the Police and Fire Departments for their efforts in these extraordinary times. In response to the Covid 19 epidemic, the Madison Police

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want to assure residents that everything possible is being done to continue to keep our community safe. The Police have taken all necessary precautions to limit exposure using social distancing when possible for the safety of our staff and public while maintaining the level of security our residents deserve. Residents are reminded to call 911 only in an emergency. Call 211 for information and guidance.

Public Works and Engineering

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

For the Engineering Department, the 2020 Road Improvements bid opening was completed March 19th, with bids for Glenwild Road completed March 19th. The Burnet Road reconstruction plans are prepared for bid and the state aid agreement has been requested to allow advertisement. A Complete Streets Committee meeting was held via videoconference at its regularly scheduled time last Wednesday. Highland Ave Water Main Replacement bid was advertised with a bid opening on April 2nd. Dodge Field Playground Building bid opening was completed on March 12th. The new fence for the dog park has been completed. Web based videoconferencing tools will be used to hold public hearings for both Planning and Zoning boards in response to the Governor's State of Emergency declaration. And a reminder that there is a need to address mental health, especially during this crisis. Ms. Byrne suggests reaching out to one another, get more exercise and ask for help when needed.

Community Affairs

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

The Senior Citizen Advisory Committee subcommittee has noted an increase in the number of residents on the reassurance call list. Other efforts are underway to deliver food to seniors. The Recreation Advisory Committee met by conference call and notes all spring sports will be cancelled, and fees reimbursed. Fields maintenance continues, with improvements to grass fields.

Health

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

Ms. Coen reminded residents that the Madison Health Department remains open from 8:00 to 4:30 each day, please contact if you have questions. Also vital records are still available through the registrar. Health Director Mike Fitzpatrick emails daily updates with federal and state regulations. A test site will be opening at Morris County College; residents will require a prescription. The Health Department reminds residents to stay home, practice social distancing and wash hands often.

Utilities

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

In recognition of public health protocols, the Electric Department has split into two crews working from different locations to reduce the number of workers operating out of one building. One Crew is working out of the Senior Center on Walnut Street, while the other remains working out of the Water & Light Plant. Last Saturday, March 21st, the Stand-by Crew was called to Green Village Road and Shunpike Road for a car accident, where a utility pole had been broken. The Stand-by crew secured the pole and wires so that the pole could remain in service until Monday, when Verizon could come out to replace it. The Electric Department has completed the Tornado Damage work on Loantaka Way. They replaced five broken utility poles and replaced the Street Lights with LED lights. The Department has also started installing LED Street Lights on Ridgedale Avenue. We are in the process of ordering more LED lights to allow us to continue the LED upgrades

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on all the main roads in town. For the Water Department, staff installed a new 1" water service line for the newly sub-divided lot on the corner of Rosedale and Longview Avenues.

The Water Fountain inside the new Dog Park on Rosedale Avenue is now up and running. The Water Department also installed a new Fountain at James Park on the Madison Avenue side. Our water department continues to conduct all State Mandated Water Quality Tests and will continue to deliver clean, safe water to our customers.

INTRODUCTION OF THE 2019 BUDGET AND TAX RESOLUTION R 111-2019

CAP BANK ORDINANCE

Mayor Conley calls up *Ordinance 12-2020* for first reading and asked the Borough Clerk to read said ordinance by title:

ORDINANCE 12-2020

CALENDAR YEAR 2020 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.13)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Madison in the County of Morris finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, is estimated to be \$203,459.97 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Madison, in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Madison shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased up to 3.5%, amounting to \$712,109.90 and that the CY 2020 municipal budget for the Borough of Madison be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

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BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mrs. Vitale moved that Ordinance 12-2019, which the Borough Clerk read by title, be adopted. Mrs. Byrne 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

BUDGET INTRODUCTION

Statement by Borough Clerk:

Upon introduction and adoption, the 2020 Budget and Tax Resolution will be published by summary in the Madison Eagle on April 2, 2020 with a public hearing date set for Monday, April 27, 2020 at 8 p.m., via teleconference, at which time and place all interested individuals will have an opportunity to be heard, and there will be consideration for final adoption. A copy of the budget as introduced will be filed with the Madison Public Library and the County Library, and posted on the Borough's website for public review.

R 111-2020 RESOLUTION OF THE BOROUGH OF MADISON ADOPTING THE 2020 BUDGET AND TAX RESOLUTION

Mrs. Vitale noted several highlights of the proposed budget and thanked Borough officials for their efforts. Mr. Burnet provided a summary of the proposed budget.

Ms. Vitale moved that Resolution R 111-2020, which the Borough Clerk read by title, be adopted. Ms. Byrne seconded the motion. There was no further 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

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:
Email dated March 30, 2020, from Patrick Rowe, Paine Avenue, regarding the municipal budget.

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 Meeting Moderator, the person give his/her name and address in an audible tone of voice. **He/she shall limit his/her statement to three (3) minutes or less.**

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Chris McDougal, West End Avenue, asked that the marble wall along Main Street at the Museum of Early Trades & Crafts be repaired.

Gary Herzog, Madison Eagle, asked for clarification of the increase in municipal taxes over last year's budget.

Deb Starker, Beverly Road, Director of the Museum of Early Trades & Crafts, noted that repairs to the wall at the METC would be completed by the Borough.

AGENDA DISCUSSIONS

03/30/2020-1 COVID-19 RECOVERY SUPPORT

Mayor Conley noted daily communications with State and local governments regarding the corona virus pandemic and reminds residents to check the Borough's website, as well as other social media for current information. Downtown Business Director Lisa Ellis explained a Madison Main Street Foundation small business recovery grant, offering to match donations to help Madison businesses. Mayor Conley announced a 'tool kit' of programs that will be made available to help both residents and business, including expanded utility rebate programs, waived interest on tax and utility payments, suspending utility disconnections due to nonpayment and more in the coming months. Following discussion there was consensus to move forward with relief programs.

03/30/2020-2 OPEN SPACE TRUST FUND REQUESTS

Ms. Baillie provided explanation of two applications requesting matching grant funds through the Open Space Trust fund, noting the interior restoration at the Museum of Early Trades & Crafts and funds requested to restore the historic Masonic Lodge.

Ordinance 11-2020 and 12-2020 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 March 9, 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 7-2020
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 15
OF THE MADISON BOROUGH CODE ENTITLED "DOWNTOWN
DEVELOPMENT COMMISSION"**

WHEREAS, the Madison Downtown Development Commission has recommended revision of Chapter 15 of the Borough Code Entitled: "Downtown Development Commission"; and

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WHEREAS the Borough Council has determined to revise Chapter 15 of the Borough Code.

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: Chapter 15 of the Borough Code entitled “Downtown Development Commission” is hereby amended as follows:

§15-2 A. Numbers of Members. Membership shall consist of sixteen (16) regular members and two (2) ex-officio member.

§15-2 B(5)(d). Corporate Representative; one (1) representative who shall be an employee of a large (200 or more employees) corporate entity located in Madison.

§15-2 B(5)(g). Arts Representative: one (1) representative who shall be a member of an arts related organization based in the Madison area.

§15-2 B(7) *eliminate*

§15-2 B(8) Ex-officio members; one (1) member who shall be the Borough Director of Business Development an one (1) member who shall be the Communications and Technology Coordinator.

§15-2 C The Mayor, Council Liaison and all regular members of the Commission, except the ex-officio member shall exercise voting power (16 members). ~~The advisory member may participate in discussions but may not vote except in the absence of or disqualification of a regular member~~

§15-2 D Appointment. Appointments of all regular ~~and advisory~~ members shall be made by the Mayor with the advice and consent of the Borough Council. ~~In the event that the Mayor fails to make a nomination at least 15 days prior to the date of the second regular public meeting of the Council after a position becomes vacant or the Borough Council fails to confirm a nomination, then the appointment shall be made by the Borough Council by the vote of a majority of the members present at the meeting, provided that at least three affirmative votes shall be required, with the Mayor to have no vote thereon except in case of a tie.~~

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

Mayor Conley opened up the public hearing on Ordinance 7-2020. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Hoover moved that Ordinance 7-2020, which was read by title, be finally adopted. Ms. Coen 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

Mayor Conley declared Ordinance 7-2020 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 8-2020

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$300,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF A STREET SWEEPER AND ACCESSORIES FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Director of Public Works has recommended that the Borough purchase a new street sweeper; 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 \$300,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$300,000.00 from the General Capital Improvement Fund for the purchase of a new street sweeper and accessories for the Department of Public Works.

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 \$300,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of a new street sweeper and accessories for the Department of Public Works.

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 8-2020. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Byrne moved that Ordinance 8-2020, 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, Mrs. Ehrlich
Nays: None

Mayor Conley declared Ordinance 8-2020 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 9-2020

ORDINANCE OF THE BOROUGH OF MADISON ESTABLISHING CHAPTER 195-36.1 OF THE MADISON LAND DEVELOPMENT ORDINANCE, ENTITLED “SOLAR ENERGY SYSTEMS”

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WHEREAS, the Borough of Madison Planning Board has recommended that the Madison Land Development Ordinance Section 195-36.1 be established to regulate solar energy facilities and structures; and

WHEREAS, the Borough Council has determined to adopt such amendment.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that:

SECTION 1: Chapter 195 of the Madison Land Development Ordinance, entitled “Land Development”, Section 195-36.1 entitled “Solar Energy Systems” is hereby established as follows:

I. ADD NEW SECTION 195-37. SOLAR ENERGY SYSTEMS.

A. The purpose of this ordinance is:

- 1) To amend and supplement the Land Development Code of the Borough of Madison to regulate solar photovoltaic energy facilities and structures and balance the objective of providing reasonable opportunities for on-site solar or photovoltaic electric generation for on-site electricity consumption with protection of the natural and built environment.
- 2) To promote the conservation of energy through the use of planning policies and practices designed to reduce energy consumption and to provide for utilization of renewable energy sources accessory to and directly supportive of a use permitted by Madison Land Development Ordinance.

B. Definitions.

- 1) Solar Photovoltaic Energy System, Accessory. A system of solar photovoltaic modules, panels or arrays for the collection, storage, and distribution of solar energy for space heating or cooling, for water heating (including heat exchange systems with exterior panels), or for electricity, that:
 - a) Is located on the electric consumer’s premises;
 - b) Is designed and intended to offset part of the electric consumer’s on-site electric energy consumption; and
 - c) Is accessory, subordinate and incidental to the electric consumer’s principal use of the premises for other lawful purpose(s).
- 2) Building-Integrated Solar Energy Systems. A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems shall include photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, and skylights that do not visually differ from conventional building materials.
- 3) Community Solar System. Local solar facilities shared by multiple community subscribers who receive credit on their electricity bills for their share of the power produced.

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- 4) Ground Mounted Solar Energy System. Systems which are not mounted on existing structures. This does not include parking canopy systems.
 - 5) Public View. The view by the public of a building from any point on a street or walkway which is used as a public thoroughfare, either vehicular or pedestrian.
 - 6) Roof Mounted Solar Energy System. A solar energy system consisting of solar collectors that are installed directly on the roof of a home, commercial building, and/or a permitted accessory structure, such as a garage, pergola, and/or shed.
 - 7) Solar Collector. A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical or electrical energy.
 - 8) Solar Collector Surface. Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.
 - 9) Solar Mounting Device. Racking, frames or other devices that allow the mounting of a solar collector onto a roof surface or the ground.
- C. Applicability. This section applies to solar energy systems to be installed and constructed after the effective date of the ordinance. Solar energy systems constructed prior to the effective date of this ordinance shall not be required to meet the requirement of this section, provided however, that any upgrades, modifications, or changes that alter the size or placement of existing solar energy systems shall comply with the provisions of this section. Community solar systems operated by the Borough of Madison or a third party contracted by the Borough of Madison are not subject to this ordinance.
- D. Permitted Accessory Use. Solar energy systems shall be allowed as an accessory use, subject to the requirements set forth within this section.
- E. General Regulations.
- 1) In order to maintain a desirable visual environment throughout Madison by preserving and promoting the small town and historical characteristics of the Borough, it is the intention of this section that the installation of solar photovoltaic energy systems be installed in as inconspicuous and unobtrusive a manner as reasonably possible.
 - 2) The design of solar systems shall conform to all applicable local, state and national solar codes and standards. A building permit review by department staff shall be obtained and all design and installation work shall comply with all applicable provisions in the National Electric Code (NEC), the International Residential Code (IRC), International Commercial Building Code, State Fire Code, and any additional requirements set forth by the local utility for grid-connected systems.
 - 3) Electrical wiring connecting solar panel arrays, system transformers, inverters, and utility service shall be installed as flush as possible on structures upon which panels are mounted or installed underground.
 - 4) All connections from solar systems to the grid shall be underground where existing electric service is underground.
 - 5) Panels shall be darkish blue, grey or other neutral color and may not include any integrated graphics.

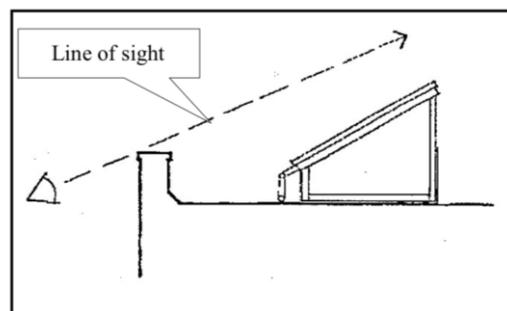
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- 6) A power disconnect and system shut-down device accessible to emergency services personnel shall be installed and marked conspicuously with a sign, which shall identify an emergency contact person and an emergency contact telephone number. The property owner shall make the property available to local emergency first responders for annual training on power disconnect and system shut down procedures that may be required in the case of an emergency. System diagrams shall be provided to local emergency first responders upon installation and updated when alterations to the system are completed.
 - 7) Installations proposed within the Bottle Hill Historic District and Civic Commercial Historic District shall be subject to the following provisions:
 - a) Solar panels shall not alter a historic site's character defining features.
 - b) All modifications to a historic site must be entirely reversible, allowing alterations to be removed or undone to reveal the original appearance of the site.
 - c) Exposed solar energy equipment must be consistent with the color scheme of the underlying structure.
 - d) Solar installations in these historic districts shall be subject to review by the Historic Preservation Commission.
 - 8) All solar photovoltaic equipment, except for roof-mounted solar photovoltaic panels as permitted herein, shall be effectively screened from public rights-of-way, with indigenous deer resistant evergreen plantings, and, to the greatest extent feasible, shall blend with the immediately surrounding area.
 - 9) Building integrated solar energy systems may be visible from the public view and are subject only to the screening and setback requirements for supporting equipment.
 - 10) Solar collectors shall be oriented and/or screened so that any glare is directed away from any adjoining properties and streets.
 - 11) All supporting equipment shall not be located any closer than twenty feet (20') to any other building or structure, except as permitted herein.
 - 12) Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. No such signs shall exceed one square foot in area. In no case shall any identification be visible from the property line.
 - 13) No solar energy system shall be lit. Parking lots under solar canopy systems may be lighted in accordance with Borough lighting regulations.
- F. Roof mounted solar photovoltaic energy systems. Installation or construction of roof mounted solar photovoltaic energy systems shall be subject to the following requirements:
- 1) A roof mounted solar photovoltaic energy system may not be placed on any lot which does not contain a permitted principal structure. A roof mounted system may be installed upon permitted principal and accessory buildings.
 - 2) A roof mounted solar photovoltaic energy system shall serve only the lot where it is located. All supporting ancillary equipment not attached to the structure housing solar arrays shall be located in the rear yard unless evidence is provided from a solar entity that such equipment cannot be feasibly located in the rear yard location (conforming to rear yard setback as noted herein), the

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applicant may then place supporting equipment in alternative areas, as follows:

- a) Fifty percent of the actual rear yard setback or a minimum of twenty (20) feet, whichever is greater.
 - b) Side yard with a minimum setback that is equal to the respective minimum zone requirements or fifty (50%) percent of the actual setback line; whichever is greater.
- 3) Roof mounted solar photovoltaic energy system panels shall not extend above the existing height of the roof: more than 12” on structures with pitched roofs with 3% slope or greater; or from 24” to a maximum of 48” on structures with flat roofs (flat roof shall be defined as a roof pitch less than 3% slope) provided a minimum four-foot perimeter setback is provided. Roof-mounted solar energy systems shall not exceed the maximum permitted height in the zone district for the structure or building on which they are mounted. For roof-mounted solar energy systems installed on a sloped roof, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of 12 inches between the roof and highest edge or surface of the system. In no instance shall it extend above the ridge of a peaked roof.
 - 4) Panels shall not overhang or otherwise extend beyond any rooftop structure.
 - 5) Exterior piping associated with the roof-mounted solar energy system shall be allowed to extend beyond the perimeter of the building on any facade of an accessory structure. Where exterior cables or piping are visible from any public right-of-way, they shall be treated architecturally to blend in with the building color and materials.
 - 6) No system shall cover more than 80% of the entire roof area.
 - 7) No system shall be mounted to a fence.
 - 8) Where parapets are in place and rooftop orientation allows, solar collectors mounted on flat roofs shall be mounted behind a building parapet, below the line of sight from the nearest edge of the right-of-way(s) adjacent to front- and street-side yards (see below Illustration).



- G. Parking lot roof canopy mounted solar photovoltaic energy systems. Installation or construction of roof canopy mounted solar photovoltaic energy systems shall be subject to the following requirements:
- 1) Site plan approval is required
 - 2) An applicant for a parking lot roof canopy mounted solar photovoltaic energy system shall obtain all permits required by the Uniform Construction Code.

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- 3) Parking lot roof canopy mounted solar photovoltaic energy systems shall be constructed above parking spaces and shall not be located in a front yard or any area between the front façade of a principal building and the street.
 - 4) A minimum 10-foot wide buffer, consisting of plantings, fencing, berming or some combination thereof, shall be required adjacent to any residential property line to serve as a year-round buffer.
 - 5) The maximum permitted height of the system shall be twenty-two feet, as measured from the grade plane to the highest point of the mounting equipment, structure and/or panels, whichever is greatest.
 - 6) The parking lot roof canopy mounted solar photovoltaic energy system shall serve only the lot upon which it is located and may not serve any other lot either in common ownership or otherwise. All supporting equipment, such as transformers, inverters, power line interconnections, etc. shall be installed only in the rear or side yard area of any lot.
 - 7) The proposed location for all supporting equipment shall conform to the rear yard and side yard setback requirements for an accessory building or the requirements for parking setback in the zone (whichever is greater) in which the property is located (and in no case shall be located in the front yard).
- H. Ground-mounted solar photovoltaic energy systems. Where permitted, a ground-mounted solar photovoltaic energy system may be installed subject to the following requirements:
- 1) Accessory to principal permitted use.
 - 2) A ground-mounted solar photovoltaic energy system shall not be constructed on any lot which does not contain a permitted principal structure.
 - 3) A ground-mounted solar photovoltaic energy system shall serve only the permitted principal structure and permitted accessory buildings located on the tax lot upon which the energy system is located.
 - 4) Ground mounted solar photovoltaic energy systems shall require site plan approval.
 - 5) Ground-mounted systems shall be designed to minimize impacts on critical habitat areas, especially habitats of threatened and endangered species.
 - 6) Issuance of a construction permit. An applicant for a ground-mounted solar or photovoltaic energy system permit shall obtain all permits required by the Uniform Construction Code (UCC).
 - 7) Access. No new driveway access shall be created. Access shall be provided utilizing existing driveways. Any interior access road required between and among ground-mounted solar photovoltaic energy system arrays and components shall be designed as grassed roadways to minimize the extent of soil disturbance, water runoff and soil compaction.
 - 8) Maximum height. The maximum height of solar panel arrays from existing ground level shall not exceed 8 (eight) feet. System components shall not exceed the maximum permitted height for an accessory structure in the zone in which located.
 - 9) Ground mounted systems shall not be counted in the calculation of maximum impervious coverage unless the area under the panels, excluding any footings, consists of an impervious material.

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- 10) Ground mounted systems shall not exceed five (5)% of the total land area of the tract on which it is located. The area of the system shall be measured by the aggregate of all land on which the system is located, excluding transmission lines and subsurface elements.
- 11) Yard placement & visual buffering. All components of a ground-mounted solar photovoltaic energy system (solar panel arrays, supporting equipment including transformers, inverters, electric utility line connections, etc.) shall be installed only in yards not facing public rights-of-way and shall not be located closer to the side property line than the existing side yard/perimeter setback (whichever is greater) of the principal building upon the lot, subject to the following visual compatibility, placement and design standards.
 - a) The ground mounted system and its components shall be shielded by a minimum ten-foot wide landscaped buffer of plantings and/or plantings and berming around the perimeter of the facility. The buffer shall screen the system from view from adjoining residences, preserved open space, the public traveled way, including public rights-of-way, roads and publicly accessible trails.
 - b) Perimeter landscaped screen buffer. Landscaped screen buffer plantings shall be indigenous evergreen species for year-round screening, which shall grow to sufficient height within five (5) years to completely screen the system from off-site view. The landscaped screen buffer plantings shall be continually maintained to provide a permanent visual screen of the facility.
 - c) Where existing features may effectively serve to shield portions of the installation and its components from view, such features may be substituted for portions of the required perimeter landscaped buffer. Such features include, but are not limited to:
 - [1] Existing hedgerows or forested areas, which may be supplemented with additional plantings to achieve year-round effective visual screening of the installation and its components;
 - [2] Existing buildings, such as barns, garages, greenhouses, outbuildings, etc;
 - [3] Existing topographic features or structures such changes in elevation, ridgelines, retaining walls and similar features.
 - d) Where any of the above features may be substituted for the required perimeter landscaped buffer, such features shall be maintained for as long as ground-mounted solar or photovoltaic energy system remains on site. Where such features may be removed over time by will or act of God, the required perimeter landscaped buffer shall be provided within either two (2) months of the removal of such features.
- 12) Solar panel array ground mounting. To minimize land disturbance and facilitate future site rehabilitation, solar panel arrays shall be mounted to the ground through the use of earth screws, auger driven piers or a similar system that does not require the use of bituminous or concrete material.

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- 13) Grading. The ground-mounted system and its components should be designed to follow the natural topography to the greatest extent possible to minimize the disturbance of soils.
 - 14) Soil erosion control, soil stabilization. All ground areas occupied by the ground-mounted solar photovoltaic energy system shall be planted and maintained with shade tolerant grasses for the purpose of soil stabilization. A seed mixture of native, non-invasive shade tolerant grasses shall be utilized to promote biodiversity and natural habitat.
- I. Review process.
- 1) No installation of solar energy systems shall be permitted without a zoning permit.
 - 2) For site plans, the Zoning Officer shall issue a denial of zoning permit and shall refer the application to the Planning Board for review.
 - 3) In the event that an application is made pursuant to the terms of this article for premises that are located in the Bottle Hill or Civic Commercial Historic District, approval must be obtained from the Madison Historic Preservation Commission (HPC). Applicants shall submit plans to the Zoning Officer for review, and, if appropriate, a zoning permit may be issued, conditioned upon HPC review and approval.
- J. Decommissioning, removal, restoration. All ground mount or parking lot canopy solar photovoltaic energy systems shall be maintained in continuous operation. A decommissioning plan shall accompany all applications for ground-mounted or parking canopy systems.
- 1) Solar photovoltaic energy facilities and structures (roof or ground) which have not been in active and continuous service for a period of eighteen (18) months shall be decommissioned and removed from the property to a place of safe and legal disposal.
 - 2) Upon cessation of activity and as part of decommissioning any ground-mount or parking lot canopy system, the Applicant shall submit a performance bond in a form and manner satisfactory to the Borough Engineer to ensure availability of adequate funds to restore the site to a useful condition. The Applicant shall further:
 - a) Deactivate, disconnect and remove all structures, unless otherwise noted herein.
 - b) Restore the surface grade and soil after removal of aboveground structures and equipment, including but not limited to removal of all components of the system including footings.
 - c) Replace soil, as necessary, within the top 12 inches of the soil profile, which shall be comprised of topsoil meeting the texture of loam as described in the USDA soil classification system, and the pH shall be in the range of 6.5 to seven. Tests shall be reviewed and approved by the Borough.
 - d) Decompact land where necessary to promote healthy plant growth prior to installation of topsoil and vegetation. Tests shall be reviewed and approved by the Borough.

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- e) Restore soil areas with native grasses, agricultural crops or plant species suitable to the area and which do not include any invasive species.
 - f) Provide quantity takeoffs, unit prices and overall cost estimates for decommissioning in current dollars.
 - g) Provide for the retention of buffers and plantings.
 - h) Restore parking areas and their surfaces for any parking under decommissioned canopy solar installations.
- 3) If the property owner fails to remove the system and restore the system in accordance with the decommissioning plan, the Borough may perform the work in place of the owner. All costs incurred by the Borough in connection with the same shall be a lien on the property upon which the work is performed. In the event that the Borough incurs any additional costs in enforcing the lien or collecting the money owed, the owner shall be obligated to reimburse the Borough for the additional costs and expenses, including reasonable attorneys' fees.
- 4) The Borough of Madison expressly reserves the right to require the removal of any solar energy system, or portion thereof, which is improperly constructed or maintained or which poses an imminent safety hazard. In the event that the Borough incurs any additional costs in enforcing the lien or collecting the money owed, the owner shall be obligated to reimburse the Borough for the additional costs and expenses, including reasonable attorneys' fees.
- K. Permitted Accessory Solar Energy Systems.
- 1) Building integrated systems are permitted as accessory uses in all zoning districts.
 - 2) Roof mounted systems are permitted as accessory uses in all zoning districts.
 - 3) Parking lot canopy systems are permitted accessory uses in the following districts in the rear yard only as regulated herein:
 - a) R-5 District
 - b) R-5A District
 - c) CC District
 - d) OR District
 - e) PCD-O District
 - f) Gateway District
 - g) P District
 - h) OSGU District
 - i) University District
 - 4) Ground mounted systems shall be permitted as accessory uses only in the PCD-O and OSGU Districts, upon finding by the reviewing Board that rooftop and/or parking lot canopy systems are not reasonably feasible due to specific site/building conditions. Community solar systems operated by the Borough of Madison or a third party contracted by the Borough of Madison are not subject to the 5% land area cap.
 - 5) Additional Submission Requirements. In addition to the application requirements in all applicable construction codes and the Borough Land Use Ordinance, all applications for solar energy systems shall be accompanied by a property survey showing the proposed location or locations of the solar

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energy system and distance from property lines. In addition, photographs showing the property from the public view, and the location of the proposed solar energy system, must be submitted so as to determine compliance with the visibility and other provisions of this ordinance.

L. Abandonment.

- 1) Where a solar energy system is out of service for a continuous eighteen-month period, there shall be a rebuttable presumption that the system has been abandoned.
- 2) The Borough may issue a notice of abandonment to the owner of a renewable energy system that is deemed to have been abandoned. The notice shall be sent return receipt requested.
- 3) The owner shall have the right to respond to the notice of abandonment within 30 days from notice receipt date.
- 4) If the owner provides information that demonstrates the renewable energy system has not been abandoned, the Borough shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn.
- 5) If the Borough determines that the renewable energy system has been abandoned, the owner of the renewable energy system shall remove the renewable energy system and properly dispose of the components at the owner's sole expense within six months after the owner receives the notice of abandonment.
- 6) In the event that the owner fails to remove the renewable energy system, the Borough or its employees or contractors may enter the property to remove the renewable energy system (but shall not be obligated to remove the same), and in the event that the Borough performs the removal, all costs of such removal shall be reimbursed to the Borough by the owner. In the event the owner fails to reimburse the Borough, the Borough may place a lien on the property in the amount of the costs of said removal. In the event that the Borough incurs any additional costs in enforcing the lien or collecting the money owed, the owner shall be obligated to reimburse the Borough for the additional costs and expenses, including reasonable attorneys' fees.

Mayor Conley opened up the public hearing on Ordinance 9-2020. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 9-2020, which was read by title, be tabled as the Planning Board has not reviewed the proposed ordinance for compliance with the Borough's Master Plan. Mrs. Vitale seconded the motion to table. The motion passed with a unanimous voice call vote recorded.

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.**

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Kathy Dailey; West End Avenue, asked how the introduced municipal budget will be amended to address issue regarding COVID-19.

Brian McDougal; West End Avenue, asked for clarification of employee use of accrued time during the pandemic.

Cheryl Dodd; Main Street, encouraged Council to assist students, not attending school, and their families with free meals.

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 April 13, 2020 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 10-2020 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$71,580.20 FROM THE MUNICIPAL OPEN SPACE TRUST FUND
AS MATCHING FUNDS FOR RESTORATION WORK AT THE MUSEUM OF EARLY
TRADES & CRAFTS

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough to provide matching funds for detailed restoration work to the interior of the Museum of Early Trades & Crafts (METC); and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$71,580.20 from the Open Space Trust Fund to satisfy a twenty (20%) percent match requirement for the Morris County Historic Preservation Trust grant; and

WHEREAS, the Open Space Advisory Committee has unanimously recommended the full funding of this request; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$71,580.20 for this purpose in the Open Space Trust Fund.

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 \$71,580.20 is hereby appropriated from the Open Space Trust Fund contingent upon the award of a Morris County Historic Preservation Trust grant for the Museum of Early Trades & Crafts (METC).

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

Ms. Baillie moved that Ordinance 10-2020, which the Borough Clerk read by title, be adopted. Mrs. Vitale 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

ORDINANCE 11-2020 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$12,040.00 FROM THE MUNICIPAL OPEN SPACE TRUST FUND
AS MATCHING FUNDS FOR ARCHITECTURAL PLANS AND SPECIFICATIONS AT
THE MADISON MASONIC LODGE

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough to provide matching funds for architectural plans and specifications for restoration of the Madison Masonic Lodge No.93 and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$12,040.00 from the Open Space Trust Fund to satisfy a twenty (20%) percent match requirement for the Morris County Historic Preservation Trust grant; and

WHEREAS, the Open Space Advisory Committee will consider ratification of this funding recommendation at their next regularly scheduled meeting; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$12,040.00 for this purpose in the Open Space Trust Fund.

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 \$12,040.00 is hereby appropriated from the Open Space Trust Fund contingent upon the award of a Morris County Historic Preservation Trust grant for the Madison Masonic Lodge No. 93.

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

Ms. Baillie moved that Ordinance 11-2020, which the Borough Clerk read by title, be adopted. Mrs. Vitale 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

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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 99-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A SHARED SERVICES AGREEMENT BY AND BETWEEN THE BOROUGH OF MADISON AND THE TOWNSHIP OF MOUNT OLIVE AND TO APPOINT JACK MARCHIONE TO THE POSITION OF PART-TIME TAX ASSESSOR

WHEREAS, the Borough of Madison and the Township of Mount Olive wish to enter into a contract to maintain the office of Municipal Tax Assessor in accordance with N.J.S.A. 40:48B-14 et seq. and on such terms and conditions as are set forth in a Shared Services Agreement to be executed by and between each of the municipalities; and

WHEREAS, the Borough of Madison and the Township of Mount Olive have agreed to contract for Tax Assessor Services and to appoint Jack Marhcione as part-time Municipal Tax Assessor.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris and State of New Jersey that a contract for Municipal Tax Assessor is hereby approved subject to such appointment being also authorized by a similar resolution adopted by the Township of Mount Olive.

BE IT FURTHER RESOLVED, that Jack Marchione shall be appointed to the position of part-time Municipal Tax Assessor on the terms and conditions set forth in the Shared Services Agreement to be executed by the Borough of Madison, and the Township of Mount Olive and Jack Marchione, the Assessor, in a form approved by the Madison Borough Attorney and the Township of Mount Olive Attorney.

BE IT FURTHER RESOLVED that the Mayor of the Borough of Madison is authorized on behalf of the Borough of Madison to execute such Shared Services Agreement and the Borough Clerk is authorized to attest same on behalf of the Borough of Madison, in accordance with the terms and conditions of this resolution.

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R 100-2020 RESOLUTION OF THE BOROUGH OF MADISON AMENDING R 12-2020 ADJUSTING INTEREST RATES ON DELINQUENT TAXES

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that, in accordance with N.J.S.A. 54:4-67, the interest to be charged on delinquent taxes in the Borough of Madison shall be 0%, on the first \$10,000.00 of delinquency, and on any amount in excess of \$10,000.00, the interest rate to be charged shall be 18%, through July 31, 2020 until all of the delinquency has been removed and the property restored to current status. On August 1, 2020 the interest rates shall revert to the percentages listed previously in Resolution 12-2020, unless further extended by action of the governing body.

BE IT FURTHER RESOLVED that an additional 6% end-of-year penalty be applied to delinquent taxes, interest and other municipal charges exceeding \$10,000.00.

R 101-2020 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPROVAL OF THE MADISON-CHATHAM JOINT MEETING AGENDA ITEMS FROM THE CANCELED MARCH 16, 2020 JOINT MEETING

WHEREAS, the Madison-Chatham Joint Meeting regularly scheduled meeting on March 16, 2020 was canceled due to the COVID19 pandemic; and

WHEREAS, the following items of business listed on the agenda now require approval:

1. Approval of the Regular Meeting Minutes of February 20, 2020
2. Approval of the Executive Session Minutes of February 2020
3. Approval of the operating budget check registry totaling \$93,679.56
4. Approval of the general capital budget check registry totaling \$10,098.65
5. Approval of Resolution #20-26: Center Court Tennis Club
6. Approval of Resolution #20-27: Calibration and Maintenance Service

Contract

7. Approval of Resolution #20-28: Personnel Policy Amendment
8. Approval of Resolution #20-29: Reject all quotations for the furnishing of liquid hypochlorite
9. Approval of Resolution #20-30: Reject all quotations for the furnishing of liquid sodium bisulfite

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10. Approval of Resolution #20-31: Approving 2020 Annual Budget and Allocations between the Borough of Madison and the Borough of Chatham.

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 of Madison Council hereby approves the above listed actions for the Madison-Chatham Joint Meeting.

R 102-2020 RESOLUTION OF THE BOROUGH OF MADISON AWARDING A CONTRACT TO MIDWEST CONSTRUCTION, INC. IN THE AMOUNT OF \$490,649.80 FOR THE GLENWILD ROAD RECONSTRUCTION PROJECT

WHEREAS, the Borough of Madison publicly advertised for bids for the Glenwild Road Reconstruction project (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 MidWest Construction, Inc. of Warren, N.J. in the amount of \$490,649.80; and

WHEREAS, the Assistant Borough Engineer and the Borough Attorney have recommended that the Borough Council award the contract to MidWest Construction, Inc. in the amount of \$490,649.80; and

WHEREAS, funds are available in Ordinance 1-2020, or in any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds has been contingently certified by the Chief Financial Officer.

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 Glenwild Road Reconstruction project is hereby awarded to MidWest Construction, Inc. based upon its bid in the amount of \$490,649.80.

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

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R 103-2020 RESOLUTION OF THE BOROUGH OF MADISON AWARDING A CONTRACT TO AB CONTRACTING, INC. IN THE AMOUNT OF \$370,000.00 FOR THE MADISON DODGE PARK FIELD HOUSE B PROJECT

WHEREAS, the Borough of Madison publicly advertised for bids for the Madison Dodge Park Field House B project (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 AB Contracting, Inc. of Wharton, N.J. in the amount of \$370,000.00; and

WHEREAS, the Assistant Borough Engineer and the Borough Attorney have recommended that the Borough Council award the contract to AB Contracting, Inc. in the amount of \$370,000.00; and

WHEREAS, funds are available in Ordinance 54-2019, and the Dodge Field Trust Account or in any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds has been contingently certified by the Chief Financial Officer.

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 Madison Dodge Park Field House B project is hereby awarded to AB Contracting, Inc. based upon its bid in the amount of \$370,000.00.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with AB Contracting, Inc. in a form acceptable to the Borough Attorney.

R 104-2020 RESOLUTION OF THE BOROUGH OF MADISON APPROVING A SALARY INCREASE FOR PART TIME PLUMBING SUBCODE OFFICIAL/INSPECTOR AND MECHANICAL INSPECTOR ALEXANDER FISCH

WHEREAS, the Borough Administrator and Construction Code Official have recommended approving a salary increase to Alexander Fisch, part-time Plumbing Subcode Official/Building and Mechanical Inspector; and

WHEREAS, the Borough Council has determined to approve an increase to Mr. Fisch now that he has satisfactorily completed his probationary period.

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 Council

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ratifies and authorizes an hourly increase from \$38.76 to \$40.76 per hour, as recommended.

R 105-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING WHIPPANY RIVER WATERSHED SIGN INSTALLATIONS IN MUNICIPAL RIGHTS-OF-WAY

WHEREAS, the Whippany River Watershed Action Committee, has requested the installation of signs, as depicted on the attached photo, proclaiming “WHIPPANY RIVER WATERSHED PROTECTION” within the municipal rights of way throughout the Borough; and

WHEREAS, the Borough Council has determined to authorize such sign installations in appropriate municipal rights of way subject to review by the Madison Police Traffic Safety Division and the Director of Public Works.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that signage as depicted on the attachment hereto shall be installed at locations authorized by the Director of Public Works and the Madison Police Traffic Safety Division.

R 106-2020 RESOLUTION OF THE BOROUGH OF MADISON AWARDED PROFESSIONAL SERVICES CONTRACT TO OMLAND & OSTERKORN CONSULTING ENGINEERS & SURVEYORS, LTD, IN AN AMOUNT NOT TO EXCEED \$42,450.00 TO PROVIDE SURVEYS FOR RECONSTRUCTION OF VARIOUS ROADS AND PARKING LOTS

WHEREAS, the Madison Borough Engineer has advised the Borough Council that professional design and engineering services are needed to prepare surveys for reconstruction of various roads and parking lots in the proposed 2021 Capital budget; and

WHEREAS, the Borough Engineer has recommended that Omland & Osterkorn Consulting Engineers & Surveyors, professional engineers, be awarded a professional contract for these services at a cost not to exceed \$42,450.00, based on their written proposal dated March 23, 2020; and

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

WHEREAS, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$42,450.00 for this purpose, in Ordinance 1-2019 and

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Ordinance 1-2020 or such other account designated by the Borough Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey that the Mayor and Borough Clerk are hereby authorized to execute on behalf of the Borough a professional services contract with Omland & Osterkorn Consulting Engineers & Surveyors, in an amount not to exceed \$42,450.00 to perform the design and engineering services to prepare surveys for reconstruction of various roads and parking lots and provided such contract is in a form approved by the Borough Attorney.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to publish notice of adoption of this resolution in the official newspaper of the Borough of Madison within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.

R 107-2020 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING FIRE CHIEF LOUIS DEROSA TO THE PART TIME POSITION OF ACTING ELECTRICAL SUBCODE OFFICIAL

WHEREAS, the Construction Code Official has recommended that Louis DeRosa be appointed to the part time position of Acting Electrical Subcode Official for the Borough of Madison without compensation for the period March 17, 2020 until R. S. is released from quarantine; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that Louis DeRosa is hereby appointed to the position of Acting Electrical Subcode Official/Inspector effective March 17, 2020 until R. S. is released from quarantine to serve without compensation.

R 108-2020 RESOLUTION OF THE BOROUGH OF MADISON SUSPENDING WATER AND ELECTRIC UTILITY SHUTOFFS DURING THE COVID-19 VIRUS STATE OF EMERGENCY

BE IT RESOLVED by the Borough Council of the Borough of Madison, County of Morris, State of New Jersey, that due to the State of Emergency via Executive Order 103, declared by Governor Murphy on March 9, 2020, in response to the coronavirus outbreak, the Borough will suspend Water and Electric Utility shutoffs as long as a state of emergency continues to exist.

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R 109-2020 RESOLUTION OF THE BOROUGH OF MADISON AWARDING A SMART METER SERVICES AGREEMENT TO BYRAM LABORATORIES, INC.

WHEREAS, the Borough of Madison desires to enter into a Smart Meter Services Agreement with Byram Laboratories, Inc.; and

WHEREAS, the QPA/Personnel Director and Assistant Borough Administrator/CFO have recommended that the Borough Council award the contract to Byram Laboratories, Inc. based on the fee schedules attached to the Agreement; and

WHEREAS, funds are available in the Electric and Water Utility Operating budgets or in any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds has been certified by the Chief Financial Officer.

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 Smart Meter Services Agreement is hereby awarded to Byram Laboratories, Inc., in the amount specified in the Exhibits attached hereto.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Byram Laboratories, Inc. in a form acceptable to the Borough Attorney, Assistant Borough Administrator/CFO and upon receipt of required purchasing documents.

R 110-2020 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING MICHAEL RIGGS TO THE POSITION OF APPRENTICE LINEMAN

WHEREAS, the Electric Utility Superintendent and QPA/Personnel Director have recommended hiring Michael Riggs to the position of Apprentice Lineman in the Electric Utility Department; 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 Michael Riggs is hereby appointed to the position of Apprentice Lineman in the Electric Utility Department, effective immediately, to be compensated in accordance with the current Collective Bargaining Agreement for Electric Utility Department Employees at an annual salary of \$60,775.00.

R 111-2020 Introduction of the 2020 Budget

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R 112-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CHANGE ORDER REQUEST FROM DENVILLE LINE PAINTING, INC. IN THE AMOUNT OF \$20,000.00 BRINGING TOTAL CONTRACT AMOUNT TO \$45,000.00 FOR THE ROAD RESTRIPIING IMPROVEMENT PROGRAM

WHEREAS, a contract for the 2019 Road Improvement Program, in an amount not to exceed \$25,000.00 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 \$20,000.00, bringing the revised contract total to \$45,000.00; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in an additional amount not to exceed \$45,000.00 for this purpose, which funds were appropriated by 1-2019, or in any other account that may be deemed appropriate by the Chief Financial Officer or his designee, in the amount of \$1,068,000.00 and a supplementary Ordinance 1-2017, which contain sufficient funds to include this change order.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that the \$20,000.00 change order request from Denville Line Painting, Inc. of Denville, New Jersey, in the total amount not to exceed \$45,000.00 for the 2019 Road Improvement Program is authorized.

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	\$4,034,450.54
General Capital Fund	31,157.63
Electric Operating Fund	705,726.96
Electric Capital Fund	16,354.63
Water Operating Fund	37,514.95
Water Capital Fund	0.00
Trusts	<u>64,943.64</u>
Total	<u>\$4,890,148.35</u>

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

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

NEW BUSINESS - None

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved April 27, 2020 (EO)