

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

**March 11, 2019 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 11<sup>th</sup> day of March, 2019. 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 10, 2019. 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  
Patrick W. Rowe  
Maureen Byrne  
John F. Hoover  
Debra J. Coen

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)

None

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)  
ELECTRIC LINE CLEARANCE

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

PERSONNEL MATTERS (1)  
FIRE DEPARTMENT HIRING LIST

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 8 p.m. in the Council Chamber with all members present. The Pledge of Allegiance was recited by all.

**APPROVAL OF MINUTES - NONE**

**GREETINGS TO PUBLIC**

Mayor Conley thanked the staff of the Electric Department for their efforts during a recent power outage cause by JCP&L equipment failure. Power was restored within the Borough in a short period.

**EMPLOYEE OF THE MONTH FOR MARCH:**

The Employee of the Month for March is David Artigliere of the Electric Utility for his hard work and commitment in ensuring the timely and successful completion of the repairs and upgrades to the West End Pump Station.

**ANNIVERSARY FOR THE MONTH OF MARCH:**

Kristy Kiehl of the Madison Police Department – 20 Years March 11, 2019.

**TEAM RECOGNITION:**

Mayor Conley called forward members of the following teams as well as their coaches and presented certificates of recognition.

Chatham-Madison High Schools Girls Ice Hockey Co-Op Team

Madison High School Varsity and Junior Varsity Boys Ice Hockey Teams

**REPORTS OF COMMITTEES**

**Public Safety**

Ms. Baillie, Chair of the Committee, made the following comments:  
The Madison Fire Department reports that on Monday February 25<sup>th</sup>, a roofer working with a torch set the roof on fire at 49 Main Street. A fast response by Madison Firefighters resulted in the quick extinguishment of the fire. On Friday Evening March 1<sup>st</sup>, at approximately 11:15pm, Madison Firefighters were dispatched with other Fire Departments to assist the Florham Park FD at 42 Circle Lane for the reported working structure fire with trapped occupants. Two occupants and a dog were rescued from a 2nd floor window by way of a ladder. Madison Firefighter's while working on the 2nd floor discovered a golden retriever, still alive in the smoke filled room. The cause of the fire is under investigation. And on Thursday morning March 7<sup>th</sup>, during the recent power outage, the Madison Fire Department received 8 calls in a 50 minute period. Mutual aid was received from Morris Township, Chatham and Florham Park Fire Departments. Calls during the outage ranged from

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elevator entrapments at two different buildings to a smoke condition at Sunrise Assisted Living.

### **Finance and Borough Clerk**

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

Mrs. Vitale noted a special budget meeting held on Monday, March 4<sup>th</sup>, at which the Council directed the CFO to draft the state budget document. Mrs. Vitale thanked Mr. Burnet and Mr. Codey for their work on the budget and noted that a resolution increasing the electric utility dividend is listed for Council approval. All budget presentations are available on the Borough website. As a reminder, tax appeal deadline is April 1<sup>st</sup> and the utility rebate application is available until December 1<sup>st</sup>.

### **Utilities**

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

Last Thursday, March 7<sup>th</sup> there was an electric outage when the insulator in the JCP&L vacuum breaker, located at the Kings Road substation, broke and tripped out both lines that feed our station. The power was out for less than ½ hour. American Electrical Testing contractors, along with our team, are performing preventative maintenance at our James Park substation. They are cleaning insulators at the substation, which should cut down on issues with the equipment and provide a higher level of service to our customers. The contractor working on Wells A & B has started to install the variable frequency drivers that start and stop the pumps smoothly to eliminate “hammering” in the water system. The Water Department staff attended a trench rescue/safety seminar and the chlorine sensor alarms have been evaluated for performance.

### **Public Works and Engineering**

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

Ms. Byrne noted that Arbor Day will be celebrated, once again, on May Day, May 4, 2019. The Madison Environmental Commission will hold a Green Forum on Wednesday, March 14<sup>th</sup> at Drew University. The Department of Public Works continues seasonal clean up and repairs. The Engineering Department has prepared bids for road reconstruction and water and sewer improvements. Ms Byrne noted that there are historical photos along Waverly Alley thanks to Mr. Thomas Haralampoudis and the Madison Historical Society.

### **Community Affairs**

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

The Senior Citizen Advisory Committee will hold their next meeting on March 14, 2019. The Downtown Development Commission will hold the annual ‘Taste of Madison’ on Monday, March 18<sup>th</sup> and continues work on new marketing and branding campaign. May Day is scheduled for Saturday, May 4<sup>th</sup>. The Chamber of Commerce will hold an Easter Fun Fest on Saturday, April 13<sup>th</sup>. The Recreation Advisory Committee announced a junior girls lacrosse tournament on Sunday April 28<sup>th</sup> and the boys tournament will be held at the MRC on June 1<sup>st</sup> and 2<sup>nd</sup>. The RAC will install safety poly caps on fences at Borough fields.

### **Health**

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

Ms. Coen noted that there are seventy five days until the Madison Community Pool opens. Membership information is available online. The Madison Health Department is providing a CMP blood screening on March 14<sup>th</sup> at the Health Department. Appointments are required. Please call the Health Department to schedule an appointment. Pet license renewals are past due at this time. Please send in your

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renewals or contact the Health Department with any concerns to avoid additional penalties. The parenting program “Mindful Madison Parenting” will be held in April at Madison High School. The Health Department has released information regarding National Nutrition Month. Information is available on Facebook and the Borough website. Mindful Life skills, a class for 7<sup>th</sup> graders at the Madison Junior School, is at its midway point and is showing promising behavior changes among students in the class.

**COMMUNICATIONS AND PETITIONS**

The Borough Clerk announced receipt of the following communications:

Letter dated March 4, 2019 from Joseph Falco Jr., Waverly Place, regarding parking.

**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.**

**Kathy Dailey; West End Avenue**, noted Resolution 101-2019 regarding the utility dividend and asked that Council consider retuning additional unencumbered funds to taxpayers.

**Tom Haralampoudis, Pomeroy Road**; asked for explanation of Resolution 96-2019.

**AGENDA DISCUSSIONS- None**

**ADVERTISED HEARINGS**

The Clerk made the following statement:

Ordinance 5-2019 scheduled for hearing tonight was submitted in writing at a Regular meeting of the Mayor and Council held on February 25, 2019, was introduced by title and passed on first reading, was published in the Madison Eagle and made available to members of the general public requesting same.

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

**ORDINANCE 5-2019**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195-27 OF THE MADISON BOROUGH CODE ENTITLED “LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF MADISON” REGARDING CHANGES IN ELEVATION**

**WHEREAS**, the Borough Engineer has recommended that the Madison Land Development Ordinance be amended to amend certain sections regarding excavation and site grading.

**NOW THEREFORE BE IT ORDAINED** by the Council of the Borough of Madison, in the County of Morris and the State of New Jersey, that Chapter 195, “The Land

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Development Ordinance of the Borough of Madison,” of the Revised General Code of the Borough of Madison is hereby amended and supplemented as follows:

**SECTION 1:** Section 195-27G(3) entitled “Changes in Elevation” shall be appended as follows:

...Immediately following the installation of the foundation for any new principal structure and prior to the commencement of the framing of the building, a foundation location and elevation survey shall be submitted to the Municipal Engineer, Zoning Officer and Construction Official for purposes of establishing (a) compliance with applicable zoning setback and yard requirements and (b) compliance with the individual lot grading plan approved by the municipality for the development. The survey shall show the elevation of the top of the foundation wall at each corner of the foundation wall with reference to the approved grade elevation and building height and the horizontal dimensions and distances from lot lines with reference to approved setback distances. Every foundation survey shall be certified by a NJ licensed land surveyor.

**SECTION 2:** If any section or provision of this Ordinance is held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance except so far as the section or provision so declared invalid shall be separable from the remainder or any portion thereof.

**SECTION 3:** All ordinances or parts thereof which are inconsistent or in conflict with the provisions of this ordinance or any part thereof are hereby repealed to the extent of said inconsistency or conflict.

**SECTION 4:** This ordinance shall take effect as provided by law.

Mayor Conley opened up the public hearing on Ordinance 5-2019.

***Tom Haralampoudis, Pomeroy Road;*** asked for explanation of the proposed ordinance.

Since no other member of the public wished to be heard, the public hearing was closed. Ms. Byrne moved that Ordinance 5-2019, 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, Mr. Rowe,  
Ms. Byrne, Mr. Hoover, Ms. Coen  
Nays: None

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Mayor Conley declared Ordinance 5-2019 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

**INVITATION FOR DISCUSSION (2 of 2)**

Mayor opened the meeting to the public for their opportunity to ask questions and make comments on any subject. Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record.

**He/she shall limit his/her statement to three (3) minutes or less.**

**Tom Haralampoudis, Pomeroy Road;** asked about possible completion of the east wing of the Hartley Dodge Memorial, and asked that Council continue discussions regarding parking.

**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 March 25, 2019 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 6-2019 ORDINANCE OF THE BOROUGH OF MADISON  
APPROPRIATING \$570,000.00 FROM THE WATER CAPITAL IMPROVEMENT  
FUND FOR THE 2019 WATER UTILITY MAINS, VALVES, AND HYDRANTS  
REPLACEMENTS PROJECTS AND RELATED WORK

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$570,000.00 for the 2019 Water Utility program; and

**WHEREAS**, funds are available in the Water Capital Improvement fund 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 pending approval of the 2019 budget.; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$570,000.00 from the Water Utility Capital Improvement Fund for the 2019 Water Utility program improvements.

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

**SECTION 1:** The amount of \$570,000.00 is hereby appropriated from the Water Utility Capital Improvement Fund for the 2019 Water Utility program improvements.

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

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

Ms. Byrne moved that Ordinance 6-2019, 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, Mr. Rowe,  
Ms. Byrne, Mr. Hoover, Ms. Coen  
Nays: None

ORDINANCE 7-2019 ORDINANCE OF THE BOROUGH OF MADISON  
AMENDING CHAPTER 94 APPENDIX A OF THE BOROUGH CODE ENTITLED  
“ELECTRIC UTILITY” REGARDING NET METERING

WHEREAS, the Assistant Borough Administrator has recommended amendments to the Borough Code to establish a schedule of rates for customers who generate and feed electricity into the Borough of Madison electrical system; and

WHEREAS, it would be more appropriate for the credit cycle to be April to March and credit issued in April in order for customers who generate and feed electricity into the electrical system to use any credit during the winter months.

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 94 of the Code of the Borough of Madison, Appendix A, thereof entitled “SCHEDULE OF RATES FOR CUSTOMERS WHO GENERATE AND FEED ELECTRICITY INTO MADISON’S ELECTRICAL SYSTEM” is hereby amended as follows to change the date when solar net metering credits are issued:

....

D. The Madison Borough Electric Department will:

2. Pay the customer for credit held at the end of the twelve-payment cycle (April through March) at the current purchase power rate, leaving no outstanding balance. The Borough shall make this payment no later than April 30<sup>th</sup> of the following year.

....

SECTION 2: This ordinance shall take effect July 1, 2019, upon final passage and publication as required by law.

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Mrs. Vitale moved that Ordinance 7-2019, which the Borough Clerk read by title, be adopted. Ms. 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, Mr. Rowe,  
Ms. Byrne, Mr. Hoover, Ms. Coen

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.

Ms. Baillie moved adoption of the Resolutions 92-2019 through 100-2019 and Resolution 102-2019 and 103-2019 listed on the Consent Agenda. 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, Mr. Rowe,  
Ms. Byrne, Mr. Hoover, Ms. Coen

Nays: None

R 92-2019 RESOLUTION OF THE BOROUGH OF MADISON APPROVING A PROBATIONARY FIREFIGHTER LIST

**WHEREAS**, the Fire Chief has recommended establishment of a hiring list of candidates to fill any future vacancies in the fire department, said list to remain in effect for twenty-four (24) months from the adoption of this Resolution; and

**WHEREAS**, the Borough Administrator has recommended that said hiring list be established.

**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 Fire Department hiring list attached hereto is hereby established for a period of twenty-four (24) months from the date of adoption of this Resolution.

R 93-2019 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO TILCON NEW YORK, INC. FOR MILLING AND REPAVING IMPROVEMENTS UNDER MORRIS COUNTY COOPERATIVE BID IN AN AMOUNT NOT TO EXCEED \$477,785.00

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

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



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**WHEREAS**, Tilcon New York, Inc., of Parsippany, New Jersey has been awarded Morris County Co-Operative Pricing Council Contract # 6, Road Resurfacing; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Council utilize this contract for paving improvements in an amount not to exceed \$477,785.00; and

**WHEREAS**, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$477,785.00 for this purpose in Ordinance 2-2019.

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

1. A contract for paving improvements by Tilcon New York, Inc. of Parsippany, New Jersey, at a total price not to exceed \$477,785.00 is hereby approved under the Morris County Co-Operative Pricing Council Contract #6, Road Resurfacing.

2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Tilcon New York, Inc. of Parsippany, New Jersey, for paving improvements at a total price not to exceed \$477,785.00, in a form acceptable to the Borough Attorney.

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

R 94-2019 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO CIFELLI & SON GENERAL CONTRACTING, INC. FOR CURB REPLACEMENT IMPROVEMENTS UNDER MORRIS COUNTY COOPERATIVE BID IN AN AMOUNT NOT TO EXCEED \$45,000.00

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

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

**WHEREAS**, Cifelli & Son General Contracting, Inc., of Nutley, New Jersey has been awarded the Morris County Co-Operative Pricing Council Contract # 6, Category F, Curbing; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Council utilize this contract for curb replacement improvements in an amount not to exceed \$45,000.00; and

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**WHEREAS**, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$45,000.00 for this purpose in Ordinance 2-2019.

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

1. A contract for curb replacement improvements by Cifelli & Son General Contracting, Inc. of Nutley, New Jersey, at a total price not to exceed \$45,000.00 is hereby approved under the Morris County Co-Operative Pricing Council Contract #6, Category F, Curbing.

2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Cifelli & Son General Contracting, Inc. of Nutley, New Jersey, for curb replacement improvements at a total price not to exceed \$45,000.00, in a form acceptable to the Borough Attorney.

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

R 95-2019 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO MICRO PAVE SYSTEMS, INC. FOR CRACK SEALING UNDER MORRIS COUNTY COOPERATIVE BID IN AN AMOUNT NOT TO EXCEED \$70,000.00

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

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

**WHEREAS**, Micro Pave Systems, Inc., of Roseland, New Jersey has been awarded Morris County Co-Operative Pricing Council Contract # 6, Road Resurfacing; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Council utilize this contract for paving improvements in an amount not to exceed \$70,000.00; and

**WHEREAS**, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$70,000.00 for this purpose in Ordinance 2-2019.

**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:

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1. A contract for crack sealing by Micro Pave Systems, Inc., of Roseland, New Jersey, at a total price not to exceed \$70,000.00 is hereby approved under the Morris County Co-Operative Pricing Council Contract #6, Road Resurfacing.

2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Micro Pave Systems, Inc., of Roseland, New Jersey, for paving improvements at a total price not to exceed \$70,000.00, in a form acceptable to the Borough Attorney.

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

R 96-2019 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING FINAL PAYMENT AND CHANGE ORDER REQUEST FROM JOE CARUSO LANDSCAPING, LLC IN THE AMOUNT OF \$5,200.00 BRINGING TOTAL AUTHORIZED FINAL PAYMENT TO \$39,600.00 FOR THE INSTALLATION OF TRAILS AT SUMMERHILL PARK

**WHEREAS**, a contract for the Summerhill Park trails construction project, in an amount not to exceed \$34,400.00 was awarded to Joe Caruso Landscaping, LLC, of Madison, 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 project of \$5,200.00 and final payment bringing the revised contract total to \$39,600.00; and

**WHEREAS**, the Borough Engineer has advised that the project has been completed and has recommended approval of the change order to Joe Caruso Landscaping, LLC of Madison, New Jersey in an additional amount of \$5,200.00 so that final payment may be processed and the contract completed; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$39,600.00 for this purpose, which funds were appropriated by Ordinance 4-2018 and the existing ordinance contains sufficient funds to include this final payment and change order.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that the final payment and change order request from Joe Caruso Landscaping, LLC of Madison, New Jersey, in the total amount not to exceed \$39,600.00 for the installation of trails at Summerhill Park is authorized.

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R 97-2019 RESOLUTION OF THE BOROUGH OF MADISON AWARDING PROFESSIONAL SERVICES CONTRACT TO OMLAND & OSTERKORN CONSULTING ENGINEERS & SURVEYORS, LTD, IN AN AMOUNT NOT TO EXCEED \$24,950.00 TO PROVIDE FIELD SURVEYS FOR RECONSTRUCTION OF VARIOUS ROADS

**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 in the 2020 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 \$24,950.00, based on their written proposal dated February 25, 2019; 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 \$24,950.00 for this purpose, in 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 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 \$24,950.00, to perform the design and engineering services to prepare surveys for reconstruction of various roads including all of the work to be done as set forth in the written proposal dated February 25, 2019 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 98-2019 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXECUTION OF AN AGREEMENT WITH PJM INTERCONNECTION FOR NETWORK INTEGRATION TRANSMISSION SERVICE

**WHEREAS**, the Assistant Borough Administrator has recommended that the Borough Council authorize execution of an agreement with PJM Interconnection for Network Integration Transmission Service; and

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**WHEREAS**, PJM Interconnection is the Regional Transmission Organization that manages the electric grid in the northeast and facilitates the competitive wholesale electricity market for the region.

**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 Assistant Borough Administrator be authorized to enter into an agreement described herein in such form as approved by the Borough's Utility Attorney.

**R 99-2019 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO RICH TREE SERVICE, INC. OF SOUTH PLAINFIELD, NJ FOR ELECTRIC LINE CLEARANCE SERVICES**

**WHEREAS**, the Borough of Madison publicly advertised for bids for electric line clearance for 2019 (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

**WHEREAS**, Rich Tree Service, Inc. submitted the lowest bid in the amount of \$150.00 per hour for the 2019 Electric Line Clearance bid ; and

**WHEREAS**, the Qualified Purchasing Agent and the Borough Attorney have recommended that the Contract be awarded to Rich Tree Service, Inc., in the amount of \$150.00 per hour, not to exceed a total cost of \$63,000.00 per year with the contract for 2019 and possibly 2020 contingent on funding availability; and

**WHEREAS**, the Borough reserved the right in the bid documents to extend the contract for one (1) additional year; and

**WHEREAS**, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$150.00 per hour for this purpose.

**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 electric line clearance for 2019 is hereby awarded to Rich Tree Service, Inc., based upon its bid in the amount of \$150.00 per hour, not to exceed a total cost of \$63,000.00 per year, with the contract for 2019 conditioned on availability of funding.

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

**R 100-2019 RESOLUTION OF THE BOROUGH OF MADISON SUPPORTING THE NEW JERSEY DEPARTMENT OF TRANSPORTATION RECOMMENDATION OF BUS STOP LOCATIONS ALONG ROUTE 124**

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**WHEREAS**, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route 124 in the Borough of Madison; and

**WHEREAS**, NJDOT recommends a revision to the centerline pavement markings on Route 124 to create a “No Passing Zone” in the vicinity of Niles Avenue (M.P. 5.78); and

**WHEREAS**, Bus Stops:

**Along Route NJ 124, eastbound, on the southerly side at:**

A. Between Twombly Lane and Treadwell Avenue – (mid-block) (NJ Transit ID# 25665)

Beginning at a point 455 feet east of the easterly curb line of Twombly Lane and extending 135 feet easterly therefrom (in bus turnout).

B. Dodge Drive – (far side) (NJ Transit ID# 25666)

Beginning at the easterly curb line of Dodge Drive and extending 100 feet easterly therefrom.

C. Between Lancaster Road and Entrance to Drew University – (mid-block) (NJ Transit ID# 25667)

Beginning at a point 385 feet east of the easterly curb line of Lancaster Road and extending 135 feet easterly therefrom (in bus turnout).

D. Waverly Place – (far side) (NJ Transit ID # 25671)

Beginning at the easterly curb line of Waverly Place and extending 100 feet easterly therefrom.

E. Cross Street – (near side) (NJ Transit ID# 25672)

Beginning at the westerly curb line of Cross Street and extending 105 feet westerly therefrom.

F. Bruns Street – (near side) (NJ Transit ID# 25673)

Beginning at the westerly curb line of Bruns Street and extending 105 feet westerly therefrom.

G. Between Seaman Street and Union Avenue – (mid-block) (NJ Transit ID# 25674)

Beginning at a point 512 feet east of the easterly curb line of Seaman Street and extending 135 feet easterly therefrom.

**Along Route NJ 124, westbound, on the northerly side at:**

A. Between Union Avenue and Seaman Street– (mid-block) (NJ Transit ID # 25675)

Beginning at a point 420 feet west of the westerly curb line of Union Avenue and extending 135 feet westerly therefrom.

B. Bruns Street – (far side) (NJ Transit ID# 25676)

Beginning at the prolongation of the westerly curb line of Bruns Street and extending 100 feet westerly therefrom.

C. Rosedale Avenue – (far side) (NJ Transit ID# 25677)

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Beginning at the westerly curb line of Rosedale Avenue and extending 100 westerly therefrom.

D. Central Avenue (CR 608) – (near side) (NJ Transit ID# 25678)

Beginning at the easterly curb line of Central Avenue (CR 608) and extending 105 feet easterly therefrom.

E. Between Kings Road and Elm Street – (mid-block) (NJ Transit ID# pending)

Beginning at a point 1625 feet west of the westerly curb line of Kings Road and extending 135 feet westerly (in bus turnout).

F. Danforth Road – (near side) (NJ Transit ID# 25669)

Beginning at the easterly curb line of Danforth Road and extending 105 easterly therefrom.

G. Between Treadwell Avenue and Twombly Lane – (mid-block) (NJ Transit ID# 25670)

Beginning at a point 165 feet west of the prolongation of the westerly curb line of Treadwell Avenue and extending 135 feet westerly therefrom (in bus turnout); and

**WHEREAS**, the Borough of Madison concurs that any approved bus stop locations or traffic regulations in conflict with or inconsistent with the provisions of this resolution be rescinded upon approval of the Traffic Regulation 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 it supports bus stop locations recommended for approval on Route 124 in the Borough of Madison by NJDOT.

**BE IT FURTHER RESOLVE**, that a certified copy of this Resolution shall be forwarded to the NJDOT as requested.

R 102-2019 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING DONATION OF FURNITURE FOR THE POLICE MUSTER ROOM AT THE PUBLIC SAFETY COMPLEX FROM WEXFORD CUSTOM HOMES & RENOVATIONS, INC.

**WHEREAS**, Wexford Custom Homes & Renovations, Inc. has generously offered to donate materials and labor to build custom desks, counters and finish carpentry in the Muster Room at the Madison Police Department; and

**WHEREAS**, the Borough Council has concluded that it would be in the best interest of the Borough to accept the donation from Wexford Custom Homs & Renovations, Inc.

**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 above described materials and labor for the Muster Room at the Public Safety Complex.

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**BE IT FURTHER RESOLVED** that the Borough of Madison expresses its gratitude to Wexford Custom Homes & Renovations, Inc.

R 103-2019 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF WATER METERS/DATA RECORDERS AND RADIO FREQUENCY METER INTERFACE UNDER MORRIS COUNTY COOPERATIVE PRICING COUNCIL

**WHEREAS**, the Borough of Madison desires to award a contract for the purchase of Water Meters/Data Recorders and Radio Frequency meter interface under the Morris County Co-Operative Pricing Council program; and

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

**WHEREAS**, Rio Supply, Inc., 100 Allied Parkway, Sicklerville, New Jersey, 08094 has been awarded Morris County Co-Operative Pricing Council contract number #47; and

**WHEREAS**, the Public Works Director has recommended that the Borough Council utilize these contracts for the purchase of Water Meters/Data Recorders and Radio Frequency meter interface under contract #47, in the amount of \$19,700.00, in addition to 2019 year to date purchase for water meters in the amount of \$17,450.00 ; and

**WHEREAS**, funds are available in Ordinance 11-2018 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 pending approval of the 2019 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 Water Meters/Data Recorders and Radio Frequency meter interface, for \$19,700.00 is hereby approved.
2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Rio Supply, Inc., 100 Allied Parkway, Sicklerville, New Jersey, 08094, for the purchase of Water Meters/Data Recorders and Radio Frequency meter interface at a total price not to exceed \$19,700.00, in a form acceptable to the Borough Attorney.

Mrs. Vitale moved adoption of the Resolution 101-2019 listed on the Consent Agenda. Mr. Rowe seconded the motion. Mr. Rowe noted that he agrees with the budget but asks the CFO to look at the dividend again. Following discussion there was agreement to look at the budget after the summer months and possible recalculate the dividend.



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Mayor Conley suggest a committee to review Borough surplus. There was no further Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

**R 101-2019 RESOLUTION OF THE BOROUGH OF MADISON ESTABLISHING THE 2019-2020 UTILITY DIVIDEND RATES**

**WHEREAS**, pursuant to Ordinance 65-2016, the Borough Council approves an electric utility rate dividend of \$2.0 million as an adjustment over twelve months from January 1, 2019 to December 31, 2019 on each monthly utility statement based on the customer’s kilowatt (kwh) consumption each month; and

**WHEREAS**, the following ORIGINAL dividend rate table was based on a \$1.5 million dividend and was previously approved and has been apply credits to each billing statement for the period of January 1, 2019 to March 31, 2019 based on kilowatt (kwh) consumption; and

Table 2 - Calculation of Dividend Rate by Class	
Rate Class	2018-19 Dividend \$/kWh
RS-Residential Service – Class 1	\$ 0.0148
GS-D General Service – Class 2	\$ 0.0110
GS-ML Mid Level General Service – Demand-Class 3	\$ 0.0088
GSS- N General Service Non-Demand – Class 4	\$ 0.0157
GSL-DX Large General Service with d – Demand Class 5	\$ 0.0085

**WHEREAS**, in order to implement a \$2 million electric utility rate dividend for the 2019 calendar year, the following REVISED dividend rate table shall be used to apply credits to each billing statement for the period of April 1, 2019 to December 31, 2019 based on kilowatt (kwh) consumption; and

Table 2 - Calculation of Dividend Rate by Class	
Rate Class	2018-19 Dividend \$/kWh
RS-Residential Service – Class 1	\$ 0.0211
GS-D General Service – Class 2	\$ 0.0157
GS-ML Mid Level General Service – Demand-Class 3	\$ 0.0125
GSS- N General Service Non-Demand – Class 4	\$ 0.0224
GSL-DX Large General Service with d – Demand Class 5	\$ 0.0121

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**WHEREAS**, The Chief Financial Officer shall report the actual utility performance, collections and dividend distributed on or before the September 9, 2019 Council meeting for possible further modification;

**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 revised 2019 Utility Dividend rates as listed above are hereby established.

**UNFINISHED BUSINESS** - None

**APPROVAL OF VOUCHERS**

On motion by Ms. Baillie, seconded by Mrs. Vitale 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	\$425,085.69
General Capital Fund	60,305.25
Electric Operating Fund	177,756.48
Electric Capital Fund	0.00
Water Operating Fund	8,995.43
Water Capital Fund	0.00
Trusts	<u>6,279.72</u>
Total	<u>\$678,422.57</u>

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

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

Nays: None

**NEW BUSINESS** - None

**ADJOURN**

There being no further business to come before the Council, the meeting was adjourned at 9:26 p.m.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved March 25, 2019 (EO)