

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

October 27, 2014 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 27th day of October, 2014. 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 2, 2014. This Notice was made available to members of the general public.”

ROLL CALL

The Borough Clerk called the roll and the following acknowledged their presence:

Mayor Robert H. Conley

Council Members:

Robert G. Catalanello
Robert Landrigan
Carmela Vitale
Astri J. Baillie
Benjamin Wolkowitz
Patrick W. Rowe

Also Present:

Raymond M. Codey, Borough Administrator
James E. Burnet, Assistant Borough Administrator
Elizabeth Osborne, Borough Clerk
Matthew J. Giacobbe, Esq. Borough Attorney

AGENDA REVIEW

There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Mr. Landrigan moved:

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

MINUTES FOR APPROVAL (1)

September 22, 2014

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

CONTRACT MATTERS (6)

MADISON HOUSING AUTHORITY

CONSTRUCTION CODE SHARED SERVICE AGREEMENT AMENDMENT

HAMPSHIRE 175 PARK - RELEASE OF PERFORMANCE BOND

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IN-GROUND LIFT FOR DPW GARAGE
2014 ELECTRICAL SERVICES
ATLANTIC SALT, INC.

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

POTENTIAL LITIGATION MATTERS (1)
ROCK-GW DEVELOPMENT

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

Seconded: Mr. Catalanello

Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

Mayor Conley reconvened the Regular Meeting at 8 p.m. in the Council Chamber with all members present. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Mr. Wolkowitz moved approval of the **Executive Minutes of September 22, 2014**.

Ms. Baillie seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Mr. Wolkowitz moved approval of the **Regular Meeting Minutes of September 22, 2014**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

Mayor Conley thanked the members of the Chamber of Commerce for the annual Holiday Parade held Friday, November 28th.

Mayor Conley presented a proclamation proclaiming November 2014 as Pancreatic Cancer Awareness Month to Dennis Salko.

*Proclamation
of the
Borough of Madison
Proclaiming
Pancreatic Cancer Awareness Month
November 2013*

WHEREAS, in 2014, an estimated 46,420 people will be diagnosed with pancreatic cancer in the United States and 39,590 will die from the disease; and

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WHEREAS, pancreatic cancer, one of the deadliest cancers, is currently the fourth leading cause of cancer death in the United States and is projected to become the second by 2020; and

WHEREAS, pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just six percent; and

WHEREAS, when symptoms of pancreatic cancer present themselves, it is generally late stage, and 73 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years; and

WHEREAS, approximately 1,220 deaths will occur in New Jersey in 2014; and

WHEREAS, the *Recalcitrant Cancer Research Act* was signed into law in 2013, which calls on the National Cancer Institute to develop a scientific framework or strategic plans for pancreatic cancer and other deadly cancers, which will help provide the strategic direction and guidance needed to make true progress against these diseases; and

WHEREAS, the Pancreatic Cancer Action Network is the national organization serving the pancreatic cancer community in the Borough of Madison and nationwide through a comprehensive approach that includes public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

WHEREAS, the Pancreatic Cancer Action Network and its affiliates in the Borough of Madison support those patients currently battling pancreatic cancer, as well as those who have lost their lives to the disease and are committed to nothing less than a cure; and

WHEREAS, the good health and well-being of the residents of the Borough of Madison are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes and effective treatments;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, proclaim the month of November 2014 as Pancreatic Cancer Awareness Month in the Borough of Madison.

Robert H. Conley, Mayor

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REPORTS OF COMMITTEES

Health

Mr. Landrigan of the Committee made the following comments:

Mr. Landrigan addressed concerns regarding the Ebola virus, noting a briefing held

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October 21, 2014 for first responders in Madison and surrounding communities. Additional information is available on the Borough's website.

Public Works and Engineering

Mr. Catalanello, Chair of the Committee, made the following comments:
The 2014 Road Improvement program milling and paving work has been delayed, but should be completed by November 3rd. New Jersey Department of Transportation and Della Pello Contracting have completed paving in the downtown area and stripping will begin shortly. Final repairs to the flow monitor device at Brooklake Road will be completed this week. Bids will be received for the Library HVAC replacement project on November 13th and the plans for reconstruction and paving of the Waverly Green parking area are being drafted with an anticipated spring construction date. The Strategic Planning Committee discussing the Capital Budget is scheduled to meet November 6th.

Utilities

Mrs. Vitale, Chair of the Committee, made the following comments:
The Water Department reports continued hydrant flushing in the evenings along Main Street, Park Avenue and Madison Avenue. Neighborhood hydrant flushing will be postponed due to the start of leaf collection.

Public Safety

Ms. Baillie, Chair of the Committee, made the following comments:
Three volunteer firefighters have completed a 20 hour safety and survival course and are now trained as Rapid Intervention Crew certified, known as the RIP Crew. The Fire Department continues to ask for more volunteers. Any interested resident will find more information on the Fire Departments website.

Finance and Borough Clerk

Mr. Wolkowitz, Chair of the Committee, made the following comments:
For the November 4th General Election, all Madison polling locations will be open from 6:00 a.m. until 8:00 p.m. on Election Day. Registered voters, who cannot get to the polls, can vote by mail up until 3:00 p.m. the day before the election, November 3rd. A presentation by GVRS redeveloper KRE is scheduled for the November 10th Council meeting. They will also appear before the Planning Board with a proposed amendment on November 4th. The Borough Tax Sale is scheduled for December 11th and a Special Council Meeting is advertised for November 13th to consider the acceptance of offers for the sale of refunding bonds.

Community Affairs

Mr. Rowe, Chair of the Committee, made the following comments:
The "Healthy, Wealthy and Wise" program on eldercare law presented by Thomas Murphy was very well-received by 42 attendees. The Northwest New Jersey Community Action Partnership will be sending four trained Medicare counselors to the Senior Center on November 12th to supplement regular State Health Insurance Assistance Program (SHIP). Appointments can be made for individuals or couples wishing to change their coverage with special emphasis on Medicare Part D. The Sidewalk Art Gallery Gala and Auction, which took place last Friday, was a big success. The silent and live auctions raised money for the artists and the DDC. Taste of Madison 2015 is scheduled for Monday, March 30, 2015 at the Park Avenue Club. The 2014 Halloween Hoopla was a big success. Thank you to Frank Iannarone of the Madison Pharmacy for organizing the event, and all the merchants that participated to help kick off the Halloween season.

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COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

Email received October 17, 2014 from Ken Waer, Anthony Drive, announcing the new Madison Little League President.

Email received October 19, 2014 from Brian Loudermilk, Niles Avenue, regarding leaf collection.

Letter received October 27, 2014, from Diane Mann of the Madison YMCA thanking the Madison Police Department for their efforts that led to the arrest of suspects in the locker room thefts.

Letter received October 27, 2014, from Diane Mann of the Madison YMCA thanking Mayor and Council for recognizing the YMCA Rosettes Gymnastics Team.

INVITATION FOR DISCUSSION (1 of 2)

Mayor Conley opened the meeting to the public for their opportunity to ask questions and make comments on those items listed on the Agenda only. Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record. **He/she shall limit his/her statement to three (3) minutes or less.**

Since no member of the public wished to be heard, the invitation for discussion was closed.

AGENDA DISCUSSIONS

10/27/2014-1 POLICE SPECIAL DUTY ORDINANCE

Mr. Codey provided explanation of the proposed amendment to the Police special duty ordinance. There was no objection to listing an ordinance for introduction.

Ordinance 54-2014 is listed for introduction.

10/27/2014-2 CANCEL UTILITY BALANCES OF \$10 OR LESS

There was agreement with the Tax Collector's recommendation to authorize cancellation of water and electric utility overpayments and underpayments of \$10.00 or less to the General Surplus.

Resolution R 298-2014 is listed on the Consent Agenda.

10/27/2014-3 RELEASE OF FUNDS FROM THE AFFORDABLE HOUSING TRUST FUND

Mr. Codey noted a request from the Housing Authority for funds to repair the elevators at the Senior Housing facility on Chateau Thierry. Following discussion there was consensus to support the repairs. The Director of the Housing Authority will return to the November 10th Council meeting with information regarding possible funding through the Housing and Urban Development (HUD).

10/27/2014-4 MID-BLOCK CROSSWALK - MADISON AVENUE

There was no objection to the State's request for Council support by resolution to implement mid-block cross walks along Madison Avenue.

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Resolution R 294-2014 is listed on the Consent Agenda.

*Mayor Conley and Ms. Baillie left the Council Chamber at 8:28 p.m.
Council President Landrigan presided over the meeting at this time.*

10/27/2014-5 AMEND CH. 185-32 OF THE BOROUGH CODE TO INCLUDE TIME LIMIT RESTRICTIONS FOR PARKING ON KEEP STREET
Mr. Codey provided explanation of the proposed parking restriction on Keep Street, requested by the Police Department to limit parking and improve safety along the roadway. There was no objection to listing an ordinance for introduction.

Ordinance 55-2014 is listed for introduction.

Mayor Conley and Ms. Baillie returned to the Council Chamber at 8:31 p.m.

10/27/2014-6 PURCHASE OF A POLICE TRAFFIC VEHICLE
Mr. Codey noted that the request for the purchase of a police vehicle will be funded through the Police Outside Duty account. Mr. Landrigan suggested that older police vehicles be repurposed for use in the Health Department.

Resolution R 299-2014 is listed on the Consent Agenda.

10/27/2014-7 AMEND ORDINANCE 17-2014 TO INCREASE APPROPRIATION FOR THE PURCHASE OF A NEW GENERATOR AT WELL E
Public Works Superintendent David Maines provided an explanation of the request for an increase in the appropriation for the purchase of a new generator at Well E, noting the need for a larger generator and additional costs. Following discussion regarding diesel opposed to gas power, there was agreement to list an ordinance for introduction.

Ordinance 56-2014 is 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 October 15, 2014, were introduced by title and passed on first reading, were published in the Morris County Daily Record 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 50-2014
AN ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 94
OF THE BOROUGH CODE ENTITLED 'ELECTRIC UTILITY', APPENDIX B, TO
INCREASE THE RECONNECTION FEE**

WHEREAS, the Borough Administrator has recommended that the rules and regulations of the Electric Utility and the rules and regulations of the Water Utility be amended pursuant to section 94-2, Appendix B, and section 190-3 of the Borough Code to set forth fees for reconnection of service; and

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WHEREAS, the Borough Council agrees with these recommendations.

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 rules and regulations of the Electric Utility, section 94-2, Appendix B of the Borough Code, and the rules and regulations of the Water Utility, Section 190-3 of the Borough Code, are each amended to provide for the following reconnection fees:

PAYMENT OF WATER AND ELECTRIC BILLS

If service is discontinued for non-payment of a bill, there will be a charge for restoring service of \$100.00 for residential properties and \$250.00 for commercial properties.

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

Mayor Conley opened up the public hearing on Ordinance 50-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 50-2014, which was read by title, be finally adopted. Mr. Rowe seconded the motion. There was no Council discussion, and the motion passes with the following roll call vote recorded:

Yeas: Mr. Catalanello, Mr. Landrigan, Mrs. Vitale,
Ms. Baillie, Mr. Wolkowitz, Mr. Rowe
Nays: None

Mayor Conley declared Ordinance 50-2014 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 51-2014
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$45,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND
FOR ACCESSIBLE RAMP IMPROVEMENTS AT THE HARTLEY
DODGE MEMORIAL**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$45,000.00 from the General Capital Improvement Fund for accessible ramp improvements at the Hartley Dodge Memorial; 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 \$45,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$45,000.00 from the General Capital Improvement Fund for accessible ramp improvements at the Hartley Dodge Memorial.

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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 \$45,000.00 is hereby appropriated from the General Capital Improvement Fund for accessible ramp improvements at the Hartley Dodge Memorial..

SECTION 40: 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 51-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Catalanello moved that Ordinance 51-2014, which was read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passes with the following roll call vote recorded:

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

Nays: None

Mayor Conley declared Ordinance 51-2014 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 52-2014
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$200,000.00
FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE WAVERLY
GREEN PARKING LOT IMPROVEMENTS PROJECT**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$200,000.00 from the General Capital Improvement Fund for the Waverly Green Parking Lot Improvements project; 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 \$200,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$200,000.00 from the General Capital Improvement Fund for the Waverly Green Parking Lot Improvements project I.

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:

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SECTION 1: The amount of \$200,000.00 is hereby appropriated from the General Capital Improvement Fund for the Waverly Green Parking Lot Improvements project.

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

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

Mayor Conley opened up the public hearing on Ordinance 52-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Catalanello moved that Ordinance 52-2014, which was read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passes with the following roll call vote recorded:

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

Nays: None

Mayor Conley declared Ordinance 52-2014 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 53-2014 has a hearing date scheduled for November 24, 2014.

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.

John Hoover; Overhill Road, noted a proposed 'Code of Conduct' listed on a previous Council meeting agenda and asked when Council will consider this topic in the future. Mayor Conley suggested the next Council meeting.

Christin McKenna; Station Road, noted her zoning variance application before the Zoning Board and stated her admiration for the Borough of Madison.

Christine Mullen; Central Avenue, asked if older police vehicle can be placed around town to discourage poor driving behavior.

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 November 10, 2014 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.

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

ORDINANCE 54-2014 ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 34 OF THE BOROUGH CODE ENTITLED "POLICE DEPARTMENT"

WHEREAS, the Borough of Madison has permitted private businesses and other public entities to retain the services of off-duty police officers; and

WHEREAS, for the convenience of those private businesses and other public entities which utilize the services of off-duty law enforcement officers of the Borough of Madison Police Department and to authorize the outside employment of off-duty police officers, the Borough of Madison hereby establishes a policy regarding the use of off-duty police officers,

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Governing Body of the Borough of Madison, in the County of Morris, State of New Jersey, as follows:

1. Chapter 34 (Police Department) of the Code of the Borough of Madison is hereby revised to read as follows:

§34-20. Contracted Off-Duty Employment of Police Officers.

- A. Members of the Police Department shall be permitted to accept employment as safety or security personnel for private businesses or other public entities during off-duty hours, and at such times which will not interfere with the efficient performance of regularly scheduled or emergency duty for the Borough. The Borough's needs for said police officers shall always take priority over scheduled off-duty work.
- B. If a private business or other public entity desires to contract with the Borough of Madison for the off-duty services of a police officer, said private business or public entity shall request the services through the office of the Chief of Police. To the extent that personnel are available, the Chief of Police or his/her designee may, but shall not be required to, assign a police officer to provide aforesaid off-duty services. The Chief of Police or his/her designee shall withhold approval if the off-duty services to be performed are inconsistent with the efficient operation and professionalism of the Police Department and/or unreasonably endangers or threatens the safety of the officer or officers who perform the work.
- C. The cost of the services to the private party or other public entity shall be at \$60.00 per hour for the officer(s) pursuant to the PBA/SOA labor contracts. The Borough shall add \$20.00 per hour to said amount to cover administrative, vehicle-use fee and insurance expenses, resulting in a rate to be charged to the outside employer(s) of \$80.00 per hour.
- D. Pursuant to a prior Agreement with the PBA/SOA, security in the Joint Municipal Court shall be paid at \$55.00 per hour to the officer(s) with no administrative, vehicle or insurance charges. In addition, security for the Centurion Holding Corporation detail in Harding shall be paid at \$35.00 per hour to the officer(s) with no administrative, vehicle or insurance charges. In addition, there shall be no administrative, vehicle or insurance charges for Board of Education, religious, charitable or not-for-profit entities and/or events. The Chief of Police or his designee shall set

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the administrative rate and whether same shall apply for each request for officers.

- E. Any private business or other public entity requesting the services of an off-duty law enforcement officer shall estimate the number of hours such services are required, which estimate shall be approved, in writing, by the Chief of Police or his/her designee. In the event of a cancellation, the firm, organization or individual shall make contact with the Madison Police Department Traffic Safety Bureau and/or the Police Department Communications Desk to report that the event or job has been cancelled. A voice message and/or email with no Police Department response or official police acknowledgement does not constitute notification of cancellation. Police officers shall be compensated when a firm, organization or individual who has contracted for police services and fails to make notification at least two (2) hours prior to the event, job or detail in accordance with the following: Board of Education, Religious, Charitable or Department-approved not-for-profit entities shall pay a two (2) hour cancellation fee to each scheduled officer; and all other firms, contractors and/or individuals shall pay a four (4) hour cancellation fee to each scheduled officer, unless otherwise agreed upon in advance.
- F. Prior to posting any request for services of off-duty officers, the Chief of Police or his/her designee, shall verify that there are no outstanding charges for the private business or other public entity requesting services. No services shall be performed unless all charges for prior work have been paid.
- G. All requests for the services of off-duty law enforcement officers in the Borough of Madison Police Department for a period of one (1) week or longer shall be forwarded to the Chief of Police or his/her designee, at least ten (10) days before such services are required, whenever possible. Any officers, when so employed by the Borough, shall be treated as an employee of the Borough, provided, however, that wages earned for outside employment shall not be applied toward the pension benefits of law enforcement officers so employed nor shall hours worked for outside employment be considered in any way compensable as overtime.
- H. This ordinance shall take effect in accordance with law.

Ms. Baillie moved that Ordinance 54-2014, which the Borough Clerk read by title, be adopted. Mr. Wolkowitz seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

ORDINANCE 55-2014 AN ORDINANCE OF THE BOROUGH OF
MADISON AMENDING CHAPTER 185-32 OF THE BOROUGH CODE
ENTITLED 'VEHICLES AND TRAFFIC' TO INCLUDE TIME LIMIT
RESTRICTIONS FOR PARKING ON KEEP STREET

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WHEREAS, the Madison Borough Police Department, due to public safety concerns, has recommended that Chapter 185-32 of the Borough Code be amended to limit parking time on a portion of Keep Street as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Time Limit</u>	<u>Location</u>
Keep Street	North Side	4 hours	Entire length

; and

WHEREAS, the Borough Council has determined that Chapter 185-32 of the Madison Borough Code entitled “Schedule IV: Time Limit Parking” should be amended in order to implement these changes;

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

Section 1: Section 185-32 of the Code of the Borough of Madison entitled “Schedule IV: Time Limit Parking” shall be amended as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Time Limit</u>	<u>Location</u>
Keep Street	North Side	4 hours	Entire length

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

Ms. Baillie moved that Ordinance 55-2014, which the Borough Clerk read by title, be adopted. Mr. Wolkowitz seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

ORDINANCE 56-2014 ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 17-2014 APPROPRIATING \$80,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF A NEW GENERATOR AT WELL E TO INCREASE THE APPROPRIATION FROM \$80,000.00 TO \$140,000.00

WHEREAS, Ordinance 17-2014 of the Borough of Madison appropriated \$80,000.00 from the Water Capital Improvement Fund to purchase a new generator at Well E; and

WHEREAS, upon inspection by the electrical contractor, the generator capacity will need to be increased; and

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WHEREAS, the Superintendent of Public Works has recommended that the Borough amend Ordinance 17-2014 to appropriate an additional \$60,000.00 from the Water Capital Improvement Fund thereby increasing Ordinance 17-2014 to \$140,000.00 to purchase a new generator; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Water Capital Improvement Fund in an amount not to exceed \$140,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should amend Ordinance 17-2014 to appropriate an additional \$60,000.00 from the Water Capital Improvement Fund thereby increasing Ordinance 17-2014 to \$140,000.00 to purchase a new generator at Well E.

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: Ordinance 17-2014 is hereby amended to appropriate an additional \$60,000.00 from the Water Capital Improvement Fund thereby increasing Ordinance 17-2014 to \$140,000.00 to purchase a new generator at Well E.

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.

Mr. Catalanello moved that Ordinance 56-2014, 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: Mr. Catalanello, Mr. Landrigan, Mrs. Vitale,
Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

**ORDINANCE 57-2014 ORDINANCE OF THE BOROUGH OF MADISON,
COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND
SUPPLEMENTING CHAPTER 185 ENTITLED, "VEHICLES AND TRAFFIC"
ARTICLE VIII, "EMERGENCY NO-PARKING"**

WHEREAS, the Borough of Madison ("Borough") deleted and repealed a Borough ordinance that provided for the designation of snow no-parking areas by Ord. No. 15-76; and

WHEREAS, the Borough has ascertained that the designation of snow no-parking areas would be beneficial to the Borough's residents and the efficient operations of the Borough; and

WHEREAS, an amendment to the Code of the Borough is required in order to implement a provision allowing for the designation of snow no-parking areas:

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NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Madison that the following provision of the Code of the Borough is amended as follows:

Chapter 185 Article VIII is amended by the addition of the following new section:

§ 185-20. Designation of Snow No-Parking Areas:

Whenever snow has fallen and the accumulation is such that it covers the streets or highways, no vehicle shall be parked on any Borough streets or highways. The above parking prohibitions shall remain in effect after the snow has ceased until the streets and/or highways have been plowed sufficiently and to the extent that parking will not interfere with the normal flow of traffic.

AND BE IT FURTHER RESOLVED that any prior Ordinances which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies;

AND BE IT FURTHER RESOLVED that should any section, part of any section, or clause or phrase of this Ordinance for any reason be held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance;

AND BE IT FURTHER RESOLVED that this Ordinance shall become effective upon final passage and publication as required by law.

Ms. Baillie moved that Ordinance 57-2014, which the Borough Clerk read by title, be adopted. Mr. Wolkowitz seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mr. Landrigan moved adoption of the Resolutions listed on the Consent Agenda. Mr. Catalanello seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mr. Catalanello, Mr. Landrigan, Mrs. Vitale,
Ms. Baillie, Mr. Wolkowitz, Mr. Rowe
Nays: None

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R 291-2014 RESOLUTION OF THE BOROUGH OF MADISON AMENDING THE INTERLOCAL SERVICES AGREEMENT WITH THE BOROUGH OF CHATHAM TO PROVIDE CONSTRUCTION CODE, PLUMBING SUB-CODE, FIRE SUB-CODE AND ELECTRICAL SUB-CODE SERVICES

WHEREAS, the Borough of Madison authorized entry into an Interlocal Services Agreement with the Borough of Chatham to provide enhanced construction code, plumbing sub-code, fire sub-code and electrical sub-code services for a three year term, which contract was authorized by Resolution R 318-2013; and

WHEREAS, the Borough Administrator has recommended an addendum to the contract that will extend the term of the contract for an additional year through December 31, 2017, to comply with State requirements; and

WHEREAS, it would be in the best interests of the Borough of Madison to enter into such addendum.

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 an addendum to the contract with the Borough of Chatham to provide enhanced construction code, plumbing sub-code, fire sub-code and electrical sub-code services for an additional year, in a form acceptable to the Borough Attorney.

R 292-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RELEASE OF PERFORMANCE BOND FOR 175 PARK AVENUE, LLC DEVELOPMENT ON BLOCK 401 LOT 2, a/k/a 175 PARK AVENUE, MADISON, NEW JERSEY

WHEREAS, the Borough Engineer has recommended that the Performance Bond of \$1,589,846.40 be released to 175 Park Avenue LLC, in connection with site improvements located at 175 Park Avenue, Block 401, Lot 2; and

WHEREAS, the Borough Engineer advises that all site work has been completed.

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 Performance Bond described herein be released to 175 Park Avenue, LLC, upon confirmation by the Borough Engineer that all conditions and requirements specified in the applicable zoning approval, Borough Code and BOCA Code are satisfied.

R 293-2014 RESOLUTION OF THE BOROUGH OF MADISON AWARDDING THE REPLACEMENT OF AN IN-GROUND LIFT AT THE PUBLIC WORKS GARAGE BID TO HOFFMAN SERVICES, INC. OF NEWARK, NEW JERSEY

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WHEREAS, the Borough of Madison publicly advertised for the Replacement of an in-ground lift at the Public Works Garage (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 Hoffman Services, Inc. of Newark, New Jersey, in the amount of \$80,000.00; and

WHEREAS, the Public Works Superintendent, Qualified Purchasing Agent and Borough Attorney have recommended that the Borough Council award the contract to Hoffman Services, Inc. of Newark, New Jersey, in the amount of \$80,000.00; and

WHEREAS, the Chief Financial Officer has attested that funds will be available for this purpose in Ordinance 19-2014.

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 Replacement of an in-ground lift at the Public Works Garage is hereby awarded to Hoffman Services, Inc. of Newark, New Jersey, based upon its bid in the amount of \$80,000.00.

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

R 294-2014 RESOLUTION OF THE BOROUGH OF MADISON CONCURRING WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION RECOMMENDATION FOR MID- BLOCK CROSSWALKS ON MADISON AVENUE

WHEREAS, the New Jersey Department of Transportation (NJDOT) has determined the necessity to establish mid-block crosswalks in the area of Fairleigh Dickenson University and Drew University to enhance pedestrian visibility and safety, specifically;

1. Along Route NJ124:

Beginning at a point 550 feet east of the easterly curblines of Elm Street/Lancaster Road and extending six (6) feet easterly therefrom.

2. Along Route NJ124:

Beginning at a point 360 feet west of the westerly curblines of Treadwell Avenue and extending six(6) feet westerly therefrom; and

WHEREAS, the Mayor and Council wish to support and endorse such request.

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NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that it endorses and supports the safety improvement request by the New Jersey Department of Transportation, as described above, and urges the NJDOT to respond to such request expeditiously.

R 295-2014 RESOLUTION OF THE BOROUGH OF MADISON PERMITTING RESTAURANT-BARS AND TAVERNS TO REMAIN OPEN UNTIL 2:00 A.M. ON THURSDAY, NOVEMBER 27, 2014

WHEREAS, as part of the Thanksgiving Holiday Weekend, the Restaurant-Bars of Madison have requested permission to remain open on Wednesday, November 26, 2014, for the sale of alcoholic beverages for consumption on premises, until 2:00 A.M., Thursday, November 27, 2014; and

WHEREAS, the Borough Code provides for a weekday closing time of 1:00 A.M;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Restaurant-Bars and Taverns shall be permitted to remain open on Wednesday, November 26, 2014, for the sale of alcoholic beverages for consumption on premises, until 2:00 A.M., Thursday, November 27, 2014.

R 296-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXTENDED PARKING HOURS FOR THE HOLIDAY SEASON

WHEREAS, the Assistant Business Administrator has recommended that two (2) hour parking be permitted in all one (1) hour parking spaces on Main Street and Waverly Place from November 21, 2014 through December 31, 2014.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that two (2) hour parking shall be permitted in all one (1) hour parking spaces on Main Street and Waverly Place, effective November 21, 2014 and extending through December 31, 2014.

R 297-2014 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO ROBERT KOPACZ FOR FILMING OF BOROUGH COUNCIL MEETINGS AND SPECIAL EVENTS FOR TELEVISION

WHEREAS, the Borough Administrator has recommended that the Contract for filming Borough Council meetings and special events should be awarded for 2015 to Robert Kopacz as a media consultant on the same terms and conditions as the 2014 contract, in the amount of \$500 per Borough Council meeting and \$100

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per hour for consulting services as may be agreed upon, as well as courtesy rental space at the Hartley Dodge Memorial or other Borough-owned property; and

WHEREAS, this contract involves an Extraordinary Unspecifiable Service (EUS); and

WHEREAS, the Borough Council has determined to award said contract to Robert Kopacz for the year 2015; and

WHEREAS, this contract award is expressly contingent upon adequate funds for this purpose being included in the adopted 2015 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 with Robert Kopacz, of Summit, N.J. as a media consultant is hereby awarded for the year 2015 based upon his quote in the amount of \$500 per Borough Council meeting for filming of Borough Council meetings for television and \$100 per hour for other consulting services the Borough may request, as well as courtesy rental space at the Hartley Dodge Memorial or other Borough-owned property.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into a Contract with Robert Kopacz of Summit, N.J. 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 298-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CANCELLATION OF WATER AND ELECTRIC UTILITY OVERPAYMENTS AND UNDERPAYMENTS OF \$10.00 OR LESS TO GENERAL SURPLUS

WHEREAS, the refunding of Water and Electric Utility overpayments of Ten Dollars (\$10.00) or less and the collection of Water and Electric Utility underpayments of Ten Dollars (\$10.00) or less would impose administrative burdens out of proportion to the benefit thus given.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Water and Electric Utility overpayments and underpayments of Ten Dollars (\$10.00) or less be credited or debited to General Surplus and the Tax Collector/Chief Accountant is authorized to make said adjustment.

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R 299-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF POLICE VEHICLE FROM WINNER FORD OF CHERRY HILL, NEW JERSEY

WHEREAS, the Borough of Madison desires to purchase a vehicle for the Police Department from an authorized vendor under State Contract #82925; and

WHEREAS, the purchase of goods and services through State agencies by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12, et seq; and

WHEREAS, Winner Ford, 250 Haddonfield Berlin Road, Cherry Hill, New Jersey has been awarded New Jersey State contract number #82925; and

WHEREAS, the Chief of Police has recommended that the Borough Council utilize this contract for a police vehicle, and accessory equipment in the amount of \$35,790.89; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$35,790.89 for this purpose in the Police Outside Duty account.

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

1. The purchase of a police vehicle and accessory equipment from Winner Ford, at a total price not to exceed \$35,790.89 is hereby approved under the New Jersey State contract number #82925.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Winner Ford for the purchase of a police vehicle and accessory equipment at a total price not to exceed \$35,790.89, in a form acceptable to the Borough Attorney.

R 300-2014 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING ZOE HUGHES TO AN INTERN POSITION IN THE ENGINEERING DEPARTMENT

WHEREAS, the Borough Engineer has recommended the appointment of Zoe Hughes as a Civic Scholar Intern in the Engineering Department to serve without compensation; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the appointment of Zoe Hughes as a Civic Scholar Intern in the Engineering Department is hereby approved. The starting date to be established by the Borough Engineer.

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R 301-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RELEASE OF PERFORMANCE BOND FOR CRAFTSMAN QUALITY HOMES, LLC DEVELOPMENT ON BLOCK 4312 LOT 3, a/k/a 16-18 LATHROP AVENUE, MADISON, NEW JERSEY

WHEREAS, the Borough Engineer has recommended that the Performance Bond of \$16,059.60 be released to Craftsman Quality Homes, LLC, in connection with site improvements located at 16-18 Lathrop Avenue, Block 4312, Lot 3; and

WHEREAS, the Borough Engineer advises that all site work has been completed.

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 Performance Bond described herein be released to Craftsman Quality Homes, LLC upon confirmation by the Borough Engineer that all conditions and requirements specified in the applicable zoning approval, Borough Code and BOCA Code are satisfied.

R 302-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RELEASE OF PERFORMANCE BOND FOR MADISON 2007, LLC DEVELOPMENT ON BLOCK 5202 LOT 7, a/k/a 345 MADISON AVENUE, MADISON, NEW JERSEY

WHEREAS, the Borough Engineer has recommended that the Performance Bond of \$283,298.04 be released to Madison 2007, LLC, in connection with site improvements located at 345 Main Street, Block 5202, Lot 7; and

WHEREAS, the Borough Engineer advises that all site work has been completed.

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 Performance Bond described herein be released to Madison 2007, LLC upon confirmation by the Borough Engineer that all conditions and requirements specified in the applicable zoning approval, Borough Code and BOCA Code are satisfied.

R 303-2014 RESOLUTION OF THE BOROUGH OF MADISON AWARING ELECTRIC SERVICES BID TO JAMES A. BURKE ELECTRICAL CONTRACTORS, INC.

WHEREAS, the Borough of Madison publicly advertised for bids for electric services (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 on the Contract was submitted by James A. Burke Electrical Contractors, Inc. in the amount of \$68.50 per hour for

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regular time, \$125.00 per hour for overtime and \$125.00 per hour for weekends and holidays; and

WHEREAS, the Purchasing Officer has recommended that the Contract should be awarded to James A. Burke Electrical Contractors, Inc. in the amount of \$68.50 per hour for regular time, \$125.00 per hour for overtime and \$125.00 per hour for weekends and holidays; and

WHEREAS, the Borough Council has determined that this bid is fair and reasonable and that James A. Burke Electrical Contractors, Inc. should be awarded the contract based on its bid; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$68.50 per hour for regular time, \$125.00 per hour for overtime and \$125.00 per hour for weekends and holidays 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 services is hereby awarded to James A. Burke Electrical Contractors, Inc. based upon its bid in the amount of \$68.50 per hour for regular time, \$125.00 per hour for overtime and \$125.00 per hour for weekends and holidays.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the Contract with James A. Burke Electrical Contractors, Inc. in a form acceptable to the Borough Attorney.

R 304-2014 RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION 40-2014 AUTHORIZING CONTRACT FOR SALT TO ATLANTIC SALT, INC. OF LOWELL, MA, UNDER THE SOMERSET COUNTY COOPERATIVE PRICING COUNCIL PROGRAM

WHEREAS, Resolution 40-2014 awarded a contract to Atlantic Salt, Inc., of Lowell, Massachusetts, in an amount not to exceed \$95,000.00 for the purchase of salt; and

WHEREAS, the Superintendent of Public Works has recommended that the Borough amend Resolution 40-2014 to increase the award amount to \$195,000.00 to insure an adequate supply of rock salt for the upcoming winter season; and

WHEREAS, the Director of Finance has attested that funds will be available in an additional amount not to exceed \$195,000.00, which funds are available in the operating budget.

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

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1. Resolution 40-2014 is amended to increase the contract award amount by an additional \$100,000.00 to \$195,000.00.

2. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, an amended purchase order and contract to Atlantic Salt, Inc., of Lowell, Massachusetts, for salt at a total price not to exceed \$195,000.00, in a form acceptable to the Borough Attorney.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mr. Landrigan, seconded by Mr. Catalanello and carried, the following vouchers of the Borough of Madison were approved for payment, and the supporting documentation of said vouchers was made part of the Supplemental Minute Book.

Public Safety	\$14,981.32
Health & Public Assistance	4,768.69
Public Works & Engineering	27,204.68
Community Affairs	17,219.96
Finance & Borough Clerk	54,381.95
Utilities	<u>305,692.85</u>
Total	<u>\$426,249.45</u>

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

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

Nays: None

NEW BUSINESS - None

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 8:56 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved December 8, 2014 (EO)