

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

November 10, 2014 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 10th day of November, 2014. Mayor Conley called the meeting to order at 6:30 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)

October 15, 2014

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

CONTRACT MATTERS (5)

MADISON HOUSING AUTHORITY – L. Riccio
KRE REDEVELOPMENT PLAN AMENDMENT

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EEI MASTER AGREEMENTS WITH BP, CONOCOPHILLIPS, TRANSCANADA
SOLID WASTE REMOVAL

TREE REMOVAL CONTRACT AMENDMENT

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

PERSONNEL MATTERS (1)

POLICE DEPARTMENT PER DIEM DISPATCHER, MATRON

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

LITIGATION MATTERS (1)

GREEN VILLAGE ASSOCIATES TAX APPEAL

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. Rowe moved approval of the **Executive Minutes of October 15, 2014**. Mrs.

Vitale 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. Rowe moved approval of the **Regular Meeting Minutes of October 15, 2014**.

Mrs. Vitale 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 reminded residents of the Veteran's Day commemoration to take place November 11, 2014, beginning in James Park at 10:00 a.m.

Mayor Conley congratulated Council members Carmela Vitale and Robert Landrigan on their successful reelection to the Borough Council.

EMPLOYEE OF THE MONTH:

The Employee of the Month for November is Council President Robert Landrigan for his diligence and work with FEMA on behalf of the Borough of Madison. This morning, the Borough received reimbursement in the amount of \$448,807.28 bringing the total reimbursement to the Borough to \$1,121,007.38 for costs incurred due to Superstorm Sandy.

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Mayor Conley call forward resident Ernie Cicconi in recognition of his service to the Madison Little League:

Proclamation
of the
Borough of Madison
Proclaiming
ERNIE CICCONI DAY
November 10, 2014

Whereas, Ernie Cicconi served as President of the Madison Little League for eight seasons; and

Whereas, prior to that he was a member of the Board for four years, first as head of the Majors Division and then serving as Executive Vice President; and

Whereas, due to Ernie’s diligence and commitment, fundraising for the Madison Little League reached an all time high resulting in various field improvements; and

Whereas, installation of concrete pads in both Lucy D Field dugouts and new fencing at both of those fields with roofs to protect the players from the sun were results of the fundraising efforts; and

Whereas, additional improvements include the installation of a batting cage at Dodge Field, as well as concrete pads in the dugout and new fencing in front and behind the dugout which was raised higher for safety reasons; and

Whereas, under Ernie’s leadership, the Madison Little League instituted the electronic service, “Team Snap”, enabling the league to do registrations online, saving countless hours and long in-person registration lines, as well as allowing better league communications via email to specific age groups or to the league as a whole;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim November 10, 2014 as **Ernie Cicconi Day** in recognition of his outstanding dedication and commitment to making the Madison Little League an excellent program benefiting hundreds of children.

Robert H. Conley, Mayor
November 10, 2014

REPORTS OF COMMITTEES

Health

Mr. Landrigan of the Committee made the following comments:

There are no cases of Ebola reported in New Jersey. Local first responders attend an informational seminar regarding infectious protocols. Highlights from the seminar are available on the Borough website. The Health Department will hold a Heart Health screening clinic on December 8th. Please contact the Health Department for Details.

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Public Works and Engineering

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

Mr. Catalanello noted that November 10th is the 239th Anniversary of the U.S. Marine Corps. Mr. Catalanello reported a delay in the paving of the five remaining roads in the 2014 Road Reconstruction program, but expects that these roads will be completed soon. The 2014 Sewer Lining project is out for public bidding as well as the Library HVAC replacement bid. Mr. Catalanello offered his congratulations to Mrs. Vitale and Mr. Landrigan.

Utilities

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

The Electric Department continues work at the North Street pump station along with the Department of Public Works and has installed new service along Rosedale Avenue for the skating pond.

Public Safety

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

Ms. Baillie offered her congratulations to Mrs. Vitale and Mr. Landrigan and noted that the Madison Police Department has delivered 3340 lbs of donated food items to the Morris County Interfaith Food Pantry.

Finance and Borough Clerk

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

Mr. Wolkowitz noted that the Strategic Planning Committees will present their reports to Council beginning November 24th with a presentation by the Communications Committee and the Municipal Budget Committee will present on December 10th. Mr. Wolkowitz noted that the budget committee's report is quite dense and suggests meeting individually with Council members for a full explanation of findings. Mr. Wolkowitz also congratulated Mrs. Vitale and Mr. Landrigan.

Community Affairs

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

Mr. Rowe offered his congratulations to Mrs. Vitale and Mr. Landrigan and reported the following activities. The Stretch & Flex Fall 2014 class continues to be popular, Twenty students are registered, and attendance from January through August totaled 524. Monica Hansen's Nutrition & Cooking Classes continue to attract an audience. Her recent program on pre- and probiotics drew 14 attendees, and recipes will be posted on the Borough web site after each class to promote the series. Harmony House Adult Center will provide services suitable for adults who are at risk if left at home alone. A minimum of 3 days per week care is required and there is a sliding scale fee. Currently, no transportation is available, but it may be added if need arises. AN open house will be held on Wednesday, December 3rd from 4:00 to 6:00 p.m.

COMMUNICATIONS AND PETITIONS- NONE

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.**

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Sam Cerciello; Park Avenue, asked for clarification of proposed resolutions R 306-2014 and R 307-2014. Mr. Cerciello asked if garbage collection trucks are inspected before collecting garbage.

AGENDA DISCUSSIONS

11/10/2014-1 COUNCIL CODE OF CONDUCT

Mayor Conley noted his intent to enforce good government by adopting a policy on January 1st along with the Council bylaws. Mr. Giacobbe noted that the Council follows State Ethics statutes and does not recommend creating a local ethics board, as any complaints are referred to the State. Following discussion, Mr. Giacobbe will address Governing Body questions and Mayor Conley suggested continued discussion at the next Council meeting.

11/10/2014-2 2014 BUDGET TRANSFERS

Borough CFO Robert Kalafut provided information regarding annual budget transfers including transfers for salary and wages to accounts for the Tax Collector, Fire Department and Municipal Court, and additional funds for salt for the Department of Public Works.

Resolution R 305-2014 is listed on the Consent Agenda.

11/10/2014-3 OPEN SPACE, RECREATION, AND HISTORIC PRESERVATION ADVISORY COMMITTEE QUARTERLY REPORT

Melissa Honohan, Chairwoman of the Open Space Advisory Committee, provided a detailed quarterly report, noting a balance of \$259,180.00 as of September 30, 2014. Ms. Honohan also noted anticipated outflows for the remainder of 2014, including the remainder of MRC fencing project and the DRE Common Area maintenance fee for a total amount of \$9,000.00. Ms. Honohan indicated that committee members will reach out to other municipal groups regarding future projects.

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 27, 2014, were introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

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

Ordinance 53-2014 has a hearing date set for November 24, 2014.

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

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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 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

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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.

This ordinance shall take effect in accordance with law.

Mayor Conley opened up the public hearing on Ordinance 54-2014. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 54-2014, which was read by title, be finally adopted. Mr. Wolkowitz 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

Mayor Conley declared Ordinance 54-2014 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 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**

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:

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<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.

Mayor Conley opened up the public hearing on Ordinance 55-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Catalanello moved that Ordinance 55-2014, which was read by title, be finally adopted. Mr. Wolkowitz 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

Mayor Conley declared Ordinance 55-2014 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 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

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

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.

Mayor Conley opened up the public hearing on Ordinance 56-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Catalanello moved that Ordinance 56-2014, which was read by title, be finally adopted. Mrs. Vitale 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

Mayor Conley declared Ordinance 56-2014 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 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"

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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:

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.

Mayor Conley opened up the public hearing on Ordinance 57-2014. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 57-2014, which was read by title, be finally adopted. Mr. Wolkowitz 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

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Mayor Conley declared Ordinance 57-2014 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.

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, supported the suggestion of a local ethics board and stated that all Council discussions should take place at open meetings.

Sam Cerciello; Park Avenue, asked that Council members respect each other and suggested that future road reconstruction projects be bid as one project for cost savings.

INTRODUCTION OF ORDINANCES- NONE

CONSENT AGENDA RESOLUTIONS

The Clerk made the following statement:

Consent Agenda Resolutions will be enacted with a single motion; any Resolution requiring expenditure is supported by a Certification of Availability of Funds; any Resolution requiring discussion will be removed from the Consent Agenda; all Resolutions will be reflected in full in the minutes.

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

**R 305-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING
2014 BUDGET TRANSFERS**

WHEREAS, there appears to be insufficient funds in the following accounts (excepting the appropriation for Contingent Expenses or Deferred Charges) to meet the demands for the balance of Tax Collector – Salaries & Wages, Fire – Salaries & Wages, Municipal Court – Other Expenses, Municipal Court – Salaries & Wages, and Public Works – Other Expenses; and;

WHEREAS, there appears to be surplus in the following accounts (excepting the appropriation for Contingent Expenses, Deferred Charges, Cash Deficit of Preceding Year, Reserve for Uncollected Taxes, Down Payments, Capital Improvement Fund, or Interest and Debt Redemption Charges), over and above the demand deemed

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to be necessary for the balance of the Current Year, in Health Insurance – Other Expenses, Health Department – Salaries & Wages, and Police Department – Other Expenses and Borough Clerk – Salaries & Wages.

NOW, THEREFORE, BE IT RESOLVED, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provision of R.S. 40A:4-58, part of the surplus in the accounts heretofore mentioned be and the same are hereby transferred to the account (excepting the appropriation for Contingent Expenses or Deferred Charges) mentioned as being insufficient, to meet the current demands, and;

BE IT FURTHER RESOLVED, that the Chief Financial Officer be and is hereby authorized and directed to make the following transfers:

R 306-2014 RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MADISON IN THE COUNTY OF MORRIS AUTHORIZING SETTLEMENT OF THE 2013 AND 2014 TAX APPEALS ENTITLED GREEN VILLAGE ASSOCIATES V. BOROUGH OF MADISON, DOCKET NOS. 005554-2013 AND 005647-2014 OF THE TAX ASSESSMENT OF BLOCK 2901, LOT 2 KNOWN AS 46-56 GREEN VILLAGE, BOROUGH OF MADISON COUNTY OF MORRIS, STATE OF NEW JERSEY

WHEREAS, an appeal of the real property tax assessment for tax years 2013 and 2014 involving Block 2901, Lot 2, has been filed by the Taxpayer, Green Village Associates; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated as if set forth at length herein, has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Expert; and

WHEREAS, settlement of said matter as more fully set forth below is in the best interest of the Borough of Madison.

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

1. Settlement of the 2013 tax appeal is hereby authorized as follows:

46-56 Green Village Road
Year 2013

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 1,015,000	N/A	\$ 1,015,000
Imprvts:	\$ 2,585,000	N/A	\$ 2,585,000
Total:	\$ 3,600,000	N/A	\$3,600,000

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2. Settlement of the 2014 tax appeal is hereby authorized as follows:

46-56 Green Village Road
Year 2014

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 1,015,000	N/A	\$ 1,015,000
Imprvts:	\$ 2,585,000	N/A	\$ 2,235,000
Total:	\$ 3,600,000	N/A	\$3,250,000

3. The total 2015 assessment of Block 2901, lot 2 shall not exceed \$3,084,000, and the taxpayer may only file an appeal in 2015 for purpose of obtaining a judgment affirming this assessment.
4. The parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the 2016, and therefore agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act years(s). No Freeze Act year(s) shall be the basis for application of the Freeze Act for any subsequent year(s).
5. All Borough officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Borough Tax Appeal Attorney to enter into the Stipulation of Settlement as provided by Taxpayer.

R 307-2014 RESOLUTION OF THE MADISON BOROUGH COUNCIL
AWARDING SOLID WASTE COLLECTION AND DISPOSAL CONTRACT TO
SUBURBAN DISPOSAL, INC.

WHEREAS, the Borough of Madison publicly advertised for bids for solid waste collection and disposal (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the only bid was submitted by Suburban Disposal, Inc. in the amount of \$1,855,000.00 for five years; and

WHEREAS, the Assistant Borough Administrator has recommended that the Borough Council award the contract to Suburban Disposal, Inc. in the amount of \$1,855,000.00 for five years; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$1,855,000.00 for this purpose, contingent upon funding therefor in the 2015, 2016, 2017, 2018, and 2019 municipal budgets.

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. The contract for solid waste collection and disposal is hereby awarded to Suburban Disposal, Inc. based upon its bid in the amount of \$1,855,000.00 for five years, contingent upon adequate funding therefor being available in the municipal budget for each year of the contract.

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

R 308-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EDISON ELECTRIC (EEI) MASTER CONTRACTS BETWEEN BOROUGH OF MADISON AND VARIOUS WHOLESALE ENERGY SUPPLIERS

WHEREAS, the Assistant Borough Administrator has recommended that the Council authorize execution of various Edison Electric Institute (EEI) Master Contracts with wholesale energy suppliers, BP Conoco Phillips and TransCanada; and

WHEREAS, a Master Contract provides the following benefits: streamlines establishing a trading relationship, provides real-time credit provisions, standardizes product definitions, and focuses traders on the transaction's basic negotiable elements, e.g., price, quantity, location and duration; and

WHEREAS, all contracts are prepared and reviewed by the law firm of Betts & Holt, LLP, from Washington, D.C., and reviewed by the Assistant Borough Administrator.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that the Borough Administrator is authorized to execute various EEI Master Contracts that have been prepared and approved by Jill Barker, Esq., of Betts & Holt, LLP, special counsel to the Borough of Madison; and

BE IT FURTHER RESOLVED that the following Borough Officials are hereby authorized to execute trades on behalf of the Borough of Madison:

MAYOR

AND BOROUGH ADMINISTRATOR

AND ASSISTANT BOROUGH ADMINISTRATOR

AND CHIEF FINANCIAL OFFICER

R 309-2014 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING MICHAEL HAYDEN MASTRO TO THE POSITION OF PER DIEM DISPATCHER IN THE MADISON POLICE DEPARTMENT

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WHEREAS, the Chief of the Madison Police Department recommends the appointment of Michael Hayden Mastro to the position of Per Diem Dispatcher; and

WHEREAS, the Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that Michael Hayden Mastro is hereby appointed to the position of Per Diem Dispatcher effective immediately; and

BE IT FURTHER RESOLVED, that Michael Hayden Mastro be compensated at the rate of \$22.50 per hour.

R 310-2014 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING JAMIE LIMONE AND TERESA CROSS TO THE POSITIONS OF POLICE MATRON IN THE MADISON POLICE DEPARTMENT

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Jamie Limone and Teresa Cross of Madison ARE hereby appointed to the position of police matron, effective November 11, 2014.

BE IT FURTHER RESOLVED, by the Council of the Borough of Madison, that they be compensated in accordance with the Borough Ordinance establishing the salaries for part-time, police matrons.

R 311-2014 RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION 38-2014 AUTHORIZING CONTRACT WITH TREE KING, INC. FOR TREE REMOVAL SERVICES THROUGH THE MORRIS COUNTY CO-OPERATIVE PRICING COUNCIL

WHEREAS, Resolution 38-2014 awarded a contract through the Morris County Co-Operative Pricing Council to Tree King, Inc., of Landing, New Jersey in an amount not to exceed \$42,000.00 for tree removal services; and

WHEREAS, the Superintendent of Public Works has recommended that the Borough amend Resolution 38-2014 to increase the award amount by \$500.00 to \$42,500.00; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an additional amount not to exceed \$42,500.00, which funds are available in the Parks Committee (302) operating budget.

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

1. Resolution 38-2014 is amended to increase the contract award amount by an additional amount of \$500.00 to \$42,500.00.

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2. The Administrator is hereby authorized to execute, on behalf of the Borough, an amended purchase order and contract to Tree King, Inc., of Landing, New Jersey, for tree removal services at a total price not to exceed \$42,500.00, in a form acceptable to the Borough Attorney.

R 312-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING MADISON GREEN FAIR

WHEREAS, the Assistant Borough Administrator has recommended approval of the Madison Green Fair on Thursday April 23, 2015, with a rain date of Friday, April 24, 2015 and authorization of closing Green Village Road in front of the Museum of Early Trades and Crafts; and

WHEREAS, Green Village Road would be closed from 2:00 p.m. to 8:00 p.m. between Blue Ridge Mountain Sports and Chatham Bookseller, with access maintained to the Waverly Green parking lot; and

WHEREAS, stores located in the James Building that front on Green Village Road shall be permitted to have merchandise for sale on the sidewalk in front of their stores while the road is closed; and

WHEREAS, the Police Department has approved the event with the use of Auxiliary officers.

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 Madison Green Fair is approved subject to the safety requirements of the Madison Police Department.

2. Subject to the concurrence of the Morris County Engineer, the Madison Police Department is authorized to close Green Village Road between Blue Ridge Mountain Sports and Chatham Bookseller from 2:00 p.m. to 8:00 p.m. on Thursday, April 23, 2015 or Friday, April 24, 2015, if applicable, in conjunction with the Madison Green Fair.

R 313-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RENEWAL OF A MEMBERSHIP WITH THE NORTH JERSEY MUNICIPAL EMPLOYEES BENEFITS FUND

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the **North Jersey Municipal Employee Benefits Fund**, hereafter referred to as the "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1 and 40A:10-36 et seq.; and

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WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs; and

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND; and

WHEREAS, the governing body of the Borough of Madison, hereafter referred to as the “Borough of Madison” has determined that the membership in the FUND is in the best interest of the Borough of Madison

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

- i. The Borough of Madison shall become a member of the FUND for the period outlined in the Borough of Madison’s Indemnity and Trust Agreements
- ii. The Borough of Madison will participate in the following type(s) of coverage(s);
 - a.) Dental Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND’s Bylaws and Plan of Risk Management.
- iii. The Borough of Madison adopts and approves the FUND’s Bylaws.
- iv. The Borough of Madison hereby authorizes the execution of an application for membership and any accompanying certifications.

R 314-2014 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXECUTION OF AN ACCESS AND HOLD HARMLESS AGREEMENT WITH ROLLING HILLS COURT ASSOCIATION

WHEREAS, the Borough Administrator, Borough Attorney and Electric Utility Superintendent have recommended the execution of an agreement for access to an existing electrical manhole on the property of the Rolling Hills Court Association’s property, which contains electric underground cables; and

WHEREAS, the Borough of Madison Electric Utility, from time to time, will require access to the manhole.

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 authorized to execute an agreement between the Rolling Hills Court Association and the Borough of Madison as described herein in a form approved by the Borough Attorney.

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R 315-2014 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY MADISON ICE HOCKEY BOOSTER CLUB INC.

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following applications for Raffles Licenses, to be held as listed below, be and the same are hereby approved:

MADISON ICE HOCKEY BOOSTER CLUB INC.
I.D. No. 274-5-40304
R.A. No. 1332 – On premise merchandise
R.A. No. 1333 – Off premise 50/50
Date of Raffles: January 30, 2015

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	\$38,150.40
Health & Public Assistance	11,440.62
Public Works & Engineering	212,107.78
Community Affairs	6,201.07
Finance & Borough Clerk	5,698,423.99
Utilities	<u>144,829.17</u>
Total	<u>\$6,111,153.03</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 9:30 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved January 12, 2015 (EO)