

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

**April 12, 2017 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 12th day of April, 2017. Mayor Conley called the meeting to order at 6:00 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 5, 2017. 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 Landrigan  
Carmela Vitale  
Astri J. Baillie  
Benjamin Wolkowitz  
Patrick W. Rowe  
Maureen Byrne

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**

Mrs. Vitale moved:

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

MINUTES FOR APPROVAL (1)

March 27, 2017

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

LITIGATION MATTERS (2)

AFFORDABLE HOUSING

HARTLEY DODGE MEMORIAL

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

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CONTRACT MATTERS (2)

CIFELLI & SONS GENERAL CONTRACTING CHANGE ORDER  
IT SERVICES – MOUNTAIN LAKES

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

PERSONNEL MATTERS (3)

F/T NON-UNION PERSONNEL COMPENSATION  
P/T NON-UNION PERSONNEL COMPENSATION  
DEPARTMENT HEAD COMPENSATION

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

POTENTIAL LITIGATION MATTERS (1)

CBD ORDINANCE CHANGES

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

Seconded: Mr. Landrigan

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**

Ms. Baillie moved approval of the **Executive Minutes of March 27, 2017**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Ms. Baillie moved approval of the **Regular Meeting Minutes of March 27, 2017**.

Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

**GREETINGS TO PUBLIC**

Mayor Conley made the following comments:

Mayor Conley presented the Autism Awareness, Acceptance, Understanding and Inclusion Month Proclamation to Antoinette Dominicci-Fifoot and her family.

P r o c l a m a t i o n  
o f t h e  
B o r o u g h o f M a d i s o n  
P r o c l a i m i n g  
A u t i s m A w a r e n e s s , A c c e p t a n c e ,  
U n d e r s t a n d i n g a n d I n c l u s i o n M o n t h  
A p r i l 2 0 1 7

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**WHEREAS**, autism is a pervasive developmental disorder affecting the social, communication and behavioral skills of those affected by it; and

**WHEREAS**, as more health professionals become proficient in diagnosing autism, more children are being diagnosed on the autism spectrum, resulting in rates as high as 1 in 68 children nationally and 1 in 41 children in New Jersey; and

**WHEREAS**, while there is no cure for autism, it is well documented that if individuals with autism receive early and intensive treatment throughout their lives, they lead significantly improved lives; and

**WHEREAS**, individuals with autism often require a lifetime of specialized and community support services to ensure their health and safety and to support families' resilience as they manage the psychological and financial burdens autism can present; and

**WHEREAS**, Autism New Jersey, is spearheading an awareness effort in order to educate parents, professionals and the general public about autism and its effects;

**NOW, THEREFORE**, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim April 2017 as **National Autism Awareness, Acceptance, Understanding and Inclusion Month** and urge all residents to become better educated about autism to create a better community for individuals with autism.

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**Robert H. Conley, Mayor**

April 12, 2017

Mayor Conley presented Distracted Driving Awareness Month Proclamation to Corporal Vincent Dellavalle.

Proclamation  
of the  
Borough of Madison  
Proclaiming  
Autism Awareness, Acceptance,  
Understanding and Inclusion Month  
April 2017

**WHEREAS**, autism is a pervasive developmental disorder affecting the social, communication and behavioral skills of those affected by it; and

**WHEREAS**, as more health professionals become proficient in diagnosing autism, more children are being diagnosed on the autism spectrum, resulting in rates as high as 1 in 68 children nationally and 1 in 41 children in New Jersey; and

**WHEREAS**, while there is no cure for autism, it is well documented that if individuals with autism receive early and intensive treatment throughout their lives, they lead significantly improved lives; and

**WHEREAS**, individuals with autism often require a lifetime of specialized and community support services to ensure their health and safety and to support families' resilience as they manage the psychological and financial burdens autism can present; and

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**WHEREAS**, Autism New Jersey, is spearheading an awareness effort in order to educate parents, professionals and the general public about autism and its effects;

**NOW, THEREFORE**, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim April 2017 as **National Autism Awareness, Acceptance, Understanding and Inclusion Month** and urge all residents to become better educated about autism to create a better community for individuals with autism.

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**Robert H. Conley, Mayor**

April 12, 2017

### **EMPLOYEE OF THE MONTH FOR APRIL:**

The Employee of the Month for April is Robert “Bo” Serillo of the Department of Public Works who donated his time on a Saturday to clean and polish all the floors in various offices at the Department of Public Works.

### ***REPORTS OF COMMITTEES***

#### **Public Works and Engineering**

Mrs. Vitale, Chair of the Committee, made the following comments:  
The Morris County Utility Authority will hold a Household Hazardous Waste and Computer Drop Off Event on the following 2017 dates, June 3<sup>rd</sup>, September 23, and October 28<sup>th</sup>, at the Morris County Public Safety Training Academy. The staff of Department of Public Works has attended fleet and mechanical safety classes, and continues work on Electric Department vehicles. Manhole replacement and pothole repairs also continue. Mrs. Vitale noted a recent energy audit conducted by Ceil Power, LLC and recommended residents have an audit of their own homes.

#### **Public Safety**

Mr. Landrigan, Chair of the Committee, made the following comments:  
On March 27<sup>th</sup> and 28<sup>th</sup> the Madison Police Department and the Madison Board of Education partnered to present the ‘Every 15 Minutes’ program to students at Madison High School which was dedicated to Billy and Ashley Streiter of Florham Park NJ. Chief Dachisen would like to thank the Madison Fire Department, Madison Volunteer Ambulance Corp, Atlantic Health, Defalco’s Towing, as well as School Resource Officer Vincent Galgano and Corporal Bart Glab who devoted an enormous amount of time coordinating the program. The Madison Police Department was recently awarded a \$5,500 grant toward the “UDrive, UText, UPay” distracted driving campaign.

#### **Finance and Borough Clerk**

Ms. Baillie, Chair of the Committee, made the following comments:  
Ms. Baillie thanked the CFO and Administrator for their efforts preparing the 2017 Municipal Budget and noted the page on the Borough website for residents to view the budget process and documents. Ms. Baillie noted that the Audit Committee will meet April 24, 2017, to discuss the upcoming 2016 municipal audit.

#### **Utilities**

Mr. Wolkowitz, Chair of the Committee, made the following comments:  
Mr. Wolkowitz noted Resolution 122-2017, listed for approval on tonight’s agenda, establishing an Electric Utility dividend program for 2017-2018, and announced a new page on the Borough website to help residents understand utility bills. Various components of a utility bill are explained on this page including how the dividend is

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calculated. There will also be an insert in the May electric bills explaining the utility dividend.

**Health**

Mr. Rowe, Chair of the Committee, no report.

**Community Affairs**

Ms. Byrne, Chair of the Committee, made the following comments:  
Ms. Byrne reported that the Madison Avenue Challenge will take place on Wednesday, April 19<sup>th</sup> between Drew University and Fairleigh Dickenson University, with the first pitch at 6:00 p.m. The 65<sup>th</sup> Annual Little League Parade will take place Saturday, April 22<sup>nd</sup> beginning at noon. The Independent Booksellers and International Tabletop Game Day will be held on Green Village Road, April 29<sup>th</sup>. May Day will be held on the first Saturday in May. Volunteers are still needed and can contact the DDC to sign up. The annual Farmers' Market will begin on Thursday, June 1<sup>st</sup>.

**BUDGET HEARING**

Mayor opened the meeting to the public for their opportunity to ask questions and make comments on the proposed municipal budget.

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

***R 121-2017* RESOLUTION OF THE BOROUGH OF MADISON FINALLY ADOPTING THE 2017 BUDGET AND TAX RESOLUTION**

Ms. Baillie moved that Resolution R 121-2017, which Mayor Conley read by title, be finally adopted. Mrs. Vitale seconded the motion.

There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

***R 122-2017* RESOLUTION OF THE BOROUGH OF MADISON ESTABLISHING THE 2017-2018 UTILITY DIVIDEND RATES**

**WHEREAS**, the Borough Council approved by Ordinance 65-2016 an electric utility rate dividend of \$1.5 million as an adjustment over twelve months from May 2017 to April 2018 on each monthly utility statement based on the customer's kilowatt (kwh) consumption each month; and

**WHEREAS**, the following dividend rates will be applied as a credit to each billing statement for the period of May 2017 to April 2018 based on kilowatt (kwh) consumption; and

Table 2 - Calculation of Dividend Rate by Class	
Rate Class	2017-18 Dividend \$/kWh

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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**, the Chief Financial Officer will provide the Borough Council with quarterly reports detailing the actual amount of dividends issued to each rate class/service. The electric utility dividend can be rescinded or modified by the Borough Council at any time; and

**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 2017-2018 Utility Dividend rates as listed above are hereby established.

Mr. Wolkowitz moved that Resolution R 122-2017, which Mayor Conley read by title, be finally adopted. Mr. Landrigan seconded the motion.

There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

**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.**

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

**AGENDA DISCUSSIONS- None**

**ADVERTISED HEARINGS**

The Clerk made the following statement:

Ordinances scheduled for hearing tonight were submitted in writing at a Regular meeting of the Mayor and Council held on March 27, 2017, 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 13-2017  
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER  
190 OF THE MADISON BOROUGH CODE ENTITLED “WATER” TO  
UPDATE THE WATER CONNECTION FEE SCHEDULE**

**WHEREAS**, the Borough Engineer and Borough Auditor have recommended that the Borough amend Chapter 190 of the Madison Borough Code entitled “Water” to include an updated water connection fee schedule; and

**WHEREAS**, Nisivoccia and Company, LLP, Certified Public Accountants and consultant to the Borough, has performed a study of the capital costs and interest on debt service together with the number of equivalent users at December 31, 2016, and based on such study has recommended a water connection fee in the amount of \$3,222.00 for new customers; and

**WHEREAS**, such water connection fee is authorized by N.J.S.A. 40A:31-11 entitled “County and Municipal Water Supply”.

**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 190-11.2 of the Madison Borough Code, currently entitled “Connection fee” is hereby amended as follows:

§190-11.2 Connection fee

There shall be a water connection fee established in accordance with N.J.S.A. 40A:31-11 in addition to the fees for department services set forth in Section 190-33. The water connection fee for the remainder of 2017 shall be:

- A. For single family dwelling units, \$3,222.00, and for multiple dwelling units, \$3,222.00 per unit.
- B. In the case of any building or portion thereof to be used for industrial, commercial, educational or other than dwelling purposes, the Borough Engineer shall determine by accepted standards the number of units to be connected or added to an existing connection; where a unit equals an annual average daily flow of 248 gallons or fraction thereof: \$3,222.00 per unit.

This fee shall, pursuant to statute, be recalculated at the end of each budget year and may be reset by ordinance of the Borough Council after public hearing, on a yearly basis. The water connection fee shall be payable in full to the Borough of

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Madison at the time a building water connection permit is issued for connection to the municipal water system by the Borough of Madison.

**SECTION 2:** This Ordinance shall take effect on July 1, 2017.

Mayor Conley opened up the public hearing on Ordinance 13-2017. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 13-2017, which was read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mayor Conley declared Ordinance 13-2017 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 14-2017  
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER  
155 OF THE MADISON BOROUGH CODE ENTITLED “SEWER” TO  
UPDATE THE SEWER CONNECTION FEE SCHEDULE**

**WHEREAS**, the Borough Engineer and Borough Auditor have recommended that the Borough amend Chapter 155 of the Madison Borough Code entitled “Sewer” to include an updated sewer connection fee schedule; and

**WHEREAS**, Nisivoccia and Company, LLP, Certified Public Accountants and consultant to the Borough, has performed a study of the capital costs and interest on debt service together with the number of equivalent users at December 31, 2016, and based on such study has recommended a sewer connection fee in the amount of \$5,313.00 for new customers; and

**WHEREAS**, such sewer connection fee is authorized by N.J.S.A. 40A:26A-11 entitled “Municipal and County Sewerage Facilities”.

**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 155-4A of the Madison Borough Code, currently entitled “Connection expenses; responsibility for maintenance, repair and replacement of laterals” is hereby amended as follows:

§155-4 Connection fees; connection expenses; responsibility for maintenance, repair and replacement of laterals.

A. Sewer connection fees.

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There shall be a basic connection fee established in accordance with N.J.S.A. 40A:26A-11. The fee for the remainder of 2017 shall be:

1. For single family dwelling units, \$5,313.00, and for multiple dwelling units, \$5,313.00 per unit.
2. In the case of any building or portion thereof to be used for industrial, commercial, educational or other than dwelling purposes, the Borough Engineer shall determine by accepted standards the number of units to be connected or added to an existing connection; where a unit equals an annual average daily flow of 265 gallons or fraction thereof: \$5,313.00 per unit.

This fee shall, pursuant to statute, be recalculated at the end of each budget year and may be reset by ordinance of the Borough Council after public hearing, on a yearly basis. The sewer connection fee is based upon the usage of a single dwelling unit or equivalent discharge. The sewer connection fee shall be payable in full to the Borough of Madison at the time a building sewer permit is issued for connection to the public sanitary sewer by the Borough of Madison.

SECTION 2: This Ordinance shall take effect on July 1, 2017.

Mayor Conley opened up the public hearing on Ordinance 14-2017. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Wolkowitz moved that Ordinance 14-2017, which was read by title, be finally adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Conley declared Ordinance 14-2017 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.**

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**Kathy Daley; West End Avenue**, asked how much Federal funding the Borough of Madison receives and does the Borough plan to sue the Federal Government.

**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 May 8, 2017 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 15-2017    ORDINANCE OF THE BOROUGH OF MADISON  
AMENDING CHAPTER 190 OF THE BOROUGH CODE ENTITLED  
“WATER” TO CHANGE THE BILLING METHOD FOR RESIDENTIAL  
WATER METERS

**WHEREAS**, the Borough Administrator has recommended that Chapter 190 of Madison Borough Code entitled “Water” be amended to adjust the billing methodology for residential water meters; and

**WHEREAS**, the Borough Council agrees with this recommendation.

**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: Section 190-32, of the Borough Code entitled “Water rates for metered service” is amended to read as follows:

§190-32. Water rates for metered service.

...

C. Borough owned residential water meters.

For any residential water customer with 2” water service whose average quarterly usage is less than the minimum usage specified in 190-32 (Article XIII B) of the Borough Code by at least 25% in a calendar year would have their water bill set for the following year at the minimum charge for the next smaller meter size or actual water usage, whichever is greater.

...

SECTION 2: This Ordinance shall take effect retroactively to January 1, 2017 based on an analysis of 2016 residential water usage with any adjustment/credit taking place in July 2017 and annually thereafter in the first quarter of each year.

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Mr. Wolkowitz moved that Ordinance 15-2017, which the Borough Clerk read by title, be adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

ORDINANCE 16-2017 ORDINANCE OF THE BOROUGH OF MADISON  
APPROPRIATING \$110,000.00 FROM THE GENERAL CAPITAL  
IMPROVEMENT FUND FOR CANOPY, FUELING AREA, TANK  
MONITORING AND TANK MAINTENANCE IMPROVEMENTS AT THE  
PUBLIC WORKS FACILITY

**WHEREAS**, the Assistant Borough Engineer has recommended that the Borough appropriate \$110,000.00 from the General Capital Improvement Fund for Canopy, Fueling Area, Tank Monitoring and Maintenance Improvements at the Public Works Facility; 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 \$110,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$110,000.00 from the General Capital Improvement Fund for Canopy, Fueling Area, Tank Monitoring and Maintenance 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 \$110,000.00 is hereby appropriated from the General Capital Improvement Fund for Canopy, Fueling Area, Tank Monitoring and Maintenance Improvements at the Public Works Facility.

**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.

Mrs. Vitale moved that Ordinance 16-2017, which the Borough Clerk read by title, be adopted. Mr. Rowe seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

ORDINANCE 17-2017 ORDINANCE OF THE BOROUGH OF MADISON  
NAMING STREET "MEADOW COURT"

**WHEREAS**, the Madison Planning Board approved a three lot subdivision

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application filed by Historic Homes by McCann, LLC for property designated as Tax Block 4601, Lots 47.01, 47.02 and 48, located at 106, 110, and 112 Shunpike Road; and

**WHEREAS**, the subdivision contains a new street; and

**WHEREAS**, the applicant has suggested “Meadow Court” as the name for the new street; and

**WHEREAS**, the Borough Engineering Department has recommended that the street be named “Meadow Court”.

**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 new street created within the three-lot subdivision at 106, 110, and 112 Shunpike Road is hereby named “Meadow Court”.

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

Mrs. Vitale moved that Ordinance 17-2017, which the Borough Clerk read by title, be adopted. Mr. Rowe seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

***CONSENT AGENDA RESOLUTIONS***

The Clerk made the following statement:

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

Mrs. Vitale moved adoption of the Resolutions listed on the Consent Agenda. Mr. Landrigan seconded the motion. Mr. Landrigan abstained on Resolution 125-2017. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

**R 123-2017 RESOLUTION OF THE BOROUGH OF MADISON, COUNTY OF MORRIS, STATE OF NEW JERSEY CANCELING GRANT BALANCES**

**WHEREAS**, there exists various Grant Receivables and Grant Appropriation Reserves on the Balance Sheet; and

**WHEREAS**, it is necessary to formally cancel the receivable balances and their offsetting appropriation balances from the balance sheet;

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**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Madison, County of Morris State of New Jersey, that the following grant receivables and appropriation balances be cancelled:

<u>Grant Appropriation Reserves</u>	
Alcoholism Education and Rehabilitation Fund	\$6,750.52
Cops in Schools	\$3,600.00
State Forestry Services Grant	\$6,620.00
Smart Growth Planning Grant	\$900.00
Shade Tree Management Grant	\$380.00
Green Communities Grant	<u>\$1,986.20</u>
	\$20,236.72
<u>Grant Receivables</u>	
Municipal Alliance Program	\$4,830.10
MASSA Supplemental	\$956.79
County Stewardship Incentive Program	\$3,750.00
Smart Growth Planning	\$6,000.00
Shade Tree Management	<u>\$7,000.00</u>
	\$22,536.89

**R 124-2017 RESOLUTION OF THE BOROUGH OF MADISON SETTING SALARIES FOR FULL-TIME NON-UNION PERSONNEL**

**BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following persons be compensated at the annual salary or rate of wages, reflected below, to be effective January 1, 2017.

<u>POSITION AND NAME</u>	<u>FROM</u>	<u>TO</u>
Cruz, Erika, Confidential Secretary	\$47,116.00	\$48,058.00
DeVecchi, Theresa, Executive Assistant	\$70,945.00	\$72,364.00
Emmerich, Sandra L., Confidential Asst. to CFO & Personnel Dir.	\$59,040.00	\$60,221.00
Keenan, Benjamin R., Dispatcher	\$43,988.00	\$44,868.00
Kiehl, Kristy, Confidential Secretary	\$63,611.00	\$64,883.00
Macaluso, Patricia, Deputy Borough Clerk	\$56,952.00	\$58,091.00
Mittermaier, Joseph, Dispatcher	\$44,350.00	\$45,237.00
O'Keefe, Kevin, Confidential Secretary	\$47,920.00	\$48,878.00
Phillips, Connie, Office Manager	\$72,569.00	\$74,020.00
Rafter, John, Senior Dispatcher	\$58,702.00	\$59,876.00
Russo, Frank, Engineering Assistant/Zoning Officer	\$109,000.00	\$111,180.00
Sawyer, Linda, Qualified Purchasing Agent/Personnel Director	\$85,403.00	\$87,111.00
Webb, Evan, Dispatcher	\$34,614.00	\$35,306.00
Zvolensky, Vincent, Dispatcher	\$46,000.00	\$46,920.00

**R 125-2017 RESOLUTION OF THE BOROUGH OF MADISON SETTING SALARIES FOR PART-TIME NON-UNION PERSONNEL**

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**BE IT RESOLVED**, by the Council of the Borough of Madison in the County of Morris and State of New Jersey that the following annual salary or rate of wages be granted to employees filling the following part-time positions, retroactive to January 1, 2017.

R 126-2017 RESOLUTION OF THE BOROUGH OF MADISON SETTING SALARIES FOR FULL-TIME NON-UNION PERSONNEL

**BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following persons be compensated at the proposed annual salary, the same being within the minimum and maximum limitations established by Ordinance 11-2014, to be effective January 1, 2017.

<u>POSITION AND NAME</u>	<u>CURRENT</u>	<u>PROPOSED</u>
<u>Baratto, Mary Lisa, Joint Municipal Tax Assessor</u>	<u>\$101,376.00</u>	<u>\$103,404.00</u>
<u>Burnet, James, Chief Financial Officer</u>	<u>\$135,518.00</u>	<u>\$138,228.00</u>
<u>Codey, Raymond M., Borough Administrator</u>	<u>\$166,487.00</u>	<u>\$169,817.00</u>
<u>Dachisen, Darren, Police Chief</u>	<u>\$150,000.00</u>	<u>\$153,000.00</u>
<u>DeRosa, Louie E., III, Fire Chief</u>	<u>\$134,527.00</u>	<u>\$137,218.00</u>
<u>Osborne, Elizabeth, Borough Clerk</u>	<u>\$ 94,974.00</u>	<u>\$ 96,873.00</u>
<u>Piano, Michael, Electric Utility Superintendent</u>	<u>\$124,111.00</u>	<u>\$126,593.00</u>
<u>Sanderson, James, Director of Technology</u>	<u>\$ 87,894.00</u>	<u>\$ 89,652.00</u>
<u>Vogel, Robert, Municipal Engineer</u>	<u>\$137,143.00</u>	<u>\$139,886.00</u>

R 127-2017 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF INTERN CHRIS NICOLA AS AN INTERN IN THE ADMINISTRATION DEPARTMENT

**WHEREAS**, the Borough Administrator has recommended the appointment of Chris Nicola, as a paid Intern in the Administration Department; and

**WHEREAS**, the Borough Council agrees with this recommendation.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the appointment of Chris Nicola, as an Intern in the Administration Department, effective immediately, at the rate of pay of \$12.00 per hour is hereby approved. The starting date and weekly hours to be determined by the Borough Administrator.

R 128-2017 RESOLUTION OF THE BOROUGH OF MADISON APPROVING TEMPORARY SIGNS FOR AMERICAN ASSOCIATION OF UNIVERSITY WOMEN (AAUW)

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**WHEREAS**, the American Association of University Women of Madison (AAUW) has requested permission to put up temporary signs advertising a Book Fair on June 9-12, 2017, at the College of Saint Elizabeth; and

**WHEREAS**, up to ten (10) signs would be posted commencing on May 15, 2017 and removed by June 14, 2017; and

**WHEREAS**, the Borough Administrator has recommended that temporary sign regulations be waived to permit said activity.

**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 request of the American Association of University Women of Madison (AAUW) to put up temporary signs as described herein from May 15, 2017 to June 14, 2017, is approved.

**R 129-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CANCELLATION OF \$4,863.58 IN REAL PROPERTY TAX PAYMENT**

**WHEREAS**, the Tax Assessor has granted a 100% Disabled Veteran Deduction on Block 2102, Lot 8, 42 Rosedale Avenue as of March 1, 2017 To the owner of record who has been determined by the Veterans Administration as 100% disabled. First Quarter tax for 2017 (\$3,677.34) was paid in full. This amount covers January – March. The amount to be refunded is \$1,186.24. The second quarter tax in the amount of \$3,677.34 should be canceled; and

**WHEREAS**, the Borough Council has determined to cancel said tax amounts and refund the amount overpaid.

**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 tax collector is authorized to cancel the tax amounts shown above and refund overpayment regarding Tax Block 2102, Lot 8.

**R 130-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CHANGE ORDER TO CIFELLI & SON GENERAL CONTRACTING FOR ADDITIONAL CURB AND SIDEWALK IMPROVEMENTS IN THE AMOUNT OF \$78,581.60**

**WHEREAS**, Resolution 114-2017 awarded a contract to Cifelli & Sons General Contracting, Inc., of Nutley, New Jersey, in an amount not to exceed \$1,187,659.16 for the 2017 Road Improvement Program; and

**WHEREAS**, the Borough Engineer has recommended that the Borough amend Resolution 114-2017 to increase the award amount by \$78,581.60 for

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additional curb and sidewalk improvements on the 2017 Road Improvement Program; and

**WHEREAS**, the Chief Financial Officer has attested that funds will be available in an additional amount not to exceed \$78,581.60, in Ordinance 1-2017.

**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 114-2017 is amended to increase the contract award amount by an additional \$78,581.60 to \$1,266,240.76.
2. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, an amended purchase order and contract with Cifelli & Sons General Contracting, Inc., of Nutley, New Jersey, for the 2017 Road Improvement Program not to exceed \$1,266,240.76, in a form acceptable to the Borough Attorney.

**R 131-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A SHARED SERVICE AGREEMENT WITH THE BOROUGH OF MOUNTAIN LAKES TO PROVIDE INFORMATION TECHNOLOGY SERVICES**

**WHEREAS**, the Borough of Mountain Lakes and the Borough of Madison wish to enter into a Shared Services agreement for the provision of Information Technology Support Services, wherein Madison provides the Borough of Mountain Lakes with up to six (6) hours of IT Support Services per day, subject to existing work load obligations, not to exceed twenty (20) hours per month, nor 250 hours annually, at an hourly rate of \$78.00; and

**WHEREAS**, the Madison Borough Council has determined to authorize said shared services agreement.

**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 enter into a Shared Services agreement with the Borough of Mountain Lakes for the provision of Information Technology Support Services, such agreement to be in a form approved by the Madison Borough Attorney.

**R 132-2017 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF JEFFREY MOORHEAD AND JOSEPH T. BRADY TO SUMMER INTERN POSITIONS IN THE ENGINEERING DEPARTMENT**

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**WHEREAS**, the Borough Engineer has recommended the appointment of Jeffrey Moorhead and Joseph T. Brady as Summer Interns in the Engineering Department; and

**WHEREAS**, the Borough Council agrees with this recommendation, and the Chief Financial Officer has certified funds for this purpose are contained in the 2017 municipal budget.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the appointment of Jeffrey Moorhead and Joseph T. Brady as Summer Interns in the Engineering Department, at the rate of pay of \$9.00 per hour is hereby approved. The starting employment date to be established by the Borough Engineer.

R 133-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXECUTION AND SUBMISSION OF CONSENT FORMS TO THE NJDEP FOR PERMITS AUTHORIZING EXTENSION OF THE SANITARY SEWER MAIN AND TREATMENT WORKS APPROVALS FOR GIRALDA PROPERTY OWNER, LLC

**WHEREAS**, the Borough Engineer requires authorization to act on behalf of the Borough of Madison to execute and submit consent forms to the New Jersey Department of Environmental Protection (NJDEP) in connection with treatment works approvals for construction of sanitary sewers for the redevelopment of Block 3202, Lot 1 in the Borough of Madison at 4 Giralda Farms, in conjunction with the redevelopment applicant, Madison Giralda Property Owner, LLC.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Robert Vogel, Borough Engineer, is authorized to endorse TWA and WQM forms to be submitted to the NJDEP as part of the Treatment Works Approval application, addressing sanitary sewer main construction, on behalf of the Borough of Madison (owner of the public sewer system), in cooperation with the applicants proposal to install sewer mains to serve the redevelopment of the existing property located at Block 3202, Lot 1 in the Borough of Madison.

R 134-2017 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY PTO KINGS ROAD SCHOOL

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

PTO KINGS ROAD SCHOOL

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I.D. No. 274-5-18728  
R.A. No. 1407 – On premise merchandise  
R.A. No. 1408 – Tricky Tray  
April 28, 2017

R 135-2017 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY THE ROTARY CLUB OF MADISON

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

ROTARY CLUB OF MADISON  
I.D. No. 274-8-20538  
R.A. No. 1409 – Off Premise 50/50  
December 14, 2017

R 136-2017 RESOLUTION OF THE BOROUGH OF MADISON RESCINDING RESOLUTION 298-2015 RATIFYING THE AWARD OF A CONTRACT TO LEO G. HINES & SON, LLC FOR THE MEMORIAL PARK SOCCER FIELD REPLACEMENT PROJECT IN THE AMOUNT OF \$38,000.00

**WHEREAS**, Resolution 298-2015 authorized a contract to be awarded to Leo G. Hines & Son, LLC for the Soccer Field Replacement project at Memorial Park in the amount of \$38,000.00; and

**WHEREAS**, the Borough Engineer has recommended that Resolution 298-2015 be rescinded, and that the Council authorize the Qualified Purchasing Agent to seek quotes for a lower price from other vendors; and

**WHEREAS**, the Mayor and Council have determined that Resolution 298-2015 should be rescinded and that the contract for Soccer Field Replacement project at Memorial Park be withdrawn.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Resolution 298-2015 is hereby rescinded, and the Borough Engineer and Qualified Purchasing Agent are authorized to seek quotes for competitive pricing from other vendors.

R 137-2017 RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARDING CONTRACT TO JOE CARUSO LANDSCAPING FOR THE MEMORIAL PARK SOCCER FIELD REPLACEMENT PROJECT IN THE AMOUNT OF \$19,700.00

**WHEREAS**, the Borough of Madison received quotes for the Soccer Field Replacement project at Memorial Park (the “Contract”) in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

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**WHEREAS**, Resolution 136-2017 rescinds the award of a contract to Leo G. Hines & Son, LLC in the amount of \$38,200.00 for default of contract; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Council award the replacement contract to Joe Caruso Landscaping in the amount of \$19,700.00; and

**WHEREAS**, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$19,700.00 for this purpose which funds were appropriated by Ordinance 14-2015.

**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 Soccer Field Replacement project at Memorial Park is hereby awarded to Joe Caruso Landscaping based upon its proposal in the amount of \$19,700.00, contingent upon proof of business registration and statutory requirements.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Joe Caruso Landscaping in a form acceptable to the Borough Attorney.

**R 138-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RIGHT-OF-WAY AGREEMENT WITH FIBER TECHNOLOGIES NETWORKS, LLC FOR ATTACHING CABLE TO POLES IN THE BOROUGH OF MADISON**

**WHEREAS**, Fiber Technologies Networks LLC (“Fiber”), a New York Limited Liability Company, with offices located at 300 Meridian Centre, Rochester, New York, is authorized to provide local exchange and interchange telecommunications services throughout the State of New Jersey pursuant to an Order issued by the New Jersey Board of Public Utilities (“NJBPU”); and

**WHEREAS**, the installation of the fiber optic cable in the thoroughfares and public rights-of-way of the Borough of Madison requires the authorization and approval of the governing body of the Borough of Madison for placement of such fiber cable pursuant to N.J.S.A. 48:17-11; and

**WHEREAS**, Fiber has requested the consent of the Borough of Madison (“Madison”) for permission to install fiber optic cable in the public rights-of-way along existing pole lines and underground in existing utility conduit systems within Madison for the purpose of providing telecommunications services; and

**WHEREAS**, the Borough Council has determined to grant Fiber such non-exclusive right of way, including use of existing underground duct work, if any, but

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said right of way permission shall not include the right to create any new underground duct work without additional permission; and

**WHEREAS**, Fiber has agreed to pay to the Borough of Madison such non-discriminatory fees as may be charged to all such similarly situated users in the Borough; and

**WHEREAS**, the Borough of Madison finds such plans to be in the public interest; and

**WHEREAS**, the granting of such consent is and shall be conditioned on Fiber's continued compliance with all existing and future ordinances, of Madison and its entering into a written agreement with Madison to, inter alia, indemnify and hold Madison harmless as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system within the rights-of-way and provide liability insurance coverage for personal injury and property damage.

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

1. Non-exclusive consent is hereby granted to Fiber to occupy the public rights-of-way within the Borough of Madison for installation of fiber optic cable in the public rights-of-way along existing pole lines and underground in existing utility conduit systems within Madison to implement the attached application to expand the bandwidth capacity for the Rosenet network serving the Borough, Board of Education and Housing Authority.

2. The within granted permission is conditioned upon Fiber entering into a written Agreement with Madison providing among other things, that Fiber will indemnify the Borough of Madison, its agents, officers and employees as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system within the rights-of-way; provide liability and property damage insurance coverage as reasonably required by the Borough of Madison; install such cable only in locations approved in writing by the Borough Engineer and the Borough Electric Utility Superintendent; use only existing poles or conduits; refrain from attaching to any poles in any designated Historic District; and make payment to the Borough of Madison such non-discriminatory fees as may be charged to all such similarly situated users in the Borough, and in a form approved by the Borough Attorney.

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3. The Mayor and Borough Clerk are authorized to enter into a written agreement with Fiber in conformity with the terms of this resolution.

4. This right of way grant is subject to approval by other departments or governmental agencies with jurisdiction.

5. A copy of this Resolution and the executed Agreement shall be filed in the Office of the Municipal Clerk.

**UNFINISHED BUSINESS** - None

**APPROVAL OF VOUCHERS**

On motion by Mrs. Vitale, seconded by Mr. Landrigan 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	\$250,841.88
General Capital Fund	251,919.85
Electric Operating Fund	153,772.53
Electric Capital Fund	111,751.97
Water Operating Fund	12,423.79
Water Capital Fund	0.00
Trusts	<u>102,799.14</u>
Total	<u>\$883,509.16</u>

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

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

Nays: None

**NEW BUSINESS** - None

**ADJOURN**

There being no further business to come before the Council, the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved May 8, 2017 (EO)