

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

May 11, 2015 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 11th day of May, 2015. 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 8, 2015. 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

Absent; Robert G. Catalanello, excused

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)

April 13, 2015

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

CONTRACT MATTERS (2)

CIVIC CENTER REDEVELOPMENT PLAN

LIBRARY HVAC REPLACEMENT PROJECT BIDS REJECTION

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

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PERSONNEL MATTERS (2)

SUMMER INTERNS- VARIOUS DEPARTMENTS

DEPARTMENT OF PUBLIC WORKS STUDY

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

LITIGATION MATTERS (2)

INCLUSIONARY ZONING ORDINANCE AMENDMENT

TAX APPEALS

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. Rower moved approval of the **Executive Minutes of April 13, 2015**. Ms. Baillie seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Catalanello

Mr. Wolkowitz moved approval of the **Regular Meeting Minutes of April 13, 2015**.

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

Nays: None

Absent: Mr. Catalanello

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

EMPLOYEE OF THE MONTH:

The Employee of the Month for May is Zach Ellis, the Recreation Director, for his work with special needs adults at the Morris PRIDE facility. His recruitment of some of the PRIDE adults to volunteer at the MRC to pick up litter and clean up the facility benefits both the PRIDE adults who get outside and become involved in a volunteer activity and the Borough as well.

Mayor Conley read a thank you card from a parent in Union Beach regarding the summer camp program.

Mayor Conley announced that the Madison Public Library now has digitized copies available of the Madison Eagle from 1879 to 1983, and 2010, made possible by a bequest from former Library Trustee and Friend Larry Tabor.

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PROCLAMATIONS:

Mayor Conley presented the following Proclamations:

*Proclamation
of the
Borough of Madison
Proclaiming
Skin Cancer Awareness Month
May 2015*

WHEREAS, skin cancer is the most common form of cancer in the United States, affecting five million individuals each year with one in five Americans developing skin cancer in the course of their lifetime, and one in fifty developing melanoma; and

WHEREAS, melanoma, the third most common form of skin cancer and the deadliest skin cancer, is one of the most common cancers for young adults, which is on the rise nationwide and worldwide and will account for more than 80,000 cases of skin cancer in 2015; and

WHEREAS, recent studies indicate sun damage in childhood can lead to skin cancer later in life and that young people are not using proper protection; and

WHEREAS, rates of sunburn remain high, affecting nearly 37 percent of Americans each year as a result of over exposure to UV rays. Indoor tanning is especially dangerous, resulting in an estimated 400,000 cases of skin cancer in the United States each year; and

WHEREAS, over the past 33 years, more people have been diagnosed with skin cancer than ALL other cancer combined; and

WHEREAS, more women are diagnosed with melanoma before the age of 45, but by age 60, the rate is more than two times higher in men and by age 80; the rate in men is nearly three times higher than women; and

WHEREAS, the overall death rates from all cancers has decreased in the last three years, but the incidence of all cancers continues to increase by over four percent with a rise in melanomas of the skin, especially in Morris and Somerset counties;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby, proclaim May 2015 as **Skin Cancer Awareness Month** to help save lives and raise awareness of skin cancer and urge all residents to talk with family and friends about the importance of early detection and prevention measures to educate ourselves and others about this disease and to offer compassion and understanding to people living with cancers of the skin.

Robert H. Conley, Mayor
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May Day Proclamation sent to the Borough of Madison by Senator Codey, Assemblyman McKeon and Assemblywoman Jasey.

National Police Week to presents to Lt. Joseph Cirella.

*Proclamation
of the
Borough of Madison
Proclaiming
National Police Week
May 10 through May 16, 2015*

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Madison Police Department; and

WHEREAS, nearly 60,000 assaults against law enforcement officers are reported each year, resulting in approximately 16,000 injuries; and

WHEREAS, since the first recorded death in 1791, almost 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 27th Annual Candlelight Vigil, on the evening of May 13, 2015, which is part of National Police Week; and

WHEREAS, May 15th is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and United States flags should be flown at half staff;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, proclaim May 10-16, 2015 as **Police Week** in the Borough of Madison and publicly salute the service of law enforcement officers in our community and in communities across the nation.

Robert H. Conley, Mayor
May 11, 2015

Playwrights Theatre to Jim DeVivo and young playwrights.

*Proclamation
of the
Borough of Madison
Proclaiming April 2015 as*

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Madison Young Playwrights Month
at
Playwrights Theatre
Madison, New Jersey

Whereas, Playwrights Theatre, founded in 1986, has nurtured creative writing skills for all ages through the New Jersey Writers Project, a co-sponsored program of the New Jersey State Council on the Arts/Department of State; and

Whereas, Playwrights Theatre has produced performances and offered new plays to local and statewide audiences as a result of its dedication to prospective playwrights; and

Whereas, Playwrights Theatre, brings a unique program to the community through its local in-school playwriting initiative, the Madison Young Playwrights Program; and

Whereas, Playwrights Theatre will present performances of student-written work during in-school assemblies presented this spring; and

Whereas, Playwrights Theatre has continually received a positive response from students, teachers, and parents for its effectiveness in working with all students, many of whom have realized the benefits of self-discovery and expression through playwriting;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim April 2015 as **MADISON YOUNG PLAYWRIGHTS MONTH**. In so doing, I extend very best wishes to Playwrights Theatre and to all young writers within our community for continued growth and success. Further, I encourage the public's participation in celebrating and commending our young playwrights for their creativity, artistry and expression.

Robert H. Conley, Mayor
May 11, 2015

Mayor Conley recognized the members of the Madison Shade Tree Management Board and the Friends of the Madison Shade Trees to each group. Also present 30th Year Tree City Flag and Crystal Award.

Proclamation
of the
Borough of Madison

In Recognition of

The Shade Tree Management Board
and The Friends of Madison Shade Trees

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WHEREAS, the Shade Tree Management Board, created in 2001, encourages arboriculture and manages the selection, planting and care of shade and ornamental trees and shrubbery upon and in the streets and public places of the Borough of Madison; and

WHEREAS, developing and maintaining a Community Forestry Management Plan in compliance with the New Jersey Shade Tree and Community Forestry Assistance Act is also undertaken by the Shade Tree Management Board; and

WHEREAS, the Friends of Madison Shade Trees, a non-profit organization created in 1989, is committed to planting trees on public property and supplementing the Shade Tree Management Board through donations from residents and businesses, fundraising and grant awards; and

WHEREAS, the efforts of these volunteers ensure beautiful and healthy trees throughout the Borough of Madison which increase property values, enhance the economic vitality of business areas and beautify our community; and

WHEREAS, the successful efforts of these dedicated volunteers is evidenced by the Borough of Madison being recognized as a Tree City U.S.A. by The National Arbor Day Foundation for thirty (30) consecutive years and receiving its eighth Tree City U.S.A. Growth Award in recognition of environmental improvement and achievement of higher levels of tree care;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby extend thanks and appreciation to the members of the Shade Tree Management Board and the Friends of the Madison Shade Trees for their efforts, dedication and commitment to the Borough of Madison.

Robert H. Conley, Mayor
May 11, 2015

Mayor Conley presented a Certificate of Achievement to Monica A. Young – National Merit Scholarship Award Winner.

REPORTS OF COMMITTEES

Community Affairs

Ms. Baillie, Chair of the Committee, made the following comments: Senior Citizen Advisory Committee members Kay Leary, Sandee Fielo, Peggy Donnelly and Kaye Shaler received the 2015 Leading the Way plaque from the Downtown Development Commission for their efforts during the 2014 May Day Clean-up. The recognition is much appreciated. The Drew crew and Small That's All did a great job of weeding, trimming and mulching. Ptl. Chad Rybka will be at the Senior Center on May 12th to present a program on frauds and scams that was well received by the Advisory Committee. There have been several reports of attempted scams, and this program helps spread the word about safety. The Downtown Development Commission's 'Madison Matters' newsletter is available on the Borough website. Ms. Baillie thanked the many volunteers and sponsors for their efforts on May Day 2015. The Farmers' Market will begin Thursday, June 4th, on

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Central Avenue. Ms. Baillie provided the Public Safety report noting that Madison has been named one the 100 safest communities in America. The Police Department has launched a home/business security survey program. And a new CAD/RMS server was installed in preparation for new dispatch and records management system. A Carfax service was initiated, which will assist citizens with crash report retrieval and provides enhanced motor vehicle data to assist detectives with investigations. Ptl. Boone has returned to light duty, following a knee injury.

Public Safety

Mr. Catalanello, absent.

Utilities

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

The Water Department is very busy in preparation for the milling and paving project scheduled for this spring as well as assisting PSE&G with mark outs along Ridgedale Avenue. New meter setting and curb boxes were installed, as well as a new system at 39 Green Village Road. Four new fire hydrants connected and hydrant flushing has begun. Static water levels at each well were also recorded. The Electric

Department reports completing all confined space training courses and replacing a faulty transformer on Chateau Thierry. Line clearance continues.

Finance and Borough Clerk

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

Mr. Landrigan reported that the Board of Education budget tax levy increase is 5.2% or \$40.4 million for the 2015/2016 school year. The Borough Auditors have completed the 2014 audit and will provide the audit report in June. Forty four tax appeals will be heard by the Morris County Board of Taxation on May 26th.

Health

Mr. Wolkowitz of the Committee made the following comments:

Mr. Wolkowitz noted an upcoming Heart Health Clinic including a Comprehensive Metabolic Panel (CMP) to be held June 11th. The Health Department along with the Madison YMCA will hold a Diabetes Health Prevention program and registration is required. Please contact the Health Department.

Public Works and Engineering

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

The Sewer department worked with the Road crew on manhole and catch basin replacements and rebuilds and cleaned out over a mile and a half of sewer lines. Ridgedale Avenue project bid opening is scheduled for May 14 at 10:00 a.m. PSE&G has started gas main replacement work in advance of the municipal road reconstruction work planned for this summer. Six Mill and Overlay projects are scheduled for completion next week using Tilcon Paving and Denville Line Striping. The roads include Morris Place, Danforth Road, Sherwood Avenue, Longview Avenue, Candlewood and Fox Chase Roads. A second informal public meeting to discuss the proposed Morris County Central Avenue modifications was held last Friday. A Complete Streets Committee meeting is scheduled for this The bid opening for the HVAC system replacement at the Public Library, took place on Thursday, April 23rd. The second round of bids is still above the appropriated funds and therefore a recommendation has been made to reject all bids. Local Public Contracts law allows a municipality to enter into negotiations for a more favorable contract in order to complete an award. A review committee from the Morris County Historic Preservation Trust fund is expected to tour the East Wing of the building on

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Wednesday afternoon prior to making any recommendations for our grant funding request.

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

05/11/2015-1 JAMES PARK FUNDRAISING PROPOSAL

Former Mayor John ‘Jack’ Dunne announced a proposed fundraising mission entitled “Walk With Us” to replace the blacktop walkway at the WWI Memorial at James Park with engraved pavers. By voice acclaim, there was no objection to this fundraising effort.

05/11/2015-2 URGING CONGRESS TO CHANGE FEDERAL LAW REGARDING VETERANS’ ORGANIZATIONS ELIGIBILITY FOR CDBG FUNDING
Mrs. Vitale asked Council to approve a resolution urging Congress to change Federal law regarding Veteran’s Organizations eligibility for Community Development Block Grant funds. There was agreement to list a resolution on the Consent Agenda.

R 145-2015 is listed on Consent Agenda.

05/11/2015-3 STRATEGIC PLANNING UPDATE

Mr. Wolkowitz provided an update on each Strategic Planning Committee, noting reports still to be presented by

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 April 27, 2015, 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 32-2015
ORDINANCE 32-2015 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$60,000.00 FROM THE ELECTRIC CAPITAL
IMPROVEMENT FUND FOR BASKETBALL COURT LIGHTING
REPLACEMENT AT DODGE FIELD**

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WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$60,000.00 from the Electric Capital Improvement Fund for replacement of lighting at the Basketball Courts at Dodge Field; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Electric Capital Improvement Fund in an amount not to exceed \$60,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$60,000.00 from the Electric Capital Improvement Fund for replacement of lighting at the Basketball Courts at Dodge Field.

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 \$60,000.00 is hereby appropriated from the Electric Capital Improvement Fund for replacement of lighting at the Basketball Courts at Dodge Field.

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 32-2014. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Rowe moved that Ordinance 32-2015, which was read by title, be finally adopted. Mr. Wolkowitz seconded the motion.

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

Nays: None

Absent: Mr. Catalanello

Mayor Conley declared Ordinance 32-2015 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 33-2015
ORDINANCE 33-2015 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 166 OF THE BOROUGH CODE ENTITLED
"STREETS AND SIDEWALKS" REGARDING OUTDOOR DINING AT
BUSINESS ESTABLISHMENTS**

WHEREAS, the Assistant Borough Administrator has recommended that the Borough Council amend Chapter 166 of the Borough Code regarding sidewalk dining; and

WHEREAS, the Borough Council concurs in this recommendation to amend the sidewalk dining regulations in the Borough.

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

SECTION 1: Chapter 166- of the Borough Code, entitled "Streets and Sidewalks" is amended to include the following:

...

Article V. Sidewalk Dining Licenses

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§ 166-43. Purpose and intent.

The purpose and intent of this article is to allow portions of the public sidewalks in front of eating establishments to be used for sidewalk dining subject to issuance of a sidewalk dining license and strict compliance with all conditions set forth herein. This limited authorization to use the public sidewalks is intended to advance the public purposes of stimulating economic activity and providing amenities in the business districts of the Borough of Madison, and such authorization shall be solely in the nature of a revocable license which shall not be deemed to vest licensees with any property interest or other rights in the public sidewalks. The sidewalk area for purposes of this Chapter shall be defined as the right of way in front of the dining establishment between the building and the street.

§ 166-44. License required.

No person shall engage in or allow sidewalk dining on any public sidewalk without having first obtained a sidewalk dining license.

§ 166-45. Application for license.

An application, sworn to by the applicant, for a sidewalk dining license shall be filed annually with the Borough Clerk on forms supplied by the Clerk. The forms shall require the following information and such additional information as deemed necessary:

- A. The name of the applicant and the address.
- B. The name and address of the eating establishment where sidewalk dining is to be maintained.
- C. A description of the dimensions of the area and the number of tables to be used for sidewalk dining.
- D. Written consent of the owner of the premises, if other than the applicant.
- E. An applicant wishing to serve alcohol on the sidewalk dining area must execute a revocable agreement with the Borough to have conditional use of the side walk as a right of way. Any licensed premises must secure and provide copies to the Borough of all necessary permits from the New Jersey Division of Alcoholic Beverage Control to extend their licensed premises in accordance with applicable New Jersey law.
- E. A certificate of insurance providing at least \$1,000,000.00 of comprehensive general liability extending premises coverage to all activities associated with sidewalk dining and listing the Borough of Madison as an additional insured with respect to such activities.
- F. A check payable to the Borough of Madison in the amount of the license fee required by § 166-47. [Amended 5-29-1996 by Ord. No. 12-96]
- H. Execution and filing with the Borough Clerk of an indemnification agreement pursuant to which the licensee, in further consideration of the issuance of the license, shall agree to forever defend, protect, indemnify and save harmless the Borough, its officers, agents and employees, from and against any and all claims, causes of action, injuries, losses, damages, expenses, fees and costs arising out of or which may arise out of the licensee's operation of it sidewalk dining establishment.

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I. Execution and filing with the Borough Clerk of a maintenance agreement pursuant to which the licensee, in further consideration of the issuance of the license, shall agree, at the Borough's option, either to repair at its sole cost and expense any damage caused to the sidewalk by the operation of its sidewalk dining operation, or to reimburse the Borough in full for all costs and expenses incurred by it in making any such repairs.

The Borough Clerk may require a bond to be filed by the licensee in an amount to be fixed by the Borough.

§ 166-46. Application review.

A. The Borough Clerk shall review the application and investigation report on each applicant. The Borough Clerk shall approve or deny the application, taking into consideration the factors set forth in § **166-45**. [Amended 5-29-1996 by Ord. No. 12-96]

B. Any applicant who is denied a license may request in writing a hearing on the denial decision before the Borough Council.

§ 166-47. Fees.

The annual license fee for each and every premises on which sidewalk dining is conducted shall be \$100.

§ 166-48. License terms and conditions.

A. A sidewalk dining license shall be valid only through November 15 of a given year, and a new license must be obtained for each year.

B. A sidewalk dining license may not be transferred.

C. The license shall be displayed in a conspicuous place on the premises prior to the use of the premises for sidewalk dining.

§ 166-49. Regulations.

The conduct of sidewalk dining pursuant to a license issued under this article shall be subject to all of the following restrictions and requirements:

A. Public sidewalk dining may be conducted in the Central Business Districts (CBD-1 and CBD-2), General Business Area (GBA) and Multi-Use Commercial District (C), as designated on the Madison Zoning Map.

B. The sidewalk dining area must not inhibit pedestrian traffic on public sidewalks, and an area must be open and unobstructed for pedestrian traffic between the closest edge of the cafe-type tables and the curblines, which area shall have a minimum width of the greater of four (4) feet or one-half (1/2) of the sidewalk width.

C. Restaurateurs shall not place anything in an alleyway or walkway or set up tables in such a manner as to block any alleyways or walkways or any building entrance/egress. It shall be unlawful to obstruct or reduce in any manner the clear width of any exit discharge passageway, as determined by the clear width opening of the entrance/egress door(s). The passageway shall be as straight as possible leading directly to the street.

D. The only items permitted are tables, chairs, umbrellas and containers for the disposal of recyclable cans/bottles and garbage.

E. Restaurateurs shall not place any table, sign, umbrella or other item in such a manner as to block any municipal signs, receptacles for garbage, public benches or other public amenity, including fire hydrants.

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F. Restaurateurs must provide for the disposal of recyclable cans/bottles and garbage. Public receptacles for garbage shall not be used. Sidewalk areas shall be kept clean during hours of operation. Litter shall not be permitted on adjoining sidewalks or property.

G. Restaurateurs are prohibited from serving drivers or passengers of vehicles. All customers must be seated throughout their meal.

H. Restaurateurs are prohibited from using public utility hookups.

I. All sound systems are prohibited.

J. All food preparation shall be in the regular kitchen area of the restaurant, not outside.

K. All outdoor food service is subject to the regulations contained in Chapter 12 of the New Jersey Sanitary Code.

L. The placement of outdoor tables shall be limited to the area immediately in front of existing and/or properly approved restaurants, cafes or eating establishments. No portion of any sidewalk dining equipment, including chairs, tables and opened umbrellas, shall encroach upon the sidewalk area in a manner to block, impede or cover adjacent store fronts, doors or windows in front of other business establishments.

M. Sidewalk dining may commence March 1 and may continue through November 15.

N. Permissible hours of operation shall be from 7:00 a.m. to 10:00 p.m.

O. Wine and beer are the only alcoholic beverages that may be consumed at a sidewalk dining establishment on the condition that table service is provided.

P. Everything must be removed and sidewalks must be washed daily by 10:30 p.m.

Q. The Borough retains the right to temporarily suspend a sidewalk dining license to allow for construction activity, utility repairs, special events or for other reason as deemed appropriate by the Borough Council, with reasonable advance notice to be given to affected licensees.

R. Restaurateurs must comply with the provisions of the Smoke-Free Air Act, N.J.S.A. 26:3D-55 to -64, including displaying the appropriate designated site-specific conditions for smoking that are appropriate to their particular circumstances and environments. Moreover, in accordance with N.J.S.A. 26:3D-63 and N.J.A.C. 8:6-2.3 smoking is prohibited at a sidewalk dining establishment if smoking in the exterior area results in migration, seepage, or recirculation of smoke to an indoor public place or a workplace at which smoking is prohibited.

S. The licensee shall comply with all other Borough ordinances.

§ 166-50. Suspension and revocation of license.

Any license may be suspended or revoked for good cause by the Borough Council, including but not limited to a misrepresentation of the information supplied in the application, the conviction of a crime, a violation of any ordinance, statute or government regulation or a violation of this article.

§ 166-51. Enforcement.

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The Borough Clerk shall be responsible for licensing and the collection of fees. This chapter shall otherwise be enforced by the Zoning Officer, Madison Police Department and the Board of Health, as to the Sanitary Code.

§ 166-52. Violations and penalties.

Any violations of the provisions of this article shall be punishable by a fine not to exceed \$500 as determined by the Municipal Court. Each day the violation shall continue after a notice and a reasonable opportunity to correct or remedy the violation shall constitute a separate violation.

§ 166-53. Appeals.

Any person aggrieved by any action of the Borough Clerk, in the denial or revocation of a Sidewalk Dining License, shall have the right to appeal to the Borough Administrator. The appeal shall be taken by filing with the Borough Clerk, within thirty (30) days after the notice of the action complained of has been served personally upon the licensee, or mailed, postage prepaid, to the licensee at the address given by the licensee in making application under § 166-44 herein, a written statement setting forth fully the grounds for appeal. The Borough Clerk shall set a time and place of hearing for the appeal, at which time the Borough Administrator shall conduct a hearing and affirm, modify or reverse the action appealed from.

§ 166-54. Severability.

Each section of this article is an independent section, and the holding of any section or part thereof to be unconstitutional or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

...

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

Mayor Conley opened up the public hearing on Ordinance 33-2014. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 33-2015, which was read by title, be finally adopted. Mrs. Vitale seconded the motion.

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

Nays: None

Absent: Mr. Catalanello

Mayor Conley declared Ordinance 33-2015 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, asked for explanation of Mr. Landrigan's statement that the increase in the Board of Education tax increase is 5.2%, not a 3.9%

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increase as presented by the Board of Education. Mr. Burnet noted the tax increase from 2014 to 2015.

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 Wednesday, May 27, 2015 in the 2nd Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinances will be published in the Madison Eagle, be posted at the main entrance to the Borough offices and be made available to members of the public requesting same, as required by law.

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

ORDINANCE 34-2015 ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 11-2014, PERTAINING TO THE SALARY RANGES FOR CERTAIN NON-UNION FULL-TIME EMPLOYEES

WHEREAS, the Borough Council has determined to establish an ordinance setting salary ranges for non-union full-time employees.

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

Section 1. Ordinance 11-2014 setting the salary ranges for non-union full-time employees is hereby amended as follows:

TITLE	MINIMUM	MARKET VALUE	MAXIMUM
Qualified Purchasing Agent/Personnel Officer	\$70,000	\$75,000	\$80,000

Section 2. This ordinance shall take effect on January 1, 2015.

Mr. Landrigan moved that Ordinance 34-2015, 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. Landrigan, Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz, Mr. Rowe
Nays: None
Absent: Mr. Catalanello

ORDINANCE 35-2015 ORDINANCE OF THE BOROUGH OF MADISON AMENDING AND SUPPLEMENTING CERTAIN AFFORDABLE HOUSING PROVISIONS OF CHAPTER 195 OF THE MADISON BOROUGH CODE ENTITLED "LAND DEVELOPMENT ORDINANCE"

STATEMENT OF PURPOSE: The purpose of this ordinance is to require a 20% minimum inclusionary affordable housing obligation, in all zoning districts, for all residential projects with five or more units, and a payment in lieu for any partial units. Due to the lack of available land within the Borough for stand-alone affordable housing projects, the Borough believes its commitment to affordable

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housing is best advanced by requiring inclusionary affordable housing development as set forth in this Ordinance, and by requiring all affordable housing units to remain affordable for a period of not less than 30 years.

WHEREAS, the Madison Borough Planning Board has reviewed the Land Development Ordinance of the Borough of Madison and recommends that the Borough Council consider amending and supplementing that Ordinance to require a 20% minimum inclusionary affordable housing obligation for all residential projects with five or more units, and a payment in lieu for any partial units consistent with the regulations of the New Jersey Council on Affordable Housing (“COAH”) as now in effect or hereafter amended (the “COAH Regulations”); and

WHEREAS, the Planning Board recommends to the Borough Council the adoption of these amendments and supplements to the Land Development Ordinance and finds that they are substantially consistent with the Master Plan or designed to effectuate such plan elements, and/or if they are wholly or partially inconsistent, that an affirmative vote of the majority of the full authorized membership of the governing body has been received in recognition of the substantial public benefits as cited in the Statement of Purpose section of this Ordinance.

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 195-48 of Chapter 195 of the Madison Borough Code entitled “Affordable Housing Growth Share Requirements” shall be amended and supplemented to read as follows:

§195-48. Affordable Housing Inclusionary Development Requirements

A. Purpose. The purpose of this **§ 195-48** is to require all new developments to include a minimum 20% inclusionary set aside for affordable housing.

B. Applicability. The provisions of this **§ 195-48** shall apply to all new development activity in the Borough of Madison regardless of whether the development requires approval by the Planning Board or Board of Adjustment, except as expressly exempted herein.

C. Exemptions. The provisions of this **§ 195-48** shall not apply to the following development activities:

(1) thru (6) No change.

(7) (New section added) Any redevelopment project which, prior to the date of this Ordinance:

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(a) is being proposed by a redeveloper that has been designated by the Borough of Madison for such project; and

(b) the Redevelopment Agreement between the Borough of Madison and the designated redeveloper provides for a monetary contribution for affordable housing.

D. Residential development. All new residential developments in all zones, except as exempted above, shall be subject to the following affordable housing requirements:

(1) In the case of residential development in any zoning district involving the creation and/or development and/or addition of five or more market rate dwelling units and/or single-family building lots, at least twenty percent (20%) of all dwelling units and/or single family building lots must be an affordable housing unit. Any fractional affordable housing requirement may be addressed by a payment in lieu pursuant to **§ 195-48D(2)**. The required affordable housing unit(s) shall be constructed on-site, unless the Borough approves a proposal involving the provision of affordable housing elsewhere within the Borough of Madison. Construction of the affordable housing unit(s) shall be subject to the standards and requirements in **§ 195-48F**. Affordable housing units constructed as part of an inclusionary development under this section shall be subject to the affordable housing policies, procedures and administration provisions of **§ 195-47**.

(2) In the case of residential development involving the creation of fewer than five dwelling units and/or single-family building lots, the developer shall be required to make a payment in lieu of providing affordable housing, which shall be placed in the payment-in-lieu fund governed by **§ 195-48I**. The amount of the required payment shall be consistent with COAH Regulations and shall be negotiated with the Borough based on consideration of the anticipated cost of providing affordable housing units. The minimum payment amount shall be calculated based on \$182,750 multiplied by the fractional affordable housing requirement as calculated to two decimal points.

~~(3) The Planning Board may on application waive the requirement in **§ 195-48D(1)** for affordable housing to be provided on-site and authorize a payment in lieu pursuant to **§ 195-48D(2)**. (This subsection (3) to be deleted).~~

(E) thru (I) No Change.

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SECTION 2: § 195-47 of Chapter 195 of the Madison Borough Code entitled “Affordable housing policies, procedures and administration” shall be amended and supplemented to increase the length of affordability controls, as follows:

In subsections D, 0(1), P(2)(a)[1], and P(5)(a)[1], the words “20 years” shall be replaced by the words “30 years”.

SECTION 3: This ordinance supersedes any inconsistent provisions of the Land Development Ordinance of the Borough of Madison, whether or not stated expressly herein. All other provisions of the Land Development Ordinance not inconsistent herewith shall remain in effect.

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

Ms. Baillie moved that Ordinance 35-2015, 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. Landrigan, Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz, Mr. Rowe
Nays: None
Absent: Mr. Catalanello

ORDINANCE 36-2015 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$21,000.00 FROM THE GENERAL CAPITAL
IMPROVEMENT FUND FOR PURCHASE OF VPI 24 PORT ANALOG
RECORDING SYSTEM FOR THE MADISON POLICE DEPARTMENT

WHEREAS, the Chief of Police has recommended that the Borough appropriate \$21,000.00 from the General Capital Improvement Fund to purchase a VPI 24 Port Analog Recording System for the Police Department; 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 \$21,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$21,000.00 from the General Capital Improvement Fund to purchase a VPI 24 Port Analog Recording System for the Police Department.

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 \$21,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase a VPI 24 Port Analog Recording System for the Police Department.

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. Rowe moved that Ordinance 36-2015, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Catalanello

**ORDINANCE 37-2015 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$25,000.00 FROM THE ELECTRIC CAPITAL
IMPROVEMENT FUND FOR SIGNALIZATION IMPROVEMENTS**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$25,000.00 from the Electric Capital Improvement Fund for preventative maintenance and signalization improvements; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Electric Capital Improvement Fund in an amount not to exceed \$25,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$25,000.00 from the Electric Capital Improvement Fund for preventative maintenance and signalization 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 \$25,000.00 is hereby appropriated from the Electric Capital Improvement Fund for preventative maintenance and signalization improvements.

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.

Mrs. Vitale moved that Ordinance 37-2015, 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

Nays: None

Absent: Mr. Catalanello

**ORDINANCE 38-2015 ORDINANCE OF THE BOROUGH OF MADISON
ADOPTING A REDEVELOPMENT PLAN IN ACCORDANCE WITH N.J.S.A.
40A:12A-1 ET SEQ.**

WHEREAS, on April 27, 2015, the Mayor and Council adopted Resolution No. 140-2015 which determined the delineated area commonly known as 28 Walnut Street (Block 1601, Lot 42) to be "An Area In Need of Rehabilitation" pursuant to N.J.S.A. 40A:12A-14; and

WHEREAS, said Resolution authorized and directed the Borough Planner to prepare a Redevelopment Plan as defined in N.J.S.A. 40A:12A-3 for the delineated area; and

WHEREAS, the Mayor and Council by Resolution No.156-2015 referred the proposed Civic Center Redevelopment Plan to the Madison Planning Board pursuant to N.J.S.A. 40A:12A-7(e), for review and report thereon; and

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WHEREAS, the proposed Civic Center Redevelopment meets all of the requirements of N.J.S.A. 40A:12A-7 and the area governed by the Plan is the same area as defined in Resolution No. 140-2015.

NOW THEREFORE BE IT ORDAINED by Mayor and Council of the Borough of Madison, County of Morris, State of New Jersey, that the Civic Center Redevelopment Plan dated May 8, 2015 is hereby approved.

BE IT FURTHER ORDAINED, that the Borough Clerk forward a true copy of the adopted ordinance to the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16, and publish said notice in accordance with N.J.S.A.40:49-2.d.

Ms. Baillie moved that Ordinance 38-2015, 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. Landrigan, Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

Absent: Mr. Catalanello

CONSENT AGENDA RESOLUTIONS

The Clerk made the following statement:

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

Ms. Baillie moved adoption of the Resolutions listed on the Consent Agenda. 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

Nays: None

Absent: Mr. Catalanello

R 145-2015 RESOLUTION OF THE BOROUGH OF MADISON URGING CONGRESS TO CHANGE FEDERAL LAW TO ENSURE THAT VETERANS' ORGANIZATIONS ARE ELIGIBLE FOR CDBG FUNDING

WHEREAS, the Veterans of Foreign Wars (VFW) and the American Legion, through local posts, provide a host of invaluable services to veterans in New Jersey and all across the United States, including benefits assistance, career services, financial assistance, homeless outreach, and comforting and support services; and

WHEREAS, VFW and American Legion posts also provide several important services for local communities, including various youth, educational, and patriotic programs, as well as scholarships; and

WHEREAS, VFW and American Legion posts have also served as warming and charging stations for the public during emergencies such as Superstorm Sandy and Hurricane Irene, and have provided shelter to people in need; and

WHEREAS, notwithstanding the critical services provided by VFW and American Legion posts to veterans and the public, some posts may be deemed ineligible for federal Community Development Block Grant (CDBG) funding for

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public facilities and improvements under current federal Housing and Urban Development regulations; and

WHEREAS, Assemblyman Anthony M. Bucco has submitted letters to New Jersey's congressional delegation calling for changes to federal law to ensure that all VFW and American Legion posts are eligible for CDBG public facilities and improvements funding, which the Council of the Borough of Madison of Borough of Madison supports; and

WHEREAS, given the extraordinary contributions of our veterans, both during and after their military service, it is altogether fitting and proper for the Council of the Borough of Madison of Borough of Madison to memorialize its congressional representatives to seek changes to federal law to ensure that all VFW and American Legion posts are eligible for CDBG public facilities and improvements funding.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Madison, in the County of Morris and State of New Jersey, hereby supports the efforts of Assemblyman Anthony M. Bucco and respectfully requests that the Congress of United States revise federal law to ensure that all VFW and American Legion posts are eligible for CDBG public facilities and improvements funding; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to each member of the Congress of the United States elected thereto from the State of New Jersey.

R 146-2015 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENTS OF INTERNS ANDREA BALAREZO, CATHERINE BATTALGLIA, BENJAMIN AUDI MEGHAN RILEY, KIMBERLY DEMARZO AND JAMES HIGGINS TO THE SUMMER INTERN POSITIONS IN VARIOUS DEPARTMENTS

WHEREAS, the Purchasing/Personnel Officer has recommended appointment of Andrea Balarezo, Catherine Battaglia, Benjamin Audi, Meghan Riley, Kimberly DeMarzo and James Higgins to the positions of Summer Intern in various departments; and

WHEREAS, the Borough Council agrees with these recommendations and the Chief Financial Officer has certified funds for this purpose are contained in the 2015 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 Andrea Balarezo, Catherine Battaglia, Benjamin Audi, Meghan Riley, Kimberly DeMarzo and James Higgins are hereby appointed to the positions of Summer Intern in Various Departments, at the rate of pay of \$9.00 per hour.

R 147-2015 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF SUMMER INTERNS SAM NORTH AND FRANK IANNARONE, IV TO SUMMER INTERN POSITIONS IN THE ENGINEERING DEPARTMENT

WHEREAS, the Borough Engineer has recommended the appointment of Sam North and Frank Iannarone, IV as part-time 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 2015 municipal budget.

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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 the appointment of Sam North and Frank Iannarone, IV as part-time 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 148-2015 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING MR. PATRICK R. BROWN TO THE INTERN POSITION IN THE MADISON POLICE DEPARTMENT

WHEREAS, Police Chief Daren Dachisen has recommended the appointment of Mr. Patrick R. Brown to the position of Intern in the Madison Police Department, to assist with a sign replacement and other various projects; 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 Mr. Patrick R. Brown is hereby appointed to the position of Intern in the Madison Police Department effective immediately, at the rate of pay of \$10.00 per hour.

R 149-2015 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF INTERN MR. WILLIAM PUGH TO THE SUMMER INTERN POSITION IN THE TECHNOLOGY DEPARTMENT

WHEREAS, the Director of Technology has recommended the appointment of Mr. William Pugh as part-time Summer Intern in the Technology and Administration Departments, at no 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 Mr. William Pugh as part-time Summer Intern in the Technology and Administration Departments, at no compensation, is hereby approved.

R 150-2015 RESOLUTION OF THE BOROUGH OF MADISON REJECTING ALL BIDS FOR THE LIBRARY ROOFTOP UNIT AND CEILING REPLACEMENT PROJECT

WHEREAS, the Borough of Madison publicly advertised for rebids for the Library Rooftop Unit and Ceiling Replacement project in accordance with Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Borough received ten (10) bids of which the lowest bid had a base price of \$683,640.00 which exceeds the appropriation ordinance; and

WHEREAS, the Borough Attorney has opined that rejection of the bids is appropriate pursuant to statutory authority.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris and State of New Jersey that all bids for the Library Rooftop Unit and Ceiling Replacement Rebid are hereby rejected for the reasons set forth herein and the Borough Engineer is hereby authorized pursuant to N.J.S.A.:11-5(3) to negotiate an agreement with a responsible contractor.

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R 151-2015 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SETTLEMENT OF THE 2013 AND 2014 TAX APPEAL ENTITLED MICHAEL P. O'KEEFE ET AL. V. BOROUGH OF MADISON, DOCKET NOS. : 002951-2013; 003300-2014 OF THE TAX ASSESSMENT OF BLOCK 4402, LOT 27.03, KNOWN AS 6 SHEPHERD LANE, IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

WHEREAS, an appeal of the real property tax assessment for tax years 2013 and 2014, involving Block 4402, Lot 27.03, has been filed by the Taxpayer, Michael P. O'Keefe et al.; 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:

6 Shepherd Lane
Block 4402, Lot 27.03
Year 2013

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 765,800	N/A	\$ 765,800
Imprvts:	\$1,698,000	N/A	\$1,459,200
Total:	\$2,463,800	N/A	\$2,225,000

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

6 Shepherd Lane
Block 4402, Lot 27.03
Year 2014

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 765,800	N/A	\$ 765,800
Imprvts:	\$1,698,000	N/A	\$1,384,200
Total:	\$2,463,800	N/A	\$2,150,500

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.

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R 152-2015 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SETTLEMENT OF THE 2011, 2012, 2013 AND 2014 TAX APPEALS ENTITLED WO MADISON LLC V. BOROUGH OF MADISON, DOCKET NOS. : 008711-2011, 007049-2012, 009384-2013 AND 009372-2014 OF THE TAX ASSESSMENT OF BLOCK 2205, LOT 10, KNOWN AS 220-228 MAIN STREET, IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

WHEREAS, an appeal of the real property tax assessment for tax years 2011, 2012, 2013 and 2014 involving Block 2205, Lot 10, has been filed by the Taxpayer, WO Madison, LLC; 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 2011 tax appeal is hereby authorized as follows:

220-228 Main Street
Block 2205, Lot 10
Years 2011

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 2,056,000	N/A	\$ 2,056,000
Imprvts:	\$ 1,248,500	N/A	\$ 1,248,500
Total:	\$ 3,304,500	N/A	\$ 3,304,500

2. Settlement of the 2012 tax appeal is hereby authorized as follows:

220-228 Main Street
Block 2205, Lot 10
Years 2012

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 2,056,000	N/A	\$ 2,056,000
Imprvts:	\$ 1,248,500	N/A	\$ 1,248,500
Total:	\$ 3,304,500	N/A	\$ 3,304,500

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

220-228 Main Street
Block 2205, Lot 10

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Years 2013

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 2,570,000	N/A	\$ 2,570,000
Imprvts:	\$ 3,233,400	N/A	\$ 3,233,400
Total:	\$ 5,803,400	N/A	\$ 5,803,400

4. Settlement of the 2012 tax appeal is hereby authorized as follows:

220-228 Main Street
Block 2205, Lot 10

Years 2014

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 2,570,000	N/A	\$ 2,570,000
Imprvts:	\$ 3,233,400	N/A	\$ 2,930,000
Total:	\$ 5,803,400	N/A	\$ 5,500,000

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 153-2015 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SETTLEMENT OF THE 2014 AND 2015 TAX APPEALS ENTITLED WO MADISON LLC BY WHOLE FOODS MARKETS V. BOROUGH OF MADISON, DOCKET NOS. : 015699-2014 AND 000598-2015 OF THE TAX ASSESSMENT OF BLOCK 2205, LOT 10, KNOWN AS 220-228 MAIN STREET, IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

WHEREAS, an appeal of the real property tax assessment for tax years 2014 and 2015, involving Block 2205, Lot 10, have been filed by the Taxpayer, WO Madison, LLC by Whole Foods Markets; 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 2014 tax appeal is hereby authorized as follows:

220-228 Main Street

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Block 2205, Lot 10
Year 2014

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 0	N/A	\$ 0
Imprvts:	\$ 52,500	N/A	\$ 52,500
Total:	\$ 52,500	N/A	\$ 52,500

2. Settlement of the 2015 tax appeal is hereby authorized as follows:

220-228 Main Street
Block 2205, Lot 10
Year 2015

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 2,570,000	N/A	\$ 2,570,000
Imprvts:	\$ 3,285,900	N/A	\$ 2,680,000
Total:	\$ 5,855,900	N/A	\$ 5,250,000

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 154-2015 RESOLUTION OF THE BOROUGH OF MADISON APPROVING A BANNER FOR DISPLAY FOR THE “GOOD GRIEF 5K RUN AND WALK FOR HOPE” SPONSORED BY GOOD GRIEF, INC.

WHEREAS, Good Grief, Inc. has requested permission to hang a banner at Giralda Farms in Madison, for the period May 24, 2015 through May 31, 2015 as part of their “Good Grief 5k Run and Walk for Hope” event; and

WHEREAS, the Borough Council is authorized to permit this display pursuant to Section 195-34(A)(8) of the Madison Borough Code.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Madison, County of Morris, State of New Jersey, hereby approves the request of Good Grief, Inc. to hang a banner at the Giralda Farms property, for the period May 24, 2015 through May 31, 2015 as part of their “Good Grief 5k Run and Walk for Hope” event.

R 155-2015 RESOLUTION OF THE BOROUGH OF MADISON APPROVING TEMPORARY SIGNS FOR AMERICAN ASSOCIATION OF UNIVERSITY WOMEN (AAUW)

WHEREAS, the American Association of University Women of Madison (AAUW) has requested permission to put up temporary signs advertising a Book Fair on June 15-19, 2015, at Drew University’s Ehinger Center; and

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WHEREAS, up to ten (10) signs would be posted commencing on June 1, 2015 and removed by June 22, 2015; and

WHEREAS, the Assistant 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 June 1, 2015 to June 22, 2015, is approved.

R 156-2015 RESOLUTION OF THE BOROUGH OF MADISON REFERRING THE CIVIC CENTER REDEVELOPMENT PLAN FOR PROPERTY AT 28 WALNUT STREET, MADISON, NEW JERSEY (TAX BLOCK 1601, LOT 42) PREVIOUSLY DESIGNATED AS AN AREA IN NEED OF REHABILITATION

WHEREAS, pursuant to N.J.S.A. 40A:12A-14, on April 27, 2015 by Resolution 140-2015, Council designated the property at 28 Walnut Street, Tax Block 1601, Lot 42 (the "Property") as an area in need of rehabilitation; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(e), the governing body must refer the proposed Redevelopment Plan for the Property to the Planning Board for review prior to adoption of the Redevelopment Plan.

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

1. The Planning Board is directed to review and comment on the attached Redevelopment Plan for the Property located at 28 Walnut Street prepared by the Borough Planner Susan G. Blickstein, AICP/PP, PhD.
2. After review of the aforesaid Redevelopment Plan the Planning Board shall submit the Plan to the Mayor and Council for final consideration.

R 157-2015 RESOLUTION OF THE BOROUGH OF MADISON APPROVING TEMPORARY SIGNS FOR THE ARTS COUNCIL OF THE MORRIS AREA

WHEREAS, the Arts Council of the Morris Area has requested permission to put up temporary signs advertising the 31st Annual Giralda Farms Concert featuring the New Jersey Symphony Orchestra on June 28, 2015, at the Giralda Corporate Park; and

WHEREAS, the signs would be located on Woodland Road and on Route 124 outside the gates of the Giralda entrances, commencing on May 26, 2015 and removed by June 30, 2015; and

WHEREAS, the Assistant Borough Administrator has recommended that a temporary sign permit be issued.

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 Arts Council of the Morris Area to put up temporary signs as described herein from May 26, 2015 to June 30, 2015, is approved.

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R 158-2015 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE PURCHASE OF SERVICES FROM MUSCO SPORTS LIGHTING, LLC OF OSKALOOSA, IOWA UNDER THE KEYSTONE PURCHASING NETWORK (KPN) CONTRACT FOR THE BASKETBALL COURT LIGHTING REPLACEMENT AT DODGE FIELD

WHEREAS, the Borough of Madison desires to purchase services for the Basketball Court Lighting Replacement at Dodge Field from an authorized vendor under the Keystone Purchasing Network (KPN); and

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

WHEREAS, Musco Sports Lighting, LLC, of Oskaloosa, Iowa has been awarded Keystone Purchasing Network (KPN) Contracts; and

WHEREAS, the Borough Engineer has recommended that the Borough Council utilize these contracts for the Basketball Court Lighting Replacement at Dodge Field in the total amount not to exceed \$56,571.00; and

WHEREAS, the Borough Engineer has determined and certified in writing that the cumulative value of services in this calendar year may exceed \$17,500.00; and

WHEREAS, Musco Sports Lighting, LLC, must submit to the Borough Purchasing Agent the required documents to satisfy the requirements of N.J.S.A. 19:44A-20.5, since this matter is awarded without competitive bidding; and

WHEREAS, Musco Sports Lighting, LLC, must complete and submit a Business Entity Disclosure Certification which certifies that Musco Sports Lighting, LLC, has not made any reportable contributions to a political or candidate committee in the Borough of Madison in the previous one year; and

WHEREAS, the Chief Financial Officer has attested that funds are available in Ordinance 32-2015 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. Upon ten days after receipt of the Business Entity Disclosure Certification and other required documents from Musco Sports Lighting, LLC, the purchase of services for the Basketball Court Lighting Replacement at Dodge Field from Musco Sports Lighting, LLC, at a total price not to exceed \$56,571.00 is hereby approved under the Keystone Purchasing Network (KPN) contracts and the Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract with Musco Sports Lighting, LLC for the Basketball Court Lighting Replacement at Dodge Field at a total price not to exceed \$56,571.00, in a form acceptable to the Borough Attorney.

2. When received, the Business Entity Disclosure Certification, Political Contribution Disclosure Form and the Determination of Value shall be placed on file with this resolution.

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.

UNFINISHED BUSINESS - None

Regular Meeting Minutes – May 11, 2015

APPROVAL OF VOUCHERS

On motion by Ms. Baillie, seconded by Mr. Rowe 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	\$34,969.78
Health & Public Assistance	5,438.41
Public Works & Engineering	82,417.12
Community Affairs	5,706.21
Finance & Borough Clerk	5,692,989.31
Utilities	<u>818,985.70</u>
Total	<u>\$6,640,506.53</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

Mayor Conley announced the following appointment:

PLANNING BOARD

Thomas B. Lewis, 15 Cross Gates Road, unexpired four-year term through December 31, 2017.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved May 27, 2015 (EO)