

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

June 10, 2019 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 10th day of June, 2019. Mayor Conley called the meeting to order at 7:00 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

The Borough Clerk read the statement pursuant to the Open Public Meetings Act:

“In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by transmitting a copy of the meeting notice to the Madison Eagle and Morris County Daily Record, posting a copy on the bulletin board at the main entrance of the Hartley Dodge Memorial, and filing a copy in the office of the Clerk, all on January 10, 2019. This Notice was made available to members of the general public.”

ROLL CALL

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

Mayor Robert H. Conley

Council Members:

Carmela Vitale
Astri J. Baillie
Patrick W. Rowe
Maureen Byrne
John F. Hoover
Debra J. Coen

Also Present:

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

AGENDA REVIEW

There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Mr. Rowe moved:

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

MINUTES FOR APPROVAL (1)

May 13, 2019

May 29, 2019

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

LITIGATION MATTERS (1)

AFFORDABLE HOUSING UPDATE

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

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CONTRACT MATTERS (2)

HDM FOUNDATION

EMPLOYEE WELLNESS PROGRAM

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

PERSONNEL MATTERS (3)

NON-UNION F/T CONFIDENTIAL EMPLOYEES

SENIOR OFFICE ASSISTANT WATER AND ELECTRIC UTILITY

BUILDING DEPARTMENT

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

Seconded: Mrs. Vitale

Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

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

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Executive Minutes of May 13, 2019**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Ms. Baillie moved approval of the **Regular Meeting Minutes of May 13, 2019**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Ms. Baillie moved approval of the **Executive Minutes of May 29, 2019**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

GREETINGS TO PUBLIC

EMPLOYEES OF THE MONTH FOR JUNE:

The Employees of the Month for June are Sgt. Craig Perrelli, Ptl. Matthew Mirabella and Ptl. Jerald S. Mantone of the Madison Police Department for saving the life of a resident in cardiac arrest. The resident was not breathing and did not have a pulse. Sgt. Perrelli, Ptl. Mirabella and Ptl. Mantone responded and initiated CPR and after working tirelessly together with the MVAC and MICU, the resident began to breathe, regained a pulse and was transported to Morristown Medical Center.

ANNIVERSARY FOR THE MONTH OF JUNE:

Vito Luppino of the Public Works Department – 25 years on June 28th

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PRESENTATION OF MAYOR'S AWARD

Mayor Conley welcomed and presented the Mayor's Award to resident Vincent Hynes for Heroic Effort on D-Day.

PRESENTATION OF GIRL SCOUT GOLD AWARD TO:

Girls Scouts presented brief descriptions of their Gold Award Projects.

Emily Axelsen developed and designed family guides that make visiting museums more interactive and informative. Elizabeth Kiernan built wooden chests for the Madison Volunteer Ambulance Squad; one to store CPR equipment and the other for toys to help calm children during medical emergencies and organized a toy drive to fill the chest. Carissa Finnerty planted pollinator plants at the Madison Community Garden, Madison High School and Central Avenue School to "Save the Bees" and educated summer campers and residents on the importance of honeybees and how to protect them.

Mayor presented each Scout with her Gold Award and Letter of Recognition.

PROCLAMATION:

Mayor Conley presented a Proclamation recognizing MHS 2019 Paper Mill Playhouse Rising Star Award Winners to the cast and crew of the Bright Star production.

Proclamation
of the
Borough of Madison

Recognizing

MHS 2019 PAPER MILL PLAYHOUSE
RISING STAR AWARD WINNERS

WHEREAS, the Paper Mill Playhouse Rising Star Awards were created to encourage and reward outstanding achievement by students and educators in the production of high school musical theater; and

WHEREAS, 100 student productions from high schools across New Jersey competed for the Tony Awards-style Rising Star Awards; and

WHEREAS, Madison High School received an amazing twelve nominations and won six Paper Mill Playhouse Rising Star Awards this year for the production of Bright Star thanks to the dedication and commitment of the cast and crew; and

WHEREAS, Madison High School was the recipient of the 2019 Paper Mill Playhouse Rising Star Award for Outstanding Overall Production for Bright Star; and

WHEREAS, Jaron Cole received the Rising Star Award for Outstanding Actor in a Leading Role; and

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WHEREAS, the Rising Star Award for Outstanding Actress in a Supporting Role went to Alex Mroczo; and

WHEREAS, Blake Spence received the Rising Star Award for Outstanding Direction; and

WHEREAS, the Rising Star Award for Outstanding Scenic Achievement went to Anthony Freitas; and

WHEREAS, Erin Quinn received the Rising Star Award for Student Achievement as Assistant to the Directors;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby congratulate the cast and crew of Bright Star for receiving the esteemed Paper Mill Playhouse Rising Star Awards.

Robert H. Conley, Mayor
June 10, 2019

REPORTS OF COMMITTEES

Public Safety

Ms. Baillie, Chair of the Committee, made the following comments:
During the month of May the fire department responded to, 26 general Alarms, 10 Still Alarms, 13 Investigations, 39 Medical Calls for a total of 88 responses for the month. The Department held two drills and four Firefighter's attended a 16 hours vehicle extrication class at the Middlesex Fire Academy. The Fire Department participated in the "Madison Newcomers Community Connection" that was held on Saturday, June 8th. The Fire Department continues to look for volunteers. This Saturday, June 1st was National Trails Day with a ribbon cutting ceremony and tour of the new trail loops at Summerhill Park.

Finance and Borough Clerk

Mrs. Vitale, Chair of the Committee, made the following comments:
From the Safety Committee, in order to promote safety and limit insurance claims, the Borough holds quarterly safety meetings. The next meeting is scheduled for June 19th. Administration, Finance Department Staff and Department Heads all meet to review insurance issues, workers compensation claims and safety related topics such as Certification of playground safety, best practices for festivals and special events, review of the Right to Know law which deals with environmental issues in the workplace, training programs offered by our insurance company, and Forklift Safety. Tomorrow, June 11th, is National Forklift Safety Day. From the Chief Financial Officer, Atlantic Health is building a new rehab facility in Madison. If you are driving down Madison Avenue or at the light by Giralda Farms you can see the building down the hill and to the left of the guard house. When new facilities are built in town, the Borough receives fees certain development fees. Last week the finance department received the following \$360,000 in fees from this project. The Affordable Housing Fees will be deposited in the Affordable Housing Trust Fund and are available to help the Borough satisfy our required affordable housing obligation.

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Utilities

Mr. Rowe, Chair of the Committee, made the following comments: Pat Gallagher, Senior Administrative Assistant, at the Water and Electric Plant, is retiring as of tomorrow. Pat has given the borough 15 years of excellent service and will be missed by all. We expect to have over 2,600 meters installed by the end of the summer, which will be approximately one half of the borough. The Finance Department is finalizing bid documents to purchase another 2,400 meters later in the year and that will allow continued installation of meters in the fall. The Finance Department has also placed orders for two new handheld units. These units are android devices the size of a regular smart phone. Contractor Jo-Med, has completed water main installation on Vinal Place. The new 8" main was filled and has passed the Bacteria Test. They are awaiting the road opening permits for Madison Avenue, aka State Highway Rt. 124, to make the last connection to the water main there. The Water Department would like to remind residents that water pumping totals doubled because of lawn watering. Your lawn only needs 1 to 1 ½ inches of water a week which can be done by watering 2 to 3 times a week.

Public Works and Engineering

Ms. Byrne, Chair of the Committee, made the following comments: The Engineering Department continues the work of repairing and improving Borough roads and the Department of Public Works continues field maintenance and vehicle repairs.

Community Affairs

Mr. Hoover, Chair of the Committee, made the following comments: The Senior Citizen Advisory Committee held a meeting Wednesday, May 8, 2019 in the Meeting Room at the Rexford Tucker Apartments, 15 Chateau Thierry. The next open public meeting is June 13 at the Senior Center. Several volunteers stepped up to clean up the front lawn, and donate flowers from their personal gardens for the front and rear of the Civic Center. I mention these because volunteering is increasing at the Senior Center. A Senior Picnic will be catered on August 21. All are welcome. The trip to see Beautiful in Manhattan was a huge hit. 89 people attended and there was a wait list of 11 people. Pickleball sign ups are coming in every day for the summer program at Dodge field. There will be two courts painted by DPW, two nets one will be for beginners and the other for experienced players. Hydration/sun/walking/fall safety information packets are being coordinated in a big email blast provided by our Health Educator and Trans Options. The program will start June 24 but all are welcome to sign up prior to the first day of the program. Several volunteers stepped up to clean up the front lawn, and donate flowers from their personal gardens for the front and rear of the Civic Center. I mention these because volunteering is increasing at the Senior Center. A Senior Picnic will be catered on August 21. All are welcome. Look for more details in the newsletter. Public works offered to volunteer to help serve food, set up tents for shade and the tables and chairs. A cooperative joint learning program among TriTown 55+ Coalition, the Adult School and the Mayors' Wellness programs of Madison and Chatham was held on May 15 and May 22 at the Madison Community Arts Center. The program, "Everybody Dies-A Practical Guide for Adults", is part of a national Conversation of Your Life (COYL) initiative and supported locally by the Mayors Wellness Committees of the Chathams and Madison, The Adult School of Madison/Chatham and Tri-Town 55+ Coalition. Two sessions were held on Wednesday May 15th and Wednesday May 22nd at Madison the Community Arts Center. This program helps to actively plan for your wishes. The Farmers' Market is open each Thursday from 2:00 p.m. until 7:00 p.m. through October. The Madison

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Farmers Market is now open for the 2019 season on Central Avenue, between Cook Avenue and Main Street, and will run from Thursday, May 23 through October 24th. The hours will remain 2-7 pm and will again feature weekly musical performances. This is the 27th season of the market. Bottle Hill Day Sponsorship and Application packets are now available on rosenet.org and have been sent via email to past participants. The 2019-2020 updated Madison Loyalty Rewards Card is now available for purchase at the Madison Pharmacy. Offers are valid through December 31, 2020. Annual Awards Dinner: was held on Tuesday, June 4 at Brooklake Country Club. Fire Extinguisher Inspection Program: Scheduled for tomorrow, Tuesday, June 11, 12pm-4pm. Location: on the corner of Main & Central. The exterior work on the historic James Library building, the home of METC has now been complete. All the preservation work including re-pointing the mortar on the stone, new roof, new copper flashing, cleaning, interior tower brickwork, new terra cotta finials, and concrete walkway have been complete. The work now turns to the interior and METC has applied to Morris County Historic Preservation Trust once again for funding to do a comprehensive conservation assessment of all the interior finishes--including the north wall which has serious water damage to the stenciled walls. METC's new permanent installation (which opened on April 26) is attracting even more visitors each week. The museum staff continues to work with Morris Tourism and the Madison Chamber with on-going plans to promote the museum as the Madison visitor center. The museum will be closed from Monday June 10 through Monday June 24 for the installation of a new major exhibit – Sweet Treats. Jerry Vezza was elected President effective July 1, and Deborah Starker will be Vice President. The spring Recreation schedule is starting to wind down and over the next few weeks will be transitioning to the summer schedule. Jr. Boys Lacrosse hosted their Platypus Tournament at the MRC and MHS the weekend of June 1st and 2nd. Games were held on both fields and across the MHS campus all day Saturday and Sunday. For the 7th consecutive year, the MRC will again be host to the Jersey Strong Lacrosse Showcase. The event will be held on both MRC fields and at MHS on Wednesday, 6/12 from 3:30 PM to 9 PM. This showcase features some of the best HS teams from across the region, including MHS. A big thanks to DPW for all of their work on the fields this spring. Cancellations have been kept to a minimum despite very rainy weather, and the fields have consistently reopened for play faster than could reasonably be expected. Since Fall of 2018, the Borough has committed to over \$113,000 worth of field improvements with several additional projects in the offing. This fall, the Lucy D Myrtle and Lucy D Howard baseball fields will undergo work similar to that performed at Dodge, Rosedale, and Lucy D Hut last October. Finally, everyone is reminded that the Madison Volunteer Ambulance Corps is offering CPR/AED certification courses to all Madison Recreation coaches and parents free of charge. Classes are held bi-monthly on Saturday mornings at 9 AM at the MVAC building at 29 Prospect St. Please sign up via the Recreation page on Rosenet. A Fitness Crawl is tentatively scheduled for September 14 at 4 or 5 locations with the Community Arts Center as the hub.

Health

Ms. Coen, Chair of the Committee, made the following comments: The Madison Health Department is monitoring recent measles outbreak in Ocean County, and reminds resident to get MMR boosters. The Madison Board of Health will hold their next regular meeting on June 18, 2019.

COMMUNICATIONS AND PETITIONS

Letter dated May 21, 2019, from the Hartley Dodge Foundation Trustees informing the Mayor and Council of the sale of a bust of Napoleon by sculptor Frederic Rodin.

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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.**

Rachel Ehrlich; Kings Road, offered support for the adoption of Resolution 199-2019, supporting the passage of the Equality Act, to ensure that federal civil rights laws are fully inclusive of protections on the basis of sexual orientation, gender identity, and sex.

AGENDA DISCUSSIONS

06/10/2019-1 MADISON AFFORDABLE HOUSING

Mayor Conley noted that the affordable housing settlement has been a long process and at this point can share information regarding the litigation. Information provided this evening will be available on the Borough's website as well. The Borough's obligation of affordable housing units has been negotiated from a number of more than one thousand to 40 units by the year 2025. Mr. Rowe explained details of a proposed site at the Madison Recreation Center on 2.19 acres currently fenced, adjacent to the Board of Education property. The proposal will require approval from Morris County. Borough Planner Susan Blickstein and Consultant Elizabeth McManus, PP presented information on Affordable Housing. Ms. McManus provided some history of Affordable Housing in New Jersey and Ms. Blickstein provided prior round and proposed future obligations for Madison. Mayor Conley noted that additional information will be provided at future meetings.

06/10/2019-2 LAND USE ORDINANCE AMENDMENT

Ms. Baillie noted a proposed amendment to Ch 195, Land Use, regarding attached garages facing and opening onto a public street in the R-1 and R-2 Residential Zone Districts, suggesting an amendment to corner lots allowing for garages facing the secondary front yard.

Ordinance 23-2019 listed for Introduction.

ADVERTISED HEARINGS - None

Ordinances 21-2019 and 22-2019 have a hearing date set for June 24, 2019.

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.**

Robert Catalanello; Woodland Road, inquired about proposed affordable housing at the MRC and commented on information provided in utility bills regarding the municipal budget.

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 June 24, 2019 in the 2nd Floor Council Chamber of the Hartley

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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 23-2019 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 195 LAND DEVELOPMENT ORDINANCE FOR THE
BOROUGH

Ms. Baillie moved that Ordinance 23-2019, 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: Mrs. Vitale, Ms. Baillie, Mr. Rowe,
Ms. Byrne, Mr. Hoover, Ms. Coen
Nays: None

ORDINANCE 24-2019 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$391,000.00 FROM GENERAL CAPITAL IMPROVEMENT
FUND FOR THE PURCHASE OF A NEW PUMPER IN 2020

Ms. Baillie moved that Ordinance 24-2019, 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: Mrs. Vitale, Ms. Baillie, Mr. Rowe,
Ms. Byrne, Mr. Hoover, Ms. Coen
Nays: None

ORDINANCE 25-2019 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$110,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR THE PURCHASE OF A NEW TRAILER AND EQUIPMENT FOR THE
FIRE DEPARTMENT

Ms. Baillie moved that Ordinance 25-2019, 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: Mrs. Vitale, Ms. Baillie, Mr. Rowe,
Ms. Byrne, Mr. Hoover, Ms. Coen
Nays: None

ORDINANCE 26-2019 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$12,500.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR THE PURCHASE OF FOUR NEW SETS OF FIREFIGHTER
TURNOUT GEAR

Ms. Baillie moved that Ordinance 26-2019, 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:

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Yeas: Mrs. Vitale, Ms. Baillie, Mr. Rowe,
Ms. Byrne, Mr. Hoover, Ms. Coen
Nays: None

CONSENT AGENDA RESOLUTIONS

The Clerk made the following statement:

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

Ms. Baillie moved adoption of the Resolutions listed on the Consent Agenda. Mrs. Vitale seconded the motion. Ms. Baillie abstained from voting on Resolution 196-2019. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Ms. Baillie, Mr. Rowe,
Ms. Byrne, Mr. Hoover, Ms. Coen
Nays: None

R 189-2019 RESOLUTION OF THE BOROUGH OF MADISON RENEWING LIQUOR LICENSES IN THE BOROUGH OF MADISON FOR THE 2019-2020 LICENSE TERM

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following applications for renewal of Liquor Licenses for the 2019 - 2020 license term be, and hereby are, approved:

CLUB LICENSES - FEE: \$180.00; July 1, 2019 through June 30, 2020

License # 1417-31-019-002
Center Pub Assoc of Drew University
Center Pub Assoc of Drew Univ
36 Madison Avenue
Madison, NJ 07940

License #1417-31-020-001
Madison Lodge BPO Elks #1465
192 Main Street
Madison, NJ 07940

License #1417-31-022-001
North Star Athletic Club
95 North Street
Madison, NJ 07940

CONSUMPTION LICENSES – FEE \$2,386.00; July 1, 2019 through June 30, 2020

License #1417-33-010-005
L'Allegria Restaurant Corp
9-11 Prospect Street
Madison, NJ 07940

License #1417-33-005-004
Headwaters Spirits & Entertainment, LLC
Shanghai Jazz Restaurant and Bar
24 Main Street
Madison, NJ 07940

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License # 1417-33-011-009
Tavern at Main Corp
t/a 54 Main Bar & Grill
54 Main Street
Madison, NJ 07940

License #1417-33-024-009
NJ Entertainment, LLC
Stryxe
53 Madison Plaza
Madison, NJ 07940

License Number 1417-33-017-007
Salgino Pub Inc.
Rocco's Restaurant
30 Cook Plaza
Madison, NJ 07940

DISTRIBUTION LICENSES - FEE: \$1,798.00; July 1, 2019 through June 30, 2020

License #1417-44-013-010
Jelma Inc.
Gary's Wine & Marketplace
121 Main Street
Madison, NJ 07940

License # 1417-44-016-005
Sagar Beverage, LLC (Inactive)
Mailing: 28 Phillip Drive
Parsippany, NJ 07054

License # 1417-44-004-010
Trid Corp
Madison Wine Cellars
29 Main Street
Madison, NJ 07940

License # 1417-44-007-003
Rose City Liquors
84 Main Street
Madison, NJ 07940

License # 1417-44-001-009
Cross Atlantic Vines, Inc. (Inactive)
622 Eagle Rock Avenue
West Orange, NJ 07052

R 190-2019 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING
KEITH GATTI, DAVID MCSHERRY AND ROBERT PETOIA TO THE POSITION OF
SUBSTITUTE CROSSING GUARD

WHEREAS, the QPA/Personnel Director has recommended appointing Keith
Gatti, David McSherry and Robert Petoia to the position of Substitute Crossing
Guard; and

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WHEREAS, the Chief Financial Officer has attested that funds are available for this purpose in the 2019 Police Department Budget # 240, Operating Account for Part-time Help # 130.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey that upon satisfactory completion of a background check Keith Gatti, David McSherry and Robert Petoia are each appointed to the position of Substitute Crossing Guard for the Borough of Madison.

BE IT FURTHER RESOLVED, that Keith Gatti, David McSherry and Robert Petoia each be compensated in accordance with the Borough Resolution establishing the salaries for part-time, substitute school crossing guards.

R 191-2019 RESOLUTION OF THE BOROUGH OF MADISON APPROVING CONSTRUCTION OF A PAVILION AT THE MADISON COMMUNITY POOL

WHEREAS, the Madison Community Pool, Inc., leases the property it is located on from the Borough of Madison; and

WHEREAS, the Madison Community Pool, Inc., Board of Trustees has applied for a building permit to construct an open pavilion structure with a roof at the pool; and

WHEREAS, the Madison Community Pool, Inc., Board of Trustees has requested the Madison Borough Council approve construction of a small pavilion; and

WHEREAS, the Borough Council has determined to endorse the requested construction.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County Morris and State of New Jersey that the Borough Council approves the application for the construction of an open pavilion structure with a roof to be placed on pool property and authorizes a waiver of all municipal permit fees for said construction.

R 192-2019 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE BOROUGH OF MADISON AND THE FAIR SHARE HOUSING CENTER (FSHC)

WHEREAS, on July 8, 2015, the Borough filed an action in Morris County Superior Court (Docket #MRS-L-1694-15) pursuant to the “Mount Laurel I” V Supreme Court Decision reported at 221.NJ.1, (2015), seeking, among other things, a judicial declaration that its proposed Housing Element and Fair Share Plan (hereinafter "Fair Share Plan") satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the Mount Laurel doctrine; and

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WHEREAS, the Borough simultaneously sought and ultimately secured an Order protecting Madison from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan; and

WHEREAS, the trial court appointed Michael P. Bolan, P.P., as the "Special Master" in this case as is customary in Mount Laurel matters; and

WHEREAS, Madison and the Fair Share Housing Center ("FSHC") have engaged in negotiations and have reached conceptual agreement on various substantive provisions, terms and conditions delineated in the attached Memorandum of Agreement ("MOU") but a critical component of the settlement requires approval from another governmental entity; and

WHEREAS, the parties wish to enter into the MOU to provide time to determine whether the third party governmental approval required for the use of "MRC Site" for affordable housing can be achieved; and

WHEREAS, the purpose of the MOU is to generally outline the understanding and intent of the parties that will be incorporated in the final settlement agreement if it is determined that the MRC Site will provide a realistic opportunity for the development of affordable housing; and

WHEREAS, the Honorable Michael C. Gaus, J.S.C., issued a Case Management Order on May 6, 2019 which extended the immunity granted to the Borough until June 11, 2019, and, upon execution of this MOU, that immunity will be extended until September 16, 2019 to allow time to enter into a written final settlement agreement.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Madison that:

1. The Mayor is authorized to execute the MOU substantially in the form attached hereto with such minor modifications that may be deemed appropriate by the Borough Administrator after consultation with Borough attorneys and planning consultants.

The Mayor and Borough Administrator are hereby authorized to take any and all other action needed to effectuate the purposes of this Resolution.

R 193-2019 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING SALARY INCREASE TO CONFIDENTIAL EMPLOYEES EXCLUDED FROM UNION PARTICIPATION

WHEREAS, the Borough Administrator has recommended approving a \$1,000.00 salary increase to nineteen confidential employees excluded from union participation to maintain parity with the union employees to recognize meritorious service; and

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WHEREAS, the Borough Council has determined to approve a \$1,000 salary increase to the following full time non-union confidential employees, effective July 1, 2019 (per annum).

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Borough Council ratifies and authorizes payment of a \$1,000.00 salary increase to Theresa DeVecchi, Connie Phillips, Kristy Kiehl, Linda Sawyer, Frank Ciampi, Dawn Allgeier, Sandra Emmerich, Benjamin Keenan, John Rafter, Joseph Mittermaier, Kevin O’Keefe, Vincent Zvolensky, Frank Russo, Sara Keffer, Lisa Ellis, Michael Pellessier, Christine Mahler, Kathleen Notine and Arthur J. Herring, Jr. effective July 1, 2019.

R 194-2019 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING JANET WAGSTAFF TO THE POSITION OF SENIOR OFFICE ASSISTANT IN THE OFFICE OF WATER AND ELECTRIC UTILITY

WHEREAS, the OPA/Personnel Director has recommended appointing Janet Wagstaff to the position of Senior Office Assistant in the Office of the Water and Electric Utility effective June 11, 2019; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Janet Wagstaff is hereby appointed to the position of Senior Office Assistant in the Office of the Water and Electric Utility, effective June 11, 2019, to be compensated at the annual salary of \$45,000.00 pending receipt of satisfactory background check results.

R 195-2019 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO NATIONAL WATER MAIN CLEANING CO., INC. IN THE AMOUNT OF \$292,199.25 FOR THE 2019 SANITARY SEWER MAIN LINING PROGRAM

WHEREAS, the Borough of Madison publicly advertised for bids for the 2019 Sanitary Sewer Main Lining Program (the “Contract”) in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the lowest qualified bid was submitted by National Water Main Cleaning Co., Inc. in the amount of \$292,199.25 including alternates #1 and #2; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the base contract and alternates to National Water Main Cleaning Co., Inc. in the amount of \$292,199.25; and

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WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$292,199.25 for this purpose which funds were appropriated by Ordinance 9-2019.

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

1. The contract for the 2019 Sanitary Sewer Main Lining Program is hereby awarded to National Water Main Cleaning Co., Inc. based upon its base bid and alternates in the amount of \$292,199.25.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with National Water Main Cleaning Co., Inc. in a form acceptable to the Borough Attorney.

R 196-2019 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING MEMBERSHIP IN THE 2019-2020 EMPLOYEE WELLNESS PROGRAM THROUGH THE MADISON YMCA

WHEREAS, the QPA/Personnel Director recommends that the Borough continue to offer employees and volunteers opportunities for wellness including assistance to become healthier and more productive employees; and

WHEREAS, the Borough of Madison desires to contract with the Madison YMCA for a partially subsidized employee wellness program, to offer the benefit of a discounted membership to employees. Participating employees would pay a portion of the membership fees. The Borough contributions would not exceed \$500 per employee/family and not exceed a total of \$25,000 in any calendar year; and

WHEREAS, it is anticipated that a healthier work force will increase productivity, improve employee morale and reduce future insurance premiums; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account 229, subaccount 528 for this purpose. This agreement is contingent upon adequate funding therefore in the 2020 Municipal Budget.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Mayor and Borough Clerk are hereby authorized to execute an agreement for subsidized employee and volunteer membership with the Madison YMCA.

R 197-2019 RESOLUTION OF THE BOROUGH OF MADISON CONFIRMING CHANGE ORDER #1 TO MBT CONTRACTING, LLC FOR THE MADISON ELECTRIC STORAGE BUILDING PROJECT

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WHEREAS, the Assistant Borough Engineer has advised the Council that changes in design to include one additional steel frame and associated piers/footings on the Madison Electric Storage Building project; and

WHEREAS, the Assistant Borough Engineer has recommended that based on said change order, the base contract with MBT Contracting, LLC. shall be increased by \$18,480.00 (5.49%) which results in no additional appropriation being needed; and

WHEREAS, the Council wishes to authorize disbursement of Change Order #1 in the cumulative amount of \$18,480.00.

WHEREAS, the Chief Financial Officer has confirmed that adequate funds for this purpose are contained in Ordinances 1-2019 and 6-2019.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that payment in the amount of \$18,480.00 to the MBT Contracting, LLC. contract for the Madison Electric Storage Building project is approved.

R 198-2019 RESOLUTION OF THE BOROUGH OF MADISON AWARDING A CONTRACT TO CIFELLI & SON GENERAL CONSTRUCTION IN THE AMOUNT OF \$199,235.00 FOR THE COMMUNITY PLACE RECONSTRUCTION PROJECT

WHEREAS, the Borough of Madison publicly advertised for bids for the Community Place Reconstruction project (the “Contract”) in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the sole qualified bid was submitted by Cifelli & Son General Construction of Nutley, N.J. in the amount of \$199,235.00; and

WHEREAS, the Assistant Borough Engineer and the Borough Attorney have recommended that the Borough Council award the contract to Cifelli & Son General Construction in the amount of \$199,235.00, subject to formal approval by the U.S. Department of Housing & Urban Development and the Morris County Community Development Program; and

WHEREAS, funds are available in Ordinance 1-2019 and 6-2019, or in any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds has been contingently certified by the Chief Financial Officer.

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

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1. The contract for the Community Place Reconstruction project is hereby awarded to Cifelli & Son General Construction based upon its bid in the amount of \$199,235.00.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Cifelli & Son General Construction in a form acceptable to the Borough Attorney.

R 199-2019 RESOLUTION OF THE BOROUGH OF MADISON SUPPORTING THE PASSAGE OF THE EQUALITY ACT TO ENSURE THAT FEDERAL CIVIL RIGHTS LAWS ARE FULLY INCLUSIVE OF PROTECTIONS ON THE BASIS OF SEXUAL ORIENTATION, GENDER IDENTITY, AND SEX

WHEREAS, the Borough of Madison has a long history of opposing discrimination on the basis of race, color, religion, national origin, ancestry, disability, age, sexual orientation, gender identity, and sex; and

WHEREAS, the month of June is “Gay Pride Month”; and

WHEREAS, it is a unifying principal of our democracy that all individuals should be able to fully participate in society. Discrimination undermines both individual and societal stability; and

WHEREAS, gay, lesbian, bisexual, transgender people commonly experience discrimination in employment, housing, education, credit, medical treatment, government-funded programs and public accommodations, including sexual harassment, differential pay and pricing and denial of services in places such as stores, restaurants, and transportation services; and

WHEREAS, women commonly experience discrimination in employment and promotions, credit, medical treatment, government-funded programs and public accommodations, including sexual harassment, differential pricing and denial of services in places such as stores, restaurants, and transportation services; and

WHEREAS, regular and ongoing discrimination contributes to negative social, health, economic inequality, hate crimes, and violence; and

WHEREAS, thirty (30) states have no laws prohibiting discrimination on the basis of sexual orientation, gender identity, and sex in employment, housing, and public accommodations; and

WHEREAS, members of Congress have carefully crafted a federal solution to discrimination against LGBTQ people and women, the EQUALITY ACT, first introduced in 1974 and again in 2015 in its amended current version without passage; and

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WHEREAS, the EQUALITY ACT would amend existing civil rights law- including the Civil Rights Act of 1964, the Fair Housing Act, the Equal Credit Opportunity Act, the Jury Selection and Services Act, and several laws regarding employment with the federal government-to explicitly include sexual orientation and gender identity as protected characteristics. The legislation also amends the Civil Rights Act of 1964 to prohibit discrimination in public spaces and services and federally-funded programs on the basis of sex. Additionally, the Equality Act would update the public spaces and services covered in current law to include retail stores, services such as banks and legal services, and transportation services; and

WHEREAS, the EQUALITY ACT was reintroduced recently by members of Congress with bipartisan support and is supported broadly by the public and businesses across the country.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Madison that:

- 1.) As public officials elected to protect the welfare of the Borough of Madison, we find that federal laws fully prohibiting discrimination on the basis of sexual orientation, gender identity, and sex are essential to furthering the well being of the residents and visitors of Madison.
- 2.) We affirm that LGBTQ people and women have a right to live free from discrimination in the core aspects of their lives included but not limited to, employment, education, housing, public accommodations, all government funded programs and jury service.
- 3.) We call upon Congress to pass the EQUALITY ACT to ensure that federal civil rights laws are fully inclusive of protections on the basis of sexual orientation, gender identity and sex.
- 4.) We direct Madison Borough Clerk, Elizabeth Osborne to send a copy of this Resolution, duly adopted, to Congresswoman Mikie Sherrill, Senator Cory Booker, and Senator Bob Menendez.

R 200-2019 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO STRAIGHT N ARROW PAVEMENT MARKING FOR ASPHALT TREATMENT AND RESTRIPIING WORK IN AN AMOUNT NOT TO EXCEED \$21,100.00

WHEREAS, the Borough of Madison desires to award a contract for asphalt treatment and restriping work for the Green Avenue Municipal Parking lot; and

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

WHEREAS, Straight N Arrow Pavement Marking of Califon, New Jersey provided the lowest responsive proposal amount; and

WHEREAS, the Assistant Borough Engineer has recommended that the Borough Council utilize this contract for asphalt treatment and restriping of the Green Avenue Municipal Parking Lot in an amount not to exceed \$21,100.00; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$21,100.00 for this purpose in Ordinance 2-2019.

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

1. A contract for the asphalt treatment and restriping of the Green Avenue Municipal Parking Lot by Straight N Arrow Pavement Marking of Califon, New Jersey, at a total price not to exceed \$21,100.00 is hereby approved.

2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Straight N Arrow Pavement Marking for asphalt treatment and restriping of the Green Avenue Municipal Parking Lot at a total price not to exceed \$21,100.00, in a form acceptable to the Borough Attorney.

R 201-2019 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING MICHAEL QUINN TO THE POSITION OF ASSISTANT CONSTRUCTION CODE OFFICIAL/ FIRE SUBCODE OFFICIAL/BUILDING SUBCODE OFFICIAL

WHEREAS, the Borough Administrator has recommended that Michael Quinn be appointed to the position of Assistant Construction Code Official/ Fire SubCode Official/Building SubCode Official/Building Inspector effective immediately; and

WHEREAS, the Council has determined to appoint Michael Quinn to the position of Assistant Construction Code Official/ Fire SubCode Official/Building SubCode Official/Building Inspector effective June 11, 2019.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County Morris and State of New Jersey that Michael Quinn is hereby appointed to the position of Assistant Construction Code Official/ Fire SubCode Official/Building Subcode Official/Building Inspector effective June 11, 2019, to be compensated at the annual salary of \$104,000.00.

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R 202-2019 RESOLUTION OF THE BOROUGH OF MADISON REQUESTING THE DIRECTOR OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF AN ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2019

WHEREAS, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Borough of Madison will receive \$30,995.40 from the State of New Jersey Clean Communities Grant and wishes to amend its 2019 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Madison in the County of Morris and State of New Jersey hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$30,995.40, which item is now available as a revenue from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

State and Federal Revenues Off-Set with Appropriations; and

BE IT FURTHER RESOLVED that the like sum of \$30,995.40 is hereby appropriated under the caption of:

General Appropriations

(a) Operation Excluded from 3.5% Caps

State and Federal programs Off-set by Revenues:

State of New Jersey Clean Communities Grant –

Other Expenses \$30,995.40

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Ms. Baillie, seconded by Mrs. Vitale and carried, the following vouchers of the Borough of Madison were approved for payment, and the supporting documentation of said vouchers was made part of the Supplemental Minute Book.

Current Fund	\$179,811.70
General Capital Fund	353,223.16
Electric Operating Fund	276,431.76
Electric Capital Fund	19,555.00
Water Operating Fund	4,244.61
Water Capital Fund	0.00

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Trusts	<u>57,560.37</u>
Total	<u>\$890,826.60</u>

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

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

Nays: None

NEW BUSINESS - None

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved June 24, 2019 (EO)