

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

June 26, 2017 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 26th day of June, 2017. Acting Mayor Vitale called the meeting to order at 7:30 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

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

“In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by transmitting a copy of the meeting notice to the Madison Eagle and Morris County Daily Record, posting a copy on the bulletin board at the main entrance of the Hartley Dodge Memorial, and filing a copy in the office of the Clerk, all on January 5, 2017. This Notice was made available to members of the general public.”

ROLL CALL

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

Mayor Robert H. Conley, absent

Present:

Council Members:

Robert Landrigan
Carmela Vitale
Astri J. Baillie
Benjamin Wolkowitz
Patrick W. Rowe
Maureen Byrne

Also Present:

Raymond M. Codey, Borough Administrator
James E. Burnet, Assistant Borough Administrator/CFO
John Napolitano, Esq for Matthew J. Giacobbe, Esq., Borough Attorney
Elizabeth Osborne, Borough Clerk

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)

May 8, 2017

May 22, 2017

June 12, 2017

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

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CONTRACT MATTERS (2)
MADISON CHATHAM JOINT MEETING UPDATE
DESKTOP SERVICES

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

PERSONNEL MATTERS (1)
DOWNTOWN MANAGER POSITION

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

Seconded: Ms. Baillie
Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

Acting Mayor Vitale 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 8, 2017**. Mr. Landrigan seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Regular Meeting Minutes of May 8, 2017**. Mr. Landrigan seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Executive Minutes of May 22, 2017**. Mr. Landrigan seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Regular Meeting Minutes of May 22, 2017**. Mr. Landrigan seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Executive Minutes of June 12, 2017**. Mr. Landrigan seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Ms. Baillie moved approval of the ***Regular Meeting Minutes of June 12, 2017***. Mr. Landrigan seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

GREETINGS TO PUBLIC

Acting Mayor Vitale made the following comments:

Mrs. Vitale announced a \$500,000 grant from the State of New Jersey Green Acres Program to reduce the debt incurred buying land for the Madison Recreation Complex. Mrs. Vitale thanked our State Legislative delegation; Senator Richard Codey, Assemblywoman Mila Jasey and Assemblyman John McKeon who helped secure these grant funds. Our State officials also met with Executive Director of NJ Transit to request round trip direct bus service from Madison to New York until the completion of the repair work at Penn Station.

REPORTS OF COMMITTEES

Public Works and Engineering

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

Mrs. Vitale thanked those who attended and made possible the dedication of a flag pole at a ceremony held June 14th at Lucy D. Anthony Field, including staff from the Electric Utility Department and the Department of Public Works. Mrs. Vitale thanked John Morris for the plaque commemorating the ceremony.

Public Safety

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

Madison Police Officers participated in the annual Central Avenue School bike safety tour, along with Mayor Conley that concluded with a ride to the center of Waverly Place. Congratulations to Madison Patrolman Bartlomiej J. Glab on being among the officers recognized at the annual Mothers Against Drunk Driving Law Enforcement Recognition Ceremony for their proactive efforts aimed at curtailing impaired driving in our community. The Madison Fire Department has received a grant from the Madison Rotary in the amount of \$800.00 and will participate in the Independence Day parade in Florham Park on July 4th.

Finance and Borough Clerk

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

On June 14th various staff met as part of the quarterly safety committee. Various important topics were discussed including cyber security, workplace safety and training offered by the Joint Insurance Fund. The audit has been completed and copies have been delivered to Council for review. The Tax Collectors Office, continues to wait on the County to certify the tax rate, and notes that tax bills will be mailed out by the end of next week with payment of third quarter taxes due on August 1st. Residents should note the short time turnaround time. A notice will be placed on the Borough's website as soon as the bills have been mailed.

Utilities

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Mr. Wolkowitz, Chair of the Committee, made the following comments:
The Electric Department staff has replaced two primary voltage bushings at Kings Road substation and continued removal of old underground cables on Kings Road . New street lighting and conduit has been installed in front of the Hartley Dodge Memorial. Kevin French has completed the four year lineman's course from the Northwest Lineman's College.

Health

Mr. Rowe, Chair of the Committee, made the following comments:
The Health Department is working towards implementing a Quality Improvement Plan to correct the issues identified in the State Health Department audit. The department will conduct youth camp inspections, and as a reminder, residents are asked to eliminate any stagnant water, including any unused pools or pool covers, to reduce mosquitoes, rodents and other vermin.

Community Affairs

Ms. Byrne, Chair of the Committee, made the following comments:
The Madison Farmers' Market continues each Thursday from 2:00 to 7:00 p.m. on Central Avenue and the first concert in the Downtown Concert Series will be this Friday, June 30th at 6:00 p.m. with a performance by 'What's What'.

COMMUNICATIONS AND PETITIONS- None

INVITATION FOR DISCUSSION (1 of 2)

Acting Mayor Vitale 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

06/26/2017-1 OPEN SPACE TRUST FUND FINANCIAL UPDATE

Mr. Wolkowitz provided an update on the balance of the Open Space Trust account, noting that based on certain assumptions the approximate balance as of May, 2017 is \$129,226.34.

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 June 12, 2017, were introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

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

**ORDINANCE 28-2017 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 94 ATTACHMENT 2, APPENDIX B ENTITLED
“PAYMENT OF WATER AND ELECTRIC BILLS”**

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BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF MADISON IN THE COUNTY OF MORRIS AND THE STATE OF NEW JERSEY, as follows:

Chapter 94 Attachment 2, Appendix B entitled “Payment of Water and Electric Bills” of the “Code of the Borough of Madison” is hereby amended to read as follows:

**ELECTRIC UTILITY
Chapter 94 Attachment 2
Appendix B
PAYMENT OF WATER AND ELECTRIC BILLS**

All bills and charges for water and electric service are due when rendered and must be paid within 25 days of the billing date.

When an account is past due it becomes delinquent and a delinquent notice shall be sent.

If the delinquent customer is a tenant, the property owner shall be sent a copy of the delinquent notice with a reminder that the property owner is ultimately responsible for the payment of the bill.

If a bill is unpaid 25 days after the date due, service may be discontinued and an 8% annual interest charge added to the account balance for amounts less than \$1,500. For any amount over \$1,500, the interest rate shall be 18% annual interest charge.

Unpaid charges or rents and other costs and expenses, including sewer charges, shall be a lien on the house, building, lot, property or premises to which they are associated to the same extent as taxes are a lien upon real estate in the municipality, and shall be collected and enforced by the same officers and in the same manner as liens for taxes.

With the advice and consent of the Borough Administrator and the Borough Attorney, and with guidance from N.J.A.C 14:3-3A, the Chief Financial Officer will prepare and maintain a Policies and Procedures Manual Regarding Penalties, Charges, Delinquent Notices and the Discontinuance of Utility Service.

If electric service is discontinued for nonpayment of a bill, there will be a charge for restoring service of \$100 for residential properties, Service Codes SC1 and SC4, \$250 for commercial properties, Service Codes SC2 and SC3, and \$500 for large commercial properties, Service Code SC5.

The chief financial officer may defer the shutoff date and negotiate a partial payment plan if it is in the best interest of the Borough of Madison or federal and/or state law requires the service to continue. The partial payment plan shall not extend beyond one year and can only be written for a monthly amount over and above the current bill.

Acting Mayor Vitale opened up the public hearing on Ordinance 28-2017. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Wolkowitz moved that Ordinance 28-2017, which was read by title, be finally adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Acting Mayor Vitale declared Ordinance 28-2017 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

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**ORDINANCE 29-2017 ORDINANCE AMENDING CHAPTER 94
ATTACHMENT 3, APPENDIX C ENTITLED “ELECTRIC UTILITY
DEPARTMENT RULES AND REGULATIONS”**

BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF MADISON IN THE COUNTY OF MORRIS AND THE STATE OF NEW JERSEY, as follows:

Chapter 94 Attachment 3, Appendix C entitled “Electric Utility Department Rules and Regulations” of the “Code of the Borough of Madison” SECTION 2.13, 2.15, 2.17, 2.37, 2.46, 2.64, 2.65, 2.67, 2.81, 3.20 and 3.34 are hereby amended to read as follows:

2.13 In the case of Commercial or Industrial customers with a connected load of 250KW or more that requires a primary line extension on private property, the Borough will furnish and install the overhead line to a 100 foot distance onto the customer’s property at the customer’s expense. Underground primary lines, will be installed, owned and maintained at the expense of the customer. Transformer installations on poles with ratings up to 300 KVA (three phase only), will be installed at the Borough's expense. All commercial and industrial transformers on pads, in vaults, or inside buildings will be installed, owned and maintained at the owner’s expense. Transformers up to 300 KVA, that are located outside of buildings, will be supplied by the owner and become the property of the Borough of Madison upon acceptance, transformers larger than 300 KVA will be supplied by owner and remain the property of the customer. Transformer installations underground or inside of buildings, if of the submersible type, would be installed at the expense of the customer, within the ratings above stipulated.

2.15 In new residential developments, on new streets being installed in the development, the owner will install all street lights, lampposts, transformers, ducts, and cables underground. Upon completion the system will be dedicated to the Borough. Installation will meet or exceed the Borough’s Construction Specifications. If in any new development a Lot has a side yard or fronts on an accepted street and the service drop can be made from that accepted street, the Borough will install the service drop at its expense. The owner will give to the Borough executed rights of way easements, tree and shrub trimming rights and rights to install anchor guys on private property where such are needed before any service including construction service is supplied. All residential or multi-family buildings supplied from transformers on pads, in vaults, or inside buildings will be installed at the owner’s expense; all outdoor transformers up to 300 KVA will be supplied by the contractor and will become the property of the Borough of Madison upon acceptance of the development. Contractor must provide the Borough of Madison with a spare transformer (single phase-up to 100 KVA, 3 phase transformers up to 300 KVA) fuses, lamppost, fixture, and accurate as built drawings upon completion of project. All underground secondary ducts and cables that run from the Borough’s facilities to the residence are the property and responsibility of the owners. All transformers shall be according to Borough of Madison’s specifications.

2.17 For new apartment houses, condominiums, townhouses, and association housing complexes requiring pole lines on private property or on non-accepted streets, the owner will install all street lights, lampposts, transformers, ducts, and cable underground. Upon completion the system will be dedicated to the Borough to become part of its distribution system to be maintained, enlarged or extended. All transformers will be supplied by the contractor. Transformers up to 300 KVA will become the property of the Borough of Madison upon acceptance of the

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development, transformers larger than 300 KVA will be owned and maintained by the association. All condominiums, townhouses, and association housing will install, own and maintain all underground secondary ducts and cable originating at the transformer and connecting at the meter pan. All underground street lighting and associated duct and cable will be installed owned and maintained by the association. Contractor must provide the Borough of Madison with a spare transformer, fuses, lamppost, fixture, and accurate as built drawings upon completion of project. All transformers shall meet or exceed Borough of Madison specifications.

2.37 The normal service drop will be overhead, from a Borough line at a Borough pole, directly to a residence or place of business. The Borough will supply and install at its expense such overhead service drop for a distance of 75 feet from its mains without the installation of a pole on the property of the residence or business. If the installation of a pole is required, the Borough will install the drop to the pole, but the cost of the pole, and of the installation thereof, will be at the order and expense of the property owner, or other person requesting the installation. Any additional poles or further extensions of lines to the residence or business beyond 75 feet from the Borough mains will also be at the expense of the property owner or other person requesting the installation. Such extensions beyond the normal service drop will be dedicated to the Borough and the necessary easement, license or other form of permission given to the Borough for the purposes of maintaining such lines, and further extending the same, if required.

2.46 All meters installed are the property of the Borough of Madison, and only employees of the Electric Department are permitted to install, service, adjust, test, repair or remove them. No person, other than authorized Borough personnel, shall remove any electric meter from any location where the same has been installed, nor shall any unauthorized person attach wires to or around a meter; or interfere with its normal operation. Failure to comply with this regulation will result in a penalty being assessed of up to \$1,000.

2.64 All bills and charges in connection with electric services are due when rendered, and must be paid as set forth in Chapter 94, Attachment 2, Appendix B.

2.65 Accounts that are not "RESTRICTED" are allowed an additional grace period for payment before the bill is considered delinquent as set forth in Chapter 94, Attachment 2, Appendix B.

2.67 When an account becomes delinquent, a notice is sent to the customer as well as the owner as set forth in the Borough's Policies and Procedures Manual Regarding Penalties, Charges, Delinquent Notices and the Discontinuance of Utility Service as established under Chapter 94, Attachment 2, Appendix B .

2.81 Tampering: A charge not to exceed \$10,000 may be levied, and/or the Borough may discontinue the supply of electric service and remove its equipment from consumer's premises without notice in the event evidence is found that Department's services wires, meters, seals, switch boxes or other property or appurtenances on customer's premises have been tampered with, with the intent to illegally divert current.

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3.20 Where the customer's property can be reached by one span of wire of not more than seventy five (75) feet in length, the service drop will be installed by the Department at its expense. If the distance to the customer's structure requires a span of wire exceeding seventy five (75) feet in length, the customer or owner must provide, at his own cost, a suitable intermediate pole for the wires, which must be approved by the Electric Division. The cost of additional service drop beyond 75 feet shall be paid by the customer or owner. The owner will dedicate the additional wire, pole or poles, and anchor guys, with rights to trim trees and maintain lines, to the Borough.

3.34 The Contractor will furnish and install meter cabinets. The contractor will also install the service conduit and all conductors from the point of attachment of the service drop wires through the meter cabinet and into the structure. The Borough will furnish C.T. rated meter pans only, with cost to the customer. On all primary services, the Borough will furnish all Current Transformers and Potential Transformers. The customer will be charged for the cost of the current transformers and labor to wire the current transformers to the meter pan. Owner will supply all C.T. and P.T. cabinets at the owner's expense. Acting Mayor Vitale opened up the public hearing on Ordinance 29-2017. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Wolkowitz moved that Ordinance 29-2017, which was read by title, be finally adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Acting Mayor Vitale declared Ordinance 29-2017 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

**ORDINANCE 30-2017 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 190 ENTITLED "WATER"**

BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF MADISON IN THE COUNTY OF MORRIS AND THE STATE OF NEW JERSEY, as follows:

Section 1.

Chapter 190-15 entitled "Defects in house connection" is hereby renamed "Defects in property connection, privately owned main, or service line" and amended to read as follows:

Defects in house property connection, privately owned main, or service line.

The owner of any premises shall be responsible for all repairs to any house property connections, privately owned main, or service line, and shall be liable for all loss of water and damage resulting from any defect in a house property connection, privately owned main, or service line connected to the Borough water system. The Water Superintendent and/or his/her designee has the right to enter said property and inspect said lines and connections. Except in the case of emergency, the property owner shall receive 24 hours notice before the Water Superintendent and/or designee shall have the right to enter said property. From the time any defect is discovered until the repair or replacement work is completed, the Department may shut off the water with or without notice, if necessary, and for as long as it may be deemed necessary. Leaks or damage in or to the house property

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connection, privately owned main, or service line shall be promptly reported to the Department and repaired within 30 days unless otherwise determined by the Water Superintendent. Failure to make said repairs within such timeframe shall result in a penalty of up to \$500 per day. In addition, the Water Superintendent shall determine the amount of water lost as a result of a leak in or damage to the property house connections, privately owned main, or service line using as a guide the size of the pipe and the pressure per square inch at the point of such leak and such other factors as may be applicable. The owner or consumer shall be charged for this loss at the prevailing rate for water consumed.

Chapter 190-23 entitled “Payments; penalties for nonpayment” is hereby amended to read as follows:

Bills rendered shall be due within 20 days from the date thereof.

A. Delinquent Bills, Penalties, and Discontinuance of Service. Refer to Chapter 94, Appendix B for policies concerning delinquent bills, penalties and discontinuance of service. If any bill for water charges or rents or for work done or services provided shall be and remain unpaid for a period of 30 days from the due date thereof, the Water Department shall send a notice to the owner of the premises addressed to his dwelling house or usual place of abode, by ordinary mail, informing him that if the bill is not paid within 30 days of the date of the notice, the water supply to the premises with respect to which the bill has been rendered will be discontinued and a shutoff fee, as provided in § 190-24, will be charged to the owner. If the bill remains unpaid for five days from the date of the notice mailed to the owner, as provided herein, the Water Department shall turn off the water supply to the premises to which the bill relates and charge a shutoff fee to the owner.

B. If the water supply to any premises has been discontinued under the provisions of this section, the Water Department shall not turn on and restore the water supply until the owner pays in full the bill, together with the shutoff fee, charged in accordance with this section, and a turn-on fee, as provided in § 190-33 for restoration of service.

C. Unpaid water charges or rents and other costs and expenses thereon shall be a lien upon the house, building, lot or premises to which they relate. If any bill for the use or consumption of water, water rent or charge for work done or services provided shall remain in arrears for six months or more from the due date thereof, the officer or employee of the Water Department charged with the duty of collection thereof shall file with the Tax Collector a statement showing the arrearages, and from the time of such filing, the water charges or rent shall become a lien upon the real estate to which the water was furnished and in connection with which the charges were incurred, to the same extent as taxes are a lien upon real estate in the municipality and shall be collected and enforced by the same officers and in the same manner as liens for taxes.

D. All charges and fees are payable to the Borough of Madison Water Department by mail or in person at the office of the Department. No person is authorized to accept or give a receipt for moneys due the Department except the Borough Treasurer or Clerk of the Department or their duly assigned assistants.

Chapter 190-25 entitled “Meter test; adjustments” of the “Code of the Borough of Madison” is hereby amended to read as follows:

A. Borough-owned meters of two inches or less. The consumer customer shall report promptly any meter thought to be defective or out of order. The Department will promptly comply with a request to test such meters. Should such test disclose that the meter is not defective or out of order, a charge as set forth in § 190-33, will be made for the test. Meters found to be defective or out of order during the course of such tests will be replaced or

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repaired, and the test fee will be waived. Water charges for the quarter in which the meter is found to be defective or out of order shall be based on the water consumed during the same quarter the previous year or on an average of the meter readings for the four quarters preceding that in which the meter was found to be defective or out of order, whichever is greater. The customer is responsible for maintaining adequate access to the meter as well as maintaining the plumbing and piping before and after the meter. If the Department is unable to adequately access the meter or if the Department is unable to replace the water meter due to the condition of the piping, then a penalty of up to \$1,500 per quarter may be assessed in addition to any water consumption charges until the condition is corrected.

B. Meters larger than two inches

(1) All meters larger than two inches shall be tested by April 1, 2004 December 1, 2016, by a qualified inspection agency at the expense of the meter owner. A written report from the agency shall be submitted to the Borough Water Utility within two weeks of said test. Thereafter, each meter larger than two inches shall be tested every three years or as requested by the Borough and a report submitted to the Borough as set forth herein. This report shall include: meter location; meter size, manufacturer, model, serial number, and month/year meter was manufactured; test date; test reading; and accuracy for high, intermediate and low flows; and certification from a qualified meter testing company. Failure to supply the test report as requested by the Borough within 60 days of request by the Borough will result in a penalty being assessed of up to \$100 per day. The Borough reserves the right to demand that the customer replace the meter with a different design or type approved by the Borough if the Borough deems the current meter is not appropriate for the current use based on accepted industry standards. Valves that permit water to bypass the meter shall be affixed with a Borough seal to ensure that said valve has not been used without permission of the Borough of Madison. Removal or tampering of the seal without the permission of the Borough shall result in a penalty of \$750 per offense.

(2) If any such test reveals defects, the customer shall make the repairs as requested by the Borough within sixty (60) calendar days. Failure to repair or replace the meter as requested by the Borough within 60 calendar days of request will result in a penalty of up to \$250 per day being assessed. If a meter owner fails to provide test results in conformity with this Subsection B(1) and/or fails to make the required meter repairs within the sixty (60) calendar day period, then a five percent (5%) surcharge will be added to each water bill for the first sixty calendar (60) days. After sixty (60) calendar days if the testing and/or repairs or installation have not been satisfactorily completed, the five percent (5%) surcharge will be increased to thirty-five percent (35%) and added to each water bill until the provisions of this Subsection B are satisfied and confirmed in writing to the Borough. Failure to report any repair or replacement of the water meter shall result in a penalty of up to \$750 per offense.

C. Meter Tampering

Tampering with the meter, removal of the meter, diverting water so as to bypass the meter, or using unmetered water without the consent of the Borough shall result in service being discontinued and/or a penalty not to exceed \$10,000 being assessed.

Section E of Chapter 190-33 entitled "Fees for Department Services" of the "Code of the Borough of Madison" is hereby amended to read as follows:

E. Temporary services are provided for in § 190-14 herein: \$35. Up to \$250 per quarter per residential unit and up to \$200 per quarter per 1,000 square feet of commercial space. Labor, excavation and material shall be provided for by the applicant. If consumption

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warrants it, the Chief Financial Officer may determine that the customer shall provide the Borough with a \$250 deposit for a temporary water meter which shall be installed by the Borough and read quarterly with the customer being billed based on the then current rates. The water meter deposit shall be promptly refunded when the undamaged temporary meter is returned to the Borough.

Acting Mayor Vitale opened up the public hearing on Ordinance 30-2017. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Wolkowitz moved that Ordinance 30-2017, which was read by title, be finally adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Acting Mayor Vitale declared Ordinance 30-2017 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

INTRODUCTION OF ORDINANCES- None

CONSENT AGENDA RESOLUTIONS

The Clerk made the following statement:

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

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

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

R 185-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING FRIDAY EVENING DOWNTOWN CONCERT SERIES

WHEREAS, the Downtown Development Commission has requested approval of the 2017 Summer Concert Series and authorization to close Green Village Road in front of the Museum of Early Trades and Crafts; and

WHEREAS, the concert series will begin on June 30, 2017, and will continue on July 14, 2017, July 28, 2017, August 11, 2017, August 25, 2017, and September 8, 2017, with rain dates for each concert on the following Friday evening; and

WHEREAS, Green Village Road would be closed from 5:00 p.m. to 9:00 p.m. between Main Street and Kings Road, with access maintained to the Waverly Green parking lot; and

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

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

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

1. The 2017 Summer Concert Series is approved subject to the safety requirements of the Madison Police Department.

2. The Madison Police Department is authorized to close Green Village Road between Main Street and Kings Road from 5:00 p.m. to 9:00 p.m. on June 30, 2017, and will continue on July 14, 2017, July 28, 2017, August 11, 2017, August 25, 2017, and September 8, 2017, with rain dates for each concert on the following Friday evening in conjunction with the 2017 Summer Concert Series.

R 186-2017 RESOLUTION OF THE BOROUGH OF MADISON APPROVING THE PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL DISTRIBUTION LICENSE NUMBER 1417-33-005-003

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Distribution License Number 1417-33-005-003 heretofore issued to CAMBRIDGE SHANGHAI COMPANY, LLC , to HEADWATERS SPIRITS & ENTERTAINMENT, LLC; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE BE IT RESOLVED that the Borough of Madison Governing Body does hereby approve, effective immediately, the Person-to-Person transfer of the aforesaid Plenary Retail Distribution license from CAMBRIDGE SHANGHAI COMPANY, LLC to HEADWATERS SPIRITS & ENTERTAINMENT,

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LLC, and does hereby direct the Borough Clerk to endorse the license certificate as follows: "This license, subject to all of its terms and conditions, is hereby transferred to HEADWATERS SPIRITS & ENTERTAINMENT, LLC, effective June 27, 2017.

R 187-2017 RESOLUTION OF THE BOROUGH OF MADISON RENEWING LIQUOR LICENSES IN THE BOROUGH OF MADISON FOR THE 2017-2018 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 2017 - 2018 license term be, and hereby are, approved:

CONSUMPTION LICENSE – FEE \$2,386.00; July 1, 2017 through June 30, 2018

License #1417-33-024-009
Tavern At Main Corp
t/a 54 Main Bar & Grill
54 Main Street
Madison, NJ 07940

License # 1417-33-015-004
Prospect Tavern Beef & Ale Limited Liability Company
14 Prospect Street
Madison, NJ 07940

DISTRIBUTION LICENSES - FEE: \$1,798.00; July 1, 2017 through June 30, 2018

License #1417-44-006-005
ANV Madison LLC
Main Street Wine Cellar
300 Main Street Unit 7A
Madison, NJ 07940

License # 1417-44-016-005
Sagar Beverage, LLC (inactive)
28 Phillip Dr.
Parsippany, NJ 07054

License # 1417-44-004-010
TRID CORP
MADISON WINE CELLARS
29 Main Street
Madison, NJ 07940

License #1417-44-009-008
Shah Traders Inc. (inactive)
Madison Liquor & Convenience
Madison, NJ 07940

License #1417-44-003-006 (inactive)
Silver Sea Enterprises Inc.
Bottle Hill Wine & Spirits
Madison, NJ 07940

R 188-2017 RESOLUTION OF THE BOROUGH OF MADISON CERTIFYING SUBMISSION OF EXPENDITURE FOR RECYCLING TAXES PURSUANT TO P. L. 2007, CHAPTER 311

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WHEREAS, the Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax (REA) of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the “Local Public Contracts Law”, the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW, THEREFORE, BE IT ORDAINED, by the Borough of Madison that the Borough of Madison hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2016 in the amount of \$14,116.86.

Documentation supporting this submission is available at Borough of Madison, Hartley Dodge Memorial Building, 50 Kings Rd, Madison, NJ 07940, and shall be maintained for no less than five years from this date. The REA Tax has been certified by James Burnet, Assistant Borough Administrator/ Certified Municipal Recycling Coordinator.

R 189-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF RECYCLING TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

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WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the Borough of Madison to apply for such tonnage grants will memorialize the commitment of the Borough of Madison to recycling and affirms the assent of the Council of the Borough of Madison, to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Borough of Madison hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling, and hereby designates James Burnet, Assistant Borough Administrator/Certified Municipal Recycling Coordinator of the Borough of Madison, as the individual authorized to ensure that said Application is properly filed.

R 190-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXECUTION OF A TEMPORARY ACCESS AND PERMANENT EASEMENT AGREEMENT ON THE PREMISES KNOWN AS BLOCK 1801, LOT 21 ON THE CURRENT TAX MAP OF THE BOROUGH OF MADISON

WHEREAS, the Elmer Street Storm Culvert is located within an easement between Elmer Street and Chapel Street in the Borough of Madison that is within Block 1801, Lot 21, 3 Chapel Street; and

WHEREAS, the Borough Council has determined to authorize the execution of a Temporary Access and Permanent Easement agreement with the owners of 3 Chapel Street to install, repair, replace and maintain the Elmer Street Culvert on a portion of the Grantor's property.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that the Mayor and Borough Clerk are hereby authorized to execute on behalf of the Borough of Madison a Temporary Access and Permanent Easement agreement with the owners of 3 Chapel Street in a form approved by the Borough Attorney.

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R 191-2017 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 2017

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 \$128.68 from the Municipal Court Alcohol Education Rehabilitation and Enforcement Fund and wishes to amend its 2017 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 2017 in the amount of \$128.68, which item is now available as a revenue from:

Miscellaneous
Revenues.....\$128.68
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 \$128.68 is hereby appropriated under the caption of:

General Appropriations, Other
Expenses.....\$128.68
Operation Excluded from 3.5% Caps
State and Federal programs Off-set by Revenues:
Municipal Court Alcohol Education Rehabilitation and Enforcement Fund

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

R 192-2017 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL APPLICATION FOR LIVERY DRIVER'S PERMIT FOR ROSE CITY LIMO, INC. FOR 2017

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Livery Driver's Permit be approved for the year 2017:

<u>LICENSE NO.</u>	<u>NAME</u>
17-3D	Samuel L. Mantone

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R 193-2017 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL APPLICATION OF LIVERY OWNER'S LICENSE FOR ROSE CITY LIMO, INC. FOR 2017

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Livery Owner's License renewal be approved for the year 2017:

<u>License No.</u>	<u>Company</u>	<u>Vehicles</u>
2017-12L	Rose City Limo, Inc	2
2017-13L	212 Main Street, Madison	

R 194-2017 RESOLUTION OF THE BOROUGH OF MADISON CORRECTING AND AMENDING RESOLUTION 178-2017 TO RENEW LIQUOR LICENSES IN THE BOROUGH OF MADISON FOR THE 2017-2018 LICENSE TERM

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Resolution 178-2017 approving the renewal of Liquor Licenses for the 2017- 2018 license term be, and hereby is, amended to reflect the transfer of License #1417-33-005-003, to Headwater Spirits & Entertainment, LLC

CONSUMPTION LICENSE – FEE \$2,386.00; July 1, 2017 through June 30, 2018

License #1417-33-005-003
Headwater Spirits & Entertainment, LLC
Shanghai Jazz Restaurant and Bar
24 Main Street
Madison, NJ 07940

R 195-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING LICENSE AGREEMENT BETWEEN THE BOROUGH OF MADISON AND NJ TRANSIT FOR A PORTION OF THE WAVERLY GREEN PARKING LOT

WHEREAS, Resolution 146-2012 authorized an agreement for lease of a parcel of land adjacent to 23 Waverly Place with NJ Transit (Waverly Green Parking Lot), known as License #L1427-2562-01; and

WHEREAS, the Borough of Madison and NJ Transit wish to extend the lease for an additional five (5) years; and

WHEREAS, the Borough Administrator has recommended amending the lease with NJ Transit for an additional five (5) years, expiring June 30, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Mayor and Borough Clerk are authorized to execute the First Amendment to the Lease Agreement with NJ Transit for property located adjacent to 23 Waverly Place in a form acceptable to the Borough Attorney.

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R 196-2017 RESOLUTION OF THE MADISON BOROUGH COUNCIL
EXTENDING CONTRACT AWARD FOR DAILY COMPUTER
NETWORKING/MAINTENANCE SERVICES TO SAI ENTERPRISES OF
BURLINGTON, MA

WHEREAS, the Borough of Madison entered into a contract for daily computer networking/maintenance services in 2015, for two (2) years with renewal options (the “Contract”) in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Borough of Madison and SAI Enterprises, Inc., of Burlington, Massachusetts wish to renew the contract for a two (2) year term from July1, 2017 through June 30, 2019; and

WHEREAS, the Qualified Purchasing Agent has recommended that the Borough Council extend the contract to SAI Enterprises, Inc. in the amount of \$59.50 per hour; and

WHEREAS, the Chief Financial Officer has attested that funds are available at a rate of \$59.50 per hour for this purpose in Account #501, subaccount #215, in the 2015 Operating Budget, with the subsequent years of the renewal period contingent upon adequate funding in the 2018 and 2019 budgets.

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

1. The renewal option for daily computer networking/maintenance services is hereby authorized for the term July 1, 2017 to June 30, 2019 with SAI Enterprises, Inc. based upon its bid in the amount of \$59.50 per hour.

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

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.

Tom Basta; Shunpike Road, addressed the Mayor and Council regarding bamboo, asking that the Council adopt an ordinance prohibiting this invasive plant.

Jesse Esposito; Community Place, raised concern regarding parking on Community Place asking that the Police Department enforce the 4-hour parking ordinance.

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Kathy Dailey; West End Avenue, asked that the Frequently Ask Questions regarding Resolution 57-2017 be updated on the Borough’s website. Ms. Dailey noted that she has continued concerns regarding the Welcoming Community resolution.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mr. Landrigan, seconded by Ms. Baillie 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	\$3,882,222.81
General Capital Fund	452,537.09
Electric Operating Fund	717,485.25
Electric Capital Fund	0.00
Water Operating Fund	25,239.06
Water Capital Fund	11,800.00
Trusts	<u>21,507.70</u>
Total	<u>\$5,110,791.91</u>

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

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

Nays: None

NEW BUSINESS - None

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved July 10, 2017 (EO)