

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

**June 27, 2016 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 27<sup>th</sup> day of June, 2016. Acting Mayor Catalanello called the meeting to order at 7:00 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

**STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT**

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

“In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by transmitting a copy of the meeting notice to the Madison Eagle and Morris County Daily Record, posting a copy on the bulletin board at the main entrance of the Hartley Dodge Memorial, and filing a copy in the office of the Clerk, all on January 8, 2016. 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:

Absent: Mayor Robert H. Conley, excused

Council Members:

Robert G. Catalanello

Robert Landrigan

Carmela Vitale

Astri J. Baillie

Patrick W. Rowe

Absent: Benjamin Wolkowitz, excused

Also Present:

Raymond M. Codey, Borough Administrator

James E. Burnet, Assistant Borough Administrator

Elizabeth Osborne, Borough Clerk

Matthew J. Giacobbe, Esq. Borough Attorney

**AGENDA REVIEW**

There was approval of the Regular and Executive Agenda.

**READING OF CLOSED SESSION RESOLUTION**

Mrs. Vitale moved:

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

MINUTES FOR APPROVAL (1)

May 23, 2016

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

CONTRACT MATTERS (2)

JOINT MEETING

HDM REMEDIATION

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

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LITIGATION MATTERS (4)  
TAX APPEAL – 37 CROSS GATES  
TAX APPEAL – 9 PROSPECT STREET  
TAX APPEAL – 11 EDGEWOOD ROAD  
AFFORDABLE HOUSING

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

PERSONNEL MATTERS (2)  
FIRE DEPARTMENT RULES & REGULATIONS  
METER READER – PART-TIME

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

Seconded: Mr. Landrigan  
Vote: Approved by voice vote

**RECONVENE IN COUNCIL CHAMBER**

Acting Mayor Catalanello 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 23, 2016**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Regular Meeting Minutes of May 23, 2016**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

**GREETINGS TO PUBLIC**

Acting Mayor Catalanello made the following comments:

Mr. Catalanello noted that Mayor Conley and Mr. Wolkowitz are excused from tonight's Council meeting.

**REPORTS OF COMMITTEES**

**Utilities**

Mr. Wolkowitz, Chair of the Committee, absent.

**Health**

Mr. Catalanello, Chair of the Committee made the following comments:  
The Madison Health Department reminds resident to keep properties maintained, in light of recent rodent sightings, including garbage cans with secure lids and removing ripe food from gardens.

**Finance and Borough Clerk**

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

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The Tax Collector announces that third quarter tax bills will be mailed to residents on or about July 15<sup>th</sup> with a due date of August 10<sup>th</sup>. Resident that will be unable to make the August 10<sup>th</sup> date can pay online or in advance by contacting the Tax Collector's office, for an estimated bill.

### **Public Safety**

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

The Madison Fire Department held training on June 13<sup>th</sup>, in a house on North Street before being demolished. The Fire Department will participate in the July 4<sup>th</sup> parade in the Borough of Chatham. The Police Department reports that on June 13, 2016 three officers were promoted to the rank of Sergeant. Sergeant Paul Kosakowski will assume command of the Detective Bureau, Sergeant Edward Mitchko will assume command of Patrol Squad D and Sergeant Lisa Esposito will assume command of Patrol Squad B. The Madison Police Department established an internet transaction safety zone in Borough Lot, 3 which is adjacent to the police parking lot on Kings Road.

### **Community Affairs**

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

The Dodge Field basketball court improvements project is now completed. Leagues will start again Wednesday night. The summer Nature Nuts program began today in Memorial Park and the Summer Theater will begin Wednesday, June 29<sup>th</sup> from 12:30 pm-4:30 pm, at the offices of Writers Theatre of New Jersey at Madison Civic Center, 28 Walnut Street. The Senior Center reports that the Friends of the Senior Center group is again undertaking support of the Civic Center's garden, located adjacent to the parking lot. Small That's All will clean out the overgrown areas and plant boxwood, vinca, azaleas and ornamental grasses as well as provide routine maintenance. The Summer Lecture Series will begin July 7<sup>th</sup> and the Downtown Development Commission continues the Farmers' Market each Thursday.

### **Public Works and Engineering**

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

The Water Department reports continued Water sampling taken for State mandated testing for total coliform, E coli, volatile organic compounds, and noted that the water main was shut down for the first phase of the KRE project. The Department of Public Works and the Shade Tree Management Board have completed the 2016 spring street tree and parks planting program with 105 public trees planted throughout Madison. Twenty tree trees were replaced on Ridgedale Avenue by an outside contractor as part of the Ridgedale reconstruction project - look for a color wave of redbuds next spring, and of the 128 new trees, 17 residents declined having a tree planted in the borough right-of-way, which the Board honors even though Borough code permits tree plantings. From the Engineering Department, Cifelli & Sons Construction completed drainage and curbing work at Kinney and West Streets. Subcontractor Reivax Construction finished the water utility work on Cross Street last Friday and Cifelli is currently working on drainage and curbing improvements on Cross Street. Public Service Electric & Gas has scheduled a gas main replacement on Kinney and West Streets this week and residents should be aware of the need to schedule service access with PSE&G to allow the final paving to be completed as soon as possible. Downtown paver reset and planter reconstruction work required a letter to the State Historic Preservation Office which was sent last week. This letter was copied to Madison Historic Preservation Commission for review and comment. Prospect Street Reconstruction bids were advertised last week, with bids due on July 28<sup>th</sup>

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**COMMUNICATIONS AND PETITIONS – None**

**INVITATION FOR DISCUSSION (1 of 2)**

Acting Mayor Catalanello 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 public comment was closed.

**AGENDA DISCUSSIONS – None**

**ADVERTISED HEARINGS**

The Clerk made the following statement:

Ordinances scheduled for hearing tonight were submitted in writing at a Regular meeting of the Mayor and Council held on June 13, 2016, 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 Catalanello called up Ordinances for second reading and asked the Clerk to read said ordinances by title:

**ORDINANCE 49-2016**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF THE MADISON BOROUGH CODE ENTITLED "LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF MADISON" REGARDING THE PCD-O ZONE (GIRALDA FARMS)**

**WHEREAS** the Borough amended its Master Plan in 2014 to better reflect current conditions and opportunities within the Borough's PCD-O District.

**WHEREAS** the 2014 Master Plan Land Use Element Amendment updates the land use policy for Giralda Farms (PCD-O District) and recognizes both the unique environmental setting and design of the Giralda campus, as well as more recent development trends within the campus, including multi-tenanted buildings and the need to modify certain bulk requirements to better support such development and to more effectively respond to future development opportunities.

**WHEREAS** the 2014 Master Plan Amendment identified the following goals to guide future development of Giralda Farms:

- . To continue to maximize the economic benefits of Giralda Farms to the community and region by retaining and attracting high quality jobs and innovative businesses that value the unique setting and environmental character of the campus;
- . To effectively integrate a broader range of nonresidential uses, including administrative and professional office uses in multi- tenanted buildings, and non-hazardous research/development and technology uses accessory to office uses;

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- . To recognize the unique environmental setting and design of Giralda Farms and to continue to mitigate and balance the environmental impacts of development with development opportunities through incorporation of sustainable design and low impact development techniques;
- . To strengthen and encourage transit connections between the campus and the Madison train station; and,
- . To provide greater flexibility with respect to permitted use and bulk standards of the PCD-O District with an eye toward advancing the above goals.

**WHEREAS** the following amendments to the PCD-O Zone are consistent with the recommendations of the 2014 Master Plan Amendment.

The PCD-O Planned Commercial Development-Office Zone regulations shall be amended to read as follows:

**§ 195-32.8. PCD-O Planned Commercial Development-Office Zone regulations.**

A. Purpose. The purpose of this zone is to:

- . (1) Preserve existing natural resources and give proper consideration to the physical □ constraints of the land.
- . (2) Provide for safe and efficient vehicular and pedestrian circulation.
- . (3) Provide for screening, landscaping, signing and lighting.
- . (4) To continue to maximize the economic benefits of Giralda Farms to the community and region by retaining and attracting high quality jobs and innovative businesses that value the unique setting and environmental character of the campus;.
- . (5) Provide for compliance with appropriate design standards to ensure adequate light and air, proper building arrangements and minimum adverse effects on surrounding property.
- . (6) Develop proper safeguards to minimize the impact on the environment, including, but not limited to, minimizing soil erosion and sedimentation, air and water pollution and noise levels.
- . (7) Ensure the provision of adequate water supply, drainage and stormwater management, sanitary facilities and other utilities and services.
- . (8) Retain as much of the natural, vegetative cover, particularly in critical environmental areas, where it serves important functional as well as aesthetic purposes.
- . (9) Implement the adopted policies of the Borough of Madison Comprehensive Master Plan, as amended, dealing with proper land development, site design and conservation.
- . (10) To recognize the unique environmental setting and design of Giralda Farms and to continue to mitigate and balance the environmental impacts of

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development with development opportunities through incorporation of innovative, sustainable design and low impact development techniques

- . (11) Advance and promote sound growth and the general welfare.

B. Principal permitted uses.

- (1) Business, administrative and professional offices.

(2) Up to 10% of any permitted office building may be used for any combination of the following uses:

(a) Non-hazardous laboratories, research and development, experimentation and testing;

(b) Facilities for higher education and/or partnerships between the private sector and higher education; and,

(c) High technology/innovation business incubator facility.

C. Accessory uses.

- . (1) Uses which are customarily incidental and accessory to the principal uses, as permitted herein.
- . (2) One residential conference center within a single PCD-O complex.
- . (3) Indoor and outdoor recreational facilities for use by PCD-O tenants, owners and their guests.
- . (4) One hotel within the overall PCD-O Zoning District, in accordance with the standards in Section 195-32.8.D(5).
- . (5) A full service, non-drive through restaurant or private eating club is permitted in existing (as of the date of adoption of this amendment) accessory structures only.

D. Supplementary requirements.

- . (1) Size. No tract, parcel or lot to be used for a planned commercial development- office shall contain less than 175 acres. Public or private streets, roads or rights- of-way shall not be deemed to divide acreage of a planned commercial development-office.
- . (2) Boundary line setback and perimeter buffer zone.
  - . (a) Boundary line setback requirements. No building or structure in a planned commercial development-office shall be erected within 200 feet of the right- of-way of Woodland Avenue, Madison Avenue or Treadwell Avenue, and no building or structure in the PCD-O shall be erected within 250 feet of the right-of-way of Loantaka Way.
  - . (b) Buffer zone requirements. The applicant shall be required to maintain a buffer zone area of at least 200 feet along the perimeter of any PCD-O, except that no buffer area shall be required along the interior

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periphery of any PCD-O site to the extent that said boundary line also adjoins the Borough of Madison and Township of Chatham municipal boundary line. Said buffer zone shall be kept in its natural state where wooded, and, when natural vegetation is sparse or nonexistent, the Planning Board may require the applicant to supplement the existing vegetation. Within said buffer zone, no structure or off-street parking or loading areas shall be permitted, except utility easements, gatehouses, fences and signs. Roads other than circumference roads may be permitted to cross through the buffer area. Said buffer zone may be included for the purpose of computing the planned commercial development-office density requirements.

- . (c) Reduction in buffer zone requirements. The buffer zone requirements may be reduced by the Planning Board where existing or proposed vegetation and topographic features accomplish the primary objective of preserving the vista from adjoining and boundary streets.
- . (3) Utilities. All PCD-O developments shall be served by public water and public sewers. All utility wiring shall be underground.
- . (4) Office/commercial building standards.
  - . (a) Floor area ratio. The maximum floor area ratio shall be 0.30 to the tract, but in no event shall the gross floor area within any PCD-O complex exceed 2,250,000 square feet.
  - . (b) Minimum lot size. There shall be a minimum lot size of 20 acres for each □office building operation.
  - . (c) Height. No building height or any part thereof or appurtenances thereto shall exceed the lesser of 60 feet above ground level or 50 feet above the center line of the nearest point of Loantaka Way or Madison Avenue.
  - . (d) Off-street parking. Every building shall be provided with off-street parking at a maximum ratio of 30 parking spaces for each acre of PCD-O □area. Not more than 15% of all parking shall be surface, at-grade, uncovered parking. Off-street parking shall be screened and integrated with natural grade and environmental characteristics. Smaller footprint parking structures that are not entirely subsurface are permitted in accordance with the following design standards:
    - . [1]The siting of such structures should take advantage of natural grades to minimize soil disturbance and visual impacts;
    - . [2]The height of such structures should not exceed a maximum of 20 feet above pre- development grade to the highest point of the roof or parapet of the parking structure;
    - . [3] Any above grade part of a parking structure visible from a public right-of-way should be effectively screened with dense plantings, berms, and other landscape elements;

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[4] Architectural elements should be incorporated to ensure structure design compatibility with principal structures; and,

[5] Such structures should not intrude into any required setbacks, with the exception of interior yards that do not abut any public right-of-way.

[6] In cases where structures meet these standards, the reviewing Board may exempt the parking provided in this manner from the District's surface parking cap and overall parking cap.

(e) Maximum impervious surface.

[1] Not more than 17.5% of the tract shall be developed with buildings, parking areas, walks, roads or other materials, including detention/retention basins less porous than presently existing.

[2] For purposes of calculating impervious coverage only, subsurface garages with a minimum average soil depth of at least 1.5 feet shall not count toward the calculation of impervious coverage; however, it should be noted that they may be considered impervious for purposes of stormwater management.

[3] The Planning Board may consider an increase in the maximum impervious coverage, from 17.5 to 20%, provided that there is no net increase in runoff volume and that low impact development techniques are incorporated to provide enhanced water quality and groundwater recharge.

(f) Open space organization. Open space shall be deeded to a corporation, association or other legal entity consisting of one or more of the property owners within the PCD-O for their use, control, management and maintenance. Any agreement providing for such ownership shall be reviewed and approved by the Borough Attorney to ensure that adequate safeguards are included guaranteeing the continuance of the agreement in perpetuity and protecting the Borough from harm. In any event, the agreement shall give the Borough the right to perform maintenance and assess the cost to the property owners in the event that the property owners fail to maintain the property in accordance with the agreement. All provisions of N.J.S.A. 40:55D-43 of the Municipal Land Use Law shall govern the establishment of the open space organization.

(5) Additional standards for a Hotel:

(a) A hotel in the PCD-O provides transient lodging accommodations to the general public, and contains up to 200 rooms/suites, and may include additional facilities and services, such as a full-service restaurant, meeting space/private function areas, and a fitness center/private club for use by hotel guests and the general public on a membership basis.

(b) One hotel may be permitted within the PCD-O District.

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- . (c) At least one access driveway shall be provided directly from a public right-of-way.
- . (c) No more than one freestanding sign may be permitted for each public street frontage abutting a hotel with a maximum of two such signs in total. Each sign shall contain no more than 30 square feet and be no more than five feet in height. Such signs shall be externally illuminated and attractively landscaped along their base.
- . (d) All building signs for any hotel shall be limited to no more than a total of 45 square feet, and shall be externally illuminated.

**E. Findings for PCD-O.** Prior to the preliminary approval of a PCD-O, the Planning Board should find the following facts and conclusions:

- . (1) That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning article standards and objectives pursuant to this section.
- . (2) That the proposals for maintenance and conservation of open space and buffers are reliable, and the amount, location and purpose of the open space is adequate for the objectives set forth in this article.
- . (3) That provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic and the amenities of light and air, recreation and visual enjoyment are adequate.
- . (4) That the proposed planned commercial development-office will not have an unreasonably adverse impact upon the area in which it is proposed to be established.
- . (5) In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the occupants and owners of the proposed development in the total completion of the development are adequate.
- . (6) That the proposed development will promote the PCD-O objectives.

**F. Infrastructure.**

- . (1) The Planning Board should not grant site plan approval and/or should condition such approval upon finding that:
  - . (a) The proposed stormwater management system is adequate to meet the expected stormwater flows.
  - . (b) The proposed sanitary sewage collection and treatment system is adequate to meet the expected sanitary sewage demand.
  - . (c) The proposed potable water system is adequate to meet expected water demands.
  - . (d) The proposed solid waste management plan can adequately handle the proposed solid waste to be generated by the project.

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- . (e) The roadways and intersections surrounding the zone and leading to and from the tract are capable of handling the expected traffic demands generated by the proposed development. In determining the capability of such roadways and intersections to handle the expected traffic demands to be generated by the proposed development, the Planning Board should endeavor to apply, whenever feasible and appropriate, "Level of Service C," as defined in ASHTO.
- . (f) The electric supply system is capable of handling the demand required by the proposed development.
- . (g) The proposed landscape management plan shall limit the use of pesticides and chemical fertilizers by following the principles and practices of Integrated Pest Management.
- . (2) In determining whether the systems are adequate, the Planning Board should determine that the existing system and all proposed improvements needed and necessary to accommodate the proposed development are either in existence, being constructed, bonded or included under any developer's agreement between the developer and municipality or other agency responsible for the system.
- . (3) Where appropriate, the Planning Board should make submission of a developer's agreement to be approved by the Borough Council, posting of bonds or actual installation of improvements to ensure the adequacy of the systems a requirement for final approval.
- . (4) As part of the application for site plan approval, Planning Board may impose such reasonable and appropriate traffic controls and/or monitoring of traffic conditions, including staggering of work hours, staggering of ingress and egress or some use of mass transport or van pooling, to the extent and for such reasonable time periods as such controls may be required by the anticipated traffic to be generated by the proposed development during peak hours. However, where it appears that such controls or agreement involves a capital contribution of public funds for any road, intersection or other off-site improvements, then, to the extent of such expenditure or public funds, the approval of the Borough Council shall also be obtained.

(5) All developer's agreements required under this section shall be in recordable form.

This Ordinance shall take effect as provided by law.

Acting Mayor Catalanello opened up the public hearing on Ordinance 49-2016. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 49-2016, which the Borough Clerk read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Wolkowitz

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Acting Mayor Catalanello declared Ordinance 49-2016 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 50-2016  
ORDINANCE OF THE BOROUGH OF MADISON AMENDING  
ORDINANCE 2-2016 APPROPRIATING \$33,500.00 FROM THE GENERAL  
CAPITAL IMPROVEMENT FUND FOR ENVIRONMENTAL ENGINEERING  
SERVICES AT THE HARTLEY DODGE MEMORIAL TO INCREASE THE  
APPROPRIATION FROM \$33,500.00 TO \$73,500.00**

**WHEREAS**, Ordinance 2-2016 of the Borough of Madison appropriated \$33,500.00 from the General Capital Improvement Fund for environmental engineering services at the Hartley Dodge Memorial; and

**WHEREAS**, the Borough Engineer has recommended that the Borough amend Ordinance 2-2016 to appropriate an additional \$40,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 2-2016 to \$73,500.00 to complete NJDEP submittals and plans and specifications; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$73,500.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should amend Ordinance 2-2016 to appropriate an additional \$40,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 2-2016 to \$73,500.00.

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

**SECTION 1:** Ordinance 2-2016 is hereby amended to appropriate an additional \$40,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 2-2016 to \$73,500.00 to complete NJDEP submittals and plans and specifications.

**SECTION 2:** The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

**SECTION 3:** This Ordinance shall take effect as provided by law.

Acting Mayor Catalanello opened up the public hearing on Ordinance 50-2016. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Rowe moved that Ordinance 50-2016, which the Borough Clerk read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Wolkowitz

Acting Mayor Catalanello declared Ordinance 50-2016 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 51-2016**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING SECTION 185-29 OF THE BOROUGH CODE TO PROHIBIT PARKING ON A PORTION OF THE EAST SIDE OF HIGHLAND AVENUE DURING SCHOOL AND SPORTING EVENTS AT MADISON JUNIOR SCHOOL**

**WHEREAS**, the Chief of Police has recommend there be no parking on a portion of the East Side of Highland Avenue, during school hours of Madison Junior School and during sporting events of Madison Junior School; and

**WHEREAS**, the Borough Council has determined that Chapter 185 of the Madison Borough Code entitled “Vehicles and Traffic” should be amended in order to implement this change.

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

**Section 1:** Section 185-29 of the Code of the Borough of Madison entitled

“Schedule I: No Parking”, is hereby amended to include the following:

<u>Name of Street</u>	<u>Sides</u>	<u>Location</u>
Highland Avenue	East	South of Brittin Street, 300ft to the bend

The No parking restrictions will apply during the school year, during school hours and sporting events held at Madison Junior School

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

Acting Mayor Catalanello opened up the public hearing on Ordinance 51-2016. Since no member of the public wished to be heard, the public hearing was closed.

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Mrs. Vitale moved that Ordinance 51-2016, which the Borough Clerk read by title, be finally adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Wolkowitz

Acting Mayor Catalanello declared Ordinance 51-2016 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

***INVITATION FOR DISCUSSION (2 of 2)***

Mayor opened the meeting to the public for their opportunity to ask questions and make comments on any subject. Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record.

**He/she shall limit his/her statement to three (3) minutes or less.**

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

***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 July 11, 2016, 2016 in the 2<sup>nd</sup> Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinances will be published in the Madison Eagle, be posted at the main entrance to the Borough offices and be made available to members of the public requesting same, as required by law.

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

ORDINANCE 52-2016

ORDINANCE OF THE BOROUGH OF MADISON AMENDING AND SUPPLEMENTING CERTAIN AFFORDABLE HOUSING PROVISIONS OF CHAPTERS 195-46, 195-47 AND 195-48 OF THE MADISON BOROUGH CODE ENTITLED "LAND DEVELOPMENT ORDINANCE"

**STATEMENT OF PURPOSE:** The purpose of this ordinance is to clarify and amend certain provisions of the Borough Code pertaining to affordable housing, pending adoption of a comprehensive affordable housing ordinance after approval by the New Jersey Superior Court.

**WHEREAS**, the Borough of Madison, pursuant to the decision of the New Jersey Supreme Court *In the Matter of Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, N.J. 221, NJ., 1 (2015)*, filed a

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Declaratory Judgment Action on July 7, 2015 with the Superior Court, Law Division, Morris County (the “Court Action”); and

**WHEREAS**, as part of the Court Action, the Borough of Madison submitted, on November 30, 2015, its proposed Fair Share Housing Plan, which includes a proposed comprehensive amendment to the Borough Affordable Housing codes; and

**WHEREAS**, given the unanticipated time delays in the Court Action, the Borough has determined that it is in the best interest of the Borough to take the interim step of amending and clarifying certain sections of Chapters 195-46, 195-47 and 195-48, including eliminating references to prior regulations of the New Jersey Council on Affordable Housing (“COAH”) which are no longer in effect; and

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

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

**I**

**Section 195-46 of the Madison Borough Code entitled “Affordable Housing Development Fees” shall be amended and supplemented as follows:**

**SECTION 195-46B** shall be deleted in its entirety and replaced with the following:

B. Basic Requirements. The Borough of Madison shall continue to collect development fees, and shall spend those development fees in accordance with any spending plan approved by COAH or approved in the Court Action.

**SECTION 195-46E** shall be deleted in its entirety and shall be replaced with the following:

E. Non-residential development fees. Non-residential development fees shall be collected in accordance with *The New Jersey Non-Residential Development Fee Act* N.J.S.A. 40:55D-8.1 through 8.8.

**SECTION 195 F(4)** The phrase “growth share or” shall be deleted.

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SECTION 195-46J All references to “RCA” or “RCAs” (Regional Contribution Agreements) are hereby deleted. The last sentence of 195-46J(1) shall be amended to read in its entirety as follows:

“The expenditure of all funds shall conform to a spending plan approved by COAH or a spending plan approved in the Court Action.”

SECTION 195-46L (containing a December 31, 2014 expiration date for actions taken with regard to development fees) shall be deleted in its entirety.

**II**

**Section 195-47 of the Madison Borough Code, entitled “Affordable Housing Policies, Procedures and Administration” shall be amended and supplemented as follows:**

SECTION 195-47B(2) is amended to read as follows:

(B)(2) Notwithstanding anything in this Section 195-47(B) to the contrary, the Mayor and Borough Council may, at any time by Resolution, designate an entity other than the Madison Affordable Housing Corporation to perform all or any portion of the administrative and/or other functions set forth in Chapter 195-47.

SECTION 195-47E(5)(a) and (b) shall be deleted in their entirety and replaced with the following:

(a) Income eligible residents of the Borough of Madison shall be given priority for any units addressing the Borough’s present need under the Fair Housing Act which are rehabilitated/created using affordable housing trust funds collected pursuant to Chapter **§ 195-46**.

(b) Except as provided in (a) above, there shall be no residency preference given to Borough of Madison residents for units funded in whole or in part from the affordable housing trust fund, unless such residency preferences are permitted by COAH or approved in the Court Action.

SECTION 197-47V shall be deleted in its entirety and replaced with the following:

“The Administrator shall implement the affirmative marketing program for affordable housing that has been or will be approved by Resolution of the Mayor and Council of the Borough of Madison”.

**III**

**Section 195-48 of the Madison Borough Code entitled “Affordable Housing Inclusionary Development Requirements” shall be amended and supplemented as follows:**

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SECTION 195-48A shall be amended to read in its entirety as follows:

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

SECTION 195-48C(5) the exemption in this section shall be eliminated in its entirety.

SECTION 195-48D(1) shall be deleted in its entirety and the following shall be inserted in its place:

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

(1) In the case of residential development in any zoning district involving the creation and/or development and/or addition of five or more market rate dwelling units and/or single-family building lots: (i) at least twenty percent (20%) of all for-sale dwelling units and/or for sale single family building lots must be an affordable housing unit; and (ii) at least fifteen (15%) of all rental units must be an affordable housing unit. Any fractional affordable housing requirement shall be addressed by a payment in lieu pursuant to **§ 195-48D(2)** unless the developer agrees to round up the number of affordable units to next whole number. The required affordable housing unit(s) shall be constructed on-site unless the Mayor and Council, after referral by the Planning Board, approves a proposal involving the provision of affordable housing elsewhere within the Borough. Construction of the affordable housing unit(s) shall be subject to the standards and requirements in **§ 195-48F**, and shall be subject to the affordable housing policies, procedures and administration provisions of **§ 195-47**.

SECTION 195-48E shall be deleted in its entirety and the following shall be inserted in its place:

E. All mixed use developments that involve the creation and/or development and/or addition of five or more market rate dwelling units and/or single family building lots shall be subject to the affordable housing inclusionary development requirements set forth in Chapter 195-48 of the Madison Borough Code.

SECTION 195-48F(3) (requiring residential units in a mixed use development to be compatible in design to the non-residential use) shall be deleted in its entirety.

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SECTION 195-48H(2) shall be amended to delete the second sentence which reads “In the case of non-residential development, the payment amount shall be recalculated in the event that there has been a change in the total square footage of the building or structure”.

**IV**

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

**V**

This Ordinance shall take effect as provided by law.

Ms. Baillie moved that Ordinance 52-2016, which the Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Wolkowitz

**ORDINANCE 53-2016**

**ORDINANCE OF THE BOROUGH OF MADISON  
APPROPRIATING \$100,000.00 FROM THE GENERAL CAPITAL  
IMPROVEMENT FUND FOR FUEL STORAGE EXPANSION AT  
THE DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$100,000.00 from the General Capital Improvement Fund for Fuel Storage Expansion at the Department of Public Works; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$100,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$100,000.00 from the General Capital Improvement Fund for Fuel Storage Expansion at the Department of Public Works.

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

**SECTION 1:** The amount of \$100,000.00 is hereby appropriated from the General Capital Improvement Fund for Fuel Storage Expansion at the Department of Public Works.

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SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mr. Rowe moved that Ordinance 53-2016, which the Borough Clerk read by title, be adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Wolkowitz

**CONSENT AGENDA RESOLUTIONS**

The Clerk made the following statement:

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

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

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

Nays: None

Absent: Mr. Wolkowitz

R 197-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2021

**WHEREAS**, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of education, and other public bodies located in the County of Morris and adjoining counties; and

**WHEREAS**, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

**WHEREAS**, the Borough of Madison desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency to renew its membership in the MCCPC for the period of October 1, 2016 through September 30, 2021.

**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 Mayor and Borough Clerk are hereby authorized to execute an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2016 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2016 through September 30, 2021.

2. The Borough Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.

3. This Resolution shall take effect immediately upon final passage according to law.

4. All appropriate Madison Borough officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

R 198-2016 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING THE AWARD OF A PURCHASE ORDER/CONTRACT TO FOLEY, INC. OF PISCATAWAY, NEW JERSEY FOR THE PURCHASE OF A MINI EXCAVATOR WITH ATTACHMENTS UNDER THE NATIONAL IPA COOPERATIVE CONTRACT

**WHEREAS**, the Borough of Madison desires to award a purchase order/contract for the purchase of a mini excavator and accessories to an authorized vendor under the National IPA Co-Operative Pricing Council program; and

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

**WHEREAS**, Foley, Inc. of Piscataway, New Jersey has been awarded the National IPA Co-Operative Pricing Council Contract for Excavators; and

**WHEREAS**, the Superintendent of Public Works has recommended that the Borough Council utilize this contract for the purchase of a mini excavator and accessories in the amount of \$69,382.07; and

**WHEREAS**, a notice of Intent to Award a Contract under a National Cooperative Purchase Agreement was published in the *Daily Record* on June 3, 2016, as specified in Local Finance Notice LFN# 2012-10; and

**WHEREAS**, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$69,382.07 for this purpose, which funds are appropriated by Ordinance 25-2016.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that a purchase order/contract awarded to Foley, Inc. of Piscataway, New Jersey, for the purchase of a mini excavator and accessories, at a total price not to exceed \$69,382.07 under

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the National IPA Co-Operative Pricing Council Contract is hereby ratified and approved.

**R 199-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING TEMPORARY SIGNS FOR MORRIS COUNTY 4H CLUB**

**WHEREAS**, the 4-H Association and the Rutgers Cooperative Extension of Morris County have requested permission to put up temporary signs advertising the Morris County 4-H Fair on July 20-24, 2016, in Chester; and

**WHEREAS**, the signs would be located at the intersection of Woodland Road and Loantaka Way, at the intersection of Loantaka Way and Madison Avenue, and at Main Street at the Chatham border, commencing on July 1, 2016 and removed by July 25, 2016; and

**WHEREAS**, the Zoning Officer has recommended that a temporary sign permit be issued.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the request of the 4-H Association and the Rutgers Cooperative Extension of Morris County to put up temporary signs as described herein from July 1, 2016 to July 25, 2016, is approved.

**R 200-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY MADISON COMMUNITY POOL CORPORATION**

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

MADISON COMMUNITY POOL CORPORATION  
I.D. No. 274-8-35601  
R.A. No. 1379 – On premise 50/50  
Date of Raffle: July 10, 2016

**R 201-2016 RESOLUTION OF THE BOROUGH OF MADISON RENEWING LIQUOR LICENSES IN THE BOROUGH OF MADISON FOR THE 2016-2017 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 2016 - 2017 license term be, and hereby are, approved:

**CONSUMPTION LICENSE – FEE \$2,386.00; July 1, 2016 through June 30, 2017**

License # 1417-33-015-004  
Prospect Tavern Beef & Ale Limited Liability Company

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14 Prospect Street  
Madison, NJ 07940

DISTRIBUTION LICENSES - FEE: \$1,798.00; July 1, 2016 through June 30, 2017

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

R 202-2016 RESOLUTION OF THE BOROUGH OF MADISON IN THE COUNTY OF MORRIS AUTHORIZING SETTLEMENT OF THE 2011 THROUGH 2016 TAX APPEALS ENTITLED COWAN, JAMES AND KATHLEEN V. BOROUGH OF MADISON, DOCKET NOS.: 010025-2011; 002668-2012; 007557-2013; 004548-2014; 004830-2015; 004941-2016 OF THE TAX ASSESSMENT OF BLOCK 4004, LOT 26, KNOWN AS 37 CROSS GATES IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

**WHEREAS**, appeals of the real property tax assessment for tax years 2011 through 2016 on Block 4004, Lot 26 have been filed by the Taxpayers, Cowan, James and Kathleen; and

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

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Madison, New Jersey, as follows:

1. Settlement of the 2011 tax appeal is hereby authorized as follows:

37 Cross Gates  
Block 4004, Lot 26  
**Year: 2011**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 594,900	N/A	\$ 594,900
Imprvts:	\$ 563,200	N/A	\$ 425,700
Total:	\$1,158,100	N/A	\$1,020,600

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

37 Cross Gates  
Block 4004, Lot 26  
**Year: 2012**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 594,900	N/A	\$ 594,900
Imprvts:	\$ 563,200	N/A	\$ 442,100
Total:	\$1,158,100	N/A	\$1,037,000

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

37 Cross Gates  
Block 4004, Lot 26

**Year: 2013**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 920,300	N/A	\$ 920,300
Imprvts:	\$ 828,500	N/A	\$ 828,500
Total:	\$1,748,800	N/A	\$1,748,800

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

37 Cross Gates  
Block 4004, Lot 26

**Year: 2014**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 920,300	N/A	\$ 920,300
Imprvts:	\$ 828,500	N/A	\$ 756,600
Total:	\$1,748,800	N/A	\$1,676,900

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

37 Cross Gates  
Block 4004, Lot 26

**Year: 2015**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 920,300	N/A	\$ 920,300
Imprvts:	\$ 828,500	N/A	\$ 671,800
Total:	\$1,748,800	N/A	\$1,592,100

6. Settlement of the 2016 tax appeal is hereby authorized as follows:

37 Cross Gates  
Block 4004, Lot 26

**Year: 2016**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 920,300	N/A	\$ 920,300
Imprvts:	\$ 828,500	N/A	\$ 668,600
Total:	\$1,748,800	N/A	\$1,588,900

7. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

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R 203-2016 ITEM REMOVED AND THE # RETIRED

R 204-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING THE PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL DISTRIBUTION LICENSE NUMBER 1417-44-001-008

**WHEREAS**, an application has been filed for a Person-to-Person Transfer of Plenary Retail Distribution License Number 1417-44-001-008 heretofore issued to WHOLE FOODS MARKET GROUP, Inc. , to CROSS ATLANTIC VINES, 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 WHOLE FOODS MARKET GROUP, Inc., to CROSS ATLANTIC VINES, 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 CROSS ATLANTIC VINES, LLC., effective June 27, 2016.

R 205-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL APPLICATION OF LIVERY OWNER'S LICENSE FOR ROSE CITY LIMO, INC. FOR 2016

**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 2016:

<u>LICENSE NO.</u>	<u>NAME</u>	<u>Vehicles</u>
2016-16	Ann Marie Davies	2
2016-17	Samuel L. Mantone Rose City Limo, Inc. 212 Main Street, Madison	

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R 206-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL APPLICATION FOR LIVERY DRIVER'S PERMIT FOR ROSE CITY LIMO, INC. FOR 2016

**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 2016:

<u>LICENSE NO.</u>	<u>NAME</u>
16-4D	Samuel L. Mantone

R 207-2016 RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MADISON IN THE COUNTY OF MORRIS AUTHORIZING SETTLEMENT OF THE 2011, 2012, 2013, 2014, 2015 AND 2016 TAX APPEALS ENTITLED JOHN V. & SAVERIO ALLOCCA V. BOROUGH OF MADISON, DOCKET NOS.: 008373-2011; 008748-2012; 003330-2013; 003948-2014; 002849-2015; 003355-2016 OF THE TAX ASSESSMENT OF BLOCK 2702, LOT 17, KNOWN AS 9 PROSPECT STREET IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

**WHEREAS**, appeals of the real property tax assessment for tax years 2011, 2012, 2013, 2014, 2015 and 2016 on Block 2702, Lot 17 have been filed by the Taxpayers, John V. & Saverio Allocca; and

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

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Madison, New Jersey, as follows:

1. Settlement of the 2011 and 2012 tax appeals is hereby authorized as follows:

9 Prospect Street  
Block 2702, Lot 17  
**Years: 2011, 2012**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 760,000	N/A	\$ 760,000
Imprvts:	\$ 837,100	N/A	\$ 540,000
Total:	\$1,597,100	N/A	\$1,300,000

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

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9 Prospect Street  
Block 2702, Lot 17  
**Year: 2013**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$1,098,000	N/A	WITHDRAWN
Imprvts:	\$1,012,700	N/A	WITHDRAWN
Total:	\$2,110,700	N/A	WITHDRAWN

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

9 Prospect Street  
Block 2702, Lot 17  
**Year: 2014**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$1,098,000	N/A	\$1,098,000
Imprvts:	\$1,012,700	N/A	\$1,002,000
Total:	\$2,110,700	N/A	\$2,100,000

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

9 Prospect Street  
Block 2702, Lot 17  
**Year: 2015**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$1,098,000	N/A	\$1,098,000
Imprvts:	\$1,012,700	N/A	\$ 902,000
Total:	\$2,110,700	N/A	\$2,000,000

5. Settlement of the 2016 tax appeal is hereby authorized as follows:

9 Prospect Street  
Block 2702, Lot 17  
**Year: 2016**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$1,098,000	N/A	WITHDRAWN
Imprvts:	\$ 802,000	N/A	WITHDRAWN
Total:	\$1,900,000	N/A	WITHDRAWN

6. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the

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Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

**R 208-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING MEMBERSHIP IN THE 2016-2017 EMPLOYEE WELLNESS PROGRAM THROUGH THE MADISON YMCA**

**WHEREAS**, the Borough Administrator 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 \$20,000 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 2016 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 209-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SETTLEMENT OF THE 2016 TAX APPEAL ENTITLED JEANNE & CHARLES HORSEY V. BOROUGH OF MADISON, DOCKET NO. : 002436-2016 OF THE TAX ASSESSMENT OF BLOCK 3804, LOT 9, KNOWN AS 11 EDGEWOOD ROAD, IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY**

**WHEREAS**, an appeal of the real property tax assessment for tax year 2016, involving Block 3804, Lot 9, has been filed by the Taxpayers, Jeanne and Charles Horsey; and

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

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

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

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1. Settlement of the 2016 tax appeal is hereby authorized as follows:

11 Edgewood Road  
Block 3804, Lot 9  
**Year 2016**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 604,300	DIRECT	\$ 604,300
Imprvts:	\$ 684,300	APPEAL	\$ 515,700
Total:	\$1,288,600		\$1,120,000

2. All Borough officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Borough Tax Appeal Attorney to enter into the Stipulation of Settlement as provided by Taxpayer.

R 210-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF A POLICE DEPARTMENT VEHICLE UNDER MORRIS COUNTY COOPERATIVE PRICING COUNCIL

**WHEREAS**, the Borough of Madison desires to award a contract for the purchase of a Police department vehicle under the Morris County Co-Operative Pricing Council program; and

**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**, Beyer Ford, 170 Ridgedale Avenue Morristown, New Jersey, 07960 has been awarded Morris County Co-Operative Pricing Council contract number 15-A Item #10; and

**WHEREAS**, the Police Chief has recommended that the Borough Council utilize this contract for purchase of a Police department vehicle as follows; under contract 15-A, Item #10, one 2016 Ford Police F150 for \$33,117.00; and

**WHEREAS**, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$33,117, through Appropriation Ordinance 40-2016.

**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 purchase of a Police department vehicle, one 2016 Ford F150 for \$33,117.00 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 Beyer Ford, 170 Ridgedale Avenue Morristown, New Jersey, 07960, for the

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purchase of a Police department vehicle at a total price not to exceed \$33,117.00, in a form acceptable to the Borough Attorney.

**R 211-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF A POLICE DEPARTMENT VEHICLE UNDER MORRIS COUNTY COOPERATIVE PRICING COUNCIL**

**WHEREAS**, the Borough of Madison desires to award a contract for the purchase of a Police department vehicle under the Morris County Co-Operative Pricing Council program; and

**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**, Beyer Ford, 170 Ridgedale Avenue Morristown, New Jersey, 07960 has been awarded Morris County Co-Operative Pricing Council contract number 15-A Item #5; and

**WHEREAS**, the Police Chief has recommended that the Borough Council utilize this contract for purchase of a Police department vehicle as follows; under contract 15-A, Item #5, one 2016 Ford Police Interceptor SUV for \$29,536.60; and

**WHEREAS**, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$29,536.60, in the 2016 Police Operation budget.

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

1. A contract for the purchase of a Police department vehicle, one 2016 Ford Police Interceptor SUV for \$29,536.60 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 Beyer Ford, 170 Ridgedale Avenue Morristown, New Jersey, 07960, for the purchase of a Police department vehicle at a total price not to exceed \$29,536.60, in a form acceptable to the Borough Attorney.

***UNFINISHED BUSINESS*** - None

***APPROVAL OF VOUCHERS***

On motion by Mr. Rowe, 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.

Public Safety	\$36,362.55
Health & Public Assistance	3,085.66
Public Works & Engineering	192,666.37
Community Affairs	2,631.39
Finance & Borough Clerk	4,239,187.08
Utilities	<u>737,751.31</u>

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Total \$5,211,684.36

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

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

Nays: None

Absent: Mr. Wolkowitz

**NEW BUSINESS** - None

**ADJOURN**

There being no further business to come before the Council, the meeting was adjourned at 8:21 p.m.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved July 11, 2016 (EO)