

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

July 10, 2017 – 7:30 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 10th day of July, 2017. Mayor Conley 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

Council Members:

Carmela Vitale

Benjamin Wolkowitz

Patrick W. Rowe

Maureen Byrne

Absent: Robert Landrigan, excused

Astri J. Baillie, excused

Also Present:

Raymond M. Codey, Borough Administrator

James E. Burnet, Assistant Borough Administrator

Elizabeth Osborne, Borough Clerk

Michael A. Augello, Jr., Esq. for 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)

June 26, 2017

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

CONTRACT MATTERS (1)

MADISON CHATHAM JOINT MEETING UPDATE

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

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LITIGATION MATTERS (1)
JETS HELISTOP

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

Seconded: Ms. Byrne
Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

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

APPROVAL OF MINUTES

Mrs. Vitale moved approval of the **Executive Minutes of June 26, 2017**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

Mrs. Vitale moved approval of the **Regular Meeting Minutes of June 26, 2017**. Mr. Wolkowitz seconded the motion, which passed with the following roll call vote recorded:

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

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

Mayor Conley thanked Mrs. Vitale for chairing the previous Council Meeting and noted his meeting with resident commuters at the Madison Train Station this morning, the first day of the change in NJTransit train schedules due to repair work at New York's Penn Station.

EMPLOYEE OF THE MONTH FOR JULY

The Employee of the Month for July is Tom DeBiasse of the Department of Public Works for his commitment and dedication coming to work on his vacation day to handle the emergent sewer collapse at Central and Cook Avenues. He did an excellent job of minimizing the inconvenience to residents and reducing the cost to the Borough by doing this work in-house rather than utilizing an outside contractor.

ANNIVERSARIES FOR JULY:

Firefighter Brian Allen of the Madison Fire Department – 25 Years on July 13th
Lieutenant Kyle Wickman of the Madison Fire Department – 20 Years on July 15th

Mayor Conley administered the oath of office to Volunteer Firefighters Sean Donnelly and Mathew Wexler.

REPORTS OF COMMITTEES

Public Works and Engineering

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

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Cifelli & Son Contracting continues work on the 2017 Road Improvements program. Zuccaro Contractors is working for the County of Morris on the signal replacement at the Loantaka-Woodland Roads intersection. Public Service Gas continues work on Woodland and Green Avenues and on Madison Avenue (NJ Rte 124). Work is also planned on Main Street this summer between Greenwood Avenue and Division Avenue. Due to the State budget impasse, the mailing of third quarter tax bills has been delayed. A notification will be placed on Rosenet when bills will be mailed out. Residents will have 25 days from the date of that mailing to pay their bill. Residents that will be away in late July and early August can pay their property taxes on-line at anytime from anywhere by logging onto rosenet.org and clicking "Online Bills". Please call the Tax Collector at 973-593-3056 during regular business hours to find out the amount of your third quarter tax bill. The handheld devices are in and billing and meter reading staff will start using them later in the week. All new electric meters will have the ability to remotely talk to this device. The water department will be installing special communication modules on water meters which will allow them to talk to the handheld devices. Later this evening the Chief Financial Officer will present the Borough's annual audit which was recently completed and reviewed by the Audit Committee. It is a clean audit and we appreciate all the hard work that the Borough employees do every day with financial management and internal controls.

Public Safety

Mr. Landrigan, Chair of the Committee, absent.

Finance and Borough Clerk

Ms. Baillie, Chair of the Committee, absent.

Utilities

Mr. Wolkowitz, Chair of the Committee, made the following comments: The Water Department continues to sample water for quarterly reporting. The Annual Water Report has been mailed to all residents and the staff continues mark outs and shutoff services. The Electric Department installed new poles on Community Place, Green Village Road, Dellwood Park, Kings Road and Pomeroy Road and they have begun installation of new "smart meters"

Health

Mr. Rowe, Chair of the Committee, made the following comments: The Health Department is working on an ordinance to address noxious weed growth, including Bamboo. They also remind residents that warm weather usually sees increases in reports of illnesses caused by improperly handled foods. Tips for safe food handling and outdoor cooking in warm temperatures will be posted on Rosenet on the Health Department pages. Tips for managing extreme hot weather and staying safe in the summer sun will also be posted on Rosenet.

Community Affairs

Ms. Byrne, Chair of the Committee, made the following comments: The Fire Department reports that all ladders have passed the annual testing process and new training begins on recently purchased rescue struts. The Downtown Concert Series will continue this Friday, July 14th at 6:00 p.m., featuring a performance by 'FabForward', a Beatles tribute band.

COMMUNICATIONS AND PETITIONS- None

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INVITATION FOR DISCUSSION (1 of 2)

Mayor Conley opened the meeting to the public for their opportunity to ask questions and make comments on those items listed on the Agenda only. Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record. **He/she shall limit his/her statement to three (3) minutes or less.**

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

AGENDA DISCUSSIONS

07/10/2017-1 2016 MUNICIPAL AUDIT AND CORRECTIVE ACTION PLAN
Mr. Burnet explained that the Council has received the Borough Auditor's report for 2016 with minor corrective action items. There was consensus to list resolutions on the Consent Agenda pertaining to the 2016 audit and Corrective Action Plan.

Resolutions 198-2017 and 201-2017 are listed on Consent Agenda.

ADVERTISED HEARINGS - None

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.**

Jesse Esposito; Community Place, raised concern regarding smoking near her residence on Community Place and provided additional pictures regarding parking.

John Hoover; Overhill Drive, noted a news report that the Borough filed opposition to the proposed helistop at the Jets property in Florham Park, and thanked the Mayor and Mr. Giacobbe for listening to residents' concerns regarding the Welcoming Community resolution

Tom Abruzzo; Maple Avenue, reported an update on his commute to New York City, noting the temporary change in train schedules added an additional fifteen minutes. Mr. Abruzzo noted that minutes of the June 12th Council Meeting do not reflect Mr. Giacobbe's legal summarization of a sanctuary city and feels his concerns are not yet addressed.

Kathy Dailey; West End Avenue, raised concern regarding the community's misconception of a Welcoming Community vs. a Sanctuary City and suggested a new resolution be considered.

Bob Jennings; Albright Circle, inquired about fees paid by the developer of the former Green Village Road School property, including PILOT tax payments.

Dennis Schreiber; Amelia Court, asked if the Borough maintains a report of violations in the downtown area, noting a recent fire on Main Street.

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Terry Romano; West Lane, voiced concern regarding overgrown of plants and shrubs at many Borough intersections, and asked that property maintenance be enforced.

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

The ordinance scheduled for introduction and first reading tonight has a hearing during the meeting of July 24, 2017 in the 2nd Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinance will be published in the Madison Eagle, be posted at the main entrance to the Borough offices and be made available to members of the public requesting same, as required by law.

Mayor Conley called up Ordinance 31-2017 for first reading and asked the Clerk to read said ordinance by title:

ORDINANCE 31-2017 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING ORDINANCE 21-2017 APPROPRIATING \$20,000.00 FROM
THE GENERAL CAPITAL IMPROVEMENT FUND FOR AN EMERGENCY
BACKUP GENERATOR AT THE MIDWOOD WATER TANK TO INCREASE
THE APPROPRIATION FROM \$20,000.00 TO \$26,000.00

WHEREAS, Ordinance 21-2017 of the Borough of Madison appropriated \$20,000.00 from the General Capital Improvement Fund for an Emergency Backup Generator at the Midwood Water Tank; and

WHEREAS, the Fire Chief has recommended that the Borough amend Ordinance 21-2017 to appropriate an additional \$6,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 21-2017 to \$26,000.00 for an Emergency Backup Generator at the Midwood Water Tank; 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 \$26,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should amend Ordinance 21-2017 to appropriate an additional \$6,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 21-2017 to \$26,000.00 for an Emergency Backup Generator at the Midwood Water Tank.

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 21-2017 is hereby amended to appropriate an additional \$6,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 21-2017 to \$26,000.00 for an Emergency Backup Generator at the Midwood Water Tank.

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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.

Mrs. Vitale moved that Ordinance 31-2017, which the Borough Clerk read by title, be adopted. Ms. Byrne seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Landrigan, Ms. Baillie

CONSENT AGENDA RESOLUTIONS

The Clerk made the following statement:

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

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

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

Nays: None

Absent: Mr. Landrigan, Ms. Baillie

R 197-2017 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY BPOE #1465 MADISON LODGE TO CONDUCT DAILY INSTANT RAFFLE GAMES, INCLUDING SUNDAYS

WHEREAS, N.J.S.A. 5:8-1 et seq. and N.J.A.C. 13:47-1.1 et seq. prohibit the conducting of games of chance on Sunday unless specifically authorized by a duly adopted municipal ordinance; and

WHEREAS, on March 8, 1982, the Council of the Borough of Madison adopted Ordinance No. 5-82 to allow the Council, by resolution, to permit qualified organizations to conduct games of chance on Sunday; and

WHEREAS, the New Jersey Legalized Games of Chance Control Commission has issued Registration Identification No. 274-6-34038 to BPOE #1465 Madison Lodge; and

WHEREAS, an Application for Raffles License, together with all necessary documents and fees, has been submitted to the Madison Borough Clerk's Office by BPOE #1465 Madison Lodge to conduct Instant Raffle Games seven days a week on its premises at 192 Main Street, Madison, from September 8, 2017 through September 8, 2018.

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

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Application for Raffles License, R.A. No. 1412, to be held as listed above, be and the same is hereby approved.

**R 198-2017 RESOLUTION OF THE BOROUGH OF MADISON
PERTAINING TO THE 2016 AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled: "General Comments and Recommendations"; and

WHEREAS, the members of the Governing Body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: "General Comments and Recommendations" as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon

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conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit their office.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Madison, County of Morris, State of New Jersey, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

R 199-2017 RESOLUTION OF THE BOROUGH OF MADISON
CERTIFYING SUBMISSION OF EXPENDITURE FOR RECYCLING TAXES
PURSUANT TO P. L. 2007, CHAPTER 311

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/CFO/ Certified Municipal Recycling Coordinator.

R 200-2017 RESOLUTION OF THE BOROUGH OF MADISON
AWARDING PROFESSIONAL SERVICES CONTRACT TO HELENA
RUMAN ARCHITECTS TO DESIGN ROOF REPAIRS FOR THE MADISON
PUBLIC LIBRARY IN THE AMOUNT OF \$13,000.00

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WHEREAS, the Borough Engineer has recommended repairs/replacement of the Madison Public Library roof, including replacing flashing, drains and adding new roofing materials; and

WHEREAS, said services would constitute professional services for which a contract may be awarded without the need of competitive bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the Contract to Helena Ruman Architects in an amount not to exceed \$13,000.00, for design services to repair the Madison Public Library roof; and

WHEREAS, Helena Ruman Architects has submitted to the Borough Purchasing Agent the required documents to satisfy the requirements of N.J.S.A. 19:44A-20.5, since this matter may be awarded without competitive bidding; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$13,000.00 for this purpose, in Ordinance 18-2017.

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

1. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Helena Ruman Architects for design services for the repair and replacement of the roof at the Madison Public Library in an amount not to exceed \$13,000.00, such contract to be in a form approved by the Borough Attorney.

2. The Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough of Madison within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.

R 201-2017 RESOLUTION OF THE BOROUGH OF MADISON APPROVING THE 2016 CORRECTIVE ACTION PLAN REPORT

WHEREAS, the 2016 Audit Report prepared by the Municipal Auditor contained five (5) recommendations to be remedied; and

WHEREAS, the Chief Financial Officer has prepared a Corrective Action Plan which the Borough Council has reviewed and approved.

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 Corrective Action Plan attached hereto is hereby approved.

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R 202-2017 RESOLUTION OF THE BOROUGH OF MADISON, COUNTY OF MORRIS, STATE OF NEW JERSEY CORRECTING CANCELLED GRANT BALANCES

WHEREAS, Resolution 123-2017 contained \$6,750.52 in Alcohol Education and Rehabilitation Grant funds that should not have been cancelled, and

WHEREAS, the Chief Financial Officer wishes to correct this and make these funds available as appropriation balances.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Madison, County of Morris State of New Jersey, that Resolution 123-2017 be modified and the Alcohol Education and Rehabilitation Grant funds remain available as appropriation balances.

R 203-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A GRACE PERIOD FOR THE THIRD QUARTER TAX PAYMENTS

WHEREAS, the Tax Collector will be unable to issue Tax Bills for the third and fourth quarters of 2017 in a timely fashion, due to delays in receiving certified tax rate which led to delay in processing of the tax bills; and

WHEREAS, the third installment of current year taxes shall not be subject to interest until the later of August 1, the additional interest-free period authorized pursuant to R.S. 54:4-67, or the twenty-fifth calendar day after the date that the tax bill was mailed or otherwise delivered. Any payment received after the twenty-fifth calendar day the tax bill was mailed may be charged interest back to August 1. The tax bill shall contain a notice specifying the date on which the interest may begin to accrue.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Madison, in the County of Morris and state of New Jersey that pursuant to R.S.54.4-67, the grace period for the third quarter tax payments shall be extended to the twenty-fifth calendar day after the date that the tax bill was mailed.

BE IT FURTHER RESOLVED that a copy of this Resolution be filed in the Office of the Borough Clerk.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mrs. Vitale, seconded by Ms. Byrne 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.

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Current Fund	\$521,412.26
General Capital Fund	434,835.27
Electric Operating Fund	236,394.01
Electric Capital Fund	218.26
Water Operating Fund	27,955.92
Water Capital Fund	9,770.00
Trusts	<u>32,687.00</u>
Total	<u>\$1,263,272.72</u>

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

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

Nays: None

Absent: Mr. Landrigan, Ms. Baillie

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 24, 2017 (EO)