

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

**July 11, 2016 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 11<sup>th</sup> day of July, 2016. 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 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:

Mayor Robert H. Conley

Council Members:

Robert G. Catalanello

Robert Landrigan

Carmela Vitale

Absent, excused: Astri J. Baillie

Benjamin Wolkowitz

Patrick W. Rowe

Also Present:

Raymond M. Codey, Borough Administrator

James E. Burnet, Assistant Borough Administrator

Elizabeth Osborne, Borough Clerk

Matthew J. Giacobbe, Esq. Borough Attorney

**AGENDA REVIEW**

There was approval of the Regular and Executive Agenda.

**READING OF CLOSED SESSION RESOLUTION**

Mr. Wolkowitz moved:

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

MINUTES FOR APPROVAL (1)

June 13, 2016

June 27, 2016

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

CONTRACT MATTERS (3)

HDM REMEDIATION

MADISON COMMONS SEWERAGE AGREEMENT

**Regular Meeting Minutes – July 11, 2016**

GROTTA GRANT PHASE 2 APPLICATION

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

Seconded: Mr. Catalanello  
Vote: Approved by voice vote

**RECONVENE IN COUNCIL CHAMBER**

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

Mayor Conley asked for a moment of silence for five police officers murdered in Dallas, Texas. Mayor Conley noted that he has asked for a moment of silence for moviegoers in Aurora, Colorado, children and teachers in Sandy Hook, Connecticut, officer workers in San Bernardino, California, residents of Orlando, Florida and again this evening for Police Officers in Dallas, Texas. Mayor Conley also noted that the members of the Madison Police Department and police officers across our county need and deserve our support. Mayor Conley ordered all Borough flags to be flown at half staff on Friday, July 15<sup>th</sup>.

**APPROVAL OF MINUTES**

Mr. Catalanello moved approval of the **Executive Minutes of June 13, 2016**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Mr. Catalanello moved approval of the **Regular Meeting Minutes of June 13, 2016**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Mr. Catalanello moved approval of the **Executive Minutes of June 27, 2016**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Mr. Catalanello moved approval of the **Regular Meeting Minutes of June 27, 2016**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

**GREETINGS TO PUBLIC**

Mayor Conley made the following comments:

## ***Regular Meeting Minutes – July 11, 2016***

### **EMPLOYEE OF THE MONTH FOR JULY:**

Employee of the Month for July is Lisa Quinn of the Construction Department for her commitment and dedication working to close out many old and complicated permits, resulting in the issuance of a record number of certificates in the month of May and her mentoring of summer interns and part-time employees.

### **ANNIVERSARIES FOR JULY:**

James Finelli of the Department of Public Works – 30<sup>th</sup> Anniversary on July 7<sup>th</sup>

Jack Dunne of the Madison Fire Department – 25<sup>th</sup> Anniversary on July 15<sup>th</sup>

## **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 residents to use care this summer season, including the use of sunscreen, and notes that pets also need care during hot weather. Please remove all standing water for mosquito control and never leave food or garbage out of doors, so as not to attract wildlife and rodents. Reporting for the Engineering Department, Mr. Catalanello noted that Cifelli & Sons Construction completed drainage, curb and sidewalk work at Cross Street this past week. Subcontractor Reivax Construction finished all water utility work. Public Service Electric & Gas has started a gas main replacement on Kinney and West Streets. Downtown planter reconstruction work on Waverly Place was initiated last week. Prospect Street Reconstruction bids have been advertised and are due on July 28<sup>th</sup>. An Executive Order from Governor Chris Christie dated June 30, 2016 placed all Municipal Aid projects in moratorium due to financial constraints of the Transportation Trust Fund. This will not immediately impact any of Madison's construction projects, but will delay reimbursements for reconstruction work on Ridgedale Avenue. A pre Bid meeting for North Street Pump Station was held with interested bidders on July 7, 2016. Bids are due July 26<sup>th</sup>. Vollers Construction Co. expects to start work on the Danforth Road Sports Fields Site Remediation project on July 18<sup>th</sup>. Contract letters have been sent to Leo Hinds regarding poor seed and turf maintenance at the Memorial Park Skating Rink and Sports Field. Additional work is required to have the surface playable in September. The Memorial Park Letter of Interpretation application will be resubmitted this week with all state comments addressed. The wetland buffers are anticipated to be 150 feet in forested areas and 50 feet in previously developed areas. The final letter from the state is expected by the end of August.

### **Finance and Borough Clerk**

Mr. Landrigan, Chair of the Committee, made the following comments: The third quarter tax bills will be mailed to property owners this week, with a due date of August 1<sup>st</sup>. If residents are away on August 1<sup>st</sup>, payments can be made online or ahead of time in the Tax Collector office at the Hartley Dodge Memorial. Employee pension contributions have increased as of July 1<sup>st</sup> to 7.20%.

### **Public Safety**

Mrs. Vitale, Chair of the Committee, made the following comments: The Madison Fire Department responded to 131 incidents during the month of June, including 29 general alarms, 24 still alarms, 30 investigations and 38 medical calls.

**Regular Meeting Minutes – July 11, 2016**

The new battery operated ‘Jaws of Life’ is now in service and all personnel have been trained in use. Mrs. Vitale read an editorial from the July 8<sup>th</sup> *Madison Eagle* regarding the recent police shooting in Dallas, Texas, noting the support for our local police officers and thanking them for their service. Mrs. Vitale also noted that all share their pain. The Water Utility Department reports continued sampling for State mandated testing, 41 requests for service locations and markouts, and three service turn-offs for repairs. A water main for the KRE project has been relocated and a mini-excavator has been delivered.

**Community Affairs**

Ms. Baillie, Chair of the Committee, absent.

**Public Works and Engineering**

Mr. Rowe, Chair of the Committee, absent.

**COMMUNICATIONS AND PETITIONS - NONE**

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

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

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

**AGENDA DISCUSSIONS**

**07/11/2016-1** STATE HIGHWAY ROUTE 24 IMPROVEMENTS UPDATE  
Mayor Conley announced a meeting of Federal, State and local officials to discuss improvements to State Highway 24 and the surrounding roadways, due to continued construction along the Park Avenue corridor. The work session will be held Tuesday, July 26<sup>th</sup> at the Hartley Dodge Memorial.

**07/11/2016-2** Item removed and the # retired

**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 27, 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.

Mayor Conley called up Ordinances for second reading and asked the Clerk to read said ordinances 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”**

***Regular Meeting Minutes – July 11, 2016***

**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 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:

**Regular Meeting Minutes – July 11, 2016**

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.

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.

**Regular Meeting Minutes – July 11, 2016**

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:**

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:

**Regular Meeting Minutes – July 11, 2016**

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.

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.

Mayor Conley opened up the public hearing on Ordinance 52-2016. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 52-2016, 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. Catalanello, Mr. Landrigan, Mrs. Vitale

Nays: None

Absent: Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Mayor Conley declared Ordinance 52-2016 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 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

**Regular Meeting Minutes – July 11, 2016**

**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.

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

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

Mayor Conley opened up the public hearing on Ordinance 53-2016. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Catalanello moved that Ordinance 53-2016, which was 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

Nays: None

Absent: Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Mayor Conley declared Ordinance 53-2016 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 discussion was closed.

***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.

**Regular Meeting Minutes – July 11, 2016**

Mr. Catalanello moved adoption of the Resolutions listed on the Consent Agenda. Mr. Landrigan seconded the motion. Mr. Giacobbe read in full Resolution 219-2016 as amended. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mr. Catalanello, Mr. Landrigan, Mrs. Vitale

Nays: None

Absent: Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

R 212-2016 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 2016

**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 \$20,487.08 from the State of NJ, Division of Highway Traffic Safety, Drunk Driving Enforcement Fund and wishes to amend its 2016 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 2016 in the sum of \$20,487.08, which item is now available as a revenue from the state of N. J. Division of Highway Traffic Safety, Drink Driving Enforcement Fund; and

**BE IT FURTHER RESOLVED**, that the like sum of \$20,487.08 is hereby appropriated under the caption ‘2016 Drunk Driving Enforcement Grant’; and

**BE IT FURTHER RESOLVED**, that the above is the result of funds from the State of NJ, Division of Highway Traffic Safety, Drunk Driving Enforcement Fund, in the amount of \$20,487.08.

R 213-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF A 19-TON MULTIPURPOSE TRUCK FROM BUCKS COUNTY INTERNATIONAL, INC. OF LANGHORNE, PENNSYLVANIA

**WHEREAS**, the Borough of Madison desires to purchase a vehicle for the Public Works Department from an authorized vendor under State Contract #T-2787/79123; and

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

***Regular Meeting Minutes – July 11, 2016***

**WHEREAS**, Bucks County International, Inc., 134 Old Oxford Valley Road, Langhorne, PA has been awarded New Jersey State contract number #T-2787/79123; and

**WHEREAS**, the Superintendent of Public Works has recommended that the Borough Council utilize this contract for a 19-ton multipurpose truck, and accessory equipment in the amount of \$128,999.00; and

**WHEREAS**, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$128,999.00 for this purpose in Ordinance 22-2016.

**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. The purchase of a 19-ton multipurpose truck and accessory equipment from Bucks County International, Inc., at a total price not to exceed \$128,999.00 is hereby approved under the New Jersey State contract number # T-2787/79123.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Bucks County International, Inc. for the purchase of a 19-ton multipurpose truck and accessory equipment at a total price not to exceed \$128,999.00, in a form acceptable to the Borough Attorney.

R 214-2016 RESOLUTION OF THE BOROUGH OF MADISON AWARDING PROFESSIONAL SERVICES CONTRACT TO MOTT MACDONALD AS A LICENSED SITE REMEDIATION PROFESSIONAL AT THE HARTLEY DODGE MEMORIAL IN THE AMOUNT OF \$53,000.00

**WHEREAS**, the Borough Administrator has recommended that a site remediation investigation at Borough owned property known as Hartley Dodge Memorial be conducted (hereinafter the “Contract”); 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 Qualified Purchasing Agent has determined and certified in writing that the cost of those services will exceed \$17,500.00; and

**WHEREAS**, the Borough Administrator has recommended that the Borough Council award the Contract to Mott MacDonald in an amount not to exceed \$53,000.00, as a Licensed Site Remediation Professional for remediation issues at Hartley Dodge Memorial; and

**WHEREAS**, Mott MacDonald, 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**, Mott MacDonald has completed and submitted a Business Entity Disclosure Certification which certifies that Mott MacDonald has not made

***Regular Meeting Minutes – July 11, 2016***

any reportable contributions to a political or candidate committee in the Borough of Madison in the previous one year, and that the contract will prohibit Mott MacDonald from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$53,000.00 for this purpose, which funds are available in Ordinance 50-2016.

**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. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Mott MacDonald as a Licensed Site Remediation Professional at Hartley Dodge Memorial in an amount not to exceed \$53,000.00, such contract to be in a form approved by the Borough Attorney.

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

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

R 215-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RELEASE OF PERFORMANCE BOND FOR JOHN DESIMONE REGARDING THE DEVELOPMENT ON BLOCK 3404 LOT 4, a/k/a 397 WOODLAND ROAD, MADISON, NEW JERSEY

**WHEREAS**, the Borough Engineer has recommended that the Performance Bond of \$29,430.00 be released to John DeSimone, in connection with site improvements located at 397 Woodland Road, Block 3404, Lot 4; and

**WHEREAS**, the Borough Engineer advises that all site work has been completed.

**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 Performance Bond described herein be released to John DeSimone upon confirmation by the Borough Engineer that all conditions and requirements specified in the applicable zoning approval, Borough Code and BOCA Code are satisfied.

**Regular Meeting Minutes – July 11, 2016**

R 216-2016 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, 2016 through September 8, 2017.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the aforementioned Application for Raffles License, R.A. No. 1380, to be held as listed above, be and the same is hereby approved.

R 217-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING 35<sup>th</sup> ANNUAL GIRALDA FARMS RUN ON SUNDAY, NOVEMBER 20, 2016

**WHEREAS**, the Rose City Runners Club has requested permission to use portions of Loantaka Way, Woodland Road, Treadwell Avenue, Dodge Drive and Madison Avenue in connection with the annual Giralda Farms Run; and

**WHEREAS**, the Police Chief recommends approval of this request; and

**WHEREAS**, the Rose City Runners Club has agreed to reimburse the Madison Police Department for all expenses incurred in connection with the monitoring of said race; and

**WHEREAS**, the Borough Council has reviewed said request and determined that it should be granted.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the Rose City Runners Club is hereby granted permission to use portions of Loantaka Way, Woodland Road, Treadwell Avenue, Dodge Drive and Madison Avenue in connection with the annual Giralda Farms Run to be conducted on Sunday, November 20, 2016, between the hours of 10:00 a.m. and 2:00 p.m. subject to the condition that the

***Regular Meeting Minutes – July 11, 2016***

Rose City Runners Club reimburse the Madison Police Department for all expenses incurred in connection with the monitoring of said race.

**R 218-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH MADISON COMMONS CONDOMINIUM ASSOCIATION**

**WHEREAS**, Madison Common Condominium Association has a detention basin on its property located in Madison, N.J.; and

**WHEREAS**, the detention basin accumulated extraordinarily large amounts of silt and debris, which required dredging; and

**WHEREAS**, Madison Commons Condominium Association has incurred expense associated with dredging and maintenance of the basin, for several years and anticipates additional expenses in 2016; and

**WHEREAS**, the parties have entered into an agreement where in the Borough will contribute to the expenses for dredging and maintenance of the basin; and

**WHEREAS**, the Borough Attorney and the Borough Administrator have both recommended the settlement; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of funds in Account 470 (Contingency) for this purpose.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the Borough shall pay the Madison Commons Association the sum of \$5,000.00 each July 1<sup>st</sup>, until and including July 1, 2020 and that the Mayor and Borough Clerk are authorized to execute any documents deemed necessary to effectuate the settlement.

**R 219-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AN APPLICATION FOR PHASE 2 OF THE GROTTA FUND FOR SENIOR CARE AGE FRIENDLY COMMUNITIES GRANT**

**WHEREAS**, the Madison/Chatham Tri-Town 55+ Coalition for Age Friendly Communities has met all requirements in Phase I of the Grotta Fund for Senior Care to apply for the \$75,000 Phase 2 Age Friendly Communities Grant on behalf of Madison and The Chathams; and

**WHEREAS**, this coalition will function to assess the assets and needs of the communities to become or maintain age friendly status; and

**WHEREAS**, the grant will run in two parts for up to \$25,000 from October 1, 2016 through December 31, 2016 in Part A and up to \$75,000 (less the amount

**Regular Meeting Minutes – July 11, 2016**

spent in Part A) from January 1, 2017 through September 30, 2017 for Part B and will be renewable for two additional years; and

**WHEREAS**, there is a 100% match request that will be met through existing resources and in-kind donations and will not require additional funds from any of the involved communities.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris in the State of New Jersey that the governing body shall approve the Madison/Chatham Tri-Town 55+ coalition and Madison Health Department making an application for the \$75,000 Phase 2 Age Friendly Communities grant.

**BE IT FURTHER RESOLVED**, that this Resolution shall become effective immediately upon passage; and

**BE IT FURTHER RESOLVED**, that this Resolution is expressly contingent upon the Board of Health providing a quarterly report documenting the direct and indirect costs incurred as a result of the Phase 2 Grotta grant to the Madison governing body.

R 220-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY BAROQUE ORCHESTRA OF NEW JERSEY

**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:

BAROQUE ORCHESTRA OF NEW JERSEY  
I.D. No. 323-5-41099  
R.A. No. 1381 – On Premise  
August 13, 2016

R 221-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY PTSO MADISON HIGH SCHOOL

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

PTSO MADISON HIGH SCHOOL  
I.D. No. 274-5-33795  
  
R.A. No. 1382– On Premise  
October 27, 2016

**Regular Meeting Minutes – July 11, 2016**

R.A. No. 1383 – Off Premise  
October 27, 2016

R.A. No. 1384 – On Premise  
September 1, 2016  
September 10, 2016  
September 24, 2016  
October 1, 2016  
October 29, 2016  
November 24, 2016

R 222-2016 RESOLUTION OF THE BOROUGH OF MADISON AMENDING  
RESOLUTION 210-2016 AUTHORIZING CONTRACT FOR A POLICE VEHICLE  
THROUGH THE MORRIS COUNTY CO-OPERATIVE PRICING COUNCIL

**WHEREAS**, Resolution 210-2016 awarded a contract through the Morris County Co-Operative Pricing Council 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 \$33,117.00; and

**WHEREAS**, the Qualified Purchasing Agent has recommended that the Borough amend Resolution 210-2016 to correctly state that the purchase of the police vehicle is a direct purchase in the amount of \$33,117.00 from Beyer Ford, with funds appropriated in Ordinance 40-2016; and

**WHEREAS**, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$33,117.00, in 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. Resolution 210-2016 is amended to correctly state that the purchase of the police vehicle is a direct purchase with Beyer Ford.
2. The Administrator is hereby authorized to execute, on behalf of the Borough, an amended 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 \$33,117.00, in a form acceptable to the Borough Attorney.

***UNFINISHED BUSINESS*** - None

***APPROVAL OF VOUCHERS***

On motion by Mr. Wolkowitz, seconded by Mr. Catalanello and carried, the following vouchers of the Borough of Madison were approved for payment, and the

**Regular Meeting Minutes – July 11, 2016**

supporting documentation of said vouchers was made part of the Supplemental Minute Book.

Public Safety	\$55,858.27
Health & Public Assistance	1,548.85
Public Works & Engineering	69,746.16
Community Affairs	58,737.01
Finance & Borough Clerk	528,869.81
Utilities	<u>298,500.84</u>
Total	<u>\$1,013,260.94</u>

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

Yeas: Mr. Catalanello, Mr. Landrigan, Mrs. Vitale

Nays: None

Absent: Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

**NEW BUSINESS**

Mayor Conley announces the following appointments and requested Council confirmation:

Madison Housing Authority

**Diane Driscoll**; 70 Union Hill Road, Commissioner, Madison Housing Authority through August 10, 2021

**Jerald Mantone**; 1 Highland Ave., Commissioner, Madison Housing Authority through August 10, 2020

Mrs. Vitale moved confirmation of the foregoing appointments. Mr. Landrigan seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mr. Catalanello, Mr. Landrigan, Mrs. Vitale

Nays: None

Absent: Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

**ADJOURN**

There being no further business to come before the Council, the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved July 25, 2016 (EO)