

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

August 14, 2017 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 14th day of August, 2017. Mayor Conley called the meeting to order at 7:00 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

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

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

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

Also Present:

Raymond M. Codey, Borough Administrator
James E. Burnet, Assistant Borough Administrator
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)

July 24, 2017

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

CONTRACT MATTERS (7)

HOUSING AUTHORITY

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ELECTRIC POWER PURCHASE
JOINT MEETING EMERGENCY TRUNK LINE REPAIR
TWO NEW, UNUSED BUCKET TRUCKS
GIRALDA FARMS
MOTT MACDONALD, INC.
CIFELLI & SON GENERAL CONTRACTING, INC.
Date of public disclosure 60 days after conclusion, if disclosure required.

PERSONNEL MATTERS (3)
POLICE DEPARTMENT VACANCY
FINANCE DEPARTMENT
CONSTRUCTION DEPARTMENT
Date of public disclosure 90 days after conclusion, if disclosure required.

LITIGATION MATTERS (2)
JETS HELISTOP
TAX APPEAL – 184 GREEN AVENUE
Date of public disclosure 60 days after conclusion, if disclosure required.

Seconded: Mr. Landrigan
Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

Mayor Conley reconvened the Regular Meeting at 8:10 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 former Hartley Dodge Foundation Trustee Helen Platt.

Mayor Conley thanked various staff for their hard work on the 2017 Road Reconstruction project including the Borough Engineer, Police Officers and Public Works staff. Mayor Conley announced that the Madison Board of Health will consider an ordinance regarding bamboo at the next regularly scheduled meeting, of Tuesday, August 15th. Mayor Conley noted that following several meetings with residents regarding the adoption of Resolution 57-2017 expressing Madison's commitment to equal, respectful and dignified treatment of all people, there is no need to alter the resolution, and that the resolution is not the weaken of any laws but helps to reduce fear of any retaliation.

APPROVAL OF MINUTES

Mr. Wolkowitz moved approval of the **Executive Minutes of July 24, 2017**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

Mrs. Vitale moved approval of the **Regular Meeting Minutes of July 24, 2017**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

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GREETINGS TO PUBLIC

Mayor Conley made the following comments:

EMPLOYEE OF THE MONTH FOR AUGUST

The Employee of the Month for August is Fred Rivera of the Department of Public Works for his commitment and dedication as evidenced by the excellent job he did maintaining the Madison Junior School fields for Madison Softball.

REPORTS OF COMMITTEES

Public Works and Engineering

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

The Mechanics Department has serviced and repaired vehicles and equipment for the Police, Fire, Senior Citizens and Public Works departments, as well as maintenance on the leaf collection machines. The Parks Department staff continues watering flower baskets and recreational fields maintenance. The Roads Department replaced the stairs to the skating rink and installed various street signs. The Engineering Department reports that Cifelli & Son Contracting completed drainage, curb and sidewalk work on Howell and Locust Streets. Drainage improvements will begin this week on Tracy Lane and Valevue Road. Milling and paving work for the seven roads in the reconstruction contract will begin next Monday. The County of Morris has indicated signal replacement work at the Loantaka-Woodland Road intersection will conclude this month.

Public Safety

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

The Police Department provided the monthly activity report for July 2017, including 3142 calls for service, including 652 enforcement calls and 86 non criminal calls.

Finance and Borough Clerk

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

The Finance Department made the semi-annual loan payment August 1st to the NJ Environmental Trust for the MRC. Tax Bills were mailed July 26th and the Tax Office reports only one property on the annual tax sale notice. A seminar will be held for fourteen local students on Wednesday, August 16th, providing information on the economics of recycling, property taxes and municipal finance. Mayor Conley, Councilmembers Carmela Vitale and Astri Baillie will be in attendance.

Utilities

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

The Water Department reports a 6 inch water main break on Central Avenue and training for the remote meter readers continues.

Health

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

At tomorrow's monthly meeting, the Board of Health will begin reviewing draft ordinances for bamboo and other invasive species, as well as for feral cats. The Health Department is making final preparations for its upcoming flu clinics. Dates to be announced soon. The Health Educator is working with the Bike and Walk Coalition to create community walking groups originating from the Farmer's Market and the Health Department staff will have a Tobacco Cessation/Awareness booth at the August 17th Farmer's Market.

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Community Affairs

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

A new app will be launched September 18th to help residents and visitors find parking, etc. in the downtown. On September 7th merchants will hold a “Back to School” sidewalk sale and on September 16th the 2nd Annual Madison Storytellers Festival will be held on Green Village Road, between Main Street and Kings Road.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

Email received August 10, 2017, from John Larkin of Elm Street, regarding cable service.

Additional signatures received August 14, 2017, from Sandy Kosakowski of Park Avenue, regarding saving the movie theater.

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

08/11/2017-1 DCA BEST PRACTICES - AUTHORITY DISCUSSION

Mr. Burnet provided discussion of the assessment of local authorities including the Madison Housing Authority and the NJ Public Power Authority, noting both continuing to fulfill their mission.

ADVERTISED HEARINGS

The Clerk made the following statement:

The ordinance scheduled for hearing tonight was submitted in writing at a Regular meeting of the Mayor and Council held on July 24, 2017, was introduced by title and passed on first reading, was published in the Madison Eagle and made available to members of the general public requesting same.

Mayor Conley called up Ordinance 32-2017 for second reading and asked the Clerk to read said ordinance by title:

**ORDINANCE 32-2017 ORDINANCE OF THE BOROUGH OF
MADISON RESCINDING A PORTION OF ORDINANCE 44-84,
AMENDING CHAPTER 185-32 ENTITLED “VEHICLES AND
TRAFFIC” OF THE BOROUGH CODE TO RESCIND TWO
HOUR PARKING ON UNION AVENUE**

WHEREAS, Ordinance 44-84, adopted November 12, 1984, established a two hour parking limit the entire length of Union Avenue; and

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WHEREAS, the Police Chief has recommended that the portion of Ordinance 44-84 regarding Union Avenue be rescinded effective immediately, due to the adoption of Ordinance 7-2017, limiting parking on all Borough streets to four hours.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and the State of New Jersey that the portion of Ordinance 44-84 regarding Union Avenue be rescinded; and

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

SECTION 1: That Chapter 185-32, Schedule IV: Time-Limit Parking, of the Borough Code, be amended to remove Union Avenue in its entirety.

SECTION 2: This Ordinance shall take effect on adoption.

Mayor Conley opened up the public hearing on Ordinance 32-2017. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Landrigan moved that Ordinance 32-2017, which was read by title, be finally adopted. Ms. Byrne seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mayor Conley declared Ordinance 32-2017 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

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.

Jean Sher; Kitchell Place, thanked the Mayor and Council for referring the bamboo issue to the Board of Health, noting damage to her property.

Larry Sher; Kitchell Place, provided samples of invasive bamboo and asked that Council support the Board of Health in adopting a resolution.

Theresa Romano; West Lane, noted running bamboo is like a cancer to the land, and asked that an ordinance be adopted.

Jessie Esposito; Community Place, thanked the Mayor and Council for their assistance regarding parking on Community Place.

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Sandy Kosakowski; Park Avenue, provided additional signatures on a petition regarding the sale of the movie theater property on Lincoln Place, and urged Council to read comments provided with signatures.

Kathy Dailey; West End Avenue, stated that ‘Welcoming Community’ resolution adopted in February was never about Madison, but aimed at Washington, noting that the resolution has had an adverse effect on the community.

Chris Schorr; Shadylawn Drive, noted that the ‘Welcoming Community’ resolution means what it says and thanked the Mayor and Council for listening to residents.

Denis Schreiber; Amelia Court, suggested that the ‘Welcoming Community’ resolution was not necessary and has had an opposite effect on the community.

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 September 11, 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 ordinances will be published in the Madison Eagle, be posted at the main entrance to the Borough offices and be made available to members of the public requesting same, as required by law.

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

ORDINANCE 33-2017 ORDINANCE OF THE BOROUGH
OF MADISON APPROPRIATING \$50,000.00 FROM THE
GENERAL CAPITAL IMPROVEMENT FUND FOR THE
PURCHASE OF BODY CAMERAS FOR MADISON POLICE
OFFICERS

WHEREAS, Police Chief Dachisen has recommended that the Borough appropriate \$50,000.00 from the General Capital Improvement Fund for the purchase of body cameras and related equipment for Madison Police officers; 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 \$50,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$50,000.00 from the General Capital Improvement Fund for the purchase of body cameras and related equipment for Madison Police officers.

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 \$50,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of body cameras and related equipment for Madison Police officers.

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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. Landrigan moved that Ordinance 33-2017, 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: Mr. Landrigan, Mrs. Vitale, Ms. Baillie,
Mr. Wolkowitz, Mr. Rowe, Ms. Byrne
Nays: None

ORDINANCE 34-2017 ORDINANCE OF THE BOROUGH
OF MADISON APPROPRIATING \$65,000.00 FROM THE
GENERAL CAPITAL IMPROVEMENT FUND FOR POLICE
FIRING RANGE IMPROVEMENTS

WHEREAS, Police Chief Dachisen has recommended that the Borough appropriate \$65,000.00 from the General Capital Improvement Fund for Police Firing Range Improvements; 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 \$65,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$65,000.00 from the General Capital Improvement Fund for Police Firing Range Improvements.

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 \$65,000.00 is hereby appropriated from the General Capital Improvement Fund for Police Firing Range Improvements.

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. Landrigan moved that Ordinance 34-2017, 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: Mr. Landrigan, Mrs. Vitale, Ms. Baillie,
Mr. Wolkowitz, Mr. Rowe, Ms. Byrne
Nays: None

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ORDINANCE 35-2017 ORDINANCE OF THE BOROUGH
OF MADISON AMENDING CHAPTER 195 OF THE
BOROUGH CODE, LAND DEVELOPMENT ORDINANCE,
REGARDING CHANGE IN BUILDING OCCUPANCY AND
USE

WHEREAS, the Planning Board has recommended amending Chapter 195 of the Borough Code, the Madison Land Development Ordinance, in regard to a change in building occupancy and use; and

WHEREAS, the Borough Council has considered the proposed amendment to the Madison Land Development Ordinance and wishes to amend the Code as recommended.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that Chapter 195 of the Borough Code entitled “Madison Land Development Ordinance” shall be amended as follows:

SECTION 1: Sections 195-20B(2) and Section 195-32.4F shall have the following added to them:

I. AMEND Section 195-20.B(2).

Zoning permit required for change of use, change of occupancy or change of ownership, as follows.

(2) Change in use or occupancy.

(a) A change in use or occupancy of a building or land **in all zoning districts except the CBD-1 Zone**, requires site plan approval if one or more of the following criteria is met as determined by the Zoning Officer or his designee:

[1] The previous use never received required site plan approval.

[2] The proposed use requires more off-street parking than the previous use based upon the parking requirements of this chapter.

[3] The proposed use has significantly different hours of operation than the previous use.

[4] The proposed use has different loading requirements that require deliveries by vehicles that exceed 30 feet in length.

[5] The proposed use involves the storage or handling of chemicals or hazardous substances.

[6] The proposed use will generate a greater amount of solid waste requiring one or more dumpsters to be stored outside.

(b) In determining whether the above criteria are met, the Zoning Officer or his designee may refer the matter to the Technical Coordinating Committee for review and recommendation.

(c) In the CBD-1 Zone, a change in use or occupancy of a building or land requires site plan approval if one or more of the following criteria is met as determined by the Zoning Officer or his/her designee:

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[1] The proposed use requires more off-street parking than the previous use based upon the parking requirements of this chapter.

[2] The proposed use opens before 5am and is proposed to stay open past 11pm.

[3] The proposed use requires deliveries by vehicles that exceed 30 feet in length.

[4] The proposed use involves the storage or handling of chemicals or hazardous substances.

[5] The proposed use will require one or more new dumpsters to be stored outside.

II. AMEND Section 195-32.4F. CBD-1, CBD-2 Central Business District Zones regulations for off-street parking, as follows.

F. Off-street parking.

(1) Off-street parking requirements in the CBD-1 and CBD-2 Zones shall meet the nonresidential parking requirements set forth in the tables provided in Parking Schedule I in § 195-35, reduced by 20%, as well as the parking requirements for residential use as per the NJRSIS, except that on-street parking shall not be

counted towards the parking requirement. In evaluation of parking requirements, the reviewing board may consider demand management approaches, such as provision of carsharing, ridesharing and shuttles, and may further reduce the required parking by up to 10% based on documentation provided by an applicant outlining proposed demand management techniques.

(2) If there is a change in building occupancy (tenancy), but not use [as defined by § 195-20B(2), and no physical expansion is proposed, additional parking above what is already provided (on site, off site, or through a shared parking agreement) is not required and no parking variance is necessary.

(3) If there is a change in building occupancy and use (but not physical expansion), then the parking requirements are computed based on the difference between the parking required for the legally existing (prior) use versus the parking required for the new (proposed) use, provided there shall be no reduction in the amount of any existing on-site or designated off-site parking; however, further provided that retail uses with incidental accessory sales of food or beverage items (comprising less than 5% of total establishment revenue or less than 15% of establishment floor area), as well as specialty food establishments of less than 1,500 square feet that do not provide full meals for on-site or off-site consumption, may include up to eight seats for on-site consumption of such items without generating any additional off-street parking requirements in the CBD Zones.

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(4) Parking requirements may be addressed in the CBD Zones through a shared parking approach between compatible uses either on or off tract. The off-tract parking shall be located within five blocks or 1,000 feet of the subject property. Documentation shall be provided to support the feasibility of shared parking, including an analysis of the uses sharing the parking and the peak usage periods for each, hours of operation of uses sharing the parking, and lot capacity (number of spaces) based on existing and proposed usage of the lot. A written contractual arrangement should be secured for a minimum two-year period, with a renewable option between parties.

(5) There shall be no minimum required off-street parking in the CBD-1 Zone for permitted ground floor non-residential uses with public street frontage or frontage on a municipal alley or municipal parking lot.

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

Ms. Baillie moved that Ordinance 35-2017, 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. Landrigan, Mrs. Vitale, Ms. Baillie,
Mr. Wolkowitz, Mr. Rowe, Ms. Byrne
Nays: None

ORDINANCE 36-2017 ORDINANCE OF THE BOROUGH
OF MADISON APPROPRIATING \$190,000.00 FROM THE
GENERAL CAPITAL IMPROVEMENT FUND FOR THE
PURCHASE OF A TWENTY TON TRUCK

WHEREAS, the Director of Public Works has recommended that the Borough appropriate \$190,000.00 from the General Capital Improvement Fund to purchase a twenty ton truck with accessories for the Public Works Department; 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 \$190,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$190,000.00 from the General Capital Improvement Fund to purchase a twenty ton truck with accessories for the Public Works Department.

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 \$190,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase a twenty ton truck with accessories for the Public Works Department.

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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 36-2017, which the Borough Clerk read by title, be adopted. Mr. Rowe seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

CONSENT AGENDA RESOLUTIONS

The Clerk made the following statement:

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

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

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

R 213-2017 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY THE THURSDAY MORNING CLUB

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

THURSDAY MORNING CLUB

I.D. No. 274-8-12803

R.A. No. 1418 November 10-11, 2017

R.A. No. 1419 November 10-11, 2017

On-Premise Raffles

R 214- 2017 RESOLUTION OF THE BOROUGH OF MADISON RENEWING LIQUOR LICENSE IN THE BOROUGH OF MADISON FOR THE 2017-2018 LICENSE TERM

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following application for renewal of Liquor License for the 2017 - 2018 license term be, and hereby is, approved:

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

License #1417-33-018-009
U S Food and Beverage Corp.
Poor Herbies
13 Waverly Place
Madison, NJ 07940

R 215-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE SETTLEMENT OF CERTAIN TAX APPEAL

WHEREAS, appeal of the real property tax assessment of the following property has been filed in the Tax Court of New Jersey:

PROPERTY OWNER	BLOC K	LOT	ADDRESS
McCann, Stephen & Caroline	4402	31	184 Green Ave

; and

WHEREAS, the Borough Tax Assessor, attorney and appraisal expert are of the opinion that it is the best interest of the Borough to settle this appeal.

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

1. The settlement of the following tax appeal filed at the Tax Court of New Jersey is hereby authorized as follows:

<u>PROPERTY OWNER</u>	YEAR	ORIGINAL ASSESSMENT	PROPOSED SETTLEMENT
McCann, Stephen & Caroline	2017	\$2,513,100	\$2,409,800

2. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.

3. This Resolution shall take effect immediately.

R 216-2017 RESOLUTION OF THE BOROUGH OF MADISON ESTABLISHING A POLICE EXPLORER POST

WHEREAS, 'Exploring' exists to teach important life and career skills to young people through immersive career experiences and mentorship provided by community and business leaders; and

WHEREAS, the Chief of Police has recommended that the Borough Council approve the establishment of an Explorer Post for Madison High School students.

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 Chief of Police is authorized to establish a program for Madison High School Students and is

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authorized to execute an “Annual Memorandum of Understanding” on behalf of the Borough of Madison.

R 217-2017 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF CASEY NEBUS TO THE POSITION OF INTERN

WHEREAS, the CFO/Assistant Borough Administrator has recommended the appointment of Casey Nebus as a part-time Intern for the Farmers’ Market; and

WHEREAS, the Borough Council agrees with this recommendation.

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 appointment of Casey Nebus as a part-time Intern for the Farmers’ Market, at the rate of pay of \$9.00 per hour is hereby ratified, effective immediately.

R 218-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING DREW UNIVERSITY TO HOST A FIREWORKS DISPLAY ON SATURDAY, SEPTEMBER 9, 2017, RAIN DATE SATURDAY, SEPTEMBER 16, 2017

WHEREAS, the Director of Student Activities at Drew University has applied for permission to hold a fireworks display on Saturday, September 9, 2017, on the grounds of Drew University; and

WHEREAS, the Borough Council has determined that such permission should be granted subject to the following conditions:

1. The display shall be in compliance with all laws and regulations governing a fireworks display;
2. A permit must be obtained from the Fire Official of Madison ensuring all applicable Fire Code requirements are met;
3. Adequate police or security personnel shall be present for crowd control and to ensure the area surrounding the fireworks is secured from unauthorized public entry;
4. The Fire Department shall be present with adequate personnel to maintain a fire watch for the duration of the event;
5. The display shall terminate by 11:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the request by Drew University to hold a fireworks display on Saturday, September 9, 2017, is hereby granted and approved subject to the above noted conditions.

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R 219-2017 RESOLUTION OF THE BOROUGH OF MADISON REJECTING BIDS FOR THE PURCHASE OF TWO (2) NEW, UNUSED BUCKET TRUCKS AND AUTHORIZING REBID

WHEREAS, the Borough of Madison publicly advertised for bids for the purchase of two (2) new, unused bucket trucks in accordance with Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, all four (4) bids received were reviewed by the Borough Attorney and determined to be non-responsive due to material defects and/or did not meet the bid specifications; and

WHEREAS, the Purchasing/Personnel Officer and Borough Attorney have recommended that these bids be rejected; and.

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 bids for the purchase of two (2) new, unused bucket trucks are hereby rejected for the reasons set forth herein and the Purchasing/Personnel Officer is authorized to solicit new bids.

R 220-2017 RESOLUTION OF THE BOROUGH OF MADISON AWARDDING PROFESSIONAL SERVICES CONTRACT TO MOTT MACDONALD FOR ENVIRONMENTAL WORK AT THE HARTLEY DODGE MEMORIAL IN THE AMOUNT OF \$61,500.00

WHEREAS, the Borough Engineer has recommended that post remediation monitoring and continued environmental work for 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 Engineer has recommended that the Borough Council award the Contract to Mott MacDonald in an amount not to exceed \$61,500.00, for professional services to address 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

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WHEREAS, Mott MacDonald has completed and submitted a Business Entity Disclosure Certification which certifies that Mott MacDonald has not made 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 \$61,500.00 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 environmental services and post remediation monitoring with Mott MacDonald to address issues at the Hartley Dodge Memorial in an amount not to exceed \$61,500.00, 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 221-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CHANGE ORDER TO CIFELLI & SON GENERAL CONTRACTING, INC. FOR ADDITIONAL CURB AND SIDEWALK IMPROVEMENTS IN THE AMOUNT OF \$52,950.00

WHEREAS, Resolution 114-2017 awarded a contract to Cifelli & Sons General Contracting, Inc., of Nutley, New Jersey, in an amount not to exceed \$\$1,187,659.16 for the 2017 Road Improvement Program; and

WHEREAS, Resolution 130-2017 amended R 114-2017 to increase the contract award amount by an additional \$78,581.60 to \$1,266,240.76 for additional curb and sidewalk improvements; and

WHEREAS, the Borough Engineer has recommended that the Borough amend Resolutions 114-2017 and 130-2017 to increase the award amount by \$52,950.00 for additional curb and sidewalk improvements on the 2017 Road Improvement Program; and

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WHEREAS, the Chief Financial Officer has attested that funds will be available in an additional amount not to exceed \$52,950.00, in Ordinance 1-2017.

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. Resolution 114-2017 and 130-2017 are amended to increase the contract award amount by an additional \$52,950.00 to \$1,319,190.76.

2. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, an amended purchase order and contract with Cifelli & Sons General Contracting, Inc., of Nutley, New Jersey, for the 2017 Road Improvement Program not to exceed \$1,319,190.76, in a form acceptable to the Borough Attorney.

R 222-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CANCELLATION OF \$4,863.58 IN REAL PROPERTY TAX PAYMENT AND REFUND OF \$1,186.24

WHEREAS, the Tax Assessor has granted a 100% Property Tax Disabled Veteran Deduction on Block 2102, Lot 8, 42 Rosedale Avenue as of March 1, 2017 to the owner of record who has been determined by the Veterans Administration as 100% disabled. First Quarter tax for 2017 (\$3,677.34) was paid in full. This amount covers January – March. The amount to be refunded is \$1,186.24. The second quarter tax in the amount of \$3,677.34 should be canceled; and

WHEREAS, the Borough Council has determined to cancel said tax amounts and refund the amount overpaid.

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 tax collector is authorized to cancel the tax amounts shown above and refund overpayment regarding Tax Block 2102, Lot 8.

R 223-2017 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING THE RESIGNATION OF TAX COLLECTOR MARY TESTORI AND APPOINTING ASHLEY MARRONE TO THE POSITION OF TAX COLLECTOR

WHEREAS, Mary Testori, Borough Tax Collector, has tendered her resignation dated August 7, 2017; and

WHEREAS, the Chief Financial Officer has recommended that Ashley Marrone be appointed to the position of part-time Borough Tax Collector, effective August 7, 2017; and

WHEREAS, Ashley Marrone holds a valid Tax Collector Certificate.

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NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey that Ashley Marrone is hereby appointed to the position of part-time Tax Collector effective August 7, 2017, at a salary of \$600.00/month, with additional compensation at \$50/hr for any work beyond the terms of the agreement.

R 224-2017 RESOLUTION OF THE BOROUGH OF MADISON REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR A RECREATION TRUST REQUIRED BY N.J.S.A. 40A:4-39

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:4-39 provides for receipt of recreation program donations and fees by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Recreation Trust are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Madison County Morris, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures for recreation programs as per N.J.S.A. 40:48-2.56, the Recreation Trust.
2. The Borough Clerk of the Borough of Madison, County of Morris is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

R 225-2017 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY MUSEUM OF EARLY TRADES AND CRAFTS

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:

MUSEUM OF EARLY TRADES AND CRAFTS
I.D. No. 274-5-31208
R.A. No. 1420 – On premise 50/50
September 23, 2017

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R 226-2017 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION 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 application for Raffles License, to be held as listed below, be and the same is hereby approved:

PTSO MADISON HS
I.D. No. 274-5-33795
R.A. No. 1421 – Off premise
September 11, 2017

R 227-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING NATIONAL MS SOCIETY, NJ METRO CHAPTER TO HOLD PART OF A CYCLING RACE THROUGH MADISON ON SATURDAY, SEPTEMBER 16, 2017

WHEREAS, the National MS Society, NJ Metro Chapter has requested permission to use portions of Loantaka Way and Madison Avenue in connection with a benefit cycling race through Madison; and

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

WHEREAS, National MS Society, NJ Metro Chapter 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 National MS Society, NJ Metro Chapter is hereby granted permission to use portions of Loantaka Way and Madison Avenue in connection with the cycling race to be conducted on Saturday, September 16, 2017, between the hours of 8:30 a.m. and 11:30 a.m. subject to the condition that National MS Society, NJ Metro Chapter reimburse the Madison Police Department for all expenses incurred in connection with the monitoring of said race.

R 228-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING MADISON CHAMBER OF COMMERCE BACK-TO-SCHOOL SIDEWALK SALE DAYS SEPTEMBER 7 THROUGH SEPTEMBER 16, 2017

WHEREAS, the Madison Chamber of Commerce applied for permission to hold sidewalk sales on the North side and South side of Main Street from Green Village Road to Greenwood Avenue, and on the North side of Main Street and Park Avenue from Green Village Road to Ridgedale Avenue, and on the East and West

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sides of Waverly Place and on Central Avenue from Main Street to Elmer Street, and on Lincoln Place from September 7th through September 9th , 2017 from 9:00 a.m. to 6:00 p.m.; and

WHEREAS, the Council has determined that permission should be granted provided that the Chamber of Commerce agrees to keep a clearance of at least ten (10) feet from all fire hydrants and keep entrances and pathways to all stores/apartments clear.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey, that the request for the Madison Chamber of Commerce to hold sidewalk sales in locations described herein from September 7th through September 9th, 2017 from 9:00 a.m. to 6:00 p.m., is hereby granted and approved subject to the above noted conditions and subject to compliance with any safety requirements of the Madison Police Department and Fire Department.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

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

Current Fund	\$440,887.39
General Capital Fund	336,724.68
Electric Operating Fund	209,110.98
Electric Capital Fund	825.00
Water Operating Fund	13,506.35
Water Capital Fund	0.00
Trusts	<u>13,149.70</u>
Total	<u>\$1,014,204.10</u>

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

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

Nays: None

NEW BUSINESS

Mayor Conley announced the following appointment:

PLANNING BOARD

Ann Huber of 54 Maple Avenue, Class IV, Environmental Committee Representative, for a three year unexpired term through December 31, 2017

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Mayor Conley also announced the following appointments requiring Council confirmation:

LOCAL EMERGENCY PLANNING COUNCIL FOR 2017

OEM Coordinator **John Rafter**

OEM Deputy Coordinator **Lt. Joseph Longo and Bruce Goodwin**

OEM Asst. Dep. Coordinator **Mike Shugrue**

Mrs. Vitale moved confirmation of the foregoing appointments. Ms. Baillie seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Mr. Wolkowitz, Mr. Rowe, Ms. Byrne

Nays: None

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Elizabeth Osborne

Borough Clerk

Approved September 11, 2017 (EO)