

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

**September 12, 2016 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 12th day of September, 2016. Acting Mayor Wolkowitz called the meeting to order at 7:00 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

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

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

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

**ROLL CALL**

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

Absent: Mayor Robert H. Conley, excused

Council Members:

Robert G. Catalanello  
Robert Landrigan  
Carmela Vitale  
Astri J. Baillie  
Benjamin Wolkowitz  
Patrick W. Rowe

Also Present:

James E. Burnet, Assistant Borough Administrator  
Elizabeth Osborne, Borough Clerk  
Matthew J. Giacobbe, Esq. Borough Attorney  
Absent: Raymond M. Codey, Borough Administrator, excused

**AGENDA REVIEW**

Mr. Catalanello moved to add a discussion regarding electric utility rates to the Regular Agenda. Mr. Rowe seconded the motion. Mr. Vitale moved to amend Mr. Catalanello's motion to list a discussion regarding electric utility rates on an agenda for the first or second meeting in October, as Mayor Conley and Mr. Codey are absent from tonight's Council meeting. Mr. Landrigan seconded Mrs. Vitale's motion, which passed with the following roll call vote recorded:

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

Motion to discuss electric utility rates at a public Council meeting in October passed with the following roll call vote recorded:

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

Nays: None

There was approval of the Regular and Executive Agenda.

**READING OF CLOSED SESSION RESOLUTION**

Mr. Catalanello moved:

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

MINUTES FOR APPROVAL (1)

August 8, 2016

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

CONTRACT MATTERS (3)

DOWNTOWN REVITALIZATION STUDY

SINGLE PHASE SUBMERSIBLE DISTRIBUTION TRANSFORMERS

REDEVELOPER AGREEMENT- HISTORIC HOMES BY MCCANN

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

LITIGATION MATTERS (1)

TAX APPEALS

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

POTENTIAL LITIGATION MATTERS (1)

ROCK-GW, LLC

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

PERSONNEL MATTERS (2)

PERSONNEL POLICIES & HANDBOOK

TAX COLLECTOR

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

Seconded: Mr. Rowe

Vote: Approved by voice vote

**RECONVENE IN COUNCIL CHAMBER**

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

**APPROVAL OF MINUTES**

Ms. Baillie moved approval of the **Executive Minutes of August 8, 2016**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Ms. Baillie moved approval of the **Regular Meeting Minutes of August 8, 2016**.

Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

### ***GREETINGS TO PUBLIC***

Acting Mayor Wolkowitz made the following comments:

Mr. Wolkowitz noted a 40<sup>th</sup> Annual Pine Avenue block party held on Saturday September 10, 2016 noting at least one family has attended all forty parties. Mr. Wolkowitz also thanked Thomas Daley and members of the Madison Boy Scout Troop 7 for a memorial ceremony at James Park, to honor those who lost their lives fifteen years ago, when our nation was attacked on September 11<sup>th</sup>.

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

Employee of the Month for September is Frances Boardman of Planning and Zoning for her commitment and dedication in working to find alternate transportation for Madison residents in the event of a train strike.

### ***REPORTS OF COMMITTEES***

#### **Utilities**

Mr. Wolkowitz, Chair of the Committee, made the following comments: The Utility Department has issued a statement noting that, due to employee absences, meter readers will be working overtime, including late nights and weekends to read the over 8000 meters in the Borough. Occasionally, estimated bills are necessary. The Borough is working toward a more automated system, to make the process more efficient.

#### **Health**

Mr. Catalanello, Chair of the Committee, made the following comments: Fall seasonal Influenza vaccines will be available at the Madison Health Department for residents six months and older, beginning Tuesday, October 18<sup>th</sup>. Testing approval for Zika virus has been delegated to local health departments throughout New Jersey. Strict criteria must be met before the testing process proceeds. Healthcare providers are required to work with the local health department where the patient resides to determine eligibility for testing. Factors such as travel specific areas, presence of symptoms, pregnancy status and timing of request relevant to travel dates are key. Report of a student at Madison High School who was being evaluated for possible viral meningitis created a busy first day of school. Consultation with Madison BOE, MHS, Madison Health Dept and NJDOH led to distribution to the school district of information about the illness from Superintendent Rossi's office. There are no general recommendations for treatment of contacts of viral meningitis cases. Concerned families are directed to contact their healthcare providers.

#### **Finance and Borough Clerk**

Mr. Landrigan, Chair of the Committee, made the following comments: Mr. Landrigan noted that there are only two properties listed on the upcoming tax sale list and after the sale the property owner would work with the certificate holder. A copy of the 2016 Budget Summary is available at tonight's meeting and will be in utility bills this month. In anticipation of the November 8<sup>th</sup> General Election, the Borough Clerk's Office will be open for Late Night Voter Registration until 8 p.m. on Tuesday October 18<sup>th</sup>. Registration forms (as well as Mail in Ballot applications) are

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available in the Clerk's office and on line at [morriselections.org](http://morriselections.org). The Electric Utility Rebate program ends December 1<sup>st</sup>. Forms are available in the Clerk's Office and online.

### **Public Safety**

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

During the month of September a Morris County business owner donated two Colt handguns to the Madison Police Department which belonged to James Bellingham. Mr. Bellingham was one of Madison's first marshals before the establishment of the police department prior to 1890. One of the weapons has pearl handles and gold engraving which was presented by Geraldine Dodge to Mr. Bellingham upon his retirement. Mr. Bellingham was also the first trustee to the Hartley Dodge Memorial and believed to be one of the first Chiefs of the Morris County Prosecutors Office. The gun will be displayed in the police department once a secure display can be purchased. Madison Police have purchased child ID equipment which will be offered to parents at our First Responders Day in October. On Monday August 29<sup>th</sup> the N.J. State Association of Chiefs of Police conducted an onsite assessment of the Madison Police Department to include operations, policies and procedures, facility and equipment. This assessment is the culmination of three years of preparation and the Department is being recommended for accreditation. The certificate presentation will take place after our final hearing and at a future council meeting. The Madison Fire Department reports responding to twenty five general alarms, 23 still alarms, 31 investigations, and 45 medical calls in the Month of August. Antique Fire Truck "Geraldine" was awarded two trophies at the 2016 National Convention and Muster, sponsored by the Society for the Preservation & Appreciation of Antique Fire Apparatus in America. Six Madison Firefighters attended the 15<sup>th</sup> annual 9/11 Ceremony held at the County 9/11 Memorial site in Parsippany. Twenty five students from Drew University help the Whippany River Watershed Action Committee to clean up the tributary behind the Vitale memorial park on Rosedale Avenue in Madison on Sunday, September 11, 2016.

### **Community Affairs**

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

The Senior Center September activities include Stretch n Flex, T'ai Chi, Healthy Bones, Ping Pong, Pinochle, Mah Jonagg, Bridge, Pool, Yoga, Bowling, Meditation, Knit and Crochet, Movies, Balance and Stability, Poker, Rummikub, Canasta and Songsters. Transoptions is a nonprofit transportation management association working to develop a transportation plan to connect residents to family and friends, work, recreation, appointments and activities. On Tuesday, September 20<sup>th</sup> the Transoptions staff will be at the Senior Center to discuss transportation needs and priorities. The Senior Center will hold an Open House on Saturday, October 20, 2016. The Chamber of Commerce has provided information on their website on a workshop for merchants on "Store Design and Visual Merchandising, Keys to a Thriving Business" to be given by the New Jersey Downtown Institute on October 19<sup>th</sup> in Plainfield. The annual Halloween parade and magic show, sponsored by the Chamber of Commerce will be held on Saturday October 29<sup>th</sup>. The parade begins at 12:30 p.m. at the Hartley Dodge Memorial. The magic show will begin around 1:00 p.m. at Waverly and Lincoln Place. The farmers Market continues on Thursdays through October from 2:00 p.m. to 7:00 p.m. on Central Avenue. The DDC is very excited to be co-sponsoring a downtown study focused on market and financial analysis as well as reviewing zoning, land use, parking, and branding. The DDC has appointed a subcommittee to meet with Lt Joseph Longo and Parking Official Cindy Weir to discuss parking issues downtown, including increasing the number of handicapped spaces, reviewing the permitting process and the regulations setting

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time restrictions. Research will be shared with Urbanomics as an important element of the downtown. Sidewalk repairs will begin on Waverly Place to Doge Field before October 1<sup>st</sup> and Main Street repairs will take place after Bottle Hill Day.

### **Public Works and Engineering**

Mr. Rowe, Chair of the Committee, made the following comments: Cifelli & Sons Construction has completed work on the 2016 Road Improvement Project with all paving and striping being finished prior to the official start of the school year. The Prospect Street Reconstruction project has a preconstruction meeting scheduled for September 13<sup>th</sup>. Denville Line Striping also completed the pavement re-striping of many local roads. The North Street Pump Station rebid opening is scheduled for September 20<sup>th</sup>. Vollers Construction Company has completed final grading and reseeding at the Danforth Road Sports Fields Site. Our NJDEP and LSRP consultant Mott MacDonald has been monitoring all activity onsite for compliance with the State regulations. The Memorial Park Wetland Letter of Interpretation was recently received and the buffer plan now extends as much as 150 feet from wetland areas. A map has been produced in-house that shows impacts to various municipal and pool facilities. Some planned development activities will require wetland permitting as a result of the State determination

### **COMMUNICATIONS AND PETITIONS - None**

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

Acting Mayor Wolkowitz 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**

#### **09/12/2016-1 NEW JERSEY PUBLIC POWER AUTHORITY FORMATION**

Mr. Burnet provided information regarding the proposed formation of a New Jersey Public Power Authority noting a hearing once the formation is approved by the Local Finance Board. A resolution is listed to confirm the Borough of Madison's desire to submit an Application to the Local Finance Board for review and approval of the New Jersey Public Power Authority.

Resolution 249-2016 is listed on the Consent Agenda.

#### **09/12/2016-2 DOWNTOWN REVITALIZATION STUDY**

Mr. Wolkowitz provided information regarding the RFP process in selecting Urbanomics, Inc. for the Downtown Revitalization Study, noting the criteria for selection. Urbanomics overall score was 12.1, with more experience, broader range of experience, detailed deliverables and branding recommendations. The study is a sixty day project at a cost of \$57,000.00 with the DDC contributing 30%.

Resolution 255-2016 is listed on the Consent Agenda.

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**09/12/2016-3 2016 ROAD RECONSTRUCTION PROGRAM UPDATE**

Borough Engineer Robert Vogel provided an update on the 2016 Road Reconstruction program noting nine milling and overlay projects, sixteen reconstruction projects, as well as repaving of the Madison Library parking lot. Mr. Vogel noted the program is on schedule with one remaining, the Prospect Street improvements, to be completed this fall. Assistant Engineer Frank Russo provided information regarding details of the Prospect Street project noting pedestrian safety improvements and traffic calming measures.

**09/12/2016-4 TRI-COUNTY 55+ SURVEY RESULTS**

Health Director Lisa Gulla provided the a summary of the results of the Tri-County 55+ Survey conducted by CREEHS ,a six-month long needs and asset assessment for an age friendly community. The survey is online on the Borough website and paper copies are available at the Health Department. Recommendations include improvements in communications, senior bus service, and a senior coordinator for the three municipalities surveyed.

**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 August 8, 2016, were introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

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

**ORDINANCE 57-2016**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$54,000.00 FROM THE MUNICIPAL OPEN SPACE TRUST FUND FOR REPLACEMENT OF THE MEMORIAL PARK MULTIPURPOSE BUILDING**

WHEREAS, the Open Space Advisory Committee and Historic Preservation Committee have recommended funding up to \$54,000.00 from the Municipal Open Space Trust Fund for replacement of the Memorial Park multipurpose building; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Municipal Open Space Trust Fund in an amount not to exceed \$54,000.00 for this purpose.

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 \$54,000.00 is hereby appropriated from the Municipal Open Space Trust Fund for replacement of the Memorial Park multipurpose building. The disbursement of the Open Space funding is expressly contingent upon confirmation that \$6,000.00 has been raised from private sources for the project.

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

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

Acting Mayor Wolkowitz opened up the public hearing on Ordinance 57-2016. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 57-2016, which the Borough Clerk read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Acting Mayor Wolkowitz declared Ordinance 57-2016 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 58-2016**  
**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING**  
**\$27,000.00 FROM THE MUNICIPAL OPEN SPACE TRUST FUND FOR**  
**AUTOMATIC EXTERNAL DEFIBRILLATORS AT ATHLETIC FIELDS**

WHEREAS, the Open Space Advisory Committee and Historic Preservation Committee have recommended funding up to \$27,000.00 from the Municipal Open Space Trust Fund for automatic external defibrillators at athletic fields; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Municipal Open Space Trust Fund in an amount not to exceed \$27,000.00 for this purpose.

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 \$27,000.00 is hereby appropriated from the Municipal Open Space Trust Fund for automatic external defibrillators at athletic fields. The disbursement of the Open Space funding is expressly contingent upon confirmation that \$5,000.00 has been raised from private sources for the project.

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

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

Acting Mayor Wolkowitz opened up the public hearing on Ordinance 58-2016. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 58-2016, which the Borough Clerk read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Acting Mayor Wolkowitz declared Ordinance 58-2016 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 59-2016, (Formation of NJ Public Power Assoc.) introduced at the Council meeting of August 8, 2016, will have a hearing at a date to be determined.*

**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.**

**Mark Chiarolanza, Green wood Avenue**, asked that Council consider a reduction in electric utility rates.

**INTRODUCTION OF ORDINANCES - None**

**CONSENT AGENDA RESOLUTIONS**

The Clerk made the following statement:

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

Mr. Catalanello moved adoption of the Resolutions listed on the Consent Agenda. Mr. Rowe seconded the motion. Mr. Catalanello abstained from voting on Resolution 268-2016. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

R 249-2016 RESOLUTION OF THE BOROUGH OF MADISON , IN THE COUNTY OF MORRIS, NEW JERSEY, MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:66-1 (2016) ET. SEQ

**WHEREAS**, the Borough Council of the Borough of Madison, in the County of Morris, New Jersey (the “Borough”) desires to submit an Application to the Local Finance Board for its review and approval of a proposed establishment of the New Jersey Public Power Authority (NJPPA), a Municipal Shared Services Energy Authority; and

**WHEREAS**, the Borough Council believes that:

- (a) it is in the public interest to accomplish such purpose;

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- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the Borough;
- (d) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and
- (e) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Borough and will not create an undue financial burden to be placed upon the Borough.

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

Section 1. The application to the Local Finance Board for the purpose described in the preamble hereof is hereby approved, and that James Jablonski, Executive Director of the Public Power Association of New Jersey (PPANJ) on behalf of the membership and specifically, the Borough of Madison, along with other representatives of the Borough, are hereby authorized to prepare such application, to file such application with the Local Finance Board and to represent the Borough in matters pertaining thereto.

Section 2. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

R 250-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY ST. VINCENT MARTYR CHURCH

**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:

ST. VINCENT MARTYR CHURCH  
I.D. No. 274-1-812  
R.A. No. 1391 – On Premise  
October 28, 2016

R 251-2016 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING DONATION OF TWO (2) HISTORIC HANDGUNS TO THE MADISON POLICE DEPARTMENT

**WHEREAS**, an anonymous donor has generously offered to donate two (2) historic handguns, once belonging to one of Madison's first Police Marshalls, James C. Bellingham, before the establishment of the Police Department in 1890, the other, a presentation gun given to Marshall Bellingham upon his retirement by Geraldine R. Dodge ; and

**WHEREAS**, the Borough Council has concluded that it would be in the best interest of the Borough to accept the donation.

**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 Borough

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accepts the donation of two (2) historic handguns to the Madison Police Department.

**BE IT FURTHER RESOLVED** that the Borough of Madison expresses its gratitude to the generous donor.

R 252-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF DISPOSAL/RECYCLING OF MUNICIPAL ROAD CLEAN UP MATERIALS UNDER MORRIS COUNTY COOPERATIVE PRICING COUNCIL

**WHEREAS**, the Borough of Madison desires to award a contract for the purchase of Disposal/Recycling of Municipal Road Clean Up Materials under the Morris County Co-Operative Pricing Council program; and

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

**WHEREAS**, Deer Carcass Removal Service, LLC, P.O. Box 328, Cream Ridge, New Jersey, 08514 has been awarded Morris County Co-Operative Pricing Council contract number #49; and

**WHEREAS**, the Public Works Superintendent has recommended that the Borough Council utilize this contract for the purchase of Disposal/Recycling of Municipal Road Clean Up Materials under contract #49, in the amount of \$20,000.00; and

**WHEREAS**, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$20,000.00 for this purpose in the Public Works Department operating account 465/220.

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

1. A contract for the purchase of Disposal/Recycling of Municipal Road Clean Up Materials, for \$20,000.00 is hereby approved.
2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Deer Carcass Removal Service, LLC, P.O. Box 328, Cream Ridge, New Jersey, 08514, for the purchase of Disposal/Recycling of Municipal Road Clean Up Materials at a total price not to exceed \$20,000.00, in a form acceptable to the Borough Attorney.

R 253-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING MUSEUM OF EARLY TRADES & CRAFTS FOOD AND WINE FESTIVAL SATURDAY, SEPTEMBER 24, 2016

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**WHEREAS**, the Museum of Early Trades & Crafts has requested authorization for the closing of Green Village Road in front of the Museum for a celebration of American Food and Wine as a fundraiser for scholarship funds; and

**WHEREAS**, Green Village Road would be closed from 3:00 p.m. to 11:00 p.m. between Main Street and Kings Road; and

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

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

1. The Museum of Early Trades & Crafts request is approved subject to the safety requirements of the Madison Police Department and Morris County.

2. The Madison Police Department is authorized to close Green Village Road, with the approval of Morris County, between Main Street and Kings Road from 3:00 p.m. to 11:00 p.m. on Saturday, September 24, 2016, in conjunction with the American Food and Wine event.

R 254-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AGREEMENT TO RENEW MEMBERSHIP IN THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND

**WHEREAS**, the Borough of Madison is a member of the Morris County Municipal Joint Insurance Fund.; and

**WHEREAS**, said membership terminates as of December 31, 2016, unless earlier renewed by agreement between the Municipality and the Fund; and

**WHEREAS**, the Municipality desires to renew said membership.

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

1. The Borough of Madison agrees to renew its membership in the Morris County Municipal Joint Insurance Fund and to be subject to the By-laws, Rules and Regulations, coverages and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Governing Body hereby authorizes the Mayor and Borough Clerk to execute the agreement to renew the membership agreement annexed hereto and made a part hereof and to deliver same to the Morris County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

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R 255-2016 RESOLUTION OF THE BOROUGH OF MADISON AWARDING PROFESSIONAL SERVICES CONTRACT TO URBANOMICS, INC., OF NEW YORK IN AN AMOUNT NOT TO EXCEED \$67,000.00 FOR A DOWNTOWN REVITALIZATION STUDY

**WHEREAS**, the Downtown Development Commission (“DDC”) has advised the Borough Council that a Revitalization Study is needed for the Central Business District; and

**WHEREAS**, a committee of members of the DDC, Chamber of Commerce and the Council along with community representatives including business owners and landlords agreed that such a project is necessary, prepared an RFP and evaluated the proposals that were submitted by five firms; and

**WHEREAS**, after its evaluation, the Committee unanimously chose Urbanomices, Inc.; and

**WHEREAS**, the Downtown Revitalization Committee recommends that the Council award a contract to Urbanomices, Inc., Professional Planning and Real Estate Consultants to prepare a downtown revitalization study based upon their proposal, dated May 31, 2016; and

**WHEREAS**, the DDC has agreed to pay 30% of the \$67,000.00 maximum contract award in the amount of \$20,100.00; and

**WHEREAS**, the Borough will pay 70% of the maximum contract award in the amount of \$46,900.00; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$46,900.00 in Account 104, subaccount200, to be transferred for this purpose in November.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that the Mayor and Borough Clerk are hereby authorized to execute on behalf of the Borough a professional services contract with Urbanomices, Inc. in an amount not to exceed \$67,000.00, utilizing \$20,100.00 from the Downtown Development Commission to perform a revitalization study, provided such contract is in a form approved by the Borough Attorney.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby directed to publish notice of 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.

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R 256-2016 RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MADISON IN THE COUNTY OF MORRIS AUTHORIZING SETTLEMENT OF THE 2013, 2014, AND 2015 TAX APPEALS ENTITLED JEANEEN BONNETT V. BOROUGH OF MADISON, DOCKET NOS.: 015989-2013; 011312-2014; 010366-2015 OF THE TAX ASSESSMENT OF BLOCK 504, LOT 22, KNOWN AS 58 CANTERBURY ROAD IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

**WHEREAS**, appeals of the real property tax assessment for tax years 2013, 2014, and 2015 on Block504, Lot 22 have been filed by the Taxpayer, Jeaneen Bonnett; and

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

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

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

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

58 Canterbury Road  
Block 504, Lot 22  
**Year: 2013**

<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land: \$ 355,300	\$ 355,300	\$ 355,300
Imprvts:\$ 134,800	\$ 134,800	\$ 134,800
Total: \$ 490,100	\$ 490,100	\$ 490,100

2. Settlement of the 2014-2015 tax appeals is hereby authorized as follows:

58 Canterbury Road  
Block 504, Lot 22  
**Years: 2014, 2015**

<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land: \$ 355,300	\$ 355,300	\$ 355,300
Imprvts:\$ 134,800	\$ 134,800	\$ 104,800
Total: \$ 490,100	\$ 490,100	\$ 460,100

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

R 257-2016 RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MADISON IN THE COUNTY OF MORRIS AUTHORIZING SETTLEMENT OF THE 2013, 2014, 2015 AND 2016 TAX APPEALS ENTITLED

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TROSS, SCOTT & EVANGELINE V. BOROUGH OF MADISON, DOCKET NOS.: 008803-2013; 007108-2014; 001243-2015; 002997-2016 OF THE TAX ASSESSMENT OF BLOCK 4601, LOT 62, KNOWN AS 6 OLDE GREENHOUSE LANE IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

**WHEREAS**, appeals of the real property tax assessment for tax years 2013, 2014, 2015 and 2016 on Block 4601, Lot 6 have been filed by the Taxpayers, Scott and Evangeline Tross; and

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

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

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

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

6 Olde Greenhouse Lane  
Block 4601, Lot 62  
**Year: 2013**

<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land: \$ 755,000	N/A	WITHDRAWN
Imprvts:\$ 662,600	N/A	WITHDRAWN
Total: \$1,417,600	N/A	WITHDRAWN

2. Settlement of the 2014-2015 tax appeals is hereby authorized as follows:

6 Olde Greenhouse Lane  
Block 4601, Lot 62  
**Years: 2014, 2015**

<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land: \$ 755,000	N/A	\$ 739,900
Imprvts:\$ 662,600	N/A	\$ 635,100
Total: \$1,417,600	N/A	\$1,375,000

3. Settlement of the 2016 tax appeals is hereby authorized as follows:

6 Olde Greenhouse Lane  
Block 4601, Lot 62  
**Years: 2016**

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<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land: \$ 755,000	N/A	\$ 739,900
Imprvts:\$ 662,600	N/A	\$ 585,100
Total: \$1,417,600	N/A	\$1,325,000

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

R 258-2016 RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MADISON IN THE COUNTY OF MORRIS AUTHORIZING SETTLEMENT OF THE 2015 AND 2016 TAX APPEALS ENTITLED CHRISTOPHER AND JULIE GOGGINS V. BOROUGH OF MADISON, DOCKET NOS.: 006606-2015; 005642-2016 OF THE TAX ASSESSMENT OF BLOCK 4601, LOT 56, KNOWN AS 11 OLDE GREENHOUSE LANE IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

**WHEREAS**, appeals of the real property tax assessment for tax years 2015 and 2016 on Block 4601, Lot 56 have been filed by the Taxpayers, Christopher and Julie Goggins; and

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

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

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

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

11 Olde Greenhouse Lane  
 Block 4601, Lot 56  
**Year: 2015**

<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land: \$ 720,300	N/A	WITHDRAWN
Imprvts:\$1,052,300	N/A	WITHDRAWN
Total: \$1,772,600	N/A	WITHDRAWN

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

11 Olde Greenhouse Lane  
 Block 4601, Lot 56  
**Year: 2016**

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<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land: \$ 720,300	N/A	\$ 720,300
Imprvts:\$1,052,300	N/A	\$ 898,300
Total: \$1,772,600	N/A	\$1,618,600

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

**R 259-2016 RESOLUTION OF THE BOROUGH OF MADISON AWARDING BID FOR THE PURCHASE OF SINGLE PHASE SUBMERSIBLE DISTRIBUTION TRANSFORMERS TO SWITCHGEAR SOLUTIONS**

**WHEREAS**, the Borough of Madison publicly advertised for bids for the purchase of Single Phase Submersible Distribution Transformers in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

**WHEREAS**, the lowest qualified bid was submitted by Switchgear Solutions in the amount of \$12,200.00 per unit; and

**WHEREAS**, the Borough Electric Utility Supervisor and Borough Attorney have reviewed the bid submissions for compliance and agree with the recommendation that the Borough Council award the contract to Switchgear Solutions in the amount of \$12,200.00 per unit; and

**WHEREAS**, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$12,200.00 per unit for this purpose in Account 502, Subaccount 315.

**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 contract for the purchase of underground cable is hereby awarded to Switchgear Solutions based upon its bid in the amount of \$12,200.00 per unit.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Switchgear Solutions in a form acceptable to the Borough Attorney.

**R 260-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING DEVELOPER'S AGREEMENT BETWEEN THE BOROUGH OF MADISON AND HISTORIC HOMES BY MCCANN, LLC FOR PREMISES LOCATED AT 106 SHUNPIKE ROAD AND DESIGNATED AS BLOCK 4601, LOTS 47 & 48**

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**WHEREAS**, Historic Homes by McCann, LLC ("Developer") is the owner of certain property in the Borough of Madison designated as Tax Block 4601, Lots 47 & 48 on the current Tax Map of the Borough (the "Property"); and

**WHEREAS**, Developer obtained from the Madison Borough Planning Board development approvals for construction of three (3) single-family homes and related site improvements to replace two (2) existing structures on the Property by Resolution adopted on May 17, 2016, which provided for execution of a developer's agreement with the Borough; and

**WHEREAS**, counsel has recommended that the attached proposed Developer's Agreement concerning the Property be entered into;

**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 attached Developer's Agreement between Historic Homes by McCann, LLC and the Borough of Madison is hereby approved, and the Acting Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute the Developer's Agreement.

R 261-2016 RESOLUTION OF THE BOROUGH OF MADISON PERMITTING DREW UNIVERSITY OUTDOOR DANCE PARTY UNTIL 11:00 P.M. ON FRIDAY, SEPTEMBER 23, 2016

**WHEREAS**, as part of the Drew University Welcome Weekend, the University has requested permission to hold a dance on Friday, September 23, 2016, on Hoyt Lawn, on the campus of Drew University, until 11:00 P.M.; and

**WHEREAS**, the Borough Code provides for a noise restriction after 10:00 P.M.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Drew University shall be permitted to hold a dance party on Hoyt Lawn, until 11:00 P.M., Friday, September 23, 2016.

R 262-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CANCELLATION OF 2016-2017 REAL PROPERTY TAX BILLS FOR THE MADISON ELKS CLUB, BLOCK 2001, LOTS 24 AND 25

**WHEREAS**, a Payment in Lieu of Tax (PILOT) agreement was executed between the Borough of Madison and the Madison Elks, authorized by Resolution 91-2016, and;

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**WHEREAS** the Borough Administrator has recommended approval of a request by the Tax Collector to cancel the full year 2016 property taxes and first half of 2017 property taxes for the property at 192 Main Street, Block 2001, Lots 24 and 25; and

**WHEREAS**, the Council has determined to cancel said property taxes.

**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 2016 and first quarter 2017 property taxes, regarding Tax Block 2001, Lot 24 and 25.

R 263-2016 A RESOLUTION OF THE BOROUGH OF MADISON AMENDING THE BOROUGH'S EMPLOYEE HANDBOOK IN COMPLIANCE WITH THE NEW JERSEY MEL'S 2017-2018 EMPLOYMENT PRACTICES RISK CONTROL PROGRAM

**WHEREAS**, the New Jersey Municipal Excess Liability Joint Insurance Fund ("MEL") has established an employment practices risk control program ("incentive program") for its member municipalities; and

**WHEREAS**, the incentive program requires member municipalities to adopt the MEL's model employment practices risk control program in order to be eligible for premium and deductible incentives; and

**WHEREAS**, in order to be eligible for the MEL's premium and deductible incentives, the Borough of Madison must adopt all of the required policies contained in the MEL's Model Employee Handbook; and

**WHEREAS**, the Borough Council has determined to adopt all of the MEL's required policies and to include same in the Borough of Madison Employee Handbook;

**WHEREAS**, many of the policies contained in the Borough's Employee Handbook already comply with the MEL's requirements and, as such, only certain policies must be updated; and;

**WHEREAS**, the Borough Council has also determined to amend other policies contained in the Employee Handbook.

**NOW, THEREFORE BE IT RESOLVED** by the Borough Council that the following sections of the Employee Handbook be updated and are hereby adopted, as of September 12, 2016, to comply with the MEL's Model Employee Handbook:

- Section 1:** Employees Rights and Obligations;
- a. Anti-Discrimination Policy;
  - b. Americans with Disabilities Act Policy;
  - c. General Anti-Harassment Policy;
  - d. Anti-Sexual Harassment Policy;
  - e. "Whistleblower" Policy;
  - f. Employee Complaint Policy;
  - g. Access to Personnel Files Policy;
  - h. Driver's License Policy;

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**Section 2:** Workplace Policies;

- a. Email, Voicemail, Computer, and Internet Usage Policy;
- b. Communication Media Policy;

**Section 3:** Paid and Unpaid Time Off Policies;

- a. Leave of Absence Policy;
- b. Family and Medical Leave Policy; and
- c. Domestic Violence Leave Policy.

**NOW, THEREFORE BE IT FURTHER RESOLVED** by the Borough Council that the following sections of the Employee Handbook be updated and are hereby adopted as of September 12, 2016, to comply with R-37-2011, which was adopted by the Borough Council on January 10, 2011; R-287-2013, which was adopted by the Borough Council on October 16, 2013; and N.J.S.A. 40A:9-10.2, 10.3, 10.4, and 10.5:

**Section 3:** Paid and Unpaid Time Off Policies;

- a. Vacation Leave Policy; and
- b. Sick Leave and Leave of Absence Policy.

**NOW, THEREFORE BE IT FURTHER ORDERED RESOLVED** by the Borough Council that the following sections of the Employee Handbook be updated and are hereby adopted as of September 12, 2016:

**Section 2:** Workplace Policies;

- a. Early Closing and Delayed Opening Policy;
- b. Dress Code Policy;
- c. No Smoking Policy;

**Section 3:** Paid and Unpaid Time-Off Policies

- a. Vacation Leave Policy;
- b. Personal Leave Policy;

**Section 4:** Compensation and Employee Benefits Policies

- a. Health Insurance Policy;
- b. Retirement Policy; and
- c. Salary Range Policy.

**NOW, THEREFORE BE IT FURTHER RESOLVED** by the Borough Council that, the updated Employee Handbook containing all of the changes adopted above is incorporated into is Resolution by reference and made a part hereof.

**NOW, THEREFORE BE IT FURTHER RESOLVED** by the Borough Council that the updated Employee Handbook will be distributed to all Borough employees and that a copy of same will be kept on file in the Borough Clerk's office.

R 264-2016 A RESOLUTION TO AFFIRM THE BOROUGH OF MADISON'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT

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**CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS**

**WHEREAS**, it is the policy of the Borough of Madison to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

**WHEREAS**, the governing body of the Borough of Madison has determined that certain procedures need to be established to accomplish this policy

**NOW, THEREFORE BE IT ADOPTED** by the council of the Borough of Madison that:

**Section 1:**No official, employee, appointee or volunteer of the Borough of Madison by whatever title known, or any entity that is in any way apart of the Borough of Madison shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Madison's business or using the facilities or property of the Borough of Madison.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Madison to provide services that otherwise could be performed by the Borough of Madison.

**Section 3:**Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:**The Borough Administrator in consultation with the Borough Attorney shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Madison as well as all other entities subject to this resolution to periodically

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complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

**Section 8:** At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Madison. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Madison's web site.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this Resolution shall be published in the official newspaper of the Borough of Madison in order for the public to be made aware of this policy and the Borough of Madison's commitment to the implementation and enforcement of this policy.

R 265-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY SAMMYS FRIENDS FOUNDATION

**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:

SAMMYS FRIENDS FOUNDATION  
I.D. No. 274-5-41210  
R.A. No. 1392 – On Premise  
R.A. No. 1393 – On Premise  
September 24, 2016

R 266-2016 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING SCHOOL CROSSING GUARDS FOR THE 2016-2017 SCHOOL YEAR

**WHEREAS**, N.J.S.A. 40A:9-154.1 provides that municipalities may appoint school crossing guards for terms not exceeding one year.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following school crossing guards are hereby appointed for the 2016/2017 school year commencing September 6, 2016 and ending June 16, 2017, unless the school year is extended due to winter weather closings:

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PAMELA ALLOCCO	NANCY ESPOSITO
MICHAEL ANTONIELLO	JOAN C. FINELLI
GLENN ATKINSON	PATRICIA A. GIBBONS
JOHN BENESKY	THERESA A GIORDANO
WILLIAM BORIE	MIROSLAV HADVAB
JANET BRUNS	RONALD LEONARDIS
THEODORE R BRUNS JR.	JAMIE LIMONE
FRANCES CARUSO	MARGARET LOSAPIO
VIRGINIA CERCIELLO	NICHOLAS LOSAVIO
ANDREW COBB III	MARY MARANO
DEIDRE COVINGTON	CATHERINE PENDOLINO
NANCY CURTO	CHARLES H. SMILEY
LORENZO D'AMATO	ELIZABETH TWILLMANN
GIUSEPPE D'AVINO	MARIE VAN DEUSEN
EDWARD DIEMER	JUANITA VAN RYZIN
CATHERINE ECKES	AGNES YULIANO

R 267-2016 RESOLUTION OF THE BOROUGH OF MADISON ENDORSING AND SUPPORTING THE PASSAGE OF ASSEMBLY BILL NO. 3686, DESIGNATED AS "RALPH AND DAVID'S LAW

**WHEREAS**, on February 26, 2006, David Heim, a thirteen year old boy was tragically killed by a drunk driver in Sussex County; and

**WHEREAS**, the drunk driver who hit David was convicted solely of drunk driving and served only thirty days in jail, the maximum term of imprisonment for a first offense under the State's Drunk Driving Law; and

**WHEREAS**, another tragic death occurred on May 5, 2012 when Ralph Politi, Jr. an East Hanover Township community activist and business owner, was killed by a drunk driver who swerved out of her lane and struck him as he stood by his pickup truck; and

**WHEREAS**, in the case of Ralph Politi, the drunk driver was recently acquitted of first-degree aggravated manslaughter and second-degree vehicular homicide, and instead received a two year suspension of her drivers' license, and was ordered to perform thirty days of community service and pay \$733 in fines and penalties; and

**WHEREAS**, as a result of the untimely deaths of both David Helm and Ralph Politi, and the penalty limitations imposed by current law, members of both sides of the aisle have crafted Assembly Bill No. 3686, which establishes the crime of strict liability vehicular homicide and the conditions under which a defendant may be charged with such a violation; and

**WHEREAS**, under Assembly Bill No. 3686, strict liability vehicular homicide would be a third-degree crime, but neither the presumption of nonimprisonment that normally applies to first time offenders convicted of third degree crimes, nor the casual requirements of N.J.S.A. 2C:2-3, would apply; and

**WHEREAS**, Assembly Bill No. 3686 would be known as "Ralph and David's Law" in honor of Ralph Politi and David Heim; and

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**WHEREAS**, the Borough Council of the Borough of Madison applauds the bi-partisan efforts of members of the General Assembly in strengthening the penalty provisions for operating a vehicle or vessel under the influence of drugs or alcohol, closing any loopholes that would set a violator free

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

1. The Borough Council endorses and supports the bi-partisan efforts of the General Assembly in the introduction of Assembly Bill No. 3686, which establishes the third-degree crime of strict liability vehicular homicide, amends various sections of statutory law, and designates Assembly Bill No. 3686 as “Ralph and David’s Law”.
2. The Borough Council calls upon all mayors and governing bodies in the other thirty- eight Morris County municipalities to approve and adopt resolutions in support of Assembly Bill No. 3686.
3. That certified copies of this resolution shall be transmitted to the sponsors of Assembly Bill No. 3686, Assemblymen John F. McKeon and Anthony M. Bucco, Assemblywomen Mila M. Jasey, Nancy F. Munoz and Valerie Vainieri Huttle, Assembly Speaker Vincent Prieto, Senate President Stephen M. Sweeney, members of the 21<sup>st</sup>, 25<sup>th</sup> 27<sup>th</sup> and 40<sup>th</sup> Legislative Districts, the New Jersey State League of Municipalities and all Morris County municipalities.

R 268-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY HUDDLE, INC. d/b/a THE HUDDLE CLUB

**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:

Huddle Inc. d/b/a The Huddle Club  
I.D. No. 274-5-39130  
R.A. No. 1390 – Off premise  
December 17, 2016

R 269-2016 A RESOLUTION ACCEPTING A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

**WHEREAS**, the Borough of Madison has applied for and has been awarded a grant in the amount of up to \$215,063.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for

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Remedial Action along with report preparation of the former Guerriero Paving Company property;

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borough of Madison that the above referenced grant is hereby accepted and the Mayor and Borough Clerk are hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the Borough of Madison.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

**UNFINISHED BUSINESS** - None

**APPROVAL OF VOUCHERS**

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

Public Safety	\$56,435.94
Health & Public Assistance	19,447.90
Public Works & Engineering	197,430.36
Community Affairs	8,249.12
Finance & Borough Clerk	6,710,313.07
Utilities	<u>1,167,958.34</u>
Total	<u>\$8,259,834.73</u>

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

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

Nays: None

**NEW BUSINESS** - None

**ADJOURN**

There being no further business to come before the Council, the meeting was adjourned at 9:26 p.m.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved September 26, 2016 (EO)