

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

September 12, 2018 - 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, 2018. 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 11, 2018. This Notice was made available to members of the general public.”

ROLL CALL

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

Mayor Robert H. Conley

Council Members:

Carmela Vitale
Astri J. Baillie
Benjamin Wolkowitz
Patrick W. Rowe
Maureen Byrne
John F. Hoover

Also Present:

Raymond M. Codey, Borough Administrator
James E. Burnet, Assistant Borough Administrator
Elizabeth Osborne, Borough Clerk
John Napolitano, Esq., for Matthew J. Giacobbe, Esq. Borough Attorney

AGENDA REVIEW

There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Mr. Rowe moved:

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

MINUTES FOR APPROVAL (1)

August 13, 2018

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

CONTRACT MATTERS (4)

ELECTRIC/WATER UTILITY METERS

HEALTH SERVICES

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ENERGY AUDIT SERVICES
WELLS A & B FACILITY IMPROVEMENTS

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

Seconded: Mrs. Vitale
Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

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

APPROVAL OF MINUTES

Mr. Rowe moved approval of the **Executive Minutes of August 13, 2018**. Ms. Baillie seconded the motion, which passed with the following roll call vote recorded:

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

Mr. Rowe moved approval of the **Regular Meeting Minutes of August 13, 2018**. Ms. Baillie seconded the motion, which passed with the following roll call vote recorded:

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

GREETINGS TO PUBLIC

EMPLOYEE OF THE MONTH FOR SEPTEMBER:

The Employee of the Month for September is Daniel DeBiasse of the Department of Public Works for his commitment and hard work installing fiber wire at the garage and other locations to enhance the Borough's security especially during the oppressive heat and on his own time on the evening of July 13th at the Madison Avenue water tower to accomplish the job.

ANNIVERSARY FOR THE MONTH OF SEPTEMBER:

Crossing Guard Mary Marano – 20 Years on September 9, 2018.

PROCLAMATION:

Mayor Conley read and presented a Proclamation supporting "Out of the Darkness" Walk on September 22, 2018 to Chatham Borough Council President Len Resto.

*Proclamation
of the
Borough of Madison
Supporting "Out of the Darkness" Walk
ON SEPTEMBER 22, 2018*

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WHEREAS, the Borough of Madison is committed to increasing awareness of suicide prevention and wishes to recognize the importance of suicide awareness in our community; and

WHEREAS, a suicide attempt is made every minute of every day, resulting in nearly one million attempts made annually, with an increasing number of teens and pre-teens, members of the military and police, fire and emergency management technicians being most at risk; and

WHEREAS, the stigma of mental illness causes many to keep silent about suicide and attempted suicides; and

WHEREAS, the American Foundation for Suicide Prevention is a multi-faceted organization made up of esteemed scientists, dedicated survivors of suicide loss, people with mental disorders and their families, those who wish to bring suicide and mental illness out of the shadows and an expansive network of business and community leaders that advocates and supports policies that contribute to reducing and preventing suicides nationwide and encourages individuals who may be in crisis to call National Suicide Prevention Lifeline at 1-800-273-TALK (8255); and

WHEREAS, the third annual “Out of the Darkness” walk will take place on September 22, 2018 at 4:30 p.m. at Cougar Field in Chatham to increase awareness of suicide prevention and raise funds for the American Foundation for Suicide Prevention, an endeavor which the Borough of Madison fully supports;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby encourage residents to support this important cause by either registering to walk, raise funds or attend the “Out of the Darkness” event on September 22nd at Cougar Field.

Robert H. Conley, Mayor
September 12, 2018

R 254-2018 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING AUXILIARY POLICE CAPTAIN SAMUEL J. DEMARZO, SR AS CHIEF OF THE AUXILIARY POLICE, LIEUTENANT PASQUALE SPAGNUOLO AS CAPTAIN OF THE AUXILIARY POLICE, AND OFFICER SAMUEL J. DEMARZO, JR. AS LIEUTENANT OF THE AUXILIARY POLICE FOR THE BOROUGH OF MADISON

WHEREAS, the Chief of Police has recommended that Samuel J. DeMarzo, Sr. be appointed as Chief of the Auxiliary Police, Pasquale Spagnuolo as Captain of the Auxiliary Police, and Samuel J. DeMarzo, Jr. as Lieutenant for the Madison Auxiliary Police Officer; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the above appointments be effective immediately.

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Mr. Rowe moved approval of Resolution 254-2018. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

The Honorable James M. DeMarzo, State of New Jersey Superior Court, 10th Vicinage, administered the oath of office to Auxiliary Police Chief Samuel DeMarzo, Sr., Auxiliary Captain Pasquale Spagnuolo and Auxiliary Lieutenant Samuel DeMarzo, Jr.

PRESENTATION OF MAYOR'S HERO AWARDS

Mayor Conley presented the Mayor's Hero Awards to Police Sergeant James Cavezza, PO Christopher Burans and PO Travis Davis, for their heroism saving a suicidal teenager.

REPORTS OF COMMITTEES

Health

Mr. Rowe, Chair of the Committee, made the following comments:
Influenza Vaccine Clinics will be held on Tuesday October 9th from 10:00 to 11:00 a. m., at the Rexford Tucker Apartments on Chateau Thierry and Wednesday October 17th and October 24th from 9:00 to 11:00 a. m. at the Madison Civic Center on Walnut Street. The YMCA teen center will be the location of a 'Hidden in Plain Sight' program on September 19th. This program gives parents tips on spotting substance abuse and is for parents only. September is National Childhood Obesity Month. Residents can find additional information on the Health Department webpage.

Public Works and Engineering

Mrs. Vitale, Chair of the Committee, made the following comments:
The Mechanics Department continues repair to Borough vehicles as well as maintenance of equipment. The Parks Department continues maintenance of ball field for fall sports, and clearing catch basins in anticipation of possible storms. The Building and Construction Department reports 1274 permits issued year to date, with 6653 inspections completed and \$613,301 in permit fees collected.

Finance and Borough Clerk

Ms. Baillie, Chair of the Committee, made the following comments:
In anticipation of the November 6th General Election, the Borough Clerk's Office will be open for Late Night Voter Registration until 8 p.m. on Tuesday October 16th. Registration forms as well as Mail in Ballot applications are available in the Clerk's Office and on line at morriselections.org. As a reminder; the Electric Utility Rebate program ends December 1st. Forms are also available in the Clerk's Office and on the Borough's website. The 2019 budget process continues.

Public Safety

Mr. Wolkowitz, Chair of the Committee, made the following comments:
The Fire Department reports that during the month of August they responded to 21 General Alarms, 30 Still Alarms, 31 Investigations, 37 EMS calls, for a total of 119 calls in August. Forty six Fire Prevention inspections were made, as well as 17 re-sale Smoke/CO inspections. On September 10th the Madison Police Department took possession of a new Emergency Services Truck that replaces a 1990 Ford vehicle. This new vehicle will be utilized in a multitude of assignments and will

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house emergency equipment and lighting to be used at crime scenes, motor vehicle crashes and community events.

Community Affairs

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

Ms. Byrne noted that the fall sports season has begun. Director of Downtown Development, Lisa Ellis, will present information this evening regarding the Madison Community Arts Center on Kings Road. An Emergency Preparedness meeting was held in anticipation of potentially hazardous weather from Hurricane Florence. Ms Byrne encouraged resident to use phone number 973-593-8787 for reporting power outages, etc. in order to keep the 911 line free for emergencies. Please visit the Borough website for more information.

Utilities

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

Mr. Hoover report that both the Electric and Water Departments are involved in emergency preparedness preparations in anticipation of Hurricane Florence. The Electric Department has completed installing a new pole on Green Avenue and a replacement pole on Kings Road. The Electric Department also reports that line clearance has been completed for this year. The Water Department has completed work at the Atlantic Health site.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

Email dated August 22, 2018, from Volunteers of Madison Cub Scouting and Boy Scouting programs, regarding a proposed dog park at Memorial Park.

Email dated September 5, 2018, from Michael Soriano, Woodland Road, regarding pilot tax programs.

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

09/12/2018-1 MADISON COMMUNITY ARTS CENTER

Director of Downtown Development Lisa Ellis provided information regarding the opening of the Madison Community Arts Center including photos of the new space and information regarding rental procedures and fees. At the request of Councilman Hoover, it was agreed to provide supporting information, data and analysis.

ADVERTISED HEARINGS

The Clerk made the following statement:

The ordinances scheduled for hearing tonight was submitted in writing at a Regular meeting of the Mayor and Council held on August 13, 2018, was introduced by title

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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 Ordinances for second reading and asked the Clerk to read said ordinances by title:

**ORDINANCE 45-2018
ORDINANCE OF THE BOROUGH OF MADISON MANDATING
DIRECT DEPOSIT FOR COMPENSATION FOR MUNICIPAL
EMPLOYEES OF THE BOROUGH OF MADISON EFFECTIVE
JANUARY 1, 2019 PURSUANT TO N.J.S.A. 52:14-15f**

WHEREAS, N.J.S.A. 52:14-15f authorizes local governments to mandate direct deposit for compensation for certain governmental employees; and

WHEREAS, N.J.S.A. 52:14-15f permits governing bodies to grant exemptions to the direct deposit requirements on such terms and conditions as they deem necessary; and

WHEREAS, the Borough Administrator and Assistant Borough Administrator/CFO have requested the Borough Council enact such legislation.

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:

A. All full-time employees and part-time employees who receive compensation from the Borough of Madison are mandated to have direct deposit of their compensation as of January 1, 2019 in accordance with N.J.S.A. 52:14-15f.

B. Municipal employees may request an exemption from the direct deposit requirements of the Ordinance by written request to the Borough of Madison Chief Financial Officer (CFO). The CFO may grant an exemption from the requirements of this Ordinance for good cause shown on such terms and conditions as the CFO may deem necessary.

SECTION 2: If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the Section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 3: All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4: this ordinance shall take effect upon adoption, passage and publication according to law.

Mayor Conley opened up the public hearing on Ordinance 45-2018. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 45-2018, which was read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

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Nays: None

Mayor Conley declared Ordinance 45-2018 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

INVITATION FOR DISCUSSION (2 of 2)

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

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

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

Jean Sher; Kitchell Place, asked the Mayor and Council to amend a recent bamboo ordinance adopted by the Board of Health, noting damage to her property.

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

The ordinance scheduled for introduction and first reading tonight will have a hearing during the meeting of October 10, 2018 in the 2nd Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinance will be published in the Madison Eagle, be posted at the main entrance to the Borough offices and be made available to members of the public requesting same, as required by law.

Mayor Conley called up Ordinance 46-2018 for first reading and asked the Clerk to read said ordinance by title:

ORDINANCE 46-2018 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 185-39, 'TAXI STANDS' TO CHANGE THE HOURS OF
PARKING SPACES DEDICATED TO TAXIS ON LINCOLN PLACE

WHEREAS, the Borough Administrator has recommended that dedicated parking spaces for taxis on Lincoln Place should be eliminated; and

WHEREAS, the Borough Council has determined that Chapter 185 of the Madison Borough Code entitled "Vehicles and Traffic" should be amended in order to implement these changes.

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: Sections 185-16 "Taxi Stands Designated" and 185-39 entitled "Schedule XI: Taxi Stands", of the Madison Borough Code are hereby deleted in their entirety.

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

Mr. Wolkowitz moved that Ordinance 46-2018, which the Borough Clerk read by title, be adopted. Mr. Hoover seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mr. Rowe moved adoption of the Resolutions 237-2018 through 241-2018 and R 243-2018 through R 253-2018, listed on the Consent Agenda. Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

R 237-2018 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXECUTION OF AN ADDENDUM AMENDING THE AGREEMENT FOR HEALTH SERVICES WITH THE TOWNSHIP OF BLOOMFIELD

WHEREAS, the Borough of Madison previously entered into a contract with the Township of Bloomfield to receive health services of a technical and professional nature as hereinafter set forth, in consideration of payment as hereinafter provided, all according to N.J.S.A. 26:3A2-1 et seq.; and

WHEREAS, subsequent to contract execution an additional town (Cranford) was added to the base contract requiring additional services from Bloomfield; and

WHEREAS, the Health Officer and Assistant Borough Administrator/CFO have recommended the Council authorize execution of an Addendum to the Agreement with the Township of Bloomfield providing additional compensation for said services.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the Mayor and Borough Clerk be authorized to enter into an Addendum to the base contract with the Township of Bloomfield for health services as described herein in such form approved by the Borough Attorney and Borough Administrator.

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R 238-2018 RESOLUTION OF THE BOROUGH OF MADISON AWARDING A CONTRACT TO CIEL POWER LLC FOR ENERGY AUDIT SERVICES

WHEREAS, the Borough solicited receipt of competitive proposals through a Request for Proposal process (RFP) for Energy Audit Services; and

WHEREAS, Ciel Power, LLC was the sole proposal submitted.

WHEREAS, the RFP Review Committee and the Qualified Purchasing Agent/Personnel Director have recommended that a contract be awarded to Ciel Power LLC, of Lyndhurst, N.J., for Energy Audit Services, at no cost to the Borough for these services.

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 contract for Energy Audit Services with Ciel Power LLC, such contract to be in a form approved by the Borough attorney.

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

R 239-2018 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RELEASE OF RESTORATION BOND TO LOUIS R. CASAMASSA, ON BLOCK 1106, LOTS 8 & 9

WHEREAS, the Assistant Borough Engineer has recommended that the Restoration Bond of \$5,000.00 be released to Louis R. Casamassa, in connection with site improvements completed at 8 and 10 Loveland Street, Block 1106, Lots 8 & 9; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Restoration Bond described herein be released to Louis R. Casamassa.

R 240-2018 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE AND INSTALLATION OF NEW WINDOWS AND RELATED WORK FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Director of Public Works desires to purchase and install new windows and related work at the Public Works Municipal Garage; and

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WHEREAS, the Borough Administrator has recommended that the Borough Council authorize a contract for the purchase and installation of new window and related work with High Grad3e Contracting in the amount of \$26,400.00; and

WHEREAS, funds are available in Ordinance 26-2016 or in any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds has been certified by the Chief Financial Officer.

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

1. The purchase and installation of new windows and related work, at a total price not to exceed \$26,400.00 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 High Grade Contracting, of Randolph, N.J., for the purchase and installation of new windows and related work, at a total price not to exceed \$26,400.00, in a form acceptable to the Borough Attorney.

R 241-2018 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A SPECIAL EVENT PERMIT TO ALLOW THE USE OF PUBLIC PARKING LOT NUMBER ONE BY THE ROTARY CLUB OF MADISON FOR A PUBLIC SHREDDING EVENT ON OCTOBER 20, 2018

WHEREAS, the Rotary Club of Madison has requested permission to use public parking lot number one on Saturday, October 20, 2018, between the hours of 9:00 a.m. and 12:00 p.m. for a public shredding event; and

WHEREAS, the Borough Administrator has recommended that such permission be granted; and

WHEREAS, the Rotary Club has submitted a Special Event Permit Application to the Borough as well as a Certificate of Liability Insurance naming the Borough of Madison as an additional insured; 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 Rotary Club of Madison is hereby given permission to hold a public shredding event at Madison public parking lot number one, on October 20, 2018, between the hours of 9:00 a.m. and 12:00 p.m. subject to such safety requirements as may be directed by the Madison Police Department and/or Fire Department.

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R 243-2018 RESOLUTION OF THE BOROUGH OF MADISON AWARDING PROFESSIONAL SERVICES CONTRACT TO J.A. MIHALIK ARCHITECT, LLC TO DESIGN PROJECT FOR THE MADISON ELECTRIC STORAGE BUILDING ADDITION AN AMOUNT NOT TO EXCEED \$12,500.00

WHEREAS, the Assistant Borough Engineer has recommended awarding a professional services contract for architectural plans for the construction of the Madison Electric Storage Building Addition; 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 Assistant Borough Engineer has recommended that the Borough Council award the contract to J.A. Mihalik Architect, LLC in an amount not to exceed \$12,500.00; and

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

WHEREAS, funds are available in Ordinance 37-2018 or in any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds has been certified by the Chief Financial Officer.

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 with J.A. Mihalik Architect, LLC for design services for the Madison Electric Storage Building Addition in an amount not to exceed \$12,500.00, such contract to be in a form approved by the Borough Attorney.

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

R 244-2018 RESOLUTION OF THE BOROUGH OF MADISON AWARDING PROFESSIONAL SERVICES CONTRACT TO BOWMAN CONSULTING ENGINEERS FOR THE MADISON ELECTRIC STORAGE BUILDING ADDITION

WHEREAS, the Assistant Borough Engineer has recommended contracting with a licensed engineering and wetland consulting specialist for the preparation of

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structural engineering plans and specifications for the Madison Electric Storage Building Addition (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 Borough Administrator has recommended that the Borough Council award the Contract to Bowman Consulting Engineers in an amount not to exceed \$7,500.00, for Structural Engineering Services; and

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

WHEREAS, funds are available in Ordinance 37-2018 or in any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds has been certified by the Chief Financial Officer.

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 with Bowman Consulting Engineers in an amount not to exceed \$7,500.00, such contract to be in a form approved by the Borough Attorney.
2. The Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough of Madison within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.

R 245-2018 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING NON-DISCLOSURE AGREEMENT WITH ENERNOC, INC. FOR A POSSIBLE ELECTRIC ENERGY GENERATION PROJECT

WHEREAS, the Borough of Madison (“Borough”) wishes to enter into a non-disclosure agreement with ENERNOC, Inc. for a possible electric energy generation project; and

WHEREAS, the Borough Administrator and Assistant Borough Administrator /Chief Financial Officer recommend entering into an agreement.

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 Mayor Robert H. Conley is hereby authorized to execute the attached agreement pending final approval of terms by the Borough’s Legal Counsel.

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R 246-2018 RESOLUTION OF THE BOROUGH OF MADISON ENDORSING THE ACCEPTANCE OF A MUNICIPAL RIGHT OF WAY KNOWN AS COMMUNITY PLACE

WHEREAS, the Madison Planning Board approved a major subdivision application filed by Madison Housing Authority for subdivision with road dedication and variances for Block 1601, Lot 23, to extend the Community Place Municipal roadway on August 21, 2018; and

WHEREAS, in order to formally accept the right of way from the Madison Housing Authority, an endorsement of the acceptance of a municipal right of way to be known as Community Place is necessary.

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 acceptance of a municipal right of way, known as Community Place from the Madison Housing Authority, is hereby endorsed by the governing body of the Borough of Madison and the Mayor and Borough Clerk are authorized to execute any documents required to effectuate said purpose.

R 247-2018 RESOLUTION OF THE BOROUGH OF MADISON REJECTING BIDS FOR THE PURCHASE OF NEW, UNUSED ELECTRIC UTILITY ELECTRONIC AMR/AMI SYSTEM REVENUE METER AND WATER UTILITY ELECTRONIC AMR/AMI SYSTEM WATER METER COMMUNICATIONS MODULES

WHEREAS, the Borough of Madison publicly advertised for bids for the Purchase of New, Unused Electric Utility Electronic AMR/AMI System Revenue Meters and Water Utility Electronic AMR/AMI System Water Meter Communications Modules in accordance with Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, bids received from Byram Laboratories, Inc. of Branchburg, NJ and Wesco Distribution, of Richmond, VA, were both non-responsive; and

WHEREAS, the Borough Attorney and the Purchasing Officer, upon review, have recommended that all bids be rejected and that, pursuant to N.J.S.A. 40A: 11-13.2, the purchase of New, Unused Electric Utility Electronic AMR/AMI System Revenue Meters and Water Utility Electronic AMR/AMI System Water Meter Communications Modules be rebid.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris and State of New Jersey that all bids for the Purchase of New, Unused Electric Utility Electronic AMR/AMI System Revenue Meters and Water Utility Electronic AMR/AMI System Water Meter Communications

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Modules are hereby rejected for the reasons set forth herein and the Borough Administrator is authorized to solicit new bids.

R 248-2018 RESOLUTION OF THE BOROUGH OF MADISON REDUCING AMOUNT OF SURETY BOND POSTED BY KRE MADISON NJ URBAN RENEWAL, LLC FOR IMPROVEMENTS TO 33 GREEN VILLAGE ROAD

WHEREAS, the Assistant Borough Engineer has recommended that the Surety Bond posted by KRE Madison NJ Urban Renewal, LLC in accordance with Madison Planning Board Resolution dated November 10, 2015, for the site improvements being made to 33 Green Village Road, be reduced by \$1,230,664.88 and \$137,678.32 of the cash bond be refunded; and

WHEREAS, the Assistant Borough Engineer advises that the property is in an advanced state of progress and sufficient guaranties and escrows remain to insure full compliance.

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 Surety Bond posted by KRE Madison NJ Urban Renewal, LLC, be reduced by \$1,230,664.88 and \$137,678.32 of the cash bond be refunded.

R 249-2018 RESOLUTION OF THE BOROUGH OF MADISON AWARDDING A CONTRACT TO RAY PALMER ASSOCIATES, INC. IN THE AMOUNT OF \$328,700 FOR THE WELLS A & B TREATMENT FACILITY IMPROVEMENTS PROJECT

WHEREAS, the Borough of Madison publicly advertised for bids for the Wells A & B Treatment Facility Improvements Rebid project (the “Contract”) in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the sole qualified responsible base bid was submitted by Ray Palmer Associates, Inc. of Dover, N.J. in the amount of \$328,700.00; and

WHEREAS, the Borough Engineer and Borough Attorney have recommended that the Borough Council award the contract to the sole qualified bidder Ray Palmer Associates, Inc. in the amount of \$328,700.00.; and

WHEREAS, funds are available in Ordinances 18-2018 and 35-2018, or in any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds has been certified by the Chief Financial Officer.

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

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1. The contract for the Wells A & B Treatment Facility Improvements project is hereby awarded to Ray Palmer Associates, Inc. who submitted a base bid in the amount of \$328,700.00.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Ray Palmer Associates, Inc. in a form acceptable to the Borough Attorney.

R 250-2018 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY GRACE EPISCOPAL CHURCH OF MADISON

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

Grace Episcopal Church in Madison
I.D. No. 274-1-35285
R.A. 1454 On-premise 50/50
R.A. 1455 On-premise merchandise (Tricky Tray)
October 27, 2018

R 251-2018 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CANCELLATION OF \$16,181.96 IN REAL PROPERTY TAX

WHEREAS, the property at 30 Central Avenue, also known as Block 1601 Lot 7, was sold on January 16, 2018 to the Madison Affordable Housing Corp, a tax-exempt entity; and

WHEREAS, the Tax Assessor has granted tax exemption on said property as of the date of sale; and

WHEREAS, the tax amounts needing to be cancelled include \$2,295.51 for first quarter, \$2,751.33 for second quarter, \$2,794.60 for third quarter and \$2,794.59 for fourth quarter of 2018, as well as \$2,772.97 for first quarter and \$2,772.96 for second quarter of 2019; and

WHEREAS, the Borough Council has determined to cancel said tax amounts.

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 regarding Block 1601, Lot 7 and refund any overpayments that result.

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R 252-2018 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CHANGE ORDER AND FINAL PAYMENT TO MICROPAVE, INC. FOR ROADWAY CRACK SEALING IMPROVEMENTS

WHEREAS, Resolution 73-2018 awarded a contract to Micropave, Inc., of Roseland, New Jersey, in an amount not to exceed \$75,000.00 for roadway crack sealing improvements; and

WHEREAS, the Borough Engineer has recommended that the Borough Council amend Resolution 73-2018 to increase the award amount to \$77,059.07 for additional roadway crack sealing; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an additional amount not to exceed \$77,058.87, which funds are available in Ordinance 2-2018.

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 73-2018 is amended to increase the contract award amount by an additional \$2,059.07 to \$77,059.07.
2. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, an amended purchase order and contract with Micropave, Inc., of Roseland, New Jersey, for roadway crack sealing improvements at a total price not to exceed \$77,059.07, in a form acceptable to the Borough Attorney.

R 253-2018 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING RESIGNATION OF TRUCK DRIVER II MATTHEW CIAMPI EFFECTIVE SEPTEMBER 28, 2018

WHEREAS, Matthew Ciampi, Truck Driver II in the Public Works Department for the Borough of Madison, has advised the Borough in writing of his irrevocable resignation as of September 28, 2018.

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 irrevocable resignation of Matthew Ciampi as Truck Driver II in the Public Works Department is hereby acknowledged and accepted.

R 254-2018 was approved earlier in the Council meeting.

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R 255-2018 A RESOLUTION ACCEPTING A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Borough of Madison has applied for and has been awarded a grant in the amount of up to \$409,313.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the New Jersey Department of Environmental Protection and the New Jersey Economic Development Authority for remedial action of the Bayley Ellard Field 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 is 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.

Mr. Rowe moved adoption of the Resolution 242-2018. Ms. Baillie seconded the motion. Ms. Byrne raised objection to approval of a resolution for Sunday Instant raffles at the Elks Lodge. There was no further Council discussion and the motion passed with the following roll call vote recorded:

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

R 242-2018 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY BPOE #1465 MADISON LODGE TO CONDUCT DAILY INSTANT RAFFLE GAMES, INCLUDING SUNDAYS

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

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

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

WHEREAS, an Application for Raffles License, together with all necessary documents and fees, has been submitted to the Madison Borough Clerk's Office by BPOE #1465 Madison Lodge to conduct Instant Raffle Games seven days a week on its premises at 192 Main Street, Madison, from September 8, 2018 through September 8, 2019.

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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 the aforementioned Application for Raffles License, R.A. No. 1453, to be held as listed above, be and the same is hereby approved.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mr. Rowe, seconded by Mrs. Vitale 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	\$6,498.935.44
General Capital Fund	264,553.73
Electric Operating Fund	1,130,064.25
Electric Capital Fund	0.00
Water Operating Fund	27,239.20
Water Capital Fund	4,760.00
Trusts	<u>371,380.06</u>
Total	<u>\$8,296,932.68</u>

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

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

Nays: None

NEW BUSINESS

Mayor Conley announced the following appointment:

ENVIRONMENTAL COMMISSION

Nicole Wood, 171 Main Street, Apt 2, for vacant Alternate #2 member through December 31, 2018.

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 24, 2018 (EO)