

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

September 30, 2020 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 30th day of September, 2020. Mayor Conley called the meeting to order at 7:00 p.m. via Teleconference in the Council Chamber 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 10, 2020. 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

Maureen Byrne

John F. Hoover

Debra J. Coen

Rachael Ehrlich

Also Present:

Raymond M. Codey, Borough Administrator

James E. Burnet, Assistant Borough Administrator

Elizabeth Osborne, Borough Clerk

Matthew J. Giacobbe, Esq. Borough Attorney

AGENDA REVIEW

There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Mrs. Vitale moved:

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

MINUTES FOR APPROVAL (1)

None

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

LITIGATION MATTERS (2)

AFFORDABLE HOUSING UPDATE

TAX APPEALS

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

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CONTRACT MATTERS (3)

911 EMS SERVICES

HDM EAST WING AND PLAZA

WAYFINDING SIGNS

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

PERSONNEL MATTERS (2)

JOINT COURT STAFFING

PD PROMOTIONS

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

Seconded: Ms. Baillie

Vote: Approved by voice vote

RECONVENE VIA TELECONFERENCE

Mayor Conley reconvened the Regular Meeting at 7 p.m. via teleconference with all members present. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES - None

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

Mayor Conley asked for a moment of silence for the following Madison residents:

Josephine Palma

Connie Perillo

Mayor Conley noted that Saturday would traditionally be Bottle Hill Day here in Madison, which has been cancelled due to the pandemic. Mayor Conley suggested residents do their own things to support the local businesses and non-profits. Mayor Conley also noted that October 10th is National Day of Pray. There will be a meeting at Cole Park to thank all 1st responders.

Mayor Conley presented the following Proclamation to Ann Huber of the Environmental Commission and Scott Fisher of Ceil Power.

Proclamation
of the
Borough of Madison
Proclaiming
October 7, 2020 as Energy Efficiency Day

WHEREAS, energy efficiency continues to be the cheapest, quickest and cleanest way to meet our energy needs and reduce utility bills for residential, business, and industrial customers; and

WHEREAS, energy efficiency can also make our homes and workspaces healthier, safer and more comfortable; and

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WHEREAS, smarter energy use reduces the amount of electricity we need to power our lives, which helps avoid power plant emissions that can harm our health, pollute our air and warm our climate; and

WHEREAS, cutting energy waste saves U.S. consumers billions of dollars on their utility bills every year, up to \$500 per household from appliance efficiency standards alone; and

WHEREAS, implementing energy efficiency and other clean energy policies and programs can help boost economic opportunities and job creation while continuing to move toward a sustainable future; and

WHEREAS, the residents of Madison can continue to contribute to our energy efficiency efforts by learning about and participating in our **Home Energy Audit Program with Ceil Power**; and

WHEREAS, a nationwide network of energy efficiency groups and partners has designated the first Wednesday in October as the fifth annual Energy Efficiency Day.

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim October 7, 2020, as “**ENERGY EFFICIENCY DAY.**”

Robert H. Conley, Mayor
September 30, 2020

HPC HISTORIC RESIDENTIAL AWARDS

Mayor Conley presented the Historic Preservation Committee Residential Award Proclamation to the following:

37 Crescent Road, full house preservation

***Proclamation
of the
Borough of Madison
In Recognition of
37 Crescent Road, Madison, New Jersey***

WHEREAS, the Madison Historical Preservation Commission was established in 1993 by Ordinance #31 to encourage preservation of sites of historic, archaeological, cultural, scenic and architectural significance and to provide architectural advice and recommendations on plans submitted for renovations to the façade of properties not only in the historic district but also throughout the Borough of Madison; and

WHEREAS, 37 Crescent Road in Madison was constructed in 1893 and is an excellent example of the Colonial Revival style. The hipped roof, Palladian window, symmetrical massing, and flanking on each side are all hallmarks of its original time; and

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WHEREAS, the wooden siding and windows are intact, adding to the importance of the house in preserving original materials. The house also retains its traditional setting with a curved driveway and tall trees; and

WHEREAS, Paul and Cathy Leo, the newest owners are being commended for keeping the old house as it was while gently upgrading the systems that need work; and

WHEREAS, the Leo's became so interested in their house that they created a full history of the building, a valuable record not only of their own work but of the prior owners, all of whom respected this architectural gem.

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby recognize the meticulous preservation of 37 Crescent Road which contributes to the character of the Borough of Madison as a place of beauty and architectural value.

9 Myrtle Avenue, historic porch renovation

***Proclamation
of the
Borough of Madison
In Recognition of
9 Myrtle Avenue, Madison, New Jersey***

WHEREAS, the Madison Historical Preservation Commission was established in 1993 by Ordinance #31 to encourage preservation of sites of historic, archaeological, cultural, scenic and architectural significance and to provide architectural advice and recommendations on plans submitted for renovations to the façade of properties not only in the historic district but also throughout the Borough of Madison; and

WHEREAS, 9 Myrtle Avenue, home of the Stebbins Family, is a simple, vernacular house from around 1870; and

WHEREAS, although 9 Myrtle Avenue was never a fancy house, it had over time, lost its original porch and gained a series of additions awkwardly attached around the old core; and

WHEREAS, Monika and Scott Stebbins never found a historic photo of the original porch, but they are commended for their sensitive “reconstruction” of a period-appropriate porch that unifies the original structure and its later additions and provides wonderful outdoor space for the family; and

WHEREAS, the Stebbins used an 1870s builder's book as a source for the design and found an excellent craftsman, Augustus Lammers, who made the flat-sawn balusters that give the house its period look.

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby recognize the renovation of 9 Myrtle Avenue which contributes to the character and identity of the Borough of Madison as a place of beauty and architectural value

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JoMed Construction, recovery and salvage of a stoneware bottle during road reconstruction.

Proclamation
of the
Borough of Madison
In Recognition of
Jo-Med Contracting Corporation

WHEREAS, the Madison Historical Preservation Commission was established in 1993 by Ordinance #31 to encourage preservation of sites of historic, archaeological, cultural, scenic and architectural significance and to provide architectural advice and recommendations on plans submitted for renovations to the façade of properties not only in the historic district but also throughout the Borough of Madison; and

WHEREAS, while Jo-Med Contracting, of Elizabeth, NJ was working at Highland Avenue and Rosedale Avenue they uncovered and saved a simple stoneware bottle; and

WHEREAS, it would have been very easy to crush this bottle under the wheels of heavy equipment or say nothing when it appeared; and

WHEREAS, the contractor’s employees took the time to retrieve the bottle and pass it along to the Assistant Borough Engineer recognizing that the stoneware could be important;

WHEREAS, research by the Madison Historical Society shows this bottle is a rare survivor; a bottle for importing sparkling water from Germany. The travels of this bottle tell us much about the movement of people and goods even in the 19th century.

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby recognize John Medeiros, President and Rubin Amorim, Construction Manager, of Jo-Med Contracting for their conscientiousness with regard to historic preservation in the Borough.

Robert H. Conley Mayor
September 30, 2020

REPORTS OF COMMITTEES

Finance and Borough Clerk

Mrs. Vitale, Chair of the Committee, made the following comments:
Mrs. Vitale noted that the CFO will provide a presentation this evening on the impact of the COVID-19 pandemic on Borough finances. Mrs. Vitale also noted that the 2021 budget season has begun with Administration and Department heads meeting regarding the 2021 budget. The Administration should have the 2021 capital budget discussion by the end of the year.

Public Safety

Ms. Baillie, Chair of the Committee, made the following comments:
The Fire Department has been busy recently with two structure fires within 7 hours of each other. On Friday evening, September 18th on Delbarton Drive, the homeowner returned home to find his smoke alarms sounding and his attached garage and house filled with smoke. The fire was found to be in the garage and quickly extinguished. The house suffered smoke damage and the fire was

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contained to the garage. Mutual aid fire units responded to this 2nd alarm fire to assist Madison firefighters. Madison Ambulance and Police also responded. The second fire was on Saturday morning, September 19th around 3:00am. Madison Firefighters were dispatched to a possible “working structure” fire on Alexander Ave. Madison firefighters arrived to find heavy smoke pushing out the front door. A 2nd alarm was transmitted which brought mutual aid departments to the scene. The fire appears to have started in the basement and climbed quickly up the interior walls of the older style “balloon” constructed house. There were no injuries. Thank you to our Mutual Aid Fire Departments that responded to assist us at these 2 fires; Chatham, Florham Park, Morris Twp, Cedar Knolls, Green Village, Morris Plains, and Mt Tabor. Also responding to the scene to assist was the Morris County Fire coordinator, Madison Ambulance Squad, Madison Police, Madison Electric Department and PSE&G. Special thank you to Chatham Twp FD and Summit FD who stood by in our Firehouse to cover Madison for any additional calls that might have come in. On September 26, 2020 at 12:36 pm, Madison Police Officers were dispatched to an Orchard Street residence for a report of an unconscious male. The patient was identified as a 61-year-old who was performing construction inside the residence. Madison Police Corporal Bart Glab, Patrolmen Chris Burans and Brett Smith arrived on scene. Both homeowners, later identified as an off-duty Edgewater Police Officer and a Morristown Emergency Room Nurse, performing CPR (cardiopulmonary resuscitation) on the patient, advised that the patient was found on the floor with no pulse and he was not breathing when they began CPR. After continuing lifesaving measures, the officers applied the automated external defibrillator (AED) and administered a shock and a pulse was regained on the patient. Madison Ambulance, Madison Fire Department, and Atlantic Health Paramedics arrived on scene to join in the lifesaving efforts. The patient was ultimately transported to Morristown Medical Center where he is recovering and breathing on his own. Chief Dachisen credits the quick actions and training for all involved with giving the patient a second chance at life. Lifesaving efforts like this incident occur every day across this nation by our dedicated first responders.

Public Works and Engineering

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

Ms. Byrne reported that asphalt core testing was completed on both Burnet Road and Glenwild Road by Keytech Inc as required for NJDOT State Aid compliance. Punchlist items are being addressed by Cifelli and Midwest respectively.

AB Contracting has continued to make progress on the Dodge Field Playground Building, which is now ready for construction of the standing seam metal roofing.

Once doors are installed and the building perimeter is secure final electric and plumbing fixtures can be installed and tested. The Department of Public Works will once again recycle pumpkins after Halloween and the Madison Town-Wide Yard sale will take place Saturday, October 3rd.

Community Affairs

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

Mr. Hoover noted that the Downtown Development Commission and the Chamber of Commerce are discussing a virtual Holiday Arts Festival. The 2020 Halloween Parade and Magic Show have been cancelled. Scarecrows on Waverly will be installed from October 2 to November 2nd. Taste of Madison 2021 is scheduled for Monday, March 22, 2021 at Brooklake Country Club. The Red Cross is planning another Blood Drive on October 8th, and Madison Mud will present the Mud Pop Up Pot Shop on October 2, 3 & 4. This will be an art exhibition and sale at the arts center.

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Health

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

Ms. Coen reported that the Health Department is finalizing dates for the annual Flu Clinics, which will be by appointment. Please check the Borough's website for details. New Jersey remains in Stage II, with no new openings. The Public Nurses continue working with the reported 187 cases in Madison, with 17 new cases in reported in September. Ms. Coen also noted a proposed ordinance to increase pet licensing fees and to offer residents a three-year license for pets.

Utilities

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

The Electric Department has completed significant equipment upgrade at Rosedale Manor on Main Street and a pole upgrade at 74 Glenwild Road. The Department is in the process of setting a new pole and overhead wiring for the electric vehicle station at the Pool parking lot. Several service calls for partial power and other emergency conditions. The Department is currently assisting with the new underground electrical service feed to the new Dodge Field House. The Annual Line Clearance has been completed in the Barnsdale, Winding Way, and Sinclair Terrace section of town. The Crews are now clearing the lines in the Crestview, Lawrence, and Broadview section. The Madison Water Department's annual fire hydrant and water main flushing program began this week with the central business district and is estimated to last six weeks. While hydrant flushing typically will not interrupt water service, residents may notice a temporary drop in water pressure while crews are working in the area. There is also the possibility that water may become temporarily discolored. This is normal. The discolored water does not pose a health hazard. If discolored water occurs, simply run the cold water for a few minutes until it clears. The Water Department also repaired two six-inch water main valves on Hamilton Street and Valley Road.

COMMUNICATIONS AND PETITIONS- None

INVITATION FOR DISCUSSION (1 of 2)

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

Thomas Haralampoudis; Pomeroy Road, asked that Council reconsider renewal fees for Alcoholic Beverage License holders due to the pandemic and asked that Resolution 246-2020, authorizing use of Dodge Field for Christmas tree sales, be approved.

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

AGENDA DISCUSSIONS

09/30/2020-1 LITTLE DIVERSE LIBRARY PRESENTATION

Ms. Coen explained a proposed Girl Scouts Silver Award project brought forward by residents Libby and Charlotte Niebris, to create a diverse lending library at the Museum of Early Trades & Crafts. There was agreement to list a resolution on the Consent Agenda.

Resolution 239-2020 is listed on the Consent Agenda.

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09/30/2020-2 COVID-19 FINANCIAL IMPACT REPORT

Mr. Burnet presented Council with an update on the impact of the COVID-19 pandemic on the Borough's finances, and pandemic related expenses, noting the steady tax collection rate and a reduction in utility and other revenues, including court fees, commuter parking permit fees and account interest. Mr. Burnet also noted that, with an anticipated drop of \$1.2 million in revenues in 2020, between the municipal and utilities, the impact may be felt beyond 2021.

09/30/2020-2 POLICE DEPARTMENT PROTECTIVE SHIELDS

Ms. Baillie noted a Police Department request to fund defensive equipment in their capital budget, with some equipment approved at the previous Council meeting. Council has questioned protective shields and received further explanation regarding use and training from Chief Dachisen, who joined the meeting at 9:29 p.m. Chief Dachisen noted the obligation to provide protective equipment to all staff. Following discussion of community policing and additional training, perceived and actual threats, there was a motion to move the proposed purchase of protective shield. Chief Dachisen left the meeting at 9:42 p.m.

Ms. Baillie moved Resolution 245-2020, which the Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no further Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Ms. Baillie, Ms. Byrne, Mr. Hoover, Ms. Coen

Nays: Ms. Ehrlich

WHEREAS, the Police Chief has recommended that the Borough purchase twelve protective shields from Lawman Supply of Pennsauken, New Jersey, in an amount not to exceed \$3,447.72; and

WHEREAS, this protective equipment will be allocated to each patrol vehicle to enhance officer safety and to help defuse potentially volatile situations; and

WHEREAS, all members of the Madison Police Department will be trained in the use of this defensive equipment; and

WHEREAS, Chief Dachisen has implemented a comprehensive annual training regimen for all police personnel including de-escalation techniques, sensitivity, cultural and diversity awareness and crowd control management techniques; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in an amount not to exceed \$3,447.72 for this purpose, by Ordinance 22-2020; and

WHEREAS, the Borough Council has determined that the Borough should purchase twelve protective shields in an amount not to exceed \$3,447.72.

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 purchase of twelve protective shields in an amount not to exceed \$3,447.72 is hereby approved.

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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 September 14, 2020, were introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

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

**ORDINANCE 30-2020
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$391,673.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR
THE PURCHASE OF A NEW RESCUE/PUMPER AND FIREFIGHTING
EQUIPMENT**

WHEREAS, the Fire Chief has recommended that the Borough appropriate \$391,673.00 from the General Capital Improvement Fund towards the purchase of a new Rescue/Pumper for the Fire Department; and

WHEREAS, funds are available in the General Capital Improvement Fund and the availability of funds has been certified by the Chief Financial Officer; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$391,673.00 from the General Capital Improvement Fund towards the purchase of a new Rescue/Pumper for the Fire Department.

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

SECTION 1: The amount of \$391,673.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of a new Rescue/Pumper for the Fire Department.

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

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

Mayor Conley opened up the public hearing on Ordinance 30-2020. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 30-2020, which was read by title, be finally adopted. Ms. Ehrlich seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Ms. Baillie, Ms. Byrne,
Mr. Hoover, Ms. Coen, Ms. Ehrlich

Nays: None

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Mayor Conley declared Ordinance 30-2020 adopted and fully passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 31-2020
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$300,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND
FOR THE PURCHASE OF UTILITY POLES, TRANSFORMERS AND
ADDITIONAL ELECTRIC MATERIALS**

WHEREAS, the Electric Utility Superintendent has recommended that the Borough appropriate \$300,000.00 from the Electric Utility Capital Improvement Fund for the purchase of additional utility poles, transformers and materials; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Electric Utility Capital Improvement Fund in an amount not to exceed \$300,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$300,000.00 from the Electric Utility Capital Improvement Fund for the purchase of additional utility poles, transformers and materials.

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 \$300,000.00 from the Electric Utility Capital Improvement Fund for the purchase of additional utility poles, transformers and materials.

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

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

Mayor Conley opened up the public hearing on Ordinance 31-2020. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 31-2020, which was read by title, be finally adopted. Ms. Ehrlich seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Ms. Baillie, Ms. Byrne,
Mr. Hoover, Ms. Coen, Ms. Ehrlich
Nays: None

Mayor Conley declared Ordinance 31-2020 adopted and fully passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 32-2020

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$15,228.00 FROM THE MUNICIPAL OPEN SPACE TRUST FUND FOR REIMBURSEMENT OF DRAINAGE AND REMEDIATION CAPITAL PROJECTS AT THE MUSEUM OF EARLY TRADES & CRAFTS

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough to reimburse the Museum of Early Trades & Crafts for a drainage and remediation capital project at the James Building; and

WHEREAS, the James Building is owned by the Borough of Madison; and

WHEREAS, the lease between the Borough and the METC obligates the Borough to fund 50% of capital improvements in excess of \$10,000.00; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$15,228.00 from the Open Space Trust Fund for this purpose; and

WHEREAS, the Open Space Advisory Committee has unanimously recommended the full funding of this request; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$15,228.00 for this purpose in the Open Space Trust Fund.

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 \$15,228.00 is hereby appropriated from the Open Space Trust Fund for reimbursement for drainage and remediation capital project at the Museum of Early Trades & Crafts, James Building.

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

Mayor Conley opened up the public hearing on Ordinance 32-2020. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 32-2020, 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, Ms. Byrne,
Mr. Hoover, Ms. Coen, Ms. Ehrlich

Nays: None

Mayor Conley declared Ordinance 32-2020 adopted and fully passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

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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 Meeting Moderator, each person give his/her name and address in an audible tone of voice, for the record. **He/she shall limit his/her statement to three (3) minutes or less.**

Thomas Haralampoudis; Pomeroy Road, suggested ideas that Council could consider to address potential loss in municipal revenues including a freeze on salaries and hiring, hold on capital projects and reducing the Open Space Tax collection.

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

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of October 26, 2020 in the 2nd Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinances will be published in the Madison Eagle, be posted at the main entrance to the Borough offices and be made available to members of the public requesting same, as required by law.

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

ORDINANCE 33-2020 Item Removed and the # Retired

ORDINANCE 34-2020 ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 59 SECTION 59-15 OF THE BOROUGH CODE ENTITLED "FEES" REGARDING DOG AND CAT LICENSES TO INCREASE FEES

WHEREAS, the Madison Board of Health has recommended amendments to the Borough Code to increase certain fees for dog and cat licenses beginning with the January 2021 licensing term.

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: Chapter 59 of the Code of the Borough of Madison, Section 15 thereof entitled "Fees" is hereby amended as follows to increase certain fees for dog and cat licenses beginning with the January 2021 licensing term:

. . .

Type of Fee	Fee
Dog/Cat License (1 year) - Neutered	\$18
Dog/Cat License (1 year) - Non-Altered	\$21
Dog/Cat License (3 year) - Neutered	\$50
Dog/Cat License (3 year) - Non-Altered	\$60
Annual Potentially Dangerous Dog Licenses	\$250
Replacement Dog or Cat License Tag	\$5
Dog/Cat Licenses - Late Fee (Applications received after Feb 1;	

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at the discretion of the health officer)	\$10 /mo
Kennel Operator License, annual (10 or fewer animals)	\$25
Kennel Operator License, annual (11 or more animals)	\$75
Pet shop operator licenses, annual	\$25
Animal Trap Deposit	\$40

.....

SECTION 2: This ordinance shall take effect immediately and upon final passage and publication as required by law.

Ms. Coen moved that Ordinance 34-2020, which the Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Ms. Baillie, Ms. Byrne,
Mr. Hoover, Ms. Coen, Ms. Ehrlich
Nays: None

**ORDINANCE 35-2020 ORDINANCE OF THE BOROUGH OF
APPROPRIATING UP TO \$150,000.00 FROM THE AFFORDABLE
HOUSING TRUST FUND FOR THE CONSTRUCTION OF A TWO-
FAMILY HOUSE AT 7 ELM STREET, MADISON BY HQM
PROPERTIES**

WHEREAS, the Borough Administrator has recommended that the Borough appropriate up to \$150,000.00 from the Affordable Housing Trust Fund (AHTF) on a reimbursement basis to HQM Properties (HQM) for the construction of a two-family house with two 2-bedroom units to be rented to low-income families; and

WHEREAS, funds are available in the Affordable Housing Trust Fund and the availability of funds has been certified by the Chief Financial Officer; and

WHEREAS, HQM will deed restrict the subject property for use as affordable housing for a minimum of thirty (30) years; and

WHEREAS, HQM has confirmed with their attorney that prevailing wages are not required even with public funds invested in the project; and

WHEREAS, the units shall be eligible for full COAH credits.

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: Up to \$150,000.00 is hereby appropriated from the Affordable Housing Trust Fund on a reimbursement basis to HQM for the construction of a two-family house with two 2-bedroom units to be affirmatively marketed in accordance with the Borough's settlement with the Fair Share Housing Center to low-income families.

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

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

Mrs. Vitale moved that Ordinance 35-2020, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Ms. Baillie, Ms. Byrne,
Mr. Hoover, Ms. Coen, Ms. Ehrlich

Nays: None

ORDINANCE 36-2020 ORDINANCE OF THE BOROUGH OF
MADISON APPROPRIATING \$85,000.00 FROM GENERAL CAPITAL
IMPROVEMENT FUND FOR THE PURCHASE AND INSTALLATION
OF BOROUGH WIDE WAYFINDING SIGNS AND GATEWAY SIGNAGE

WHEREAS, the Director of Business Development has recommended that the Borough appropriate \$85,000.00 from the General Capital Improvement Fund for the purchase and installation of Borough Wide Wayfinding and Gateway Signage; and

WHEREAS, funds are available in the General Capital Improvement Fund and the availability of funds has been certified by the Chief Financial Officer; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$85,000.00 from the General Capital Improvement Fund for the purchase and installation of Borough Wide Wayfinding and Gateway Signage.

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 \$85,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase and installation of Borough Wide Wayfinding and Gateway Signage.

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

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

Mr. Hoover moved that Ordinance 36-2020, which the Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Ms. Baillie, Ms. Byrne,
Mr. Hoover, Ms. Coen, Ms. Ehrlich

Nays: None

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CONSENT AGENDA RESOLUTIONS

The Clerk made the following statement:

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

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

Yeas: Mrs. Vitale, Ms. Baillie, Ms. Byrne,
Mr. Hoover, Ms. Coen, Ms. Ehrlich

Nays: None

R 236-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A CONTRACT WITH COUNTY OF MORRIS TO PROVIDE EMERGENCY 911 DISPATCHING SERVICES

WHEREAS, the Police Chief has recommended the Borough renew a Shared Services Agreement with the County of Morris to provide emergency 911 dispatching services for the Borough beginning January 1, 2019 through December 31, 2020 at the rate of \$25,000.00 per year.

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 Shared Services contract with the County of Morris for emergency 911 dispatching services, in an amount not to exceed \$25,000.00 per year for 2019 and 2020 is hereby approved.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a Shared Services contract with the County of Morris for emergency medical dispatching services, at a total price not to exceed \$25,000.00 per year for 2019 and 2020, in a form acceptable to the Borough Attorney.

R 237-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING APPOINTMENT OF DETECTIVE KENNETH R. SHANNON AS SERGEANT IN THE MADISON POLICE DEPARTMENT EFFECTIVE OCTOBER 1, 2020

WHEREAS, the Borough Council, after due consideration, has determined to appoint Detective Kenneth R. Shannon to the position of Sergeant in the Madison Police Department effective October 1, 2020;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Detective Kenneth R. Shannon is hereby appointed to the position of Sergeant in the Madison Police

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Department, effective October 1, 2020, to be compensated in accordance with the Superior Officers Collective Bargaining Agreement.

R 238-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING APPOINTMENT OF CORPORAL SEAN MCCARTHY AS SERGEANT IN THE MADISON POLICE DEPARTMENT EFFECTIVE OCTOBER 1, 2020

WHEREAS, the Borough Council, after due consideration, has determined to appoint Corporal Sean McCarthy to the position of Sergeant in the Madison Police Department effective October 1 2020;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Corporal Sean McCarthy is hereby appointed to the position of Sergeant in the Madison Police Department, effective October 1, 2020, to be compensated in accordance with the Superior Officers Collective Bargaining Agreement.

R 239-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING GIRL SCOUTS SILVER AWARD PROJECT AT THE MUSEUM OF EARLY TRADES & CRAFTS

WHEREAS, Libby and Charlotte Niebres, members of Girl Scouts of America located in Madison, have offered to build and install a Little Diverse Library at the Museum of Early Trades & Crafts, on the corner of Green Village Road and Main Street in support of their Silver Award Scout project; and

WHEREAS, the Council wishes to approve such request.

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 installation of a Little Diverse Library at the Museum of Early Trades & Crafts, supported and recommended by the Downtown Development Commission, as described herein is hereby approved, with the assistance of the Department of Public Works.

R 240-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RELEASE OF RESTORATION BOND TO MILLENNIUM DEVELOPMENT GROUP, LLC FOR 286 KINGS ROAD, BLOCK 5201, LOT 11

WHEREAS, the Borough Engineer has recommended that the Restoration Bond for 286 Kings Road (Millennium Development Group, LLC) and guarantees

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held in Trust Account 2388 and any accrued interest, in connection with site improvements completed at 286 Kings Road, Block 5201, Lot 11 be released; and

WHEREAS, the Borough Engineer advises that compliance with approved site plans 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 and guarantees held in Trust Account 2388 described herein be released to Millennium Development Group, LLC.

R 241-2020 RESOLUTION OF THE BOROUGH OF MADISON RECOGNIZING THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE JULY 2020 TO JUNE 2025

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Borough Council of the Borough of Madison, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Madison Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Madison Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Morris;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Madison, County of Morris, State of New Jersey hereby recognizes the following:

1. The Madison Borough Council does hereby authorize submission of a strategic plan for the Madison Municipal Alliance (MAASA) grant for fiscal year 2021 in the amount of:

DEDR	\$5,050.00
Cash Match	\$1,262.50
In-Kind	\$3,787.50

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2. The Madison Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

R 242-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE USE OF UP TO \$2,250.00 IN MUNICIPAL OPEN SPACE TRUST FUNDS FOR FORESTRY MOWING AT THE MADISON RECREATION CENTER

WHEREAS, the Acting Purchasing Agent has requested authorization to enter into a contract with James Irish, Inc. of Rocky Hill, New Jersey, for forestry mowing of approximately nine (9) acres at the Madison Recreation Center (MRC); and

WHEREAS, Ordinance 21-2019 has appropriated funding from the Municipal Open Space Trust Fund to implement a conservation management plan for the MRC, as approved by the Open Space Advisory Committee; and

WHEREAS, the Chief Financial Officer/Assistant Borough Administrator has attested to the availability of funds in Ordinance 21-2019 in an amount not to exceed \$2,250.000 for this purpose.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that up to \$2,250.00 is hereby authorized to be allocated from Ordinance 21-2019 for forestry mowing at the Madison Recreation Center.

R 243-2020 RESOLUTION OF THE BOROUGH OF MADISON RENEWING LIQUOR LICENSES IN THE BOROUGH OF MADISON FOR THE 2020-2021 LICENSE TERM

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following applications for renewal of Liquor Licenses for the 2020 - 2021 license term be, and hereby are, approved:

CONSUMPTION LICENSES – FEE \$2,386.00; July 1, 2020 through June 30, 2021

License #1417-33-010-005
L'Allegria Restaurant Corp
9-11 Prospect Street
Madison, NJ 07940

License #1417-33-018-009
Waverly Restaurant Group, LLC
Bottle Hill Tavern
13 Waverly Place
Madison, NJ 07940

License #1417-33-005-004
Headwaters Spirits & Entertainment, LLC
Shanghai Jazz Restaurant and Bar
24 Main Street
Madison, NJ 07940

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R 244-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RENEWAL OF AN AGREEMENT FOR AN EMPLOYEE ASSISTANCE PROGRAM WITH ATLANTIC HEALTH SYSTEM

WHEREAS, the Borough of Madison wishes to renew the contract with Atlantic Health System for an Employee Assistance Program (EAP) as hereinafter set forth, in consideration of payment as hereinafter provided; and

WHEREAS, the Borough Council has determined to approve the renewal of an agreement with Atlantic Health System for an Employee Assistance Program (EAP).

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison County of Morris, State of New Jersey, that the Mayor and Borough Clerk are hereby authorized to execute a renewal of the contract for an Employee Assistance Program (EAP) with Atlantic Health System, in a form approved by the Borough Attorney.

R 245-2020 RESOLUTION OF THE BOROUGH OF MADISON AWARDDING A CONTRACT FOR THE PURCHASE OF TWELVE PROTECTIVE SHIELDS FOR THE POLICE DEPARTMENT – adopted earlier this meeting

R 246-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A CHRISTMAS TREE SALE AT DODGE FIELD NOVEMBER 29, 2020 THROUGH DECEMBER 22, 2020

WHEREAS, the Rotary Club of Madison has requested permission to use a portion of Dodge Field, November 25, 2020 through December 23, 2020, Monday through Friday, between the hours of 3:00 p.m. and 9:00 p.m., and Saturdays and Sundays, 9:00 a.m. and 6:00 p.m., to hold a Christmas Tree Sale; and

WHEREAS, the funds raised will be dedicated to supporting their charitable and community initiatives; and

WHEREAS, the Borough Administrator has recommended that such permission be granted; 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 use a portion of Dodge Field, November 25, 2020 through December 23, 2020, Monday through Friday, between the hours of 3:00 p.m. and 9:00 p.m., and Saturdays and Sundays, 9:00 a.m. and 6:00 p.m., to hold a Christmas Tree Sale, subject to such safety requirements as may be directed

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by the Madison Police Department and/or Fire Department and adequate insurance coverage indemnifying the Borough from liability.

R 247-2020 RESOLUTION OF THE BOROUGH OF MADISON OPPOSING ASSEMBLY BILL A-1135, REINSTATING PRIOR PROPERTY TAX EXEMPTIONS FOR NON-PROFIT HOSPITALS WITH ONSITE FOR-PROFIT MEDICAL PROVIDERS

WHEREAS, the New Jersey State Assembly has voted on and approved Assembly Bill No. A-1135, which seeks to address the ongoing issue of property tax exemptions for nonprofit hospitals with on-site for profit medical providers; and

WHEREAS, the issue stems from a tax court decision which brought to light how the business model for modern hospitals does not match with the original public policy reasons for exempting non-profit hospitals from property taxes; and

WHEREAS, this bill would reinstate the property tax exemption status of nonprofit hospitals, including satellite emergency care facilities with for-profit medical providers on site; and

WHEREAS, the bill sets up an unconstitutional tax exemption. A-1135 also poses other concerns as it attempts to create a Community Service Contribution (CSC) fee which would be paid by hospitals organized as non-profits in lieu of any property tax. The CSC fee is calculated based on the amount of licensed acute-care beds in a hospital which, based on industry trends, would mean the fee would be reduced each year as hospitals move away from these types of beds.; and

WHEREAS, the contemplated CSC fee would be far smaller than any property tax bill which hospitals would otherwise be subject to effectively serving as a subsidy to an otherwise profitable industry, paid for by all other property tax payers of host communities.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that it opposes the newly adopted Bill A-1135, and urges the State Senate to reject the companion bill.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Governor Phillip Murphy, Senator Richard J. Codey, Assemblywoman Mila M. Jacey, Assemblyman John F. McKeon, the New Jersey League of Municipalities, and State Senate Leaders, urging them to oppose the adoption of A-1135.

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R 248-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SPECIAL EVENT PERMITS TO ALLOW THE USE OF SUMMERHILL PARK BY BOY SCOUTS OF AMERICA PATRIOTS PACK 124 FOR CAMPING EVENTS

WHEREAS, the Patriots' Pack 124 of Madison has requested permission to use public property Saturday, October 3, October 10, October 17, October 24 and October 31, 2020, for camping events; and

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

WHEREAS, the Patriots' Pack 124 has submitted Special Event Permit Applications to the Borough and will provide 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 Patriots' Pack 124 of Madison is hereby given permission to use Summerhill Park, October 3, October 10, October 17, October 24 and October 31, 2020, for camping events, subject to such safety requirements as may be directed by the Madison Police Department and/or Fire Department.

R 249-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING USE OF COMMUNITY POOL PUBLIC PARKING LOT BY THE MORRIS ELITE SOCCER CLUB

WHEREAS, Morris Elite Soccer Club has requested permission to use the public parking lot at the Madison Community Pool on Saturday, October 17, 2020, and Sunday, October 18, 2020 between the hours of 9:00 a.m. and 12:00 p.m. for soccer equipment swap; and

WHEREAS, the Borough Administrator has recommended that such permission be granted; 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 Morris Elite Soccer Club is hereby given permission to hold a soccer equipment swap at the Madison Community Pool public parking lot on Saturday, October 17, 2020, and Sunday, October 18, 2020 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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UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mrs. Vitale, seconded by Ms. Baillie 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	\$4,226,207.54
General Capital Fund	158,446.32
Electric Operating Fund	688,010.00
Electric Capital Fund	0.00
Water Operating Fund	28,202.37
Water Capital Fund	0.00
Trusts	<u>36,080.98</u>
Total	<u>\$5,136,947.21</u>

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

Yeas: Mrs. Vitale, Ms. Baillie, Ms. Byrne,
Mr. Hoover, Ms. Coen, Ms. Ehrlich

Nays: None

NEW BUSINESS

Mayor Conley announced the following appointment to Patriotic Celebrations Committee and requested Council confirmation:

PATRIOTIC CELEBRATIONS

Helene Corlett, 22 Essex Place, for an unexpired term through December 31, 2020.

Mrs. Vitale moved confirmation of the foregoing appointments. Ms. Byrne seconded the motion, which passed with a unanimous voice call vote recorded.

Mayor Conley announced the following appointment not requiring Council confirmation:

AFFORDABLE HOUSING COMMITTEE

Mark McBride, 8 Highview Terrace, for a term through December 31, 2020.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved November 9, 2020 (EO)