

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

**October 23, 2017 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 23<sup>rd</sup> day of October, 2017. Mayor Conley called the meeting to order at 7:00 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

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

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

“In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by transmitting a copy of the meeting notice to the Madison Eagle and Morris County Daily Record, posting a copy on the bulletin board at the main entrance of the Hartley Dodge Memorial, and filing a copy in the office of the Clerk, all on January 5, 2017. This Notice was made available to members of the general public.”

**ROLL CALL**

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

Mayor Robert H. Conley

Council Members:

Carmela Vitale

Astri J. Baillie

Benjamin Wolkowitz

Patrick W. Rowe

Maureen Byrne

Absent: Robert Landrigan, excused

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)

October 11, 2017

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

CONTRACT MATTERS (5)

JOINT MEETING

RECREATIONAL VEHICLE PARKING

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FEDERATION OF WHITE COLLAR WORKERS AND SUPERVISORS  
SUBURBAN DISPOSAL  
CENTRAL AVENUE WATER MAIN REPLACEMENT  
Date of public disclosure 60 days after conclusion, if disclosure required.

PERSONNEL MATTER (1)  
DEPUTY TAX COLLECTOR  
Date of public disclosure 90 days after conclusion, if disclosure required.

Seconded: Mr. Landrigan  
Vote: Approved by voice vote

**RECONVENE IN COUNCIL CHAMBER**

Mayor Conley reconvened the Regular Meeting at 8 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 October 11, 2017**. Ms. Byrne seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Regular Meeting Minutes of October 11, 2017**. Ms. Byrne seconded the motion, which passed with the following roll call vote recorded:

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

**GREETINGS TO PUBLIC**

Mayor Conley made the following comments:

Mayor Conley noted the success of a recent Madison Garden Club Garden Show held at the Hartley Dodge Memorial, thanking all those who participated. Mayor Conley also noted the recent interest in the Rodin sculpture located in the Council Chamber of the HDM. The Trustees of the Hartley Dodge Foundation have loaned the piece to the Philadelphia Museum of Art for display in an exhibit commemorating the 100<sup>th</sup> anniversary of Rodin's death.

**PROCLAMATION:**

Mayor Conley presented a Proclamation in Recognition of the 600<sup>th</sup> Career Win for Madison High School Field Hockey Varsity Coach Ann Marie Davies. In attendance with Coach Davies were several assistant coaches and current and former field hockey players.

**Proclamation  
of the  
Borough of Madison**

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**In Recognition of the 600th Career Win for  
Madison High School Field Hockey  
Varsity Coach Ann Marie Davies**

**WHEREAS**, a lifelong resident of Madison and herself an alumna of Madison High School, Ann Marie Davies has coached the Madison High School Field Hockey team for 36 years; and

**WHEREAS**, this year's Field Hockey team is ranked sixth in the NJ.com Top 20 and their victory over Morristown-Beard on Saturday, September 23rd, made Coach Davies the second coach in state history and the 13th coach nationally to achieve the 600-win milestone; and

**WHEREAS**, the team won the 22nd Morris County Tournament championship for Madison High School on Tuesday, October 17th and will now play for the State championship; and

**WHEREAS**, respected for her coaching style, Coach Davies credits her assistant coaching staff and the players for the 66 championships won under her tenure; and

**WHEREAS**, career accomplishments at Madison High School for Coach Davies include 24 Conference titles, 22 Morris County Tournament titles, 15 State Sectional titles and five New Jersey Group championships; and

**WHEREAS**, over the years, thousands of young women have enjoyed playing the game of field hockey thanks to the commitment and dedication of Coach Davies;

**NOW, THEREFORE**, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby recognize and congratulate Madison High School Field Hockey Varsity Coach Ann Marie Davies on her career 600<sup>th</sup> win milestone.

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Robert H. Conley, Mayor  
October 23, 2017

**REPORTS OF COMMITTEES**

**Public Works and Engineering**

Mrs. Vitale, Chair of the Committee, made the following comments:  
Mrs. Vitale noted that the Mechanics Department has been busy maintaining all Police Department vehicles, field maintenance equipment, and leaf collection machines. The Parks Department has installed new swings at Dodge Field and continues maintenance of ball fields. Mrs. Vitale also noted her attendance with Councilmember Maureen Byrne at the 75<sup>th</sup> Anniversary celebration of Madison's Independent Thrift Shop, where she presented the members with a Proclamation.

**Public Safety**

Mr. Landrigan, Chair of the Committee, absent.

**Finance and Borough Clerk**

Ms. Baillie, Chair of the Committee, made the following comments:  
Ms. Baillie reported that the Administration continues work on the 2018 municipal budget along with Department Heads and a presentation of the proposed Capital Budget will take place at a Council meeting later this year.

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### **Utilities**

Mr. Wolkowitz, Chair of the Committee, made the following comments: Hydrant flushing has begun and there may be a temporary decrease of water pressure while a main is being flushed. The Electric Department has completed the annual electric testing of bucket and digger trucks and begun installation of current transformers and meters at the KRE site. They have also removed an old pole at the North Street sewer pump station and installed new poles on Greenwood Avenue. The Borough has given back over \$600,000 to date to electric customers, in the form of an Electric Dividend. The dividend resulted in the electric rate dropping by over 7% which is the largest rate drop in the state of New Jersey over the past year. The Borough established a needs based rebate program where eligible residents can receive a onetime credit of \$150 on their electric bill. Since the beginning of the year the Borough has received 361 applications

### **Health**

Mr. Rowe, Chair of the Committee, made the following comments: The Board of Health introduced an ordinance amending Chapter 218 of the Borough Code “Nuisances” which includes addressing invasive plant species. A public hearing will be held at the November 21<sup>st</sup> Board of Health meeting. The Madison Flu Clinic dates are Wednesdays, October 25<sup>th</sup> and November 1<sup>st</sup> from 9: 00 a.m. to 11:00 a.m. ‘Forging Positive Futures through Positive Parenting’ is a program on parenting that features a certified parent coach providing interactive and engaging parenting workshops and courses. The courses are on October 25th, Nov 1st, Nov 8th, and Nov 15 through at the Madison YMCA. ‘Check your Meds Day’ pharmacy program sponsored by MAASA and the Madison Pharmacy will be held October 20<sup>th</sup> at Madison Senior Center. A licensed pharmacist will review and help organize participants’ medications. MAASA and MCPIK (Morris County Prevention is Key) are hosting a program called ‘Hidden in Plain Sight’ on October 19th at Madison High School. The program is open to the public and is aimed at helping parents identify red flags for substance use and equip them with the knowledge and tools to prevent substance use by their own children. The Mayor’s Wellness Campaign “Fitness Crawl” is scheduled for Nov 5<sup>th</sup> from 10:00 a.m. till 1:00 p.m. There are six different fitness studios participating. Participants have the opportunity to experience a 20-25 minute workout in each facility.

### **Community Affairs**

Ms. Byrne, Chair of the Committee, made the following comments: The Madison Police Department asks the public’s help in solving a cold case. The body of James Wescoe, age 34, New Providence, N.J. was found around 12:30 a.m. at the Madison Train Station on October 21, 1982. He was last seen at approximately 12:50 a.m. walking alone on Lincoln Avenue. The case was ruled a homicide. If residents have any information, please contact the Madison Police Department.

***COMMUNICATIONS AND PETITIONS- None***

### ***AGENDA DISCUSSIONS***

***10/23/2017-1*** Item Removed from the Agenda and the Ordinance # retired.

***ADVERTISED HEARINGS – None***

### ***INVITATION FOR DISCUSSION***

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,

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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.**

**Jesse Esposito; Community Place**, thanked the Mayor and Council for their help regarding parking on Community Place and raised concern regarding college students renting next door to her residence.

**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 November 13, 2017 in the 2<sup>nd</sup> 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 43-2017 ITEM REMOVED AND THE # RETIRED

ORDINANCE 44-2017 ORDINANCE OF THE BOROUGH OF MADISON  
APPROPRIATING \$ 41,000.00 FROM THE GENERAL CAPITAL  
IMPROVEMENT FUND FOR RADIOS FOR THE FIRE DEPARTMENT

**WHEREAS**, the Fire Chief has recommended that the Borough appropriate \$41,000.00 from the General Capital Improvement Fund for the purchase of radios and related equipment for the Fire Department; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$41,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$41,000.00 from the General Capital Improvement Fund for the purchase of radios and related equipment.

**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 \$41,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of radios and related equipment 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.

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Ms. Byrne moved that Ordinance 44-2017, 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, Mr. Wolkowitz, Mr. Rowe, Ms. Byrne

Nays: None

Absent: Mr. Landrigan

**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, Mr. Wolkowitz, Mr. Rowe, Ms. Byrne

Nays: None

Absent: Mr. Landrigan

R 269-2017 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO ROBERT KOPACZ FOR FILMING OF BOROUGH COUNCIL MEETINGS AND SPECIAL EVENTS FOR TELEVISION

**WHEREAS**, the Borough Administrator has recommended that the Contract for filming Borough Council meetings and special events should be awarded for 2018 to Robert Kopacz as a media consultant, in the amount of \$550 per Borough Council meeting and \$100 per hour for consulting services as may be agreed upon, as well as courtesy rental space at the Hartley Dodge Memorial or other Borough-owned property; and

**WHEREAS**, the Borough Council has determined to award said contract to Robert Kopacz for the year 2018; and

**WHEREAS**, this contract award is expressly contingent upon adequate funds for this purpose being included in the adopted 2018 budget.

**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 with Robert Kopacz, of Summit, N.J. as a media consultant is hereby awarded for the year 2018 based upon his quote in the amount of \$550 per Borough Council meeting for filming of Borough Council meetings for television and \$100 per hour for other consulting services the Borough may request, as well as courtesy rental space at the Hartley Dodge Memorial or other Borough-owned property.

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2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into a Contract with Robert Kopacz of Summit, N.J. in a form acceptable to the Borough Attorney.

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

**R 270-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXTENDED PARKING HOURS FOR THE HOLIDAY SEASON**

**WHEREAS**, the Assistant Business Administrator/CFO has recommended that 2 hour parking be permitted in all 1 hour parking spaces on Main Street and Waverly Place from Thanksgiving through December 31, 2017.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that 2 hour parking shall be permitted in all 1 hour parking spaces on Main Street and Waverly Place, effective November 20, 2017 and extending through December 31, 2017.

**R 271-2017 RESOLUTION OF THE BOROUGH OF MADISON PERMITTING RESTAURANT-BARS AND TAVERNS TO REMAIN OPEN UNTIL 2:00 A.M. ON THURSDAY, NOVEMBER 23, 2017**

**WHEREAS**, as part of the Thanksgiving Holiday Weekend, the Restaurant-Bars of Madison have requested permission to remain open on Wednesday, November 22, 2017, for the sale of alcoholic beverages for consumption on premises, until 2:00 A.M., Thursday, November 23, 2017; and

**WHEREAS**, the Borough Code provides for a weekday closing time of 1:00 A.M;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Restaurant-Bars and Taverns shall be permitted to remain open on Wednesday, November 22, 2017, for the sale of alcoholic beverages for consumption on premises, until 2:00 A.M., Thursday, November 23, 2017.

**R 272-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A SPECIAL EVENT PERMIT TO ALLOW THE USE OF PUBLIC PARKING LOT NUMBER ONE BY THE TOREY J. SABATINI SCHOOL PTO FOR A SPECIAL EVENT ON OCTOBER 27, 2017**

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**WHEREAS**, the Torey J. Sabatini School PTO has requested permission to use public parking lot number one on Friday, October 27, 2017, between the hours of 7:00 p.m. and 11:00 p.m.; and

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

**WHEREAS**, the Torey J. Sabatini School PTO has submitted a Special Event Permit Application to the Borough Clerk 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 Torey J. Sabatini School PTO is hereby given permission to use public parking lot number one, on October 27, 2017, between the hours of 7:00 p.m. and 11:00 p.m., subject to such safety requirements as may be directed by the Madison Police Department and/or Fire Department.

R 273-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT WITH THE BOROUGH OF MADISON FEDERATION OF WHITE COLLAR WORKERS AND SUPERVISORS

**WHEREAS**, the Borough of Madison (“Borough”) commenced collective negotiations with the Borough of Madison Federation of White Collar Workers and Supervisors (“Federation”); and

**WHEREAS**, the Borough was able to successfully negotiate a Memorandum of Agreement/Understanding with the Federation for the period January 1, 2018 to December 31, 2021; and

**WHEREAS**, the Mayor and Council have considered the specific terms and conditions contained in the Memorandum of Agreement for the above noted bargaining unit.

**NOW THEREFORE BE IT RESOLVED** as follows:

1. The Mayor and Council approve the attached Memorandum of Agreement for the above-bargaining unit and the terms and conditions specifically set forth in the agreement; and

2. The Mayor and Council hereby authorize the Borough Administrator, Mayor and Borough Clerk to execute the Memorandum of Agreement; and

4. The Mayor and Council authorize the Borough Administrator and CFO to effectuate the collective bargaining agreement.



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**R 274-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RENEWAL OF CONTRACT FOR COLLECTION AND HAULING OF DESIGNATED RECYCLABLE MATERIALS WITH SUBURBAN DISPOSAL**

**WHEREAS**, the Qualified Purchasing Agent/Personnel Director has recommended that the Borough Council authorize renewal of the contract for collection and hauling of designated recyclable materials with Suburban Disposal for two one year extensions at the original price of \$202,800.00 per year as indicated in the current contract expiring December 31, 2017; and

**WHEREAS**, the Borough Administrator recommends that the Council approve the renewal of the contract with two one year extensions.

**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 an extension to renew an agreement for collection and hauling of designated recyclable materials with Suburban Disposal for two one year extensions at the original price of \$202,800.00 per year.

**R 275-2017 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING HATTIE EVANS TO THE POSITION OF DEPUTY TAX COLLECTOR**

**WHEREAS**, the Borough Council appointed Hattie Evans to the position of Acting Deputy Tax Collector in the Tax Collection Department on November 24, 2014; and

**WHEREAS**, the Borough Administrator recommends that the Council remove the title of 'Acting' and appoint Mrs. Evans to the position of Deputy Tax Collector in the Tax Collection Department, effective immediately; 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 Hattie Evans is hereby appointed to the position of Deputy Tax Collector, effective immediately.

**R 276-2017 RESOLUTION OF THE BOROUGH OF MADISON REJECTING THE LOW BID FOR THE CENTRAL AVENUE WATER MAIN REPLACEMENT PROJECT**

**WHEREAS**, the Borough of Madison publicly advertised for bids for the Central Avenue Water Main Replacement project in accordance with Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the Borough received ten (10) bids; and

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**WHEREAS**, the Borough Attorney has disqualified the apparent low bidder, John Garcia Construction Co., Inc., due to legal deficiencies with the Statement of Corporate Ownership; and

**WHEREAS**, the Borough Attorney has opined that rejection of the bid is appropriate pursuant to statutory authority.

**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 apparent low bid of John Garcia Construction CO., Inc. for the Central Avenue Water Main Replacement project is hereby rejected for the reasons set forth herein and the Borough Engineer and Qualified Purchasing Agent are authorized to contact the next lowest bidder in compliance with the bid requirements.

R 277-2017 RESOLUTION OF THE MADISON BOROUGH COUNCIL  
AWARDING CONTRACT TO JO-MED CONTRACTING CORPORATION IN THE  
AMOUNT OF \$859,875.00 FOR THE CENTRAL AVENUE WATER MAIN  
REPLACEMENT

**WHEREAS**, the Borough of Madison publicly advertised for bids for the Central Avenue Water Main Replacement (the “Contract”) in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

**WHEREAS**, the apparent low bid submitted by John Garcia Construction Co., Inc., of Clifton, New Jersey was rejected due to a fatal defect by Resolution 276-2017; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Council award the contract to the next lowest qualified bidder Jo-Med Contracting Corporation in the amount of \$859,875.00; and

**WHEREAS**, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$950,000.00 for this purpose which funds were appropriated by Ordinance 38-2017.

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

1. The contract for the Central Avenue Water Main Replacement is hereby awarded to Jo-Med Contracting Corporation based upon its bid in the amount of \$859,875.00.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Jo-Med Contracting Corporation in a form acceptable to the Borough Attorney.

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**UNFINISHED BUSINESS - None**

**APPROVAL OF VOUCHERS**

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

Current Fund	\$5,119,912.79
General Capital Fund	1,760.31
Electric Operating Fund	127,006.37
Electric Capital Fund	0.00
Water Operating Fund	43,277.34
Water Capital Fund	611.45
Trusts	<u>13,299.78</u>
Total	<u>\$5,305,868.04</u>

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

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

Nays: None

Absent: Mr. Landrigan

**NEW BUSINESS - None**

**ADJOURN**

There being no further business to come before the Council, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved November 13, 2017 (EO)