

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

October 24, 2016 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 24th day of October, 2016. 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 8, 2016. This Notice was made available to members of the general public.”

ROLL CALL

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

Mayor Robert H. Conley

Council Members:

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

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

Mr. Wolkowitz moved:

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

MINUTES FOR APPROVAL (1)

October 13, 2016

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

CONTRACT MATTERS (3)

ROCK-GW, LLC

AFFORDABLE HOUSING UPDATE

KLEINFELDER, INC.

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

Seconded: Mr. Catalanello
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 October 13, 2016*. Ms. Baillie seconded the motion, which passed with the following roll call vote recorded:

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

GREETINGS TO PUBLIC

Mayor Conley congratulated Police Detective Ken Shannon and his family on the recent birth of their baby daughter. Mayor Conley also wished Borough Engineer Bob Vogel a speedy recovery.

REPORTS OF COMMITTEES

Utilities

Mr. Wolkowitz, Chair of the Committee, made the following comments:
The Electric Department reports replacement of a faulty pad-mount transformer at a housing complex on Community Place. Installation and transfer of new poles on Ridgedale Avenue, Green Village Road and Crescent Road, as well as continued Street light repairs and Service upgrades. The Water Department continues mandated water testing and mark out service at thirty-three locations. Hydrant flushing has begun. The Downtown Revitalization work has begun. Focus groups will be formed representing various stake holders. Business owners, home owners, etc. Residents interested in participating in focus groups can send their names to the Downtown Development Commission for consideration.

Health

Mr. Catalanello, Chair of the Committee, no report.

Finance and Borough Clerk

Mr. Landrigan, Chair of the Committee, made the following comments:
Mr. Landrigan reminded residents of the upcoming General Election on Tuesday, November 8th. Reporting for the Office of Emergency Management, Mr. Landrigan noted that the County of Morris, along with several other counties, is under a severe drought warning. Residents should reduce water use.

Public Safety

Mrs. Vitale, Chair of the Committee, made the following comments:
The Madison Fire Department thanks all residents for attending the first annual 1st Responders Day, held Sunday, October 16th, and reminded residents that October is Fire Prevention month. Please do not park on leaves and avoid covering fire

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hydrants. Mrs. Vitale also noted that the Joint Municipal Court continues to operate efficiently and within the approved budget.

Community Affairs

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

The Senior Center will host an Open House on Saturday, October 28th from 10:00 a.m. to 2:00 p.m. Demonstrations, cooking, movies, exercise, and cider and donuts are planned. The Drew University a Capella group, *All of the Above*, will give a free performance. The Downtown Development Commission will hold a pumpkin illumination contest before the first annual 'Trunk or Treat' event at the Hartley Dodge Memorial, with proceeds to benefit the Volunteer Ambulance Corp. The MACA Gala is scheduled for Friday, November 5th at the HDM beginning at 6:00 p.m. The Chamber of Commerce will hold the annual Halloween Parade on Saturday, October 29th, beginning at 12:15, followed by a magic show and trick or treating with merchants.

Public Works and Engineering

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

Construction permit requests are up 15% over last year and revenues are up nearly 60%. An overview of some larger projects includes KRE and Mark Built, with permitting completed on building "A" at KRE. Mark Built condominiums are currently issued a footing and foundation permit. Also issued is an interior demolition permit for Allergan at Giralda Farms, which promises to be a significant project. The Department of Public Works began leaf pickup today.

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 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.**

Mayor Conley noted that public comments would be heard after the Electric Utility Rates discussion.

AGENDA DISCUSSIONS

10/24/2016-1 ELECTRIC UTILITY RATES

Mayor Conley noted a discussion of electric utility rates was promised and the Borough CFO will make a presentation, then Council will have an opportunity for questions, the public will be allowed comments and any action required will take place at a future Council meeting. Mr. Burnet provided a presentation on the history of the electric utility and a need based rebate program begun in 2014. Monthly data collected was provided, including cash receipts, power costs, kWh purchased and billed. There was presentation of the Utility's performance and surplus and current electric rates, and the impact on the municipal budget and services. Mr. Burnet provided guidelines regarding free balance, noting a need of at least \$1 million. Mr. Wolkowitz noted that residents receive benefits from the utility as services. Mr. Landrigan noted that the utility surplus was vital for recovery from Superstorm Sandy. Mr. Catalanello noted that the highest rate payers should be considered separately, and that the benefit of a rate cut instills discipline of budgeting. Mr. Rowe

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provided his own analysis of the utilities suggesting a 7% rate cut. Mrs. Vitale raised concern regarding continued capital improvements. Ms. Baillie noted that just a few years ago the municipal budget difficult and hesitates to decrease rates. Mayor Conley opened the meeting to the public for their opportunity to ask questions and make comments.

Thomas Bintinger; Rolling Hills Court, urged Council to look at recommendation from Strategic Planning Committees and noted that a rate cut will have a dramatic impact on municipal finances.

Michael Soriano; Woodland Road, noted the importance of the discussion and asked Council to look at the Borough's rate structure.

Mayor Conley thanked Mr. Burnet and noted that this is not a discussion that many municipalities have. Mr. Burnet will provide additional data and a proposed ordinance may be introduced at the next Council meeting.

ADVERTISED HEARINGS - None

INTRODUCTION OF ORDINANCES - None

CONSENT AGENDA RESOLUTIONS

The Clerk made the following statement:

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

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

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

R 301-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING USE OF THE HARTLEY DODGE MEMORIAL BY THE MADISON ARTS AND CULTURAL ALLIANCE AND DOWNTOWN DEVELOPMENT COMMISSION ON NOVEMBER 5, 2016

WHEREAS, the Madison Arts and Cultural Alliance and Downtown Development Commission have requested permission to hold an Art Banner Gala on Saturday, November 5, 2016, from 3:00 p.m. to 10:00 p.m., at the Hartley Dodge Memorial; and

WHEREAS, the Borough Administrator recommends that Council approve this request.

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 Madison Arts and Cultural Alliance and Downtown Development Commission is hereby given

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permission to hold an Art Banner Gala at the Hartley Dodge Memorial, on Saturday, November 5, 2016, from 3:00 p.m. to 10:00 p.m., conditioned upon a Certificate of Insurance naming the Borough of Madison as an additional insured in an amount satisfactory to the Chief Financial Officer being provided to the Borough Clerk prior to the event.

R 302-2016 RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION 252-2016 AUTHORIZING A CONTRACT FOR DISPOSAL/RECYCLING OF MUNICIPAL ROAD CLEAN UP MATERIALS UNDER MORRIS COUNTY COOPERATIVE PRICING COUNCIL

WHEREAS, Resolution 252-2016 awarded a contract to Deer Carcass Removal Service, LLC, P.O. Box 328, Cream Ridge, New Jersey, 08514, in an amount not to exceed \$20,000.00 for the purchase of Disposal/Recycling of Municipal Road Clean Up Materials; and

WHEREAS, the Superintendent of Public Works has recommended that the Borough amend Resolution 252-2016 to increase the award amount to \$24,000.00 to cover final costs of road cleanup; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an additional amount not to exceed \$24,000.00, which funds are available in the 2016 operating 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. Resolution 252-2016 is amended to increase the contract award amount by an additional \$4,000.00 to \$24,000.00.
2. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, an amended purchase order and contract with Deer Carcass Removal Service, LLC, P.O. Box 328, Cream Ridge, New Jersey for the purchase of Disposal/Recycling of Municipal Road Clean Up Materials at a total price not to exceed \$24,000.00.

R 303-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING THE 2015 CORRECTIVE ACTION PLAN REPORT

WHEREAS, the 2015 Audit Report prepared by the Municipal Auditor contained seven (7) recommendations to be remedied; and

WHEREAS, the Chief Financial Officer has prepared a Corrective Action Plan which the Borough Council has reviewed and approved.

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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 Corrective Action Plan attached hereto is hereby approved.

R 304-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXTENDED PARKING HOURS FOR THE HOLIDAY SEASON

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

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 22, 2016 and extending through December 31, 2016.

R 305-2016 RESOLUTION OF THE BOROUGH OF MADISON PERMITTING RESTAURANT-BARS AND TAVERNS TO REMAIN OPEN UNTIL 2:00 A.M. ON THURSDAY, NOVEMBER 24, 2016

WHEREAS, as part of the Thanksgiving Holiday Weekend, the Restaurant-Bars of Madison have requested permission to remain open on Wednesday, November 23, 2016, for the sale of alcoholic beverages for consumption on premises, until 2:00 A.M., Thursday, November 24, 2016; 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 23, 2016, for the sale of alcoholic beverages for consumption on premises, until 2:00 A.M., Thursday, November 24, 2016.

R 306-2016 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO KLEINFELDER, INC. OF PRINCETON, NJ FOR FIELD INSPECTIONS AND OVERSIGHT OF THE NORTH STREET PUMP STATION IMPROVEMENTS PROJECT IN THE AMOUNT NOT TO EXCEED \$78,320.00

WHEREAS, the Borough Engineer has recommended that the Borough obtain professional services from Kleinfelder, Inc., for field inspections and oversight of the North Street Pump Station Improvements project (hereinafter the "Contract"); and

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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 Engineer has recommended that the Borough Council award the Contract to Kleinfelder, Inc. in an amount not to exceed \$78,320.00, for field inspections and oversight of the North Street Pump Station Improvements project; and

WHEREAS, Kleinfelder, Inc., must submit to the Borough Purchasing/Personnel Officer 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, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$78,320.00 for this purpose, which funds were appropriated by Ordinance 34-2016.

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

1. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Kleinfelder, Inc., for field inspections and oversight of the North Street Pump Station Improvements project in an amount not to exceed \$78,320.00.

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 307-2016 RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION 295-2016, AUTHORIZING DREW UNIVERSITY TO HOST A FIREWORKS DISPLAY ON SATURDAY, NOVEMBER 5, 2016

WHEREAS, Resolution 295-2016 authorized Drew University to host a Fireworks display on Saturday, October 22, 2016; and

WHEREAS, due to unforeseen circumstances the event was cancelled and Drew University has requested to change the date to November 5, 2016; and

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

1. The display shall be in compliance with all laws and regulations governing a fireworks display;
2. A permit must be obtained from the Fire Official of Madison ensuring

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- all applicable Fire Code requirements are met;
3. Adequate police or security personnel shall be present for crowd control and to ensure the area surrounding the fireworks is secured from unauthorized public entry;
 4. The Fire Department shall be present with adequate personnel to maintain a fire watch for the duration of the event;
 5. The display shall terminate by 11:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the request by Drew University to hold a fireworks display on Saturday, November 5, 2016, is hereby granted and approved subject to the above noted conditions.

R 308-2016 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 2017 to Robert Kopacz as a media consultant on the same terms and conditions as the 2016 contract, in the amount of \$525 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 2017; and

WHEREAS, this contract award is expressly contingent upon adequate funds for this purpose being included in the adopted 2017 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 2017 based upon his quote in the amount of \$525 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.

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.

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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 309-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RELEASE OF PERFORMANCE BOND FOR LVJJ INVESTMENTS, LLC FOR PREMISES LOCATED AT 4 & 6 ELM STREET AND DESIGNATED ON THE TAX MAP AS BLOCK 1302, LOTS 5 & 6

WHEREAS, the Borough Engineer has recommended that the Performance Bond of \$40,948.32.00 be released to LVJJ Investments, LLC, in connection with site improvements located at 4 and 6 Elm Street, Block 1302, Lot 5 and 6; and

WHEREAS, the Borough Engineer advises that the project site has been sold and the new property owner has posted a replacement Performance Bond in an amount satisfactory to the Borough Engineer.

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 Performance Bond described herein be released to LVJJ Investments, LLC.

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.

Maureen Byrne; Albright Circle, noted that tonight's discussion regarding electric utility rates is a difficult subject and is very optimistic after hearing Council debate.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

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

Public Safety	\$58,461.24
Health & Public Assistance	2,756.22
Public Works & Engineering	113,928.75
Community Affairs	10,049.08
Finance & Borough Clerk	5,171,744.82
Utilities	<u>613,254.10</u>
Total	<u>\$5,970,194.22</u>

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

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

Nays: None

NEW BUSINESS - None

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved November 28, 2016 (EO)