

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

November 9, 2015 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 9th day of November, 2015. 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, 2015. This Notice was made available to members of the general public.”

ROLL CALL

Mayor Robert H. Conley

Council Members:

Robert Landrigan
Carmela Vitale
Benjamin Wolkowitz

Absent:

Robert G. Catalanello, excused
Astri Baillie, excused
Patrick W. Rowe, excused

Also Present:

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

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)

September 28, 2015

October 14, 2015

October 26, 2015

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

CONTRACT MATTERS (6)

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WELL E IMPROVEMENTS
ELECTRICAL DEPT MATERIALS BID
ATLANTIC SALT
HEALTH DEPARTMENT CONTRACTS
AFFORDABLE HOUSING PROPERTY DONATION
ELECTRIC PROCUREMENT

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

PERSONNEL MATTERS (1)
FULL TIME NON-UNION SALARIES

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

Mr. Wolkowitz moved approval of the **Executive Minutes of September 28, October 14, and October 26, 2015**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Mr. Landrigan moved approval of the **Regular Meeting Minutes of September 28, October 14, and October 26, 2015**. Mr. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

Mayor Conley asked for a moment of silence for recently deceased residents Mr. Ronald Poeter and Dr. Michael Sabarese

Mayor Conley offer congratulations to Council members Astri Baillie and Benjamin Wolkowitz on their reelection to the Council and noted a 29% voter turnout at the polls.

Mayor Conley invited resident to participate in the Veterans' Day ceremony at James Park to be held Wednesday, November 11th at 11:00 a.m.

EMPLOYEE OF THE MONTH:

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The Employee of the Month for November is Hattie Evans of the Tax Collector's Office for her work in assisting the Water & Electric Department with mail deposits, processing payments, data entry and customer service.

ANNIVERSARY FOR THE MONTH OF NOVEMBER:

Jay Healy of the Electric Department, 20th Anniversary on November 27th.

Mayor Conley read the following proclamations.

PROCLAMATIONS:

Proclaiming November 1, 2015 as Vicky and Tony Martell Day.

P r o c l a m a t i o n
of the
B o r o u g h o f M a d i s o n
Proclaiming
VICKY AND TONY MARTELL DAY
November 1, 2015

WHEREAS, in 1963, Tony and Vicky Martell moved to Madison with their two children, Debbie and T.J., and immediately became deeply involved with the Community through school and church activities; and

WHEREAS, in 1973, Tony Martell made a promise to his son, T.J., who was dying of leukemia, that he would raise a million dollars for leukemia research so that others would not have to go through what T.J. did while battling the disease; and

WHEREAS, in 1975, the T.J. Martell Foundation for Leukemia, Cancer and AIDS Research was founded; and

WHEREAS, in 1975, the Foundation held its first fundraiser at Buddy Rich's Jazz Club in New York City highlighted by performances by Mel Torme, Ella Fitzgerald, Benny Goodman, Duke Ellington and Buddy Rich, raising \$50,000; and

WHEREAS, in 1976, Vicky Martell became the Director of the Music Ministry for her beloved church and led the Children's Choir, the Adult Choir, the Contemporary Ensemble, the Bell Choir and mentored the Cantors for 25 years; and

WHEREAS, by 2015, the T.J. Martell Foundation has raised over a quarter of a billion dollars, is the music industry's largest foundation that funds innovative medical research focused on finding cures for leukemia, cancer and AIDS that has saved or extended the lives of tens of thousands of people worldwide and is celebrating its 40th anniversary this year; and

WHEREAS, tonight's Evening of Jazz returns the Foundation to its Jazz roots in a world class Jazz Club after 20 years of dedicated Madison volunteers successfully presenting Walk-a-Thons in Madison that raised over \$1.8 million for research; and

WHEREAS, we wish to honor Tony and Vicky Martell for their steadfast dedication to helping others for more than four decades;

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NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim November 1, 2015 as **VICKY AND TONY MARTELL DAY in recognition of their compassion for the well-being of others and for their dedication and commitment to raising funds for leukemia, cancer and AIDS research.**

Robert H. Conley, Mayor
November 1, 2015

World Pancreatic Cancer Day on November 13, 2015.

P r o c l a m a t i o n
of the
B o r o u g h o f M a d i s o n
Proclaiming
World Pancreatic Cancer Day
November 13, 2015

WHEREAS, in 2015, an estimated 48,960 people will be diagnosed with pancreatic cancer in the United States and 40,560 will die from the disease; and

WHEREAS, pancreatic cancer, one of the deadliest cancers, is currently the fourth leading cause of cancer death in the United States and is projected to become the second by 2020; and

WHEREAS, pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just seven percent; and

WHEREAS, when symptoms of pancreatic cancer present themselves, it is generally late stage, and 73 percent of pancreatic cancer patients die within the first year of their diagnosis while 93 percent of pancreatic cancer patients die within the first five years; and

WHEREAS, approximately 1,560 deaths will occur in New Jersey in 2015; and

WHEREAS, pancreatic cancer is the seventh most common cause of cancer-related death in men and women across the world; and

WHEREAS, there will be an estimated 367,000 new pancreatic cancer cases diagnosed globally in 2015; and

WHEREAS, the good health and well-being of the residents of the Borough of Madison are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes and effective treatments;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, proclaim November 13, 2015 as World Pancreatic Cancer Day in the Borough of Madison.

Robert H. Conley, Mayor
November 9, 2015

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REPORTS OF COMMITTEES

Community Affairs

Ms. Baillie, Chair of the Committee, absent.

Public Safety

Mr. Catalanello, Chair of the Committee, absent.

Utilities

Mrs. Vitale, Chair of the Committee, made the following comments:
Reporting for the Senior Services, Mrs. Vitale noted Laura Hawkins from the Greater North Jersey Chapter of the Alzheimer's Association spoke on "Understanding Memory Loss" on Tuesday, October 13th. The Madison Health Department administered two annual flu clinics, on Wednesday, October 14th and October 21st. The Friends of the Madison Senior Center were on hand to staff the tent at the rescheduled Bottle Hill Day on Saturday, October 24th. This was the group's first experience promoting senior services and the next Friends meeting found them brimming with ideas for Bottle Hill Day, 2017. The Madison Fire Department commemorated Fire Prevention Month with educational programs for all Grammar and Junior School Students as well as Madison Seniors. The Fire Department thanks three residents for the donation of homes used for practice prior to demolition. The Police Department held a crossing guard appreciation breakfast on October 7th. Ptl. Morales completed the field training program and is currently on solo patrol. Class II Special Officer Adam Riley assumed the School Resource Officer position. The Police Department was awarded a certificate from AAA on October 29th for zero traffic/pedestrian fatalities in 2014. Capt Cirella was honored as the Grand Marshal of the N.Y.C. Columbus Day Parade as well as the Grand Marshall of the East Hanover Columbus Day Parade. The Water Department reports that water sampling continues and two tanks were inspected last week with a diver. Reports will be forthcoming. The Department repaired a leak on Troy Court and installed a water hookup for the new park at Hillcrest and Green Village Road. The Electric Department reports completing new secondary cable and transformers on Greenwood Avenue and installing and energizing a service riser for new basketball court lights at Dodge Field. Mrs. Vitale announced that Governor Chris Christi signed the Shared Services Energy legislation today, noting this is a big first step to generation capacity for PPANJ members.

Finance and Borough Clerk

Mr. Landrigan, Chair of the Committee, made the following comments:
Residential Tax bills are now due. Mr. Burnet and CFO Robert Kalafut are working on the proposed 2016 municipal budget. Donna Carey of the Utility Billing will give a presentation this evening on the new utility billing system. Mr. Landrigan announced a new Community Outreach program, beginning December 1st, run by the Thursday Morning Club to assist residents during catastrophic events.

Health

Mr. Wolkowitz of the Committee made the following comments:
A Flu Clinic will be held November 17th, with no appointment necessary. The vaccine is free for those with Medicare and \$25.00 for all others. A Men's Health Screening will be held December 7, 2015 from 6:00-8:00 pm and is free to residents of Madison, Chatham Township, Chatham Borough, and Springfield. Please register by November 24th. A Comprehensive Blood Screening clinic will be held Friday, December 4th. Screening includes CMP, Blood Pressure checks, and information on cholesterol and diet.

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Public Works and Engineering

Mr. Rowe, Chair of the Committee, absent.

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.**

Thomas Bintinger; Rolling Hills Court, encouraged Council support for proposed Ordinance 55-2015.

Ellwood Kerkeslager; Prospect Street, suggested Council to look at other towns' water usage and continue the rates as scheduled.

AGENDA DISCUSSIONS

11/09/2015-1 WATER RATE ROLLBACK- D. Evans, Borough Auditor Valerie Dolan, Borough Auditor of Nicivaccia, LLC addressed the Mayor and Council regarding a proposed ordinance to rescind Section 4 of Ordinance 1-2011, recommending rates remain as they are. Ms. Dolan noted the impact to the municipal budget, stating that the Borough would have to issue debt to fund capital projects if water rates are not maintained. Following discussion, there was consensus to introduce an ordinance to rescind Section 4 of Ordinance 1-2011.

Ordinance 55-2015 is listed for introduction.

11/09/2015-2 JERSEY CENTRAL POWER & LIGHT COMPANY Robert Walton, Area Manager, Summit District for Jersey Central Power & Light made formal introduction to the Mayor and Council and offered his continued accessibility regarding the electric utility lines supplied by JCP&L. Mr. Walton also noted a program partnered with Morris Community College for lineman training.

11/09/2015-3 UTILITY BILLING PRESENTATION Mrs. Vitale introduced Donna Carey of the Utility Billing Department who presented information regarding a new utility payment platform. The new system will save paper, labor and postage, as well as offer a convenient bill for Madison residents.

ADVERTISED HEARINGS

Hearings for the following ordinances have been carried to the Council meeting of November 23, 2015.

ORDINANCE 52-2015

ORDINANCE AMENDING CHAPTER 34, OF THE CODE OF THE BOROUGH OF MADISON ENTITLED "POLICE DEPARTMENT," ESTABLISHING PROMOTION PROCEDURES FOR THE RANKS OF POLICE CHIEF, CAPTAIN, LIEUTENANT AND SERGEANT AND ESTABLISHING A PROCEDURE FOR ACTING APPOINTMENTS AND HIRING POLICE OFFICERS

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WHEREAS, within its general powers as a municipality, the Borough of Madison may make and enforce ordinances, rules and regulations not contrary to federal or state law as it deems necessary and to protect the public safety and welfare of its residents; and

WHEREAS, the Mayor and Council of the Borough of Madison support and encourage efficiency within the Madison Police Department; and

WHEREAS, the Mayor and Council of the Borough of Madison have determined that it would be in the best interest of the citizens of the Borough to establish a promotion practice based upon merit for the positions of Police Chief, Captain, Lieutenant and Sergeant when there is a vacancy in said position; and

WHEREAS, the Borough of Madison desires to have a promotional practice for the positions of Police Chief, Captain, Lieutenant and Sergeant based upon merit, experience, education, demonstrated ability, competitive examinations and competitive written submissions within the Madison Police Department in the interest of better serving the residents of the Borough of Madison;

WHEREAS, The Borough of Madison further desires to establish appropriate hiring criteria based on merit, experience, moral character and sufficient physical health when hiring police officers;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Madison as follows:

Chapter 34 of the Code of the Borough of Madison entitled “Police Department” is hereby amended as follows:

SECTION 1: Article 34-2(E) PROMOTION TO RANK OF LIEUTENANT

Article 34-2(F)(C) entitled “Promotion Testing Procedure” is hereby supplemented to add the following:

“The Borough Administrator at the direction of the governing body is authorized to waive the written portion of the Lieutenant promotional examination with the expressed written consent of all candidates eligible for promotion to the rank of Lieutenant.”

SECTION 2: Article 34-2(I) – PROCEDURE FOR HIRING NEW POLICE OFFICERS

Article 34-2(I)(A) IS SUPPLEMENTED TO ADD:

“2. Accept applications from existing Borough of Madison Police Department personnel (e.g. dispatchers, special law enforcement officers).

Re-number the former #2 to #3.

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

**ORDINANCE 53-2015
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$30,000.00
FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE PURCHASE
OF A DIGITAL FINGERPRINTING SYSTEM FOR THE POLICE DEPARTMENT**

WHEREAS, the Police Chief has recommended that the Borough appropriate \$30,000.00 from the General Capital Improvement Fund for a Digital Fingerprinting System; 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 \$30,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$30,000.00 from the General Capital Improvement Fund for a Digital Fingerprinting System.

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 \$30,000.00 is hereby appropriated from the General Capital Improvement Fund for a Digital Fingerprinting System.

SECTION 40: 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.

**ORDINANCE 54-2015
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 166 OF
THE BOROUGH CODE ENTITLED "STREETS AND SIDEWALKS" REGARDING
ROAD OPENINGS AND EXCAVATIONS**

WHEREAS, the Borough Engineer has recommended that the Borough Council amend Chapter 166 of the Borough Code regarding road opening permits; and

WHEREAS, the Borough Council concurs in this recommendation to amend the road openings and excavations regulations in the Borough.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Madison, County of Morris, State of New Jersey that:

SECTION 1: Chapter 166, Article III, of the Borough Code, entitled "Openings and Excavations Encumbrances" is amended to include the following:

...

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Article III. Openings and Excavations Encumbrances

§ 166-17 Street opening permit requirements and conditions.

A. Applications for street opening permits shall be made on forms to be obtained at the office of the Borough Engineer, in the Madison Municipal Building, between the hours of 8:00 a.m. and 4:00 p.m. on Monday through Friday in each week (except on holidays, when such office is closed).

B. Every application shall generally describe the location and extent of the contemplated work for which the permit is requested and shall state the date upon which the work will be commenced and the date upon which it will be completed. The date upon which the work is to be commenced shall be not less than 24 hours after the date of the application. Every permit shall expire six months after the date of the issuance thereof, unless extended as hereinafter provided.

C. If the application for a street permit is approved by the Borough Engineer, the permit shall be issued by the Borough Clerk upon payment to said Clerk of a fee of (for new roads) \$500, (for pavements less than 5 years old) \$300 and (all others) \$100 and compliance by the applicant with all requirements. The Borough Engineer, however, may waive the fee for a utility company that performs all the work, including the surface course for the trench, where bonds already cover the performance of work.

D. On application, for good cause shown, the Borough Engineer can recommend an extension of any permit beyond its expiration date, and the Clerk shall endorse the extended expiration date on the permit.

E. Copies of permits, as granted, and extensions thereof, shall be submitted by the Borough Clerk to the Borough Engineer, Chief of Police and the Supervisor of Public Works. The Chief of Police shall notify the Fire Department of every pending project for which a permit has been granted.

F. If any contemplated project will completely obstruct any thoroughfare or make a length of more than 200 feet of any thoroughfare inaccessible for vehicular traffic for a period in excess of 24 hours, then a period of not less than 72 hours shall elapse after the issuance of the permit before the operation may be started. Unless otherwise approved by the Borough Engineer, where an excavation is to extend the full width of the road, only 1/2 of the excavation shall be made at one time and shall be properly backfilled in accordance with § 166-19 herein before the other 1/2 is excavated. Any full or partial road closure is subject to review and approval by Madison Police Department Traffic Safety Division.

G. Permission to make a curb or street opening or to tear up the surface of the road does not carry with it any right to make drainage, sewer, water, oil, steam, electric or telephone connections. Separate permits to make such connections must be obtained from the Borough Engineer or utility official having jurisdiction over these matters.

H. Insurance.

(1) A certificate of insurance must be supplied in the minimum coverage as listed below. State and County insurance requirements apply within those jurisdictions. Public personal injury liability and property damage liability, including contingent liability and contractual liability shall be as follows:

- (a) One person in any one occurrence: \$1,000,000.
- (b) Two or more persons in any one occurrence: \$1,000,000.
- (c) Aggregate property damage limit: \$1,000,000.
- (d) Property damage in any accident: \$1,000,000.
- (e) Automobile liability insurance:

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[1] One person in any one accident: \$1,000,000.

[2] Two or more persons in any one accident: \$1,000,000.

[3] Property damage in any one accident: \$1,000,000.

(f) Property damage insurance shall be extended to cover damage to underground wires, pipes, ducts, conduits, structures, etc., and further to cover explosive damage and damage due to collapse.

(2) The policies shall remain in force until all work has been completed.

(3) All policies shall be endorsed to provide the Engineer with 10 days written notice in advance of any changes or cancellations which modify the coverage provided. In the event that the contractor shall carry blanket liability insurance coverage, compliance with the foregoing requirements shall be met hereunder, provided that the limits of said blanket liability insurance policy shall comply with the amount outlined above.

(4) All policies, whether blanket policies or not, shall name the Borough as a coinsured.

(5) The policies and/or endorsements herein required must be submitted to the Engineer (in duplicate) at least five days prior to the beginning any work.

§ 166-18 Notice of interruption of gas or water service.

Whenever the work done under any permit requires that water or gas services will be interrupted, the persons in charge of supplying such services, or their authorized agents, shall notify affected users of the periods of time when the services will not be available. Such notice shall be given at least 24 hours prior to the interruption of service.

§ 166-19 Emergency street openings.

Street openings may be made without the necessity of a written application, as provided for in § 166-17 hereof, in emergencies, such as broken or frozen water mains or other happenings which would endanger public life, health and safety, provided that notice thereof shall be immediately given to the Madison Police, Municipal Engineer and Superintendent of Public Works. Written application for a permit shall nevertheless be made to the Borough as soon as may be convenient, but in any event within 48 hours of the emergency.

§ 166-20 Deposit to ensure proper repair of street; repair by Borough.

A. No person, firm or corporation shall be granted a permit to open any street until and unless there shall first be deposited with the Borough Clerk an amount estimated to be sufficient to pay the expenses of repairing and replacing such public road, including the restoration of pavement or other surfaces or installations within the street area.

B. Amount of deposit.

(1) The amount of such deposit shall be estimated by the Borough Engineer in accordance with the following schedule of costs; provided, however, that the minimum amount to be deposited with the Borough shall be \$50:

(a) Repairs within the street pavement, the deposit is \$250.

(b) Repairs outside of the street pavement, the deposit is \$100.

(c) Repairs within and outside of the street pavement, the total deposit is \$350.

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(d) For projects greater than 50 square yards of disturbance, a bond or restoration guarantee in the amount of \$20 per square yard and such other amounts estimated by the municipal engineer.

(e) For public utility applicants, a corporate surety bond or restoration guarantee covering annual service activities for the entire calendar year in the minimum amount of \$40,000 which shall be supplemented if aggregate work exceeds 1000 square yards of disturbance at the direction of the Borough Engineer.

(2) The cost as determined by the Borough Engineer or his designee for Borough forces to restore the opening as set forth in § 166-22 will be deducted from the deposit.

C. In the event that the permittee shall fail to properly backfill any excavation or shall fail to repair and replace any pavement, road surface, sidewalk or other construction as required by this article, thereby creating a dangerous or hazardous condition, the Borough of Madison may promptly make the necessary repairs, and the cost thereof shall be deducted from the amount of the permittee's deposit. If the municipal cost of restoration exceeds the deposit amount, the applicant shall be subject to claims for reimbursement of direct costs from the Borough of Madison.

§ 166-21 Backfill specifications.

Unless otherwise directed by the Borough Engineer or required in the NJDOT Standard Specifications for Road and Bridge Construction (most recent edition), the following minimum specifications shall govern the backfill to be placed in excavated trenches:

A. All roads shall be backfilled with quarry-processed stone or a substitute acceptable to the Borough Engineer and shall be tamped in twelve-inch layers with a mechanical tamper.

B. All openings shall be backfilled as specified herein. No backfill shall be placed unless the Engineer or his representative is present.

C. Backfill shall be placed in trenches as above specified by the person, firm or corporation making the opening. The trench shall be paved with a temporary patch of bituminous material (cold patch) if the bituminous stabilized base course is not available in cold weather.

D. All material not suitable for backfill and all excess backfill material shall be removed from the site by the person, firm or corporation responsible for the opening and shall not be dumped on any Borough of Madison property, except as otherwise approved by the Borough Engineer or his designee.

§ 166-22 Maintenance and repair of street openings following backfilling.

Upon completion of the opening and backfill, the requirements of the NJDOT Standard Specifications for Road and Bridge Construction (most recent edition) and the following minimum specifications shall govern the maintenance and repair of street openings by the permittee.

A. Road openings shall be backfilled to within eight inches of the existing pavement surface. The remainder of the openings shall be filled with four inches of the quarry-processed stone and four inches of bituminous stabilized base course or cold patch during winter months. Each course shall be tamped or rolled with the equivalent capacity of a ten-ton roller. The above trench shall be maintained and kept to the existing shoulder grade by the addition of bituminous material as required.

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B. Pavement openings shall be filled and paved as specified hereinabove. The temporary bituminous concrete surface and the quarry-processed stone shall be removed to a depth of eight inches and the existing pavement shall be cut back to a sharp line one foot from each side of the opening. After surfaces of the existing pavement are tack-coated with an asphalt oil, the entire area shall then be covered with six inches of bituminous stabilized base hot mix asphalt (HMA) course and two inches of bituminous surface course hot mix asphalt (HMA) as directed by the Borough Engineer. Each course shall be rolled with the equivalent capacity of a ten-ton roller and the surface course shall be rolled to present an even-riding surface.

C. Driveway openings shall be replaced in kind, and the appropriate specifications for shoulder openings or road openings shall govern the replacement of the same.

...

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

INVITATION FOR DISCUSSION (2 of 2)

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

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

Ellwood Kerkeslager; Prospect Street, noted improvements to the Borough's website and asked about ongoing improvements.

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

The ordinance scheduled for introduction and first reading tonight will have a hearing during the meeting of November 23, 2015 in the 2nd Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinance will be published in the Madison Eagle, be posted at the main entrance to the Borough offices and be made available to members of the public requesting same, as required by law.

Mayor Conley called up Ordinance 55-2015 for first reading and asked the Clerk to read said ordinance by title:

ORDINANCE 55-2015 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 190 OF THE MADISON BOROUGH CODE
ENTITLED "WATER" TO REMOVE REFERENCES TO ORDINANCE 1-
2011, SECTION 4

WHEREAS, the Chief Financial Officer and the Borough Auditor have recommended amending section 190-32B of the Madison Borough Code entitled "Water" to remove any reference to Section 4, of Ordinance 1-2011, adopted January 24, 2011, and;

WHEREAS, water rates have only been increased twice since 1990; and

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WHEREAS, there is a need for revenue to support capital improvements to the water supply and distribution system; and

WHEREAS, the Strategic Planning Committee on the Utilities confirmed that Madison's water rates are 54.6% lower than other Morris County towns and investor-owned utilities; and

WHEREAS, the Strategic Planning Budget Committee determined that the rate setting process for water recognizes that tax exempt organizations do not directly contribute to funding of municipal services and embedded in the water rates and their transfers is an indirect contribution from tax exempt organizations who are among the largest water users – to Madison's costs; and

WHEREAS, the Strategic Planning Budget Committee further found that reducing utility rates would create a revenue gap within the municipal budget that would have to be closed through some combination of higher taxes, additional fees for services and/or reduction in services.

WHEREAS, the Borough Council agrees with said recommendation.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that Section 190-32B of the Borough Code entitled "Water" is hereby amended to remove any reference to Section 4, of Ordinance 1-2011.

Delete:

SECTION 4: One half of the recommended 20% rate increase will be dedicated to funding approximately \$1,000,000 for the automated meter reading system. This will require a time frame of approximately five years to fully fund this project. This 10% will sunset from the water rates when the project is completely installed. That date will be January 31, 2016 or when the project is fully funded.

Mrs. Vitale moved that Ordinance 55-2015, which the Borough Clerk read by title, be adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mr. Landrigan, Mrs. Vitale, Mr. Wolkowitz

Nays: None

Absent: Mr. Catalanello, Ms. Baillie, Mr. Rowe

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.

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

Yeas: Mr. Landrigan, Mrs. Vitale, Mr. Wolkowitz

Nays: None

Absent: Mr. Catalanello, Ms. Baillie, Mr. Rowe

R 302-2015 RESOLUTION OF THE MADISON BOROUGH COUNCIL
AWARDING ELECTRIC MATERIALS BID TO TURTLE AND HUGHES IN THE
AMOUNT OF \$8,155.88 AND WESCO DISTRIBUTION IN THE AMOUNT OF
\$18,477.62

WHEREAS, the Borough of Madison publicly advertised for bids for the purchase of Electric Department materials in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, five bids were received for various electric materials for the Electric Department; and

WHEREAS, qualified bids were received from Turtle and Hughes of Bridgewater, New Jersey, and Wesco Distribution of Richmond, Virginia; and

WHEREAS, the Electric Utility Superintendent, Qualified Purchasing Agent and Borough Attorney have recommended that the Borough Council award a contract for certain electric materials for the Electric Department to Turtle and Hughes in an amount not to exceed \$8,155.88 and a contract for certain electric materials to Wesco Distribution in an amount not to exceed \$18,477.62; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$27,000.00 for this purpose, in Electric Utility Operations Account 502, sub-account 315.

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

1. The contract for the purchase of certain electric materials for the Electric Department is hereby awarded to each of the following: Turtle and Hughes in an amount not to exceed \$8,155.88 and to Wesco Distribution in an amount not to exceed \$18,477.62.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into contracts with Turtle and Hughes and Wesco Distribution, in a form acceptable to the Borough Attorney.

R 303-2015 RESOLUTION OF THE BOROUGH OF MADISON PERMITTING
RESTAURANT-BARS AND TAVERNS TO REMAIN OPEN UNTIL 2:00 A.M. ON
THURSDAY, NOVEMBER 26, 2015

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WHEREAS, as part of the Thanksgiving Holiday Weekend, the Restaurant-Bars of Madison have requested permission to remain open on Wednesday, November 25, 2015, for the sale of alcoholic beverages for consumption on premises, until 2:00 A.M., Thursday, November 26, 2015; 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 25, 2015, for the sale of alcoholic beverages for consumption on premises, until 2:00 A.M., Thursday, November 26, 2015.

R 304-2015 RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION 38-2015 AUTHORIZING CONTRACT FOR SALT TO ATLANTIC SALT, INC. OF LOWELL, MA, UNDER THE SOMERSET COUNTY COOPERATIVE PRICING COUNCIL PROGRAM

WHEREAS, Resolution 38-2015 awarded a contract to Atlantic Salt, Inc., of Lowell, Massachusetts, in an amount not to exceed \$100,000.00 for the purchase of salt; and

WHEREAS, the Superintendent of Public Works has recommended that the Borough amend Resolution 38-2015 to increase the award amount to \$160,000.00 to insure an adequate supply of rock salt for the upcoming winter season; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an additional amount not to exceed \$160,000.00, which funds are available in the 2015 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 38-2015 is amended to increase the contract award amount by an additional \$60,000.00 to \$160,000.00.
2. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, an amended purchase order and contract with Atlantic Salt, Inc., of Lowell, Massachusetts, for salt at a total price not to exceed \$160,000.00, in a form acceptable to the Borough Attorney.

R 305-2015 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACT IN THE ADDITIONAL AMOUNT OF \$38,975.00 TO AC SHULTES INC. FOR WELL E REPAIR SERVICES TO BE PURCHASED ON AN EMERGENCY BASIS

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WHEREAS, the Borough Engineer has advised the Borough Council and the State of New Jersey that repair services to Well E are required on an emergency basis in order to protect the health and welfare of the public; and

WHEREAS, the Borough must expend an additional \$38,975.00 bringing the total contract amount to AC Shultes Inc to \$61,325 for such services on an emergency basis, pursuant to N.J.S.A 40A:11-6, and

WHEREAS, the Borough Engineer has requested that the Borough authorize payment to A C Schultes based upon imminent and satisfactory completion and detailed invoicing of materials and supplies for the emergency services required for which payment is authorized pursuant to N.J.S.A 40A:11-6(b); and

WHEREAS, the Borough Council has determined to authorize payment in the total amount of \$38,975.00 for the emergency purchase; and not to exceed \$61,325 for all work; and

WHEREAS, the Chief Financial Officer has attested that funds are available in the amount of \$61,325.00, in Ordinances 26-2012 and 56-2014, and no further appropriation is necessary at this time.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that payment is authorized to AC Schultes Inc. in the amount of \$38,975.00, for emergency services described herein, with the total contract amount not to exceed \$61,325.00.

R 306-2015 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 23, 2015 and extending through December 31, 2015.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion Mr. Landrigan, by seconded by Mrs. Vitale and carried, the following vouchers of the Borough of Madison were approved for payment, and the

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supporting documentation of said vouchers was made part of the Supplemental Minute Book.

Public Safety	\$52,672.03
Health & Public Assistance	5,387.21
Public Works & Engineering	77,263.69
Community Affairs	5,585.47
Finance & Borough Clerk	379,627.60
Utilities	<u>228,416.89</u>
Total	<u>\$748,952.89</u>

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

Yeas: Mr. Landrigan, Mrs. Vitale, Mr. Wolkowitz

Nays: None

Absent: Mr. Catalanello, Ms. Baillie, Mr. Rowe

NEW BUSINESS - None

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved November 23, 2015 (EO)