

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

**November 14, 2016 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 14th day of November 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:

Carmela Vitale  
Astri J. Baillie  
Benjamin Wolkowitz  
Patrick W. Rowe

Absent:

Robert G. Catalanello, excused  
Robert Landrigan, excused

Also Present:

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

**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)

None

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

CONTRACT MATTERS (5)

ROCK-GW, LLC

AFFORDABLE HOUSING UPDATE

VICTORIAN LIGHT FIXTURES AND LAMP POSTS

WELL D REDEVELOPMENT

LOANTAKA WAY WOODLAND RD TRAFFIC SIGNAL

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

PERSONNEL MATTERS (1)

MILITARY LEAVE

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

Seconded: Ms. Baillie

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***

Mrs. Vitale moved approval of the ***Regular Meeting Minutes of October 13, 2016.***

Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Catalanello, Mr. Landrigan

***GREETINGS TO PUBLIC***

Mayor Conley made the following comments:

At last week's General Election the voter's of Madison selected Pat Rowe and Maureen Byrne as Council members for three year terms. Mayor Conley congratulated Mr. Rowe and Ms. Byrne. Mayor Conley also thanked Mr. John Hoover for his service to Madison. Mayor Conley noted that the 2017 Reorganization meeting will be held on Monday, January 2<sup>nd</sup> at 5:00 p.m.

**EMPLOYEE OF THE MONTH FOR NOVEMBER:**

Employee of the Month for November is Amy Greeley of the Construction Department for her suggestions to improve office procedures, development of a system to track Chatham Zoning reviews and her efficient office assistance.

**ANNIVERSARY FOR NOVEMBER:**

Jimmy Mattina of the Electric Department – 30<sup>th</sup> Anniversary on November 24<sup>th</sup>.

**PROCLAMATIONS:**

Mayor Conley presented the proclamation for World Pancreatic Cancer Day – November 17, 2016 to Mr. Dennis Salko.

*Proclamation*  
*of the*  
*Borough of Madison*  
*Proclaiming*  
*WORLD PANCREATIC CANCER DAY*  
*NOVEMBER 17, 2016*

**WHEREAS**, in 2016, an estimated 53,070 people in the United States will be diagnosed with pancreatic cancer, one of the deadliest cancers, and 41,780 will die from the disease; and

**WHEREAS**, pancreatic cancer surpassed breast cancer this year to become the third leading cause of cancer death in the United States and it is projected to become the second leading cause by 2020; and

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

**WHEREAS**, when symptoms of pancreatic cancer present themselves, it is generally in later stages, and 71 percent of pancreatic cancer patients die within the first year of their diagnosis; and

**WHEREAS**, approximately 1,260 deaths will occur in New Jersey in 2016; 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 418,451 new pancreatic cancer cases diagnosed worldwide in 2020; 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 17, 2016 as **World Pancreatic Cancer Day** in the Borough of Madison.

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**Robert H. Conley, Mayor**  
November 14, 2016

Mayor Conley also read the proclamation for American Recycles Day – November 15, 2016.

*Proclamation  
of the  
Borough of Madison  
Proclaiming  
America Recycles Day  
November 15, 2016*

**WHEREAS**, each year, the United States generates more than 250 million tons of municipal solid waste and according to the Environmental Protection Agency, our nation has reached an overall recycling rate of approximately 34.5 percent; and

**WHEREAS**, the Borough of Madison recycles over 5,000 tons of materials a year and Madison's most recent recycling rate is 46.3 percent; and

**WHEREAS**, Madison recognizes the importance of protecting and preserving our natural resources and adopting conscientious habits that will improve our daily lives and bring about a cleaner, safer and more sustainable environment; and

**WHEREAS**, although there has been a significant increase in the amount of recycling in Madison to date, we must also continue to focus on other initiatives such as waste reduction, composting, the reuse of products and materials, and purchasing recycled products;

**NOW, THEREFORE**, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, proclaim November 15, 2016 as **America Recycles Day** and encourage residents to recycle as an environmentally efficient and economically smart habit.

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**Robert H. Conley, Mayor**  
November 14, 2016

**REPORTS OF COMMITTEES**

**Utilities**

Mr. Wolkowitz, Chair of the Committee, made the following comments:  
The Water Department report continued testing for State mandated water quality, and begins winterizing of Borough properties. Fire Hydrant testing has also begun. The Electric Department transferred new poles and constructed new junction point at Park Avenue and Loveland Street and installed new poles on Garfield and Rosemont Avenues.

**Health**

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

**Finance and Borough Clerk**

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

## **Public Safety**

Mrs. Vitale, Chair of the Committee, made the following comments:

The Madison Police Department along with its partners, the Madison Fire Department and Madison Volunteer Ambulance Corps hosted its first annual 1<sup>st</sup> Responder Appreciation Day, on Saturday, October 16<sup>th</sup>. Madison PD hosted a Police Chaplains class on October 27-28, 2016, which was open to other departments in New Jersey. Detective Paul Papamarkos and Ptl. Ryan Dunn attended the funerals for Iowa police officers Sgt. Anthony Beminio and Officer Justin Martin who were assassinated while seated in their patrol vehicles responding to a shots fired call. Madison Officers traveled to Iowa courtesy of Jet Blue Airlines. Chief Dachisen would like to thank the entire governing body and Administration for their continued support of law enforcement as a whole.

Mrs. Vitale read an email from Special Agent Craig Mackaman of the Iowa Department of Public Safety;

*I just wanted to express how impressed I was of the two officers that represented the Madison, New Jersey Police Department at the funerals of the Des Moines (IA) and Urbandale (IA) Police Officers this past week. Their presence at the funerals were noticed and appreciated by the Iowa law enforcement community. It really emphasizes the support and brotherhood of law enforcement agencies across our country. You should be proud of your officers and their representation of the Madison, New Jersey Police Department.*

The Police Department will apply for an Attorney General's Office grant to municipal police departments across New Jersey to buy body worn cameras (BWCs).

## **Community Affairs**

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

The Madison Senior Center will welcome Richard B. Cooke, Homeownership Sustainability Coordinator of Morris Habitat for Humanity's Home Support for Seniors project. He will speak about Habitat's new initiative in assisting seniors to age in place through repairs to infrastructure, safety devices and energy efficiency. Morris County Habitat was chosen by the national office to showcase the 3-year aging-in-place initiative. State-licensed general contractors will provide the labor using volunteers and staff construction supervisors to undertake repairs like correcting code violations, simple water leaks, adding grab bars and handrails, and roof repairs. Basic landscaping projects like yard clean-up and sidewalk repairs can also be done. While the labor is free, the home owner pays for purchased materials unless they have been donated. The program begins at 1:00 p.m. on Wednesday, December 7, 2016. The Recreation Department reports that all 17 programs have concluded, and the Ski Club registration has begun. Basketball, Hockey, Wrestling will exceed 100 hours this winter. The Rosedale skating rink will be flooded this week and resident are encouraged to check the Borough website for accessibility.

## **Public Works and Engineering**

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

Prospect Street paving project has finished and signage and striping activities should be completed this week. The 2017 Road Program Bid documents are prepared and ready for bid early in 2017. The State of New Jersey has confirmed the \$90,000 final reimbursement for Ridgedale Avenue work. The North Street Pump Station preconstruction meeting will be scheduled with Rapid Pump and Meter Co. this week. The Elmer Street Storm Sewer Bid documents are prepared and ready for bid in early 2017. Copies of the plans, specifications and cost

estimates have been forwarded to the County of Morris to determine level of participation. Layne Company has been awarded redevelopment work at Well D. The work is anticipated to be complete this winter.

**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.**

**Michael Soriano; Woodland Road**, raise concern regarding the rate structure for the Electric Utility billing.

**AGENDA DISCUSSIONS**

**11/14/2016-1 RECREATION ADVISORY COMMITTEE PRESENTATION**  
Dave Carver, Chairman of the Recreation Advisory Committee presented a review of the current Recreation programs, including programs for all sports, fees collected and facility scheduling and improvements. Mr. Carver also provided a wish list from the sports groups who have promised to continue fundraising to continue investment in facilities.

**11/14/2016-2 ELECTRIC UTILITY RATES**  
Mr. Wolkowitz noted that the ordinance listed for introduction on tonight's agenda representing a fair compromise on the issue of an annual electric cost adjustment program. Mr. Burnet provided rate and utility performance analysis, noting that the proposed ordinance requires Council action and the cost adjustment credit factor may be revised during the course of any calendar year period by the governing body. Following discussion there was agreement to amend the proposed ordinance to include "a minimum free balance of at least \$1,000,000" and to list the ordinance for introduction.

Ordinance 65-2016 listed for Introduction.

**11/14/2016-3 HARTLEY DODGE MEMORIAL SOIL REMEDIATION**  
Mr. Codey provided explanation of the proposed appropriation ordinance to fund the New Jersey Department of Environmental Protection mandated soil remediation at the rear of the Hartley Dodge Memorial.

Ordinance 64-2016 listed for Introduction.

**11/14/2016-4 DOWNTOWN REVITALIZATION STUDY - URBANOMICS**  
Tina Lund of Urbanomincs presented an outline of the revitalization plan including an overview of the program with the goal of providing strategies that the municipality can use to improve the downtown area. Ms. Lund encouraged residents, business owners and employees to complete the survey available on the Borough website.

**ADVERTISED HEARINGS**

The Clerk made the following statement:

Ordinance 59-2016 scheduled for hearing was introduced by title and passed on first reading at a regular meeting of the Council held on Monday, August 8, 2016; Ordinances 62-2016 and 63-2016 were introduced by title and passed on first reading at a regular meeting of the Council held on Thursday, October 13, 2016; all were posted and filed according to law, and copies were made available to the general public requesting same.

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

**ORDINANCE 59-2016**  
**AN ORDINANCE OF THE BOROUGH OF MADISON AUTHORIZING THE**  
**EXECUTION OF AN INTER-MUNICIPAL AGREEMENT ESTABLISHING**  
**THE NEW JERSEY PUBLIC POWER AUTHORITY, A MUNICIPAL**  
**SHARED SERVICES ENERGY AUTHORITY**

**WHEREAS**, the Mayor and Council of the Borough of Madison find that the Borough will benefit by joining other municipalities to establish a municipal shared services energy authority according to the provisions set forth in The Municipal Shared Services Energy Authority Act, N.J. Stat. Ann. §40A:66-1(2016) for the purpose of acting jointly to promote the stability and viability of the Member systems and to achieve efficiencies and savings for the retail customers of the Member systems; and

**WHEREAS**, the creation of this municipal shared services energy authority, to be known as the New Jersey Public Power Authority (“NJPPA”), will be governed by an Inter-Municipal Agreement (“IMA”) between the member municipalities; and

**WHEREAS**, The purposes for which NJPPA is organized are to act jointly and perform according to standard electric industry practices all authorized endeavors to achieve savings and efficiencies for retail customers in Member systems through coordinated bulk power and fuel supply programs; undertake the planning, financing, development, acquisition, construction, reconstruction, improvement, enlargement, betterment, operation and maintenance of a project or projects to supply electric power and/or energy for the present and future needs of its Members; and to effect joint development of electric energy resources or production, distribution, and transmission of electric power and/or energy in whole or in part for the benefit of the contracting Members; and to do and perform all acts and things for the benefit of its Members and others, which by law, expressed or implied, it is authorized, empowered or permitted to do and perform

**WHEREAS**, the Mayor and Council find that it would be in the best interest of the Borough of Madison to enter into the IMA in the form attached hereto.

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

**Section 1.** The Borough of Madison shall become a member of a municipal shared services energy authority to be known as the New Jersey Public Power Authority (“NJPPA”).

**Section 2.** The appropriate municipal officials are hereby authorized to execute the Inter-municipal agreement attached hereto.

**Section 3.** Any and all other ordinances inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

**Section 4.** In the event that any section paragraph, clause phrase, term, provision or part of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

**Section 5.** This Ordinance shall take effect immediately upon final passage, approval, publication and the posting of the appropriate signs as required by law.

Mayor Conley opened up the public hearing on Ordinance 59-2016. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Wolkowitz moved that Ordinance 54-2016, which was read by title, be finally adopted. Mr. Rowe 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

Nays: None

Absent: Mr. Catalanello, Mr. Landrigan

Mayor Conley declared Ordinance 59-2016 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 62-2016  
ORDINANCE OF THE BOROUGH OF MADISON  
APPROPRIATING \$7,500.00 FROM THE MUNICIPAL OPEN  
SPACE TRUST FUND FOR TRAIL DEVELOPMENT AT THE  
MADISON RECREATION CENTER**

**WHEREAS**, the Open Space Advisory Committee has recommended funding up to \$7,500.00 from the Municipal Open Space Trust Fund for development of the Burnet Trail at the Madison Recreation Center; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of the funds in the Municipal Open Space Trust Fund in an amount not to exceed \$7,500.00 for this purpose.

**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 \$7,500.00 is hereby appropriated from the Municipal Open Space Trust Fund for development of the Burnet Trail at the Madison Recreation Center. **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 62-2016. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 62-2016, which was read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Catalanello, Mr. Landrigan

Mayor Conley declared Ordinance 62-2016 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 63-2016  
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING  
\$10,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR  
THE PURCHASE OF REPLACEMENT BULLETPROOF VESTS**

**WHEREAS**, the Police Chief has recommended that the Borough appropriate \$10,000.00 from the General Capital Improvement Fund for the purchase of replacement bulletproof vests; 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 \$10,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$10,000.00 from the General Capital Improvement Fund to purchase replacement bulletproof vests; and

**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 \$10,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase replacement bulletproof vests.

**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 63-2016. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 63-2016, which was read by title, be finally 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

Nays: None

Absent: Mr. Catalanello, Mr. Landrigan

Mayor Conley declared Ordinance 59-2016 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the 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.**

***Michael Soriano, Woodland Road***, had favorable comments on the utility rates presentation, and asked to see rate structures.

***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 28, 2016 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 64-2016    ORDINANCE OF THE BOROUGH OF MADISON  
APPROPRIATING \$250,000.00 FROM THE GENERAL CAPITAL  
IMPROVEMENTS FUND FOR REMEDIATION AT THE REAR OF THE HARTLEY  
DODGE MEMORIAL

**WHEREAS**, the Borough Council has determined to complete the remediation at the rear of the Hartley Dodge Memorial; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$250,000.00 from the General Capital Improvement Fund for remediation at the rear of the Hartley Dodge Memorial; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$250,000.00 for this purpose in the General Capital Improvement 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 \$250,000.00 is hereby appropriated from the General Capital Improvement Fund for remediation at the rear of the Hartley Dodge Memorial.

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

Mr. Rowe moved that Ordinance 64-2016, 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

Nays: None

Absent: Mr. Catalanello, Mr. Landrigan

ORDINANCE 65-2016 ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 94 OF THE BOROUGH CODE ENTITLED "ELECTRIC UTILITY" TO AMEND THE RULES AND REGULATIONS OF THE ELECTRIC UTILITY DEPARTMENT AND SET FORTH THE REQUIREMENTS TO ESTABLISH AN ANNUAL CUSTOMER DIVIDEND/COST ADJUSTMENT PROGRAM

**WHEREAS**, the Borough Administrator has recommended amending the Electric Utility Rules and Regulations in order to include a new section establishing an annual electric utility customer cost adjustment program; and

**WHEREAS**, the Madison Borough Attorney has recommended that the amended Rules and Regulations be adopted by ordinance and incorporated into Chapter 94, as Section 94-1 (E).

**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:** Section 94-1 of the Borough Code entitled "Schedule of rates" shall have the following paragraph added:

E. An annual electric customer cost adjustment program is hereby established as follows: The Chief Financial Officer (CFO) will provide a written report to the governing body in January of the financial results of the electric utility for the preceding calendar year. The report will include a detailed accounting of all monetary inflows and outflows. Costs will include utility operational costs, employee compensation and benefits, transmission costs, capacity/demand charges, commodity costs, physical plant and equipment charges, appropriations for the Electric Utility Capital Improvement Fund, operating reserves, contingency, transfers of electric surplus to the municipal budget for tax relief, debt service, municipal operating support and general capital improvements, a minimum free balance of at least \$1,000,000, line loss and such other financial factors as deemed appropriate and prudent by the CFO and governing body. To the extent there are funds remaining after all items cited above have been subtracted from the total electric utility revenue, the CFO, with the Council's approval, may annually recommend a prospective cost adjustment credit be applied to each kilowatt-hour (KWH) supplied under all rate schedules and tariffs. This adjustment, if any, will be set to the nearest \$0.0001 via resolution and applied to all kilowatt-hours supplied during subsequent billing periods until the next annual financial analysis in January of the following year by the CFO and governing body of the operating results and performance of the Electric Utility. The cost adjustment credit factor may be revised during the course of any calendar year period by the governing body via resolution upon a showing of good cause.

SECTION 2: This Ordinance shall take effect on January 1, 2017.

Mr. Wolkowitz moved that Ordinance 65-2016, which the Borough Clerk read by title, be adopted. Mr. Rowe 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

Nays: None

Absent: Mr. Catalanello, 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.

Mr. Wolkowitz moved adoption of the Resolutions listed on the Consent Agenda. Mr. Rowe 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

Nays: None

Absent: Mr. Catalanello, Mr. Landrigan

R 310-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING NOTICE OF DEED RESTRICTION FOR A PORTION OF THE PREMISES KNOWN AS BLOCK 201, LOT 1.02 ON THE CURRENT TAX MAP OF THE BOROUGH OF MADISON

**WHEREAS**, the Borough Engineer has recommended that the Borough Council authorize a Notice of Deed Restriction on a portion of the property commonly known as the Hartley Dodge Memorial, Block 201, Lot 1.02 on the current tax map of the Borough of Madison, to satisfy the requirements of New Jersey Department of Environmental Protection; and

**WHEREAS**, the Borough Council has determined to authorize the execution of a Notice of Deed Restriction for a portion of the Hartley Dodge Memorial property.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that the Mayor and Borough Clerk are hereby authorized to execute on behalf of the Borough of Madison a Notice of Deed Restriction in a form approved by the Borough Attorney.

R 311-2016 RESOLUTION OF THE BOROUGH OF MADISON REQUESTING THE DIRECTOR OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF AN ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2016

**WHEREAS**, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount; and

**WHEREAS**, the Borough of Madison will receive \$2,745.56 from the State of New Jersey, Division of Criminal Justice Body Armor Replacement Grant and wishes to amend its 2016 Budget to include this amount as revenue.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Madison in the County of Morris and State of New Jersey hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$2,745.56.00, which item is now available as a revenue from:

Miscellaneous Revenues  
Special Items of General Revenue Anticipated with Prior Written Consent  
of the Director of Local Government Services:

State and Federal Revenues Off-Set with Appropriations; and  
**BE IT FURTHER RESOLVED** that the like sum of \$2,745.56.00 is hereby  
appropriated under the caption of:

General Appropriations

(a) Operation Excluded from 3.5% Caps

State and Federal programs Off-set by Revenues:

State of New Jersey, Division of Criminal Justice Body Armor  
Replacement Grant -Other Expenses \$2,745.56

**BE IT FURTHER RESOLVED** that the Borough Clerk forward two copies of  
this resolution to the Director of Local Government Services.

R 312-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING  
RAFFLES LICENSE APPLICATIONS SUBMITTED BY THE THURSDAY  
MORNING CLUB AND FRIENDS OF THE MADISON PUBLIC LIBRARY

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

**FRIENDS OF THE MADISON PUBLIC LIBRARY**

I.D. No. 274-5-37411

R.A. No. 1397 – Off premise 50/50

March 25, 2017

**THURSDAY MORNING CLUB**

I.D. No. 274-8-12803

R.A. No. 1398 – On Premise 50/50

December 8, 2016

January 5, 2017

January 19, 2017

March 2, 2017

March 8, 2017

May 4, 2017

R 313-2016 RESOLUTION OF THE BOROUGH OF MADISON IN SUPPORT  
OF SENATE BILL S-2254 AND ASSEMBLY BILL A-3821 WHICH AFFIRMS THE  
LANGUAGE AND LEGISLATIVE INTENT OF THE FAIR HOUSING ACT

**WHEREAS**, the Borough of Madison supports the provision of affordable  
housing in a reasonable, rational and achievable way, consistent with economic  
realities  
and sound planning; and

**WHEREAS**, pursuant to the March 2015 New Jersey Supreme Court order  
which  
transferred oversight of the Fair Housing Act (FHA) to the courts, hundreds of

municipalities filed declaratory judgment actions to voluntarily comply with their State imposed affordable housing requirements; and

**WHEREAS**, in February, the Ocean County Superior Court included a distinct “gap period” analysis retroactively over an additional 16 year period, separate and apart from the normal 10 year present and prospective need; and

**WHEREAS**, the Appellate Division recently in a unanimous decision overturned the February Ocean County Superior Court decision and held that municipalities are only responsible to address the ten year present and prospective need, not any “gap period” number; and

**WHEREAS**, the New Jersey Supreme Court has, for the stated purposes of, “...*judicial economy and efficiency based on the large number of actions involved. The Court makes no findings as to the reasonable probability of success on the merits, irreparable harm, or the relative hardship to the parties,*” agreed to hear an appeal of the Appellate Division ruling in late November; and

**WHEREAS** the Fair Housing Act (FHA) and existing case law, requires that “present and prospective fair share of the housing need in a given region ... shall be computed for a 10-year period.” [N.J.S.A. 52:27D-307(c)]; and

**WHEREAS**, the “gap issue” arises out of the inability of the New Jersey Council on Affordable Housing to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need, as well as constant litigation by certain groups; and

**WHEREAS**, any retroactive “gap” obligations could have significant and unfunded impacts on municipalities, may double count households under both present and prospective need, and will likely result in forcing municipalities and their property taxpayers to subsidize development; and

**WHEREAS**, this issue needs a resolution which provides both certainty and an achievable path forward so municipalities can proceed with planning for and implementing their affordable housing obligations; and

**WHEREAS**, Senate Bill S-2254, sponsored by Senators Greenstein and Bateman, and Assembly Bill A-3821, sponsored by Assemblymen DeAngelo and Benson, re-affirm the language and legislative intent of the Fair Housing Act, so as to preclude significant unfair impacts and instead further progress toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities, facilitate municipal compliance and the actual provision of affordable housing.

**NOW, THEREFORE, BE IT RESOLVED**, on this 14th day of November, 2016 by the Borough Council of the Borough of Madison, Morris County, that:

1. The Borough of Madison strongly urges New Jersey Legislators to immediately reaffirm the language and legislative intent of the Fair Housing Act (FHA) and expressly clarify that the municipal affordable housing share is the sum of present and prospective need for the enumerated ten year period.

2. The Borough of Madison supports Senate Bill S-2254 and Assembly Bill A-3821.

3. Copies of this resolution be distributed to the Governor, the Lieutenant Governor, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, the Legislative Sponsors, State Senator Richard Codey and Assemblyman John McKeon and Assembly woman Mila Jasey, Senator Jeff Van Drew, Senator Ronald Rice, Assemblyman Jerry Green and the New Jersey League of Municipalities and the New Jersey Conference of Mayors.

R 314-2016 RESOLUTION OF THE MADISON BOROUGH COUNCIL  
AWARDING ELECTRIC MATERIALS BID TO TURTLE AND HUGHES IN THE  
AMOUNT OF \$1,834.51, IRBY UTILITIES IN THE AMOUNT OF \$13,808.48,  
SPECTRUM POWER PRODUCTS IN THE AMOUNT OF \$4,373.42, VALLEY  
POWER IN THE AMOUNT OF \$15,266.00 AND WESCO DISTRIBUTION IN THE  
AMOUNT OF \$3,933.51

**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**, 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 the amount of \$1,834.51, Irby Utilities in the amount of \$13,808.48, Spectrum Power Products in the amount of \$4,373.42, Valley Power in the amount of \$15,266.00 and Wesco Distribution in the amount of \$3,933.51; and

**WHEREAS**, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$40,000.00 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 the amount of \$1,834.51, Irby Utilities in the amount of \$13,808.48, Spectrum Power Products in the amount of \$4,373.42, Valley Power in the amount of \$15,266.00 and Wesco Distribution in the amount of \$3,933.51.

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

R 315-2016 RESOLUTION OF THE COUNCIL OF THE BOROUGH OF MADISON AUTHORIZING EXTENSION OF A MILITARY LEAVE OF ABSENCE FOR POLICE OFFICER SEAN MCCARTHY FOR THE PERIOD JANUARY 1, 2017 THROUGH JULY 1, 2017

**WHEREAS**, N.J.S.A. 38-23-1, as amended, provides that any Borough employee who is a member of the organized reserves of any branch of the United States Armed Forces and who has been called to active duty is entitled to a fully paid leave of absence from his or her duties for a period of thirty (30) working days in each calendar year; and

**WHEREAS**, N.J.S.A. 38:23-3 provides that a municipality may, at its discretion, pay the whole or part of the salaries of its employees during the time that they are engaged in a branch of the military service of the national government; and

**WHEREAS**, Borough employee, Police Officer Sean McCarthy, has been called to active duty with the United States Navy; and

**WHEREAS**, the Borough Council, by Resolution 68-2016, authorized a Military Leave of Absence and salary differential through December 31, 2016, to show its support for the service provided by Officer McCarthy to the United States of America; and

**WHEREAS**, the Borough Administrator has recommended that Officer McCarthy be granted an extension of his Military Leave of Absence from January 1, 2017 through July 1, 2017.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison that it hereby authorizes payment of full salary to Officer McCarthy who has been called to active duty with the United States Armed Forces for the applicable thirty (30) working day period per calendar year as required by law. Following the exhaustion of the statutory entitlements pursuant to N.J.S.A. 38:23-

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1, the Council of the Borough of Madison, pursuant to N.J.S.A. 38:23-3, further authorizes payment of a salary differential, i.e., an amount equal to the difference between Officer McCarthy's monthly Borough salary and his monthly military salary of \$2,483.40, for the remainder of the calendar year during which Officer McCarthy is engaged in active duty.

The Military Leave period shall not be counted against Officer McCarthy's available vacation time, and all benefits of employment with the Borough of Madison, including but not limited to medical coverage, seniority and the employer's pension contribution shall continue in full force and effect. Officer McCarthy shall be reinstated upon his release from active duty under an honorable discharge.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Police Officer Sean McCarthy is granted a Military Leave of Absence from January 1, 2017 through July 1, 2017 in accordance with the terms of this Resolution.

R 316-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY MADISON ICE HOCKEY BOOSTER CLUB INC.

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

MADISON ICE HOCKEY BOOSTER CLUB INC.  
I.D. No. 274-5-40304  
R.A. No. 1399 – Off premise 50/50  
R.A. No. 1400 – On premise merchandise  
Date of Raffles: February 3, 2017

R 317-2016 RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARDING BID FOR THE PURCHASE OF NEW, UNUSED VICTORIAN LIGHT FIXTURES TO TURTLE & HUGHES

**WHEREAS**, the Borough of Madison publicly advertised for bids for the purchase of Pennglobe Victorian light fixtures (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

**WHEREAS**, the lowest qualified bid was submitted by Turtle & Hughes in the amount of \$1,898.00 per unit; and

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**WHEREAS**, the Electric Utility Superintendent has recommended that the Borough Council award the contract to Turtle & Hughes in the amount of \$1,898.00 per unit; and

**WHEREAS**, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$1,898.00 per unit for this purpose which funds were appropriated by Ordinance 17-2016.

**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 contract for the purchase of Pennglobe Victorian light fixtures is hereby awarded to Turtle & Hughes based upon its bid in the amount of \$1,898.00 per unit.

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

**R 318-2016 RESOLUTION OF THE MADISON BOROUGH COUNCIL  
AWARDING CONTRACT TO TURTLE & HUGHES IN THE AMOUNT OF \$3,349  
PER UNIT FOR THE PURCHASE OF NEW, UNUSED LAMPPOSTS**

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

**WHEREAS**, the lowest qualified bid was submitted by Turtle & Hughes in the amount of \$3,349.00 per unit; and

**WHEREAS**, the Electric Utility Superintendent has recommended that the Borough Council award the contract to Turtle & Hughes in the amount of \$3,349.00 per unit; and

**WHEREAS**, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$3,349.00 per unit for this purpose which funds were appropriated by Ordinance 17-2016.

**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 contract for the purchase of new, unused lampposts is hereby awarded to Turtle & Hughes based upon its bid in the amount of \$3,349.00 per unit.

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

R 319-2016 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO LAYNE, INC. OF BEVERLY, NJ FOR REDEVELOPMENT OF WELL D IN THE AMOUNT NOT TO EXCEED \$34,870.00

**WHEREAS**, the Borough Engineer has recommended that the Borough obtain professional services from Layne, Inc., for the redevelopment of Well D on Loveland Street (hereinafter the "Contract"); and

**WHEREAS**, said services would constitute professional services for which a contract may be awarded without the need of competitive bidding pursuant to N.J.S.A. 40A:11-5; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Council award the Contract to Layne, Inc. in an amount not to exceed \$34,870.00, for redevelopment of Well D on Loveland Street; and

**WHEREAS**, Layne, 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 \$34,870.00 for this purpose, which funds were appropriated by Ordinance 7-2010.

**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 Layne, Inc., for redevelopment of Well D on Loveland Street in an amount not to exceed \$34,870.00.

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 320-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXECUTION OF A FUNDING AGREEMENT WITH THE COUNTY OF MORRIS FOR SHARED COSTS ON THE LOANTAKA - WOODLAND ROAD TRAFFIC SIGNAL REPLACEMENT PROJECT

**WHEREAS**, the Borough Engineer has recommended that the Borough Council approve an interlocal services agreement between the County of Morris and

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the Borough of Madison for funding of the Loantaka Way - Woodland Road Traffic Signal Replacement Project; and

**WHEREAS**, the County of Morris will provide approximately seventy-five (75%) percent of the net final cost for improvements to the signalized intersection at Loantaka Way (CR636) and Woodland Road, based on signal replacement plans completed for the county and according to a cost schedule appended to the agreement, and the Borough of Madison will pay approximately twenty-five (25%) percent of the total, as provided in the agreement; and

**WHEREAS**, the Borough Council has determined to approve an interlocal services agreement between the County of Morris and the Borough of Madison for funding of the Loantaka Way - Woodland Road Traffic Signal Replacement Project in an amount of approximately \$86,382.50.00 (Borough of Madison share).

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that the Mayor is hereby authorized to execute on behalf of the Borough of Madison an interlocal services agreement with the County of Morris for funding the Loantaka - Woodland Road Traffic Signal Replacement Project in a form approved by the Borough Attorney.

R 321-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING 2016 BUDGET TRANSFERS

**WHEREAS**, there appears to be insufficient funds in the following account (excepting the appropriation for Contingent Expenses or Deferred Charges) to meet the demands for the balance of the 2016 budget year in Police, Other Expenses, Community & Business Development Other Expenses, Engineering Salaries and Wages, Fire Department Salaries & Wages, Health Department Salaries & Wages, Clerk Other Expenses, and;

**WHEREAS**, there appears to be surplus in the following account (excepting the appropriation for Contingent Expenses, Deferred Charges, Cash Deficit of Preceding Year, Reserve for Uncollected Taxes, Down Payments, Capital Improvement Fund, or Interest and Debt Redemption Charges), over and above the demand deemed to be necessary for the balance of the 2016 budget year in Police Salaries & Wages, Community & Business Development, Salaries & Wages, Engineering, Other Expenses, Fuel, and Group Health Insurance.

**NOW, THEREFORE, BE IT RESOLVED**, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provision of R.S. 40A:4-59, part of the surplus in the account heretofore mentioned be and the

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same is hereby transferred to the accounts (excepting the appropriation for Contingent Expenses or Deferred Charges) mentioned as being insufficient, to meet the current demands, and;

**BE IT FURTHER RESOLVED,** that the Chief Financial Officer be and is hereby authorized and directed to make the following transfers:

<b>Budget Line receiving funds</b>	<b>Amount Transferred in</b>	<b>Reason for request</b>	<b>Budget line transferring \$\$</b>	<b>Amount transferred out</b>
FCOA 25-240-2 Police O&E (Travel & Training 240-511 and Prof Svs 240-215)	\$6,600	Additional training/class expenses for Chief of Police as approved by Council and additional payments for police matrons.	FCOA 25-240-1 Police S&W (overtime 240-120)	\$6,600
FCOA 20-170-2 Community & Business Development O&E	\$47,000	Accommodate payment of consultant for downtown study	FCOA 20-170-1 Community & Business Development S&W	\$47,000
FCOA 20-165-1 Engineering S&W	\$14,500	Zoning Officer / Assistant Engineer was originally paid via contract, but was later hired as a Borough employee	FCOA 20-165-2 Engineering O&E (Professional services 165-215)  FCOA 31-460 Fuel	\$8,000  \$6500
FCOA 25-265-1 Fire Dept S&W	\$6,000	Department overspent budget line	FCOA 31-460 Fuel	\$6,000
FCOA 27-330-2 Health Dept O&E	\$26,900	To cover various legal and contractual expenses	FCOA 23-220-2 Group Health Ins	\$26,900
FCOA 20-120-2 Clerk O&E	\$1,000	Once every 10 year replacement of NJ Statute Books in clerk's office	FCOA 31-460 Fuel	\$1,000

**UNFINISHED BUSINESS** - None

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**APPROVAL OF VOUCHERS**

On motion by Mrs. Vitale, 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	\$29,034.84
Health & Public Assistance	9,302.75
Public Works & Engineering	145,745.22
Community Affairs	18,373.25
Finance & Borough Clerk	144,445.64
Utilities	<u>275,119.50</u>
Total	<u>\$622,021.20</u>

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

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

Nays: None

Absent: Mr. Catalanello, Mr. Landrigan

**NEW BUSINESS** - None

**ADJOURN**

There being no further business to come before the Council, the meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk