

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

December 11, 2017 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 11th day of December, 2017. Mayor Conley called the meeting to order at 7:00 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

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

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

ROLL CALL

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

Mayor Robert H. Conley

Council Members:

Carmela Vitale
Astri J. Baillie
Benjamin Wolkowitz
Patrick W. Rowe
Maureen Byrne
Vacancy

Also Present:

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

AGENDA REVIEW

There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Mrs. Vitale moved:

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

MINUTES FOR APPROVAL (1)

November 13, 2017

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

CONTRACT MATTERS (6)

ELECTRIC DEPARTMENT MATERIALS
2018-2019 TREE TRIMMING SERVICES
INFORMATION TECHNOLOGY SERVICES

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ANIMAL CONTROL SERVICES
PILGRIM PIPELINE UPDATE
CONSTRUCTION CODE SERVICES

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

PERSONNEL MATTERS (2)
DPW PROMOTIONS
MEDIA POSITION

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

LITIGATION MATTERS (4)
HEARING OFFICER
HDM LITIGATION UPDATE
PARK AVENUE
TAX APPEAL – 3 SHEPHERD LANE

Date of public disclosure 60 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.

Mayor Conley asked for a moment of silence for deceased resident Alfred Chiarolanzio.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Executive Minutes of November 13, 2017**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Regular Meeting Minutes of November 13, 2017**. Mr. Wolkowitz seconded the motion, which passed with the following roll call vote recorded:

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

GREETINGS TO PUBLIC

Mayor Conley made the following comments:
Mayor Conley announced that the annual reorganization meeting will be held on Wednesday, January 3, 2018, at 7:00 p.m. Mayor Conley noted the closing of Poor Herbie's Restaurant and the tribute to owner Judy Mullins held on Friday, December 7th at the Hartley Dodge Memorial. Mayor Conley reminded residents of the special meeting of the Planning Board and Historic Preservation Commission, on December 19th, to hear a concept review for the former movie theatre site on Lincoln Place.

REPORTS OF COMMITTEES

Public Works and Engineering

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

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The Engineering Department is assembling the plans and specifications for the 2018 Road Improvement Projects which include Crestwood, Rosewood, Kensington, Plain, Central and Greenwood. Bids should be advertised in February and awarded in May. General Contractor JoMed Construction attended a preconstruction meeting for the Central Avenue Water Main Replacement project last Wednesday and anticipates starting the project by saw cutting the road this month. DPW staff is busy with leaf pick up and has completed foundation construction for the Memorial Park rink support building.

Finance and Borough Clerk

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

This evening's presentation is the third regarding the 2018 municipal budget. On November 13th, Council received findings regarding the year to date financial performance of the Electric Utility. On November 27th, Administration discussed the process of closing out completed capital ordinances. Borough Engineer Bob Vogel will present his initial draft of the 5 year capital plan this evening. The remainder of the capital budget will be discussed at a Council meeting in January. The Tax Collector's office reports that with just a couple weeks left in the year, the current tax collection rate for 2017 is 98.8%. The Tax Assessor is working on large outstanding appeals. All property owners are reminded that they have the right to appeal of their property taxes. The filing deadline is annually April 1st.

Utilities

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

The Electric Utility Department continues installation of meters at KRE and street light repairs on Kings Road, between Prospect and Maple Avenues. The Department continues pulling wire and installing post lights. On Thursday, December 7th, the standby crew was called out at 6:00 a.m. for a report of half power at 30 Loantaka Way, where the underground primary was blown. The entire crew worked to removing the damaged cable and replaced it with 200 feet of new cable, returning service to the residents by 3:00 p.m. The Water Department continues remote reader installations and hydrant flushing.

Health

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

Flu shots are still available at the Madison Health Department. The Health Department's annual Free Rabies Clinic was held on Saturday, December 9th with 139 pets inoculated in spite of the bad weather. Mr. Rowe thanked the DPW staff for their assistance in planning and implementing the clinic. Comprehensive Metabolic profile (CMP) blood testing is being offered this Wednesday, December 13th at the Madison Health Department. To make an appointment, please call the Health Department. The testing includes cholesterol, glucose and a complete blood count.

Community Affairs / Public Safety

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

The Madison Fire Department responded to an emergency call, on November 20th at 5 a.m., of a Pomeroy Road house fire. An unoccupied house under construction was ablaze. There were no injuries reported and the fire was contained by 1:00 p.m. Madison Police also responded. There was a call to the Madison Junior School of a small fire in the boys' bathroom. All were evacuated and the fire is under investigation. No injuries were reported. The Fire Department reminds resident to water live Christmas trees throughout the season. The Chamber of Commerce has a few annual ornaments remaining that may be purchased at the Madison Pharmacy or Stewart-Morris Awards.

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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.**

Jill Rhodes; Ridgedale Avenue, requested clarification of Resolution 317-2017 regarding renewal of an interlocal services agreement with the Township of Millburn for Animal Control Services, noting that Millburn uses a 'kill shelter' to house large animals. Following discussion there was agreement that the Administrator will look at other alternatives.

AGENDA DISCUSSIONS

12/11/2017-2 JOINT MEETING SEWER CAPACITY STUDY

Mayor Conley provided a brief history of the Joint Meeting and explained the current collection process. Tim Bradley of Kleinfelder provided a summary of proposed capital improvements at the Madison Chatham Joint Meeting. Mr. Bradley reviewed options regarding future capacity noting low interest loans available through the New Jersey Department of Environmental Protection. Mayor Conley opened the meeting to the public for their opportunity to ask questions and make comments.

Melissa Elias; Green Village Road, thanked the Council for the sewer capacity presentation and their attention to this important utility.

12/11/2017-1 MAIN STREET LIGHT FIXTURE IMPROVEMENTS

Acting Electric Utility Superintendent James Mattina requested funding to upgrade the street lights along Main Street, noting LED fixtures are brighter lighting and less expense to run and maintain.

12/11/2017-3 INTRODUCTION OF DRAFT 5 YEAR CAPITAL PLAN AND 2018 BUDGET FOR ROAD RECONSTRUCTION, MILLING AND OVERLAY
Borough Engineer Robert Vogel provided a plan for capital projects for 2018, noting that Council will vote to approve each project. Mr. Vogel also noted that in anticipation of early bidding, an ordinance will be proposed in January for road reconstruction projects. Mr. Vogel presented the roads program, as well as milling & overlay projects proposed, noting Greenwood Avenue, Plain Street, Rosewood, Crestwood, and Kensington Road are included in the five year capital plan.

ADVERTISED HEARINGS

The Clerk made the following statement:

Ordinance 48-2017 scheduled for hearing tonight were submitted in writing at a Regular meeting of the Mayor and Council held on November 13, 2017, Ordinances 49-2017 and 50-2017 were submitted in writing at a Regular meeting of the Mayor and Council held on November 27, 2017, all were introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

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

ORDINANCE 48-2017

ORDINANCE OF THE BOROUGH OF MADISON AUTHORIZING THE PRIVATE SALE OF CERTAIN PROPERTY OWNED BY THE BOROUGH OF MADISON NOT REQUIRED FOR PUBLIC PURPOSES PURSUANT TO N.J.S.A. 40A:12-13(b)

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes local governmental units to sell real property owned by the governmental unit, not needed for public use, by private sale, to the owner of the real property contiguous to the real property being sold provided that the property being sold is less than the minimum size required for development under the Borough’s zoning ordinance and is without any capital improvement thereon; and

WHEREAS, when there is more than one continuous property owner, N.J.S.A. 40A:12-13(b)(5) requires a local governmental unit to first offer to sell the real property to the highest bidder from among all such contiguous property owners; and

WHEREAS, the sale price shall be for not less than the fair market value of said real property; and

WHEREAS, the Borough is the owner of real property identified as Block 3801, Lot 1.02 (“the Property”) on the Official Tax Map of the Borough of Madison; and

WHEREAS, the Governing Body has determined that the Property is not needed for public use; and

WHEREAS, an appraisal report prepared for the Property determined that the Property’s fair market value is ninety thousand dollars (\$90,000.00), that the Property is less than the minimum size required for development under the Borough’s zoning ordinance, and is without any capital improvement thereon; and

WHEREAS, the Borough has offered to sell the Property to the contiguous owners and only 117 Kings Road LLC (Currey Automotive), the property owner of Block 3801, Lot 2, has expressed interest in purchasing the Property; and

WHEREAS, in accordance with N.J.S.A. 40A:12-13(b)(5), the Borough will sell the Property to 117 Kings Road LLC (Currey Automotive), the property owner of Block 3801, Lot 2, for ninety thousand dollars (\$90,000.00).

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

Section 1.

(a) The Governing Body hereby declares that the Property is no longer needed for public use and should be sold in accordance with N.J.S.A. 40A:12-1, et seq.

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(b) The Governing Board hereby authorizes the sale of the Property to 117 Kings Road LLC (Currey Automotive), the property owner of Block 3801, Lot 2, for ninety thousand dollars (\$90,000.00).

(c) In the event the Borough is unable to convey marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the Borough will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, and neither party shall have any further rights against the other. The acceptance of a quitclaim deed by the purchaser from the Borough shall extinguish any claims that said purchaser may have against the Borough in connection with the quality of title conveyed.

(d) The Property herein sold is subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property. The Borough makes no representations as to the presence or absence of wetlands or any other environmental conditions on the property and the purchaser assumes the risk of any such condition, all property being sold “as is.” A prospective purchaser shall have examined the Property or otherwise waived the right to examine the Property prior to submitting the stated bid to the Borough. The Borough does not make any representations, express or implied, that the Property is buildable or usable for any purpose whatsoever.

(e) This Property will merge with Block 3801, Lot 2. The sale of this Property by the Borough shall in no way be construed as an indication that a construction permit can be secured for the property.

(f) All conveyances by the Borough shall be made by quitclaim deed.

(g) The successful bidder shall indemnify and hold the Borough harmless from any claim whatsoever arising out of the Borough’s ownership interest including but not limited to environmental cleanup costs.

(h) The sale of the Property shall be subject to the purchaser complying with all terms and conditions of the Resolution of the Planning Board for the Borough of Madison, Case No. P-17-004, memorialized July 18, 2017.

(i) Purchaser shall erect a fence to separate Block 3801, Lots 1.01 and 1.02 within thirty (30) days of closing. Seller’s attorney will hold the deed in escrow until the fence is erected.

Section 2. NOTICE. The Borough Clerk shall post and advertise copies of this ordinance as required by N.J.S.A. 40A:12-13(b)(5). A copy of this Ordinance shall also be sent by the Borough Clerk to each contiguous property owner.

Section 3. AUTHORIZATION. The Mayor, Clerk, Borough Attorney, and such other officials as may be necessary are authorized to prepare and execute a deed

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and all other necessary documents to convey the Property to 117 Kings Road LLC, subsequent to the Governing Body adopting a resolution authorizing same.

Section 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

Section 5. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

Mayor Conley opened up the public hearing on Ordinance 48-2017. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 48-2017, 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, Ms. Byrne

Nays: None

Mayor Conley declared Ordinance 48-2017 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

**ORDINANCE 49-2017
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$42,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND TO
PURCHASE ONE PICKUP TRUCK**

WHEREAS, the Director of Public Works has recommended that the Borough appropriate \$42,000.00 from the General Capital Improvement Fund to purchase one pickup truck for use by the Public Works Department; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$42,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$42,000.00 from the General Capital Improvement Fund to purchase one pickup truck.

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 \$42,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase one pickup truck.

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

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

Mayor Conley opened up the public hearing on Ordinance 49-2017. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 49-2017, 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, Ms. Byrne

Nays: None

Mayor Conley declared Ordinance 49-2017 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

**ORDINANCE 50-2017
ORDINANCE AMENDING CHAPTER 34, OF THE CODE OF THE
BOROUGH OF MADISON ENTITLED “POLICE DEPARTMENT,”
ESTABLISHING PROMOTION PROCEDURES FOR REVIEW OF THE
RANKING OF CANDIDATES**

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 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 APPOINTMENT

Revise the record review section of the process for the promotion to the position of Police Chief, Captain, Lieutenant and Sergeant to provide that any points assessed under the “Disciplinary Actions” section shall be deducted from the candidates score.

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

Mayor Conley opened up the public hearing on Ordinance 50-2017. Since no member of the public wished to be heard, the public hearing was closed.

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Ms. Byrne moved that Ordinance 50-2017, 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, Ms. Byrne
Nays: None

Mayor Conley declared Ordinance 50-2017 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required 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.

Since no other member of the public wished to be heard, the public hearing was closed.

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.

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

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

R 309-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE MAYOR TO SIGN A CONTRACT AND CLOSING DOCUMENTS FOR THE SALE OF PROPERTY KNOWN AS BLOCK 3801, LOT 1.02

WHEREAS, the Borough of Madison is the owner of property known at Block 3801, Lot 1.02, in the Borough of Madison, County of Morris and State of New Jersey, on the Madison Borough Tax Map (“Property”); and

WHEREAS, the Borough of Madison deemed that the Property is not needed for public use pursuant to N.J.S.A. 40A:12-13(b); and

WHEREAS, the Borough offered the property to contiguous property owners and received only one offer; and

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WHEREAS, the Council of Madison has reviewed and hereby approves the Contract for Sale with 117 Kings Road LLC attached hereto for the sale of the property by the Borough of Madison; and

WHEREAS, the Mayor and Borough Clerk are required to execute documents at closing for the purpose of conveying the Property to the contract purchaser.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris, State of New Jersey, that the Mayor and Borough Clerk are authorized to execute any and all documents necessary relating to the sale of the Property to the contract purchaser referenced herein.

R 310-2017 RESOLUTION OF THE BOROUGH OF MADISON, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE BOROUGH OF MADISON TO CONTINUE AS A MEMBER OF THE MUNICIPAL PIPELINE GROUP AND EXTEND THE RETAINER AGREEMENT WITH JOHN M. SCAGNELLI, ESQ. AS LEGAL COUNSEL TO THE MUNICIPAL PIPELINE GROUP

WHEREAS, Certain pipelines are not public utilities that distribute service to end users and are unregulated by the State of New Jersey Board of Public Utilities; and

WHEREAS, these pipelines are designed to transport a variety of materials, including hazardous substances which, if a discharge occurred, will result in environmental degradation to the environment, including the land, water and air; and

WHEREAS, these pipelines do not directly provide the public with necessities, such as electricity, gas, telephone, water or wastewater service; and

WHEREAS, these pipelines may pose a threat to the infrastructure that provides these public utility services; and

WHEREAS, these pipelines are not public utilities that distribute services to end users and are unregulated by the New Jersey Board of Public Utilities; and

WHEREAS, as these pipelines are not regulated by the New Jersey Board of Public Utilities, there is limited accountability to the public; and

WHEREAS, Pilgrim Pipeline has proposed to build two pipelines that will run between Albany, New York and Linden, New Jersey, known as the Pilgrim Oil Pipeline Project (“Project”); and

WHEREAS, the Project will adversely impact the Borough of Madison; and

WHEREAS, the Borough of Madison opposes the Project due to the threat posed by these unregulated pipelines; and

WHEREAS, a number of municipalities in New Jersey opposed to the Project agreed to join together in opposition to the Project (the “Municipal Pipeline Group”); and

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WHEREAS, the Borough of Madison wishes to continue as a member of the Municipal Pipeline Group and to extend the March 11, 2016 Legal Retainer Agreement with the John M. Scagnelli, Esq. as legal counsel to the Group for another year, on the same terms and conditions.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Madison, County of Morris, State of New Jersey as follows:

1. The Borough of Madison is authorized to continue its participation as a member of the Municipal Pipeline Group for another year.
2. The Borough of Madison agrees to extend the March 11, 2016 Legal Retainer Agreement with John M. Scagnelli, Esq. as legal counsel to the Municipal Pipeline Group to December 31, 2018, on the same terms and conditions.
3. The Mayor and Clerk are hereby authorized to take any actions necessary to carry out this Resolution.
4. A copy of this Resolution shall be provided to the Borough's Chief Financial Officer, the Municipal Pipeline Group and John M. Scagnelli, Esq. of Scarinci Hollenbeck, the Group's legal counsel.
5. This Resolution shall take effect immediately.

R 311-2017 RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MADISON, COUNTY OF MORRIS, AUTHORIZING THE HIRING OF A HEARING OFFICER FOR DISCIPLINARY MATTERS

WHEREAS, the Borough requires the services of a hearing officer to conduct a disciplinary hearing for the Borough of Madison Police Department; and

WHEREAS, Edward Florio, Esq. is an experienced and well qualified hearing officer for matters regarding police officers.

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

1. Edward Florio, Esq. shall serve as the hearing officer for a disciplinary matter in the Borough of Madison Police Department.
2. Edward Florio, Esq. shall be compensated \$135.00 an hour for his services, in an amount not to exceed \$5,000.00.

R 312-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE CHIEF FINANCIAL OFFICER TO MOVE PREMIUM PAYMENTS TO THE GENERAL FUND PURSUANT TO N.J.S.A. 54:5-33

WHEREAS, the Acting Borough Tax Collector has reported that a premium payment for the following tax lien certificate, and in the following amount, has been deposited in the Premium Account for the Borough of Madison on the following date:

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Block/Lot	Certificate #	Date of Sale	Amount
1110/23	11-00004	10/25/2012	\$ 11,200.00

WHEREAS, N.J.S.A. 54:5-33 provides that premium payments made for tax sale certificates shall be held by the Tax Collector and returned to the purchaser of the fee if and when redemption is made; and

WHEREAS, N.J.S.A. 54:5-33 further provides that if redemption is not made within five years from the date of sale, the premium payment shall be turned over to the treasurer of the municipality and become a part of the funds of the municipality; and

WHEREAS, the above tax sale certificate premium payment has been held by the Tax Collector for over five years and shall now escheat to the Borough General Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris in the State of New Jersey that the Chief Financial Officer is authorized to transfer the premium amount set forth above in the total amount of \$11,200.00 to the General Fund in accordance with N.J.S.A. 54:5-33.

R 313-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RENEWAL OF A CONTRACT WITH CIEL POWER LLC FOR ENERGY AUDIT SERVICES

WHEREAS, the Borough solicited receipt of competitive proposals through a Request for Proposal process (RFP) for Energy Audit Services; and

WHEREAS, the Assistant Borough Administrator recommends that the contract awarded to Ciel Power LLC, of Lyndhurst, N.J., for Energy Audit Services, at no cost to the Borough for these services, be renewed for an additional six (6) month term as provided for in the RFP.

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 renewal agreement for Energy Audit Services with Ciel Power LLC, such contract to be in a form approved by the Borough attorney.

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 314-2017 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY THE ROTARY DISTRICT 7470 FOUNDATION INC

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

ROTARY DISTRICT 7470 FOUNDATION INC.

I.D. No. 104-8-40776

R.A. No. 1431 – Off Premise 50/50

May 24, 2018

R 315-2017 RESOLUTION OF THE MADISON BOROUGH COUNCIL
AWARDING ELECTRIC MATERIALS BID TO TURTLE AND HUGHES IN THE
AMOUNT OF \$9,236.97, IRBY UTILITIES IN THE AMOUNT OF \$13,329.52,
SPECTRUM POWER PRODUCTS IN THE AMOUNT OF \$3,115.20 AND WESCO
DISTRIBUTION IN THE AMOUNT OF \$8,485.44

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, four (4) 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 \$9,236.97, Irby Utilities in the amount of \$13,329.52, Spectrum Power Products in the amount of \$3,115.20 and Wesco Distribution in the amount of \$8,485.44; 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 \$9,236.97, Irby Utilities in the amount of \$13,329.52, Spectrum Power Products in the amount of \$3,115.20 and Wesco Distribution in the amount of \$8,485.44.

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, and Wesco Distribution, in a form acceptable to the Borough Attorney.

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R 316-2017 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT FOR TREE TRIMMING SERVICES TO HONOR TREE SERVICE, INC. OF MADISON, NEW JERSEY

WHEREAS, the Borough of Madison publicly advertised for bids for Tree Trimming services for 2018-2019 (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, Honor Tree Service, Inc., of Madison, New Jersey, submitted the lowest bid in the amount of \$90.00 per hour for request one and \$90.00 per hour for request two for a total of \$180.00 per hour for both requests; and

WHEREAS, the Qualified Purchasing Agent/Personnel Director has recommended that the Contract be awarded to Honor Tree Service, Inc., in the amount of \$90.00 per hour for request one and \$90.00 per hour for request two; and

WHEREAS, the purchase order for the services for 2018 is contingent upon funds being available in the 2018 budget and the 2019 purchase order will be contingent upon funds being available in the 2019 municipal budget; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in the amount of \$90.00 per hour for request one and \$90.00 per hour for request two for this purpose, which funds will be available in the 2018 Shade Tree Management Board Budget Department

303, Operating Account #214, Tree Maintenance.

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 Tree Trimming Services for 2018-2019 is hereby awarded to Honor Tree Service, Inc. based upon its bid in the amount of \$90.00 per hour for request one and \$90.00 per hour for request two with the provision that the purchase order for the services for 2018 and 2019 are contingent upon funds being available in the 2018 and 2019 budgets.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Honor Tree Service, Inc. in a form acceptable to the Borough Attorney.

R 317-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RENEWAL OF AN INTERLOCAL SERVICES AGREEMENT WITH THE TOWNSHIP OF MILLBURN FOR ANIMAL CONTROL SERVICES

WHEREAS, the Borough Administrator has recommended that an Interlocal Services Agreement with the Township of Millburn to provide animal control services be renewed; and

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WHEREAS, the Borough of Madison would be the recipient of said services and the Township of Millburn would provide said services, and the Borough of Madison shall pay to the Township of Millburn, not to exceed \$20,000.00 per year, as described in the Interlocal Services Agreement; and

WHEREAS, the proposed Interlocal Services Agreement would be for a period of two-years, commencing on January 1, 2018 and terminating on December 31, 2019, with a provision that either party may terminate its participation in the Agreement by giving the other party 60 days written notice in advance.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Mayor is authorized to execute and the Borough Clerk is authorized to attest to an Interlocal Services Agreement with the Township of Millburn as described herein in a final form approved by the Borough Attorney.

R 318-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PROMOTION OF COLIN DUNNE AND LOUIE DEROSA IV TO THE POSITION OF TRUCK DRIVER II IN THE PUBLIC WORKS PARKS DEPARTMENT

WHEREAS, the Teamsters Local Union No. 469 collective bargaining agreement states that after three years of meritorious service and acquisition of a CDL License, an employee in the Laborer position is eligible for promotion to the Truck Driver II position; and

WHEREAS, both employees have satisfied the contractual requirements and the Director of Public Works has recommended that a promotion be approved for Colin Dunne and Louie DeRosa IV to the position of Truck Driver II in the Public Works Department; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that Colin Dunne and Louie DeRosa IV are hereby promoted to the position of Truck Driver II in the Public Works Department, effective retroactively to December 1, 2017.

R 319-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A SHARED SERVICE AGREEMENT WITH THE TOWNSHIP OF BERKELEY HEIGHTS, BOROUGH OF CHATHAM, TOWNSHIP OF HARDING, BOROUGH OF KENILWORTH, BOROUGH OF MOUNTAIN LAKES AND THE CITY OF SUMMIT TO PROVIDE INFORMATION TECHNOLOGY SERVICES

WHEREAS, the Borough of Madison wish to renew Shared Services agreements for the provision of Information Technology Support Services, wherein

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Madison provides the IT Support Services, subject to existing work load obligations, not to exceed twenty (20) hours per month, nor 250 hours annually, at an hourly rate of \$80.00 to Borough of Chatham, Township of Harding, Borough of Kenilworth, Borough of Mountain Lakes and the City of Summit; and

WHEREAS, the Madison Borough Council has determined to renew said shared services agreements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Mayor and Borough Clerk are authorized to enter into a Shared Services agreement with the Borough of Chatham, Township of Harding, Borough of Kenilworth, Borough of Mountain Lakes and the City of Summit for the provision of Information Technology Support Services, such agreement to be in a form approved by the Madison Borough Attorney.

R 320-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE COUNTY OF MORRIS FOR A COMMUNITY DEVELOPMENT BLOCK GRANT FOR COMMUNITY PLACE IMPROVEMENTS AND RECONSTRUCTION IN THE AMOUNT OF \$80,000.00

WHEREAS, the Borough Engineer has prepared a Community Development Block Grant application to the County of Morris in the amount of \$80,000.00 for street improvements and reconstruction to Community Place in the Borough; and

WHEREAS, the Borough Engineer has recommended that said grant be submitted and if approved, a grant agreement be executed.

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 Borough Engineer is authorized to submit the grant application and the Mayor and Borough Clerk are authorized to execute a future grant agreement between the Borough of Madison and the County of Morris for a Community Development Block Grant in the amount of \$80,000.00 for street improvements and reconstruction, in a form approved by the Borough Attorney.

R 321-2017 RESOLUTION OF THE BOROUGH OF MADISON RENEWING LIQUOR LICENSE 1417-44-001-009, CROSS ATLANTIC VINES, LLC FOR THE 2017-2018 LICENSE TERM

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following application for renewal of Liquor Licenses for the 2017- 2018 license term be, and hereby is, approved:

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DISTRIBUTION LICENSES - FEE: \$1,798.00; July 1, 2017 through June 30, 2018

License # 1417-44-001-009
 Cross Atlantic Vines, LLC
 c/o Robert C. Williams, Esq
 622 Eagle Rock Avenue
 West Orange, NJ 07052

R 322-2017 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE SETTLEMENT OF CERTAIN TAX APPEALS

WHEREAS, appeals of the real property tax assessments of the following properties have been filed in the Tax Court of New Jersey:

PROPERTY OWNER	BLOCK	LOT	ADDRESS
Berger, Adam & Laura	4402	27.01	3 Shepherd Lane

; and

WHEREAS, the Borough Tax Assessor, Special Tax Counsel and Expert Appraiser are of the opinion that the settlement is the best interest of the Borough to settle this appeal.

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

1. The settlement of the following tax appeal filed at the Tax Court of New Jersey are hereby authorized as follows:

PROPERTY OWNER	YEAR	ORIGINAL ASSESSMENT	PROPOSED SETTLEMENT
Berger, Adam & Lisa	2015	\$2,069,800	\$2,069,800
Berger, Adam & Lisa	2017	\$2,069,800	\$1,700,000

2. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.

3. This Resolution shall take effect immediately.

R 323-2017 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF LIVERY OWNER’S LICENSE FOR MADISON LIMOUSINE SERVICE FOR 2018

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Livery Owner’s License renewal be approved for the year 2018.

<u>LICENSE NO.</u>	<u>NAME</u>	<u>Vehicles</u>
18-1, 18-2, 18-3 18-4, 18-5, 18-6	Madison Limousine Service 340 Main Street, Madison	6 Liveries

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R 324-2017 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 2017

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 \$29,057.43 from the State of New Jersey Clean Communities Grant and wishes to amend its 2017 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 2017 in the sum of \$29,057.43, 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 \$29,057.43 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 Clean Communities Grant –

Other Expenses \$29,057.43

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

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

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

Current Fund	\$248,786.28
General Capital Fund	90,148.64
Electric Operating Fund	213,519.07
Electric Capital Fund	16,224.00

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Water Operating Fund	10,596.54
Water Capital Fund	150,773.78
Trusts	<u>53,778.40</u>
Total	<u>\$783,826.71</u>

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

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

Nays: None

Mayor Conley left the Council Meeting at 9:33 p.m.

NEW BUSINESS

Acting Mayor Vitale announces the following reappointment and requests Council confirmation:

ZONING BOARD OF ADJUSTMENT

Four-year term through December 31, 2021

Toni DeRosa, Regular

Diane Driscoll, Regular

Two-year term through December 31, 2019

Timothy Fitzsimmons, Alt # 1

Mr. Rowe moved confirmation of the foregoing appointments. Ms. Byrne seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk

Approved January 22, 2018 (EO)