

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

April 23, 2012 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 23 day of April 2012. Mayor Conley called the meeting to order at 7 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, 2012. 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:

Jeannie Tsukamoto
Vincent A. Esposito
Donald R. Links
Robert G. Catalanello
Robert Landrigan
Carmela Vitale

Also Present:

Raymond M. Codey, Borough Administrator
James E. Burnet, Assistant Borough Administrator
Elizabeth Osborne, Borough Clerk
Absent: Joseph Mezzacca, Jr., Borough Attorney, excused

AGENDA REVIEW

There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Mrs. Tsukamoto moved:

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

MINUTES FOR APPROVAL (1)
February 27, 2012
March 12, 2012

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

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CONTRACT MATTERS (4)
PK ENVIRONMENTAL
NORTH STREET PUMP STATION REHABILITATION
JOINT MEETING SOLAR POWER
DEVELOPER'S AGREEMENT - FULTON BANK OF NEW JERSEY

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

PERSONNEL MATTERS (3)
SUMMER INTERNS – PUBLIC WORKS DEPT
SUMMER PROGRAMS – RECREATION DEPT
PUBLIC WORKS STAFFING

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

Seconded: Dr. Esposito
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

There was agreement to consider the approval of **Executive Minutes of February 27, 2012**, at the next meeting of the Mayor and Council.

Mrs. Tsukamoto moved approval of the **Executive Minutes of March 12, 2012**. Dr. Esposito seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links,
Mr. Catalanello, Mr. Landrigan. Mrs. Vitale
Nays: None

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

Mayor Conley announced that on Saturday, April 21, 2012 the annual Little League Parade took place, and also the ribbon cutting ceremony at the Madison Recreation Center fields was well attended.

Mayor Conley reminded residents to consider voluntary water restrictions, in spite of the recent rains

The League of Municipalities is holding a mega jobs fair "Hiring Our Heroes" at the Sun National Bank Center in Trenton, on Wednesday, September 12 from 9:00 a.m. until 1p.m.

Technology training is available to residents at the Madison Public Library by contacting the front desk at 973-377-0722.

Mayor Conley read the following Proclamation:

Proclaiming National Donate Life Month, April 2012

WHEREAS, every human life has matchless value, and during National Donate Life Month, we reaffirm our commitment to raising awareness about organ donation and the importance of making the decision to donate. We also express our appreciation to those who have donated organs, tissue and marrow; and

WHEREAS, over 100,000 Americans, thousands in New Jersey, are currently on the waiting list for an organ transplant and thousands more need life enhancing tissue transplants. We urge all New Jersey residents to register with the state's donor registry; say yes to organ and tissue donation on their driver's license; and share their decision with family and friends. By taking these steps, New Jerseyans can help save lives. The kindness and generosity of donors reflect the compassionate spirit of our state; and

WHEREAS, during the month of April, National Donate Life Month, we celebrate the life-saving work of medical professionals and researchers and the many others whose actions reflect our commitment to a brighter tomorrow. Individuals can visit www.DonateLifeNJ.org to learn more about organ and tissue donation and how they can give the gift of life. We call upon health care professionals, volunteers, educators, government agencies, faith-based and community groups, and private organizations to help raise awareness of the urgent need for organ and tissue donors throughout our state;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim the month of April 2012 as **NATIONAL DONATE LIFE MONTH**.

Robert H. Conley
April 23, 2012

Proclaiming Municipal Clerks' Week April 29th to May 5, 2012

WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

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WHEREAS, the Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk, notably Elizabeth Osborne, and Patty Macaluso;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby recognize the week of April 29 through May 5, 2012, as Municipal Clerks' Week, and further extend appreciation to our Municipal Clerk, Elizabeth Osborne, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Robert H. Conley

April 23, 2012

REPORTS OF COMMITTEES

Public Safety

Mrs. Tsukamoto, Chair of the Committee, made the following comments: Saturday, April 28th, the Madison Police Department will collect expired unused and unwanted drugs at the Public Safety Complex. The Police responded to 2455 calls so far in the month of April, including 43 motor vehicle crashes, 23 reported burglaries and 66 suspicious persons reports. The Fire Department has conducted 16 hours of confined space training. Mrs. Tsukamoto thanked the anonymous donor of a pet oxygen mask, and noted that Mr. Landrigan has file for reimbursement from FEMA for storm related expenses of over \$300,000 and plans to file for an additional \$100,000.

Utilities

Dr. Esposito, Chair of the Committee, made the following comments: The Electric Utility Study Committee will meet on May 16th at 7:00 p.m. to discuss, among other topics, automated meter readers, solar power and electric system maintenance and reliability. The Electric Utility staff has completed new lighting under the Prospect Street bridge. The Waverly clock has been reinstalled. The Planning Board has recommended the proposed zoning change Ordinance regarding 10 Maple, listed for a hearing this evening. Dr. Esposito explained proposed legislation regarding filing of an emergency response plan for all electric utilities.

Public Works and Engineering

Mr. Links, Chair of the Committee, made the following comments: Mr. Links announced that the third annual Green Fair will take place on Thursday, May 3rd on Green Village Road, in front of the Museum of Early Trades & Crafts. Mr. Links thanked PSE&G and Reaology for their sponsorship of the fair.

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Finance and Borough Clerk

Mr. Catalanello, Chair of the Committee, made the following comments:
 In anticipation of the June 5th Primary Election, the Clerk's office will remain open for Late Night Voter Registration on May 15, 2012 until 8:00 p.m. Copies of the introduced 2012 Municipal Budget as well as the Budget in Brief are posted on the Borough website on the Mayor and Council and Finance Department web pages. The Clerk's office is currently working on renewal of ABC license and sidewalk dining permits. The 2012 municipal budget will be discussed later this evening.

Community Affairs

Mr. Landrigan, Chair of the Committee, made the following comments:
 May Day is set for Saturday May 5th and volunteers are still needed, as well as donations. After the clean up, the Madison Volunteer Ambulance Corp will be hosting a wine and beer tasting sponsored along with the Downtown Development Commission, open to the public, with activities planned for children, as well. The Chamber of Commerce is sponsoring a Ladies night out on May 3rd. Mr. Landrigan noted that he was please to have attend the "Time of Your Life " program at the Madison Senior Center, and encouraged residents to use the center's many resources.

Health & Public Assistance

Mrs. Vitale of the Committee made the following comments:
 Mrs. Vitale announced that the Madison Health Departments women's' health screening program to be held on Wednesday, May 23rd. Please call the Health Department for an appointment. Mrs. Vitale commented on the "Time of Your Life" program, noting the overwhelmingly positive response by participants, and thanked Michael Giordano for volunteering his time to help with the program.

BUDGET HEARING

R 108-2012 RESOLUTION OF THE BOROUGH OF MADISON FINALLY ADOPTING THE 2012 BUDGET AND TAX RESOLUTION

R 108-2012

SECTION 2 - UPON ADOPTION FOR YEAR 2012
 (Only to be included in the Budget as Finally Adopted)

RESOLUTION

Be It Resolved by the Madison Governing Body of the Madison Borough County of Morris that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 12,259,890.07 (item 2 below) for municipal purposes and
- (b) \$ _____ (item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) \$ _____ (item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$ 416,122.37 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) \$ 1,177,317.93 (Item 5 below) Minimum Library Tax

RECORDED VOTE

(insert last name)

AYES
 ESPOSITO
 LANDRIGAN
 VITALE
 CONLEY

Nays
 TSUKAMOTO
 LINKS
 CATALANELLO

Abstained NONE

Absent NONE

SUMMARY OF REVENUES

1. General Revenues			
Surplus Anticipated		06-100	\$ 2,800,000.00
Miscellaneous Revenues Anticipated		13-099	\$ 8,713,726.57
Receipts from Delinquent Taxes		15-499	\$ 200,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)		07-190	\$ 12,259,890.07
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 40		07-195	\$
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)		07-191	\$
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only			
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)		07-191	\$
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY		07-192	\$ 1,177,317.93
Total Revenues		13-289	\$ 25,150,936.57

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Mayor Conley invited public comment on the 2009 Budget and Tax Resolution.

Pat Rowe, Pine Avenue, asked for a stand alone budget for the Borough electric and water utilities to get a better picture and inquired about an offset to next years increase in the State health care plan.

Sam Cerciello, Park Avenue, suggested an annual fee for Drew University students for municipal emergency services.

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

Mr. Catalanello moved introduction of Resolution R 108-2012 to adopt the municipal budget. Mrs. Tsukamoto seconded the motion. Mrs. Tsukamoto noted many positives in this year's budget such as no change in services, and raised concern for the overall financial health, due to outstanding items such as, pending tax appeals, union contracts, and capital needs. Mr. Catalanello stated that after 2014, the Borough can not rely on utility surpluses and that next year residents could face significant increases in federal taxes. Mr. Catalanello indicated he would not vote for this budget because it does not address capital needs. Mr. Codey stated that the proposed budget would have an average increase per household of \$66.00, based on the average home value, and that the municipality still maintains a triple bond rating. There was discussion of potential reductions, fiscal responsibility and capital funding. Mr. Giacobbe explained the municipal budget process if a municipality does not adopt a budget. The motion passed with the following roll call vote recorded:

Yeas: Dr. Esposito, Mr. Landrigan, Mrs. Vitale, Mayor Conley

Nays: Mrs. Tsukamoto, Mr. Links, Mr. Catalanello

Mayor Conley thanked the Borough staff for their hard work on the municipal budget.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

E-mail received April 19, 2012 from Roberta Mayerson, of Sherwood Avenue, regarding the installation of a traffic light at the intersection of Greenwood Avenue and Britten Street.

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.**

Sandy Kolakowski, Park Avenue noted that she looks forward to the Madison Athletic Foundations' update on fundraising and raised concern regarding a donor wall. Ms. Kolakowski suggested a more comprehensive plan to include walkways and benches.

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Tim Harrington, Cross Gates Road, agreed with Council comments made during the budget hearing. Mr. Harrington would like to see Ordinance 3-2012 regarding the Sustainable Madison Advisory Committee in language more easily understood.

Sam Cerciello, Park Avenue, asked for clarification of Resolutions R 115-2012 and R 116-2012 regarding the North Street Pump Station rehabilitation. Mr. Giacobbe explained the need to reject the apparent low bidder and award a contract to the next qualified bidder.

James Sullivan, Broadview Avenue, asked if the Council has considered purchasing vehicles, as proposed in Ordinance 4-2012 for the Public Works Department for other departments, as well.

AGENDA DISCUSSIONS

04/23/2012-1 MATCHING FUNDS FOR SENIOR CITIZENS BUS

Mrs. Vitale explained the condition of the existing Borough van and noted that the ridership on the Senior Citizens van has doubled and will triple in the next few years. Mrs. Vitale proposed using funds from the Jacob Henry Perkins Trust fund, established to provide assistance to Madison seniors, and to find a matching grant for the remaining funds. There was no objection to listing a resolution for approval on the Consent Agenda.

Resolution R 114-2012 is listed on Consent Agenda.

04/23/2012-2 MADISON RECREATION CENTER DONATIONS UPDATE

- Donor Wall
- Fundraising/Raffle Update

Brian Agnew, of the Madison Athletic Foundation addressed the Council regarding fundraising efforts by the MAF. Mr. Agnew noted that the MAF has explored various fund raising means including a large 50/50 raffle which raise nearly \$80,000 for the fields, as well as, \$55,000 collected in user fees and a proposed donor wall. Several businesses have been contacted regarding naming rights at the fields. Mr. Agnew thanked the raffle ticket buyers and noted that the raffle will be an annual event.

04/23/2012-3 NORTH STREET PUMP STATION REHABILITATION

There was no objection to listing resolutions on the consent agenda regarding the rehabilitation of the North Street Pump Station, as discussed earlier this evening.

Resolutions R 115-2012 & R 116-2012 are listed on Consent Agenda.

04/23/2012-4 SUMMER COUNCIL MEETING SCHEDULE

Mayor Conley proposed a summer Council meeting schedule for July and August, reducing the Council meetings to one meeting per month. Mr. Catalanello raised concern due to the size of recent agendas. Mrs. Tsukamoto inquired about voucher payments. Following discussion there was also raised the question of the first Council meeting in November as well, due to the Veterans' Day Holiday and the annual NJ League of Municipalities Convention. There was agreement to continue discussion.

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04/23/2012-5 10 MAPLE AVENUE SUBDIVISION

Mr. Codey provided information regarding a proposed zoning ordinance to amend the Code to include Borough owned property at 10 Maple Avenue which is currently designated as open space and government use and should be included in the neighboring R-3 Residential Zone. There was no objection to listing Ordinance 5-2012 for introduction.

Ordinance 5-2012 is listed for introduction.

ADVERTISED HEARINGS

The Clerk made the following statement:

Ordinances scheduled for hearing tonight were submitted in writing at a Regular meeting of the Mayor and Council held on April 9, 2012, 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 3-2012
ORDINANCE OF THE BOROUGH OF MADISON ESTABLISHING THE
SUSTAINABLE MADISON ADVISORY COMMITTEE**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Madison strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the future; and

WHEREAS, the Borough of Madison hereby acknowledges that the residents of Madison desire a stable, sustainable future for themselves and future generations; and

WHEREAS, the Borough of Madison wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, the Mayor and Council wish to make permanent the Sustainable Madison Advisory Committee; and

WHEREAS, the Council has determined that it is in the best interest of the Borough of Madison to establish such a committee.

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

Section 1: The Madison Borough Code is amended to include the following Chapter 26 entitled "Sustainable Madison Advisory Committee":

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Chapter 26: Sustainable Madison Advisory Committee.

SS 26 -1. Establishment.

The Sustainable Madison Advisory Committee is hereby established to be known as “the Sustainable Madison Advisory Committee of the Borough of Madison.” (hereafter referred to as “the Committee”). The Committee shall consist of eleven (11) members.

SS 26 -2. Purpose and Responsibilities.

- (A) To make recommendations to the Mayor and Council, and Madison Environmental Commission (“MEC”) to help the municipality achieve sustainable smart growth land-use policies which balance economic, environmental and societal needs.
- (B) The Committee will provide education and outreach on sustainability to the community, all Borough Committees, Boards and Commissions, and the Mayor and Council.
- (C) The Committee will encourage the town to reduce its carbon footprint through education and action.
- (D) The Committee will assist the efforts of Borough Boards, Committees and Commissions in their efforts to promote smart land use planning, energy and resource conservation, green design, sustainability, a green element for the Master Plan, and a sustainability plan for the future of the Borough of Madison.
- (E) The Committee will seek grants to achieve these goals.
- (F) The Committee will submit a report to both the MEC as well as the Mayor and Council at the end of each calendar year, concerning on-going activities and grants. . In addition, the Committee shall regularly circulate to the MEC and Mayor and Council copies of its meeting minutes. All records, reports and data shall be available to the Council for inspection at any time.
- (G) The Committee will hold a minimum of six (6) public meetings annually which shall be open to the public pursuant to the Open Public Meetings Act and shall take place at the Madison Municipal Building unless otherwise noted.

SS 26 -3. Membership

Membership shall consist of 9 regular members and 2 non-voting members. All voting members of the Committee shall be residents of the Borough of Madison. All members shall serve without compensation. The Committee shall be comprised of the following persons, appointed by the Mayor with the advice and consent of the Council:

- (A) The Council Liaison to the Madison Environmental Commission (Regular Member),
- (B) The Borough Administrator and/or Assistant Borough Administrator (non-voting),
- (C) A representative from the office of the Superintendent of the Madison Public School System (Regular Member),
- (D) The Superintendent of Public Works (non-voting),
- (E) One (1) member of the Madison Environmental Commission (Regular Member),

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(F) Six (6) members who are residents of the Borough (Regular Members).

The Committee shall have the right to appoint non-voting advisory members with special abilities and expertise beneficial to the Committee's objectives.
SS 26 -4. Voting Powers, Quorum and Limitation of Powers.

A. Voting members. The voting members of the Committee shall be the 9 regular members.

B. Non-Voting members. The Assistant Borough Administrator and Superintendent of Public Works shall not vote.

C. A majority of the voting members of the Committee shall constitute a quorum.

D. The Committee is specifically prohibited from exercising any power of condemnation or eminent domain, from pledging the credit of the municipality and from creating any debt against the municipality.

SS 26 – 5. Borough Departmental Assistance.

A. General. Subject to limitations as may hereinafter be determined by the Mayor and Council, insofar as may be practicable, the employees and professional staff of the Borough of Madison, including the Borough Attorney, shall be available to assist the Committee in the performance of its duties.

B. Procedure. All requests for employee or professional staff assistance shall be made through the Borough Administrator. Any project that requires substantial assistance from the Borough staff and professionals shall be reviewed by the full Committee and said assistance shall be approved by the Council prior to commencement of the project.

SS 26 -6. Terms of Office.

(A) The Council liaison shall serve annually.

(B) The six (6) resident members shall serve for a term of three years (staggered terms). The terms of office shall commence upon the day of each member's appointment, unless otherwise specified at the time of appointment, and be for the initial respective periods of one, two, and three years (two members shall initially be appointed for one year, two members shall initially be appointed for two years and two members for three years). The term of each appointee shall be designated in his or her appointment. All subsequent appointments, except to fill vacancies, shall be for the full three-year term, to take effect on January 1 next succeeding such appointment.

(C) All other members shall serve annually.

(D) The Mayor shall, initially, designate one of the members as Chairperson, and the Committee shall select a Secretary to record minutes. Thereafter, in subsequent years, the Committee shall annually select a Chairperson and Secretary. The Chairperson shall call the initial meeting of the Committee within thirty (30) days of the adoption of this Ordinance. Thereafter, the Committee shall establish its meeting schedule, which shall be duly published.

SS 26 -7. Vacancies

Any vacancy occurring by reason of the death, resignation or removal of any member shall be filled for the unexpired term by the Mayor with advice and consent of the Council. In the event that the Mayor fails to make a nomination at least 15 days prior to the date of the second regular public meeting of the Council after a position becomes vacant or the Borough Council fails to confirm a nomination, then the appointment shall be made by the Borough Council by the vote of a majority of the members present at the

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meeting, provided that at least three affirmative votes shall be required, with the Mayor to have no vote thereon except in the case of a tie.

SS 26 – 8. Conflict of interest.

A. Disclosure of interest. No Committee Member shall have or shall acquire any interest, direct or indirect, personal or financial, in any project which the Committee is promoting or in any contract or proposed contract for materials or services or in any lease, mortgage, sale or contract of any nature whatsoever relating to any such project or to the Committee without forthwith making written disclosure to the Committee of the nature and extent of the interest. Such disclosure shall be entered in writing upon the minutes of the Committee.

B. Voting. No Committee Member having an interest as described in § SS 26-8A shall vote on matters directly relating to such interest.

Section 2: This ordinance shall take effect as provided by law.

Mayor Conley opened up the public hearing on Ordinance 3-2012.

Betsy Uhlman, Garfield Avenue, representing the Madison Environmental Commission, spoke in support of the Sustainable Madison Committee proposed ordinance. The Ordinance is structured to allow members to work with Borough employees and educators to work on many areas of sustainability. Ms. Uhlman encouraged Council to adopt Ordinance 3-2012.

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

Mr. Links moved that Ordinance 4-2012, which was read by title, be finally adopted. Mrs. Vitale seconded the motion. Mr. Landrigan asked what projects the committee will work on. Mr. Links thanked Ms. Uhlman for the MEC work. Mrs. Tsukamoto addressed changes that were proposed at the introduction of the ordinance, including adding the Borough Administrator or Assistant Administrator as non-voting members and adding language regarding the Open Public Meetings Act. Mr. Catalanello noted that he would prefer a subcommittee of the Madison Environmental Commission. There was agreement that the ordinance could be amended once the committee starts operating. Following Council discussion, the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links,
Mr. Landrigan. Mrs. Vitale

Nays: Mr. Catalanello

Mayor Conley declared Ordinance 3-2012 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 4-2012
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$20,000.00
FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF A
UTILITY VEHICLE**

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WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$20,000.00 from the General Capital Improvement Fund to purchase a new Workman Utility vehicle and accessories ; 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 \$20,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$20,000.00 from the General Capital Improvement Fund to purchase a new Workman Utility vehicle and accessories; 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 \$20,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase a new Workman Utility vehicle and accessories.

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 4-2012. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Links moved that Ordinance 4-2012, which was read by title, be finally adopted. Mr. Catalanello seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links,
Mr. Catalanello, Mr. Landrigan. Mrs. Vitale

Nays: None

Mayor Conley declared Ordinance 4-2012 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.

James Sullivan, Broadview Avenue, thanked Councilmembers for providing resident with mulch, accumulated by the Public Works Department, following the unusual fall storms.

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Lisa Ellis, Britten Street, suggested that the wording of adopted ordinance 3-2012 establishing the Sustainable Madison Advisory Committee be changed to include any representative from the Madison Public Schools. Mr. Giacobbe recommended not changing the language in the ordinance at this time as the Superintendents' office can appoint any representative of his staff.

Tim Harrington, Cross Gates Road, suggested that the Borough Administrator also have the authority to appoint a Borough employee to the Sustainable Madison Advisory Committee.

Pat Rowe, Pine Avenue, inquired about reporting of financial information of the Madison Athletic Foundation. Mayor Conley noted that Resolution 275-2011 was recently adopted regarding procedures and that financial documents are accessible to the public.

Larry Bruce, Laurel Way, noted that he does not understand why a Council member would vote against Ordinance 3-2012 'unfortunately'. Mr. Bruce also commented that he wonders if Council members who voted against the municipal budget would have voted in favor of the budget had Mr. Codey been removed from his position.

Sam Cerciello, Park Avenue, inquired about the status of the rehabilitation of the Hartley Dodge Memorial. Mr. Cerciello asked if there would be supervision of the roadway reconstruction project at Rose Pine Beech and Cedar Avenues. Mr. Cerciello again volunteered to serve on the Construction Review Committee.

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

The ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of May 30, 2012 in the 2nd Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said 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 Ordinance 5-2012 for first reading and asked the Clerk to read said ordinance by title:

ORDINANCE 5-2012 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 195, ARTICLE V OF THE BOROUGH CODE ENTITLED
"LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF MADISON", TO
AMEND THE ZONING MAP TO INCLUDE BLOCK 2803, LOT 2 (10 MAPLE
AVENUE) IN THE R-3 ZONING DISTRICT

WHEREAS, the Borough of Madison seeks to facilitate the sale of this property in a manner that is consistent with the existing use of Block 2803, Lot 2 (10 Maple Avenue), as well as the land use patterns of the surrounding area; and

WHEREAS, the Planning Board recently reviewed the zoning of this property in conjunction with a lot line adjustment; and

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WHEREAS, the current OSGU Zoning of Block 2803, Lot 2 does not permit residential uses; and

WHEREAS, the Borough seeks to ensure that the future use of the property remains consistent with the existing residential structure thereon, as well as the adjacent R-3 neighborhood; and

WHEREAS, the proposed re-zoning is consistent with the goals and purposes of the Master Plan and Land Development Ordinance of the Borough of Madison; and

NOW, THEREFORE, be it resolved by the Council of the Borough of Madison, in the County of Morris and the State of New Jersey, as follows:

SECTION 1: The Official Zoning Map, as adopted by Chapter 195 entitled “Land Development Ordinance of the Borough of Madison” Section 29.1 entitled “Zoning Map” is hereby amended to change the zone boundary line between the OSGU District and the R-3 District to include Block 2803, Lot 2, also known as 10 Maple Avenue, in the R-3 zone.

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

Dr. Esposito moved that Ordinance 5-2012, which the Borough Clerk read by title, be adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links,
Mr. Catalanello, Mr. Landrigan. Mrs. Vitale

Nays: 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. Tsukamoto moved adoption of the Resolutions listed on the Consent Agenda. Dr. Esposito seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links,
Mr. Catalanello, Mr. Landrigan. Mrs. Vitale

Nays: None

R 109-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING
TEMPORARY SIGNS FOR THE ARTS COUNCIL OF THE MORRIS AREA

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WHEREAS, the Arts Council of the Morris Area has requested permission to put up temporary signs advertising the 29th Annual Giralda Farms Concert featuring the New Jersey Symphony Orchestra on June 24, 2012, at the Giralda Corporate Park; and

WHEREAS, the signs would be located on Woodland Road and on Route 124 outside the gates of the Giralda entrances, commencing on May 20, 2012 and removed by June 26, 2012; and

WHEREAS, the Assistant Borough Administrator has recommended that a temporary sign permit be issued.

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 request of the Arts Council of the Morris Area to put up temporary signs as described herein from May 20, 2012 to June 26, 2012, is approved.

R 110-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING APPOINTMENT OF CONNOR REEVE, STEVEN FINELLI, FORTUNATO DAMIANO AND MICHAEL BOARDMAN TO PART-TIME SUMMER INTERN POSITIONS IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Borough Administrator and Superintendent of Public Works have recommended the appointment of Connor Reeve, Steven Finelli, Fortunato Damiano, and Michael Boardman as part-time employees/ Summer Interns in the Department of Public Works; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the appointment of Connor Reeve, Steven Finelli, Fortunato Damiano, and Michael Boardman as part-time employees/Summer Interns in the Department of Public Works effective May 14, 2012, at the rate of pay of \$10.00 per hour is hereby approved.

R 111-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF LIVERY DRIVER'S PERMIT FOR ROSE CITY LIMO, INC. FOR 2012

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Livery Driver's Permit renewals be approved for the year 2012:

LICENSE NO.

NAME

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12-14D

Samuel Mantone

R 112-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF LIVERY OWNER'S LICENSE FOR ROSE CITY LIMO, INC. FOR 2012

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 2012:

<u>LICENSE NO.</u>	<u>NAME</u>	<u>Vehicle</u>
12-22	Ann Marie Davies	2 Liveries
12-23	Rose City Limo, Inc.	

R 113-2012 RESOLUTION OF THE BOROUGH OF MADISON PROMOTING NANCY DICKERSON TO THE POSITION OF FULL-TIME ADMINISTRATIVE ASSISTANT IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Superintendent of Public Works has recommended promoting Nancy Dickerson from Senior Office Assistant to the position of Administrative Assistant in the Department of Public Works; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Nancy Dickerson is hereby appointed to the position of Administrative Assistant in the Department of Public Works, effective immediately, and her salary is hereby increased from \$ 50,877.00 to \$ 55,959.00 retroactive to January 1, 2012.

R 114-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING MATCHING CHALLENGE GRANT FROM THE HENRY JACOB PERKINS TRUST ACCOUNT FOR PURCHASE OF A NEW SENIOR CITIZEN VAN IN THE AMOUNT OF \$31,000.00

WHEREAS, the Senior Citizen Advisory Committee has requested the release of \$31,000.00 from the Jacob Henry Perkins Trust Fund (hereinafter "Perkins Trust Fund") to be utilized for a matching grant for the purchase of a new senior citizen van; and

WHEREAS, the Borough of Madison, by virtue of a decree of the Chancery Court of New Jersey, is authorized to use income from a Trust set up from the residuary estate of Jacob Henry Perkins, for housing, support and/or relief of "aged persons" in need of services who cannot afford to pay the full cost of their own services through such agencies as the municipality deems proper; and

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WHEREAS, the governing body believes this is an appropriate use of a portion of the existing accumulated income of the Perkins Trust to provide affordable transportation for senior citizens in need; and

WHEREAS, the accumulated interest income of said Perkins Trust Fund is currently in excess of \$ 50,239.55; and

WHEREAS, the governing body has determined to authorize such grant to be used toward a matching challenge grant of \$31,000.00 for the purchase of a new senior citizen van. Trust Funds to be distributed only when matching funds are available.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that a grant is hereby approved from the Perkins Trust Fund in the amount of \$31,000.00 from the accumulated income to be utilized for a matching challenge grant for the purchase of a new senior citizen van.

R 115-2012 RESOLUTION OF THE MADISON BOROUGH COUNCIL
REJECTING THE BID OF UNDERGROUND UTILITIES CORPORATION AS NOT
BEING THE LOWEST RESPONSIBLE BIDDER FOR THE NORTH STREET
PUMPING STATION FORCE MAIN REHABILITATION PROJECT

WHEREAS, the Borough of Madison publicly advertised for bids for the North Street Pumping Station Rehabilitation Project (the “Contract”) in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the apparent lowest bid was submitted by Underground Utilities Corporation; and

WHEREAS, subsequent to the bid opening, the Borough of Madison determined through two Charles Jones Search reports dated April 9, 2012 that there appeared to be a large number of Judgments and litigation regarding the apparent low bidder and/or the President of the apparent low bidder (attached hereto); and

WHEREAS, the apparent low bidder had certified on their Experience Questionnaire in their bid submission that they had never failed to complete work which was in conflict with the Judgments and litigation of record; and

WHEREAS, the apparent low bidder and the President of the low bidder were notified by letter dated April 11, 2012 through certified mail, return receipt requested, Federal Express and facsimile of a “responsibility hearing” to be held on April 18, 2012 at 9:00 a.m. at the Hartley Dodge Memorial Building to give the apparent low bidder and the President of the apparent low bidder the opportunity to address the concerns of the Borough of Madison stated above: and

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WHEREAS, delivery and receipt of the April 11, 2012 correspondence by the apparent low bidder and the President of the apparent low bidder was confirmed by the Borough; and

WHEREAS, neither the apparent low bidder nor the President or any officer of the apparent low bidder attended the “responsibility hearing”; and

WHEREAS, the Borough of Madison contacted the apparent low bidder’s office by phone on April 18, 2012 to inquire about their absence from the “responsibility hearing” and where advised they were aware of the hearing, but had no intention of attending, participating, or supplying supplemental information; and

WHEREAS, the Local Public Contracts Law (LPCL) N.J.S.A. 40A:11-1 et seq. requires a “responsible” bidder to be able to complete the contract in accordance with its requirements, including, but not limited to “experience, moral integrity, operating capacity, financial capacity, credit, work force, equipment and facilities availability”; and

WHEREAS, because of the willful failure by the apparent low bidder to attend the responsibility hearing” or provide any response to the concerns of the Borough regarding Judgments, litigation and failure to complete work, the Borough governing body is without sufficient information to conclude that the apparent low bidder meets the statutory criteria to be determined a “responsible” bidder as outlined above; and

WHEREAS, the Borough Engineer and the Borough Administrator have recommended that the Borough Council reject the submission of Underground Utilities Corporation as not being the lowest “responsible” bid.

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 bid of Underground Utilities Corporation is hereby rejected for the reason set forth above.

R 116-2012 RESOLUTION OF THE MADISON BOROUGH COUNCIL
AWARDING CONTRACT TO MATINA & SON, INC. OF HACKENSACK, N.J. IN AN
AMOUNT NOT TO EXCEED \$330,264.72 FOR THE NORTH STREET PUMPING
STATION FORCE MAIN REHABILITATION PROJECT

WHEREAS, the Borough of Madison publicly advertised for bids for the North Street Pumping Station Rehabilitation Project (the “Contract”) in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

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WHEREAS, the apparent lowest bid submitted by Underground Utilities Corporation was rejected by the Madison governing body for not being the lowest responsible bidder; and

WHEREAS, the second lowest qualified bid was submitted by Matina and Son, Inc. in the base bid amount of \$300,000.00, plus Alternate A-1 in the amount of \$2,500.00 and an advance of \$27,764.72 for Performance Bond required by Morris County for a road opening permit; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the contract to the lowest responsible bidder, Matina and Son, Inc., in an amount not to exceed \$330,264.72; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$330,264.72 for this purpose which funds were appropriated by Ordinance 38-2010.

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 contract for the North Street Pump Station Rehabilitation Project is hereby awarded to Matina and Son, Inc., based upon its lowest responsible bid in an amount not to exceed \$330,264.72.

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

R 117-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING TRANSFER OF 2012 LIVERY OWNER'S LICENSE FOR PRECISE LIMOUSINE TRANSPORT SERVICE, LLC

WHEREAS, any license issued for any taxicab or livery may be transferred to a substitute vehicle in accordance with the provisions of Chapter 173-7 of the Borough of Madison Code after approval of the Council and upon the payment to the Borough of a transfer fee of \$10.00 for each vehicle for which the license is to be transferred; and

WHEREAS, prior to the approval or disapproval by the Council of the transfer of the license to permit the operation of such substituted vehicle, the owner may operate such substituted vehicle or cause the same to be operated, subject to the other provisions of Chapter 173-7; and

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WHEREAS, Precise Limousine Transport Service, LLC, has made application to transfer Livery Owner's License No. 12-13 to a substitute vehicle and, at the same time, has provided proof of insurance and paid the appropriate transfer fee;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, to approve the license transfer request from Precise Limousine Transport Service, LLC.

R 118-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING THE ISSUANCE OF NEW LIVERY OWNER'S LICENSE FOR 2012 FOR IFTIKHAR AHMED, MANHATTAN TOWN CAR

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 be approved for the year 2012:

<u>LICENSE NO.</u>	<u>NAME</u>	<u>Vehicle</u>
12-24	Iftikhar Ahmed Manhattan Town Car	1 Livery

R 119-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING THE ISSUANCE OF NEW LIVERY DRIVER'S APPLICATION FOR 2012 SUBMITTED BY IFTIKHAR AHMED, MANHATTAN TOWN CAR

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Livery Driver's Permit be approved for the year 2012:

<u>LICENSE NO.</u>	<u>NAME</u>
12-15D	Iftikhar Ahmed Manhattan Town Car

R 120-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY ST. VINCENT MARTYR CHURCH

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 are hereby approved:

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**ST. VINCENT MARTYR CHURCH
I.D. No. 274-1-812
R.A. No. 1234 – Off-Premise Merchandise
June 18, 2012**

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Legalized Games of Chance Control Commission.

R 121-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PFIZER 5K RUN ON WEDNESDAY, MAY 23, 2012 AT 6:30 P.M.

WHEREAS, Pfizer has requested to hold a “5K run” in Madison on Wednesday, May 23, 2012, for the benefit of Project Community Pride; and

WHEREAS, the run will begin at 6:30 p.m., on the grounds of Giralda Farms; and

WHEREAS, Giralda Farms property owners have requested a Hold Harmless agreement and a Certificate of Liability Insurance regarding such use of the property; and

WHEREAS, Police Chief Trevena recommends approval of this request.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the request of Pfizer to hold a “5K run” in Madison on Wednesday, May 23, 2012, as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department, and the Mayor is authorized to sign a Hold Harmless Agreement as approved by the Borough Attorney and to supply a Certificate of Liability Insurance from the Borough for this event.

R 122-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING GRANT APPLICATION FOR 2012 GREEN COMMUNITIES GRANT PROGRAM

WHEREAS, the Assistant Borough Administrator recommends that the Shade Tree Management Board apply to the 2012 Green Communities Grant program for matching funds to help develop a Community Forestry Management Plan through the New Jersey Department of Environmental Protection, and

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WHEREAS, the Borough Council has determined it is appropriate to apply to the 2012 Green Communities Grant Program for said grant.

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

1. The Shade Tree Management Board shall apply to the 2012 Green Communities Grant program for a matching grant in the amount of \$2,200.00.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the attached application to 2012 Green Communities Grant Program on behalf of the Borough of Madison.

R 123-2012 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING NEW JERSEY DEPARTMENT OF TRANSPORTATION 2012 MUNICIPAL AID FUNDING IN THE AMOUNT OF \$140,000.00 FOR ROSEDALE AVENUE RESURFACING

WHEREAS, the Borough of Madison has received grant funds from the New Jersey Department of Transportation (NJDOT) in the amount of \$140,000.00 to resurface Rosedale Avenue; and

WHEREAS, the Borough of Madison intends to supplement this grant from the NJDOT with funds from the 2012 Capital budget; and

WHEREAS, the Borough Council has determined that it would be in the best interest of the Borough to accept the NJDOT's Municipal Aid Program funding to assist in the cost of the resurfacing of Rosedale Avenue.

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

1. The Borough gratefully acknowledges and accepts the NJDOT 2012 Municipal Aid Program funds in the amount of \$140,000.00.
2. The Borough Council agrees to fund the remainder of the cost for this project from the General Capital Improvement Fund.
3. The Borough thanks the New Jersey Department of Transportation for its continued support.

R 124-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING DEVELOPER'S AGREEMENT BETWEEN THE BOROUGH OF MADISON AND FULTON BANK OF NEW JERSEY FOR PREMISES AT 18 ELMER STREET, DESIGNATED AS BLOCK 1801, LOT 11

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WHEREAS, Fulton Bank of New Jersey, (Successor in Interest to Skylands Community Bank) is the present lessee of certain property in the Borough of Madison located at 18 Elmer Street and designated as Block 1801, Lot 11 on the current Tax Map of the Borough (the “Property”); and

WHEREAS, Skylands Community Bank, (now Fulton Bank of New Jersey) previously obtained from the Madison Zoning Board of Adjustment development approvals for the expansion of the drive thru banking improvements on the Property by Resolution adopted on August 16, 2011, which provided for execution of a developer’s agreement with the Borough; and

WHEREAS, counsel for the Board of Adjustment has recommended that the attached proposed Developer’s Agreement concerning the Property be entered into;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and the State of New Jersey, that the attached Developer’s Agreement between Fulton Bank of New Jersey and the Borough of Madison regarding the proposed development on Block 1801, Lot 11 is hereby approved, and the Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute the Developer’s Agreement.

R 125-2012 RESOLUTION OF THE BOROUGH OF MADISON AWARDING PROFESSIONAL SERVICES CONTRACT TO PK ENVIRONMENTAL FOR SUPPLEMENTAL ENVIRONMENTAL TESTING

WHEREAS, the Borough Administrator has recommended that the Borough obtain professional services from PK Environmental, for supplemental environmental testing at the MRC site to comply with Green Acres requirements; 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 Administrator has recommended that the Borough Council award the Contract to PK Environmental, in an amount not to exceed \$26,400.00; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$26,400.00 for this purpose from the Open Space Trust Fund.

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:

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1. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional services contract with PK Environmental, for supplemental environmental testing at the MRC site to comply with Green Acres requirements in an amount not to exceed \$26,400.00, 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 126-2012 RESOLUTION OF THE BOROUGH OF MADISON GRANTING AMERICAN CANCER SOCIETY RELAY FOR LIFE PERMISSION TO PLACE PURPLE LIGHTS ON BOROUGH PLANTS ALONG WAVERLY PLACE FROM APRIL 28, 2012 THROUGH MAY 13, 2012 IN SUPPORT OF THEIR PAINT THE TOWN OF MADISON PURPLE CAMPAIGN

WHEREAS, the American Cancer Society Relay for Life has requested permission for purple lights to be placed on Borough plants along Waverly Place from April 28, 2012 to May 13, 2012 in support of their “Paint the Town of Madison Purple” cancer awareness promotion; and

WHEREAS, the Borough Council has determined to grant this request.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the request for purple lights to be placed on Borough plants along Waverly Place from April 28, 2012 to May 13, 2012 in support of the American Cancer Society Relay for Life “Paint the Town of Madison Purple” cancer awareness promotion is hereby approved.

BE IT FURTHER RESOLVED that the American Cancer Society Relay for Life will arrange for removal of the lights after May 13, 2012.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mrs. Tsukamoto seconded by Dr. Esposito 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	\$23,469.57
Health & Public Assistance	16,526.44
Public Works & Engineering	188,524.47
Community Affairs	1,001.58
Finance & Borough Clerk	2,818,172.63
Utilities	<u>1,131,070.03</u>
Total	<u>\$4,178,764.72</u>

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

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links,
Mr. Catalanello, Mr. Landrigan. Mrs. Vitale

Nays: None

NEW BUSINESS - None

ADJOURN

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

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved July 23, 2012 (EO)