

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

February 9, 2009 - 7 p.m.

Call to Order

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 9th day of February 2009. Mayor Holden called the meeting to order at 7 p.m. in the Mayor's Office, Room #210 of Bayley-Ellard High School, 205 Madison Avenue, 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 Borough Hall, and filing a copy in the office of the Clerk, all on January 6, 2009. 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 Mary-Anna Holden

Council Members:

Astri J. Baillie

John M. Elias

Robert H. Conley

Jeannie Tsukamoto

Vincent A. Esposito

Dan S. Dunham

Also Present:

Raymond M. Codey, Borough Administrator

Marilyn Schaefer, Borough Clerk

Joseph Mezzacca, Jr., Borough Attorney

AGENDA REVIEW

Two Contract Matters and one Personnel Matter were added to the Executive Agenda. Resolution R 64-2009 approving transfer of liquor license to PROSPECT TAVERN BEEF & ALE LIMITED LIABILITY COMPANY was added to the Consent Agenda; Resolution R 61-2009 regarding brownfields grant application was removed from the Consent Agenda. Ordinance 4-2009 regarding clothing bins was removed from the Agenda.

Reading of Closed Session Resolution

Mrs. Tsukamoto moved:

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

CONTRACT MATTERS (5)
LIBERTY MUTUAL
HDM

22 ORCHARD STREET

Board of Education

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

PERSONNEL MATTER (1)

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

Seconded: Ms. Baillie

Vote: Approved by voice vote

Reconvene in Council Chamber

Mayor Holden reconvened the Regular Meeting at 8 p.m. in the 3rd Floor Meeting Room #320 of Bayley-Ellard with all members present.

Leaders and members of Cub Scouts Pack 124, Den 1, were present and invited forward to conduct the opening flag ceremony and to lead in the Pledge of Allegiance. Individual Cub Scouts stepped forward to tell their stories of activities

the Cub Scouts enjoy and how they learn and grow with these experiences. Comments included that the Boy Scouts of America organization will be 100 years old next year.

Mayor Holden read and presented the following Proclamation:

Proclamation
of the
Borough of Madison
Proclaiming
Scouting Anniversary Week
February 8 – February 14, 2009

WHEREAS, the success of Scouting for Cub Scouts, Boy Scouts, Explorers and Venturing depends on our community organizations; and

WHEREAS, there are 505 churches and synagogues, schools and parent-teacher associations, service and fraternal clubs and other community organizations that have been chartered in our area by the Boy Scouts of America to use the Scouting program; and

WHEREAS, the volunteer leaders selected by these chartered organizations are performing an outstanding service for 18,871 boys and young men and women; and

WHEREAS, the Patriots' Path Council of the Boy Scouts of America and its corps of dedicated volunteer leaders are providing necessary support to the leaders in the 6,236 Cub Scout Packs, Boy Scout Troops, Explorer Posts and Venture Crews;

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim Sunday, February 8 through Saturday, February 14, 2009 to be Scouting Anniversary Week and urge our citizens to join with me in expressing appreciation to the community organizations and their volunteer Scouting leaders for bringing this values-based program to our young people.

Mary-Anna Holden, Mayor

February 9, 2009

APPROVAL OF MINUTES - None

GREETINGS TO PUBLIC

Mayor Holden made the following comments:

Mayor Holden reminded everyone to sign up for an event to take place on Saturday, February 14, 2009, beginning at 9 a.m., when Madison and Florham Park will join their Mayor's Wellness Campaigns. The day will begin at Bayley-Ellard gymnasium with the Rose City Steppers walk around Giralda Farms; the walk will "kick-off" the day of Active Family Challenge. From the opening at 9 a.m. to 3 p.m., activities will be held at the Bayley-Ellard gymnasium in conjunction with various groups such as the Madison YMCA, LA Fitness, Bronco's Gym, Planet Gym, the Jets and the Madison Bicycle Shop, to name a few. The evening continues in Florham Park with their Mayor's Wellness Campaigns at 7 p.m. at the Florham Park Ridgedale Avenue Middle School where food will be prepared in a healthy manner along with a dance and disc jockey; contributions have been made by Whole Foods, Trader Joe's, Kings and Stop & Shop; Mayor Holden urged everyone to get out and have a good time. It will cost \$5.00 to participate in the daytime activities and \$6.00 for evening activities; it is requested that everyone register ahead of time, which can be accomplished at a variety of places including Borough Hall, on line to the Madison Bicycle Shop, or call Bronco's Gym.

Mayor Holden reported on a breakfast meeting this morning with the Mayors from the 11th Congressional District; Congressman Frelinghuysen shared breakfast with them at the Empire Diner in Parsippany; Congressman Frelinghuysen was shortly on his way to Washington, D.C., to check on the economic stimulus package. Only one project from the far western part of the County was listed in the package. Congressman Frelinghuysen was hoping to be able to vote on smaller grouped, jobs-related projects rather than on a whole package of projects.

REPORTS OF COMMITTEES

Public Safety

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

Fire Department Report – responded to 69 incidents in January; they also accomplished 49 inspections; 47 fire prevention inspections; a number of drills; completing CPR courses in addition to activities for the fire suppression group. Ms. Baillie has been very impressed with the Fire Department whose members are very skilled and stay on top of everything.

Utilities

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

Public Works and Engineering

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

Finance and Borough Clerk

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

She encouraged residents to attend the Municipal Budget Work Sessions. The next one is scheduled for this Thursday at 6 p.m. in Room 320 of Bayley-Ellard High School. Discussions will include budgets for Police, Fire, Library and Public Works among others; on February 19th, discussions will include budgets for Engineering, Water, Electric and Health Departments; the schedule for March 5th will include Capital Budget discussions; final budget adjustments are scheduled for March 19th.

Community Affairs

Dr. Esposito, Chair of the Committee, made the following comments:

He spoke about accomplishments from 2008: the Senior Center had 11,225 visitors to their location at the Civic Center for their various activities/programs offered during the year. There was collaboration during the year with the Madison Rotary Club developing and funding the fitness trail at the Tucker Senior Complex; Rutgers' pilot program called Senior Walkability Workshops were held at the Senior Center. Currently the Senior Center is offering a trip to the Huntington Hills Playhouse on Thursday, February 19, to hear a concert, see a show and have lunch. Every year AARP counselors, who are trained by the IRS, assist with income tax preparation; this year they will be available every Wednesday from now until April 15, 2009, and appointments may be made by calling the Senior Center at 973.593.3095.

The Museum of Early Trades & Crafts will be celebrating its 40th Anniversary this year; all are invited to join them on February 18, 2009, when admission will be free and a new exhibit, "Food for Thought", will be available.

As to Chamber of Commerce news, at the last meeting the Downtown Development Commission (DDC) presented their trial program for the upcoming Farmers' Market to be held on the easterly side of Waverly Place on Thursdays; the ideas were met with great expectations and excitement by a majority of the businesses; the DDC and the Chamber will work closely with all businesses to make sure that this transition in the market runs as smoothly as possible for all involved.

Reiterating comments of Mayor Holden, Dr. Esposito spoke about the Active Family Challenge scheduled for February 14, 2009, to begin at the Bayley-Ellard High School gym at 9 a.m. It is a combined effort of the Florham Park and Madison Mayor's Wellness Campaigns. Bronco's Gym is a major sponsor of the

event. This is a fun event open to all ages, which will run from 9 a.m. to 3 p.m. in the Bayley-Ellard gym. Everyone can then join the fun for an evening of food and dancing in Florham Park beginning at 7 p.m. at the Ridgedale Middle School.

Health & Public Assistance

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

The Health Department is hard at work preparing its 2009 budget.

Mayor Holden continued with the following announcements:

Employee of the Month for February: Russell Brown of the Construction Department for the work he performed completing field coordination and inspection of the new dorm buildings at Drew University allowing students to move in on time. This work required many long days, extra inspection visits and weekend work.

30th Anniversary

Sgt. Bruce Jones of the Madison Police Department on February 13, 2009.

20th Anniversary

Sgt. Joseph Cirella of the Madison Police Department on February 13, 2009.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

Received 1/22/2009 from Janet Molstad asking that the Library be treated as every other department in the Borough when it comes to budget cuts.

Received 1/31/2009 from Lincoln Place merchant against relocating the Farmers' Market to Waverly Place.

INVITATION FOR DISCUSSION (1 of 2)

Mayor Holden opened the meeting to the public for their opportunity to ask questions and make comments on those items listed on the Agenda only. The 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 member of the public wished to be heard, the Invitation for Discussion was closed.

Agenda Discussions

02/09/2009-1 Authorize use of Bayley-Ellard Gym for Leadership Workshop entitled "Going From Being A Good Leader To Being A Great Leader" from 9:30 a.m. to 3:00 p.m. hosted by the YMCA on Friday, February 27, 2009; about 100 participants from all different YMCA's in North Jersey are expected; an invitation to attend the workshop has been extended to all Borough employees.

There was no objection to authorizing the proposed use of the Bayley-Ellard gym for the workshop as recommended. Resolution R 52-2009 is listed on the Consent Agenda.

02/09/2009-2 AWARD CONTRACT TO GM FENCE FOR INSTALLATION OF FENCE AT MADISON RECREATION CENTER IN THE AMOUNT OF \$49,014.00

Mr. Conley moved the above discussion. Ms. Baillie seconded the motion. There was no objection to Borough Engineer Robert Vogel's recommendation to award a contract to GM Fence under the Morris County Cooperative Bid to secure 2,200 feet of fencing for 49 acres known as the Madison Recreation Center in the amount of \$49,014.00. Funds are from the Madison Open Space Fund.

Resolution R 54-2009 is listed on the Consent Agenda.

02/09/2009-3 ZONING MATTER – BAYLEY-ELLARD

01/26/2009-E13

Mr. Mezzacca commented that the Planning Board has seen the proposed ordinance, and it will be referred back to the Planning Board upon introduction and adoption; the proposed ordinance recognizes continued use of the former Bayley- Ellard campus and recognizes public use; this will "clean-up" the ordinance.

Ordinance 6-2009 is listed for introduction later in the meeting.

02/09/2009-4 ZONE CHANGE RE BODNAR PROPERTY

Planning Board approved, Pat Puorro will forward resolution re:

c) CASE #P-08-16-Resolution granting the Application of John Bodnar III and Karen F. Bodnar, Block 1401, Lot 2, 13 Madison Avenue, Madison, requesting a Zone Line Adjustment of the subject property, Block 1401, Lot 2, from R-5 (Multi-Family Residential) Zone to P (Residential/Office) Zone for adoption.

Mr. Mezzacca commented that the ordinance will approve moving the lot line of Mr. & Mrs. Bodnar's property to be within the P Zone. Council comments included that the lot is undersized for the R-5 Zone and would be better suited to the P Zone. It conforms with the Master Plan.

Ordinance 5-2009 is listed for introduction later in the meeting.

02/09/2009-5 AUTHORIZE AGREEMENT WITH AUCTION LIQUIDATION SERVICES TO CONDUCT ON-LINE AUCTIONS OF SURPLUS BOROUGH PROPERTY; AUTHORIZATION TO CONDUCT ON-LINE AUCTION FEBRUARY 21, 2009 THROUGH FEBRUARY 25, 2009

Mr. Codey commented that upon Council approval, the auction will be conducted on the Internet by Auction Liquidation Services, a company registered with the State.

There was consensus to list on the Consent Agenda Resolution R 56-2009 to approve an agreement with the auction company.

There was consensus to list Resolution R 57-2009 authorizing the auction itself to take place beginning at 9 a.m. on Saturday, February 21, 2009, through 8 p.m. Wednesday, February 25, 2009.

Added to Agenda

02/09/2009-6 REQUEST BY DDC TO LOCATE THE 2009 FARMERS' MARKET ON WAVERLY PLACE

Main Street Executive Director Jim Burnet was invited to speak. Mr. Burnet's comments included that the market will consist of a 15-day shortened season along with shortening the hours of operation; in addition, Mr. Burnet asked permission for flexibility in zoning, specifically to allow merchants to put out additional displays and more outdoor seating; put out sandwich board signs; extend parking to two hours; service businesses were against the idea; as an alternative, these businesses may offer to be open late on Wednesday nights.

There was no objection to listing Resolution R 62-2009 on the Consent Agenda.

Added to Agenda

02/09/2009-7 PERMISSION TO SELL A TOTAL OF 30 COMMUTER PARKING PERMITS TO NON-RESIDENTS FROM FLORHAM PARK AND HARDING TOWNSHIP

Ms. Baillie commented that the Borough has advertised and allowed all Madison residents to purchase commuter parking permits; there remain unsold approximately 30 commuter parking spaces; therefore the Borough would like to offer sale of commuter parking permits to non-resident commuters through the towns of Florham Park and Harding Township at a fee of \$1,000.00. Florham Park and Harding Township are interested; the Borough will sell the spaces to the towns and the towns would decide how they are distributed. The supply of parking spaces has been expanded, and there are approximately 60 additional parking spaces. There are spaces available for Madison residents who may move into town and wish to purchase resident commuter parking permits.

There was consensus to list Resolution R 63-2009 on the Consent Agenda.

Advertised Hearings

The Clerk made the following statement:

The Ordinance scheduled for hearing tonight was submitted in writing at a Regular Meeting of the Mayor and Council held on January 26, 2009, was introduced by title and passed on first reading, was published in the Madison Eagle and made available to members of the general public requesting same.

ORDINANCE 3-2009

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$50,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THREE EMERGENCIES DURING 2008

WHEREAS, the Superintendent of Public Works has advised the Council that the sanitary sewer at Central Avenue and Bardon Street required emergency repair in order to protect the health and welfare of the public; and

WHEREAS, the Borough expended \$15,358.26 to repair said sanitary sewer on an emergency basis, pursuant to N.J.S.A 40A:11-6; and

WHEREAS, the Superintendent of Public Works has advised the Council that the pump at the North Street Pump Station required emergency replacement in order to protect the health and welfare of the public; and

WHEREAS, the Borough expended \$12,220.39 to replace the pump on an emergency basis, pursuant to N.J.S.A 40A:11-6; and

WHEREAS, the Superintendent of Public Works has advised the Council that the sewer main on Ridgedale Avenue and Burnet Road required emergency replacement in order to protect the health and welfare of the public; and

WHEREAS, the Borough expended \$17,846.64 to replace said sewer main on an emergency basis, pursuant to N.J.S.A 40A:11-6; and

WHEREAS, the Superintendent of Public Works has requested that the Borough appropriate \$50,000.00 from the General Capital Improvement Fund to pay for these emergency services; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$50,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$50,000.00 from the General Capital Improvement Fund for the emergency repairs described herein; 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 \$50,000.00 is hereby appropriated from the General Capital Improvement Fund for the emergency repairs and replacements to the sanitary sewer as described herein.

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 Holden opened up the public hearing on Ordinance 3-2009. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 3-2009, which the Borough Clerk read by title, be finally adopted. Mr. Dunham seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

Nays: None

Mayor Holden declared the aforementioned ordinance adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

Introduction of Ordinances

The Clerk made the following statement:

Ordinance 4-2009 has been removed from the Agenda; Land Development Ordinances 5-2009 and 6-2009 scheduled for first reading have a hearing date set for March 9, 2009; Ordinance 7-2009 will have a hearing date set for February 23, 2009; all will be published in the Madison Eagle, posted on the Bulletin Board and made available to members of the public requesting copies.

Mayor Holden called up Ordinances for first reading and asked the Borough Clerk to read said ordinances by title:

Ordinance 4-2009 (Clothing Bins) was removed from the Agenda and the # was retired.

ORDINANCE 5-2009

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 SO AS TO INCLUDE ALL OF LOT 2 IN THE P ZONE

WHEREAS, the Madison Planning Board recently reviewed the boundary line between the R-5 zone and the P zone in connection with Lot 2 in Block 1401, and recommended that all of Lot 2 in Block 1401 be included in the P zone and that the official Zoning Map be amended to reflect such change; and

WHEREAS, the Borough Council desires to make such amendment to the Zoning Map, which map is incorporated into the Zoning Ordinance by Chapter 195-29.1 of the Borough Code.

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 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 R-5 and P to include all of Lot 2 in Block 1401 on Madison Avenue in the P zone.

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

Ms. Baillie moved that Ordinance 5-2009, which the Borough Clerk read by title, be adopted. Dr. Esposito seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

Nays: None

ORDINANCE 6-2009

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF THE BOROUGH CODE, LAND DEVELOPMENT ORDINANCE, SECTION 32.2 ENTITLED "RC SINGLE-FAMILY RESIDENTIAL CLUSTER ZONE REGULATIONS"

WHEREAS, the Borough Administrator has recommended amending Chapter 195 of the Borough Code, the Madison Land Development Ordinance, Section 195-32.2, entitled "RC Single-Family Residential Cluster Zone regulations" to more precisely reflect the current uses within the zone; and

WHEREAS, the Borough Council has considered the proposed amendment to the Madison Land Development Ordinance and wishes to amend the Code as recommended.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that Chapter 195 of the Borough Code entitled "Madison Land Development Ordinance" shall be amended as follows:

SECTION 1: Section 195-32.2, entitled "RC Single-Family Residential Cluster Zone regulations" is hereby amended to read as follows:

§ 195-32.2. RC Single-Family Residential Cluster Zone regulations.

A. Purposes. The purpose of this zone is to:

(1) Encourage the continued use, maintenance and renovation of the existing buildings and site improvements previously devoted to use as Bayley Ellard High School.

.....

B. Principal permitted uses.

.....

(3) Religious and/or educational uses of the existing buildings and site improvements previously devoted to use as Bayley Ellard High School.

(4) Public uses.

.....

SECTION 2: All other provisions of Section 195-32.2 that are not amended herein shall remain the same.

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

Ms. Baillie moved that Ordinance 6-2009, which the Borough Clerk read by title, be adopted. Dr. Esposito seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

Nays: None

ORDINANCE 7-2009

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$84,663.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR ENVIRONMENTAL ENGINEERING, SURVEY AND FENCE AT 22 ORCHARD STREET, BLOCK 4312, LOTS 14, 15 AND 16

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$84,663.00 from the General Capital Improvement Fund for a survey, fence installation, and site remediation investigation at the Borough-owned property at Block 4312, Lots 14, 15 and 16, known as the Orchard Street Property; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$84,663.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$84,663.00 from the General Capital Improvement Fund for a survey, fence installation, and site remediation investigation at the Borough-owned property at Block 4312, Lots 14, 15 and 16, known as the Orchard Street Property; 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 \$84,663.00 is hereby appropriated from the General Capital Improvement Fund for a survey, fence installation, and site remediation investigation at the Borough-owned property at Block 4312, Lots 14, 15 and 16, known as the Orchard Street Property.

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.

Mr. Conley moved that Ordinance 7-2009, which the Borough Clerk read by title, be adopted. Mr. Dunham seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

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.

Resolution 61-2009 has been removed from the Consent Agenda; Resolution 64-2009, approving transfer of Plenary Retail Consumption License of Kings Court Developers, Inc. to Prospect Tavern Beef & Ale Limited Liability Company, has been added to the Consent Agenda.

Mrs. Tsukamoto moved adoption of the Resolutions R 52-2009 to R 60-2009 and R 62-2009 to R 64-2009 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: Ms. Baillie, Mr. Elias

Mr. Conley, as to R 53-2009 to R 60-2009 and R 62-2009 to R 64-2009

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

Nays: None

Abstain: Mr. Conley, as to R 52-2009

R 52-2009

RESOLUTION OF THE BOROUGH OF MADISON APPROVING USE OF THE BAYLEY-ELLARD GYM FOR A LEADERSHIP WORKSHOP ENTITLED "GOING FROM BEING A GOOD LEADER TO BEING A GREAT LEADER" FROM 9:30 A.M. TO 3:00 P.M. ON FRIDAY, FEBRUARY 27, 2009

WHEREAS, the Madison Area YMCA has requested permission to use the Bayley-Ellard Gym, on Friday, February 27, 2009, from 9:30 a.m. to 3:00 p.m. for a leadership workshop entitled "Going From Being a Good Leader To Being a Great Leader"; and

WHEREAS, the Borough Administrator has recommended that such permission be granted; and

WHEREAS, the Madison Area YMCA has submitted a Certificate of Liability Insurance naming the Borough of Madison and the Roman Catholic Diocese of Paterson as additional insureds; and

WHEREAS, upon Council approval for use of the facility, the Madison Area YMCA shall complete and submit a Special Event Permit Application and an Indemnification Agreement to the Borough of Madison; 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 Madison Area YMCA is hereby given permission to a leadership workshop entitled "Going From Being a Good Leader To Being a Great Leader" at the Bayley-Ellard Gym, on Friday, February 27, 2009, from 9:30 a.m. to 3:00 p.m., subject to complying with the above noted conditions.

R 53 - 2009

RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY MADISON COOPERATIVE NURSERY SCHOOL INC.

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:

MADISON COOPERATIVE NURSERY SCHOOL INC.

I.D. No. 274-5-27821

R.A. No. 1100 – On Premise

May 8, 2009

BE IT FURTHER RESOLVED that a certified copy of this Resolution

be forwarded to the Legalized Games of Chance Control Commission.

R 54-2009

RESOLUTION OF THE BOROUGH OF MADISON AWARING CONTRACT FOR FENCING OF MADISON RECREATION CENTER TO GM FENCE UNDER MORRIS COUNTY COOPERATIVE BID IN THE AMOUNT OF \$49,014.00

WHEREAS, the Borough of Madison desires to award a contract for the installation of fencing at Block 1401, Lot 5.02 in Florham Park, New Jersey, owned by the Borough of Madison and known as the Madison Recreation Center to an authorized vendor under the Morris County Co-Operative Pricing Council program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-10, et seq.; and

WHEREAS, GM Fence, 170 Route 10, East Hanover, New Jersey has been awarded Morris County Co-Operative Pricing Council Contract #53; and

WHEREAS, the Borough Engineer has recommended that the Borough Council utilize this contract for the installation of fencing at Block 1401, Lot 5.02 in Florham Park, New Jersey, owned by the Borough of Madison and known as the Madison Recreation Center in the amount of \$49,014.00; and

WHEREAS, the Director of Finance has attested that funds are available in an amount not to exceed \$49,014.00 for this purpose in 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:

1. A contract for the installation of fencing at Block 1401, Lot 5.02 in Florham Park, New Jersey, owned by the Borough of Madison and known as the Madison Recreation Center by GM Fence, 170 Route 10, East Hanover, New Jersey, at a total price not to exceed \$49,014.00 is hereby approved under the Morris County Co-Operative Pricing Council Contract #53.
2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to GM Fence, 170 Route 10, East Hanover, New Jersey, for installation of fencing at Block 1401, Lot 5.02 in Florham Park, New Jersey, owned by the Borough of Madison and known as the Madison Recreation Center at a total price not to exceed \$49,014.00, in a form acceptable to the Borough Attorney.

R 55-2009

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING
SUBMISSION OF RECYCLING TONNAGE GRANT APPLICATION**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made

to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the Borough of Madison to apply for such tonnage grants will memorialize the commitment of the Borough of Madison to recycling and affirms the assent of the Council of the Borough of Madison, to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Borough of Madison hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling, and hereby designates Douglas Smith, Recycling Coordinator of the Borough of Madison, as the individual authorized to ensure that said Application is properly filed.

R 56-2009

RESOLUTION OF THE MADISON BOROUGH COUNCIL AUTHORIZING AGREEMENT WITH AUCTION LIQUIDATION SERVICES TO CONDUCT ON-LINE AUCTIONS OF SURPLUS BOROUGH PROPERTY

WHEREAS, the Borough of Madison periodically has surplus property and property found and/or recovered by the Madison Police Department that remains unclaimed (hereinafter surplus and unclaimed property); and

WHEREAS, the Borough of Madison periodically sells such surplus and unclaimed property pursuant to N.J.S.A. 40A:14-157; and

WHEREAS, the Purchasing/Personnel Officer of the Borough of Madison has recommended that the Borough utilize the services of Auction Liquidation Services for Internet sales of the surplus and unclaimed property as permitted by N.J.S.A. 40A:14-157; and

WHEREAS, Auction Liquidation Services is one of the vendors that has been authorized by the New Jersey Division of Local Government Services to conduct online auction services for municipalities; and

WHEREAS, the Purchasing/Personnel Officer has recommended the use of Auction Liquidation Services and has recommended that the Borough enter into an agreement with Auction Liquidation Services to perform services for the Borough of Madison to conduct an online sale of the surplus and unclaimed property.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk are authorized to execute an agreement with Auction Liquidation Services of Eatontown, New Jersey, to conduct online auction services to dispose of the surplus and unclaimed property pursuant to N.J.S.A. 40A:14-157 to be compensated by the percentages set forth in the agreement out of the sale proceeds collected, said agreement to be in a form as approved by the Borough Attorney.

AUCTION LIQUIDATION SERVICES _____

www.auctionlistservices.com 800-563-9740 FAX 732-542-2099

PO BOX 1216, EATONTOWN, NJ 07724



CONTRACT FOR ONLINE AUCTION

This agreement is between Auction Liquidation Services, having its principal place of business at 1 Industrial Way West, Bldg A, Eatontown, NJ 07724 and Borough of Madison (Client), having its principal place of business at 50 Kings Rd, Madison, NJ 07940.

Description of Service: Auction Liquidation Services will list items the Client has for sale and for potential buyers to bid upon these items via an Internet based auction system.

Auction Liquidation Services Responsibilities: In addition to the Internet Auction, the auction company will provide the following services.

Will come and take 5 to 6 digital photos of each item, lot each item and prepare descriptions.

Load all items on the internet auction site and handle all aspects of the online auction.

Auctioneer will post online all Terms and Conditions of the sale.

Provide customer service via telephone or email.

Marketing of the Online Auction and removal of decals.

Auctioneers agree to keep accurate records of sale and allow Client to examine the records.

Client Responsibilities:

Warrants and represents to the Auctioneer that the Seller has full authority and lawful power to sell and shall deliver title to the property. Seller represents that he owns the property, free of all liens, encumbrances and indebtedness and that the said property could be auctioned without violation of any Federal, State or other regulation.

Seller agrees to have all items for auction available at least one week prior to said auction so the Auction Company may photograph, lot and catalog said items.

Seller shall not withdraw from the auction any part of the property to be sold or refuse to submit said property to the sale.

Seller agrees not to interfere with, prevent, or prohibit the Auctioneers, in any manner from conducting and carrying out their duties and obligations under this agreement prior to or during said auction.

Seller agrees to cooperate with the Auctioneers in order to provide a successful auction.

Seller understands that all items are sold at no reserve.

Seller agrees to have at least 1 person available for preview and for pickup of sold items.

Compensation to Auctioneers:

Auctioneers shall receive as compensation for promoting and conducting the online auction 5.5% commission which shall be payable by the Seller. This amount does not include any

allocation for advertising or the personal property to be sold. Said amount is simply the compensation given to the Auctioneers for the performance of their obligations as defined herein. Seller understands that the Auction Company will be charging a 0% Internet fee and it will be retained by Auction Liquidation Services

At settlement, Auction Liquidation Services will collect all monies and instrument of credit and will pay the Client with a separate Auction Liquidation Services check within 10 working days of the close of auction.

Liquidated Damages:

Auctioneer cannot and will not be held responsible for any interruption in service, errors and/or omissions, caused by any means and does not guarantee continual, uninterrupted or error free services or use of the site. The Client acknowledges that the auction is conducted electronically and relies on hardware and software that may malfunction without warning. The Auctioneer, in its sole discretion, may void any sale, temporarily suspend bidding and re-sell any item/lots that were affected by any malfunction. The decision of the Auctioneer is final.

The Auctioneer is not to be held liable for any person who has not completed his bid obligations. In the event that the bidder defaults on payment on a single or multiple items Auction Liquidation Services will relist the items at no cost to the seller.

Date of Online Auction:

The Online Auction will begin on February 21, 2009 at 9:00 AM and will end on Feb. 25, 2009 at 8:00 PM, will be conducted online at www.govauctionlistservices.com, with inspection of items to be held on Tuesday, February 24, 2009 at 50 Kings Road, 39 Keep Street and/or John Avenue @

Station Road, Madison, NJ, BY APPOINTMENT ONLY between the hours of 11:30 am and 3:00 pm. To schedule an appointment, call Liz Crescibene at 973-593-3036.

The Above Agreement is accepted and agreed to:

Auction Liquidation Services Client: Borough of Madison

By: _____ By:

Name: Stephan J. Miranti Name:

Title: _____ Title:

Date: _____ Date:

Primary Contact Person: Primary Contact Person:

Name: Mary Kenney Name: Liz Crescibene

Title: Operations Manager Title: Purchasing/Personnel Officer

Phone #: 732-682-0445 Phone #: 973-593-3036

Fax #: 732-542-2099 Fax #: 973-593-0125

Email: mkenney@auctionlistservices.com Email: crescibenee@rosenet.org

MK 1/29/09

R 57-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING ON-LINE AUCTION OF SURPLUS BOROUGH PROPERTY BEGINNING SATURDAY, FEBRUARY 21, 2009 THROUGH WEDNESDAY, FEBRUARY 25, 2009

WHEREAS, the Borough of Madison has determined that the items listed in schedule A, attached to this resolution, are property no longer needed for public use; and

WHEREAS, the State of New Jersey permits the sale of surplus property no longer needed for public use through the use of online auction services, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30; and

WHEREAS, the Borough of Madison has surplus property listed in schedule A, attached to this resolution, and desires to sell this property online pursuant to an agreement with Auction Liquidation Services; and

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 Purchasing/Personnel Officer, Elizabeth Crescibene, is authorized to provide a list of surplus items to the auction company Auction Liquidation Services, which items are set forth on Schedule A, to be sold online on an auction website as follows:

Online auction site: govauctionlistservices.com

Length of Auction: 9:00 a.m. EST Saturday, February 21, 2009 through 8:00 p.m. EST Wednesday, February 25, 2009.

Auction fees: To be paid through proceeds of the sale

Method of Payment: See govauctionlistservices.com for their acceptable payment methods

Schedule A February 2009

Borough of Madison Items to be sold at Auction include:

Line	Item	Serial # or last 6 digits of VIN (if vehicle)
1	1961 Galion Grader 105	03729
2	1987 Prismo Weed/Line Sprayer	147
3	1985 Aeroil Tar Kettle	KEB 165
4	1992 Tennant Push Sidewalk Sweeper	Scout 37-B-3821
5	1992 Clarke 6100 Rider Sidewalk Sweeper	620510
6	Airco Welder 300 AMP AC/DC Heliwelder	ADI 1242 HP
7	1990 Sweepster Broom Model A.H.	906709
8	1988 Olathe Chipper	16327-816327
9	1997 Asphalt Planer	387

10	Savin 9925DP copier	9A38050208
11	Various filing cabinets, office furniture, chairs, shelves	
12	Barcode Scanners (Qty. 3)	1698381617, 1698381758, 1698381613
13	Dell DHM CPUs (Qty. 10)	DF5Y111, 7932111, H932111, BITB721, CITB721, 9ITB721, 7QKYB11, J8MLQ41, H6NS071, F6NS071
14	Dell MMP CPU	2E3XQ
15	HP 720C Printer	US85I1TOSS
16	HP 1100 Printer	CN28M2229R
17	HP 1300 Printer	CNBJCY3280
18	HP 5650 Printer	MY3661MODH
19	Globalyst 630 CPU	17-29966824
20	CCS CPU (Qty. 8)	904021, 9040210, 904024, 904027, 904026, 9040215, 9040219, 904029
21	Compaq CPU	A638HYQ1E322
22	HP4440 CPU	US90424162
23	Dell Monitor	MX06271R4774105211J1
24	Minolta Dimage Scan Dual	62952446
25	5 disk CD-ROM changer (Qty. 3)	V629008831, V629005607, V629008712
26	1 box of 5 CD Rom drives from the 1990's	
27	1 box of old keyboards	
28	IBM Aptiva 922 PC	AF2CVP4
29	AT&T PC	1530130236
30	Viewsonic Monitor 17GS, Model 1769GS-1	J35357033
31	IBM Monitor 6549-0AN	23-ABZW3
32	PS2 style keyboards (Qty. 2)	

R 58-2009

**RESOLUTION OF THE BOROUGH OF MADISON AWARDING
PROFESSIONAL SERVICES CONTRACT TO HATCH MOTT MACDONALD
FOR REMEDIAL INVESTIGATION AT 22 ORCHARD STREET PROPERTY IN
THE AMOUNT OF \$62,400.00**

WHEREAS, the Borough Engineer has recommended that a site remediation investigation at Block 4312, Lots 14, 15, and 16, known as 22 Orchard Street Property be conducted (hereinafter the "Contract"); and

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

WHEREAS, the Borough Engineer has determined and certified in writing that the cost of those services will exceed \$17,500.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the Contract to Hatch Mott MacDonald in an amount not to exceed \$62,400.00, for remedial investigation at 22 Orchard Street Property; and

WHEREAS, Hatch Mott MacDonald, has submitted to the Borough Purchasing Agent the required documents to satisfy the requirements of N.J.S.A. 19:44A-20.5, since this matter may be awarded without competitive bidding; and

WHEREAS, Hatch Mott MacDonald has completed and submitted a Business Entity Disclosure Certification which certifies that Hatch Mott MacDonald has not made any reportable contributions to a political or candidate committee in the Borough of Madison in the previous one year, and that the contract will prohibit Hatch Mott MacDonald from making any reportable contributions through the term of the contract; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$62,400.00 for this purpose, which funds which will be available upon final adoption of Ordinance 7-2009.

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:

The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Hatch Mott MacDonald for a remedial investigation at 22 Orchard Street Property in an

amount not to exceed \$62,400.00, such contract to be in a form approved by the Borough Attorney.

Upon final adoption of Ordinance 7-2009 the Business Disclosure Entity Certification, Political Contribution Disclosure Form and the Determination of Value shall be placed on file with this resolution.

Upon final adoption of Ordinance 7-2009 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 59-2009

RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO BORBAS SURVEYING & MAPPING, LLC TO PREPARE BOUNDARY SURVEY OF BLOCK 4312, TAX LOTS 14, 15, AND 16 IN THE AMOUNT OF \$2,950.00

WHEREAS, the Borough Engineer has recommended that a site survey at Block 4312, Lots 14, 15, and 16, known as 22 Orchard Street Property be conducted (hereinafter the "Contract"); and

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

WHEREAS, the Borough Engineer has determined and certified in writing that the cost of these services will not exceed \$17,500.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the Contract to Borbas Surveying & Mapping, LLC in an amount not to exceed \$2,950.00, for preparing boundary survey at 22 Orchard Street Property; and

WHEREAS, Borbas Surveying & Mapping, LLC, has submitted to the Borough Purchasing Agent the required documents to satisfy the requirements of N.J.S.A. 19:44A-20.5, since this matter may be awarded without competitive bidding; and

WHEREAS, Borbas Surveying & Mapping, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Borbas Surveying & Mapping, LLC has not made any reportable contributions to a political or candidate committee in the Borough of Madison in the previous one year, and that the contract will prohibit Borbas Surveying & Mapping, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$2,950.00 for this purpose, which funds which will be available upon final adoption of Ordinance 7-2009.

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:

The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Borbas Surveying & Mapping, LLC for preparing boundary survey at 22 Orchard Street Property in an amount not to exceed \$2,950.00, such contract to be in a form approved by the Borough Attorney.

Upon final adoption of Ordinance 7-2009 the Business Disclosure Entity Certification, Political Contribution Disclosure Form and the Determination of Value shall be placed on file with this resolution.

Upon final adoption of Ordinance 7-2009 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 60-2009

RESOLUTION OF THE BOROUGH OF MADISON AWARDED CONTRACT TO GM FENCE IN THE AMOUNT OF \$19,313.00 FOR FENCING AT 22 ORCHARD STREET PROPERTY

WHEREAS, the Borough of Madison desires to award a contract for the installation of fencing at the Borough-owned property at Block 4312, Lots 14, 15 and 16, known as the Orchard Street Property to an authorized vendor under the Morris County Co-Operative Pricing Council program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-10, et seq.; and

WHEREAS, GM Fence, 170 Route 10, East Hanover, New Jersey has been awarded Morris County Co-Operative Pricing Council Contract #53; and

WHEREAS, the Borough Engineer has recommended that the Borough Council utilize this contract for the installation of fencing at the Borough-owned property at Block 4312, Lots 14, 15 and 16, known as the Orchard Street Property in the amount of \$19,313.00; and

WHEREAS, the Director of Finance has attested that funds are available in an amount not to exceed \$19,313.00 for this purpose in 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:

1. A contract for the installation of fencing at the Borough-owned property at Block 4312, Lots 14, 15 and 16, known as the Orchard Street Property by GM Fence, 170 Route 10, East Hanover, New Jersey, at a total price not to exceed \$19,313.00 is hereby approved under the Morris County Co-Operative Pricing Council Contract #53.

2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to GM Fence, 170 Route 10, East Hanover, New Jersey, for installation of fencing¹ at the Borough-owned property at Block 4312, Lots 14, 15 and 16, known as the Orchard Street Property at a total price not to exceed \$19,313.00, in a form acceptable to the Borough Attorney.

R 61-2009 – removed from Agenda, the # retired

R 62-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE FARMERS' MARKET FOR 2009

WHEREAS, the Downtown Development Commission has recommended to the Borough Council that the 2009 Farmers' Market be in the Borough of Madison to be held every Thursday beginning June 25, 2009 through Thursday, October 2, 2009; and

WHEREAS, the Downtown Development Commission has requested permission of the Borough of Madison to place the Market on Waverly Place for the entire season; and

WHEREAS, parking spaces along the center island and the northbound traffic on the Chase Bank side would be closed at 1 p.m. and reopen at 8:30 p.m.; and

WHEREAS, parking spaces along the west side and southbound traffic would remain open all day; and

WHEREAS, adequate space for emergency vehicles will be left between farmer displays and the buildings on the northbound side of the street; and

WHEREAS, the Main Street Executive Director and the Acting Police Chief recommend approval of this request; and

WHEREAS, the Borough Council recognizes that the Farmers' Market has been a welcome addition to the Borough in that it creates another community event which has been successfully run in the past; and

WHEREAS, the Borough Council finds that it is a benefit to the Borough of Madison and its citizens to allow the continued operation of the Farmers' Market.

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

1. A Farmers' Market is authorized to be conducted on Waverly Place from Thursday, June 25, 2009 through and including Thursday, October 2, 2009, with hours of operation from 2:30 p.m. to 7:00 p.m. each Thursday, subject to the terms and conditions of this Resolution passed by the Borough of Madison.
2. The Farmers' Market shall be conducted in accordance with the 1993 "Guidelines for Madison's Farmers' Market", as amended by the 1997 amendments, as well as the 2009 Madison Farmers' Market Regulations and By Laws, subject to the dates and times and other conditions set forth in this resolution. Farmers shall be allowed to sell agricultural products that are produced and sold on their farms, including eggs, pork, wheat flour and baked goods and the sale of field-grown and cut field flowers; however, the sale of potted plants, shrubbery or other landscaping products shall not be permitted.
3. The requirements of the Peddling and Soliciting Ordinance (Chapter 139 of the Madison Borough Code) shall not apply to the Farmers' Market as authorized by Chapter 139-13(c).

4. The requirements of the Sign Ordinance (Chapter 195 of the Madison Borough Code) shall not apply to the extent that the Farmers' Market shall be permitted to have signs subject to the approval of the Madison Police Department in various locations in town to direct individuals to Waverly Place as well as direct those driving to available parking in and around the downtown.

5. The requirements of the Sign Ordinance (Chapter 195 of the Madison Borough Code) shall not apply to the extent that the Downtown Development Commission shall be permitted to place additional temporary sandwich board signs on Waverly Place to encourage customers to support the local businesses.

6. The parking regulations set forth in Section 185-5 et seq. of the Madison Borough Code shall not apply to the extent that the merchants on the East side of Waverly Place shall be permitted to use the entire sidewalk space in front of their establishment for additional restaurant seating.

7. The Sidewalk Dining License restrictions set forth in Section 166-43 et seq. of the Madison Borough Code shall not apply to the extent that the merchants on the East side of Waverly Place shall be permitted to use the entire sidewalk space in front of their establishment to display and sell goods and services.

8. The parking time limits set forth in Section 185-5 et seq. of the Madison Borough Code) shall not apply to the extent that all one hour parking limits in the downtown will be extended to 2 hour parking limits from the hours of 2pm to 8pm.

R 63-2009

RESOLUTION OF THE BOROUGH OF MADISON SETTING PARKING FEES FOR 2009 TO INCLUDE PARKING FEES FOR NON-RESIDENT COMMUTER PERMITS

WHEREAS, the Borough previously adopted a resolution to set parking permit fees for resident commuter, merchant and tenant permits for the year 2009; and

WHEREAS, the Acting Police Chief has recommended the Borough sell non-resident commuter parking permits for the year 2009; and

WHEREAS, Section 134-10 B(5) of the Borough Code provides that such permit fees shall be established each year by resolution of the Borough Council upon the recommendation of the Police Chief; and

WHEREAS, the recommended fee for each non-resident commuter parking permit is \$1,000.00; and

WHEREAS, a total of thirty non-resident commuter parking permits will be made available for purchase by non-residents including residents of Chatham Township and residents of Harding Township; and

WHEREAS, said non-resident parking permits shall be pro-rated according to the month of sale of said permits; and

WHEREAS, the Borough Council has reviewed said request and determined that it should be granted.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the parking permit fees set forth in section 134-10 B of the Borough Code are hereby set for the year 2009 as follows:

R 64-2009

RESOLUTION OF THE BOROUGH OF MADISON APPROVING PERSON-TO-PERSON AND PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE #1417-33-015-003 OF KINGS COURT DEVELOPERS, INC. TO PROSPECT TAVERN BEEF & ALE LIMITED LIABILITY COMPANY

WHEREAS, all fees have been paid and paperwork is complete for above Person-to-Person and Place-to-Place transfer of Plenary Retail Consumption License #1417-33-015-003 of Kings Court Developers, Inc. to Prospect Tavern Beef & Ale Limited Liability Company, 14 Prospect Street, Madison, New Jersey; and

WHEREAS, paperwork for activating said license has been filed and is complete.

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 Person-to-Person and Place-to-Place Transfer Application of Plenary Retail Distribution License #1417-33-015-003 of Kings Court Developers, Inc. to Prospect Tavern Beef & Ale Limited Liability Company, 14 Prospect Street in the Borough of Madison is hereby approved.

INVITATION FOR DISCUSSION (2 of 2)

Mayor Holden opened the meeting to the public for their opportunity to ask questions and make comments on any subject. The 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.**

Janet Molstad, Barnsdale Road, delivered a petition which has been made available to the public for about three weeks containing 709 signatures, which petition asks, in part, that the Mayor and Council "be balanced and fair to all departments within the Borough government when deciding where and how much to cut from the budget. During times of economic hardship the number of residents using the resources of the library dramatically increases. A decrease in the library's personnel, hours, programs, services and materials will negatively reflect on the entire Borough of Madison; any budget reductions should be thoughtfully made." The Library has initiated the budget cuts effective at the end of February, including reducing library employee hours.

Joshua Roth, Glenwild Road, in a long statement, took issue with the process of developing the budget and wants to see the budget documents contained in the budget books available to the Council. Mr. Roth was advised that the budget is being done properly and according to law. Each department has its own proposed budget sheets to work with the Administrator. Each department will have a hearing during which the information contained in its budget proposal is discussed in a public meeting.

Thomas P. Bintinger, Green Avenue, President of the Board of Trustees of the Madison Public Library, commented that there will be information forthcoming about use of funds from the Library's endowment fund.

Since no other member of the public wished to be heard, the invitation for discussion was closed.

Unfinished Business - None

APPROVAL OF VOUCHERS

On motion by Mrs. Tsukamoto, 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.

Public Safety \$11,898.07

Health & Public Assistance 13,374.34

Public Works & Engineering 216,037.61

Community Affairs 13,153.00

Finance & Borough Clerk 10,262,774.62

Utilities 269,143.70

Total \$10,786,381.34

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

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

Nays: None

New Business - None

Adjourn

There being no further business to come before the Council, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Marilyn Schaefer

Borough Clerk

Approved March 9, 2009 (MS)