

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

April 13, 2009 - 7 p.m.

Call to Order

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 13th day of April 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 Bayley-Ellard High School, 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

Vacancy

Also Present:

Raymond M. Codey, Borough Administrator

Marilyn Schaefer, Borough Clerk

Joseph Mezzacca, Jr., Borough Attorney

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)
Executive Minutes of March 23, 2009

CONTRACT MATTERS (5)
LIBERTY MUTUAL

Madison community pool lease

BAYLEY-ELLARD

LEASE OF BASEMENT SPACE AT THE CIVIC CENTER

JACOB HENRY PERKINS TRUST DISBURSEMENT

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

PERSONNEL MATTER (1)

APPOINT TO THE POSITION OF ACTING BOROUGH CLERK

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

POTENTIAL LITIGATION MATTER (1)

DAMAGE TO TREE

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

LITIGATION MATTERS (2)

NOVARTIS

COMBE LANDFILL

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

Seconded: Ms. Baillie

Vote: Approved by unanimous 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. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Executive Minutes of March 23, 2009**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Ms. Baillie moved approval of the **Regular Meeting Minutes of March 23, 2009** with the following amendment to page 6 of 13, discussion #9(2):

.....the Library is charged for electricity usage; **the Museum of Early Trades & Crafts is also charged for electricity usage**; the Community House is not.....

Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

GREETINGS TO PUBLIC

Mayor Holden - Announcement regarding the Council Vacancy

In a letter dated April 7, 2009, pursuant to N.J.S.A. 40A:16-5, with the authorization of the Madison Democratic Committee, Christine M. Tiritilli, Chair of the Madison Democratic Committee, presented the names of three nominees for the selection of a successor to fill the vacancy due to the resignation of Dan S. Dunham as Council Member effective April 6, 2009:

Thomas Piskula, 18 Valley Street, Madison

Geoffrey Thomas, 28 Niles Avenue, Madison

Carmela Vitale, 33 Myrtle Avenue, Madison

Mayor Holden solicited a motion to appoint for the unexpired term through the General Election of November 3, 2009:

Ms. Baillie moved appointment of Carmela Vitale as Council Member for the unexpired term through the General Election of November 3, 2009. Mr. Conley seconded the motion. Ms. Baillie commented on the smooth transition Mrs. Vitale would make due to her previous position as Council Member. There was no further discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Mrs. Vitale's Oath of Office was administered by Borough Attorney Joseph Mezzacca, Jr., after which Mrs. Vitale took her seat at the Council table to a round of applause.

Mayor Holden made the following announcements:

Proclamation: Mayor Holden read and presented a proclamation for the American Association of University Women to AAUW Madison Branch co-presidents Shirley Mutchler and Angela Stuehler:

P r o c l a m a t i o n

of the

B o r o u g h o f M a d i s o n

Proclaiming

American Association of University Women Day

May 4, 2009

Whereas, the American Association of University Women (AAUW) is one of the oldest existing organizations dedicated to promoting equity for all women and girls. It was established November 28, 1881. Its founders envisioned a forum where women college graduates could band together to open doors of higher education to other women and to find wider opportunities to use their training; and

Whereas, by fostering public debate on critical social issues such as education, civil rights and workplace equity, AAUW continues to advocate for women across the country; and

Whereas, the AAUW offers scholarships, takes action for gender equity and supports personal and professional growth, community leadership and friendship. Members also promote excellence in academia for women through improving schools, communities and fields of work for the benefit of all; and

Whereas, the AAUW Madison was organized in 1929 to advance the mission and legacy of the Association in the local community. In its eighty year history, AAUW Madison continues to reflect the concerns of a nation through good times and bad. Through its programs it provides for professional growth and camaraderie. It engages with the community on several social objectives such as voter registration. Its most significant contribution has been to support women's education. On an annual basis it provides three to four grants to Mature Women living in the area who wish to further their education;

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim May 4, 2009 as **AMERICAN ASSOCIATION OF UNIVERSITY WOMEN DAY** in Madison, New Jersey, and thank the AAUW Madison for eighty years of leadership on behalf of women and girls, and outstanding community support.

Mary-Anna Holden, Mayor

April 13, 2009

Employee of the Month:

Theresa DeVecchi has been selected as Employee of the Month for April. Theresa is Executive Assistant to the Mayor and Administrator and has served in the position for just over one year. During this time, she has gone above and beyond in managing her day-to-day responsibilities, including preparation of budget accounts and professional services contracts. She is also always willing to assist the public and her co-workers, and handles her position professionally in all capacities.

REPORTS OF COMMITTEES

Public Safety

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

Bicycle Safety Day: Madison held its first Bicycle Safety Day run by the Madison Police Department in conjunction with the Madison Bicycle Shop on Saturday, March 28, 2009. The Police Officers conducted bicycle safety checks, child identification fingerprinting and car safety seat inspections. It was a great event which will be continued.

Fire Department: The Fire Department has been busy with inspections; there were three small fires handled by the department in March; they continue training.

Utilities

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

Electric Utility Superintendent Michael Piano reported that his department continues upgrading equipment around Madison to insure reliability.

Public Works and Engineering

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

Public Works Department

The department has worked on the playing fields, which now are ready for sports.

Madison Recreation Center

Jennifer McCullough has agreed to be the Chair of the Ad Hoc Committee for the Madison Recreation Center; she has a meeting with the Mayor later this week.

Environmental Commission

The Commission initially envisioned having a container on site here at Bayley-Ellard; however, it worked out that PC Problems will have the electronics dropped off at their store in Madison and will transport the materials to Public Works on John Avenue where the container will be located. It is a great example of partnering between business and the community.

Orchard Section of Madison

Construction is well under way in the Orchard Street section of Madison with reconstruction of several roads. Mr. Conley commented on a question that came up regarding one section of Drew Place and whether that should be rebuilt or incorporated into a park.

Finance and Borough Clerk

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

Work continues on the budget.

Community Affairs

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

Little League Parade

On Saturday, April 18, 2009, the Madison Little League Parade marks the start of the 2009 season; this is the 57th season of Little League play in Madison. The parade begins at noon; Dr. Esposito encouraged all to attend.

Health Kids Day

Also on April 18, 2009, from 1 p.m. to 3 p.m., the YMCA will hold its Health Kids Day. Further information is available by calling the YMCA.

May Day

Madison's town clean-up day is scheduled for Saturday, May 2, 2009; all those interested in participating in that event should contact Mara Johnson at the Provident Bank. Arbor Day will be celebrated that morning at 9 a.m. when Madison will be honored for achieving high levels of tree care.

Merchant Window Decorating Contest

Dr. Esposito congratulated the Madison Bicycle Shop, Wild Things Gifts, Cramers Carpets and Madison Main Salon for winning the "If You Love Madison, Shop Madison" merchant window decorating contest sponsored by the Downtown Development Commission (DDC). Approximately 30 businesses in Madison participated in the contest.

5K Run

The Madison High School Educational Foundation will be holding their 5K Run on May 3, 2009, beginning at 10 a.m. at Madison High School.

Project for Public Spaces Workshop

Representatives from Project for Public Spaces will be in Madison on April 29, 2009, from 4 p.m. to 7 p.m. to host a community workshop to be held on the 2nd floor of the new Public Safety Building; local input will be gathered for the Lincoln Place redesign. Residents, merchants, commuters and property owners are all invited to attend. Interested individuals may contact the Main Street Executive Director for further information.

Health & Public Assistance

Mrs. Vitale, Chair of the Committee, no report.

COMMUNICATIONS AND PETITIONS

The Borough Clerk reported the following communication:

From Cheryl Munkel and the Madison Historic Preservation Commission giving a statement regarding Ordinance 11-2009 and buildings that are within the Bottle Hill Historic District and also affected by Ordinance 11-2009, specifically Block 1601, Lots 30, 31 and 32, and 21, 23 and 25 Ridgedale Avenue within the Bottle Hill Historic District; the Commission believes that the proposed ordinance would place in jeopardy the three contributing buildings within the Historic District.

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.**

Sam Cerciello, Park Avenue, questioned discussion #5 listed on the agenda and was advised that the commuter lots are being underutilized; therefore, later in the meeting, Council will consider reverting to two-hour parking on Kings Road; commuters will find spaces in the commuter lots. This will free up spaces for those using the downtown.

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

Agenda Discussions

04/13/2009-1 DDC ORDINANCE

03/23/2009-1

03/09/2009-4

Main Street Executive Director Jim Burnet was recognized by the Chair and commented that the Downtown Development Commission (DDC) has requested this change in the ordinance primarily to change the current roster to make the DDC a little smaller and more efficient; he gave the details of the changes; it was a challenge in the past because individuals accepting appointments did not always attend, and it was difficult getting a quorum to conduct business.

At the conclusion of discussion, Mayor Holden commented that the proposed ordinance is listed for introduction later in the meeting.

04/13/2009-2 AUTHORIZE RENEWAL OF LEASE WITH NEW LIFE FELLOWSHIP FOR USE OF BASEBALL FIELD (ORIGINALLY WAS THE MADISON BAPTIST CHURCH)

Mr. Codey commented on use of the field at New Life Fellowship from April to June each year for \$1.00 per year. Since the name of the organization, which was Madison Baptist Church, has been changed to New Live Fellowship, the New Life Fellowship has requested the new lease with the name change.

A resolution is listed on the Consent Agenda.

04/13/2009-3 AMEND LAND CONSERVANCY OF NJ CONTRACT TERMS

TO INCLUDE REVIEW AND UPDATE OF OPEN SPACE PLAN

Ms. Baillie commented that the DEP Green Acres program requires that the Borough update its Open Space Plan every five years; the Land Conservancy has recommended a change in their contract to accommodate update of the Open Space Plan under the terms which Ms. Baillie explained. There will be no change in the fee.

Resolution R 114-2009 is listed on the Consent Agenda.

04/13/2009-4 AUTHORIZE ENGINEER AS RECIPIENT TO EXECUTE AGREEMENT WITH STATE OF NEW JERSEY FOR TRANSPORTATION ENHANCEMENT FEDERAL AID FOR MADISON TRAIN STATION LANDSCAPE

IMPROVEMENTS PROJECT IN THE AMOUNT NOT TO EXCEED \$100,000

Mr. Codey commented that the \$100,000.00 was appropriated by Ordinance 46-2006 from the fiscal year 2000 Transportation Enhancement Grant for improvements at the Madison Train Station. This request is to authorize the Borough Engineer to execute an agreement with the State to receive the funding.

Listed on the Consent Agenda is Resolution R 113-2009, which would authorize execution of the agreement.

04/13/2009-5 REMOVE PERMIT PARKING ON KINGS ROAD

Mr. Conley commented that the overflow from the commuter lot is no longer an issue. This will free up parking for shoppers in the downtown.

There was agreement to list a resolution on the April 27, 2009 Consent Agenda.

04/13/2009-6 AMEND ORDINANCE 70-2008 APPROPRIATING \$98,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND AS TO PURPOSE BY REDUCING THE AMOUNT OF FUNDING FOR SWALE CONSTRUCTION FROM \$75,000.00 TO \$70,500.00 AND ADDING FUNDING FOR LEGAL FEES IN THE AMOUNT OF \$4,500.00 LEAVING UNCHANGED THE FUNDING FOR COMPUTER EQUIPMENT (\$8,000.00), SIDEWALK PAVING AND EXTERIOR RAMP CONSTRUCTION (\$15,000.00)

Library Director Nancy Adamczyk was recognized by the Chair and explained that the project is well under way and almost 50% completed. The total funding remains the same; legal fees were incurred so this reallocates funding to allow for payment of the legal fees related to the work.

There were no further questions, and there was agreement to list Ordinance 19-2009 for introduction later in the meeting.

04/13/2009-7 \$7,200 FUNDING THE STABILIZATION OF THE SOUTHERN WALL OF THE LUKE MILLER FORGE ON RIDGEDALE AVENUE

Mr. Conley commented that funds were requested in the Parks Department Budget for this project, and this is a request to approve that budget allocation. Mr. Conley moved that the budget request be approved. Mr. Elias seconded the motion. There was no further discussion, and the motion passed by voice acclamation.

04/13/2009-8 ACCESS TO THE FORGE FOR THE PURPOSE OF STABILIZING THE WALL – APPROVE THE SITE PERMISSION FORM REQUESTED BY THE PARKS COMMITTEE SO THAT SAM HARRIS CAN GO INTO THE FORGE ON MAY 20, 2009

Mr. Conley commented that as the funding for stabilization of the southern wall of the Luke Miller Forge on Ridgedale Avenue has been approved, access to the forge must be granted by resolution.

There was agreement to list Resolution R 118-2009 on the Consent Agenda for this purpose.

04/13/2009-9 ALLOCATE TIME TO DISCUSS OPEN ISSUES REGARDING THE 2009 MUNICIPAL BUDGET – PICK DATE

Mrs. Tsukamoto was recognized by the Chair and commented on whether to have the open issues regarding the 2009 municipal budget discussion at the April 27, 2009 Council Meeting or to schedule a Special Budget Meeting.

Mrs. Tsukamoto commented on the outstanding issues. The 9.95% municipal property tax increase presented by the Chief Financial Officer on February 5, 2009, was not acceptable. The Governing Body and the Administrator have been working diligently to reduce the taxpayers' burden in the public budget meetings and numerous staff/departmental meetings. Discussions are still needed to decide the following: the appropriate tax rate, the amount of surplus to be used, the amount of reserve for uncollected taxes, the removal of electric and water charges for Borough-owned properties, any additional electric and water rate increases for 2009 and any budget adjustments due to tax appeals, etc.

After discussion, there was agreement to begin the next meeting at 6 p.m. and immediately adjourn to Executive Session, and to begin the Regular Meeting at 6:30 p.m. rather than 8 p.m. There was agreement to streamline the meeting agenda. The minutes will not be listed for approval.

The Borough Clerk will provide adequate notice of the meeting time change.

Advertised Hearings

Land Development Ordinance 11-2009 scheduled for hearing was introduced by title and passed on first reading at a regular meeting of the Council held on March 9, 2009; Ordinances 16-2009 and Ordinance 17-2009 were introduced by title and passed on first reading at a regular meeting of the Council held on March 23, 2009; all were posted and filed according to law, and copies were made available to the general public requesting same.

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

ORDINANCE 11-2009

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF THE BOROUGH CODE, LAND DEVELOPMENT ORDINANCE TO REZONE CERTAIN PROPERTIES ALONG COOK AVENUE AND RIDGEDALE AVENUE TO "R-5A ZONE".

WHEREAS, the Borough Council has determined to create a R-5A zone to provide a range of housing opportunities and appropriate development standards for properties strategically located at the edge of the Central Business District and adjacent to multi-family development.

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 195-32.14 R-5A Zone is added to the Land Development Ordinance as follows:

A. Purpose. The purpose of this zone is to provide a range of housing opportunities and appropriate development standards for properties strategically located at the edge of the Central Business District and adjacent to multi-family development. The uses permitted are those that complement and are supportive of the downtown commercial core, are compatible with abutting residential uses, and reflect the area's accessibility to mass transit, public services and major roadways. The standards of this zone are intended to encourage superior building aesthetics, sustainable building practices, adaptive reuse of historic resources, and streetscape enhancement at a scale appropriate to this area and the Borough.

B. Principal permitted uses:

- (1) Single-family detached dwellings in accordance with the standards of the R-4 Zone
- (2) Two-family dwellings, in accordance with the standards of the R-4 Zone;
- (3) Attached single-family dwellings/townhouses and apartments, whether attached to one another horizontally, vertically, or by some combination of the two.

C. Accessory uses:

- (1) Uses that are customarily incidental and accessory to the principal use.

D. Area, Height and Bulk Requirements:

(1) Minimum lot area: 65,000 sq. ft.

(2) Maximum height/stories:

a. 3 stories/ 35 feet along Ridgedale Avenue frontage as measured from the top of the curb of Ridgedale Avenue to the highest point of the roof surface exclusive of chimneys and mechanical penthouses; and,

b. for buildings located on Ridgedale Avenue that have the majority of their frontage on Ridgedale Avenue and extend along the Cook Avenue frontage, the height of the building along Cook Avenue for the first 70 feet of linear building frontage (measured from the Ridgedale Avenue front yard setback line) may exceed 35 feet up to a maximum of 40 feet, as measured from the top of the curb of Cook Avenue to the highest point of the roof surface, only to allow for a section of continuous roofline and enclosed parking level; otherwise, the height of any buildings fronting Cook Avenue shall be as noted in c. below

c. 3 stories/35 feet along Cook Avenue frontage as measured from the top of the curb of Cook Avenue to the highest point of the roof surface exclusive of chimneys and mechanical; and,

d. An overall maximum building height in the zoning district of 3 stories/35 feet, measured as the average vertical distance from grade to the level of the highest point of the roof surface (exclusive of chimneys and mechanical penthouses which cannot exceed five feet). The reference grade plane for computing height shall be established by the lowest points within the area between the structure and the property line as determined by perpendicular offset from the structure wall, or, where the property line is more than 10 perpendicular feet from the structure, the lowest points between the structure and within 10 feet, or, where a public road exists within 50 feet of the structure, the top of the curb of the public road shall be used. Ground levels are to averaged at no more than 60 foot intervals and shall include all building corners.

e. Enclosed parking shall not count as a story if the exposure of the parking level at the setback line of any public street is less than 3.5 feet as measured from the proposed or existing grade to the underside of the structure of the floor above.

(3) Minimum setbacks for principal buildings:

a. Front yard: Minimum of 18 feet along Cook Avenue and minimum of 25 feet along Ridgedale Avenue.

b. Side yard: 25 feet minimum.

c. Rear yard: 25 feet minimum.

d. Building separation: 20 feet minimum.

(4) Setbacks for accessory buildings: 15 feet to any side or rear yard; no accessory buildings allowed in any front yard.

(5) Maximum impervious coverage: 55%

(6) Minimum number of buildings per tract or lot: 2 buildings (exclusive of accessory structures); for lots greater than 85,000 sq. ft. there shall be a minimum of 3 buildings exclusive of accessory structures.

(7) Maximum building coverage: 30%

(8) Maximum dwelling units per acre: 12 units per acre base density, with bonuses as follows:

a. Incorporation of green building/design techniques to achieve at least a Silver level LEED certified project: Bonus of 10% over base density.

b. Preservation, rehabilitation, and occupancy of one or more historically significant structures within a designated historic district on the site: Bonus of 10% over base density and cannot be combined with (c) below

c. Preservation and incorporation of one or more historic facades into proposed development: Bonus of 5% over base density and cannot be combined with (b) above.

d. Maximum cumulative density bonuses shall not exceed 20% over base density of 12 units per acre.

(9) Off-street parking shall be as set forth in the RSIS; however, the Board should encourage a waiver be requested from these standards due to the location of any parcel within the zone relative to available downtown parking resources and other opportunities for shared parking.

(10) Façade length to frontage ratio: the aggregate length of all building facades fronting a street shall not exceed 0.80 of the frontage width at the street right-of-way.

E. The [Zoning Map](#) is amended to remove the following block and lots from the R-4 District and place them in the R-5A Zones as follows:

(1) R-5A Zone: Block 1601 Lots 24, 25, 26, 27, 28, 29, 30, 31 & 32.

F. Supplemental requirements and design standards:

(1) Parking

- a. At least 75% of the off-street parking shall be contained within the principal structures. No parking garages shall be permitted in the required front yard, nor between any parts of the building façade and the street right-of-way line. No garage shall face a public street.
- b. An area for bicycle storage shall be provided within all parking garages or designated storage areas.

(2) Landscaping & Fencing

- a. A minimum ten-foot landscaped buffer shall be required along each side yard and along the rear property line. All pervious areas in the required front yard and/or between the front building façade and the street right-of-way shall be fully planted and maintained in a combination of lawn area or ground cover with a mix of native deciduous and evergreen shrubbery and trees. The landscape plan shall be prepared by a licensed landscape architect and reviewed by the Madison Shade Tree Management Board.
- b. Parking areas, solid waste storage areas, sheds and all other accessory structures shall be screened from view of adjacent residential zones, existing residential uses and public roads by landscaping, fencing or a combination of these to create a buffer of at least six feet in height. Landscaping shall contain a mix of deciduous and evergreen plantings sufficient to screen the view of vehicles in all seasons.
- c. No fences or gates across access drives shall be permitted in the front yard setback. Fencing along the perimeter of rear and side yards shall not exceed six (6) feet in height. No chainlink fencing shall be permitted.

(3) Vehicular Access

- a. Vehicular access is limited to one ingress-egress point along Cook Avenue which shall be at least 125 feet from the Ridgedale Avenue intersection.
- b. Curb cuts, circulation, and parking areas shall be located at least five (5) feet from the property line and shall be located only in side and rear yards.

(4) Building arrangement and design:

- a. When development consists of multiple structures, buildings shall be oriented around open space, courtyard or similar landscape amenity with the

overall design preserving existing trees and vegetation to the maximum extent possible.

b. The selection of building design elements, such as materials, fenestration, color and texture, should be compatible with that in the Borough and neighborhood. Either clapboard siding or brick exterior shall be the primary material to echo adjacent streetscape elements.

c. Streetscape design should include landscaping, street trees, pedestrian scale street lights, and similar features appropriate to the zone's context.

d. Site lighting should be harmonious with the building style and design and shall use only downward facing fixtures to minimize spillage and glare. Lighting intensities shall be the minimum required to adequately light the site and shall consider the proximity and nature of adjoining uses. See also Chapter 195-25.6 for additional standards.

e. All building facades shall be treated as front facades.

f. All buildings are required to incorporate frequent vertical and horizontal articulation through slight variations in build-to-lines along all public street frontages, incorporation of front entries and porches, variations in roof pitch, careful selection of materials, the use of windowed projections, and similar architectural treatments to improve the visual appearance of the buildings.

g. Vertical articulations shall be provided at least every 30 feet along all public street frontages.

(5) Development shall implement section 195-24 General Design Standards and 195-25 Specific Design Standards of the Borough Land Development Ordinance.

(6) Applicants for development in the R-5A Zone shall submit a concept plan and an existing conditions survey with elevation/slope information and existing vegetation for planning board review prior to making a site plan application.

(7) Given the zone's location in an historic district, photo simulations shall be provided showing the massing, scale, materials and finishes proposed for the project from various viewpoints in context with surrounding properties. These simulations shall be submitted at the time of the initial application for site plan approval.

(8) Given the zone's location in an area designated as a historic streetscape, all site plan applications shall undergo advisory review by the Madison Historic Preservation Commission. A member of the Madison HPC shall participate in

TCC meetings and recommendations by the HPC shall be provided to the reviewing Board throughout the review process.

(9) All proposals for development in this zone shall be required to prepare an Environmental Impact Assessment in accordance with Chapter 195-20.F. and a Traffic Impact Statement in accordance with Chapter 195-20.G.

G. Standards related to site design and layout, including, but not limited to landscaping, stormwater management, lighting, parking, etc. outlined in other sections of Chapter 195, Land Development, shall apply. In the event of inconsistencies between standards elsewhere in Chapter 195 and in this section, the more restrictive standard shall apply.

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

Mayor Holden opened up the public hearing on Ordinance 11-2009.

Ms. Baillie was recognized by the Chair and gave a brief history as to why this ordinance came about. The Madison Planning Board has been looking at different parts of town to see what is there and what should be encouraged. The new zone has stronger language for historic preservation. It allows a developer to put properties together and incentivizes that. It is an appropriate area for attached houses or town houses.

Tom Johnson, Madison Planning Board Member, was recognized by the Chair and commented that he agrees with all that Ms. Baillie said. The new ordinance creates a new zone, the R-5A Zone, which has a new level of historic preservation and incentivizes good things like green building. Mr. Mezzacca commented that the buildings referred to by the Historic Preservation Commission in a letter to the Council do not have historic easements, even though they are in the Bottle Hill Historic District; they could be demolished at any time by the property owner under the current ordinance.

Lisa Sapio, Ridgedale Avenue, lives in an old house and asked what this new zoning does; by change to the new zoning, would the new builder be more apt to build something with an historic feel? She was advised that the Historic Preservation Commission would be consulted for any Planning Board development application.

Gregory Reed, Vice Chair of the Planning Board, commented on the people involved in the proposed zone change; it was a unanimous vote of the Planning Board to approve the 5A Zone which would enhance the historic area; he commented in detail about why the Planning Board decided to propose a 5A Zone.

Ms. Baillie moved that Ordinance 11-2009, which the Borough Clerk read by title, be finally adopted. Dr. Esposito seconded the motion. There was no further discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Abstain: Mrs. Vitale

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.

Note:

Ord 12-2009 clothing bins finally adopted 3/23/2009

Ord 13-2009 fees for police records finally adopted 3/23/2009

Ord 14-2009 removed and # retired

Ord 15-2009 funds for payment on Water Main Replacement project finally adopted 3/23/2009

ORDINANCE 16-2009

ORDINANCE OF THE BOROUGH OF MADISON AMENDING SECTION 155-18B OF THE BOROUGH CODE ENTITLED "SEWER USE CHARGE" TO INCREASE SEWER USE CHARGE FOR TAX-EXEMPT PROPERTIES

WHEREAS, the Borough Administrator has recommended that the sewer use charge for tax-exempt properties be increased by nine (9%) percent to reflect the increased costs associated with such charges; and

WHEREAS, the Borough Council has determined that there is a need to approve such increase.

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 155 of the Borough Code entitled "Sewers" shall be amended as follows:

SECTION 1:

§155-18 Sewer use charge established; rate; exception.

A.

B. The sewer use charge shall be billed at a rate of \$0.04774 per cubic foot of water consumed...

SECTION 2: All other provisions of the Ordinance not inconsistent herewith shall remain the same.

SECTION 3: The increase shall be effective for all meter reads as of May 1, 2009.

Mayor Holden opened up the public hearing on Ordinance 16-2009. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Elias moved that Ordinance 16-2009, which the Borough Clerk read by title, be finally adopted. Ms. Baillie seconded the motion. Mr. Conley commented that he will be abstaining on this vote because it affects non-profits and he is employed by a snon-profit. There was no further Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Abstain: Mr. Conley, Mrs. Vitale

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.

ORDINANCE 17 - 2009

ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 5-2008 SETTING SALARY RANGES FOR NON-UNION FULL-TIME EMPLOYEES TO INCLUDE SALARY RANGE FOR DISPATCHER AND SENIOR DISPATCHER

WHEREAS, the Borough Council has determined to amend Ordinance 5-2008 setting salary ranges for non-union full-time employees to include salary range for "Dispatcher" and to include salary range for "Senior Dispatcher".

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

Section 1. Ordinance 5-2008 setting the salary ranges for non-union full-time employees is hereby amended to include the following salary range:

TITLE	MINIMUM	MARKET VALUE	MAXIMUM
Dispatcher	\$34,614	\$40,273	\$45,933
Senior Dispatcher	\$45,933	\$51,592	\$57,252

-

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

Mayor Holden opened up the public hearing on Ordinance 17-2009. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 17-2009, which the Borough Clerk read by title, be finally 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

Nays: None

Abstain: Mrs. Vitale

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

Ordinances scheduled for first reading have a hearing date set for April 27, 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 18-2009

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 15 OF THE MADISON BOROUGH CODE ENTITLED "DOWNTOWN DEVELOPMENT COMMISSION"

WHEREAS, the Madison Downtown Development Commission has recommended revision of Chapter 15 of the Borough Code Entitled: "Downtown Development Commission"; and

WHEREAS the Borough Council has determined to revise Chapter 15 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: Chapter 15 of the Borough Code entitled "Downtown Development Commission" is hereby amended as follows:

Chapter 15. DOWNTOWN DEVELOPMENT COMMISSION.

§15-1: Purpose of the Commission

The purpose of the Commission shall be:

- A. To study the future of the downtown district in regard to its economic growth and development.
- B. To develop plans for the redevelopment of the Downtown District (Section 15-1.1 below).
- C. To advise the downtown community on improvements requiring private sector action.
- D. To advise the Mayor and Council on improvements requiring local government action.
- E. To coordinate redevelopment activities in the Downtown District and foster closer working relationships among all interested segments of the Madison community.
- F. To analyze and plan for the impact on the downtown district of potential redevelopment in the Borough.

§15-1.1 Definitions

For purposes of this chapter, the following terms shall have the meanings indicated:

DOWNTOWN DISTRICT -- Includes both the traditional downtown area which principally corresponds to the CBD Zoning Districts and also the additional commercial areas of the Borough of Madison which correspond to the CC and Gateway Zoning Districts, as shown on the Zoning Map of the Borough of Madison.

§15-2: Membership of the Commission

A. Numbers of Members. Membership shall consist of eighteen (18) regular members, one (1) advisory/alternate member, and one (1) ex-officio member.

B. Classification of Members. The regular members, known collectively as commissioners, advisory/alternate members and the ex-officio member shall consist of the following:

- (1) Public Officials; (2) regular members: Mayor and a Council Liaison, as appointed and approved by the Borough Council.
- (2) Madison Resident; one (1) regular member: This member shall be a resident of the Borough of Madison.
- (3) Senior Citizen; one (1) regular member who shall be an active member of the Senior Citizen Advisory Committee.

(4) Merchant, Commercial Property Landlord and/or Business Owner; four (4) regular members: These members shall be an owner or tenant merchant operating businesses and/or an owner (landlord) of commercial property within the Downtown District.

(5) Organizational Representatives; six (6) regular members: These members shall represent the views of major organizations important to the Madison Community.

i. Chamber of Commerce one (1) representative who shall be recommended by the Board of Directors of the Madison Chamber of Commerce.

ii. Higher Education one (1) representative who shall represent the views of the three colleges and universities in the greater Madison area.

iii. Non-Profit one (1) representative who shall be an active member of a least one recognized non-profit organization operating in Madison.

iv. Giralda Farms one (1) representative who shall be an employee of one of the corporations or other tenants of Giralda Farms.

v. Board of Education one (1) representative who shall be a sitting member of the Madison Board of Education and a Madison resident.

vi. Planning Board one (1) representative who shall be a sitting member of the Madison Planning Board and a Madison resident.

(6) At-Large Commissioners; four (4) regular members: These members shall be any individual, resident or non-resident, with an identifiable interest in the activities and mission of the Downtown Development Commission.

(7) Media; one (1) advisor who shall be an employee of a local media outlet. This person will also act as the alternate and vote in the absence of a voting commissioner.

(8) Ex-Officio Member; one (1) member: who shall be the Main Street Executive Director.

C. The Mayor, Council Liaison and all regular members of the Commission, except the ex-officio member shall exercise voting power (18 members) The advisory member may participate in discussions but may not vote except in the absence of or disqualification of a regular member

D. Appointment. Appointments of all regular and advisory members shall be made by the Mayor with the advice and consent of the Borough 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 meeting, provided that at least three affirmative votes shall be required, with the Mayor to have no vote thereon except in case of a tie.

E. Terms. Regular and the advisory member shall serve for terms of three (3) years with no member serving more than three (3) consecutive terms. The term of any public official, including Planning Board and Board of Education commissioners, shall not extend beyond the current term of public office.

F. Vacancy. In the event of a vacancy, the Commission will recommend a successor who may be appointed by the Mayor with the advice and consent of the Council to fill the unexpired term. Vacancies shall be filled with persons within the same class as the vacancy.

§15-3: Voting Powers

A. Voting Members. The voting members of the Commission shall be the Mayor, the Council representative and all regular members.

B. Non-Voting Members. The ex-officio member and the advisory member shall participate in discussions. The ex-officio member shall not vote. The Advisory member may serve as alternates and vote only in the absence or disqualification of a regular member.

§15-4: Officers

A. Number of Officers. The officers of the Commission shall be a Chair, Vice-Chair, Treasurer, Secretary and one (1) Member-At-Large.

B. Election. The Chair, Vice-Chair, Secretary, Treasurer and Member-At-Large shall be elected annually in the month of January by the Commission and shall hold their respective offices for one (1) year or until their successors are elected. No individual may occupy more than one office.

C. Nominations. At the December meeting of each year, the Ex-Officio member, who will be the election officer, will then accept nominations for the position of Chair, Vice-Chair, Secretary, Treasurer and Member-At-Large.

All nominations, whether oral or written, must be made, seconded and then accepted by the individual nominated. At the beginning of the January meeting, the Election Officer will accept any nominations from the floor and call the roll to determine those eligible to receive ballots and cast votes. The Election Officer will prepare the ballots indicating the officers' title and a space in which the eligible voters can write in their choice for each officer's position. The Election Officer will distribute the ballots to those eligible to vote. Upon completion of the actual vote, the Election Officer will collect the ballots and will then tabulate the results. The results will be verified by the Council liaison and by any member of the Commission who is not running for election and who has been appointed by the Election Officer. The results for each office will also be posted so all present may view the final count.

D. Vacancies. All vacancies occurring prior to the expiration of the term of any of the offices shall be filled at the next meeting by the Commission who shall elect an officer to fill the unexpired term.

E. Removal: Any officer elected by the Commission may be removed by the Commission whenever, in its judgment, the best interests of the Commission will be served thereby. Such removal shall occur upon a two-thirds majority vote of the eligible commissioners.

§15-5: Meetings

A. Schedule. The Commission shall meet at least ten (10) times a year. The time and place of the monthly meetings shall be fixed annually by resolution of the Commission.

B. Notice. Notice of the annual schedule and of any special or additional meetings shall be made to the public pursuant to the Open Public Meetings Act. Any cancellation or change-of meeting shall be made by the Executive Committee. Commissioners will be notified at least 48 hours in advance.

C. Open Meetings. The meetings of the Commission shall be open to the public unless it is determined by the Chair of the Commission, or by a majority of the members, that a closed session is required to discuss any of the following categories or matters:

- (1) Any matter involving the purchase, lease or acquisition of real property with public funds where said purchase or lease could adversely affect the public interest if discussion of such matters were disclosed;
- (2) Any matter of pending or anticipated litigation;
- (3) Any matter of contract negotiations;
- (4) Any matter falling within the attorney/client privilege; and
- (5) Any matter involving the potential employment, appointment, termination or employment, terms and conditions of employment, evaluation of performance, promotion or disciplining of any specific public officer, employee and/or consultant.

D. Quorum. A majority of the voting members of the Commission shall constitute a quorum for the transaction of business.

E. Absence from Meetings. All regular members are expected to attend all meetings. When a member has exceeded two (2) unexcused absences, the Commission may request the resignation and recommend a replacement to the Mayor for approval by the Council.

§15-6: Powers

The Downtown Development Commission shall have the powers necessary to effectuate the purposes herein described, said powers including, but not limited to, the following:

- A. To adopt bylaws.
- B. To propose and/or enter into agreements and contracts with persons, firms, corporations or governmental entities, which agreements and contracts may be necessary or convenient to the exercise of the purposes and objectives of the Commission.
- C. To recommend and/or enter into contracts for professional services which may be required to carry out the planning and coordination functions of the Commission.
- D. To coordinate the various public and business activities in the downtown district, to establish an annual calendar of major downtown events and to recommend to the Council such ordinance changes as may be necessary to carry out the advisory purposes of the Commission.

§15-7: Proposals to be submitted to Council.

The Commission shall submit to the Council for its consideration any major recommendation, plan or action proposed pursuant to §15-6 above. The Council shall communicate with the Commission its intent with respect to any such submission within 30 days of the receipt of same.

§15-8: Limitation of powers.

The Commission 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.

§15-9: 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 Commission 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 Commission and said assistance shall be approved by the Council prior to commencement of the project.

§15-10: Remuneration.

The members of the Commission shall receive no salary or other compensation for their services but shall be reimbursed, subject to approval by the Council, for expenditures incurred in performance of duties as a member of the Commission. In no event shall such reimbursement exceed the amount budgeted by the Council for such purposes.

§15-11: Appropriations; annual report.

A. The Council may appropriate annually, during the life of the Commission, a sum of money to assist in carrying out the purposes and objectives set forth herein. The annual expenditures of the Commission shall not exceed the total sum of the appropriation from the Council plus other moneys received by the Commission from other sources, including but not limited to gifts and donations.

B. The Commission shall make an annual report to the Council setting forth in detail its operations and transactions for the preceding 12 months. In addition, the Commission shall regularly circulate to the Mayor and Council copies of its meeting minutes. All records, reports and data shall be available to the Council for inspection at any time.

§15-12: Conflict Of Interest

A. Disclosure of Interest. No Commissioner shall have or shall acquire any interest, direct or indirect, personal or financial, in any project which the Commission 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 Commission without forthwith making written disclosure to the Commission of the nature and extent of the interest. Such disclosure shall be entered in writing upon the minutes of the Commission.

B. Voting. No Commissioner having an interest as described in Section 15-12A shall vote on matters directly relating to such interest.

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

Dr. Esposito moved that Ordinance 18-2009, which the Borough Clerk read by title, be adopted. Mrs. Tsukamoto 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, Mrs. Vitale

Nays: None

ORDINANCE 19-2009

ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 70-2008 AS TO PURPOSE TO INCLUDE LEGAL FEES IN THE AMOUNT OF \$4,500 AND REDUCING BY THAT AMOUNT THE FUNDS FOR SWALE CONSTRUCTION

WHEREAS, Ordinance 70-2008 of the Borough of Madison appropriated \$98,000.00 from the General Capital Improvement Fund for swale construction (\$75,000.00), purchase of computer equipment (\$8,000.00) and sidewalk paving and exterior ramp construction (\$15,000.00); and

WHEREAS, the Director of Finance has recommended that the Borough amend the purpose of Ordinance 70-2008 to include legal fees incurred during the recent bid process for swale construction in the amount of \$4,500.00 and reduce the amount appropriated for swale construction by \$4,500.00; and

WHEREAS, no additional funds are needed for this amended purpose; and

WHEREAS, the Borough Council has determined that the Borough should amend the purpose of Ordinance 70-2008 to include legal fees incurred during the recent bid process for swale construction as set forth herein.

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: Ordinance 70-2008 is amended to include \$4,500.00 legal fees incurred during the recent bid process for swale construction.

SECTION 2: Ordinance 70-2008 is amended to appropriate \$98,000.00 from the General Capital Improvement Fund for swale construction (\$70,500.00), legal fees related to swale construction (\$4,500.00), purchase of computer equipment (\$8,000.00) and sidewalk paving and exterior ramp construction (\$15,000.00).

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

Mrs. Tsukamoto moved that Ordinance 19-2009, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mrs. Tsukamoto, Dr. Esposito, 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. R 118-2009 was

added to the Consent Agenda during the work session. There was a minor change, approved earlier by the Council, in R 109-2009, which is listed on the Consent Agenda

Mrs. Tsukamoto moved approval of the Consent Agenda. Ms. Baillie seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Abstain: Mrs. Vitale

R 109-2009

RESOLUTION OF THE BOROUGH OF MADISON APPROVING THE ANNUAL LITTLE LEAGUE PARADE TO BE HELD ON SATURDAY, APRIL 18, 2009

WHEREAS, The Madison Little League has requested permission to hold its annual Little League parade on Saturday, April 18, 2009 to officially start their 2009 season; and

WHEREAS, the parade will begin at 12:00 Noon, and proceed on a route approved by the Madison Borough Acting Police Chief, said route beginning at the intersection of Wilmer Street and Green Village Road, and it will continue down Green Village Road to Main Street, continuing east on Main Street and turn left onto Central Avenue, continuing down Central Avenue where it will conclude at Dodge Field where there will be a brief ceremony at the conclusion of the parade; and

WHEREAS, Acting 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 the Madison Little League to hold its annual Little League parade in Madison on Saturday, April 18, 2009, as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department.

R 110 – 2009

**RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES
LICENSE APPLICATIONS SUBMITTED BY BULLPEN CLUB INC., NEW
JERSEY JAZZ SOCIETY, THURSDAY MORNING CLUB AND EPOCH INC.**

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

BULLPEN CLUB INC.

I.D. No. 274-5-35149

R.A. No. 1105 – Off Premise

May 16, 2009

NEW JERSEY JAZZ SOCIETY

I.D. No. 393-5-36807

R.A. No. 1106 – On Premise

June 5 & 6, 2009

THURSDAY MORNING CLUB

I.D. No. 274-8-12803

R.A. No. 1107 – On Premise

R.A. No. 1108 – On Premise

October 17, 2009

EPOCH INC.

I.D. No. 274-5-26960

R.A. No. 1109 – Off Premise

October 3, 2009

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

R 111-2009

**RESOLUTION OF THE BOROUGH OF MADISON RESCINDING
RESOLUTION 60-2009 AWARDED CONTRACT TO GM FENCE IN THE
AMOUNT OF \$19,313.00 FOR FENCING AT 22 ORCHARD STREET**

WHEREAS, Resolution 60-2009 authorized the Borough Administrator to execute a purchase order to GM Fence for the installation of fencing at the Borough-owned property at Block 4312, Lots 14, 15 and 16, known as the Orchard Street Property; and

WHEREAS, the Borough Administrator has recommended that Resolution 60-2009 be rescinded, and that the Council authorize the Borough Administrator to seek quotes for a lower price from other vendors; and

WHEREAS, the Mayor and Council have determined that Resolution 60-2009 should be rescinded and that the purchase order to GM Fence should not be executed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Resolution 60-2009 is hereby rescinded, and the Borough Administrator is authorized to seek quotes for a lower price from other vendors.

R 112-2009

**RESOLUTION OF THE BOROUGH OF MADISON APPROVING JACOB
HENRY PERKINS TRUST DISBURSEMENT**

WHEREAS, the Welfare Director of Madison recommended a grant to pay quarterly property tax payments from the Jacob Henry Perkins Trust (hereafter Perkins Trust) on behalf of C.J., a Borough resident for the balance of 2009; and

WHEREAS, the Welfare Director has advised the Borough Council that C.J. meets the criteria for a Perkins Trust grant; and

WHEREAS, the Borough Council has determined to approve the request for a Perkins Trust grant to pay the quarterly property taxes for the balance of the year 2009; and

WHEREAS, the Welfare Director recommends approving the disbursement of the grant for the above cited purpose.

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:

A grant is hereby approved from the Perkins Trust to pay the quarterly property taxes for the balance of the year 2009 for the benefit of C.J., so long as C.J. meets the criteria of Perkins Trust and continues to reside in the Borough of Madison.

A copy of this resolution will be forwarded to the Welfare Director.

R 113-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING BOROUGH ENGINEER AS RECIPIENT TO EXECUTE AGREEMENT WITH STATE OF NEW JERSEY FOR TRANSPORTATION ENHANCEMENT FEDERAL AID FOR MADISON IN THE AMOUNT NOT TO EXCEED \$100,000

WHEREAS, the Borough Engineer has recommended that the Borough Council approve a Transportation Enhancement Agreement between the Department of Transportation of the State of New Jersey ("NJDOT") and the Borough of Madison for funding the Madison Train Station Landscape Improvements project; and

WHEREAS, the NJDOT will reimburse the Borough of Madison for costs associated with the Madison Train Station Landscape Improvements project to a maximum of \$100,000.00; and

WHEREAS, the Borough Council has determined to approve execution of the Transportation Enhancement Agreement between the NJDOT and the Borough of Madison for funding the Madison Train Station Landscape Improvements Project.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that Robert Vogel, Borough Engineer is hereby authorized to execute on behalf of the Borough of Madison the Transportation Enhancement Agreement between the NJDOT and the Borough of Madison for funding the Madison Train Station Landscape Improvements Project in a form approved by the Borough Attorney.

R 114-2009

RESOLUTION OF THE BOROUGH OF MADISON AMENDING CONTRACT WITH LAND CONSERVANCY OF NJ

WHEREAS, the New Jersey Department of Environmental Protection Green Acres Program requires that the Borough of Madison update its Open Space Plan at this time; and

WHEREAS, the Borough has a contract with the Land Conservancy of New Jersey ("Land Conservancy") for the year 2009; and

WHEREAS, the Land Conservancy has recommended an amendment be approved to their existing contract with the Borough to allow them to provide the update, do the necessary mapping and conduct a required public meeting, as well as removing from the existing contract the duties of the Land Conservancy to negotiate property sales, assist in only one county grant per year as well as attend four Open Space meeting per year and not six as required by the contract; and

WHEREAS, the proposed changes to the contract would result in no additional cost to the Borough nor any change in the compensation set forth in the existing contract.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Mayor and Borough Clerk are authorized to execute an amended professional services contract with the Land Conservancy of New Jersey in accordance with this Resolution, which agreement shall be in a form acceptable to the Borough Attorney.

R 115-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SIXTH ANNUAL MADISON HIGH SCHOOL EDUCATIONAL FOUNDATION RUN ON SUNDAY, MAY 3, 2009

WHEREAS, the Madison High School Educational Foundation has requested to hold a "5K run" in Madison on Sunday, May 3, 2009; and

WHEREAS, the run will begin at 10:00 a.m. from the Madison High School on Ridgedale Avenue to Central Avenue to Walnut Street to Ridgedale Avenue and end at 12:00 a.m., on the Madison High School Grounds; and

WHEREAS, Acting 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 the Madison High School Educational Foundation to hold a A5K run@ in Madison on Sunday, May 3, 2009, as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department.

R 116-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RENEWAL OF LEASE WITH NEW LIFE FELLOWSHIP FOR USE OF BASEBALL FIELD (ORIGINALLY WAS THE MADISON BAPTIST CHURCH)

WHEREAS, the Recreation Director of the Borough of Madison has recommended that the written lease agreement between the Borough of Madison as Lessee and the Madison Baptist Church as Lessor for use of the recreation field at the Lessee's premises located at Lot 3, Block 4501, Madison, New Jersey, be amended to reflect that the Lessor's name has changed to New Life Fellowship on the same terms and conditions as the previous lease; and

WHEREAS, the annual rent would be one dollar (\$1.00) and other consideration as set forth in the current Lease agreement; and

WHEREAS, the Borough Council is agreeable to having either an amendment to the Lease executed changing the name of the Madison Baptist Church to New Life Fellowship as the Lessor or having an entirely new Lease agreement drafted indicating the Lessor as New Life Fellowship on all the same terms and

conditions of the Lease currently in existence, including the automatic renewal clause.

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

1. The Borough of Madison authorizes the Mayor and the Borough Clerk to execute a new Lease with the New Life Fellowship for the use of the recreation fields on premises located at Lot 3, Block 4501 on all the same terms and conditions as the Lease in effect at this time with the Madison Baptist Church, the only change being the name of the Lessor or to execute an amendment to the existing Lease changing the name of the Lessor to New Life Fellowship.
2. The form of lease shall be approved by the Borough Attorney.

R 117-2009

RESOLUTION OF THE BOROUGH OF MADISON DECLARING MAY DAY 2009 TO BE HELD ON SATURDAY, MAY 2, 2009

WHEREAS, the Downtown Development Commission has recommended to the Borough Council that the annual May Day event be held on Saturday, May 2, 2009 from 8:00 a.m. to 12 noon; and

WHEREAS, the May Day event provides an annual opportunity for volunteers to assist in the beautification and maintenance of our public places with the support of the Department of Public Works, thereby fostering a sense of community spirit; and

WHEREAS, the Mayor and Council endorse and commend such activity for the benefit of the Borough.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that May Day 2009 will be held on Saturday, May 2, 2009 from 8:00 a.m. to 12 noon.

R 118-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING ACCESS TO THE FORMER LUKE MILLER FORGE FOR PURPOSE OF STABILIZING THE SOUTHERN WALL

R 118-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING ACCESS TO THE FORMER LUKE MILLER FORGE FOR PURPOSE OF STABILIZING THE SOUTHERN WALL

WHEREAS, an ongoing project for potential restoration of the forge at the Luke Miller property as well as expanded archaeological research at the site has indicated that stabilization of the southern wall of the building known as the Luke Miller Forge located on Ridgedale Avenue is required to make it possible to expose the entrance of the tunnel while not compromising the building foundation; and

WHEREAS, the Borough Administrator has recommended that access be granted to Sam Harris to effectuate the stabilization of the southern wall; and

WHEREAS, the work is scheduled to be performed on May 20, 2009, with history students from Madison High School on site as a Learning Service Day; and

WHEREAS, the Borough Administrator has recommended that the Site Permission Form requested by the Madison Parks Committee be executed to allow Sam Harris entry onto the property for the purposes of the wall stabilization on May 20, 2009.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Mayor is authorized to execute the Site Permission Form requested by the Parks Committee to allow access for the work to be performed on May 20, 2009 by Sam Harris as described herein.

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.**

Eugene Zipper, Greenwood Avenue, asked about the change in zone and requested that Council Members speak into the microphones so he can hear better; he asked if it has been taken into account any change in value to the property owner; he was advised that this is taken into account when discussing a zone change.

Sam Cerciello, Park Avenue, asked for an update on the Hartley Dodge renovation. Mr. Codey commented that bids are due from the pre-qualified bidders and funds are in place.

Unfinished Business - None

APPROVAL OF VOUCHERS

On motion by Mrs. Tsukamoto seconded by Mr. Conley 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 \$28,889.82

Health & Public Assistance 4,349.78

Public Works & Engineering 229,442.06

Community Affairs 911.86

Finance & Borough Clerk 464,707.03

Utilities 1,193,661.74

Total \$1,921,962.29

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

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Abstain: Mrs. Vitale

New Business

Mr. Conley was recognized by the Chair and commented that, with the departure of Dan Dunham, there are some Council Liaison positions that need to be filled. Mr. Conley recommended that Astri Baillie be named Council Liaison on the Madison Recreation Advisory Committee for the development of the Madison Recreation Center. The protocol is that this is a Mayoral appointment with the advice and consent of the Council. Mayor Holden wanted to move forward with the appointment of Ms. Baillie as Council Liaison and offered that, in addition, Dr. Esposito be named alternate Council Liaison. There was no objection to approval of the foregoing Mayoral appointments.

There was no Council objection to the recommendation of Mayor Holden that the following Liaison positions held by Dan Dunham be filled by Mrs. Vitale: Health and Public Assistance Chair, Public Works and Engineering Co-Chair, Board of Health, Board of Education, Local Assistance Board, Madison Alliance Against Substance Abuse and Property Maintenance Emergency Committee.

ADJOURNMENT

Since there was no further business to come before the Council, the Regular Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Marilyn Schaefer

Borough Clerk

Approved May 11, 2009 (MS)