

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

April 27, 2009 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 27th day of April 2009. Mayor Holden called the meeting to order at 6 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. Notice of change in time of this meeting was provided in the same manner, all on April 16, 2009. These Notices were 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

Carmela Vitale

-

Also Present:

Raymond M. Codey, Borough Administrator

Marilyn Schaefer, Borough Clerk

Joseph Mezzacca, Jr., Borough Attorney

AGENDA REVIEW

One Personnel Matter was added to the Executive Agenda. One resolution was removed from the Regular Agenda (R 126-2009).

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 (6)
LIBERTY MUTUAL

MADISON COMMUNITY POOL LEASE

BAYLEY-ELLARD

AWARD CONTRACT FOR DAILY COMPUTER NETWORKING /MAINTENANCE
SERVICES

RENOVATION OF THE HDM

GRANT AUTHORIZATION – POLICE DEPARTMENT

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

PERSONNEL MATTER (1)

CHIEF OF POLICE APPOINTMENT

Date of public disclosure 90 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 voice vote

RECONVENE IN COUNCIL CHAMBER

Mayor Holden reconvened the Regular Meeting at 7 p.m. in the 3rd Floor Meeting Room of Bayley-Ellard with all members present. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES - None

GREETINGS TO PUBLIC

Mayor Holden made the following comments:

Mayor Holden announced that on May 9, 2009, the National Association of Letter Carriers Food Drive will take place. Residents are asked to place non-perishable food items in their mail boxes or deliver the items to the Post Office. The food will be distributed to the needy.

Mayor Holden spoke of May Day scheduled for Saturday, May 2, 2009. On May Day, members of the public volunteer to beautify Madison; Mayor Holden spoke of the centennial copper beech tree at the train station and what is termed "Harold Higgs" corner across from the new Public Safety Building, and many more areas that will be beautified with mulch and flowers. Arbor Day will also be celebrated that day on the steps of the Hartley Dodge Memorial; if it should rain, the festivities will be moved into the rotunda.

On Thursday, May 7, 2009, there will be the 58th annual observance of prayer—a National Day of Prayer; all denominations are asked to attend the observance and pray for hope for America at the Community House at 12:10 p.m.

REPORTS OF COMMITTEES – There was agreement to suspend reports.

COMMUNICATIONS AND PETITIONS - None

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 R 124-2009 listed on the Agenda awarding the contract for the Hartley Dodge Memorial renovation, and asked if all background and corporate entities were researched and are clear; asked if the past four jobs were called. Mr. Codey commented that six prior projects were finished on budget and on time by the contractor. Regarding Mr. Cerciello's question as to whether the Borough is having an inspection company, he was advised that will be discussed at a future meeting.

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

AGENDA DISCUSSIONS

04/27/2009-1 OPEN ISSUES REGARDING THE 2009 MUNICIPAL BUDGET

04/13/2009-9

Before Chief Financial Officer Robert Kalafut was recognized by the Chair to go over the 2009 budget issues, there were detailed comments by the Mayor, Council and Administrator, including that all were in agreement that a near 10% tax increase was not acceptable. School taxes represent approximately 60% of Madison's property taxes; the municipal tax represents approximately 22% of Madison's property taxes. The proposed budget that Chief Financial Officer Robert Kalafut will go through represents a 2.3% increase in taxes. Administrator Codey and Chief Financial Officer Robert Kalafut were thanked for providing the endless requests for materials. Of note was that the proposed budget contains no pension deferrals; no layoffs and furloughs; personnel reductions only through attrition. This proposed budget contains over \$500,000 of spending reductions removed since the last meeting and a transfer of \$5.2 million of municipal

surplus for tax relief. Eliminating electric and water charges from Borough owned properties enables the Borough to provide comparable Library funding at 2008 levels. There are no additional water and electric increases for the remainder of 2009. The Borough will meet all our existing contractual obligations and will maintain all municipal services.

Chief Financial Officer Robert Kalafut was recognized by the Chair and went through documentation previously sent home for review, which documentation was available to the public at the meeting. Mr. Kalafut went into detail explaining pages of the documentation, including the tax levy cap, interest on deposits, investment income, schedule of surplus balances and trust fund balances.

Brief break in Budget Discussions to present Proclamation

Mayor Holden asked for a brief break in the budget discussion to recognize Cheryl Smith, who was invited to the meeting and accompanied by Madison resident Pat Miller to receive a proclamation proclaiming Saturday, May 9, 2009, as **National Association of Letter Carriers Food Drive Day**:

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

Saturday, May 9, 2009, as

National Association Of Letter Carriers Food Drive Day

WHEREAS, an estimated 35 million people go hungry every day in America, including more than 12 million children, a reality that is being tackled by the U. S. letter carriers through their initiation of the largest one-day food drive in the nation: **The National Association of Letter Carriers (NALC) Food Drive**, which is held annually on the second Saturday in May; and

WHEREAS, in 2008, the NALC Food Drive provided 73.1 million pounds of food for the needy, including a one million pound donation of canned food from Campbell Soup; together, the NALC and Campbell Soup, will cosponsor the printing of more than 125 million postcard flyers for delivery to residents to encourage the general public to contribute non-perishable foods to this drive; and

WHEREAS, the NALC Food Drive is the outgrowth of a tradition of community service exhibited by the letter carriers' union, whether through collecting funds for a charity such as the Muscular Dystrophy Association, watching over the elderly through the Carrier Alert Program, or assisting the American Red Cross during time of disaster; and

WHEREAS, the NALC Food Drive is supported by the U. S. Postal Service, local United Ways throughout America, and the AFL-CIO Community Services network, and is presently seeking local support from all communities and the news media to encourage donations which, in turn, are taken to local food banks, pantries and shelters; specifically, in this area, the Interfaith Food Pantry will be the recipient of these contributions;

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim Saturday, May 9, 2009 as **NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE DAY**, and I call upon the people of Madison to join the more than 10,000 cities and towns across America in leaving non-perishable food items, at their mailboxes or in post offices, in an effort of goodness and compassion in reaching out to feed the hungry. Further, I commend the National Association of Letter Carriers for initiating this humanitarian project that will directly benefit those in need.

Mary-Anna Holden, Mayor

April 27, 2009

The Madison Post Office is presently seeking support from the public and the news media to encourage donations which, in turn, are taken to local food banks, pantries and shelters; specifically, in this area, the Interfaith Food Pantry will be the recipient of these contributions collected by Madison postal carriers.

Ms. Smith thanked the Mayor for the Proclamation and for her support in spreading the word about the May 9, 2009 Letter Carrier Food Drive.

Resuming Budget Discussions

Review of the budget schedules continued, including discussion of tax appeals.

The Capital Budget was addressed; comments included that the Borough has been leasing Bayley-Ellard fields, which has provided needed fields for the Borough; the fields have always been a high priority in protecting Madison's aquifer, quality of life and for open space preservation; the Borough now has an opportunity--the Diocese of Paterson is interested in selling the fields to the Borough; the zoning for this property has been in place to maintain the existing fields; the Borough will be purchasing the fields through the open space funding, a dedicated tax the residents of Madison voted for in 2004. The Borough will apply for an open space grant; in the past the Borough has been extremely successful in getting grant funds; the Borough has been awarded a grant of \$500,000 from Green Acres—these funds may be applied to this purchase; it is the recommendation of the Open Space Committee, and the Council has agreed, to support purchase of the fields to protect the aquifer and quality of life in Madison and to preserve open space; keeping this land vacant will not require us to increase our affordable housing component. The purchase price for the 10 acres is \$2,750,000 and will be paid for through open space funds and grants.

Mr. Kalafut asked if there was consensus of Council to approve the projects listed in the Capital Budget. Before this was considered, Borough Engineer Robert Vogel was recognized by the Chair and spoke in detail about the road program in the Capital Plan.

At the request of Mayor Holden, Robert Vogel discussed #2 at this time:

04/27/2009-2

DOUGLAS AVENUE RECONSTRUCTION

Borough Engineer Robert Vogel spoke of vacating part of Douglas Avenue since work is in progress in the area and a change order from Cifelli would have to be approved; to formalize the vacation, an ordinance is needed; a pocket park could be created if this is done. Douglas Avenue is strictly a neighborhood road; it is not a through road and only provides access to the residents of Drew Place, James Place, Rachael Avenue and Douglas Avenue. Removal of this section of road will not adversely impact these residents; there are no driveways on this section of Douglas. Comments included that this would be a great improvement to the neighborhood.

Mr. Conley moved approval of the change order to vacate the south portion of Douglas Avenue to create a pocket park. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Mrs. Tsukamoto, Dr. Esposito, Mrs. Vitale

Nays: None

A resolution approving the change order will be listed on the next meeting agenda. An ordinance regarding vacation of Douglas Avenue will be introduced at a future meeting.

Detailed Capital item discussions continued, after which Chief Financial Officer Robert Kalafut asked for approval to draw up the 2009 budget document for introduction under the terms discussed at this meeting. Mrs. Tsukamoto moved that the budget document be prepared for introduction. Mr. Elias seconded the motion, which passed with the following roll call vote recorded:

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

Mrs. Tsukamoto, Dr. Esposito, Mrs. Vitale

Nays: None

After discussion, there was consensus that Mr. Kalafut arrange with the auditor to schedule the budget introduction for the meeting of May 11, 2009, with a hearing date of June 22, 2009.

ADVERTISED HEARINGS

The Clerk made the following statement:

Ordinances 18-2009 and 19-2009 scheduled for hearing were introduced by title and passed on first reading at a Regular Meeting of the Council held on April 13, 2009, 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 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.

Mayor Holden opened up the public hearing on Ordinance 18-2009. Since no member of the public wished to be heard, the public hearing was closed.

Dr. Esposito moved that Ordinance 18-2009, which was read by title, be finally 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

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 19-2009

ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 70-2008 AS TO PURPOSE TO INCLUDE LEGAL FEES IN THE AMOUNT OF \$4,500.00 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.

Mayor Holden opened up the public hearing on Ordinance 19-2009. Since no member of the public wished to be heard, the public hearing was closed.

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

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

Mrs. Tsukamoto, Dr. Esposito, Mrs. Vitale

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

Borough Clerk's Statement:

Ordinance 20-2009 will have a hearing date set for May 11, 2009, at which time all interested individuals will have an opportunity to be heard and there will be consideration for final passage. Said ordinance will be published and filed according to law, and copies will be made available upon request.

Mayor Holden called up Ordinance 20-2009 for first reading and asked the Borough Clerk to read said ordinance by title:

ORDINANCE 20-2009

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$50,000.00 FROM THE OPEN SPACE AND RECREATION TRUST FUND FOR THE PURCHASE OF PROPERTY LOCATED AT 205 MADISON AVENUE, BEING A PORTION OF LOT 1, BLOCK 201, FROM THE DIOCESE OF PATERSON

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough to purchase approximately ten acres of property located at 205 Madison Avenue, being a portion of Block 201, Lot 1 from the Diocese of Paterson; and

WHEREAS, the Borough Council has determined to adopt a Resolution authorizing execution of a contract for said purchase for a purchase price of \$2,750,000; and

WHEREAS, the Contract of Sale requires a deposit to be made in the amount of \$50,000.00; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$50,000.00 from the Madison Open Space and Recreation Trust Fund for the deposit for the purchase of the land described herein; and

WHEREAS, the Director of Finance has attested to the availability of funds from the Madison Open Space and Recreation Trust Fund in an amount not to exceed \$50,000.00 for this purpose.

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

SECTION 1: The amount of \$50,000.00 is hereby appropriated from the Madison Open Space and Recreation Trust Fund, for the deposit pursuant to the Contract of Sale for the purchase of property known as a portion of Lot 1 in Block 201 on the current tax map of the Borough of Madison from the Diocese of Paterson.

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

Ms. Baillie moved that Ordinance 20-2009, 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, 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. Resolution R 126-2009 was removed from the Consent Agenda earlier in the meeting. Mr. Mezzacca read Resolution R 130-2009 by title, which resolution authorized the purchase of 10 acres from the Diocese of Paterson consisting of the current recreation fields at Bayley-Ellard High School. Resolution R 120-2009 will have wording included to indicate that handicap parking spaces are not included in the two-hour parking rules to be reinstated along Kings Road between Prospect Street and Green Avenue.

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, Mrs. Vitale

Nays: None

R 119 - 2009

RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES
LICENSE APPLICATION SUBMITTED BY PECK SCHOOL

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, which raffle is to be held at Plaza Lanes on May 30, 2009, be and the same is hereby approved:

PECK SCHOOL

I.D. No. 324-5-30421

R.A. No. 1110 – On Premise

May 30, 2009

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

R 120-2009

RESOLUTION OF THE BOROUGH OF MADISON RESCINDING COMMUTER PERMIT PARKING ON KINGS ROAD BETWEEN PROSPECT AND GREEN AVENUE AND REINSTATING THE TWO-HOUR PARKING REGULATIONS

WHEREAS, the Borough Administrator has recommended that the Borough Council rescind temporary permit parking for resident commuters on Kings Road between Prospect Street and Green Avenue; and

WHEREAS, the Borough Administrator has indicated that resident commuter permit parking is available in the resident commuter lots; and

WHEREAS, the Council has determined to rescind the temporary resident commuter permit parking and reinstate the two-hour parking limit in parking spaces along both sides of Kings Road between Prospect Street and Green Avenue, excluding handicap spaces which are regulated by state statute.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that temporary resident

commuter permit parking is rescinded and the two-hour parking limit is reinstated in parking spaces along both sides of Kings Road between Prospect Street and Green Avenue, excluding handicap spaces which are regulated by state statute, effective June 1, 2009.

R 121-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING ROAD OPENING AGREEMENT BETWEEN THE BOROUGH OF MADISON AND THE COUNTY OF MORRIS

WHEREAS, the County of Morris Department of Public Works has requested that the Borough of Madison execute an Agreement between the Borough of Madison and the County of Morris for road opening purposes on Morris County roads; and

WHEREAS, the Borough Administrator has recommended that the Borough authorize the Mayor and Borough Clerk to execute the attached Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris in the State of New Jersey that the Mayor and Borough Clerk are authorized to execute the attached Agreement between the Borough of Madison and the County of Morris for road opening purposes on Morris County roads.

R 122-2009

RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARDING CONTRACT FOR DAILY COMPUTER NETWORKING/MAINTENANCE SERVICES TO SAI ENTERPRISES OF BURLINGTON, MA

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

WHEREAS, the lowest qualified bid was submitted by SAI Enterprises, Inc., of Burlington, Massachusetts in the amount of \$37.50 per hour; and

WHEREAS, the Director of Technology has recommended that the Borough Council award the contract to SAI Enterprises, Inc. in the amount of \$37.50 per hour; and

WHEREAS, the Director of Finance has attested that funds will be available at a rate of \$37.50 per hour for this purpose which funds are available in the Operating Budget.

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

1. The contract for daily computer networking/maintenance services is hereby awarded to SAI Enterprises, Inc. based upon its bid in the amount of \$37.50 per hour.

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

R 123-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING MADISON CHAMBER OF COMMERCE SIDEWALK SALES AND MERCHANT OPEN HOUSE ON SATURDAY, JUNE 6, 2009 FROM 9 AM – 6 PM

WHEREAS, the Madison Chamber of Commerce applied for permission to hold sidewalk sales on the North side and South side of Main Street from Green Village Road to Greenwood Avenue, and on the North side of Main Street and Park Avenue from Green Village Road to Ridgedale Avenue, and on the East and West sides of Waverly Place and on Central Avenue from Main Street to Elmer Street, and on Lincoln Place on Saturday June 6, 2009 from 9:00 a.m. to 6:00 p.m.; and

WHEREAS, the Council has determined that permission should be granted provided that the Chamber of Commerce agrees to keep a clearance of at least ten (10) feet from all fire hydrants and keep entrances and pathways to all stores/apartments clear.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey, that the request for the Madison Chamber of Commerce to hold sidewalk sales in locations described herein on June 6, 2009 from 9:00 a.m. to 6:00 p.m., is hereby granted and approved subject to the above noted conditions and subject to compliance with any safety requirements of the Madison Police Department and Fire Department.

R 124-2009

RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT FOR RENOVATION OF THE HARTLEY DODGE MEMORIAL BUILDING

WHEREAS, the Borough of Madison publicly advertised for bids for the rehabilitation of the Hartley Dodge Memorial in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the lowest qualified bid on the Contract was submitted by Merrell & Garaguso, Inc., in the amount of \$5,749,000 for the Base Bid and a total amount of \$568,000 for Bid Alternates No. 1 through 8 for a total bid of \$6,317,000 for the Base Bid and all alternates; and

WHEREAS, the Borough Administrator has recommended that the Contract be awarded to Merrell & Garaguso, Inc., in the amount of \$5,749,000 for the Base Bid and for all bid alternates as follows:

Bid Add Alternate #1: \$31,000

Bid Add Alternate #2: \$83,000

Bid Add Alternate #3: \$9,000

Bid Add Alternate #4: \$21,000

Bid Add Alternate #5: \$36,000

Bid Add Alternate #6: \$293,000

Bid Add Alternate #7: \$55,000

Bid Add Alternate #8: \$40,000

for a total amount of \$6,317,000; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$5,749,000 for the Base Bid and an additional \$568,000 for bid alternates #1 through #8 for a total amount not to exceed \$6,317,000, which funds were appropriated by Ordinance 58-2008.

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

1. The Contract for the rehabilitation of the Hartley Dodge Memorial is hereby awarded to Merrell & Garaguso, Inc., based upon its Base Bid in the amount of \$5,749,000 and bids for Alternates #1 through #8 in a total amount of \$568,000, for a total contract price of \$6,317,000.

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

R 125-2009

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING
SETTLEMENT WITH DIANE CELLER**

WHEREAS, a claim for property damage was filed with the Borough by Diane Celler, a Borough resident, due to excessive damage to a tree on her property; and

WHEREAS, the matter was referred to the Borough's insurance carrier, the Joint Insurance Fund, which denied the claim; and

WHEREAS, the Borough Administrator has negotiated a settlement with Diane Celler in the total amount of \$1,477.99; and

WHEREAS, the Borough Administrator has recommended that the Borough pay \$1,477.99 for full and final settlement of the matter.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that settlement as described herein is approved subject to Diane Celler signing a general release to the Borough of Madison in a form approved by the Borough Attorney.

R 126-2009 was removed from the Agenda and the # was retired.

R 127-2009

**RESOLUTION OF THE BOROUGH OF MADISON
AUTHORIZING WYETH 5K RUN ON WEDNESDAY, MAY 20,
2009 AT 6:30 P.M.**

WHEREAS, Wyeth has requested to hold a A5K run@ in Madison on Wednesday, May 20, 2009, for the benefit of Project Community Pride; and

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

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

WHEREAS, 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 Wyeth to hold a "5K run" in Madison on Wednesday, May 20, 2009, as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department, and the Mayor is authorized to sign a Hold Harmless Agreement as approved by the Borough Attorney and to supply a Certificate of Liability Insurance from the Borough for this event.

R 128-2009

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING
THE MADISON POLICE DEPARTMENT TO SUBMIT A GRANT
APPLICATION TO EDWARD BYRNE MEMORIAL JUSTICE
ASSISTANCE FORMULA PROGRAM**

WHEREAS, the Acting Police Chief has recommended that the Borough authorize Sergeant Dennis Lam to submit a Grant Application to the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program for a grant for a new police car; and

WHEREAS, the Borough Council has determined it is appropriate to authorize Sergeant Dennis Lam to submit a Grant Application to the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program for a grant for a new police car.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris in the State of New Jersey that Sergeant Dennis Lam are hereby authorized and directed on behalf of the Borough to submit a Grant Application to the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program for a grant for a new police car.

R 129 - 2009

**RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES
LICENSE APPLICATION SUBMITTED BY ARTS COUNCIL OF THE MORRIS
AREA TO CONDUCT AN ON-PREMISE 50/50 RAFFLES GAME ON SUNDAY,
JUNE 28, 2009**

WHEREAS, N.J.S.A. 5:8-1 et seq. and N.J.A.C. 13:47-1.1 et seq. prohibit the conducting of games of chance on Sunday unless specifically authorized by a duly adopted municipal ordinance; and

WHEREAS, on March 8, 1982, the Council of the Borough of Madison adopted Ordinance No. 5-82 to allow the Council, by resolution, to permit qualified organizations to conduct games of chance on Sunday; and

WHEREAS, the New Jersey Legalized Games of Chance Control Commission has issued Registration Identification No. 274-5-34612 to the Arts Council of the Morris Area; and

WHEREAS, an Application for Raffles License, together with all necessary documents and fees, has been submitted to the Madison Borough Clerk's Office by the Arts Council of the Morris Area to conduct an On-Premise 50/50 Raffles Game on Sunday, June 28, 2009, at Giralda Farms, Madison Avenue, Madison (Rain Site: Madison High School, Ridgedale Avenue, Madison);

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the afore-mentioned Application for Raffles License, R.A. No. 1111, to be held as listed above, be and the same is hereby approved.

BE IT FURTHER RESOLVED that a certified copy of this

Resolution be forwarded to the Legalized Games of Chance Control Commission.

R 130-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACT FOR PURCHASE OF PROPERTY FROM THE ROMAN CATHOLIC DIOCESE OF PATERSON BEING A PORTION OF LOT 1, IN BLOCK 201 AS SHOWN ON THE CURRENT TAX MAP OF THE BOROUGH OF MADISON BEING PART OF THE PROPERTY COMMONLY KNOWN AS 205 MADISON AVENUE, MADISON, NEW JERSEY CONSISTING OF 10 ACRES OF PROPERTY CONTAINING ALL RECREATIONAL FIELDS ON SAID PREMISES

WHEREAS, the Borough has been in negotiations for the purchase of approximately ten acres of real estate located at 205 Madison Avenue, known as a portion of Block 201, Lot 1 in the Borough of Madison and referred to as the former Bayley-Ellard campus; and

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough to purchase said property for recreation and open space purposes; and

WHEREAS, the Borough Administrator has recommended the Borough authorize entry into a contract with the Diocese of Paterson to purchase ten acres of real estate for use as recreational fields and open space for a purchase price of \$2,750,000; and

WHEREAS, the contract shall be subject to approval by the Madison Planning Board of a final subdivision of said ten acres from the existing property; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$2,750,000 for the purchase price of ten acres upon the adoption of an Ordinance to be introduced and enacted with funds from future bond issues, and/or grants from the New Jersey Green Acres program, the Morris County Open Space Preservation Trust Fund and other grants, and currently available funds that are contained in the Madison Open Space Trust Fund, and/or the General Capital Improvement Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Mayor and Borough Clerk are authorized to execute an agreement for the purchase of ten acres from the Diocese of Paterson, being a portion of Lot 1, Block 201, for the purchase price of \$2,750,000, in a form to be approved by the Borough Attorney, subject to the adoption of an appropriation ordinance consistent with this Resolution and approved by the Borough Attorney.

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.**

Thomas Bintinger, Madison Public Library Trustee, spoke about the Library budget; as to the funding for the purchase of the Bayley-Ellard fields, Mr. Codey elaborated on the funding sources to be used; he also explained some non-recurring sources of revenue being used in the proposed budget.

David Maines, Superintendent of Public Works, asked that the sewer department replace the position being vacated because of the retirement of one employee; he explained in detail the state requirements of checking sewer stations and the rules he must follow as to the sewer pump stations; he asked that the department stay at four employees;

to go down to three employees would be a problem. Mr. Codey commented that the goal here is to keep everyone working, and the budget planned for introduction does not provide for replacing that position. This is not intended to be permanent, and the goal would be to move staff around to compensate during the budget year and look at replacing the position in the future. Mr. Maines explained that his work load gets bigger and bigger every year.

Vito Luppino, Sewer Department employee, Niles Avenue, read text prepared by his fellow workers, which included comments about the lack of manpower and increase in workload in the Public Works Department (DPW)—these conditions may create an atmosphere of workers who are unable to perform all the work needing to be done resulting in public complaints due to slowing of services. The employees in the DPW take pride in their work and want to offer the highest quality of service. He asked for a plan on how the administration intends to maintain service.

Donald Links, Shadylawn Drive, congratulated the Mayor and Council on the purchase of the Bayley-Ellard fields; he asked that the development of the Madison Recreation Center be discussed before September.

Eugene Zipper, Greenwood Avenue, asked if there is a slow-down of tax receipts in Madison and was advised that there is no slow-down; Mr. Zipper added that the tax rate of 2.3% being proposed is not all the increased payments Madison residents will face, such as increased water and electric payments. Mr. Zipper made the point that Open Space funds from the County are still taxpayer funds.

Thomas DeBiase, Water Department employee, Dean Street, spoke about the foreman's position in the Sewer Department requiring a license.

Sam Cerciello, Park Avenue, was advised that the \$100,000 grant for the train station is for specific work approved in the grant. There was discussion of the concrete wall of the train station on Lincoln Place.

Sam DeMarzo, Ridgedale Avenue, spoke of a bad situation on Central Avenue with work being done by the County; he felt it will be a long project and strongly suggested having a safety expert determine a safe walkway for the children on their way to school; it needs immediate attention.

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

UNFINISHED BUSINESS

Dr. Esposito was recognized by the Chair and commented that May Day,

Madison's town beautification 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 o'clock when Madison will be honored for achieving high levels of tree care.

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	\$6,364.68
Health & Public Assistance	5,178.40
Public Works & Engineering	71,428.45
Community Affairs	4,961.58
Finance & Borough Clerk	74,991.73
Utilities	<u>215,261.05</u>
Total	<u>\$378,185.89</u>

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

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

Mrs. Tsukamoto, Dr. Esposito, Mrs. Vitale

Nays: None

NEW BUSINESS - None

ADJOURN AND RECONVENE EXECUTIVE SESSION

There being no further business to come before the Council, the meeting was adjourned at 9:58 p.m. and the Executive Session immediately reconvened.

RECONVENE AND ADJOURN

The Regular Meeting reconvened at 10:30 p.m. and immediately adjourned.

Respectfully submitted,

Marilyn Schaefer

Borough Clerk

Approved May 11, 2009 (MS)