

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

Wednesday, May 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 May 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

Absent: Carmela Vitale, excused

Also Present:

Raymond M. Codey, Borough Administrator

Marilyn Schaefer, Borough Clerk

Joseph Mezzacca, Jr., Borough Attorney

Chatham Day School Property

A property owner at 38 Rachael Avenue was present at the meeting and was heard regarding the Chatham Day School property and the proposed expansion of use at that site; mention was made of the lack of notification of neighboring property owners including the Borough of Madison as a neighboring town, environmental issues, privacy issues and proposal for lighting at the site. The resident wants to protect what he and his neighbors have today; they will continue to do work on the issues.

Presentation

Jim Burnet, Main Street Executive Director, went through a slide show, which he created and presented to a group of Wyeth and Pfizer officials regarding the Giralda Farms property; the focus of the presentation was to advocate on behalf of Madison to keep jobs here at Giralda Farms.

AGENDA REVIEW

Two Contract Matters and one Personnel Matter were added to the 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 (1)

May 11, 2009 Executive

CONTRACT MATTERS (6)

VACATION OF DOUGLAS AVENUE

JANITORIAL SERVICES FOR THE POLICE DEPARTMENT

700 SHUNPIKE ROAD

hdm contract management

COMMON ROADWAY AGREEMENT

22-24 CENTRAL AVENUE

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

PERSONNEL MATTERS (3)

POLICE DEPARTMENT

APPOINT SUMMER INTERNS

Board of health

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

LITIGATION MATTERS (3)

NOVARTIS

COMBE LANDFILL

STOP & SHOP VS. MADISON

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

Seconded: Ms. Baillie

Vote: Approved by voice vote of members present

Reconvene in Council Chamber

Mayor Holden reconvened the Regular Meeting at 8 p.m. in the 3rd Floor Meeting Room of Bayley-Ellard with all members present, except Mrs. Vitale who was absent excused. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Mrs. Tsukamoto moved approval of the ***Executive Minutes of May 11, 2009***, and the ***Regular Meeting Minutes of May 11, 2009***, with one correction to the Regular Meeting Minutes as follows:

Second paragraph of page 6, correction to the spelling of name:
Jennifer **McCulloch**

Ms. Baillie seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Abstain: Mr. Conley

Absent: Mrs. Vitale

GREETINGS TO PUBLIC

Mayor Holden made the following comments:

The following proclamation will be sent to the **Myasthenia Gravis Foundation of America, Inc.:**

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

MYASTHENIA GRAVIS AWARENESS MONTH

JUNE 2009

WHEREAS, Myasthenia Gravis is a neuromuscular disease striking children and adults, affecting control of the voluntary muscles and afflicting several hundred of our fellow New Jerseyans; and

WHEREAS, the symptoms of this disorder include, but are not limited to, difficulty moving, breathing, swallowing, speaking and seeing; and

WHEREAS, the Myasthenia Gravis Foundation of America, Inc. is a non-profit organization founded "to facilitate the timely diagnosis and optimal care of individuals affected by myasthenia gravis and closely related disorders, and to improve their lives through programs of patient services, public information, medical research, professional education, advocacy, and patient care"; and

WHEREAS, Myasthenia Gravis is one of the major neuromuscular disorders affecting residents of New Jersey; and

WHEREAS, it is fitting to recognize the many physicians who demonstrate an untiring effort to treat this disease and search for a cure;

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim the month of **June 2009** as **MYASTHENIA GRAVIS AWARENESS MONTH** in the Borough of Madison and urge all residents to join with me in an attempt to focus attention on the need for education, treatment, research, and, ultimately, an end to this, as yet, incurable disease.

Mary-Anna Holden, Mayor

May 27, 2009

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Memorial Day Parade

Mayor Holden thanked the Patriotic Celebrations Committee for their work on the Memorial Day Parade, which was a beautiful day.

Relay for Life and Jazzfest

The Relay for Life and Jazzfest will both take place in Madison on June 6, 2009; Mayor Holden asked all to remember that June 6, 2009, is also the 60th Anniversary of D-Day.

REPORTS OF COMMITTEES

Public Safety

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

The Madison Police Department, by State Statute, is required to file a monthly report, which Ms. Baillie just received. One of the items in the report of particular

note is that they will be implementing a bicycle patrol throughout the summertime in the downtown business district, and they will continue with foot patrols there on Thursday and Friday nights.

Utilities

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

Public Works and Engineering

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

The Department of Public Works (DPW) has been busy planting street trees; Mr. Conley asked that if a tree is planted in front of a resident's property, to please give it care; he advised that the practice of placing mulch at the base of a tree should be done in "donut" fashion, not "volcano" fashion—it is important to keep the mulch away from the bark.

Finance and Borough Clerk

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

The 2009 budget was introduced at the May 11, 2009 meeting. Mrs. Tsukamoto reminded residents that a copy of the Budget in Brief may be found on the RoseNet website; the 2009 Municipal Budget is also posted on RoseNet and is available at the Madison Public Library and the Morris County Library. Mrs. Tsukamoto reminded residents that they are invited to the public hearing on the 2009 Budget at the June 22, 2009 Regular Meeting.

The Primary Election is scheduled for June 2, 2009, from 6 a.m. to 8 p.m. Polling

locations are listed on RoseNet; in addition, the sample ballot mailed to each registered voter indicates where to vote in Madison.

Community Affairs

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

The Jets are opening up their facility this summer the week of June 6, 2009, naming it Jets Week at the Atlantic Health Jets Training Center in Florham Park. They are scheduling five mandatory mini-camp practices, which are open to the public; there will be many activities throughout the week ending on June 13, 2009; the specific schedules may be viewed at their website <http://www.newyorkjets.com>.

Health & Public Assistance

Mrs. Vitale, Chair of the Committee, absent.

Mayor Holden commented that all wish Carmela Vitale a speedy recovery. In Mrs. Vitale's absence, Mr. Elias made the following comments: Mr. Elias commented that he sat in on a Board of Health shared services meeting being pursued to lower costs to the Borough and enhance revenues; Mr. Elias will continue to keep the Council apprised in Mrs. Vitale's absence.

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.**

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

Agenda Discussions

05/27/2009-1 APPROPRIATE FUNDS FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR \$15,000.00 FOR EMERGENCY REPAIRS TO THE DPW GARAGE ROOF MAIN TRUSS SUPPORTS

After a brief explanation by Mr. Conley, there was consensus to list Ordinance 25-2009 for introduction as recommended by Superintendent of Public Works David Maines.

05/27/2009-2 APPROPRIATE FUNDS FROM THE GENERAL CAPITAL IMPROVEMENT FUND TOTALING \$48,500.00 FOR EMERGENCY SEWER MAIN PROBLEM ON PARK AVENUE

After a brief explanation by Mr. Codey, there was consensus to list Ordinance 26-2009 for introduction as recommended by Superintendent of Public Works David Maines.

Discussion #3 was removed from the Agenda

05/27/2009-4 (1)&(2)

(1) ISSUANCE OF RESIDENT COMMUTER PARKING PERMITS

(2) parking fees for merchant, tenant and resident commuter permits for the year 2010

Mr. Codey explained that under this proposal, all current Madison resident commuter permit holders will be given first opportunity to renew for 2010. Mr. Conley asked about certain missing time-limit parking signs on the west side of Keep Street and on Belmont. Mr. Elias renewed his opposition to a \$200.00 fee for tenant parking permits, which works out to \$.67 or less per day; he did not feel the Borough should be subsidizing tenants.

R 151-2009 setting 2010 parking permit fees is listed on the Consent Agenda.

05/27/2009-5 resolution in support of nj legislative bills s-2503 and a-2872

Mr. Conley explained that this is a bill to strengthen the licensing process for tree experts and is supported by Madison's Shade Tree Management Board.

There was no objection to listing R 152-2009 on the Consent Agenda.

Added to Agenda

05/27/2009-6 ESTIMATED TAX BILLS

Mr. Codey explained that this resolution will allow the mailing of estimated tax bills, should that action be needed; this is a precautionary measure which may not have to be taken.

R 155-2009 is listed on the Consent Agenda.

Advertised Hearings

Ordinances scheduled for hearing were introduced by title and passed on first reading at a Regular Meeting of the Council held on May 11, 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 Borough Clerk to read said ordinances by title:

ORDINANCE 21-2009

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$2,000.00 FROM THE FIRE DEPARTMENT TRUST FUND FOR THE PURCHASE OF RESCUE LIFT BAGS

WHEREAS, the Fire Chief has recommended that the Borough appropriate \$2,000.00 from the Fire Department Trust Fund to purchase three Rescue Lift Bags; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Fire Department Trust Fund in an amount not to exceed \$2,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$2,000.00 from the Fire Department Trust Fund to purchase three Rescue Lift Bags; and

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

SECTION 1: The amount of \$2,000.00 is hereby appropriated from the Fire Department Trust Fund to replace the compressor on the Hartley Dodge Memorial chiller for the air conditioning.

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

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

Mayor Holden opened up the public hearing on Ordinance 21-2009. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 21-2009, 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: None

Absent: 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 22-2009

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$26,863.20 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR EMERGENCY SEWER MAIN WORK AND TREE REMOVAL AT WOODSIDE ROAD AND GLENDALE ROAD

WHEREAS, the Superintendent of Public Works has advised the Council that emergency services were needed from Chatham Main (\$26,203.20) and Honor Tree Removal (\$660.00) on March 29, 2009 and March 30, 2009 on Woodside & Glendale Roads for a Sewer Main problem; and

WHEREAS, the Borough expended \$26,863.20 to replace the water main on an emergency basis, pursuant to N.J.S.A 40A:11-6; and

WHEREAS, the Borough Engineer has requested that the Borough appropriate \$26,863.20 from the General Capital Improvement Fund to pay for these emergency services; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$26,863.20 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$26,863.20 from the General Capital Improvement Fund for the emergency services required from Chatham Main (\$26,203.20) and Honor Tree Removal (\$660.00) on March 29, 2009 and March 30, 2009 on Woodside & Glendale Roads for a Sewer Main problem; and

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

SECTION 1: The amount of \$26,863.20 is hereby appropriated from the General Capital Improvement Fund for the emergency services required on Woodside & Glendale Roads.

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

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

Mayor Holden opened up the public hearing on Ordinance 22-2009. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 22-2009, which the Borough Clerk 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

Nays: None

Abstain: None

Absent: 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 23-2009

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$44,095.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR DOUGLAS AVENUE ROAD PROJECT BY CIFELLI & SON

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$44,095.00 from the General Capital Improvement Fund for work to abandon the southern portion of Douglas Avenue between Orchard Street and Rachael Avenue; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$44,095.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$44,095.00 from the General Capital Improvement Fund for work to abandon the southern portion of Douglas Avenue between Orchard Street and Rachael Avenue; and

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

SECTION 1: The amount of \$44,095.00 is hereby appropriated from the General Capital Improvement Fund for work to abandon the southern portion of Douglas Avenue between Orchard Street and Rachael Avenue.

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

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

Mayor Holden opened up the public hearing on Ordinance 23-2009. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 23-2009, which the Borough Clerk 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

Nays: None

Abstain: None

Absent: 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.

Mayor Holden opened up the public hearing on Ordinance 24-2009. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 24-2009, which the Borough Clerk 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

Nays: None

Abstain: None

Absent: 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

Borough Clerk's Statement:

Ordinances being introduced will have a hearing date set for June 22, 2009, at which time all interested individuals will have an opportunity to be heard and there will be consideration for final passage; each will be published and filed according to law, and copies will be made available upon request.

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

ORDINANCE 25-2009

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$15,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR EMERGENCY REPAIRS TO THE DEPARTMENT OF PUBLIC WORKS GARAGE ROOF MAIN TRUSS SUPPORTS

WHEREAS, the Borough Engineer has advised the Council that the DPW garage roof main truss supports require emergency repairs; and

WHEREAS, the Borough expended \$15,000.00 to repair the DPW garage roof main truss supports on an emergency basis, pursuant to N.J.S.A 40A:11-6; and

WHEREAS, the Borough Engineer has requested that the Borough appropriate \$15,000.00 from the General Capital Improvement Fund to pay for these emergency services; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$15,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$15,000.00 from the General Capital Improvement Fund for the emergency repair of the DPW garage roof main truss supports; and

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

SECTION 1: The amount of \$15,000.00 is hereby appropriated from the General Capital Improvement Fund for the emergency repair of the DPW garage roof main truss supports.

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

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

Mr. Conley moved that Ordinance 25-2009, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. These funds were not part of the 2009 Capital Budget request, but this is an emergent matter. There was no further 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: None

Absent: Mrs. Vitale

ORDINANCE 26-2009

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$48,500.00 FOR EMERGENCY SEWER MAIN PROBLEM ON PARK AVENUE

WHEREAS, the Borough Engineer has advised the Council that the sewer main on Park Avenue needed emergency repairs; and

WHEREAS, the Borough expended \$48,500.00 to repair the sewer main on an emergency basis, pursuant to N.J.S.A 40A:11-6; and

WHEREAS, the Borough Engineer has requested that the Borough appropriate \$48,500.00 from the General Capital Improvement Fund to pay for these emergency services; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$48,500.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$48,500.00 from the General Capital Improvement Fund for the emergency repair to the sewer main on Park Avenue; and

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

SECTION 1: The amount of \$48,500.00 is hereby appropriated from the General Capital Improvement Fund for the emergency repair of the sewer main on Park Avenue.

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

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

Mr. Conley moved that Ordinance 26-2009, 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

Nays: None

Abstain: None

Absent: Mrs. Vitale

ORDINANCE 27-2009

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 34 OF THE BOROUGH CODE ENTITLED "POLICE DEPARTMENT" TO REORGANIZE THE COMPOSITION OF THE POLICE DEPARTMENT

WHEREAS, the Borough Administrator has recommended that Chapter 34 of the Borough Code entitled "Police Department" be amended to reorganize the composition and staffing of the Police Department; and

WHEREAS, the Borough Council agrees with this recommendation.

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 34 of the Borough Code entitled "Police Department" shall be amended as follows:

SECTION 1: Section 34-1 entitled "Department established, composition" is hereby amended to read as follows:

Section 34-1 Department established, composition

The police Department of the Borough of Madison is hereby established and shall consist of a Chief of Police, and shall have one Captain, and shall have not more than two Lieutenants, not more than five Sergeants, and not more than 25 Patrol Officers, provided the full number of police officers shall not exceed 36 including the Chief of Police, and not more than two Class II special police officers as the Borough Council may from time to time appoint as requested by the Chief of Police.

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

Ms. Baillie moved that Ordinance 27-2009, 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

Nays: None

Abstain: None

Absent: Mrs. Vitale

Consent Agenda Resolutions

The Clerk made the following statement:

Consent Agenda Resolutions will be enacted with a single motion; any Resolution requiring expenditure is supported by a Certification of Availability of Funds; any Resolution requiring discussion will be removed from the Consent Agenda; all Resolutions will be reflected in full in the minutes.

Mrs. Tsukamoto moved adoption of the Resolutions listed on the Consent Agenda. Ms. Baillie seconded the motion. Because of his objection to the tenant permit parking fee, Mr. Elias voted against adoption of R 151-2009. There was no further Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie

Mr. Elias, as to R 147-2009 to R 150-2009 and R 152-2009 to R 156-2009

Mr. Conley, Mrs. Tsukamoto

Dr. Esposito, as to R 147-2009 to R 150-2009 and R 152-2009 to R 156-2009

Nays: Mr. Elias, as to R 151-2009

Dr. Esposito, as to R 151-2009

Abstain: None

Absent: Mrs. Vitale

R 147-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING MORRIS AREA FREEWHEELERS 1ST ANNUAL REVOLUTIONARY RAMBLE BICYCLE TOUR TO BE HELD ON SATURDAY, JUNE 13, 2009

WHEREAS, the Morris Area Freewheelers Bicycle Club has requested to hold a "Revolutionary Ramble" event on Saturday, June 13, 2009, from 8:00 a.m. to 5:00 p.m.; and

WHEREAS, the event will include bicycle tours on various Madison roadways as well as roadways in other municipalities, which will start and finish on the campus of Drew University; and

WHEREAS, the Police Chief recommends approval of this request; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that Morris Area Freewheelers Bicycle Club is hereby granted permission to hold a "Revolutionary

Ramble" event on Saturday, June 13, 2009, from 8:00 a.m. to 5:00 p.m., subject to any safety requirements imposed by the Madison Police Department and Madison Fire Department.

R 148-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF TWO POLICE VEHICLES UNDER MORRIS COUNTY COOPERATIVE PRICING COUNCIL

WHEREAS, the Borough of Madison desires to award a contract for the purchase of two police vehicles under the Morris County Co-Operative Pricing Council program; and

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

WHEREAS, Warnock Fleet, PO Box 524, 175 Route 10, East Hanover, New Jersey, 07936 has been awarded Morris County Co-Operative Pricing Council contract number 15-A and 15-B; and

WHEREAS, the Acting Police Chief has recommended that the Borough Council utilize these contracts for purchase of two police vehicles as follows; under contract 15-A, one 2009 Ford Crown Victoria for \$25,899.45 and under contract 15-B, one 2009 Ford Focus for \$13,408.00 for a total amount of \$39,307.45; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$39,307.45 for this purpose, from the 2009 proposed 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. A contract for the purchase of two police vehicles, one 2009 Ford Crown Victoria for \$25,899.45 under the Morris County Co-Operative Pricing Council contract number 15-A and one 2009 Ford Focus for \$13,408.00 under the Morris County Co-Operative Pricing Council contract number 15-B from Warnock Fleet, PO Box 524, 175 Route 10, East Hanover, New Jersey, 07936, at a total price not to exceed \$39,307.45 is hereby approved.
2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Warnock Fleet, PO Box

524, 175 Route 10, East Hanover, New Jersey, 07936, for the purchase of two police vehicles at a total price not to exceed \$39,307.45, in a form acceptable to the Borough Attorney.

R 149-2009

RESOLUTION OF THE BOROUGH OF MADISON APPOINTING ELIZABETH OSBORNE TO THE POSITION OF ACTING BOROUGH CLERK

WHEREAS, Marilyn Schaefer has announced her retirement as Borough Clerk effective December 1, 2009; and

WHEREAS, the Purchasing/Personnel Officer recommends the appointment of Elizabeth Osborne to the position of Acting Borough Clerk effective June 8, 2009; and

WHEREAS, the Purchasing/Personnel Officer recommends the appointment of Elizabeth Osborne to the position of Borough Clerk, effective December 1, 2009; and

WHEREAS, the Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that Elizabeth Osborne is hereby appointed to the position of Acting Borough Clerk, effective June 8, 2009, and appointed to the position of Borough Clerk, effective December 1, 2009.

R 150-2009

RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF JOHN TREVENA TO THE POSITION OF CHIEF OF POLICE EFFECTIVE JUNE 1, 2009

BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that John Trevena is hereby appointed to the position of Chief of Police effective June 1, 2009.

R 151-2009

RESOLUTION OF THE BOROUGH OF MADISON SETTING PARKING FEES FOR THE YEAR OF 2010

WHEREAS, the Acting Police Chief has recommended the Borough adopt a resolution to set parking permit fees for resident commuter, non-resident commuter, merchant and tenant permits for the year 2010; and

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

WHEREAS, the recommended fees for each permit is \$400.00 for resident commuters, \$800.00 for non-resident commuters, \$200.00 for merchants and \$200.00 for tenants; and

WHEREAS, the Borough Council has reviewed said request for setting the recommended permit fees and determined that such requests should be granted.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the parking permit fees set forth in section 134-10 B of the Borough Code are hereby set for the year 2010 as follows:

Resident Commuter	\$400.00
Non-Resident Commuter	\$800.00
Merchant	\$200.00
Tenant	\$200.00

R 152-2009

RESOLUTION OF THE BOROUGH OF MADISON IN SUPPORT OF NJ LEGISLATIVE BILLS S-2503 AND A-2872

WHEREAS, the Borough Council of Madison finds and declares that trees are an important part of New Jersey's environment; and

WHEREAS, the Borough Council recognizes the importance of safe and proper tree care practices for consumer protection, worker safety and the public welfare; and

WHEREAS, it is appropriate for tree care to be conducted by qualified, licensed and insured tree care experts to prevent injuries and damage to life and property; and

WHEREAS, Senate Bill No. 2503 and Assembly Bill No. 2872 are acts concerning the licensure of tree experts and tree care operators and the registration of certain employers, supplementing Title 45 of the Revised Statutes, and repealing P.L. 1940, c.100 and sections 7 and 8 of P.L. 1996, c.20 by (1) providing a new licensing scheme for tree providers, the titles of "Licensed Tree Care Operator"; (2) reestablishing a "Board of Tree Experts" in the DEP with increased membership from 3 to 9 members; (3) establishing minimum qualifications to take the examinations and identifying specific tree services that each title can perform; (4) requiring that tree care employers are registered and carry minimum levels of liability and workers compensation insurances; (5) requiring minimum continuing education units be earned prior to re-issuance of license; (6) establishing penalties for violating certain portions of the act.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that Borough Council of Madison supports the passage of the New Jersey Legislative Bills S-2503 and A-2872.

R 153-2009

RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF SALLY ANNE MONKEMEIER TO THE SUMMER INTERN POSITION IN THE PURCHASING/PERSONNEL AND MAIN STREET DEPARTMENTS EFFECTIVE MAY 18, 2009

WHEREAS, the Purchasing/Personnel Officer has recommended appointment of Sally Anne Monkemeier to the position of Summer Intern in the Purchasing/Personnel and Main Street Departments; and

WHEREAS, the Borough Council agrees with these recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Sally Anne Monkemeier is hereby appointed to the position of Summer Intern in the Purchasing/Personnel and Main Street Departments effective May 18, 2009 at the rate of pay of \$9.00 per hour.

R 154-2009

RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF RAFFAELE NAPOLITANO TO THE SUMMER INTERN POSITION IN THE ADMINISTRATION AND CLERK DEPARTMENTS EFFECTIVE MAY 11, 2009

WHEREAS, the Purchasing/Personnel Officer has recommended appointment of Raffaele Napolitano to the position of Summer Intern in the Administration and Clerk Departments; and

WHEREAS, the Borough Council agrees with these recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Raffaele Napolitano is hereby appointed to the position of Summer Intern in the Summer Intern in the Administration and Clerk Departments effective May 11, 2009 at the rate of pay of \$9.00 per hour.

R 155-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING TAX COLLECTOR TO ISSUE ESTIMATED TAX BILLS TO PROPERTY OWNERS IN THE BOROUGH OF MADISON

WHEREAS, the Chief Financial Officer has recommended that the Borough authorize issuance of estimated tax bills for the third quarter of 2009 by the Tax Collector; and

WHEREAS, such estimated tax bill is authorized pursuant to N.J.S.A. 40-66.2.

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 Tax Collector is authorized to issue estimated tax bills for the third quarter of the 2009 and that the due date be August 1, 2009.

R 156-2009

**RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARDING
NEGOTIATED CONTRACT FOR JANITORIAL SERVICES FOR THE POLICE
DEPARTMENT FOR JUNE AND JULY 2009**

WHEREAS, the Borough of Madison publicly advertised on two occasions for bids for janitorial services for the Police Department in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, a bid opening was advertised and conducted on March 10, 2009, with five bids received which were all non-responsive and were rejected, and again on May 8, 2009, with one bid received which was non-responsive and was rejected; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., if the contracting agent has advertised for bids on two occasions and did not receive any bids, the agent may then negotiate a contract with a vendor for the services required; and

WHEREAS, the Borough of Madison requested and received a price quote from Ocean Clean of Cedar Grove, New Jersey, which quote was \$1,083.00 per month; and

WHEREAS, the Purchasing/Personnel Officer has recommended that the Borough enter a contract with Ocean Clean commencing upon receipt of satisfactory results of background checks of the owners and employees, for janitorial services for the Police Department for the months of June and July 2009; and

WHEREAS, the Director of Finance has attested that funds will be available at a rate of \$1,083.00 per month for two months for this 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:

1. Upon receipt of satisfactory results of background checks of the owners and employees, the contract for janitorial services for the Police Department is hereby awarded to Ocean Clean of Cedar Grove, New Jersey based upon its bid at a rate of \$1,083.00 per month for two months.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Ocean Clean in a form acceptable to 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.**

Donald Links, Shadylawn Drive, spoke about what he believed to be dangerous field conditions at Rosedale 1 and Rosedale 2 Fields; he handed out a hard copy of his comments to the Mayor and Council. Mr. Links was advised that this is part of a discussion that will take place tomorrow with the Recreation Department.

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

Unfinished Business - None

APPROVAL OF VOUCHERS

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

Public Safety \$27,578.05

Health & Public Assistance 5,151.94

Public Works & Engineering 113,222.14

Community Affairs 11,799.72

Finance & Borough Clerk 729,087.18

Utilities 2,320,288.82

Total \$3,207,127.85

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: None

Absent: Mrs. Vitale

New Business - None

Adjourn and reconvene executive session

There being no further business to come before the Council, the meeting was adjourned at 8:55 p.m. and the Executive Session immediately reconvened.

RECONVENE AND ADJOURN

The Regular Meeting reconvened at 10:50 p.m. and immediately adjourned.

Respectfully submitted,

Marilyn Schaefer

Borough Clerk

Approved June 8, 2009 (MS)