

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

**February 22, 2010 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 22nd day of February 2010. 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 7, 2010. 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  
Robert H. Conley  
Jeannie Tsukamoto  
Vincent A. Esposito  
Sebastian J. Cerciello  
Donald R. Links

Also Present:

Raymond M. Codey, Borough Administrator  
Elizabeth Osborne, Borough Clerk  
Joseph Mezzacca, Jr., Borough Attorney

**AGENDA REVIEW**

Three Contract Matters and one Potential Litigation 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 FOR APPROVAL (1)

Executive Session Minutes of February 8, 2010

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

CONTRACT MATTERS (4)

THE ADULT SCHOOL OF THE CHATHAMS, MADISON AND FLORHAM PARK

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49 ACRES

BAYLEY-ELLARD FIELDS

HDM

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

POTENTIAL LITIGATION MATTERS (1)

CHATHAM DAY SCHOOL

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 8 p.m. in the 3<sup>rd</sup> Floor Meeting Room of Bayley-Ellard with all members present. The Pledge of Allegiance was recited by all.

**APPROVAL OF MINUTES**

Ms. Baillie moved approval of the **Executive Minutes of February 8, 2010**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Ms. Baillie moved approval of the **Regular Meeting Minutes of February 8, 2010**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

**GREETINGS TO PUBLIC**

Mayor Holden made the following comments:

Mayor Holden announced that the Madison Boy Scouts Venture Crew 77 was awarded the NJBIZ 2010 Non-Profit Innovation Award recognizing members and volunteers who are demonstrating innovation in their daily operations.

There was a free concert held at the Madison Junior School by the New Jersey Intergenerational Orchestra this past Sunday, February 21<sup>st</sup>.

Available to residents wishing to volunteer for boards and committees, a Citizen Leadership form is available in the Borough Clerk's office and on the Borough website [gov.rosenet.org](http://gov.rosenet.org).

**Mayor Holden presented the following Proclamations:**

***Proclaiming March 2010 as American Red Cross Month*** - Mary Schaenen, Communications Manager for the Colonial Crossroads Chapter, and other Red Cross members were in attendance.

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**WHEREAS**, the American Red Cross fulfills a unique and vital role in our state, providing help and hope in the face of emergencies and disaster, and is a true reflection of the humanitarian and volunteer spirit of the American people; and

**WHEREAS**, for nearly 100 years, Presidents have called on the American people to support the Red Cross and its humanitarian mission. In World War I, President Woodrow Wilson ordered the Red Cross to raise funds to support emergency aid to the military, as mandated by the Red Cross Congressional Charter. At that time, the American Red Cross set a goal of \$125 million and in less than six weeks donations totaled nearly \$146 million – a tribute to the overwhelming generosity of the American public; and

**WHEREAS**, in 1943, during World War II, President Franklin D. Roosevelt became the first president to proclaim March as Red Cross Month and called on Americans to “rededicate themselves to the splendid aims and activities of the Red Cross.” President Roosevelt’s call to action nearly 70 years ago started a tradition of designating March as Red Cross Month, a time to recognize and support the valuable work of the American Red Cross by making a financial contribution, donating blood, taking a life-saving class or volunteering to help the Red Cross perform its mission; and

**WHEREAS**, every day, through its network of employees and more than 500 volunteers, the Colonial Crossroads Chapter is there to save the day when disaster strikes or when a neighbor’s house burns down. Last year, the Chapter responded to 17 disasters assisting 27 families and sheltering 36 individuals. The chapter collected more than 2100 units of blood and provided more than 4500 free rides to seniors to medical appointments. It is there when someone needs life-saving blood or the comfort of a helping hand. It connects military families with their loved ones in service and provides training in CPR, aquatics safety and first aid. It spreads humanitarian aid and goodwill to people around the world; and

**WHEREAS**, our state depends on the American Red Cross and because it is not a government agency, the Red Cross depends on support from the public to continue its humanitarian work. This is especially important in these challenging economic times for the Red Cross and all Americans;

**NOW, THEREFORE**, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim March 2010 as American Red Cross Month. I encourage all Americans to support this organization and its noble humanitarian mission.

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**Mary-Anna Holden, Mayor**

February 22, 2010

***Proclaiming March 2, 2010 as Read Across America Day*** - Central Avenue School Librarian Gayle Stein (wearing a Cat in the Hat outfit) and Torey J. Sabatini third-grade teacher Susan Beekman were in attendance.

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**WHEREAS**, the citizens of the Borough of Madison stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

**WHEREAS**, Madison has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is the key to the community's well-being and long-term quality of life; and

**WHEREAS**, *NEA's Read Across America*, a national celebration of reading, will be conducted on March 2, 2010, which would have been the 106<sup>th</sup> birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

**WHEREAS**, *Read Across America-NJ* is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students;

**NOW, THEREFORE**, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the governing body, call on the citizens of Madison to assure that every child is in a safe place reading together with a caring adult on March 2, 2010. Further, I enthusiastically endorse *NEA's Read Across America* and *Read Across America-NJ* and recommit our community to engage in programs and activities to make America's children the best readers in the world.

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**Mary-Anna Holden, Mayor**

February 22, 2010

***Proclaiming March 2010 as Madison Young Playwrights Month -***

Playwrights Theatre Director of Education James DeVivo and Artistic Director John Petrowski, as well as the young playwrights and their families, were in attendance.

**Whereas**, Playwrights Theatre, founded in 1986, has nurtured creative writing skills for all ages through the New Jersey Writers Project, a co-sponsored program of the New Jersey State Council on the Arts/Department of State; and

**Whereas**, Playwrights Theatre has produced performances and offered new plays to local and statewide audiences as a result of its dedication to prospective playwrights; and

**Whereas**, Playwrights Theatre, brings a unique program to the community through its local in-school playwriting initiative, the Madison Young Playwrights Program; and

**Whereas**, Playwrights Theatre will present a performance of student written work during the Madison Young Playwrights Festival, to be presented on Saturday afternoon, March 6<sup>th</sup>; and

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**Whereas**, Playwrights Theatre has continually received a positive response from students, teachers, and parents for its effectiveness in working with all students, many of whom have realized the benefits of self-discovery and expression through playwriting;

**NOW, THEREFORE**, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim March 2010 as **MADISON YOUNG PLAYWRIGHTS MONTH**. In so doing, I extend very best wishes to Playwrights Theatre and to all young writers within our community for continued growth and success. Further, I encourage the public's participation to attend performances and commend our young playwrights for their creativity and artistry.

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**Mary-Anna Holden, Mayor**

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**Added to the Agenda:**

**Proclaiming Whole Foods' "Fighting Cancer and Supporting Our Troops Week" - February 22-28, 2010**

**WHEREAS**, the Borough of Madison supports our nation's military personnel serving overseas; and

**WHEREAS**, the Borough of Madison values the health of all its citizens and recognizes the need for continued research fighting Leukemia, Cancer and AIDS; and

**WHEREAS**, Whole Foods Markets has created a "**Brownie Points**" drive whereby consumers may purchase a three-pack of homemade brownies for research and have another sent to military personnel overseas; and

**WHEREAS**, Whole Foods Markets will provide note cards for customers who may not want the brownies themselves, but wish to write to a member of our Armed Forces overseas and send with each note a package of freshly baked brownies; and

**WHEREAS**, Whole Foods Markets will donate the entire profit earned on every \$5.99 package of brownies to the Madison-based T.J. Martell Foundation for Leukemia, Cancer and AIDS Research;

**NOW, THEREFORE**, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim **FEBRUARY 22-28, 2010**, as **WHOLE FOODS' "FIGHTING CANCER AND SUPPORTING OUR TROOPS WEEK,"** and urge all citizens to buy some homemade brownies for themselves and/or buy some brownies for our troops along with a note of thanks; and at the same time help in raising funds for leukemia, cancer and AIDS research.

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**Mary-Anna Holden, Mayor**

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### **REPORTS OF COMMITTEES**

#### **Community Affairs**

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

Ms. Baillie noted that Madison is hoping to receive certification as a Green Town through Sustainable NJ and, with that in mind, the Madison Garden Club will host a program, "It's Cheaper than You Think, An Economic Case for Strong Climate Legislation", on Sunday, February 28, 2010. This topic will be of interest to all those interested in the environment and the cost to protect it. A snow date, if necessary, is planned for the following Sunday, March 7<sup>th</sup>.

#### **Finance and Borough Clerk**

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

Mr. Conley reminded residents of the upcoming Budget Work Session on February 25<sup>th</sup> at 6:30 p.m. in the Chase Room at the Madison Public Library. Mr. Conley thanked Mayor Holden, Mrs. Tsukamoto and Mr. Links for joining Tony Martell of the TJ Martell Foundation and for supporting the Brownie Sale this past Sunday at Whole Foods in Madison, which was filmed by News 12 New Jersey.

#### **Public Safety**

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

Mrs. Tsukamoto reported that the response plan between the Madison Fire Department and the Madison Ambulance Corps is working very well. During the last snowstorm, a fire vehicle with a plow responded first to open the road so a patient could be transported and then stayed to finish clearing the remaining snow. Mrs. Tsukamoto reported that a delivery truck leaked diesel fuel on Main Street and in the Stop & Shop parking lot; thanks to the quick response of the Madison Fire Department, Madison Police Department and Morris County HazMat crews, the potential environmental damage was limited. The Firehouse Restaurant suffered minor damage from a fire before noon today, but reported being open for business this evening, thanks to the mutual aid response of firefighters from the Madison, Florham Park and Cedar Knolls Fire Departments. The Project Community Pride breakfast has been rescheduled for Wednesday, April 14<sup>th</sup>, at the Fairmount Country Club.

#### **Utilities**

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

Dr. Esposito reported that the Electric Utility Department crews are working on inspections of voltage feeder units to keep them up-to-date and functioning. So far this year, there have been no major outages, which speak to the impeccable service of the Electric Utility Department.

#### **Public Works and Engineering**

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

Mr. Cerciello commended the Public Works Department for their hard work during the last snowfall and noted his meeting tomorrow with Borough Engineer Robert Vogel to discuss the 2010 budget. Mr. Cerciello asked Mr. Mezzacca to work on a new policy on change of commercial use in the downtown area.

#### **Health & Public Assistance**

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

Mr. Links reported that the Madison Health Department, along with the Madison internal IT Department, is developing a web-based time management reporting program. The Madison Health Department has mitigated the cost of providing health

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care by providing services to surrounding municipalities in Morris County, and that time expenditure of certified personnel is the most costly element. This software will be helpful with budgeting and contract preparation. The customized software will be ready for use by the end of this quarter.

### **COMMUNICATIONS AND PETITIONS**

The Borough Clerk announced receipt of the following communications:

Letter received February 16, 2010, from Christine Mullins of Central Avenue proposing a survey for recreational fields.

Letter received February 22, 2010, from Christine Piechnik of Lawrence Road regarding walkways on Woodland Road.

Letter from Kings Road School second graders to Mayor Holden.

### **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.**

**Kaitlin McCulloch, Woodside Road**, thanked the Mayor and Council for a chance to speak about the Teen Center. Ms. McCulloch noted that the Teen Center has had a great impact on her life and that her younger sister would like a chance to attend. She is willing to help advertise the Teen Center.

**Melanie Robbins, Drew University**, provided a letter to Mayor and Council regarding closing the Teen Center, noting that few services in Madison use the services of students at Drew University.

**Christopher Driscoll, Greenwood Avenue**, noted that he is an 8<sup>th</sup> grade student and has enjoyed the sports, computers and help with homework at the Teen Center. He feels it is a safe environment and a bully-free zone for teens. He is looking forward to the Center returning to the Walnut Street location.

**Michele Metcalf, Grove Street**, expressed concern that the Bayley-Ellard location is not as safe for teens as the Walnut Street location and that any investment in the children of Madison is worthwhile.

**Genie Bane, Myrtle Avenue**, noted that the Teen Center provides a great place for children to be together and that she has appreciated the availability of the Center.

**Brannon Metcalf, Grove Street**, indicated that he used to attend the Teen Center at the Walnut Street location and that is a good place to meet friends. Mr. Metcalf asked that the Mayor and Council please keep the Center open.

**Vivian Gil, Main Street**, is a past employee of the Teen Center and noted that it is a great asset to the community, especially with families that need help with translation. Ms. Gil indicated that now it is difficult for teens to get to Bayley-Ellard and that the Walnut Street location is much better.

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**Lisa Hall, Woodland Road**, feels the Teen Center is a great resource and is looking forward to continued use of the Center. Ms. Hall asked that the Mayor and Council look at other ways to save money rather than cutting programs for the children.

**Guillermo Gil, Main Street**, spoke on behalf of the Latino community, noting what it means to the children to have a place to gather. Mr. Gil asked that the Center remain open for all residents of Madison.

**Clely Aparicio, Main Street**, noted that her son is an assistant at the Teen Center and has enjoyed the extra help with homework. Ms. Aparicio indicated that the Teen Center is a safe place for young teens.

**Raymond Kalas, Walnut Street**, thanked the Mayor and Council for the opportunity to be heard at the public portion of the meeting and thanked those residents that came out in support of the Teen Center. Mr. Kalas indicated that there is not another organization in town that offers an unstructured environment for this age group. Mr. Kalas feels the Teen Center is a good place for children that are just learning to be independent and thanked all those who attended the Center at the Walnut Street location.

### **AGENDA DISCUSSIONS**

#### **02/22/2010-1 TEEN CENTER**

Mr. Conley recused himself from discussion of the Teen Center and left the meeting room.

Mr. Codey stated that he has recommended to the Mayor and Council that the program for the Teen Center be discontinued due to a lack of attendance and in a cost-saving effort for the Borough. Mr. Codey noted that the program could be expanded and restructured at substantial savings with other opportunities at a local church, the Community House or the Madison YMCA. Mr. Codey referred to a proposal from the YMCA that would be at no cost to those attending, with a more centralized location, a better facility and a dedicated space for a teen center. The facility would be larger and more modern, and offer additional hours with less cost to the Borough. Following discussion, there was agreement to list Resolution R 67-2010 on the Consent Agenda for consideration this evening. Resolution R 67-2010, which will be read into the record, is listed on the Consent Agenda.

Mr. Conley rejoined the meeting at 9:08 p.m., taking his place at the Council table.

#### **02/22/2010-2 AWARD CONTRACT TO PENNONI ASSOC., INC. OF CEDAR KNOLLS FOR ADDITIONAL PROFESSIONAL SERVICES ON NORTH STREET PUMP STATION RENOVATION**

Borough Engineer Robert Vogel was asked to join the meeting. Following discussion, there was agreement to award a professional services contract to Pennoni Associates, Inc., for renovations to the North Street Pump Station. Resolution R 69-2010 is listed on the Consent Agenda.

### **ADVERTISED HEARINGS**

The Clerk made the following statement:

Ordinance 1-2010 scheduled for hearing tonight was introduced by title and passed on first reading at a Regular Meeting of the Council held on Monday, January 11, 2010;

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Ordinances 6-2010 through 8-2010 were introduced by title and passed on first reading at a Regular Meeting of the Council held on Monday, February 22, 2010; all were published in the Madison Eagle and 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 1-2010**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING SECTION 190-33 OF THE BOROUGH CODE ENTITLED “FEES FOR DEPARTMENT SERVICES” TO INCREASE FEES FOR WATER DEPARTMENT SERVICES**

**WHEREAS**, the Borough Administrator has recommended that the fees for services by the Water Department be increased to reflect the increased costs associated with such charges; and

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

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Chapter 190 of the Borough Code entitled “Water” shall be amended as follows:

**SECTION 1:**

§ 190-33. Fees for Department services.

Fees for services rendered by the Department, as provided for herein, shall be as follows:

- A. Supervision of main and service line leakage and pressure tests as provided for in § 190-6 herein: \$280 per day, or \$35 per hour for each hour or fraction thereof during which the presence of the Inspector is required.
- B. Inspection of main and service line construction as provided for in § 190-8 herein: \$280 per day, or \$35 per hour for each hour or fraction thereof during which the presence of the Inspector is required.
- C. Tapping of main, construction of service line and installation of meter as provided for in § 190-11 herein:
  - (1) Three-fourths inch: \$1,500, including material and labor.
  - (2) One inch: \$2,000, including material and labor.
  - (3) One and one-half inches: \$2,800, including material and labor.

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- (4) Two inches or greater via outside contracted services.
- D. Services in new subdivisions as provided for in § 190-12 herein and for meter installations as provided for in § 190-13 herein:
  - (1) Three-fourths inch: \$75 per service.
  - (2) One inch: \$150 per service.
  - (3) One and one-half inches: \$200 per service.
  - (4) Two inches: \$250 per service. In the case of three-fourths-, one-, one-and-one-half- and two-inch service, labor, excavation and all materials, except the meter, shall be provided by the developer. In the case of larger services, labor, excavations and all material and the meter shall be provided by the developer as approved by the Water Utility.
  - (5) Four inches: \$450 per service.
  - (6) Six inches: \$1,000 per service.
  - (7) Eight inches: \$1,800 per service.
- E. Temporary services as provided for in § 190-14 herein: \$35. Labor, excavation and material shall be provided for by the applicant.
- F. Resetting, repairing or replacement of curb box as provided for in § 190-17 herein: \$450, including all labor and materials.
- G. Discontinuation and/or restoration of service as provided for in § 190-24 herein: \$50 each.
- H. Meter test of meter two inches or less as provided for in § 190-25 herein: \$20.
- I. Hydrant maintenance fee as provided for in § 190-28 herein: \$115 per year.
- J. Fire sprinkler service fee.
  - (1) Four-inch connection: \$57.50 per quarter.
  - (2) Six-inch connection: \$71.25 per quarter.
  - (3) Eight-inch connection: \$107.50 per quarter.

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

Mayor Holden opened up the public hearing on Ordinance 1-2010. Since no member of the public wished to be heard, the public hearing was closed.

Dr. Esposito moved that Ordinance 1-2010 be finally adopted. Mr. Links seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mr. Cerciello, Mr. Links  
Nays: None

Mayor Holden declared Ordinance 1-2010 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

**ORDINANCE 6-2010**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$30,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR 2010 SANITARY SEWER PUMP STATION REPAIRS**

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$30,000.00 from the General Capital Improvement Fund for 2010 Sanitary Sewer Pump Station Repairs at the Shunpike, West End and Treadwell pump station locations; 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 \$30,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$30,000.00 from the General Capital Improvement Fund for 2010 Sanitary Sewer Pump Station Repairs at the Shunpike, West End and Treadwell pump station locations; 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 \$30,000.00 is hereby appropriated from the General Capital Improvement Fund for 2010 Sanitary Sewer Pump Station Repairs at the Shunpike, West End and Treadwell pump station locations.

**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 6-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Cerciello moved that Ordinance 6-2010 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. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mr. Cerciello, Mr. Links  
Nays: None

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Mayor Holden declared Ordinance 6-2010 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

**ORDINANCE 7-2010**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$60,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR 2010 WATER WELL PUMP STATION CONTROL REPAIRS**

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$60,000.00 from the Water Capital Improvement Fund for 2010 Water Well Pump Station Repairs at the Well A, B and Utility Building locations; and

**WHEREAS**, the Director of Finance has attested to the availability of the funds in the Water Capital Improvement Fund in an amount not to exceed \$60,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$60,000.00 from the Water Capital Improvement Fund for 2010 Water Well Pump Station Repairs at the Well A, B and Utility Building locations; 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 \$60,000.00 is hereby appropriated from the Water Capital Improvement Fund for 2010 Water Well Pump Station Repairs at the Well A, B and Utility Building locations.

**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 7-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Cerciello moved that Ordinance 7-2010 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. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

Mayor Holden declared Ordinance 7-2010 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

**ORDINANCE 8-2010**

**ORDINANCE OF THE BOROUGH OF MADISON REPEALING ORDINANCE 4-73 SET FORTH IN CHAPTER 122 OF THE BOROUGH CODE ENTITLED “LOITERING”**

**WHEREAS**, the Borough Attorney has recommended that Ordinance 4-73 set forth in Chapter 122 of the Borough Code, entitled “Loitering”, be repealed; and

**WHEREAS**, the Borough Council has determined that there is a need to repeal Ordinance 4-73 set forth in Chapter 122 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:** All provisions of Chapter 122 of the Borough Code are hereby deleted. Ordinance 4-73 is hereby repealed.

**SECTION 2:** Chapter 122 of the Borough Code shall state that it is “reserved”.

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

Mayor Holden opened up the public hearing on Ordinance 8-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 8-2010 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. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mr. Cerciello, Mr. Links  
Nays: None

Mayor Holden declared Ordinance 8-2010 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

***INTRODUCTION OF ORDINANCES - NONE***

***CONSENT AGENDA RESOLUTIONS***

The Clerk made the following statement:

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

R 67-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING TERMINATION OF PART-TIME TEEN CENTER EMPLOYEES EFFECTIVE APRIL 1, 2010

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**WHEREAS**, Raymond Kalas and Christopher Bias are part-time employees of the Borough of Madison working in the Teen Center; and

**WHEREAS**, the Borough Administrator has recommended that the Borough Council authorize closing the teen center and providing such services by alternate means; and

**WHEREAS**, a Notice of Personnel Discussion to be held in Executive Session (also known as Rice Notice) was sent to Mr. Kalas by certified mail/return receipt requested and regular mail on January 20, 2010, and the Borough Administrator received a written request from Mr. Kalas to have his proposed termination considered in public; and

**WHEREAS**, a Notice of Personnel Discussion to be held in Executive Session (also known as Rice Notice) was sent to Mr. Bias by certified mail/return receipt requested and regular mail on January 20, 2010, and the Borough Administrator received a written request from Mr. Bias to have his proposed termination considered in public; and

**WHEREAS**, the Borough Administrator has recommended that Raymond Kalas and Christopher Bias be terminated from employment effective April 1, 2010; and

**WHEREAS**, the matter was considered at an open public meeting of the Mayor and Council on February 22, 2010.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that for the reasons set forth herein the employment of Raymond Kalas and Christopher Bias is hereby terminated effective April 1, 2010. The Borough Administrator shall send the appropriate notice of termination to Raymond Kalas and Christopher Bias.

Mrs. Tsukamoto moved adoption of Resolution R 67-2010. Ms. Baillie seconded the motion. Following discussion of a proposed teen center at the Madison YMCA, the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Tsukamoto, Dr. Esposito, Mr. Cerciello, Mr. Links  
Nays: None  
Abstain: Mr. Conley

Mrs. Tsukamoto moved adoption of Resolutions R 68-2010 and R 69-2010 listed on the Consent Agenda. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mr. Cerciello, Mr. Links  
Nays: None

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R 68-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING  
SUBMISSION OF RECYCLING TONNAGE GRANT APPLICATION

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

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

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

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

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

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

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

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R 69-2010 RESOLUTION OF THE BOROUGH OF MADISON AWARDING PROFESSIONAL SERVICES CONTRACT TO PENNONI ASSOCIATES, INC. OF CEDAR KNOLLS, NJ FOR NORTH STREET PUMP STATION RENOVATION IN THE AMOUNT OF \$5,500.00

**WHEREAS**, the Borough Engineer has recommended that the Borough obtain professional engineering services from Pennoni Associates, Inc., for additional engineering and design services for the North Street Pump Station Renovation; and

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

**WHEREAS**, the Borough Engineer has determined and certified in writing that the value of this acquisition will not exceed \$17,500.00; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Council award the Contract to Pennoni Associates, Inc., in an amount not to exceed \$5,500.00; and

**WHEREAS**, Pennoni Associates, Inc., must submit to the Borough Purchasing Agent the required documents to satisfy the requirements of N.J.S.A. 19:44A-20.5, since this matter may be awarded without competitive bidding; and

**WHEREAS**, Pennoni Associates, Inc., must complete and submit a Business Entity Disclosure Certification which certifies that Pennoni Associates, Inc., has not made any reportable contributions to a political or candidate committee in the Borough of Madison in the previous one year, and that the contract will prohibit Pennoni Associates, Inc., from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$5,500.00 for this purpose from the Water Field Operating Budget for the Year 2010, Account # 215.

**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. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from Pennoni Associates, Inc., the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract with Pennoni Associates, Inc., for additional engineering and design services for the North Street Pump Station Renovation in an amount not to exceed \$5,500.00, such contract to be in a form approved by the Borough Attorney.

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2. When received, the Business Entity Disclosure Certification, Political Contribution Disclosure Form and the Determination of Value shall be placed on file with this resolution.

3. The Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough of Madison within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.

**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.**

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

**UNFINISHED BUSINESS**

Mr. Cerciello asked Borough Engineer Robert Vogel to provide details on an informal public hearing held earlier this evening regarding the Woodland Road reconstruction project and Samson Avenue Safe Routes sidewalk project. Mr. Vogel noted approximately 40 residents attended the hearing. Mr. Vogel indicated there was a fair amount of input for the project, with a good balance of both for and against proposed designs. There was an endorsement of the Samson Avenue Safe Routes to School project and traffic calming efforts, but walkways were split. Mr. Vogel indicated that there is enough input to finalize the proposal and begin having bid documents prepared. Mr. Codey noted that March 4<sup>th</sup> is the Capital Budget Work Session and that this project should be considered in context with other capital projects.

**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	\$36,983.87
Health & Public Assistance	7,111.48
Public Works & Engineering	343,422.50
Community Affairs	1,664.61
Finance & Borough Clerk	51,141.19
Utilities	<u>1,427,936.44</u>
Total	<u>\$1,868,260.09</u>

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

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mr. Cerciello, Mr. Links  
Nays: None

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**NEW BUSINESS** - None

**ADJOURN**

There being no further business to come before the Council, the meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved March 8, 2010 (EO)