

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

**July 12, 2010 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 12th day of July 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

Absent: Donald R. Links, excused

Also Present:

Raymond M. Codey, Borough Administrator

Elizabeth Osborne, Borough Clerk

Joseph Mezzacca, Jr., Borough Attorney

**AGENDA REVIEW**

There was approval of the Regular and Executive Agenda.

**READING OF CLOSED SESSION RESOLUTION**

Mrs. Tsukamoto moved:

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

MINUTES FOR APPROVAL (1)

Executive Minutes of Special Meeting May 31, 2010

Executive Minutes of June 14, 2010

Executive Minutes of June 28, 2010

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

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CONTRACT MATTERS (4)  
WATER AND SEWER CONNECTION FEES  
GREEN ACRES FUNDING  
INTERLOCAL AGREEMENT

HDM CHANGE ORDER

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

PERSONNEL MATTERS (2)  
ECONOMIC DEVELOPMENT DIRECTOR JOB TITLE  
POLICE DISPATCHER

Date of public disclosure 90 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 3<sup>rd</sup> Floor Meeting Room of Bayley-Ellard with all members present, except Mr. Links who was absent. The Pledge of Allegiance was recited by all.

**APPROVAL OF MINUTES**

Ms. Baillie moved approval of the **Executive Minutes of May 31, 2010**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Regular Meeting Minutes of May 31, 2010**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Executive Minutes of June 14, 2010**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Regular Meeting Minutes of June 14, 2010**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Executive Minutes of June 28, 2010**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Regular Meeting Minutes of June 28, 2010**, with the following amendments:

Page 3, 4th paragraph:

...The Madison ~~Police~~ **Fire** Department supported the “Relay for Life” race held last Friday at the Madison High School, donating 100% proceeds...

Page 9, 2<sup>nd</sup> paragraph:

~~Ms. Baillie~~ **Mrs. Tsukamoto** moved that Ordinance 37-2010, which the Borough Clerk read by title, be adopted. ~~Mrs. Tsukamoto~~ **Ms. Baillie** seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

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

**GREETINGS TO PUBLIC**

Mayor Holden made the following comments:

**Employee of the Month for July** is Linda Sawyer of the Finance Department for the excellent work she has done preparing the grant monitoring reports and drawing down grant funds for the Hartley Dodge Memorial project.

Mayor Holden announced the passing of longtime Madison High School English teacher and Librarian Alice Perlaw, and asked for a moment of silence.

**REPORTS OF COMMITTEES**

**Community Affairs**

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

Ms. Baillie noted a resolution on the Consent Agenda authorizing submission of a grant application to the State of New Jersey Green Acres program to help draw down debt for the 49 Acres property. Ms Baillie reminded residents that the annual Farmers’ Market is currently being held on Thursdays from 2 p.m. to 7 p.m. on Waverly Place.

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### **Finance and Borough Clerk**

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

### **Public Safety**

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

Mrs. Tsukamoto stated that the Madison Police Department wants to alert everyone that residential and commercial burglaries are on the rise. They remind residents to secure their homes and vehicles at all times and report any suspicious activity to the Police Department immediately. Mrs. Tsukamoto thanked Mr. Codey, OEM Coordinator Robert Landrigan, the Madison Police Department, the Senior Center and the Madison Health Department, as well as the Madison Public Library, for all their efforts to open and operate cooling centers during the extreme heat last week. Mrs. Tsukamoto thanked the Madison Auxiliary Police for their assistance downtown with foot patrol and traffic related functions. They have volunteered 166 hours in the past two months. Mrs. Tsukamoto reported that the Madison Police Department has secured funding through a grant from the Division of Criminal Justice for bulletproof vests.

### **Utilities**

Dr. Esposito, Chair of the Committee, no report.

### **Public Works and Engineering**

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

Mr. Cerciello provided an update on a proposed Pavilion on Rosedale Avenue. Mr. Cerciello announced that the Parks Advisory Committee will hold an event on July 21<sup>st</sup> to offer concept plans and to get additional input. The third week in September, Mr. Cerciello would like to invite the public to come to a picnic at which a presentation will be given of the proposed Pavilion, including the sale of pavers to finance the building costs. Mr. Mezzacca reminded Mr. Cerciello that all organizations need approval for events held on Borough property. Mr. Cerciello inquired as to the use of the Gum Buster in the downtown area and the need for garbage cans in the downtown area to be cleaned. Mr. Cerciello inquired about the status of Borough property at 22 Orchard Street. Mr. Codey explained that the Borough has received a grant from the Department of Environmental Protection for \$86,000.00 that will fully fund a fence for the property, and an environmental investigation will begin soon to discover conditions on the property. Mr. Cerciello was asked to submit an agenda recommendation in order to amend the Borough ordinance regarding a surcharge for larger water connections.

### **Health & Public Assistance**

Mr. Links, Chair of the Committee, absent.

Mayor Holden announced that the Madison Municipal Alliance has received an annual allocation of \$11,774.00 from the New Jersey State Governor's Council on Alcoholism and Drug Abuse.

### ***COMMUNICATIONS AND PETITIONS***

The Borough Clerk announced receipt of the following communications:

Letter dated July 6, 2010, from Carmela Vitale of Myrtle Avenue regarding a time capsule at the Firehouse Apartments.

Letter dated June 27, 2010, from Mihai Serbanica of Douglas Avenue regarding a business in a residential neighborhood.

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**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**

**07/12/2010-1** This item was removed from the agenda

**07/12/2010-2** AMEND PLANNING AND ZONING BOARD APPLICATION FEES

There was consensus to approve Borough Engineer Robert Vogel's recommendation to increase fees to more accurately reflect the costs involved. Ordinance 39-2010 is listed for introduction later in the meeting.

**07/12/2010-3** AWARD CONTRACT TO CIFELLI & SONS CONSTRUCTION OF NUTLEY NJ FOR BROOKLAKE ROAD RECONSTRUCTION

There was agreement with Mr. Vogel's recommendation to award to Cifelli & Sons for the reconstruction of Brooklake Road. Resolution R 187-2010 is listed on the Consent Agenda.

**07/12/2010-4** AWARD CONTRACT TO MATINA & SON, INC OF HACKENSACK NJ FOR 2010 WATER MAIN REPLACEMENT

Mr. Vogel explained that this project includes Vinton Road and Belmont Avenue. There was no objection to listing Resolution R 188-2010 on the Consent Agenda for Council approval.

**ADVERTISED HEARINGS**

The Clerk made the following statement:

Ordinance 20-2010 was introduced by title and passed on first reading at a Regular Meeting of the Council on April 12, 2010, Ordinance 35-2010 was introduced by title and passed on first reading at a Regular Meeting of the Council on June 14, 2010; all other Ordinances scheduled for hearing were introduced by title and passed on first reading at a Regular Meeting of the Council held on June 28, 2010; all were posted and filed according to law, and copies were made available to the general public requesting same.

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

**ORDINANCE 20-2010  
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER  
195 OF THE BOROUGH CODE, LAND DEVELOPMENT ORDINANCE,  
REGARDING OUTDOOR DINING AT BUSINESS ESTABLISHMENTS**

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**WHEREAS**, the Borough Planner has recommended amending Chapter 195 of the Borough Code, the Madison Land Development Ordinance, in regard to outdoor dining at business establishments; and

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

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

**SECTION 1:** Section 195-32.4, entitled CBD-1, CBD-2 Central Business District Zones Regulations shall have the following added to it:

D. Conditional Uses:

...

(4) Outdoor Dining.

**SECTION 2:** Section 195-32.5, entitled CC Community Commercial Zone Regulations shall have the following added to it:

D. Conditional Uses

...

(7) Outdoor Dining

**SECTION 3:** Section 195-33.B entitled “Outdoor Dining”, shall have the following added to it:

...

(11) Outdoor Dining:

- (b) Outdoor dining refers only to the service of food and beverages, consistent with the definition of restaurant, but extended to include privately owned outdoor property on which a restaurant operates as the principal permitted use; outdoor dining on any public sidewalk or right-of-way shall continue to be governed by Borough Ordinance Section 166-43 and associated permit requirements.
- (c) Outdoor dining does not include an outdoor bar or any other similar outdoor accessory use that serves only beverages, nor does it include any drive through or take out windows;
- (d) Public access shall be provided from within the principal restaurant use with a secondary means of emergency egress in accordance with applicable NJ building codes;
- (e) Outdoor dining areas shall be designed in accordance with barrier free requirements;
- (f) The calculation of off-street parking requirements shall include outdoor seating occupancy;

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- (g) The approval of any application for outdoor dining shall not be construed as approval by the Borough Council for extension and/or renewal of any license under ABC jurisdiction; such extensions and/or renewals shall only be granted by the Borough Council.
- (h) All outdoor dining areas shall be clearly delineated by a solid decorative fence, wall or other structure at least than 4.5 feet in height but no more than six feet in height;
- (i) Hours of operation of outdoor dining areas shall not extend later than 10:00 pm;
- (j) All outdoor lighting for shall be downward facing and shall be turned off by 10:30pm;
- (k) No amplified music shall be permitted in outdoor dining areas.
- (l) No outdoor dining area that serves alcoholic beverages shall be located within 200 feet of a school or public park.
- (m) No outdoor dining area shall obstruct pedestrian access serving one or more stores or businesses in addition to the property on which outdoor dining is proposed.

**SECTION 4:** This Ordinance shall take effect as provided by law.

Mayor Holden opened up the public hearing on Ordinance 20-2010. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 20-2010, which the Clerk read by title, be finally adopted. Mr. Conley seconded the motion. Ms. Baillie explained that this ordinance regulates a limited number of restaurant establishments in Madison that have their own outdoor property. The motion passed with the following roll call vote recorded:

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

Mayor Holden declared Ordinance 20-2010 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 35-2010  
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER  
195 OF THE MADISON BOROUGH CODE ENTITLED “LAND  
DEVELOPMENT ORDINANCE”**

**STATEMENT OF PURPOSE:** The purpose of this ordinance is to modify the OR district in accordance with the recommendations of the 2009 Land Use Element Amendment of the Borough of Madison’s Comprehensive Plan.

**WHEREAS,** the Madison Borough Planning Board has reviewed the Zoning Ordinance of the Borough of Madison and recommends that the Borough Council consider amending the Zoning Ordinance to modify the OR district in accordance with the recommendations of the 2009 Land Use Element Amendment of the Borough of Madison’s Comprehensive Plan; and

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**WHEREAS**, the Planning Board recommends the adoption of the amendments to the Zoning Ordinance to the Borough Council and finds that they are not inconsistent with the 2002 Master Plan and amendments thereto.

**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:** Section 195-7 entitled “Definitions” of Chapter 195 of the Madison Borough Code entitled “Land Development Ordinance”, shall be amended to add the following definition:

RESEARCH AND DEVELOPMENT -- Research & development includes uses involved in the conduct of basic and applied research, as well as the application of such knowledge to the production process, which do not pose a public nuisance by virtue of noise, vibration, odor, air emissions or discharge of hazardous substances. R&D uses include a mix of research facilities, laboratories, corporate offices, and support services in a coordinated and high-quality, aesthetic environment. Research & development uses can range from incubator facilities for start-ups and growing technology/research companies to established research corporations, but shall not include testing on animals; testing of blood and tissue samples shall be permitted.

**SECTION 2:** Chapter 195 of the Madison Borough Code entitled “Land Development Ordinance”, Section 195-32.7 entitled “OR Office-Research regulations.” shall be amended as follows:

**§195-32.7. OR Office-Research Zone regulations**

A. Purpose. The purpose of this zone is to permit a wide range of office and research and development uses in accordance with current best practices of green building and sustainable site design to minimize impacts on adjacent residential areas to the maximum extent possible. This purpose encompasses the rehabilitation and reuse of existing site improvements and infrastructure, as well as any future new construction within the zone.

B. . . .

(3) Research and development uses.

. . . .

E. Supplemental Requirements:

(1) All pervious areas in the required front yard and/or between the front building façade and the street right-of-way shall be fully planted and maintained in a combination of lawn area or ground cover with a mix of native deciduous and evergreen shrubbery and trees. Landscaping around any parking areas shall contain a mix of deciduous and evergreen plantings sufficient to screen the view of vehicles in all seasons from adjacent residential uses. The landscape plan shall be prepared by a licensed landscape architect and reviewed by the Madison Shade Tree Management Board.

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- (2) No chainlink or vinyl fencing shall be permitted along any public street frontage nor adjacent to any residential use.
- (3) The selection of building design elements, such as materials, fenestration, color and texture, should balance the needs of the proposed uses of the site with elements to achieve harmony with the neighborhood and Borough.
- (4) Site lighting should be harmonious with the building style and design and shall use only downward facing fixtures to minimize spillage and glare. Lighting intensities shall be the minimum required to adequately light the site and shall consider the proximity and nature of adjoining uses. See also Chapter 195-25.6 for additional standards.
- (5) All building facades shall be treated as front facades in terms of architectural detailing and treatments.
- (6) Buildings are required to incorporate vertical and horizontal articulation through variations in build-to-lines, incorporation of entry treatments and pergolas, careful selection of materials, the use of projections and fenestration, and/or similar architectural treatments to improve the visual appearance of the buildings.
- (7) Applicants for development in the OR Zone shall submit photo simulations showing the massing, scale, materials and finishes proposed for the project from various viewpoints in context with surrounding properties. These simulations shall be submitted at the time of the initial application for site plan approval.
- (8) All proposals for development in this zone shall be required to prepare a Traffic Impact Statement in accordance with Chapter 195-20.G that shall consider increases in cut through traffic through neighboring local streets.
- (9) For the purpose of calculating impervious coverage and to encourage the use of sustainable site design components that increase groundwater recharge, all pervious pavement and engineered green roof systems shall receive a credit towards the calculation of impervious coverage. These areas, provided they are designed and maintained in accordance with best engineering practices, shall receive deductions for purposes of calculating impervious coverage in the OR Zone, as follows:

[a] Green Roof: engineered green roofs may be considered for a reduction in impervious coverage provided they cover a minimum of 500 square feet of contiguous roof area. Deductions shall be as follows:

- [1] a reduction of 20% in impervious coverage for systems with unit weights 10-25 pounds/square foot saturated and vegetated;
- [2] a reduction of 35% in impervious coverage for systems with unit weights 25-40 pounds/square foot saturated and vegetated;
- [3] a reduction of 50% in impervious coverage for systems with unit weights 40+ pounds/square foot saturated and vegetated;
- [4] Additional coverage reduction for system designed to retain entire 100 year design storm may be granted based on review and determination by the Board Engineer.

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[b] Pervious Paving Systems: pervious paving systems may be considered for a reduction in impervious coverage, provided they cover a minimum of 5% of all parking stalls or 2.5% of total paved area of the site and provided they demonstrate compliance with design criteria of Chapter 9.7 of the New Jersey Department of Environmental Protection Best Management Practices Manual, latest version, in order to qualify for coverage credits. Deductions shall be as follows:

[1] 20% reduction in impervious coverage for impervious concrete pavers without storage bed;

[2] 40% reduction in impervious coverage for impervious concrete pavers with stone storage bed;

[3] 50% reduction in impervious coverage for porous paving systems;

[4] Additional coverage reduction may be granted for storage bed designed to retain the entire 100 year design storm based on review and determination by the Board Engineer.

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

(11) Accessory uses, including shared conference rooms for use by multiple tenants, cafeterias, fitness facilities, and similar amenities designed for the sole use of building occupants shall not exceed 15% of a building's gross floor area.

(12) Laboratory floor area shall not exceed 25% of a building's gross floor area.

SECTION 3: Chapter 195 of the Madison Borough Code entitled "Land Development Ordinance", Attachment I, Schedule I, Height, Yard and Bulk Requirements shall be revised as follows:

- Office & Research Zone Maximum Stories: 3 stories
- Office & Research Zone Height (feet): 55 feet and elevation 282' (based on NAVD88)
- Office & Research Zone Maximum Impervious Cover: 57%(r)
  - **Add note r.** See Section 195-32.7.E.(9) for additional information on the calculation of impervious coverage.

SECTION 4: All other provisions of the Ordinance not inconsistent herewith shall remain the same.

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SECTION 5: This Ordinance shall take effect as provided by law.

Mayor Holden opened up the public hearing on Ordinance 35-2010. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 35-2010, which the Clerk read by title, be finally adopted. Mr. Conley seconded the motion. Ms. Baillie noted that the proposed ordinance refers to a location along Park Avenue at Chateau Thierry Avenue, clarifying zoning restriction, including green technology, all in compliance with the 2009 Master Plan. The motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Links

Mayor Holden declared Ordinance 35-2010 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 36-2010  
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER  
147 OF THE BOROUGH CODE ENTITLED “FEES”**

WHEREAS, the Borough Clerk has recommended that the fees for copies of public records be amended; and

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Section 147-1 of the Borough Code entitled “Fees for copies of particular records and documents” shall be amended as follows:

SECTION 1:

§ 147-1 Fees for copies of particular records and documents.

....

C. Police records.

(1) Copies of motor vehicle accident reports obtained during regular business hours in person: no fee for pages 1-10; \$0.05 per page for page 11 and over, unless otherwise specified by law.

....

(3) All other records in printed form which are available pursuant to law: no fee for pages 1-10; \$0.05 per page for page 11 and over, unless otherwise specified by law.

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.....

D. General records.

(1) All records in printed form which are available pursuant to law: no fee for pages 1-10; \$0.05 per page for page 11 and over, unless otherwise specified by law.

.....

(3) Press proofs of ordinances (if available): no fee for pages 1-10; \$0.05 per page for page 11 and over.

.....

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

Mayor Holden opened up the public hearing on Ordinance 36-2010. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 36-2010, which the Clerk read by title, be finally adopted. Mr. Conley seconded the motion. Mr. Mezzacca noted that this ordinance is being enacted pursuant to a recent court case. However, there is a new bill sitting on the Governor's desk which, if signed, would cause this ordinance to need amending. The motion passed with the following roll call vote recorded:

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

Mayor Holden declared Ordinance 36-2010 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 37-2010  
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING  
\$465,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR  
WOODLAND ROAD RECONSTRUCTION**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$465,000.00 from the General Capital Improvement Fund for Woodland Road reconstruction; 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 \$465,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$465,000.00 from the General Capital Improvement Fund for Woodland Road reconstruction; and

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**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 \$465,000.00 is hereby appropriated from the General Capital Improvement Fund for Woodland Road reconstruction.

**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 37-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Cerciello moved that Ordinance 37-2010, which the Clerk read by title, be finally adopted. Mrs. Tsukamoto seconded the motion. Mr. Cerciello stated that he would vote in the negative because he would like to have input on all construction matters and perhaps some work could be done in-house. Mr. Cerciello was asked to meet with the Borough Engineer. Mr. Conley noted that Woodland Road is the only east-west residential connection in the Borough, and he would like to see more funds spent on pedestrian safety. The motion passed with the following roll call vote recorded:

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

Nays: Mr. Cerciello

Absent: Mr. Links

Mayor Holden declared Ordinance 37-2010 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 38-2010**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$500,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE REHABILITATION OF NORTH STREET PUMP STATION**

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$500,000.00 from the General Capital Improvement Fund for rehabilitation of the North Street Pump Station; 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 \$500,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$500,000.00 from the General Capital Improvement Fund for rehabilitation of the North Street Pump Station.

**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:

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SECTION 1: The amount of \$500,000.00 is hereby appropriated from the General Capital Improvement Fund for rehabilitation of the North Street Pump Station.

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 38-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Cerciello moved that Ordinance 38-2010, which the Clerk read by title, be finally adopted. Mrs. Tsukamoto seconded the motion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Links

Mayor Holden declared Ordinance 38-2010 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**

The Clerk made the following statement:

The ordinance scheduled for first reading has a hearing date set for August 9, 2010; the ordinance will be published in the Madison Eagle, posted on the Bulletin Board and made available to members of the public requesting copies.

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

**ORDINANCE 39-2010**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING SECTION 195 OF THE BOROUGH CODE ENTITLED “LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF MADISON” TO REVISE CERTAIN FEES CHARGED**

WHEREAS, the Borough Engineer has recommended revising fees set forth Section 195 of the Borough Code, entitled “Land Development Ordinance of the Borough of Madison”; and

WHEREAS, the sections of the Code that the Borough Council has determined to revise and the new fees are as follows:

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<b>Code Section</b>	<b>Type of Fee</b>	<b>Fee</b>
195-12A	Permit to erect a sign	\$100
195-12A	Individual Lot Grading Plan Review – New Home or Ground Floor Addition	\$150
195-12A	Minor Lot Impacts Review Drives/Decks/Fences/Sheds/ Pools/Retain Wall/Fills	\$50

**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 following sections of the Borough Code are hereby amended to reflect the fees set forth herein:

<b>Code Section</b>	<b>Type of Fee</b>	<b>Fee</b>
195-12A	Permit to erect a sign	\$100
195-12A	Individual Lot Grading Plan Review – New Home or Ground Floor Addition	\$150
195-12A	Minor Lot Impacts Review Drives/Decks/Fences/Sheds/ Pools/Retain Wall/Fills	\$50

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

Ms. Baillie moved that Ordinance 39-2010, which the Borough Clerk read by title, be adopted. Mr. Conley 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  
Nays: None  
Absent: Mr. Links

**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.

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Mrs. Tsukamoto moved adoption of Resolutions R 183-2010 through R 190-2010 and R 192-2010 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

Nays: None

Absent: Mr. Links

R 183-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING INTERLOCAL SERVICES AGREEMENT WITH THE BOROUGH OF CHATHAM TO PROVIDE PART-TIME CONSTRUCTION CODE, PLUMBING SUB-CODE AND ELECTRICAL SUB-CODE SERVICES ON A FEE BASIS

**WHEREAS**, the Borough Administrator has recommended that an Interlocal Services Agreement be entered into with the Borough of Chatham to provide part-time construction code, plumbing sub-code and electrical sub-code services on a fee basis; and

**WHEREAS**, the Borough of Madison would be the provider of said services and the Borough of Chatham would be the recipient of said services, and the Borough of Chatham shall pay to the Borough of Madison a \$60,000.00 annual fee, to be pro-rated for 2010, for the services described herein; and

**WHEREAS**, the proposed Interlocal Services Agreement would be for a period up to four (4) consecutive years, commencing on August 1, 2010 and terminating on December 31, 2013, with a provision that either party may terminate its participation in the Agreement by giving the other party 120 days written notice in advance; and

**WHEREAS**, said Agreement shall provide that each municipality shall be solely responsible for its own enforcement actions for violations within said municipality.

**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 is authorized to execute and the Borough Clerk is authorized to attest to an Interlocal Services Agreement with the Borough of Chatham as described herein in a form approved by the Borough Attorney.

R 184-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROPRIATING \$6,750.00 FROM THE FIRE DEPARTMENT TRUST ACCOUNT FOR REPLACEMENT SCBA TANKS

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**WHEREAS**, the Acting Fire Chief has recommended that the Borough appropriate \$6,750.00 from the Fire Department Trust Account to purchase replacement SCBA tanks; and

**WHEREAS**, the Director of Finance has attested to the availability of the funds in the Fire Department Trust Account in an amount not to exceed \$6,750.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$6,750.00 from the Fire Department Trust Account to purchase replacement SCBA tanks.

**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 amount of \$6,750.00 is hereby appropriated from the Fire Department Trust Account to purchase replacement SCBA tanks.
2. The budget of the Borough is hereby amended to conform with the provisions of this Resolution.

**R 185-2010 RESOLUTION OF THE BOROUGH OF MADISON  
APPROPRIATING \$6,600.00 FROM THE FIRE DEPARTMENT TRUST ACCOUNT  
FOR HURST STREAMLINE ADAPTERS**

**WHEREAS**, the Acting Fire Chief has recommended that the Borough appropriate \$6,600.00 from the Fire Department Trust Account to purchase Hurst Streamline adapters; and

**WHEREAS**, the Director of Finance has attested to the availability of the funds in the Fire Department Trust Account in an amount not to exceed \$6,600.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$6,600.00 from the Fire Department Trust Account to purchase Hurst Streamline adapters.

**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 amount of \$6,600.00 is hereby appropriated from the Fire Department Trust Account to purchase Hurst Streamline adapters.
2. The budget of the Borough is hereby amended to conform with the provisions of this Resolution.

**R 186-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING  
SUBMISSION OF GRANT APPLICATION TO STATE OF NEW JERSEY GREEN  
ACRES PROGRAM**

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**WHEREAS**, the Borough Administrator has recommended that the Borough submit a supplemental grant application to the New Jersey Green Acres Program for a portion of the purchase price of the property known as the Madison Recreation Center.

**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 Council formally approves the grant application for the above stated purpose, and the Mayor and Borough Clerk are authorized to sign and submit such application.

R 187-2010 RESOLUTION OF THE MADISON BOROUGH COUNCIL  
AWARDING CONTRACT TO CIFELLI & SONS CONSTRUCTION IN THE  
AMOUNT OF \$230,675.00 FOR BROOKLAKE ROAD RECONSTRUCTION

**WHEREAS**, the Borough of Madison publicly advertised for bids for Brooklake Road Reconstruction (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 Cifelli & Sons Construction in the amount of \$230,675.00; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Council award the contract to Cifelli & Sons Construction in the amount of \$230,675.00; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$230,675.00 for this purpose which funds were appropriated by Ordinance 18-2010.

**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 Brooklake Road Reconstruction is hereby awarded to Cifelli & Sons Construction based upon its bid in the amount of \$230,675.00.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Cifelli & Sons Construction in a form acceptable to the Borough Attorney.

R 188-2010 RESOLUTION OF THE MADISON BOROUGH COUNCIL  
AWARDING CONTRACT TO MATINA & SON CONSTRUCTION INC. IN THE  
AMOUNT OF \$250,000.00 FOR 2010 WATER MAIN REPLACEMENT PROJECT

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**WHEREAS**, the Borough of Madison publicly advertised for bids for the 2010 Water Main Replacement Project (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 Matina & Son Construction Inc., in the amount of \$250,000.00; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Council award the contract to Matina & Son Construction Inc., in the amount of \$250,000.00; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$250,000.00 for this purpose which funds were appropriated by Ordinance 28-2010.

**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 2010 Water Main Replacement Project is hereby awarded to Matina & Son Construction Inc., based upon its bid in the amount of \$250,000.00.

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

R 189-2010 RESOLUTION OF THE BOROUGH OF MADISON WAIVING OF WATER AND SEWER CONNECTION FEES FOR THE FIREHOUSE APARTMENTS

**WHEREAS**, the Madison Affordable Housing Corporation has constructed affordable apartment units at 24 Central Avenue known as Block 1601 Lot 4; and

**WHEREAS**, said property was purchased from the Borough of Madison and a Cooperation Agreement was entered into with the Borough of Madison in regard to development of low income housing on said property; and

**WHEREAS**, at the time of entry into said Cooperation Agreement the Borough of Madison did not charge a Water and Sewer Connection Fee, however, said Water and Sewer Connection Fee Ordinances were adopted by Ordinance 30-2009 and Ordinance 31-2009 both dated July 27, 2009; and

**WHEREAS**, Madison Affordable Housing Corporation has requested that the Borough of Madison waive the Water Connection Fee and Sewer Connection Fee, since the adoption of those ordinances occurred after the financing agreement was

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entered into by Madison Affordable Housing Corporation and the cost of the Connection Fees would now create an unforeseen financial hardship; and

**WHEREAS**, the Firehouse Apartments are developments that are one-hundred-percent-affordable housing which is an inherently beneficial use to the Borough of Madison,

**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 Water and Sewer Connection Fees are hereby waived for this project based on the foregoing considerations.

R 190-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY T J MARTELL FOUNDATION FOR LEUKEMIA, CANCER & AIDS RESEARCH INC. TO BE HELD AT POOR HERBIE'S RESTAURANT

**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 raffles drawing is to be held at Poor Herbie's Restaurant, be and the same is hereby approved:

**T J MARTELL FOUNDATION FOR LEUKEMIA,  
CANCER & AIDS RESEARCH INC.  
I.D. No. 732-5-38238  
R.A. No. 1159 – Off Premise  
November 17, 2010**

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

R 192-2010 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

**WHEREAS**, the Borough of Madison has applied for and has been awarded a grant in the amount of \$85,166.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for the remedial investigation along with report preparation of the Orchard Street property.

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**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 above referenced grant is hereby accepted and the Mayor is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the Borough of Madison.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

Mrs. Tsukamoto moved adoption of Resolution R 191-2010. Ms. Baillie seconded the motion. Mr. Codey explained the requested change order, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Links

**R 191-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING CHANGE ORDER #12 FOR THE HDM PROJECT**

**WHEREAS**, a contract for the rehabilitation of the Hartley Dodge Memorial, in an amount not to exceed \$6,317,000 was awarded to Merrill & Garaguso, Inc. by Resolution 124-2009; and

**WHEREAS**, Change Orders #1 through #11 have previously been approved for a total additional amount of \$569,248.00; and

**WHEREAS**, the Borough Administrator has recommended approval of a Change Order #12 as set forth on the attached AIA Document G701-2001, dated July 8, 2010, increasing the amount of the contract by \$20,273.26 bring the contract total to \$6,906,521.26.

**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 change order request #12 from Merrell & Garaguso, Inc. increasing the total contract amount by \$20,273.26 for the rehabilitation of the Hartley Dodge Memorial is authorized.

***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.**

**Theresa Zwick, Niles Avenue** – provided a petition signed by residents requesting roadway reconstruction of Brooklake Road and other surrounding roads. Mrs. Zwick suggested the Borough of Madison apply for state grants.

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**Don Brunner, Redmond Drive** – inquired about pending litigation involving Stop & Shop versus the Borough of Madison.

**UNFINISHED BUSINESS** - None

**APPROVAL OF VOUCHERS**

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

Public Safety	\$11,281.75
Health & Public Assistance	2,330.23
Public Works & Engineering	204,217.16
Community Affairs	4,531.01
Finance & Borough Clerk	3,718,376.29
Utilities	<u>231,483.85</u>
Total	<u>\$4,172,220.29</u>

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

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

Nays: None

Absent: Mr. Links

**NEW BUSINESS** - None

**ADJOURN**

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

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved July 26, 2010 (EO)