

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

July 26, 2010 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 26th 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

Sebastian J. Cerciello

Donald R. Links

Absent: Vincent A. Esposito, excused

Also Present:

James Burnet, Main Street Executive Director

Elizabeth Osborne, Borough Clerk

Vincent Loughlin, Esq., for Joseph Mezzacca, Jr., Borough Attorney, excused

Absent: Raymond M. Codey, Borough Administrator, excused

AGENDA REVIEW

Two Personnel Matters 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 Minutes of July 12, 2010

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

CONTRACT MATTERS (3)

BOE UPDATE ON ANNEXATION - MEMO OF UNDERSTANDING

Regular Meeting Minutes – July 26, 2010

HDM CHANGE ORDER
T&M ASSOCIATES

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

PERSONNEL MATTERS (3)
PART-TIME RECREATION DIRECTOR
BOROUGH ADMINISTRATOR VACATION
SPECIAL EVENTS PERMIT

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

LITIGATION MATTERS (1)
COUGAR FIELD

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 3rd Floor Meeting Room of Bayley-Ellard with all members present, except Dr. Esposito who was excused. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Executive Minutes of July 12, 2010**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Regular Meeting Minutes of July 12, 2010**. Mr. Conley seconded the motion, with the following correction:

Page 3 of 10, *Regular Meeting Minutes of June 28, 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
Nays: None
Abstain: **Mr. Conley**
Absent: Mr. Links

....

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

GREETINGS TO PUBLIC

Mayor Holden made the following comments:

Regular Meeting Minutes – July 26, 2010

Mayor Holden welcomed Chatham Borough Mayor V. Nelson Vaughan, III, who will provide an update on a proposed community garden later in the meeting.

REPORTS OF COMMITTEES

Community Affairs

Ms. Baillie, Chair of the Committee, made the following comments:
The Madison Senior Baseball team defeated Ringwood to capture their third sectional title in as many years. They will move on to the finals in Toms River. The DDC will be working on refurbishing the Borough clock on Waverly Place in August. Ms. Baillie reminded residents to recycle their electronics at PC Problems located on Main Street. This weekend, on July 30 and 31, the Madison Recreation Department's summer program will be performing Willy Wonka at Madison High School. The Madison Little League is hosting the Junior State Division Championship for 13/14 year olds.

Finance and Borough Clerk

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

Public Safety

Mrs. Tsukamoto, Chair of the Committee, made the following comments:
The month of August will be cell phone enforcement month in Madison. The Madison Police Department will be ticketing drivers using their cell phones. The fine for this violation is \$130.00.

Utilities

Dr. Esposito, Chair of the Committee, absent.

Health & Public Assistance

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

Public Works and Engineering

Mr. Cerciello, Chair of the Committee, made the following comments:
Mr. Cerciello reported several items of concern, including gum along Main Street and a request from a resident on Woodland Road regarding a surcharge for larger water connections. Mayor Holden asked Mr. Cerciello to submit an agenda recommendation to amend the ordinance. Mr. Cerciello reported meeting on South Street with Borough Engineer Robert Vogel and the contractor, 4 Clean Up Inc., to review work recently completed on South Street. Mr. Vogel noted that final payment is being withheld until all work is completed satisfactorily. Mr. Cerciello suggested waiting until September to replace topsoil and grass seed due to the extreme summer heat. Mr. Cerciello noted a meeting at the Community House on Wednesday, July 21st, with local Boy Scouts and Paul Allocco, Chair of the Madison Parks Advisory Committee, to discuss ideas for the proposed Pavilion at Memorial Park. Mr. Cerciello advised of a picnic planned for the third weekend in September to offer plans for the Pavilion to the residents of Madison. Mayor Holden noted that a Special Events Permit application submitted by Mr. Cerciello for the picnic is deficient and will need further discussion. Mayor Holden suggested Mr. Cerciello follow up with the Borough Clerk regarding the permit. Mayor Holden also advised that Memorial Park is property that is governed by Green Acres under the Recreation Open Space Inventory of the State, and an application must be made to the State for any changes to the property. Attorney Vincent Loughlin also noted that the Madison Planning Board would review any application as well. Mr. Cerciello asked about continued improvements to the fire pit area. Mayor Holden advised that

Regular Meeting Minutes – July 26, 2010

no appropriation has been approved to use Borough supplies for this project, noting that it is an Eagle Scout project requested by Connor Reeves. Mr. Cerciello suggested additional barricades be placed around the site for safety reasons as the project cannot continue.

Mayor Holden announced correspondence received from Morris County Freeholder Director Gene F. Feyl inviting the governing body and residents of Madison to attend the Morris County Board of Chosen Freeholders' observance of the 9th anniversary of 9/11 with a public Remembrance Service and Candlelight Vigil on Saturday, September 11. The ceremony will begin at 7 p.m. at the Morris County September 11th Memorial on West Hanover Avenue in Parsippany-Troy Hills, across from the Morris View Healthcare Center, formerly the Morris View Nursing Home. The public is invited to attend the memorial.

Mayor Holden read the following statement as a tribute to Miss Alice Perlaw and Mr. Nicholas A. Sena, recently deceased Madison residents:

I was particularly struck by the burials of two significant, life-long Madisonians this past week and each's community involvement, that I cannot let go unnoticed, because their lives were the essence of what makes Madison – this Madison, in New Jersey -- Madison.

The day of our last Council meeting, lifelong resident, Miss Alice Perlaw, who had grown up on Waverly Place, and was also the longest-serving teacher in New Jersey state history, passed away. She was 95.

Within days, another lifelong resident, Nicholas A. Sena, Sr., an electrician, one of the Borough's two Veterans' Affairs officers, departed this life at age 90.

Two divergent life paths. Yet two individuals whose life goals were in parallel. They were what defines Madison. They personified the Rotary Club's motto of "Service Above Self" or the Thursday Morning Club's "I Serve."

Miss Perlaw touched the lives of not only her fellow classmates, but at least three generations of Madisonians who passed through our high school, be it the "old" one on Main Street or the "new" high school on Ridgedale Avenue. She became fully invested in each and every person she met.

In her gracious way, Miss Perlaw organized and maintained correspondence with her former students, particularly those who would leave to fight in Europe and the Pacific from 1942 through 1945; and again, in 1950, when more left for Korea; and again, when still more went to serve in Vietnam. Her patriotism was deep seated and heartfelt.

Miss Perlaw fondly recalled dancing in celebration in Times Square on V-J Day, August 14, 1945, and she continued her emotional support, for many years after the War, as she frequently sang, danced, read to and generally entertained those hospitalized at the Lyons Veterans' facility in Bernardsville. She adored dancing and singing, and had a terrific sense of humor.

Locally, when the school day ended, Miss Perlaw kept on working and giving. She quietly helped those in financial need – sometimes even outfitting entire families with winter gear; drew out the shyest of students with after-school Library Club activities; taught leadership through mentoring the yearbook (Students twice dedicated the Alembic to her.); served on the Madison Public Library board and on weekends, for 50 years, she taught Sunday school at the Madison Presbyterian Church, where she was affectionately referred to as "Miss Alice."

So it is only fitting that her life receive special attention.

Nicholas A. Sena, Sr., served as a Technical Sergeant in the U.S. Army, experiencing some of the worst of the European fight during that awful winter siege

Regular Meeting Minutes – July 26, 2010

in the Ardennes Forest, December 14, 1944, through mid-January 1945 – the Battle of the Bulge – with the first Allied “break” in the battle coming just before Christmas, on December 22, 1944. Over 600,000 American troops were involved; 81,000 Americans alone were killed in this month-long fight.

It is, therefore, no wonder that Mr. Sena carried immense pride in his military service in this defining moment of World War II, and there is no doubt where the source of his life-long service to his community and to veterans emanated.

Where he could, Mr. Sena helped those who returned from war but continued to suffer its wounds, by making years of frequent visits to Lyons Veterans’ Hospital, by serving as a National Service Officer of AMVETS and by becoming one of Madison’s Veterans’ Affairs Officers, volunteering to be trained and then to guide veterans needing help and direction to the government benefits they had earned, but were often unfamiliar with or at a loss of how to apply for them. Mr. Sena helped cut through the “red tape” and gave great comfort and relief to hundreds of our veterans.

Mr. Sena was also a neighbor of mine. I met him through his niece, Josephine DeBiase, and her mom, Jenny Sena DeDuca, his sister. Always wanting to know more about Madison history, and admittedly being the greenhorn Madisonian that I always will be by comparison, I remember being curious how the North Stars Club got its name.

Did it refer to a constellation? No, Nick explained patiently (and thankfully not teasing me as he was often wont to do with his great sense of humor) they were the athletic stars of North Street who returned after World War II and bonded together in a way to recapture the youth and innocence that time and separation from friends The War had stolen. To Mr. Sena, or “Uncle Nick,” as I was privileged to call him, the North Stars Club became a way to still showcase athletic talents and to celebrate life and good friends in, to him, the greatest country on earth, while not losing sight of one’s Italian heritage and traditions. And thus, Nick served again, only this time as this Club’s first President.

Nick and Josephine Sena rarely missed a Sunday at St. Vincent Martyr Catholic Church during their 62 years of marriage, and if there was electrical work to be done there, Mr. Sena willingly loaned his professional talents to it. He patiently, and painstakingly, would teach, explain and share his talents with others, and many times not charging those who needed help. Perhaps that was not always the best course for a businessman, but certainly it is a noble trait to which we can all aspire.

Whether passing along golfing secrets and backyard gardening tips, or sharing his work experience from the 1930s in Madison’s rose-growing greenhouses, with a twinkle in his eye, “Uncle Nick” was always available to offer his wisdom and advice with those of any age who would care to listen and learn.

“Miss Alice” and “Uncle Nick” were of the “Greatest Generation.” Although so very different, you see the parallels in their lives. Both, also, had lived through the Great Depression; rationing; December 7, 1941; September 11, 2001; and too many wars. Thus, they appreciated life’s existence perhaps because of their witness, living life and sharing it to its fullest.

Their legacy lives in all whose paths they crossed. They are the faces of our volunteers and those who consistently step forward, not looking for a plaque, a picture in the paper or monetary gain for relatives or friends. They are the secret to Madison’s spirit and success -- that selfless devotion to neighbors and donation of one’s talents, treasure and time.

The lesson learned from their lives? As the saying goes “there is no ‘I’ in Team.” But there is one in Madison. Be Alice. Be Nick. Or just be yourself, and make that “I” mean “You.” Lend not just a “can do” spirit, but an “I can do” strength.

With that, Alice and Nick, may look down upon us all and say “well done.”

Regular Meeting Minutes – July 26, 2010

Mayor Holden recognized Chatham Borough Mayor V. Nelson Vaughan, III, and offered him an opportunity to explain a concept plan for an experimental community garden along the Public Service right-of-way on Brooklake Road. Due in part to the success of the gardens, Morris Tomorrow gave the Borough of Chatham the distinction of a Flower Town Award last year. Mayor Vaughan introduced Committee Chairperson Marcy Wecker and Garden Engineer Paul Suszczynski to answer any questions from Madison residents.

Rosemarie Frank, Brooklake Road, expressed disapproval of the community garden, noting that area residents do not want the garden.

Frances Romano, Brooklake Road, indicated that a garden will cause more traffic.

Irene Knobloch, Brooklake Road, fiercely opposes a garden, noting that it will wreck the neighborhood.

Mayor Vaughan stated that the committee is willing to discuss concerns with the residents of Madison and invited the members of the Council to visit the garden.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

E-mail received July 23, 2010, from V. H. Schumacher, in support of reconstruction of Lincoln Place.

Letter received July 26, 2010, from Michael Jones of Midwood Terrace proposing a crosswalk on Prospect Avenue at Midwood Terrace.

Mayor Holden announced receipt of a letter from the Madison Historical Society requesting space, perhaps at the Hartley Dodge Memorial building.

Council Member Cerciello left the meeting at 9:05 p.m.

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.**

Patrick Rowe, Pine Avenue, noted an e-mail he sent to members of the governing body regarding the municipal budget and asked when the budget process for 2011 will begin. Borough CFO Robert Kalafut indicated he will meet with members of the Council soon after adoption of the 2010 budget.

Brad Cramer, Main Street, thanked the Mayor and Council for their support of renovations to Lincoln Place. Mayor Holden thanked Mr. Cramer for his efforts to power wash the sidewalks in the downtown area.

John Morris, Bedford Court, also thanked the Mayor and Council for their support of the Lincoln Place reconstruction project.

Regular Meeting Minutes – July 26, 2010

Council Member Cerciello returned to the meeting at 9:15 p.m.

AGENDA DISCUSSIONS

07/26/2010-1 AMEND AND ADOPT THE 2010 MUNICIPAL BUDGET
David Evans of Nisivoccia & Company LLP, Auditor for the Borough of Madison, explained the amendment to the introduced 2010 municipal budget and noted that the Director of the Division of Local Government Services has approved the budget for adoption this evening. There was consensus to list Resolutions R 203-2010 and R 204-2010 on the agenda under Unfinished Business.

07/26/2010-2 AWARD CONTRACT TO TEC-CON CONTRACTORS, INC. FOR LINCOLN PLACE IMPROVEMENTS
Mr. Burnet recommended award of a contract to Tec-Con Contractors for improvements to Lincoln Place in the amount of \$608,970.00. Following discussion, there was agreement to list Resolution R 195-2010 on the Consent Agenda for approval.

07/26/2010-3 REJECT SOLE BID FOR PURCHASE OF NEW UNUSED LAMPPOSTS AND AUTHORIZE REBID
There was agreement with Borough Engineer Robert Vogel's recommendation to reject the bid and authorize rebid for the purchase of new, unused lampposts. Resolution R 196-2010 is listed on the Consent Agenda.

07/26/2010-4 AWARD CONTRACT TO GRINNELL RECYCLING INC OF SPARTA NJ FOR NEW UNUSED CONCRETE PAVERS
Following discussion, there was agreement to list on the Consent Agenda a resolution awarding the contract for new, unused pavers as recommended by Borough Engineer Robert Vogel. Resolution R 199-2010 is listed on the Consent Agenda.

07/26/2010-5 AWARD CONTRACT TO TURTLE & HUGHES INC OF BRIDGEWATER NJ FOR NEW UNUSED VICTORIAN LAMPPOST FIXTURES
There was consensus to list on the Consent Agenda a resolution awarding the contract as recommended by Borough Engineer Robert Vogel. Resolution R 200-2010 is listed on the Consent Agenda.

07/26/2010-6 AWARD CONTRACT TO CIFELLI & SON OF NUTLEY NJ FOR RECONSTRUCTION OF WOODLAND ROAD
There was consensus to list on the Consent Agenda a resolution awarding the contract as recommended by Borough Engineer Robert Vogel. Resolution R 201-2010 is listed on the Consent Agenda.

07/26/2010-7 APPROVE AGREEMENT WITH VERIZON TO RE-ESTABLISH THE POINT OF DEMARCATION AT THE HDM BUILDING
Following discussion, there was agreement to approve an agreement with Verizon to re-establish the point of demarcation at the HDM building as recommended by Director of Technology Jim Sanderson. Resolution R 205-2010 is listed on the Consent Agenda.

ADVERTISED HEARINGS - NONE

INTRODUCTION OF ORDINANCES - NONE

Regular Meeting Minutes – July 26, 2010

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 Resolutions R 193-2010 through R 196-2010, Resolutions R 198-2010, R 200-2010 through R 202-2010 and Resolutions R 205-2010 through R 207-2010 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:

Attorney Vincent Loughlin read amendments to Resolution R 197-2010 and read in full Resolution R 207-2010 for the record.

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

Nays: None

Absent: Dr. Esposito

R 193-2010 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING RECREATION DIRECTOR, PART-TIME

WHEREAS, the Borough Administrator recommends the appointment of Zachary Ellis to the position of Recreation Director, Part-Time; 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 Zachary Ellis is hereby appointed to the position of Recreation Director, Part-Time upon receipt of satisfactory results of the background check; and

BE IT FURTHER RESOLVED, that Zachary Ellis be compensated at the hourly rate of \$20.00 per hour for twenty (20) hours per week.

R 194-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY BPOE #1465 MADISON LODGE TO CONDUCT DAILY INSTANT RAFFLE GAMES, INCLUDING SUNDAYS

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

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

WHEREAS, the New Jersey Legalized Games of Chance Control Commission has issued Registration Identification No. 274-6-34038 to BPOE #1465 Madison Lodge; and

Regular Meeting Minutes – July 26, 2010

WHEREAS, an Application for Raffles License, together with all necessary documents and fees, has been submitted to the Madison Borough Clerk's Office by BPOE #1465 Madison Lodge to conduct Instant Raffle Games seven days a week on its premises at 192 Main Street, Madison, from September 28, 2010 through September 8, 2011.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the aforementioned Application for Raffles License, R.A. No. 1158, to be held as listed above, be and the same is hereby approved.

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

R 195-2010 RESOLUTION OF THE MADISON BOROUGH COUNCIL
AWARDING CONTRACT TO TEC-CON CONTRACTORS INC. IN THE AMOUNT
OF \$608,970.00 FOR REDEVELOPMENT OF LINCOLN PLACE

WHEREAS, the Borough of Madison publicly advertised for bids for the redevelopment of Lincoln Place (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 TEC-CON Contractors, Inc., in the amount of \$608,970.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the contract to TEC-CON Contractors, Inc., in the amount of \$608,970.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$608,970.00 for this purpose which funds were appropriated by Ordinances 24-2010, 25-2010 and 26-2010.

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 redevelopment of Lincoln Place is hereby awarded to TEC-CON Contractors, Inc., based upon its bid in the amount of \$608,970.00.

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

R 196-2010 RESOLUTION OF THE BOROUGH OF MADISON REJECTING BID
FOR NEW, UNUSED LAMPPOSTS AND AUTHORIZING REBID

Regular Meeting Minutes – July 26, 2010

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

WHEREAS, the sole bid received was non-responsive because the vendor did not meet the bid specifications; and

WHEREAS, the Purchasing/Personnel Officer recommended that this bid be rejected; and.

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 sole bid for new, unused lampposts is hereby rejected for the reasons set forth herein and the Borough Administrator is authorized to solicit new bids.

R 198-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY BULLPEN CLUB INC.

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, to be held as listed below, be and the same is hereby approved:

BULLPEN CLUB INC.

I.D. No. 274-5-35149

R.A. No. 1160 – Off Premise

December 18, 2010

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

R 200-2010 RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARDING CONTRACT TO TURTLE & HUGHES INC. IN THE AMOUNT OF \$89,700.00 FOR THE PURCHASE OF VICTORIAN LAMPPOST FIXTURES

WHEREAS, the Borough of Madison publicly advertised for bids for new, unused Victorian Lamppost Fixtures (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 Turtle & Hughes, Inc., in the amount of \$89,700.00; and

WHEREAS, the Purchasing/Personnel Officer has recommended that the Borough Council award the contract to Turtle & Hughes, Inc., in the amount of \$89,700.00; and

Regular Meeting Minutes – July 26, 2010

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$89,700.00 for this purpose which funds were appropriated by Ordinances 24-2010, 25-2010, 26-2010 and 30-2010.

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 purchase of new, unused Victorian Lamppost Fixtures is hereby awarded to Turtle & Hughes, Inc., based upon its bid in the amount of \$89,700.00.

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

R 201-2010 RESOLUTION OF THE MADISON BOROUGH COUNCIL
AWARDING CONTRACT TO CIFELLI & SONS CONSTRUCTION IN THE
AMOUNT OF \$404,832.50 FOR WOODLAND ROAD RECONSTRUCTION

WHEREAS, the Borough of Madison publicly advertised for bids for Woodland 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 \$404,832.50; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the contract to Cifelli & Sons Construction in the amount of \$404,832.50; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$404,832.50 for this purpose upon final adoption of Ordinance 37-2010.

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. Upon final adoption of Ordinance 37-2010, the contract for Woodland Road Reconstruction is hereby awarded to Cifelli & Sons Construction based upon its bid in the amount of \$404,832.50.

2. Upon final adoption of Ordinance 37-2010, 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.

Regular Meeting Minutes – July 26, 2010

R 202-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING CHANGE ORDER #13 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 Merrell & Garaguso, Inc., by Resolution 124-2009; and

WHEREAS, Change Orders #1 through #12 have previously been approved for a total additional amount of \$589,521.26.00; and

WHEREAS, the Borough Administrator has recommended approval of a Change Order #13 as set forth on the attached AIA Document G701-2001, dated July 19, 2010, decreasing the amount of the contract by \$55,834.35 bringing the contract total to \$6,850,686.91.

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 #13 from Merrell & Garaguso, Inc., decreasing the total contract amount by \$55,834.35 for the rehabilitation of the Hartley Dodge Memorial is authorized.

RESOLUTION R 203-2010 AND RESOLUTION R 204-2010 LISTED BELOW

R 205-2010 RESOLUTION OF THE MADISON BOROUGH AUTHORIZING RE-ESTABLISHMENT OF THE POINT OF DEMARCATION FOR VERIZON CABLING FOR THE HARTLEY DODGE MEMORIAL

WHEREAS, the Director of Technology for the Borough of Madison has recommended that the re-establishment of the Verizon point of demarcation be authorized so that the new Municipal Court and the fire alarm system will function; and

WHEREAS, the cabling for the Verizon point of demarcation was damaged during the renovation of the Hartley Dodge Memorial; and

WHEREAS, the cost of such services are below the bidding threshold and are exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5 (1)(f).; and

WHEREAS, Verizon Communications has provided a written estimate for this work in the amount of \$17,308.00; and

WHEREAS, the Director of Technology has recommended that the Borough Council authorize a purchase order for this work; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount of \$17,308.00 for this purpose which funds were appropriated by Ordinance 58-2008.

Regular Meeting Minutes – July 26, 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 the Purchasing/Personnel Agent for the Borough is authorized to issue a Purchase Order to Verizon to re-establish the point of demarcation for the Hartley Dodge Memorial based on the estimated cost of \$17,308.00.

R 206-2010 RESOLUTION CALLING ON THE STATE LEGISLATURE AND THE GOVERNOR TO ENACT PROPERTY TAX REFORM WITH PASSAGE OF THE “MUNICIPAL TOOLKIT” AND MANDATES RELIEF

WHEREAS, difficult times demand difficult choices, and facing an unprecedented revenue gap this year, Governor Christie introduced, and the Legislature passed, a budget that cut municipal property tax relief funding by about \$450 million, from last year’s already reduced totals; and

WHEREAS, realizing that a 20% cut in revenue replacement funding, instead of the statutorily required increase, would present a serious challenge to local budget makers, Governor Christie intended to provide local officials with meaningful tools to limit the, otherwise devastating, impact of the cuts; and

WHEREAS, the Governor’s “Tool Kit to Meet Today’s Fiscal Challenges” was supposed to accomplish six objectives: collective bargaining reform; pension and benefits reform; civil service reform; management reform; a constitutional cap on increases in spending for direct State government services; and a constitutional cap on property tax increases; and

WHEREAS, Governor Christopher Christie and the State Legislature have agreed on and enacted a 2% statutory cap for annual property tax levy increases; and

WHEREAS, the Governor was correct when he said, ‘New caps without the toolkit are unworkable.’ and

WHEREAS, with the cuts assured in the State’s new budget and with bi-partisan agreement reached on new property tax caps, New Jersey Mayors - from municipalities, large and small, and from all around our Garden State – still wait for Trenton policy makers to enact meaningful local government cost containment reforms; now therefore be it

RESOLVED, by the Borough Council_of the Borough of Madison, Morris County calls for immediate passage of the “Toolkit” reforms and mandates relief, including, but not limited to interest arbitration reform, civil service reforms, public employee pension and benefits, disciplinary procedures, school and special district elections, reforms to the Fair Housing Act and the Council on Affordable Housing and mandates relief; and

BE IT FURTHER RESOLVED, that statutory arbitration reforms must limit the full economic impact of awards to conform to the 2% cap; and

BE IT FURTHER RESOLVED, that statutory Health benefit reforms must conform future health benefit costs to the 2% cap; and

Regular Meeting Minutes – July 26, 2010

BE IT FURTHER RESOLVED, that municipal revenues, such as the Energy Tax, which are now collected by, and diverted to, the State, but which are legally intended for municipal property tax relief, must be constitutionally dedicated for their original purpose; or in the alternative, those taxes should be reformed to allow collection directly by municipalities; and

BE IT FURTHER RESOLVED, that the Administration and Legislature must advance immediate mandates relief initiatives to assist municipalities in managing within the 2% cap; and

BE IT FURTHER RESOLVED, that the Administration and Legislature must advance reforms to the Fair Housing Act and the Council on Affordable Housing (COAH); and

BE IT FURTHER RESOLVED, that a cap exception for the costs associated with tax appeals should be included, and costs mandated by the Administrative Office of the Courts (AOC) should be excepted from the 2% cap or the costs of new AOC mandates should be capped at 2%; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

R 207-2010 RESOLUTION OF THE BOROUGH OF MADISON AWARDING
ADDITIONAL VACATION DAYS TO BOROUGH ADMINISTRATOR

WHEREAS, the Mayor and Council being desirous of recognizing and rewarding the outstanding and dedicated services of our Administrator Mr. Raymond Codey, and providing to him corresponding time for his efforts and services which routinely and consistently go beyond the requirements of his position; and

WHEREAS, the Mayor and Council of the Borough of Madison having reviewed the compensation and benefits presently received by the Borough Administrator; and

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. That Mr. Raymond Codey as Borough Administrator is to receive five days additional vacation, said benefit and award to be with pay; and
2. This benefit is to be awarded for the current contract year, and continue for subsequent contract years.

Mrs. Tsukamoto moved adoption of Resolution R 197-2010. Ms. Baillie seconded the motion. Mr. Conley asked that T&M Associates be asked to address the governing

Regular Meeting Minutes – July 26, 2010

body before authorizing payment and would like to get an overall budget on Phase 1A and Phase 1B of the proposed Madison Recreation Center project. Ms. Baillie concurred.

The motion failed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Links

Nays: Ms. Baillie, Mr. Conley, Mr. Cerciello

Absent: Dr. Esposito

R 197-2010 RESOLUTION OF THE MADISON BOROUGH COUNCIL
AMENDING PROFESSIONAL SERVICES CONTRACT WITH T&M ASSOCIATES,
INC.

WHEREAS, the Borough of Madison previously awarded a contract to T&M Associates, Inc. (hereafter “T&M”) for professional engineering services regarding the Madison Recreation Center; and

WHEREAS, additional services were requested of T&M for review and design work for the revised turn-around and parking area, for the final DRE, and for fencing and cost estimating on an expedited basis; and

WHEREAS, the additional tasks claimed by T&M include turnaround plans, Phase I-A topographical survey, wetlands Phase I-A, and additional planning for overall MRC property; and

WHEREAS, the Borough Engineer has recommended that the Borough amend the contract with T&M for these services at an additional amount of \$29,106.32; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$29,106.32 for this purpose for the Open Space Trust Fund.

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:

3. An amendment to the contract between the Borough and T&M as described herein is approved, subject to the execution of an MOA with the Madison Board of Education regarding same, in a form acceptable to the Borough Attorney; and

Regular Meeting Minutes – July 26, 2010

4. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute the amendment to the contract with T&M, in a form acceptable to the Borough Attorney.

Mrs. Tsukamoto moved adoption of Resolution R 199-2010. 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, Mr. Links
Nays: Mr. Cerciello
Absent: Dr. Esposito

R 199-2010 RESOLUTION OF THE MADISON BOROUGH COUNCIL
AWARDING CONTRACT TO GRINNELL RECYCLING, INC. IN THE AMOUNT OF
\$16,640.00 FOR THE PURCHASE OF CONCRETE PAVERS

WHEREAS, the Borough of Madison publicly advertised for bids for the purchase of new, unused concrete pavers (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 Grinnell Recycling, Inc. in the amount of \$16,640.00; and

WHEREAS, the Purchasing/Personnel Officer has recommended that the Borough Council award the contract, not including Alternate #1, to Grinnell Recycling, Inc. in the amount of \$16,640.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$16,640.00 for this purpose which funds were appropriated by Ordinances 24-2010, 25-2010 and 26-2010.

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 purchase of new, unused concrete pavers, not including Alternate #1, is hereby awarded to Grinnell Recycling, Inc. based upon its bid in the amount of \$16,640.00.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Grinnell Recycling, Inc. 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.**

Regular Meeting Minutes – July 26, 2010

Eugene Zipper, Greenwood Avenue, inquired about a proposed picnic at Memorial Park in September. Mr. Zipper asked how many Madison residents were chosen in a drawing for residence at the Firehouse Apartments. Mr. Zipper noted that it is difficult to hear at Borough Council meetings. Mr. Zipper inquired about the fire pit project at Memorial Park. Mr. Zipper expressed concern regarding the lease agreements with the Playwrights Theatre and the Adult School for space at the Madison Civic Center.

Patrick Rowe, Pine Avenue, explained that the Madison Public Schools receive only local funding now that the State of New Jersey has eliminated state aid. Mr. Rowe inquired about the replacement of the demarcation lines at the HDM building.

UNFINISHED BUSINESS

2010 MUNICIPAL BUDGET

Resolution R 203-2010, Resolution of the Borough of Madison AMENDING the 2010 Municipal Budget

Mrs. Tsukamoto moved that Resolution R 203-2010, which Mayor Holden 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. Conley, Mrs. Tsukamoto, Mr. Cerciello, Mr. Links
Nays: None
Absent: Dr. Esposito

Resolution R 204-2010, Resolution of the Borough of Madison ADOPTING the 2010 Municipal Budget

Mrs. Tsukamoto moved that Resolution R 204-2010, which Mayor Holden 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. Conley, Mrs. Tsukamoto, Mr. Cerciello, Mr. Links
Nays: None
Absent: Dr. Esposito

Mayor Holden declared the 2010 Budget and Tax Resolution finally adopted and directed the Clerk to publish and post according to law.

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	\$30,875.06
Health & Public Assistance	5,824.96
Public Works & Engineering	68,078.18
Community Affairs	1,267.34
Finance & Borough Clerk	1,209,331.53
Utilities	<u>1,807,185.25</u>

Regular Meeting Minutes – July 26, 2010

Total \$3,122,562.32

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

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

Nays: None

Absent: Dr. Esposito

NEW BUSINESS

Mr. Cerciello made a recommendation that the topsoil and seed be replaced along South Street and that the contractor not receive final payment until reseeding is completed. Mayor Holden noted that all payments have to be authorized by the Council before payment is made.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved August 9, 2010 (EO)