

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

**August 9, 2010 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 9th day of August 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**

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 26, 2010

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

CONTRACT MATTERS (4)  
T&M ASSOCIATES  
BOE UPDATE ON ANNEXATION

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MEMO OF UNDERSTANDING-JM  
GREEN ACRES  
MHA PROJECT AMENDMENT

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

PERSONNEL MATTERS (3)  
MUNICIPAL COURT JUDGE  
ASSISTANT BOROUGH ADMINISTRATOR  
POLICE DISPATCHER

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 8:15 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 July 26, 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  
Abstain: Dr. Esposito

Ms. Baillie moved approval of the **Regular Meeting Minutes of July 26, 2010**, with the following amendments:

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**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 Dr. Esposito who was ~~absent~~ **excused**. The Pledge of Allegiance was recited by all.

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  
Abstain: Dr. Esposito

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### ***GREETINGS TO PUBLIC***

Mayor Holden made the following comments:

**Employee of the Month for August** is Russell Brown, Construction Official, for the work he performed in obtaining free furniture from Pfizer. It appears that at least eight different departments/offices will be taking advantage of this program.

### **August Anniversary:**

30<sup>th</sup> Anniversary – Det. Lt. Jerald Mantone of the Madison Police Department on August 12<sup>th</sup>.

### ***REPORTS OF COMMITTEES***

#### **Community Affairs**

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

Ms. Baillie asked that residents continue to support the annual Farmers' Market on Thursdays from 2 p.m. to 7 p.m. on Waverly Place.

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

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

Mr. Conley announced that Madison Community Pool Committee member Peter Raneri is stepping down after 14 years. Mr. Conley thanked Mr. Raneri for his service. Mr. Conley noted a meeting with Mr. Codey, CFO Robert Kalafut and Jim Burnet regarding the 2011 Municipal Budget preparation. Mr. Conley explained that the process will start immediately, including public information meetings regarding new economies. Mr. Conley also noted a meeting regarding the bidding process, including Local Public Contracts Law, attended by Mr. Codey, Ms. Baillie, Mrs. Tsukamoto, Mr. Cerciello, Jim Burnet and David Maines. Mr. Cerciello expressed an interest in the oversight of projects and inspection services on a fee basis. Mr. Cerciello was reminded that would be a conflict of duties as an elected official. South Street reconstruction was discussed, and it was noted that final payment will be withheld until grass seeding is completed satisfactorily. The renovation of the fire pit area at Memorial Park was discussed as well, noting that no public funds will be used as this is an Eagle Scout project.

#### **Public Safety**

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

Mrs. Tsukamoto congratulated Louie DeRosa on his appointment as Fire Chief as of July 31<sup>st</sup>. Mrs. Tsukamoto thanked all those who participated in "National Night Out" and making it a successful event, and noted that more than 1,000 residents participated in the "Touch-A-Truck" event to support the Madison Public Library.

#### **Utilities**

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

Dr. Esposito noted occasional heat-related outages and thanked the Electric Department employees for their efficient work in making quick repairs. Dr. Esposito reminded residents of the volunteer water restrictions.

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

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

After thanking those who were in attendance, Mr. Cerciello explained that he wished to report what is going on. Mr. Cerciello noted his 60 years of construction experience and that he can bring something to the Borough. Mr. Cerciello noted that for more than 10 years he has been unhappy with the work performed by

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contractors for the Borough of Madison and he would like to see things change. Mayor Holden reminded Mr. Cerciello that the purpose of this portion of the meeting is to report on the activities of the Departments for which Mr. Cerciello is the liaison. Mr. Cerciello addressed several quotes that appeared in the Madison Eagle and was asked again by Mr. Mezzacca to report on his committees. Mr. Cerciello stated that he wants to be involved in all construction projects and would like to see bids submitted for various projects. Mr. Mezzacca explained that Mr. Cerciello is straying far from the purpose of Committee Reports and that this is not the proper place to bring a complaint against an employee or department. Mr. Cerciello noted that there are many meetings of projects that he is not invited to as liaison. Mayor Holden disagreed with Mr. Cerciello's comments.

*Mr. Cerciello left the meeting at 8:33 p.m.*

### **Health & Public Assistance**

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

### **COMMUNICATIONS AND PETITIONS**

The Borough Clerk announced receipt of the following communications:

Letter received August 4, 2010, from Donald R. McDonald requesting a crosswalk on Lincoln Place between the train station and the movie theatre.

*Mr. Cerciello returned to the meeting at 8:36 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.**

**Marty Horn, West Lane**, encouraged the Council to approve a resolution for additional engineering services requested by T&M Associates for the Madison Recreation Center. Mr. Horn urged the Council to work together.

**Brian Agnew, East Lane**, also spoke in support of the Madison Recreation Center and encouraged the Council to move forward.

**Vito Luppino, Leadman-Sewer Department**, noted his representation of the Teamsters Local 84 and inquired as to the need for an Assistant Borough Administrator as well as an Administrator. Mr. Luppino stated that the Sewer Department is operating without a Licensed Sewer Operator, as required under State law, and asked for answers. Mr. Mezzacca noted that the invitation for discussion is for comments not an interrogation.

**Jim Finelli, Water Utility Department**, asked if the Borough of Madison is going to court regarding the Sewer Collection Operator license. Mr. Finelli asked about the appropriation of \$125,000 for Lincoln Place from the Water Capital Improvement Fund.

**Dave Carver, Belleau Avenue**, requested that the Council keep moving forward with the 49 Acres fields and reminded residents that this project is very important.

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**Thomas Haralampoudis, Pomeroy Road**, inquired about the part-time Recreation Director position and noted that he would like to see sports continue at the Madison Junior School, perhaps through a shared services agreement for scheduling with the Board of Education. Mr. Haralampoudis noted no credit given for ideas by the Recreation Committee and would like to see Cross Country Track included in the project. Mr. Haralampoudis asked about appropriations for this project.

**Joe Fesco, no address**, asked how the 49 Acres were purchased, who is responsible for injuries at the site and how the sports complex will be secured.

**Jim Finelli, Water Utility Department**, wanted to clarify his statements regarding the Sewer Collection Operator license.

### **AGENDA DISCUSSIONS**

**08/09/2010-1** RATIFY AWARD OF CONTRACT TO ATLANTA SALT, INC OF LOWELL, MA UNDER MCCPC FOR ROCK SALT & CALCIUM CHLORIDE IN THE AMOUNT OF \$87,000.00

Mr. Codey indicated that this is a Co-op bid purchase funded in the 2010 budget. There was agreement to list Resolution R 210-2010 on the Consent Agenda.

**08/09/2010-2** PURCHASE ONE POLICE VEHICLE IN THE AMOUNT OF \$24,339.00

Mr. Codey explained that this vehicle replaces an aging police vehicle and is funded in the 2010 municipal budget. There was agreement to list Resolution R 211-2010 on the Consent Agenda upon Council approval.

**08/09/2010-3** INCREASE PARKING FEES

Following discussion of parking fees for merchant, tenant, resident and non-resident commuter permits for the 2011 and 2012, there was agreement to list Resolution R 215-2010 on the Consent Agenda.

**08/09/2010-4** SALARY ORDINANCE FOR RECREATION DIRECTOR PART-TIME

Following an explanation by Mr. Codey, Ordinance 40-2010 to amend the Recreation Director position to non-union part-time is listed for introduction.

**08/09/2010-5** REMOVAL OF THE ADIRONDACK BUILDING AT ROSEDALE SKATING POND

Inspection of the building determined that the building is unsafe, and the recommendation is for removal. There was agreement that Ordinance 42-2010 be listed for introduction.

**08/09/2010-6** AWARD BID FOR RELOCATION SERVICES TO THE HDM

Mr. Codey explained the relocation services for the Borough offices to move back to the Hartley Dodge Memorial building. There were no objections to listing a resolution for award.

**Resolution R 217-2010 is listed on the Consent Agenda.**

**08/09/2010-7** AMEND ORDINANCE 33-2006 TO INCLUDE IMPROVEMENTS TO THE PUBLIC LIBRARY ARCHIVES ROOM

Mr. Links requested an amendment to a previous appropriation of \$6,000.00 for the Madison Public Library for improvement to the Archives Room. Mrs. Tsukamoto disagrees with this method of funding new projects.

**Ordinance 43-2010 is listed for introduction.**

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**08/09/2010-8** AMEND ORDINANCE 66-2007 TO INCLUDE SIDEWALK IMPROVEMENTS AT THE PUBLIC LIBRARY

Mr. Thomas P. Binting, Trustee for the Library, explained health and safety issues regarding the sidewalks at the Library.

**Ordinance 44-2010 is listed for introduction.**

**08/09/2010-9** AWARD CONTRACT TO DENNIS HARRINGTON OF MADISON, NJ FOR LINCOLN PLACE RECONSTRUCTION PROJECT IN AN AMOUNT NOT TO EXCEED \$18,000.00

Following discussion, there was agreement to list a resolution awarding a contract to Dennis Harrington for construction administration for the Lincoln Place improvement project. Mr. Cerciello indicated that he would like to donate his services as construction supervisor on the Lincoln Place improvements project. Mr. Mezzacca advised that Mr. Cerciello cannot, as a member of the Borough Council, act as construction supervisor for the Borough. Mr. Cerciello can observe as a Council liaison to Public Works and Engineering and report back to the Council Members.

**Resolution R 220-2010 is listed on the Consent Agenda.**

**08/09/2010-10** AWARD CONTRACT TO APS CONTRACTORS OF PATERSON, NJ FOR NORTH STREET PUMP STATION RENOVATION PROJECT IN THE AMOUNT OF \$477,970.00

Following discussion of the rehabilitation of the North Street Pump station, there was no objection to listing Resolution R 221-2010 on the Consent Agenda.

**Resolution R 221-2010 is listed on the Consent Agenda.**

**08/09/2010-11** REVISED LIGHTING ORDINANCE

The Madison Planning Board has recommended that the lighting ordinance be amended to update to current lighting standards. Following discussion, an ordinance, including a change from “all” to “new” single family and two family homes, will be listed for introduction.

**Ordinance 46-2010 is listed for introduction.**

**ADVERTISED HEARINGS**

The Clerk made the following statement:

The ordinance scheduled for hearing tonight was submitted in writing at a Regular Meeting of the Mayor and Council held on July 12, 2010, was introduced by title and passed on first reading, was published in the Madison Eagle and made available to members of the general public requesting same.

Mayor Holden called up the ordinance for second 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

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

<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.

Mayor Holden opened up the public hearing on Ordinance 39-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Cerciello moved that Ordinance 39-2010, which the Clerk read by title, be finally adopted. Mrs. Tsukamoto seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Holden declared Ordinance 39-2010 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.

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**INTRODUCTION OF ORDINANCES**

The Clerk made the following statement:

Ordinances 40-2010 through 44-2010 scheduled for first reading have a hearing date set for August 23, 2010; Ordinances 45-2010 and 46-2010 scheduled for first reading have a hearing date set for September 13, 2010; all 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 Ordinances for first reading and asked the Clerk to read said ordinance by title:

**ORDINANCE 40-2010  
ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 2-2009 TO ESTABLISH SALARY RANGE FOR POSITION OF RECREATION DIRECTOR, PART-TIME**

**WHEREAS**, the Borough Council has determined that a change is required in the salary ranges for non-union part-time employees to add the position of Recreation Director, Part-Time.

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

Section 1. Ordinance 2-2009 setting the salary ranges for non-union part-time employees is hereby amended to add the salary range for the position of part-time Recreation Director:

<b>TITLE</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
Recreation Director	\$15.00/hr	\$20.00/hr

Section 2. All other provisions of the Ordinance remain unchanged.

Section 3. This ordinance shall take effect August 2, 2010.

Mr. Conley moved that Ordinance 40-2010, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

**ORDINANCE 41-2010  
ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 5-2008 TO ESTABLISH SALARY RANGE FOR ASSISTANT BOROUGH ADMINISTRATOR**

**WHEREAS**, the Borough Council has determined that a change is required in the salary ranges for non-union full-time employees to add the position of Assistant Borough Administrator.

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

Section 1. Ordinance 5-2008 setting the salary ranges for non-union full-time employees is hereby amended to add the salary range for the position of Assistant Borough Administrator:

<b>TITLE</b>	<b>MINIMUM</b>	<b>MARKET VALUE</b>	<b>MAXIMUM</b>
Assistant Borough Administrator	\$95,000	\$105,000	\$115,000

Section 2. All other provisions of the Ordinance remain unchanged.

Section 3. This ordinance shall take effect as provided by law.

Mr. Conley moved that Ordinance 41-2010, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. Following Council discussion, the motion passed with the following roll call vote recorded:

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

**ORDINANCE 42-2010  
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$10,444.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND TO REMOVE THE ADIRONDACK BUILDING AT THE ROSEDALE SKATING POND**

**WHEREAS**, the Superintendent of Public Works has recommended that the Borough appropriate \$10,444.00 from the General Capital Improvement Fund to remove the Adirondack building at the Rosedale Skating Pond; and

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**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 \$10,444.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$10,444.00 from the General Capital Improvement Fund to remove the Adirondack building at the Rosedale Skating Pond; 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 \$10,444.00 is hereby appropriated from the General Capital Improvement Fund to remove the Adirondack building at the Rosedale Skating Pond.

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

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

Mr. Cerciello moved that Ordinance 42-2010, which the Borough Clerk read by title, be 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

**ORDINANCE 43-2010**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING THE PURPOSE OF ORDINANCE 33-2006 TO INCLUDE IMPROVEMENTS TO THE ARCHIVES ROOM AT THE MADISON PUBLIC LIBRARY**

**WHEREAS**, Ordinance 33-2006 of the Borough of Madison appropriated \$85,000.00 from the General Capital Improvement Fund for exterior lighting and site development plan, signage and chairs for Adult Services for the Madison Public Library; and

**WHEREAS**, the Borough Administrator has recommended that the Borough amend the purpose of Ordinance 33-2006 to include improvements to the Archive Room; and

**WHEREAS**, no additional funds are needed for this amended purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should amend the purpose of Ordinance 33-2006 to include improvements to the Archive Room.

**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: Ordinance 33-2006 is amended to include improvements to the Archive Room of the Madison Public Library.

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

Mr. Links moved that Ordinance 43-2010, which the Borough Clerk read by title, be adopted. Mr. Cerciello 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

**ORDINANCE 44-2010  
ORDINANCE OF THE BOROUGH OF MADISON AMENDING THE PURPOSE OF  
ORDINANCE 66-2007 TO INCLUDE SIDEWALK IMPROVEMENTS AT THE  
MADISON PUBLIC LIBRARY**

WHEREAS, Ordinance 26-2007 of the Borough of Madison appropriated \$118,000.00 from the General Capital Improvement Fund for assessment of HVAC (\$8,500.00), bathroom repairs (\$10,000.00), new book stack (\$6,000.00), interior signage (\$3,000.00), reupholstering chairs (\$4,000.00), drainage ditch stabilization design work (\$51,500.00), and parking lot realignment at the Madison Public Library (\$35,000.00); and

WHEREAS, Ordinance 66-2007 amended Ordinance 26-2007 to appropriate an additional \$24,000.00 from the General Capital Improvement Fund for the drainage ditch stabilization design work, thereby increasing Ordinance 26-2007 to \$142,000.00; and

WHEREAS, the Borough Administrator has recommended that the Borough amend the purpose of Ordinance 66-2007 to include sidewalk improvements; and

WHEREAS, no additional funds are needed for this amended purpose; and

WHEREAS, the Borough Council has determined that the Borough should amend the purpose of Ordinance 66-2007 to include sidewalk improvements.

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

SECTION 1: Ordinance 66-2007 is amended to include sidewalk improvements at the Madison Public Library.

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

Mr. Links moved that Ordinance 44-2010, which the Borough Clerk read by title, be adopted. Mr. Cerciello seconded the motion. Mrs. Tsukamoto noted that this project was rejected during the Capital budget review and it was inappropriate to work

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around the process. Following Council discussion, the motion passed with the following roll call vote recorded:

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

**ORDINANCE 45-2010  
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF  
THE BOROUGH CODE, LAND DEVELOPMENT ORDINANCE, REGARDING  
OUTDOOR DINING AT BUSINESS ESTABLISHMENTS**

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

....

(11) Outdoor Dining:

....

- (n) There shall be no outdoor dining at any restaurant located in any non-residential zone, including CBD-1, CBD-2, and CC Zones, that is located within 200 feet of any residential zone. The distance shall be measured from any property line of the restaurant to the closest residential zone line.

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

Ms. Baillie moved that Ordinance 45-2010, 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, Mr. Links  
Nays: None

**ORDINANCE 46-2010  
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF  
THE BOROUGH CODE, LAND DEVELOPMENT ORDINANCE, SECTION 25.6  
ENTITLED “LIGHTING”**

**WHEREAS**, the Borough Planner has recommended amending Chapter 195 of the Borough Code, the Madison Land Development Ordinance, Section 195-25.6, entitled “Lighting”; and

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

**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 195-25.6, entitled “Lighting” is hereby amended as follows:

§ 195-25.6. Exterior Lighting

- A. Purpose. Regulation of outdoor lighting is necessary to permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night. It is necessary to prevent light trespass, to reduce unnecessary glare caused by inappropriate or misaligned light fixtures and to prevent the cause of unnecessary skyglow. These standards are intended to protect adjacent residential neighborhoods from unnecessary lighting impacts, to encourage energy efficiency, to discourage the waste of electricity and to improve or maintain nighttime public safety, utility and security.
- B. All outdoor lighting fixtures (luminaires) shall be installed in conformance with this Regulation and with the provisions of the Building Code, the Electrical Code, and the Sign Code, as applicable and under permit and inspection, if such is required.
- C. Standards. All outdoor light fixtures installed and thereafter maintained, other than those serving one- and two-family dwellings, shall comply with the following requirements:
  - 1. Illumination levels shall not exceed those recommended in the:
    - a. IESNA Lighting Handbook, 9th Edition, as amended from time to time.
    - b. IESNA publication, RP-33-99, Lighting for Exterior Environments, as amended from time to time.
    - c. IESNA publication, RP-08-, Roadway Lighting, as amended from time to time.
    - d. IESNA publication, RP-6-01, Reaffirmed 2009, Sports and Recreational Area Lighting, as amended from time to time.
  - 2. Light trespass (nuisance light).

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- a. All light fixtures, except street lighting maintained by a governmental authority, and those used on one- or two-family dwellings, shall be designed, installed and maintained to prevent light trespass, as specified below:
  - 1) The maximum illumination at property lines shall be 0.1 footcandle at grade.
  - 2) Illumination occurring above a height of five feet above the property line of the subject property shall not exceed 0.1 footcandle in a vertical plane on residentially zoned property.
  - 3) Outdoor light fixtures properly installed and thereafter maintained shall be directed so that there will not be any direct glare source visible from any property.
3. Outdoor lighting energy conservation.
  - a. All exterior lighting shall be designed so as not to exceed the exterior lighting unit power allowances of ASHRAE/IESNA Standard 90.1-2004, or the version currently adopted by the New Jersey Department of Energy.
  - b. All outdoor lighting not essential for safety and security purposes or to illustrate changes in grade or material shall be activated by automatic control devices and turned off during non-operating hours. Illuminated signs are excluded from this requirement.
  - c. Exterior retail and merchandise display lighting shall not remain on after 10:00 p.m. Reduced levels of lighting in interior show or display windows may remain on for security purposes; provided, however, that these levels shall not exceed 25% of the normal artificial lighting levels in the interior display or show windows.
  - d. Exterior lighting for recreational areas, athletic fields and courts shall not remain on after 10:00 p.m.
  - e. Exterior lighting serving accredited educational institutions, not including recreational areas, athletic fields and courts, shall not remain on after 11:00 p.m.
4. Only shielded light fixtures shall be used. Any fixture mounted above 10 feet shall have no more than 10% of its light distribution at a vertical angle of 80° above nadir and 2.5% at an angle of 90° above nadir.
5. Light fixtures used to illuminate flags, statues or other objects mounted on a pole, pedestal or platform shall have their candlepower curve plotted such that 100% of the beam angle used is not greater than the size of the object to be illuminated.
6. Other upward-directed architectural, landscape or decorative direct-light emissions shall have at least 90% of their total distribution pattern within the profile of the illuminated structure.

Submission of plans. Except for detached single family and detached two family dwellings, plans and evidence of compliance shall include the following;

7. Description of outdoor lamp/luminaire combinations, including component specifications such as lamps, reflectors, optics, angle of cutoff, supports, poles and include manufacturer's catalog cuts.

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- a. Locations and description of every outdoor enclosed light fixture and hours of operation, their aiming angles and mounting heights.
- b. Foundation details for light poles.
- c. Lighting calculations for site lighting and general exterior applications shall be provided that identify the following elements; (See Section 195-25.6-D3(c) below for lighting calculation requirements for recreational and sports lighting)
  - 1) Initial horizontal illuminances at grade and vertical illuminances where vertical surfaces are being illuminated such as building facades. Illuminances shall be illustrated in footcandles (before depreciation).
    - a) Average footcandles, during operating and non-operating hours.
    - b) Maximum footcandles.
    - c) Minimum footcandles.
    - d) Average to minimum uniformity ratio.
    - e) Maximum to minimum uniformity ratio
  - 2) Average maintained horizontal illuminances at grade and vertical illuminances where vertical surfaces are being illuminated such as building facades. Illuminances shall be illustrated in footcandles. Define re-lamping and cleaning cycles to illustrate light loss factors to account for lumen depreciation and reduced optical system performance of over time to arrive at maintained values of illumination.
    - a) Average footcandles, during operating and non-operating hours.
    - b) Maximum footcandles.
    - c) Minimum footcandles.
    - d) Average to minimum uniformity ratio.
    - e) Maximum to minimum uniformity ratio
  - 3) Computer-generated photometric grid showing maintained footcandle readings every 10 feet and the average maintained footcandles. Depending upon the design application, for both vertical and horizontal illumination levels. Illustrate the initial and maintained horizontal and vertical illuminances at 5 feet above grade at any adjacent residential property line.

### **D. Lighting Applications**

1. Where used for roadways and parking lots and walkways or security purposes.
  - a. Average maintained illuminances shall not exceed IESNA recommendations.

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- b. Only outdoor enclosed light fixtures shielded from public view and having the performance characteristics of a cutoff light fixture shall be used.
  - c. For parking lots, light poles that are visible to the public shall not exceed 20 feet in height (base plus pole).
  - d. For walkways and other pedestrian areas, light poles that are visible to the public shall not exceed 12 feet in height (base plus pole).
  - e. Freestanding lights shall be so located and protected to avoid being damaged by vehicles. Foundations supporting lighting poles installed less than four feet behind the curb shall not be less than 24 inches above the ground.
  - f. The style of the light and light standards shall be consistent with the architectural style of the principal building or surrounding area.
  - g. Floodlight-type fixtures attached to buildings shall be prohibited.
  - h. All wiring shall be laid underground.
2. Where used for private, commercial and industrial purposes such as in merchandise display areas, work areas, platforms, signs, architectural, landscape or sports or recreational facilities.
- a. All light fixtures shall be equipped with automatic timing devices and shall comply with the following:
  - b. Externally illuminated signs, including building identification or other similar illuminated signs, shall comply with the following:
    - 1) Top-mounted light fixtures shall have illumination levels plotted such that 100% of the beam angle used is not greater than the size of the externally illuminated sign, and are preferred over any other positioned light fixtures.
    - 2) When top-mounted light fixtures are not feasible for good cause shown, illumination from other positioned light fixtures shall continue to be restricted to the sign area. Visors or other directional control devices shall be used to eliminate any spill light. Furthermore, when any signage is viewed from the opposite side of that being illuminated, luminous portions of light fixtures, and stray light, shall not be visible.
    - 3) Detailed plans are to be provided to illustrate floodlight distribution patterns. Once properly installed, the fixtures are to be aimed, permanently affixed, and maintained in the approved position according to the terms of approval outlined in the approving resolution.
  - c. Outdoor light shall not be attached or mounted to public property (i.e., public buildings, utility poles, telephone poles, streetlights, road/street signs). Furthermore, these fixtures shall not tap or extend power from sources servicing public lighting and/or power devices. Temporary holiday lighting shall be exempt.
  - d. All outdoor lighting during non-operating hours of the business on site, not necessary for safety and security purposes, shall have reduced light levels, activated by motion-sensors, photocells, timers, or other lighting control devices, or turned off.
3. Where used for sports and recreational lighting.

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- a. Design Considerations. Nighttime sports and recreational lighting is proliferating and controls must be placed to minimize the negative impact on the community environment and to minimize the utility power demand.
  - 1) Outdoor Lighting Systems. Outdoor lighting systems primarily consist of direct distribution floodlights aimed at the playing surface.
    - a) Light sources. Metal Halide (MH) High Intensity discharge (HID) is the preferred source. High Pressure Sodium (HPS) should be used only in conjunction with metal halide.
    - b) Luminaires. General purpose or heavy duty luminaires with full cutoff optical systems to provide superior visibility for the players and to reduce off-site impacts.
    - c) Poles. The location and height of poles have a major impact on lighting system effectiveness and quality and off-site impact. Contrary to public understanding, the lower the mounting height, the higher the aiming angle and the more light that is delivered off site. The higher the pole (with limits) the lower the aiming angle and less light is delivered off site.
    - d) Design factors. Outdoor lighting is generally visible far beyond facility boundaries and careful consideration should be given to:
      - i) Spill light encroaching on neighboring properties
      - ii) Light that contributes to skyglow
      - iii) Durability of equipment and wiring subject to continuous outdoor exposure
      - iv) Electrical power, voltage, and system selection
      - v) Controls for multiple sports and energy conservation
- b. Standards. All outdoor sports and recreational lighting shall comply with the following requirements:
  - 1) Only light fixtures shielded with internal and/or external shields shall be used. The upper limit of the defined beam should be no more than 80 degrees above nadir and no more than 5% of the luminaires used should violate this rule.
  - 2) Illumination levels shall not exceed those recommended in the IESNA Lighting Handbook, 9th Edition, as amended from time to time, and IESNA publication RP 6-01(Reaffirmed 2009), "Recommended Practice for Sports and Recreational Area Lighting", as amended from time to time.
  - 3) Where used for sports or recreational facilities, all lighting fixtures shall comply with the following:
    - a) For field sports such as football, soccer, baseball and track and field, a minimum pole height shall be 70 feet and a maximum pole height shall be 85 feet.
    - b) The minimum distance of the pole to any property line shall be twice the height of the pole. For example, an eighty-foot pole must be a minimum of 160 feet from any property line.
    - c) Trespass lighting shall not be more than 0.1 footcandle at any adjacent residential property line at grade.

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- d) A natural landscape buffer shall be required to sufficiently screen the source of light and the lit object from any adjacent residences. The buffer areas shall consist of a planted berm with a mix of deciduous and coniferous plants sufficient to provide year-round screening and with plants at least 6 feet in height/ 2.5 DBH at time of planting.
- e) When not in use or under any circumstance not later than 10:00 p.m., all lighting shall be turned off.
- 4) Light fixtures properly installed and thereafter maintained shall be directed so that there will not be any direct glare source visible from any other property.
- c. Lighting calculations for recreational and sports lighting shall be provided that identify the following elements;
  - 1) The Class of Play for each playing area
  - 2) Initial horizontal and vertical illuminances for primary playing areas, secondary playing areas and boundary areas (where applicable). Illuminances shall be illustrated in footcandles (before depreciation).
    - a) Average footcandles, during operating and non-operating hours.
    - b) Maximum footcandles.
    - c) Minimum footcandles.
    - d) Average to minimum uniformity ratio.
    - e) Maximum to minimum uniformity ratio
  - 3) Average maintained horizontal and vertical illuminances for primary playing areas, secondary playing areas, and boundary areas (where applicable). Illuminances shall be illustrated in footcandles. Define re-lamping and cleaning cycles to illustrate light loss factors to account for lumen depreciation and reduced optical system performance of over time to arrive at maintained values of illumination.
    - a) Average footcandles, during operating and non-operating hours.
    - b) Maximum footcandles.
    - c) Minimum footcandles.
    - d) Average to minimum uniformity ratio.
    - e) Maximum to minimum uniformity ratio
  - 4) Illustrate recommended levels cited in the IESNA Lighting Handbook, 9th Edition and IESNA publication RP 6-01(Reaffirmed 2009), "Recommended Practice for Sports and Recreational Area Lighting".
    - a) Average footcandles, during operating and non-operating hours.
    - b) Maximum footcandles.

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- c) Minimum footcandles.
  - d) Average to minimum uniformity ratio.
  - e) Maximum to minimum uniformity ratio.
- 5) Computer-generated photometric grid showing footcandle readings every 10 feet and the average footcandles. Depending upon the design application, for both vertical and horizontal illumination levels. Illustrate the initial and maintained horizontal and vertical illuminances at 5 feet above grade at any adjacent residential property line.
4. Where used for new single and two-family residential purposes.
- a. All residential outdoor light fixtures shall comply with the requirements as specified below:
    - 1) Light distributions generated by light fixtures shall be confined to the property on which they are installed.
    - 2) Light fixtures installed within any setback area, including front, rear or side yard setbacks, shall minimize light spillage and glare upward and onto adjacent properties.
    - 3) Shall be properly installed and maintained.
    - 4) Holiday lights on residential properties shall be exempt from these standards.

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

Ms. Baillie moved that Ordinance 46-2010, 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, Mr. Links  
Nays: None

**CONSENT AGENDA RESOLUTIONS**

The Clerk made the following statement:

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

Mrs. Tsukamoto moved adoption of the Resolutions listed on the Consent Agenda, excluding Resolution R 222-2010. Ms. Baillie seconded the motion. Mr. Mezzacca read Resolution R 214-2010 and Resolution R 223-2010 in full for the record. 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 208-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY ROTARY CLUB MADISON

**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:

**ROTARY CLUB MADISON**

**I.D. No. 274-8-20538**

**R.A. No. 1161 – Off Premise  
December 16, 2010**

**BE IT FURTHER RESOLVED** that a certified copy of this

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

R 209-2010 RESOLUTION OF THE BOROUGH OF MADISON REAPPOINTING MUNICIPAL COURT JUDGE GARY F. TROXELL

**WHEREAS**, the Borough Administrator has recommended that Judge Gary F. Troxell be reappointed to the position of Municipal Court Judge; and

**WHEREAS**, Judge Gary F. Troxell is serving as the Municipal Court Judge and his current term will expire August 10, 2010.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that Judge Gary F. Troxell is hereby reappointed to the position of Municipal Court Judge for a three year term from August 11, 2010, through August 10, 2013.

R 210-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACT FOR ROCK SALT THROUGH THE MORRIS COUNTY CO-OPERATIVE PRICING COUNCIL

**WHEREAS**, the Borough of Madison desires to enter into a contract for rock salt from an authorized vendor under the Morris County Co-Operative Pricing Council program; and

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

**WHEREAS**, Atlantic Salt, Inc., of Lowell, Massachusetts, has been awarded Morris County Co-Operative Pricing Council contract number 3, Rock Salt & Calcium Chloride; and

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**WHEREAS**, the Superintendent of Public Works has recommended that the Borough Council utilize this contract for rock salt in the amount of \$87,000.00; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$87,000.00 for this purpose, which funds are available in the Operating Budget.

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

1. A contract for rock salt from Atlantic Salt, Inc., of Lowell, Massachusetts, at a total price not to exceed \$87,000.00 is hereby approved under the Morris County Co-Operative Pricing Council contract number 3, Rock Salt & Calcium Chloride.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Atlantic Salt, Inc., of Lowell, Massachusetts, for rock salt at a total price not to exceed \$87,000.00, in a form acceptable to the Borough Attorney.

R 211-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF POLICE VEHICLE FROM CHAS S. WINNER INC./CHAPMAN CHEVROLET OF CHERRY HILL, NEW JERSEY UNDER STATE CONTRACT

**WHEREAS**, the Borough of Madison desires to purchase a 2011 Ford Crown Victoria police vehicle for the Police Department from an authorized vendor under State Contract #72467; and

**WHEREAS**, the purchase of goods and services through State agency by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12, et seq; and

**WHEREAS**, Chas S. Winner, Inc./Chapman Chevrolet, 250 Haddonfield Berlin Road, Cherry Hill, New Jersey has been awarded New Jersey State contract number 72467; and

**WHEREAS**, the Police Chief has recommended that the Borough Council utilize this contract for a police vehicle as described herein in the amount of \$24,339.00; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$24,339.00 for this purpose.

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

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1. The purchase of a 2011 Ford Crown Victoria police vehicle from Chas S. Winner, Inc./Chapman Chevrolet, at a total price not to exceed \$24,339.00 is hereby approved under the New Jersey State contract number 72467.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Chas S. Winner, Inc./Chapman Chevrolet for the purchase of said police vehicle at a total price not to exceed \$24,339.00, in a form acceptable to the Borough Attorney.

**R 212-2010 RESOLUTION OF THE BOROUGH OF MADISON GRANTING PERMISSION FOR ELEVENTH ANNUAL CHESHIRE HOME 5K RUN ON SUNDAY SEPTEMBER 19, 2010**

**WHEREAS**, Cheshire Home, Inc., has requested permission to hold the Eleventh Annual Cheshire Home 5k run in Madison on Sunday, September 19, 2010; and

**WHEREAS**, the run will begin at 9:00 a.m., at the Madison High School and end at Cheshire Home on a route approved by the Madison Borough Police Department; and

**WHEREAS**, Police Chief Trevena recommends approval of this request.

**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 request of Cheshire Home, Inc., to hold the Eleventh Annual Cheshire Home 5k run in Madison on Sunday, September 19, 2010, as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department and the Madison Fire Department.

**R 213-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING T.J. MARTELL FOUNDATION BENEFIT WALK ON SUNDAY, OCTOBER 3, 2010**

**BE IT RESOLVED**, by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that the T.J. Martell Foundation for Leukemia, Cancer and AIDS Research is hereby granted permission to conduct a Walk-A-Thon on Sunday, October 3, 2010, beginning at 1:00 p.m., starting at the Madison YMCA and proceeding up Edgewood Road to Pomeroy Road to Prospect Street to Woodland Road to Linden Drive, through the Torey J. Sabatini School property, across Glenwild Road into Drew University, to Madison Avenue to Kings Road to Green Village Road to Main Street to Prospect Street to Kings Road and finishing at the Madison YMCA, which route has been approved by the Madison Borough Police Chief, and subject to any requirements of the Madison Police Department.

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R 214-2010 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**, 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 from 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:

1. An amendment to the contract between the Borough and T&M as described herein is approved, in a form acceptable to the Borough Attorney; and

2. 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.

R 215-2010 RESOLUTION OF THE BOROUGH OF MADISON SETTING  
PARKING FEES FOR THE YEARS 2011 AND 2012

**WHEREAS**, the Police Chief has recommended the Borough adopt a resolution to set parking permit fees for resident commuter, non-resident commuter, merchant and tenant permits for the years 2011 and 2012; and

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

**WHEREAS**, the recommended fees for each permit is \$425.00 for resident commuters, \$850.00 for non-resident commuters, \$225.00 for merchants and \$225.00 for tenants; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the parking permit fees set forth in section 134-10 B of the Borough Code are hereby set for the years 2011 and 2012 as follows:

Resident Commuter	\$425.00
Non-Resident Commuter	\$850.00
Merchant	\$225.00
Tenant	\$225.00

**R 216-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING USE OF MEMORIAL PARK BY BOY SCOUT TROOP #7 FOR A PICNIC ON AUGUST 21, 2010**

**WHEREAS**, Boy Scout Troop #7 has requested permission to use Memorial Park, on Saturday, August 21, 2010, with a rain date of Sunday, August 22, 2010, for a family picnic for the Boy Scouts and their families; and

**WHEREAS**, the Borough Administrator has recommended that such permission be granted; and

**WHEREAS**, Boy Scout Troop #7 has completed and submitted a Special Event Permit Application to the Borough as well as a Certificate of Liability Insurance naming the Borough of Madison as an additional insured; and

**WHEREAS**, the Borough 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 Boy Scout Troop #7 is hereby given permission to hold a family picnic event at Memorial Park, on Saturday, August 21, 2010, with a rain date of Sunday, August 22, 2010, subject to such safety requirements as may be directed by the Madison Police Department and/or Fire Department.

**R 217-2010 RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARDED CONTRACT TO THE LIBERTY GROUP – LIBERTY TRANSPORTATION IN THE AMOUNT OF \$31,528.00 FOR RELOCATION (MOVING) SERVICES**

**WHEREAS**, the Borough of Madison publicly advertised for bids for relocation (moving) services (the “Contract”) in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

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**WHEREAS**, the lowest qualified bid was submitted by The Liberty Group – Liberty Transportation in the amount of \$31,528.00; and

**WHEREAS**, the Purchasing/Personnel Officer has recommended that the Borough Council award the contract to The Liberty Group – Liberty Transportation in the amount of \$31,528.00; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$31,528.00 for this purpose which funds were appropriated by Ordinance 58-2008.

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

1. The contract for relocation (moving) services is hereby awarded to The Liberty Group – Liberty Transportation based upon its bid in the amount of \$31,528.00.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with The Liberty Group – Liberty Transportation in a form acceptable to the Borough Attorney.

R 218-2010 RESOLUTION OF THE MADISON BOROUGH COUNCIL  
AUTHORIZING ADVERTISEMENT FOR AN ADDITIONAL FULL-TIME CIVILIAN  
DISPATCHER FOR THE POLICE DEPARTMENT

**WHEREAS**, the Borough Administrator has recommended that the Borough advertise for an additional full-time civilian police dispatcher for the Police Department; 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 the Purchasing/Personnel Officer is authorized to advertise for an additional full-time civilian police dispatcher for the Police Department.

R 219-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING  
COMPLETION OF THE MADISON HOUSING AUTHORITY PROJECT AT 24  
CENTRAL AVENUE PURSUANT TO THE AS BUILT SURVEY AND CONFIRMING  
SITE PLAN APPROVAL

**WHEREAS**, the Borough Engineer has recommended that the Borough approve completion of the Madison Housing Authority project at 24 Central Avenue pursuant to the as built survey prepared by Richard S. Smith, Jr., dated 6/28/10, and the site plan prepared by Goldenbaum Bail Associates, Inc. dated 8/5/10, and confirm site plan approval accordingly; and

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**WHEREAS**, the as-built survey and site plan reflect the following differences from the site plan approved by Resolution 244-2007:

Front Yard Set Back = 0.1 feet  
Side Yard Set Back = 7.1 feet  
Rear Yard Set Back = 63.4 feet  
Area = 11,461 square feet  
Width = 99.9 feet  
Impervious Coverage = 84.3%  
Building Coverage = 31.5%

**WHEREAS**, the Madison Building Department has inspected the 12 Unit Senior Housing Project and is prepared to issue a Certificate of Occupancy upon Council approval as described herein; and

**WHEREAS**, the Senior Housing Complex, known as the Firehouse Apartments, is an immense improvement of the property; and

**WHEREAS**, the Council has considered the matter at a public meeting on August 9, 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 completion of the Madison Housing Authority project described herein according to the as built survey prepared by Richard S. Smith, Jr., dated 6/28/10, and the site plan prepared by Goldenbaum Baill Associates, Inc. dated 8/5/10, with the changes reflected thereon, is accepted and the site plan is confirmed and approved according to the as-built survey and site plan noted herein.

R 220-2010 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO DENNIS HARRINGTON OF MADISON, NJ FOR CONSTRUCTION ADMINISTRATION SERVICES FOR THE LINCOLN PLACE RECONSTRUCTION PROJECT IN AN AMOUNT NOT TO EXCEED \$18,000.00

**WHEREAS**, the Borough Engineer has recommended that the Borough obtain professional services from Dennis Harrington, P.E., for construction administration services for the Lincoln Place Reconstruction project (hereinafter the "Contract"); 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 exceed \$17,500.00; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Council award the Contract to Dennis Harrington, P.E. in an amount not to exceed

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\$18,000.00, for construction administration services for the Lincoln Place Reconstruction project; and

**WHEREAS**, Dennis Harrington, P.E., must submit to the Borough Purchasing/Personnel Officer 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**, Dennis Harrington, P.E., must complete and submit a Business Entity Disclosure Certification which certifies that Dennis Harrington, P.E., 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 Dennis Harrington, P.E., 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 \$18,000.00 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. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from Dennis Harrington, P.E., the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Dennis Harrington, P.E., for construction administration services for the Lincoln Place Reconstruction project in an amount not to exceed \$18,000.00, such contract to be in a form approved by the Borough Attorney.

2. When received, the Business Disclosure Entity 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.

R 221-2010 RESOLUTION OF THE MADISON BOROUGH COUNCIL  
AWARDING CONTRACT TO APS CONTRACTORS, INC. IN THE AMOUNT OF  
\$477,970.00 FOR THE NORTH STREET PUMP STATION RENOVATION

**WHEREAS**, the Borough of Madison publicly advertised for bids for the North Street Pump Station Renovation (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

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**WHEREAS**, the lowest qualified bid was submitted by APS Contractors, Inc., in the amount of \$477,970.00 for the Base Bid plus Alternate 1 Transformer and Alternate 2 Odor Control; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Council award the contract to APS Contractors, Inc., in the amount of \$477,970.00; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$477,970.00 for this purpose which funds were appropriated by Ordinance 38-2010.

**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 North Street Pump Station Renovation is hereby awarded to APS Contractors, Inc., based upon its bid in the amount of \$477,970.00 for the Base Bid plus Alternate 1 Transformer and Alternate 2 Odor Control.

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

**R 223-2010 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING STIPEND TO CONFIDENTIAL EMPLOYEES EXCLUDED FROM UNION PARTICIPATION**

**WHEREAS**, the Borough Administrator has recommended approving a \$1,000.00 stipend to five confidential employees excluded from union participation to maintain parity with the union employees; and

**WHEREAS**, the Borough Council has determined to approve a \$1,000 stipend to the non-union confidential employees, effective July 1, 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 Borough Council ratifies and authorizes payment of a \$1,000.00 stipend to the five confidential employees excluded from union participation effective July 1, 2010.

Mrs. Tsukamoto moved adoption of Resolution R 222-2010. Ms. Baillie seconded the motion. Mr. Codey explained the terms of the agreement. There was no further 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

R 222-2010 RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION 187-2010 TO INCLUDE PARTICIPATION BY CHATHAM BOROUGH AND AUTHORIZE ENTRY INTO AN AGREEMENT FOR SHARED COST OF THE IMPROVEMENTS TO BROOKLAKE ROAD

**WHEREAS**, a contract was awarded to Cifelli & Sons Construction for the Brooklake Road Reconstruction project in the amount of \$230,675.00 by Resolution 187-2010; and

**WHEREAS**, the Borough of Madison has requested the Borough of Chatham to enter into an agreement for shared cost for the project so that each municipality pays for improvements to Brooklake Road within the boundaries of each municipality; and

**WHEREAS**, the Borough of Chatham and the Borough of Madison have agreed to enter into such agreement providing that Chatham will reimburse the Borough of Madison for the portion of the work in the Borough of Chatham, in the amount of \$40,000.00; and

**WHEREAS**, the Madison Borough Council has reviewed the proposed agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Resolution 187-2010 is hereby amended to provide that the Mayor and Borough Clerk are authorized to enter into an agreement with the Borough of Chatham providing that the Borough of Chatham shall reimburse the Borough of Madison \$40,000.00 for the improvements in that portion of Brooklake Road within the boundary of Chatham Borough, such agreement to be in a form approved by the Madison 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.**

***Irene Knoblach, Brooklake Road***, voiced opposition to a Borough of Chatham proposed community garden along the PSE&G right of way, noting strangers in the neighborhood, less open space and increased traffic. Mrs. Knoblach provided a petition including signatures from area residents opposing the community garden.

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**Hank Knoblach, Brooklake Road**, noted his opposition to the proposed community garden, enjoys the open space and suggested gardens will be unsightly. Mr. Knoblach asked members of the Council to visit the proposed site.

At 10:55 p.m., Mr. Conley made a motion to continue the Council meeting until 11:15 p.m. The motion was seconded by Mrs. Tsukamoto and agreed to by all.

**Jocelyn Colquhoun, Barnsdale Road**, raised concern regarding the recently adopted ordinance and noted continued opposition to lighting on Cougar Field. Ms. Colquhoun thanked Mr. Codey for his assistance.

**Carol Preston, Barnsdale Road**, a member of the Cougar Field Neighborhood Preservation Association, noted that their Attorney, Rob Simon, filed suit on August 6<sup>th</sup>. She asked the Mayor and Council to continue to support this effort.

**Avanda Urben, Fletcher Place**, opposed the construction of community gardens proposed by the Borough of Chatham, noting that area residents have their own property and the proposed gardens will decrease property values.

**Peter Miller, Niles Avenue**, opposes the proposed community garden and asked the Borough Attorney if the proposed gardens are a change in use and would they require a zoning change.

**Vito Luppino, Leadman-Sewer Department**, asked if it was protocol to post a position within the Borough before the ordinance is adopted.

**Jim Finelli, Water Utility Department**, asked for an explanation of the combined positions incorporated in the proposed Assistant Business Administrator position.

**UNFINISHED BUSINESS**

Mr. Cerciello raised the issue of additional charges for large water line service and was asked to submit an agenda recommendation. Mr. Cerciello also raised concern regarding the South Street reconstruction project.

At 11:13 p.m., Mr. Conley made a motion to continue the Council meeting for the vouchers and items on the Executive Session agenda. The motion was seconded by Mrs. Tsukamoto and agreed to by all.

**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	\$65,246.75
Health & Public Assistance	10,337.65
Public Works & Engineering	103,149.86
Community Affairs	2,797.61
Finance & Borough Clerk	5,531,888.67
Utilities	<u>103,040.19</u>
Total	<u>\$5,816,460.73</u>

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

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

**NEW BUSINESS** - None

**ADJOURN AND RECONVENE EXECUTIVE SESSION**

There being no further business to come before the Council, the meeting was adjourned at 11:15 p.m. and the Executive Session immediately reconvened.

**RECONVENE AND ADJOURN**

The Regular Meeting reconvened at 11:40 p.m. and immediately adjourned.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved September 13, 2010 (EO)