

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

August 23, 2010 - 6 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 23rd day of August 2010. Mayor Holden called the meeting to order at 6 p.m. in Room #320 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

There was approval of the Regular and Executive Agenda.

ABC Hearing – Prospect Tavern Beef & Ale, LLC

Mayor Holden called the hearing to order and acknowledged the following individuals present:

Lorraine Staples for Richard Cushing, Special Counsel for the Borough of Madison
Robert Simon, Herald Law for Licensees
Jennifer Smith, Gibbons, PC for Stop & Shop Co. LLC

Attorney Robert Simon addressed the Mayor and Council, explaining some background and noting that license holders John & Savior Allocco were present if needed. Mr. Simon explained that an Ad Interim permit has been issued until August 31st and that the license holders have re-noticed transfer of the initial person-to-

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person, place-to-place transfer of their license, as instructed by the State of New Jersey, Division of ABC. They have also provided an affidavit to the Borough Clerk in an effort to cure alleged defects.

Stop & Shop has appealed both the transfer and the Borough of Madison's June 28, 2010 resolution adjourning the hearing on the renewal of ABC license #1417-33-015-004. They contend that this is nothing more than a litigation tactic. The Borough of Madison did not receive Objections until Friday, August 20th, and nothing was filed with the Division of ABC. Mr. Simon believes the objections are completely irrelevant to renewal and that the allegations are inaccurate. Mr. Simon stated that there is no illegal gambling at the Tavern. The restaurant is open on Sundays, but does not serve alcohol until the permitted hour. Further, he states, there have been no problems, complaints, accidents or incidents associated with the ABC license. He contends that this is an ongoing dispute over parking and that Stop & Shop is maliciously using renewal of the ABC license as a litigation tactic.

Jennifer Smith, Gibbons, PC for Stop & Shop Co. LLC addressed the Mayor and Council, noting that the objections will stand and that she is here only to respond to statements made, including the serving of alcohol on Sundays, underage drinking, unlicensed outdoor premises and serving alcoholic beverages near schools. She acknowledged that the property dispute is in litigation. Lastly, she reminded the Council that the purpose is to protect the public and to determine if the license holder is eligible to hold the license. She asked that the Council look carefully at the evidence.

Mayor Holden asked if this business would be grandfathered with regards to the new outdoor dining ordinance recently adopted by the Borough Council. Ms. Staples agreed it would be grandfathered with respect to outdoor dining. There was no further Council discussion.

Ms. Staples explained that there are two items in question, including the notice for the initial person-to-person, place-to-place transfer and the renewal of the license for the 2010-2011 term.

Ms. Baillie made a motion to ratify to grant the initial person-to-person, place-to-place transfer, seconded by Mrs. Tsukamoto. 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

Mrs. Tsukamoto made a motion to renew the ABC license, seconded by Ms. Baillie. 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

Ms. Staples provided a resolution to ratify and approve the renewal of the license.

Mr. Conley made a motion to authorize the Mayor to sign the resolution, seconded by Mrs. Tsukamoto.

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The Borough Clerk read Resolution R 240-2010 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

The ABC Hearing was adjourned at 6:35 p.m. and the Executive Session immediately reconvened in Room #210, of Bayley-Ellard High School, 205 Madison Avenue, in the Borough of Madison.

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 - none

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

CONTRACT MATTERS (7)
BOE MEMO OF UNDERSTANDING
JOINT MUNICIPAL COURT
NEW UNUSED LAMPPOSTS-REBID
NORTH STREET PUMP STATION RENOVATION
LINCOLN PLACE
HDM CHANGE ORDER
CONTRACTOR REFERENCE CHECK POLICY

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

PERSONNEL MATTERS (6)
MAIN STREET EXECUTIVE DIRECTOR
RECREATION DIRECTOR/RECYCLING COORDINATOR
TEEN CENTER DIRECTOR/ASSISTANT DIRECTOR
CROSSING GUARDS
EMPLOYEE SALARY INFORMATION
ASSISTANT BUSINESS ADMINISTRATOR

Date of public disclosure 90 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 3rd Floor Meeting Room of Bayley-Ellard with all members present. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES - NONE

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GREETINGS TO PUBLIC

Mayor Holden made the following comments:

Mayor Holden noted that two items, Ordinance 48-2010 and Resolution R 239-2010, are removed from the agenda.

Mayor Holden announced that August 26th is Women's' Equality Day, the 90th Anniversary of the Ratification of the 19th Amendment to the United States Constitution guaranteeing women the right to vote. A Proclamation has been prepared to commemorate the day.

REPORTS OF COMMITTEES

Community Affairs

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

The Farmers' Market is moving to the Staples Plaza beginning September 2nd through the end of October due to the construction along Lincoln Place. The Summer Concert Series will continue Friday, September 3rd, in front of the Museum of Early Trades & Crafts with music by the Mood Swings, a Madison-based, all-Mom rock band. The Open Space Committee has met to discuss potential projects to improve outdoor areas. With few scarce dollars available, the Committee hopes to obtain grant funds for proposed projects.

Finance and Borough Clerk

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

To clear up misunderstandings regarding salaries, payroll information will be posted on the Borough of Madison website, and, in October, we hope to schedule Budget hearings to help explain the budget process, including salaries.

Public Safety

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

The Madison Police Department will continue the "Hang up or Pay up" cell use while driving campaign, in which already over 100 summonses have been issued. Mrs. Tsukamoto announced the passing of Fire Department member Ron DeGraw, who served Madison for 47 years, including 26 years in the Career Division. Also, the Fire Department has provided mutual aid in the past two weeks to Chatham Township to help remove a horse from a ditch and to Cedar Knolls for assistance with a structural fire. The HDM building rehabilitation project is progressing on schedule and hopes are to move back in October. Mrs. Tsukamoto will have more specific information regarding a Joint Municipal Court in the near future. A formal shared service agreement for Construction Code Official with Chatham Borough will be effective September 1st.

Utilities

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

Public Works and Engineering

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

Before beginning his report, Mr. Cerciello noted his concern regarding comments made at a previous Council meeting. Mr. Cerciello noted in August that he sent letters to the U. S. Post Office and New Jersey Transit regarding the improvements project on Lincoln Place and asking for their respective properties to be improved. Mr. Cerciello stated that he has only had a response from New Jersey Transit, but not from the U.S. Post Office. Copies of the letters were sent to Congressman Rodney Frelinghuysen. Mr. Cerciello noted that he has been asked to withdraw his

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services from the proposed pavilion and fire pit project at Memorial Park because he is too political. Mr. Cerciello stated that he has asked for Green Acres forms submitted for the Dodge Field and baseball fields at Rosedale Avenue projects. Mr. Codey explained that the Borough Clerk's office is searching for the documents and that forms for submission for the proposed pavilion project can be obtained from Green Acres. Mr. Mezzacca advised that an agenda recommendation is necessary for Council approval for an application to Green Acres. Mr. Cerciello recommended that the contractor on the South Street reconstruction project not receive final payment until re-seeding is completed to satisfaction. Mr. Cerciello stated that there is a resolution to rescind the award of a contract for the renovation of the North Street Pump Station on this evening's agenda. Mr. Mezzacca noted that nothing further should be said on the record and advised that is all that can be discussed at the public meeting.

Mr. Cerciello left the meeting at 8:35 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 11, 2010, from the Madison Landlord Association regarding proposed Central Business District design standards.

Letter received August 16, 2010, from Lucy Monaco of Bedford Court and Linda Prescott of Wayne Boulevard regarding the Farmers' Market.

Eight e-mails received August 23, 2010, from local business owners and DDC members supporting the appointment of James Burnet as Assistant Business Administrator.

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.**

Blaine Spencer, Elm Street, inquired about Borough contracts for road repairs and why contracts do not go to Madison residents. Mr. Spencer asked about contracts to minority business owners.

Mr. Cerciello returned to the meeting at 8:38.

Michael Soriano, Woodland Road, asked for an explanation as to why his water bills are higher because the size of the intake pipe is larger. An ordinance to address this issue will be listed on the next Council meeting agenda.

AGENDA DISCUSSIONS

08/23/2010-1 AMEND ORD. 22-90, TO RENAME MADISON ALLIANCE - MAASA

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Mayor Holden explained a request to change the organization's name in order to better reflect MAASA's mission.

Ordinance 47-2010 is listed for introduction.

08/23/2010-2 EMERGENCY PURCHASES AND CONTRACTS

Mr. Codey explained that the State requires procedures for emergency purchases to be in place. There was agreement to list Resolution R 227-2010 on the Consent Agenda.

08/23/2010-3 2009/2010 ENGINEERING CONSULTANT CONTRACTS

Mrs. Tsukamoto recommended, due to several questions raised at previous meetings regarding consultants, a review of engineering consultant contracts and possible future cost saving improvements. Mrs. Tsukamoto provided the list of approved consultants for 2009 and 2010, noting that several are retained in the event that their services are required by the Borough and are not necessarily paid unless such services are provided. Mrs. Tsukamoto explained that the Borough has spent approximately \$5 million on much needed road reconstruction projects in 2009 and 2010. Mrs. Tsukamoto explained that much of the engineering consulting work cannot be done in-house. Mrs. Tsukamoto noted that there will be a much smaller engineering budget in the future and, therefore, less consultant costs. Mr. Mezzacca explained, in regards to survey, deed review and land acquisition, that the Borough does not have in-house licensed land surveyors, and that the Borough has had multiple reasons for hiring outside consultants for the acquisition of the Bayley-Ellard property as the property contained a subdivision and County grant funds required specific surveys as well as environmental studies that require a certified and licensed consultant to meet NJ DEP requirements and to do due diligence for the Borough of Madison.

Mr. Codey added that the Borough is going to be doing in-house construction supervision and monitoring of Brooklake Road reconstruction, a \$323,000 project, and the Belmont and Vinton water main replacement project as well. The Borough has also hired Dennis Harrington for construction oversight on the Lincoln Place project at \$75/hr, which would be double if the Borough were to hire any other firm, and with the benefit of Mr. Harrington being a resident, we have a higher degree of service because oversight requires approximately a 4-6 hour inspection day, and he is local. With regards to annual consultant contracts, again we have asked all vendors to hold their fees, as we have for the last three years.

Mr. Cerciello offered to act as the construction manager for the Lincoln Place reconstruction project at no cost to the Borough. Mr. Mezzacca again explained that a Council member would have a conflict of interest in that capacity. Mr. Mezzacca will provide Mr. Cerciello with the statute that applies.

08/23/2010-4 OPEN CAPITAL ORDINANCES

Mrs. Tsukamoto provided a review of open capital ordinances and explained the general process for appropriating funds. The Governing Body appropriates capital funds for expenditure in an ordinance. After the project is completed, any remaining funds should be returned to the General Capital Improvement Fund. The Borough should not have funds waiting to be found. Mrs. Tsukamoto recommended that 19 ordinances can be cancelled now that the projects are completed and a total of \$1.1 million be put back to the Capital funds. There was agreement with Mrs. Tsukamoto's recommendation that these outstanding items be cancelled and a new

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policy be put into place to improve the cancellation of ordinances at year end, unless a reasonable explanation is submitted to the Borough Council.

08/23/2010-5 2011 MUNICIPAL AID APPLICATION

Mr. Codey explained that this item is a request to the State of New Jersey for a \$250,000 grant to help with construction costs for Green Avenue drainage improvements and resurfacing. There were no objections to listing Resolution R 228-2010 for approval.

Resolution R 228-2010 is listed on the Consent Agenda.

08/23/2010-6 AMEND CHAPTER 190-32 TWO-INCH WATER METERS
Ord. 50-2010 was removed from the agenda and the # retired.

ADVERTISED HEARINGS

The Clerk made the following statement:

The Ordinances scheduled for hearing were introduced by title and passed on first reading at a Regular Meeting of the Council held on Monday, August 9, 2010, were posted and filed according to law, and copies were made available to the general public requesting same.

Mayor Holden called up Ordinance 40-2010 through Ordinance 44-2010 for second reading and asked the Clerk to read said ordinances 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:

TITLE	MINIMUM	MAXIMUM
Recreation Director	\$15.00/hr	\$20.00/hr

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

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

Mayor Holden opened up the public hearing on Ordinance 40-2010. Since no member of the public wished to be heard, the public hearing was closed.

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

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

Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

Mayor Holden declared the aforementioned ordinance adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 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:

TITLE	MINIMUM	MARKET VALUE	MAXIMUM
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.

Mayor Holden opened up the public hearing on Ordinance 41-2010. Since no member of the public wished to be heard, the public hearing was closed.

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Mr. Conley moved that Ordinance 41-2010, which the Clerk read by title, be finally adopted. Ms. Baillie seconded the motion. Ms. Baillie explained that the Assistant Business Administrator position will actually save money for the Borough of Madison and, therefore, she will be voting in the affirmative. Mrs. Tsukamoto provided a chart of savings by establishing this position. Mr. Links noted that this is a cost-saving measure. Mr. Cerciello noted that he will vote no because the timing is not right. The motion passed with the following roll call vote recorded:

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

Mayor Holden declared the aforementioned ordinance adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 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

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.

Mayor Holden opened up the public hearing on Ordinance 42-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Cerciello moved that Ordinance 42-2010, which the Clerk read by title, be finally adopted. Mrs. Tsukamoto seconded the motion. Following Council discussion, the motion passed with the following roll call vote recorded:

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

Mayor Holden declared the aforementioned ordinance adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 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:

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.

Mayor Holden opened up the public hearing on Ordinance 43-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Links moved that Ordinance 43-2010, 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 the aforementioned adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 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.

Mayor Holden opened up the public hearing on Ordinance 44-2010.

Blaine Spencer, Elm Street, asked if this ordinance is to improve all sidewalks in Madison, what is the guarantee of the work and who oversees the construction.

Thomas P. Bintinger, President of the Library Board of Trustees, explained that the proposed sidewalks would replace the asphalt from Keep Street to the Staff Bridge to the ADA Ramp up to the Upper Bridge. This is in three sections to be completed as one project and, at the same time, move the handicapped parking spots, with two spots designated in front of the Library building.

Mr. Links moved that Ordinance 44-2010, which the Clerk read by title, be finally adopted. Mr. Cerciello seconded the motion. Following Council discussion, the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Dr. Esposito, Mr. Links

Nays: Mrs. Tsukamoto, Mr. Cerciello

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Mayor Holden declared Ordinance 44-2010 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.

❖ **Ordinances 45-2010 and 46-2010 have a hearing date scheduled for September 13, 2010**

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of September 13, 2010, in the 3rd Floor Meeting Room of Bayley-Ellard High School, 205 Madison Avenue off Danforth Road in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinances will be published in the Madison Eagle, be posted at the main entrance to Bayley-Ellard High School and be made available to members of the public requesting same, as required by law.

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

**ORDINANCE 47-2010
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 5 OF
THE BOROUGH CODE CURRENTLY ENTITLED “ALLIANCE AGAINST
SUBSTANCE ABUSE”**

WHEREAS, the Borough Administrator has recommended amending Chapter 5 of the Borough Code entitled “Alliance Against Substance Abuse” to rename as “Alliance Addressing Substance Abuse”; and

WHEREAS, the Borough Council is in agreement with said recommendation.

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: Chapter 5 of the Borough Code currently entitled “Alliance Against Substance Abuse” is hereby amended as follows:

Chapter 5, Alliance Addressing Substance Abuse

§ 5-1. Establishment; purpose.

The Madison Alliance Addressing Substance Abuse is hereby established for the aforementioned purposes.

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

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

Mr. Links moved that Ordinance 47-2010, 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:

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

ORDINANCE 48-2010 Item removed and the # retired.

ORDINANCE 49-2010

ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 2-2009 TO ABOLISH POSITIONS OF TEEN CENTER DIRECTOR, TEEN CENTER ASSISTANT DIRECTOR, TEEN CENTER SUPERVISOR AND WELFARE DIRECTOR

WHEREAS, the Borough Administrator has recommended abolishing the part-time, non-union positions of Teen Center Director, Teen Center Assistant Director, Teen Center Supervisor and Welfare Director; and

WHEREAS, the Borough Council has determined that a change is required in the salary ranges for non-union part-time employees to abolish the positions of Teen Center Director, Teen Center Assistant Director, Teen Center Supervisor and Welfare Director, which positions are all vacant.

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 delete the salary ranges for the following positions:

POSITION	MINIMUM	MAXIMUM
Teen Center Supervisor	\$7.15/hr	\$9.85
Teen Center Asst. Director	\$9.00/hr	\$13.52
Teen Center Director	\$15,000.00/yr	\$24,309.00
Welfare Director	\$18,025.00/yr	\$50,957.00

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

Mr. Conley moved that Ordinance 49-2010, 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 50-2010 Item removed and the # retired.

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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 224-2010 through R 238-2010, excluding Resolution R 235-2010 listed on the Consent Agenda. Ms. Baillie seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

R 224-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY PTSO MADISON HS AND BULLPEN CLUB INC.

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following applications for Raffles Licenses, which raffles are to be held as listed below, be and the same are hereby approved:

PTSO MADISON HS
I.D. No. 274-5-33795
R.A. No. 1162 – Off Premise
R.A. No. 1163 – On Premise
October 28, 2010

PTSO MADISON HS
I.D. No. 274-5-33795
R.A. No. 1165 – On Premise
September 25, October 30,
November 5 and November 25, 2010

BULLPEN CLUB INC.
I.D. No. 274-5-35149
R.A. No. 1166 – On Premise
September 25, 2010

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

R 225-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY PTSO MADISON HS TO CONDUCT AN ON-PREMISE 50/50 RAFFLES GAME ON SUNDAY, OCTOBER 3, 2010

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

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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. 274-5-33795 to the PTSO Madison HS; and

WHEREAS, an Application for Raffles License, together with all necessary documents and fees, has been submitted to the Madison Borough Clerk's Office by the PTSO Madison HS to conduct an On-Premise 50/50 Raffles Game on Sunday, October 3, 2010, from 12 Noon to 5 p.m. at Madison High School, 170 Ridgedale Avenue, Madison;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the afore-mentioned Application for Raffles License, R.A. No. 1164, 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 226-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF THE 2011 MUNICIPAL ALLIANCE GRANT APPLICATION IN THE AMOUNT OF \$11,774.00

WHEREAS, the Borough of Madison, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society among persons of all ages; and

WHEREAS, the Borough of Madison further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough of Madison desires to apply for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Morris.

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 Borough Administrator is authorized to submit an application for the Municipal Alliance grant for calendar year 2011 in the amount of \$11,774.00.
2. The Borough of Madison acknowledges the terms and conditions for administering the Municipal Alliance grant,

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including the administrative compliance and audit requirements.

R 227-2010 RESOLUTION OF THE BOROUGH OF MADISON ADOPTING RULES AND REGULATIONS TO ADOPT PROCEDURE FOR EMERGENCY PURCHASES AND CONTRACTS PURSUANT TO N.J.S.A. 40A:11-6 AND N.J.A.C. 5:34-6.1

WHEREAS, Local Public Contracts Law N.J.S.A. 40A:11-6 permits local contracting units to use emergency purchasing procedures, and pursuant to corresponding Local Public Contracts Law rules, the governing body of each contracting unit shall adopt rules to ensure that there are written procedures for determining and confirming the existence of an emergency; and

WHEREAS, according to N.J.A.C. 5:34-6.1(b) such rules or regulations shall include such provisions that ensure that if initially designated individuals are not available, there is a clear chain of command to ensure that there are always appropriate individuals to make such decisions; and

WHEREAS, the Borough Council has determined that the policy governing emergency purchasing procedures and procedure for declaration of emergency set forth herein shall be adopted;

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 following is adopted as the emergency purchasing policy for the Borough of Madison:

A. POLICY GOVERNING EMERGENCY PURCHASING PROCEDURES

All Department Heads will be held responsible for adhering to the following procedure. Any Department Head who expends funds for an emergency, without following the procedure outlined here, will be held accountable.

Contracts, including purchase orders, shall be entered into and funds committed or expended for an emergency pursuant to N.J.S.A. 40A:11-6 and corresponding Rules N.J.A.C. 5:34-6.1, subject to the following requirements:

1. An actual or imminent emergency must exist requiring the immediate delivery of the goods or the performance of the service(s);
2. The emergency must directly affect the public health, safety, or welfare, and requires the immediate delivery of goods or the performance of service(s);
3. Emergency purchasing shall not be used for administrative convenience or for failure to plan. Sound business practices shall be used when an emergency purchase must be made;

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4. The emergency purchasing procedure may not be used unless the need for the goods or the performance of the service(s) could not have been reasonably foreseen or the needs for such goods or service(s) has arisen notwithstanding a good faith effort on the part of the Borough of Madison to plan of the purchase of any required goods or service(s);
5. The contract shall be of such limited duration as to meet only the immediate needs of the emergency declared;
6. Under no circumstances shall the emergency purchasing procedure be used to enter into a multi-year contract;
7. Any emergency condition in which the estimated cost is in excess of the Borough's current bid threshold shall be approved by the governing body at the next meeting following the emergency approval by the Borough Administrator. A resolution authorizing payment shall be prepared for approval by the Council upon the completion of the service or receipt of materials.

B. PROCEDURE FOR THE DECLARATION OF AN EMERGENCY

1. A department head, or in his/her absence his/her designee, as soon as reasonably possible shall notify the Borough Administrator of the need for awarding a contract or purchase order, the nature of the emergency, the time of its occurrence and the need for invoking the emergency provisions of the law;
2. If the Borough Administrator is satisfied that an emergency exists, s/he shall be authorized to award a contract or contracts for such purposes as may be necessary to respond to the emergent needs;
3. Within 48 hours of an emergency occurrence, the department head, or in his/her absence his/her designee, shall submit to the Borough Administrator a written report (Certification of Request for Emergency Purchase) providing the information referenced above;
4. The department head must also complete the NJ Division of Local Government Services – Emergency Procurement Report
5. Upon completion of both reports (Certification of Request for Emergency Purchase and NJ DLGS Emergency Procurement Report), they shall be forwarded to the Purchasing/Personnel Officer for filing with the Director of the Division of Local Government Services
6. In the Borough Administrator's absence, the chain of command for adherence to the requirements of B1, B2, and B3 shall be:
 - a. Assistant Borough Administrator
 - b. Chief Financial Officer
 - c. Chief of Police
 - d. Purchasing/Personnel Officer
 - e. Borough Clerk

R 228-2010 RESOLUTION OF THE BOROUGH OF MADISON IN SUPPORT OF MUNICIPAL AID APPLICATION FY2011 TO RECONSTRUCT PORTION OF GREEN AVENUE FROM WOODLAND ROAD TO SHUNPIKE ROAD

WHEREAS, the Borough Engineer has recommended that the Borough submit a 2011 Municipal Aid Application to the New Jersey Department of

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Transportation for reconstruction of a portion of Green Avenue from Woodland Road to Shunpike Road; and

WHEREAS, the Green Avenue Reconstruction Project will comprise reconstruction of a heavily used collector road, estimated to cost \$427,568.55 and for which funding in the amount of \$250,000.00 is being requested from the State of New Jersey Municipal Aid 2011 program; and

WHEREAS, the Borough Engineer has determined that the reconstruction is urgently needed due to current road conditions and need for curb and drainage structure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that the Council formally approves the grant application for the above stated purpose.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2011-Madison Borough-00083 to the New Jersey Department of Transportation on behalf of the Borough of Madison.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Madison and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

R 229-2010 RESOLUTION OF THE MADISON BOROUGH COUNCIL
AWARDING CONTRACT TO TURTLE & HUGHES IN THE AMOUNT OF
\$32,420.92 FOR THE PURCHASE OF NEW, UNUSED LAMPPOSTS

WHEREAS, the Borough of Madison publicly advertised for bids for new, unused lampposts (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 in the amount of \$32,420.92; and

WHEREAS, the Purchasing/Personnel Officer has recommended that the Borough Council award the contract to Turtle & Hughes in the amount of \$32,420.92; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$32,420.92 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:

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1. The contract for the purchase of new, unused lampposts is hereby awarded to Turtle & Hughes based upon its bid in the amount of \$32,420.92.

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

R 230-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF FLU VACCINE FROM SANOFI PASTEUR, INC. UNDER STATE CONTRACT FOR THE BOARD OF HEALTH

WHEREAS, the Borough of Madison desires to purchase 230 doses of flu vaccine for the Board of Health from an authorized vendor under State Contract #73936; 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, Sanofi Pasteur, Inc. has been awarded New Jersey State contract number 73936; and

WHEREAS, the Borough Administrator has recommended that the Borough Council utilize this contract for 230 doses of flu vaccine in the amount of \$22,198.45; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$22,198.45 for this purpose.

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

1. The purchase of 230 doses of flu vaccine from Sanofi Pasteur, Inc., at a total price not to exceed \$22,198.45 is hereby approved under the New Jersey State contract number 73936.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Sanofi Pasteur, Inc. for the purchase of 230 doses of flu vaccine at a total price not to exceed \$22,198.45, in a form acceptable to the Borough Attorney.

R 231-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING GRANT AND IN-KIND CONTRIBUTION FROM THE BOROUGH FOR IMPROVEMENTS AT LUKE MILLER FORGE

WHEREAS, the Madison Historical Society (hereinafter “Historical Society”) has requested authorization to apply for a grant for expanded archaeological

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research at the site known as the Luke Miller Forge on property owned by the Borough on Ridgedale Avenue; and

WHEREAS, the grant will seek additional funding to expand the archaeological dig to seek further information that may lead to the exact location and dimensions of the original building and other historical information; and

WHEREAS, the Madison Historical Society requests authorization for the Department of Public Works to level and re-seed the lawn after the study is completed.

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 Borough of Madison hereby authorizes, endorses and supports the Historical Society's application to obtain a grant for expanded archaeological research at the Luke Miller Forge site on Ridgedale Avenue.

2. The Department of Public Works is authorized to level and re-seed the lawn after the study is completed.

R 232-2010 RESOLUTION OF THE BOROUGH OF MADISON ELIMINATING TITLE OF FULL-TIME RECREATION DIRECTOR/RECYCLING COORDINATOR

WHEREAS, the Borough Administrator has recommended the elimination of the title of "Full-Time Recreation Director/Recycling Coordinator"; and

WHEREAS, the position of "Full-Time Recreation Director/Recycling Coordinator" is vacant due to retirement; and

WHEREAS, the Borough Administrator has recommended not filling the position of "Full-Time Recreation Director/Recycling Coordinator"; and

WHEREAS, the annual salary of the person who held the position prior to retirement was \$91,104.00 per year plus benefits which totaled \$26,000.00 for family medical coverage and \$2,300.00 for PERS employer contributions, and eliminating the title will result in an annual savings of \$119,404.00 less \$20,000.00 for the salary of a part-time Recreation Director resulting in a net savings to the Borough of \$99,404.00 per year due to elimination of this title.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that the Council authorizes the elimination of the title of "Full-Time Recreation Director/Recycling Coordinator" effective immediately.

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R 233-2010 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING PETER IOSSA, JR., AND SHARON BENWAY OF MADISON, NEW JERSEY TO THE POSITION OF SCHOOL CROSSING GUARD

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Peter Iossa, Jr., of Madison, New Jersey and Sharon Benway of Madison, New Jersey are each hereby appointed to the position of school crossing guard, effective immediately.

BE IT FURTHER RESOLVED, by the Council of the Borough of Madison, that they be compensated in accordance with the Borough Resolution establishing the salaries for part-time, school crossing guards.

R 234-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF NJ CLEAN ENERGY GRANT

WHEREAS, the Main Street Executive Director has recommended that the Borough authorize the Borough Administrator and Main Street Executive Director to submit a Grant Application for Capital Improvements in the amount of \$200,000 to the NJ Clean Energy Grant Program in connection with replacing light fixtures and HVAC equipment; and

WHEREAS, the Borough Council has determined it is appropriate to authorize the Borough Administrator and Main Street Executive Director to submit a Grant Application to the NJ Clean Energy Grant Program in connection with replacing light fixtures and HVAC equipment.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris in the State of New Jersey that the Borough Administrator and Main Street Executive Director are hereby authorized and directed on behalf of the Borough to sign and submit a NJ Clean Energy Grant Program for Capital Improvements in the amount of \$200,000 in connection with replacing light fixtures and HVAC equipment.

R 236-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING TRANSFER OF TWO 2010 LIVERY OWNER'S LICENSES FOR MADISON LIMOUSINE

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WHEREAS, any license issued for any taxicab or livery may be transferred to a substitute vehicle in accordance with the provisions of Chapter 173-7 of the Borough of Madison Code after approval of the Council and upon the payment to the Borough of a transfer fee of \$10.00 for each vehicle for which the license is to be transferred; and

WHEREAS, prior to the approval or disapproval by the Council of the transfer of the license to permit the operation of such substituted vehicle, the owner may operate such substituted vehicle or cause the same to be operated, subject to the other provisions of Chapter 173-7; and

WHEREAS, Madison Limousine has made application to transfer Livery Owner's Licenses No. 6 and No. 7 to two substitute vehicles and, at the same time, has provided proof of insurance and paid the appropriate transfer fees;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, to approve the two license transfer requests from Madison Limousine.

R 237-2010 RESOLUTION OF THE BOROUGH OF MADISON RESCINDING RESOLUTION 221-2010 AWARDING CONTRACT TO APS CONTRACTORS, INC. IN THE AMOUNT OF \$477,970.00 FOR NORTH STREET PUMP STATION RENOVATION

WHEREAS, Resolution 221-2010 authorized the Mayor and Borough Clerk to execute a contract to APS Contractors, Inc. for the North Street Pump Station renovation; and

WHEREAS, the Borough Administrator has recommended that Resolution 221-2010 be rescinded, and that the bid by APS Contractors, Inc., be rejected for material misrepresentations set forth in the APS Contractors bid response; and

WHEREAS, the Borough Administrator has recommended that the bid received from Scafar Contracting be rejected for exceeding the estimate of the Engineer; and

WHEREAS, the Mayor and Council have determined that Resolution 221-2010 should be rescinded, the contract with APS Contractors, Inc. should not be executed, and all bids should be rejected.

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 221-2010 is hereby rescinded, all bids are rejected for the reasons set forth above and the Borough Administrator is authorized to re-bid the project.

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R 238-2010 RESOLUTION OF THE BOROUGH OF MADISON RELOCATING THE FARMERS' MARKET FOR SEPTEMBER

WHEREAS, the Downtown Development Commission has requested permission of the Borough of Madison to relocate the Farmers' Market from Waverly Place to the Madison Plaza from September 2, 2010 to October 28, 2010, due to proposed work on Lincoln Place; and

WHEREAS, the Main Street Executive Director and the Police Chief recommend approval of this request; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison County of Morris, State of New Jersey, that the request of the Downtown Development Commission to relocate the Farmers' Market from Waverly Place to the Madison Plaza from September 2, 2010 to October 28, 2010, due to proposed work on Lincoln Place, is hereby granted.

R 239-2010 ITEM REMOVED AND THE # RETIRED

Mrs. Tsukamoto moved adoption of Resolution R 235-2010 excluded from the Consent Agenda. Ms. Baillie seconded the motion. Mr. Codey explained HDM building change orders to date. Following Council discussion, 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

R 235-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING CHANGE ORDER #14 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 #13 have previously been approved for a total additional amount of \$533,686.91; and

WHEREAS, the Borough Administrator has recommended approval of Change order # 14 set forth on the attached AIA Documents G701-2001, dated August 19, 2010, increasing the amount of the contract by \$22,283.99 bring the contract total to \$6, 872,970.90.

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NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that the change order request #14 from Merrell & Garaguso, Inc., increasing the total contract amount by \$22,283.99 for the rehabilitation of the Hartley Dodge Memorial is authorized.

INVITATION FOR DISCUSSION (2 of 2)

Mayor Holden opened the meeting to the public for their opportunity to ask questions and make comments on any subject. The Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record. **He/she shall limit his/her statement to three (3) minutes or less.**

Lisa Ellis, Britten Street, spoke in favor of the position of Assistant Business Administrator and the appointment of James Burnet to that position. Mrs. Ellis provided a copy of her comments to the Borough Council.

Carmen Pico, North Street, inquired about a security system planned for the Hartley Dodge Memorial Building. Mr. Pico asked that the Council consider residents not calling the police for overnight parking during summer months as it is a waste of services.

Michael Soriano, Woodland Road, thanked the Council for considering an ordinance regarding service charges for large water intake pipes in residential use and encouraged incentives for water conservation.

Robert McDowell, Knollwood Avenue, inquired about information regarding the capital budget, asking that information regarding the major challenges to the 2011 budget be made available. Mr. Conley noted that budget hearings for next year will begin in October in order to provide more detailed information to the residents of Madison.

Robert G. Catalanello, Woodland Road, noted a recent electric bill was larger than previous bills and inquired how to correct an error. Mr. Catalanello asked if Madison Electric does, in fact, deny reimbursement for the installation of residential solar power. Mayor Holden explained that it is the State of New Jersey that does not allow Madison to take part in this process.

Blaine Spencer, Elm Street, asked if the Hartley Dodge building is going to be occupied once the renovation is complete and if the Borough has applied for grant funds to remove asbestos.

Paul Allocca, Greenwood Avenue, noted that he would like to see the proposed pavilion at Memorial Park stay alive and asked who he can contact regarding approval by Green Acres. Mr. Mezzacca advised that the Borough Council needs to endorse such a project before it can move forward.

Irene Knoblach, Brooklake Road, inquired about the status of a proposed community garden on Borough of Chatham property bordering Brooklake Road. Mayor Holden read a letter addressed to the Mayor of Chatham Borough.

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UNFINISHED BUSINESS

Main Street Executive Director James Burnet asked for clarification of Resolution R 234-2010 regarding a Direct Install grant for electric upgrades. Mr. Burnet noted that the pay back time is for a maximum of two years and asked for authorization to apply for a grant in the amount of \$200,000.00, obligating the Borough in the amount of \$60,000.00.

Ms. Baillie moved amendment of Resolution R 234-2010 to authorize application in the amount of \$200,000.00. Mr. Conley seconded the motion. Mr. Codey explained HDM building change orders to date. 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

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	\$8,723.43
Health & Public Assistance	5,672.65
Public Works & Engineering	162,273.16
Community Affairs	1,749.57
Finance & Borough Clerk	2,334,458.91
Utilities	1,871,224.40
Total	<u>\$4,384,102.12</u>

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

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

NEW BUSINESS - None

ADJOURN AND RECONVENE EXECUTIVE SESSION

There being no further business to come before the Council, the meeting was adjourned at 10:30 p.m. and the Executive Session immediately reconvened.

RECONVENE AND ADJOURN

The Regular Meeting reconvened at 11:00 p.m. and immediately adjourned.

Respectfully submitted,

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