

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

September 27, 2010 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 27th day of September 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

One Contract Matter and one Personnel Matter were added to the Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Mrs. Tsukamoto moved:

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

MINUTES FOR APPROVAL (1)
Executive Minutes of September 13, 2010

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

CONTRACT MATTERS (2)
HDM WORK CHANGES

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LINCOLN PLACE

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

PERSONNEL MATTERS (3)
WATER SYSTEM LICENSED OPERATOR
FIRE DEPARTMENT STAFFING
UNION NEGOTIATIONS

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

LITIGATION MATTERS (2)
CHATHAM LIGHTING ORDINANCE
CIVIC CENTER ELEVATOR

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 3rd 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 September 13, 2010**. Mrs. Tsukamoto seconded the motion, which passed by the following roll call vote:

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

Ms. Baillie moved approval of the **Regular Meeting Minutes of September 13, 2010**. Mrs. Tsukamoto seconded the motion, which passed by the following roll call vote:

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

Mr. Conley noted a new meeting date for the previously scheduled 2011 Budget Hearing. The hearing will take place on Wednesday, October 20, 2010, at 7 p.m.

GREETINGS TO PUBLIC

Mayor Holden presented Lieutenant Darren Dachisen and Sergeant Dennis Lam of the Madison Police Department with the following Proclamation:

Proclaiming October 10, 2010 as Put The Brakes on Fatalities Day

WHEREAS, across the nation, traffic crashes caused nearly 34,000 fatalities in 2009, and are the leading cause of death for young people ages 15 to 34; and

WHEREAS, in New Jersey, 583 individuals lost their lives in traffic crashes in 2009; and

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WHEREAS, alcohol-related crashes accounted for 31 percent of the State’s traffic fatalities, while 16 percent of all fatal crashes involved traveling at unsafe speeds; and

WHEREAS, motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey’s roadways, as people opt for alternative modes of transportation; and

WHEREAS, 65 motorcyclists, 14 bicyclists and 157 pedestrians were killed in New Jersey in traffic-related crashes in 2009, and

WHEREAS, safer driving behaviors such as buckling up, every ride; obeying posted speed limits; stopping for pedestrians in crosswalks and using crosswalks when walking; avoiding aggressive driving behaviors; never driving impaired; wearing proper safety gear when riding a motorcycle or bicycle; and focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths;

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim October 10, 2010 as **Put The Brakes On Fatalities Day®** and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

Mayor Holden read the following Proclamation, which was previously presented to the Thursday Morning Club:

Proclaiming October 2010 as Breast Cancer Awareness Month

NEW JERSEY STATE FEDERATION WOMEN’S CLUBS SPECIAL STATE PROJECT

WHEREAS, October is National Breast Cancer Awareness month; and

WHEREAS, Gilda Radner, who after receiving care while she had cancer, called for the establishment of centers which would be available at no cost to support people with cancer and their families and friends; and

WHEREAS, Gilda’s Clubs were established in honor of Gilda Radner; and

WHEREAS, The Wellness Communities have joined Gilda’s Clubs in support of its work; and

WHEREAS, Gilda’s spirit lives on at every Gilda’s Club and The Wellness Communities, where members join with other “experts” living with cancer to both give and receive the benefits of love and laughter through the unique Gilda’s Club and Wellness Community programs; and

WHEREAS, thousands of members now attest to the fact that Gilda’s Clubs and The Wellness Communities have helped change their lives by restoring control and enabling them to plan their own emotional and social support, thus strengthening and enriching their entire family; and

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WHEREAS, the New Jersey State Federation of Women’s Clubs of GFWC is partnering with Gilda’s Clubs and The Wellness Communities to provide volunteer and financial support to further the programs of Gilda’s Clubs and The Wellness Communities;

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim that ***October is National Breast Cancer Awareness Month*** and that the month of October honors the memory of Gilda Radner and recognizes her tremendous concerns for those individuals in their fight against cancer. The New Jersey State Federation of Women’s Clubs of GFWC and the Thursday Morning Club are also recognized for their support of this worthy organization.

REPORTS OF COMMITTEES

Community Affairs

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

Ms. Baillie reminded residents that the Farmers’ Market continues on Thursdays in the Staples Plaza until October 28th. Ms. Baillie also announced that this Saturday is Bottle Hill Day, celebrated in Madison on October 2, 2010, from 10 a.m. to 5 p.m.

Finance and Borough Clerk

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

Mr. Conley announced a change in the date for a public hearing regarding the 2011 budget challenges. Due to scheduling conflicts, the hearing will take place on Wednesday, October 20, 2010, at 7 p.m. Mr. Conley gave a Traffic Calming Committee report, noting new traffic lights at Prospect Street and Kings Road and additional lighting to improve commuter safety. The construction upgrade of the blinking signal at Greenwood Avenue and Brittin Street will begin soon. At the last Council meeting, a resolution in support of the Morris County roadway project to improve the intersection of Loantaka Way and Shunpike Road was approved, and we look forward to that improvement. Other hot spots in the Borough discussed include mid-block crosswalks and signage along Niles Avenue and Morris Place, as well as Greenwood Avenue at Hunter Drive. The drop-off at the Madison Junior School is also improved with the enforcement of no stopping or standing along Main Street. Drop-off is on Brittin Street.

Public Safety

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

Mrs. Tsukamoto reported that the Madison Police Department is making progress on productivity improvements by fine-tuning their new dispatch system, which allows officers to file reports from their vehicles, and are also looking into electronic ticketing. The Police have revisited the overnight parking restriction in the Borough and have found that not only is it necessary for snow removal, but also is an important safety measure for all residents. The Police reminded residents to call for overnight parking for an occasional visitor. Madison residents are eligible for a Clean Energy Rebate program for recycling of a used, still functioning appliance. Information is available on the Borough website.

Utilities

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

Public Works and Engineering

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

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Mr. Cerciello reported receiving an e-mail and phone calls regarding the Lincoln Place reconstruction project, noting there is concern about the proposed bump-outs. Mr. Cerciello thanked Mr. Codey, Mr. Esposito, Mr. Links and Borough Engineer Robert Vogel for meeting to discuss this issue.

Health & Public Assistance

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

COMMUNICATIONS AND PETITIONS - none

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.**

Carmen Pico, North Street, thanked the Council for their consideration regarding on-street overnight parking.

Robert G. Catalanello, Woodland Road, spoke regarding the proposed lighting ordinance, asking if this ordinance is in response to complaints from residents, who will be responsible for enforcement and does the Borough have the equipment necessary for enforcement. Mr. Catalanello raised concern regarding the impact on the Madison Recreation Center project.

AGENDA DISCUSSIONS

09/27/2010-1 Item removed from the agenda and the # retired.

09/27/2010-2 BREAST CANCER AWARENESS MONTH

Ms. Jeanne Harootunian of East Lane, representing the North Jersey Chapter of Susan G. Komen for the Cure, requested that the Council approve a pink ribbons display in the Borough of Madison to recognize October as Breast Cancer Awareness Month. There was agreement to list a resolution on the Consent Agenda.

Resolution R 258-2010 is prepared for the Consent Agenda.

ADVERTISED HEARINGS

The Clerk made the following statement:

Ordinance 46-2010 scheduled for hearing was introduced by title and passed on first reading at a Regular Meeting of the Council held on Monday, August 9, 2010; Ordinances 51-2010 and 52-2010 were introduced by title and passed on first reading at a Regular Meeting of the Council held on Monday, September 13, 2010; all were posted and filed according to law, and copies were made available to the general public requesting same.

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

**ORDINANCE 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., except as necessary for completion of scheduled games as may occur from time to time.
 - 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.
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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Submission of plans. Except for detached single family and detached two family dwellings, plans and evidence of compliance shall include the following;

- 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

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

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- 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.

- a. Design Considerations. Nighttime sports and recreational lighting is proliferating and controls must be place 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.

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- 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.
 - 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

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- 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.
 - 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 homes.
- 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.

Mayor Holden opened up the public hearing on Ordinance 46-2010.

Ms. Baillie provided background on Ordinance 46-2010, explaining that the Madison Planning Board recommended an update to the lighting ordinance to bring the ordinance up to today’s standards. The Planning Board engaged lighting expert Robert Newell of Robert Newell Lighting Design, Westfield, NJ, to draft a proposed ordinance along with Borough Planner Susan G. Blickstein. The proposed ordinance was sent to the Council on August 8, 2010, with a public hearing held on September 13, 2010. Members of the Council requested an opportunity to ask additional questions, and the Ordinance was carried to this evening’s Council meeting.

Mr. Newell explained his expertise and offered to answer any Council questions. Mr. Links asked several questions in regards to technical terms used in the ordinance, including the IESNA and footcandle references. Mr. Links asked for reassurance that the proposed ordinance would not have a negative impact on the 49 Acres athletic fields, to which Mr. Newell indicated that he was not familiar with the proposed plans for the recreation fields and could not comment on the impact.

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Mr. Newell indicated that the purpose of the ordinance is to control lighting and minimize any offsite impact.

Mrs. Tsukamoto asked Mr. Newell to confirm that only new construction and major renovation would need approval and to explain on-going enforcement. Mr. Newell responded positively and also indicated that on-going enforcement would be complaint driven.

Mr. Mezzacca stated that the Zoning Official is responsible for enforcement, and single and two-family homes are exempt.

Mayor Holden opened the meeting to any member of the public present who wish to be heard.

Robert G. Catalanello, Woodland Road, raised additional questions regarding grandfathered existing dwellings and raised concern regarding potential problems at the Madison Recreation Center.

Eugene Zipper, Greenwood Avenue, asked how the proposed ordinance overlaps the Madison Board of Education, in that are they required to comply. Mr. Zipper asked if the proposed ordinance contains any minimum requirements as well as the maximum for lighting standards.

Tim Harrington, Cross Gates Road, inquired if the proposed ordinance applies to the Madison YMCA and, if so, does it require recusals of vote. Mr. Mezzacca explained this is a Borough-wide ordinance and that all commercial applications are affected when installing new lighting. Mr. Harrington asked about the time that sports games will end according to the ordinance. Mr. Harrington asked how expensive it would be to comply with the ordinance.

Carol Preston, Barnsdale Road, expressed concern that use of the lighted field would extend beyond 10 p.m. as stated in the proposed ordinance, and asked why games can't start earlier in the evenings.

Following Council discussion, Mayor Holden recommended adding to section C.3.d of Ordinance 46-2010 the statement "except as necessary for completion of games as may occur from time to time". Mr. Mezzacca indicated that the addition to the ordinance is minor.

Ms. Baillie moved that Ordinance 46-2010, which the Clerk read by title, be finally adopted. Mr. Conley seconded the motion. There was no further 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 46-2010 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

ORDINANCE 51-2010

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$30,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR EMERGENCY PURCHASE OF MATERIALS, EQUIPMENT AND SERVICES

WHEREAS, the Electric Utility Superintendent has recommended that the Borough appropriate \$30,000.00 from the Electric Capital Improvement Fund for emergency purchasing of materials, equipment and services to repair damage at the Kings Road Substation; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$30,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$30,000.00 from the General Capital Improvement Fund for emergency purchasing of materials, equipment and services to repair damage at the Kings Road Substation; and

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

SECTION 1: The amount of \$30,000.00 is hereby appropriated from the General Capital Improvement Fund for emergency purchasing of materials, equipment and services to repair damage at the Kings Road Substation.

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 51-2010. Since no member of the public wished to be heard, the public hearing was closed.

Dr. Esposito moved that Ordinance 51-2010, which the Borough Clerk read by title, be finally adopted. Mr. Links 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 51-2010 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

ORDINANCE 52-2010

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$10,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR UPGRADES TO THE WATER SYSTEM WATER WELLS

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$10,000.00 from the Water Capital Improvement Fund for upgrades to the water system water wells; 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 \$10,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$10,000.00 from the General Capital Improvement Fund for upgrades to the water system water wells; 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 \$10,000.00 is hereby appropriated from the General Capital Improvement Fund for upgrades to the water system water wells.

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 52-2010. Since no member of the public wished to be heard, the public hearing was closed.

Dr. Esposito moved that Ordinance 52-2010, which the Borough Clerk read by title, be finally adopted. Mr. Links 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. Ceriello, Mr. Links

Nays: None

Mayor Holden declared Ordinance 52-2010 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of October 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

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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 ordinances by title:

ORDINANCE 53-2010

ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 45-2008 TO ABOLISH POSITION OF MADISON MAIN STREET EXECUTIVE DIRECTOR

WHEREAS, the Borough Administrator has recommended abolishing the full-time, non-union position of Madison Main Street Executive Director; and

WHEREAS, the Borough Council has determined that a change is required in the salary ranges for non-union full-time employees to abolish the position of Madison Main Street Executive Director.

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 45-2008 which amended Ordinance 5-2008 setting the salary ranges for non-union full-time employees is hereby amended to delete the salary ranges for the following position:

POSITION	MINIMUM	MARKET VALUE	MAXIMUM
Madison Main Street Executive Director	\$46,750.00	\$55,000.00	\$63,250.00

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

Section 3. This ordinance shall take effect upon passage and publication of Ordinance 41-2010 and as otherwise provided by law.

Mr. Conley moved that Ordinance 53-2010, 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. Links, Mr. Cerciello
Nays: None

ORDINANCE 54-2010

ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 32-2009 OF THE BOROUGH OF MADISON APPROPRIATING FUNDS FROM THE GENERAL CAPITAL IMPROVEMENT FUND TO CONSTRUCT AN ELEVATOR AT THE MADISON CIVIC CENTER FROM \$300,000.00 TO \$325,000.00

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WHEREAS, Ordinance 32-2009 of the Borough of Madison appropriated \$300,000.00 from the General Capital Improvement Fund to construct an elevator at the Madison Civic Center; and

WHEREAS, the Borough Administrator has recommended that the Borough amend Ordinance 32-2009 to appropriate an additional \$25,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 32-2009 to \$325,000.00 to construct an elevator at the Madison Civic Center; 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 \$25,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should amend Ordinance 32-2009 to appropriate an additional \$25,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 32-2009 to \$325,000.00 to construct an elevator at the Madison Civic Center.

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 32-2009 is amended to appropriate an additional \$25,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 32-2009 to \$325,000.00 to construct an elevator at the Madison Civic Center.

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 54-2010, which the Borough Clerk read by title, be adopted. Mrs. Tsukamoto seconded the motion. Mr. Cerciello indicated that he would not be voting in favor of this ordinance. There was no further Council discussion, and the motion passed with the following roll call vote recorded:

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

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 256-2010, R 258-2010 through R 261-2010 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:

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

Nays: None

R 256-2010 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING AGREEMENT WITH CHRISTOPHER MANAK TO SERVE AS LICENSED OPERATOR OF THE MADISON WASTEWATER COLLECTION SYSTEM

WHEREAS, the Borough Administrator has recommended that the Borough of Madison enter into an agreement with Christopher Manak, Superintendent of the Madison-Chatham Joint Meeting, to serve as licensed operator of the Madison Wastewater Collection System; and

WHEREAS, Christopher Manak will be paid an annual stipend in the amount of \$2,500.00 for such duties; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount of \$2,500.00 for this purpose 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, that the agreement dated September 16, 2010 and signed by the Borough Administrator and Christopher Manak is hereby ratified.

R 257-2010 ITEM REMOVED AND THE # RETIRED

R 258-2010 RESOLUTION OF THE BOROUGH OF MADISON GRANTING THE NEW JERSEY AFFILIATE OF “SUSAN G. KOMEN FOR THE CURE” PERMISSION TO PUBLICIZE OCTOBER AS BREAST CANCER AWARENESS MONTH

WHEREAS, the North Jersey affiliate of Susan G. Komen for the Cure has requested permission for ribbons to be tied on Borough street trees on the main streets of the Borough and for pink holiday style lights to be placed on the two large bushes on the Waverly Clock island from October 1, 2010 to October 31, 2010 in support of their “2010 Tie a Ribbon Campaign” for Breast Cancer Awareness Month; and

WHEREAS, the Borough Council has determined to grant this request.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the request for ribbons to be tied on Borough street trees on the main streets of the Borough and for pink holiday style lights to be placed on the two large bushes on the Waverly Clock island from October 1, 2010 to October 31, 2010 in support of the Susan G. Komen for the Cure

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“2010 Tie a Ribbon Campaign” for Breast Cancer Awareness Month is hereby approved.

R 259-2008 RESOLUTION OF THE BOROUGH OF MADISON GRANTING PERMISSION TO COVIELLO BROTHERS, INC. TO DISPLAY HOLIDAY DECORATIONS

WHEREAS, Coviello Brothers, Inc., has requested permission to display the “Great Pumpkin” decoration for Halloween and the “Santa Claus” decoration for the Christmas Holidays on its property at 245 Main Street, Madison, New Jersey; and

WHEREAS, the Borough Council may permit these displays pursuant to Section 195-34(A)(3) of the Madison Borough Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that permission is hereby granted to Coviello Brothers, Inc., to display the above described Halloween decoration for the period of October 1, 2010 to November 2, 2010, and to display the above described Christmas decoration for the period of November 24, 2010, through January 5, 2011, on its property located at 245 Main Street, Madison, New Jersey.

R 260-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY SHAKESPEARE THEATRE OF NEW JERSEY INC TO CONDUCT AN OFF-PREMISE MERCHANDISE RAFFLES GAME ON SUNDAY, JANUARY 2, 2011 TO BE HELD AT THE F.M. KIRBY SHAKESPEARE THEATRE

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

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

WHEREAS, the New Jersey Legalized Games of Chance Control Commission has issued Registration Identification No. 274-5-32247 to the Shakespeare Theatre of New Jersey Inc.; 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 Shakespeare Theatre of New Jersey Inc. to conduct an Off-Premise

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Merchandise Raffles Game on Sunday, January 2, 2011, at the F. M. Kirby Shakespeare Theatre, 36 Madison Avenue, Madison, New Jersey;

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. 1171, 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 261-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY MADISON COOPERATIVE NURSERY SCHOOL INC.

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following application for Raffles License, to be held as listed below, be and the same is hereby approved:

MADISON COOPERATIVE NURSERY SCHOOL INC.
I.D. No. 274-5-27821
R.A. No. 1170 – On Premise
October 29, 2010

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

Mrs. Tsukamoto moved adoption of Resolution R 262-2010 removed from 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. Links
Nays: Mr. Cerciello

R 262-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AGREEMENT TO PAY MARK CONSTRUCTION AN ADDITIONAL \$10,000.00 FOR CHANGE ORDERS REGARDING THE CONTRACT FOR INSTALLATION OF AN ELEVATOR IN THE CIVIC CENTER

WHEREAS, the Borough entered into a contract with Mark Construction, Inc. dated September 21, 2009, to install an elevator in the Civic Center; and

WHEREAS, Mark Construction, Inc. has submitted three change orders for a total additional cost of \$26,277.85; and

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WHEREAS, the Borough Engineer advised that most of the change orders were all outside the scope of the original contract; and

WHEREAS, a resolution was negotiated by the Borough Attorney whereby Mark Construction, Inc. will complete all three change order items and finish the contract requirements within two weeks from September 27, 2010, for the additional sum of \$10,000.00; and

WHEREAS, the Director of Finance has attested to the availability of funds in an amount not to exceed \$10,000.00 for this purpose upon final adoption of Ordinance 54-2010; and

WHEREAS, the Council wishes to authorize such agreement and payment of \$10,000.00 to complete the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that upon final adoption of Ordinance 54-2010, payment of \$10,000.00 to Mark Construction, Inc. pursuant to the agreement reached as described herein.

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.**

Robert McDowell, Knollwood Avenue, applauded the Mayor and Council for their work on Breast Cancer Awareness. Mr. McDowell inquired about Library funding in the Borough of Madison, noting that several other communities have changed how their libraries are funded.

Mark Gundlach, Morris Place, raised concern regarding the speed of vehicle traffic along Morris Place and asked that steps be taken to address the issue. Mr. Gundlach asked if community members can get involved.

Carl Hess, Park Avenue, inquired about capital budget plans to address drainage issues and repaving of streets in his area.

Tim Harrington, Cross Gates Road, stated that the Borough of Madison is in violation of state laws regarding the ragweed at the Madison Public Library and asked that it be removed.

Irene Knoblach, Brooklake Road, inquired about the status of a proposed community garden on Borough of Chatham property bordering Brooklake Road. Mrs. Knoblach provided copies of a website that explains high-tension wire hazards.

UNFINISHED BUSINESS - None

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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	\$17,126.93
Health & Public Assistance	5,642.41
Public Works & Engineering	115,864.86
Community Affairs	2,114.63
Finance & Borough Clerk	1,033,645.10
Utilities	<u>1,683,588.35</u>
Total	<u>\$2,857,982.28</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

There being no further business to come before the Council, the meeting was adjourned at 10:25 p.m.

Respectfully submitted,

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