

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

October 25, 2010 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 25th day of October 2010. Council President Jeannie Tsukamoto 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:

Absent: Mayor Mary-Anna Holden, excused

Council Members:

Absent: Astri J. Baillie, excused

Robert H. Conley

Jeannie Tsukamoto

Vincent A. Esposito

Sebastian J. Cerciello

Donald R. Links

Also Present:

Raymond M. Codey, Borough Administrator

James Burnet, Assistant Business Administrator

Elizabeth Osborne, Borough Clerk

Joseph Mezzacca, Jr., Borough Attorney

AGENDA REVIEW

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

READING OF CLOSED SESSION RESOLUTION

Mr. Conley moved:

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

MINUTES FOR APPROVAL (1)

Executive Minutes of October 13, 2010

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

CONTRACT MATTERS (9)

BOE SHARED SERVICES

JOINT COURT

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MRC ANNEXATION/JCP&L
PUBLIC LIBRARY
ANNUAL CONSULTANT CONTRACTS
LINCOLN PLACE
HDM CHANGE ORDER
NORTH STREET PUMP STATION
SOUTH STREET RECONSTRUCTION

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

PERSONNEL MATTERS (1)
PBA ARBITRATION

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

Seconded: Dr. Esposito
Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

Mrs. Tsukamoto reconvened the Regular Meeting at 8 p.m. in the 3rd Floor Meeting Room of Bayley-Ellard with all present, except Mayor Holden and Council Member Baillie, who were absent. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Mr. Conley moved approval of the **Executive Minutes of October 13, 2010**. Dr. Esposito seconded the motion, which passed by the following roll call vote:

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

Mr. Conley moved approval of the **Regular Meeting Minutes of October 13, 2010**. Dr. Esposito seconded the motion, which passed by the following roll call vote:

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

GREETINGS TO PUBLIC

Council President Tsukamoto made the following comments:
Mrs. Tsukamoto announced that the annexation of the remaining portion of the Madison Recreation Center fields complex that is in Florham Park is moving one step closer. Mrs. Tsukamoto thanked the Friends of the Madison Train Station for their work on repaving the parking area. Mrs. Tsukamoto noted further discussion regarding the Madison 2020 Committee at the November 8, 2010 meeting of the Mayor and Council.

Mrs. Tsukamoto presented the following Proclamation to Jean Glades, member of the NJ Affiliate of National Pancreatic Cancer Association:

Proclaiming November 2010 as Pancreatic Cancer Awareness Month

WHEREAS, in 2010, an estimated 43,140 people will be diagnosed with pancreatic cancer in the United States and 36,800 will die from the disease; and

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WHEREAS, pancreatic cancer is one of the deadliest cancers and is the fourth leading cause of cancer death in the United States; and

WHEREAS, when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 75 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years; and

WHEREAS, incidence of pancreatic cancer is approximately 50 percent higher in African Americans than in other ethnic groups; and

WHEREAS, approximately 1,130 deaths will occur in New Jersey; and

WHEREAS, there is no cure for pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years; and

WHEREAS, the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only 2 percent of the National Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and

WHEREAS, the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in the state of New Jersey and nationwide by focusing its efforts on public policy, research funding, patient services and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

WHEREAS, the Pancreatic Cancer Action Network and its affiliates in New Jersey support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure; and

WHEREAS, the good health and well-being of the residents of the Borough of Madison are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes and effective treatments;

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the governing body, declare the month of November as Pancreatic Cancer Awareness in the Borough of Madison.

Mrs. Tsukamoto presented the following Proclamation to Lt. Darren Dachisen of the Madison Police Department and Frank Iannarone, owner of The Madison Pharmacy, for their efforts in the American Medicine Chest Challenge to help prevent abuse of prescription drugs:

Proclamation in Support of Operation Medicine Cabinet

Whereas, the abuse of prescription and over-the-counter medicine is a serious threat to our community's residents; and

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Whereas, the 2007 study by the National Study of Drug Use and Health found that 70% of people who abuse prescription pain relievers say they got them from friends or relatives; and

Whereas, a recent study on drug use by teens by the Partnership for a Drug Free America found that one in nine children are abusing prescription pain relievers to get high; and

Whereas, the American Medicine Chest Challenge provides five steps to help prevent the abuse of prescription drugs as well as direction on how to safely dispose of unused, unwanted, and expired medicine by taking inventory of your prescription and over-the-counter medicine; locking your medicine chest; disposing of your unused, unwanted or expired medicine in your home or at an American Medicine Chest Challenge disposal site; taking your medicine(s) exactly as prescribed and talking to your children about the dangers of prescription drug abuse; and

Whereas, the Madison Police Department has successfully participated in Operation Medicine Chest and Operation Take Back NJ over the last couple of years taking in unused prescription drugs from the public and disposing of them in an environmentally friendly manner, as well as keeping this supply of harmful compounds from our youth; and

Whereas, this year, the Madison Police Department and the Madison Alliance Addressing Substance Abuse (MAASA) will participate in the American Medicine Chest Challenge on Saturday, November 13, 2010 at Madison Police Headquarters located at 62 Kings Road.

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim November 13, 2010 as the **American Medicine Chest Challenge** and I encourage the residents of the Borough of Madison to safely dispose of their unused, unwanted, and expired medicine.

REPORTS OF COMMITTEES

Community Affairs

Mr. Conley, in the absence of Committee Chair Astri Baillie, provided the following comments:

This Thursday is the last FarmersqMarket of the season with the annual potato salad contest to take place at the Staples Plaza parking area. The Madison Chamber of Commerce will host several Halloween events for the children of Madison on Saturday, October 30, 2010.

Finance and Borough Clerk

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

Mr. Conley thanked all those who attended the October 20th budget information hearing and noted that rosenet.tv, as well as the Borough website, will have the presentation posted.

Utilities

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

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Public Works and Engineering

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

Mr. Cerciello reminded residents that leaf collection begins October 25th and will continue until December 3rd. Mr. Cerciello raised concern regarding a 50qtractor trailer making a turn onto Lincoln Place with newly constructed bump outs and an island.

Health & Public Assistance

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

Public Safety

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

Mrs. Tsukamoto thanked the Borough Engineer for his diligent pursuit of federal aid dollars and county grant funds owed to the Borough, some dating back to 1995.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

Letter received October 25, 2010, from Mr. and Mrs. Joseph Gero of Douglas Avenue regarding snow plowing.

Letter received October 25, 2010, from Joseph Moniz of MBE Mark III Electric, Inc. regarding reconstruction of Lincoln Place.

INVITATION FOR DISCUSSION (1 of 2)

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

Since no member of the public wished to be heard, the invitation for discussion was closed.

AGENDA DISCUSSIONS

10/25/2010-1 FEES FOR COPIES OF PUBLIC DOCUMENTS

Mrs. Osborne explained that due to recent legislation the State of New Jersey now requires all public agencies to charge fees set forth in Assembly Bill 559 and Senate Bill 1212.

Ordinance 59-2010 is listed for introduction.

ADVERTISED HEARINGS - None

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 November 8, 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.

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Mrs. Tsukamoto called up ordinances for first reading and asked the Clerk to read said ordinances by title:

**ORDINANCE 59-2010
ORDINANCE OF THE BOROUGH OF MADISON AMENDING
CHAPTER 147 OF THE BOROUGH CODE ENTITLED “FEES”**

WHEREAS, pursuant to New Jersey State Assembly Bill 559 and Senate Bill 1212, the Borough Clerk has recommended that the fees for copies of public records be amended; and

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

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

SECTION 1:

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

....

C. Police records.

(1) Copies of motor vehicle accident reports obtained during regular business hours in person: \$0.05 per page for letter-size copies and \$0.07 per page for legal-size copies, unless otherwise specified by law.

....

(3) All other records in printed form which are available pursuant to law: \$0.05 per page for letter-size copies and \$0.07 per page for legal-size copies, unless otherwise specified by law.

....

D. General records.

(1) All records in printed form which are available pursuant to law: \$0.05 per page for letter-size copies and \$0.07 per page for legal-size copies, unless otherwise specified by law.

....

(3) Press proofs of ordinances (if available): \$0.05 per page for letter-size copies and \$0.07 per page for legal-size copies.

....

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

Mr. Conley moved that Ordinance 59-2010, which the Borough Clerk read by title, be adopted. Dr. Esposito seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

**ORDINANCE 60-2010
ORDINANCE OF THE BOROUGH OF MADISON AUTHORIZING
GRANT OF UTILITY EASEMENT TO JERSEY CENTRAL POWER &
LIGHT ON BLOCK 1401, LOT 5.02 LOCATED IN THE BOROUGH OF
FLORHAM PARK AND OWNED BY THE BOROUGH OF MADISON**

WHEREAS, the Borough of Madison owns certain property located in the Borough of Florham Park known as Block 1401, Lot 5.02, which is about to be annexed into the Borough of Madison and will be known as Block 601, Lot 15; and

WHEREAS, the subject property is already subject to easement access along the existing driveway via the Declaration of Reciprocal Easements (DRE); and

WHEREAS, Jersey Central Power & Light has requested that their easement form be executed by the Borough of Madison to confirm the right to put the easement through the DRE in order to deliver power to the new access gate owned by Rock-GW, LLC, which gate is to be moved as required by the agreement between the parties; and

WHEREAS, the Borough of Madison has determined to grant an easement to Jersey Central Power & Light for installation of underground utility lines through the existing driveway and area described in the recorded DRE, such property currently known as Block 1401, Lot 5.02 in the Borough of Florham Park in the County of Morris and about to be annexed into the Borough of Madison, which will become known as Block 601, Lot 15 on the Borough of Madison tax map, such easement to be located within the existing right-of-way known as the DRE.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Mayor and Borough Clerk are authorized to execute a utility easement agreement consistent with the terms hereof, in a form approved by the Borough Attorney.

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Mr. Conley moved that Ordinance 60-2010, which the Borough Attorney read in full, be adopted. Dr. Esposito seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

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.

Mr. Conley moved adoption of Resolutions R 269-2010 and R 270-2010 listed on the Consent Agenda. Dr. Esposito seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

R 269-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY ST. VINCENT MARTYR CHURCH

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

ST. VINCENT MARTYR CHURCH

I.D. No. 274-1-812

R.A. No. 1175 – Off Premise

R.A. No. 1176 – Off Premise

R.A. No. 1177 – On Premise

March 19, 2011

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

R 270-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CANCELLATION OF \$33.60 IN LATE FEES FOR REAL PROPERTY TAX PAYMENT

WHEREAS, the Borough Administrator has recommended approval of a request to cancel \$33.60 in late fees due to extraordinary circumstances for

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delinquent payment of fourth quarter 2010 taxes on property at 139 Green Avenue, block 4401, lot 12; and

WHEREAS, the Council has determined to cancel said late fees and interest thereon.

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 tax collector is authorized to cancel the late fees in the amount of \$33.60 and interest thereon regarding block 4401, lot 12.

Mr. Conley moved adoption of Resolution R 271-2010 read in full for the record by the Borough Attorney. Dr. Esposito seconded the motion. Mr. Cerciello raised concern regarding the number and amount of change orders for the HDM rehabilitation project. Following discussion, the motion passed with the following roll call vote recorded:

Yeas: Mr. Conley, Mrs. Tsukamoto, Dr. Esposito, Mr. Links

Nays: Mr. Cerciello

Absent: Ms. Baillie

R 271-2010 RESOLUTION OF THE BOROUGH OF MADISON CHANGE ORDER TO THE CONTRACT FOR REHABILITATION TO THE HARTLEY DODGE MEMORIAL IN THE AMOUNT OF \$7,708.00

WHEREAS, the Borough Administrator has advised the Council that due to unforeseen additional work needed at the main entrance door, the Contractor has submitted a change order request in the amount of \$7,708.00 for said change; and

WHEREAS, the Council wishes to approve said change order, but not grant any extension of time under the contract completion date.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that a change order in the amount of \$7,708.00 as described herein is approved and the Mayor is authorized to execute same, with no extension of time granted under the contract for this request, said change order to be in a form approved by the Borough Attorney.

INVITATION FOR DISCUSSION (2 of 2)

Council President Tsukamoto opened the meeting to the public for their opportunity to ask questions and make comments on any subject. The Council President 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.**

Abby Kalan, Millburn, NJ, reference librarian at the Madison Public Library, raised concern regarding asbestos at the Public Library. Ms. Kalan asked about the question of ownership of the Public Library building. Ms. Kalan asked about funding

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for previous remediation and repairs to the building. Ms. Kalan asked that members of the Council visit the Library.

Thomas P. Bintinger, President of the Library Board of Trustees, read a statement regarding the detection of asbestos at the Public Library, including Library building construction, how the material was found and the steps to reviewing and monitoring the situation. Mr. Bintinger noted that the employees and public would be kept informed of progress, as well as any changes to Library hours. If there are any questions, Mr. Bintinger advised that Library Director Nancy Adamczyk should be contacted.

Sam DeMarzo, Ridgedale Avenue, asked for clarification of the introduced Ordinance 60-2010 regarding an easement with Jersey Central Power & Light.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mr. Conley, seconded by Dr. Esposito 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	\$10,544.40
Health & Public Assistance	6,244.35
Public Works & Engineering	139,475.31
Community Affairs	452.37
Finance & Borough Clerk	1,230,257.43
Utilities	<u>1,508,023.59</u>
Total	<u>\$2,894,997.45</u>

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

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

NEW BUSINESS - None

ADJOURN AND RECONVENE EXECUTIVE SESSION

There being no further business to come before the Council, the meeting was adjourned at 9:10 p.m. and the Executive Session immediately reconvened.

RECONVENE AND ADJOURN

The Regular Meeting reconvened at 9:35 p.m. and immediately adjourned.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved November 8, 2010 (EO)