

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

**January 24, 2011 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 24<sup>th</sup> day of January 2011. Mayor Holden called the meeting to order at 7 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, 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 the Hartley Dodge Memorial, and filing a copy in the office of the Clerk, all on January 6, 2011. 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:

Robert H. Conley  
Jeannie Tsukamoto  
Vincent A. Esposito  
Sebastian J. Cerciello  
Donald R. Links  
Robert G. Catalanello

Also Present:

Raymond M. Codey, Borough Administrator  
James Burnet, Assistant Business Administrator  
Elizabeth Osborne, Borough Clerk  
Joseph Mezzacca, Jr., Borough Attorney

**AGENDA REVIEW**

There was approval of the Regular and Executive Agenda.

**READING OF CLOSED SESSION RESOLUTION**

Dr. Esposito moved:

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

MINUTES FOR APPROVAL (1)

Executive Minutes of January 1, 2011

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

CONTRACT MATTERS (4)

HDM CHANGE ORDER

WATER CONNECTION INSURANCE

TR BUSINESS SOLUTIONS

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PK ENVIRONMENTAL

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

PERSONNEL MATTERS (2)

STEP INCREASES

PART TIME CUSTODIAN

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

Seconded: Mr. Conley

Vote: Approved by voice vote

**RECONVENE IN COUNCIL CHAMBER**

Mayor Holden reconvened the Regular Meeting at 8 p.m. in the Council Chamber with all members present. The Pledge of Allegiance was recited by all.

**APPROVAL OF MINUTES**

Mrs. Tsukamoto moved approval of the **Executive Minutes of January 1, 2011**. Mr. Conley seconded the motion, which passed by the following roll call vote:

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

Nays: None

Mrs. Tsukamoto moved approval of the **Reorganization Meeting Minutes of January 1, 2011**. Mr. Conley seconded the motion, which passed by the following roll call vote:

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

Nays: None

**GREETINGS TO PUBLIC**

Mayor Holden made the following comments:

Mayor Holden asked residents to show their support for women's heart health by wearing red or a red dress pin, available at tonight's meeting, on February 4, 2011.

**REPORTS OF COMMITTEES**

**Finance and Borough Clerk**

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

Mr. Conley reminded residents that the Council will continue 2011 Budget Hearings on Friday, January 28<sup>th</sup>, and Monday, January 31<sup>st</sup>, at 6 p.m. in the Council Chamber.

**Public Safety**

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

Mrs. Tsukamoto noted that the Madison Fire Department thanks all residents for snow removal around fire hydrants and asks for their continued efforts.

**Utilities**

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

Dr. Esposito announced that Borough staffs have formed a working group to analyze automated meter reading information for both electric and water meters. Once information is complete, a presentation will be made to the Council.

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### **Public Works and Engineering**

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

Mr. Cerciello noted many compliments to Public Works for snow removal. Due to concern regarding ice on sidewalks along Main Street, Mr. Cerciello would like to meet with Borough officials regarding enforcement of the snow removal ordinance.

### **Health & Public Assistance**

Mr. Links, Chair of the Committee, no report

### **Community Affairs**

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

Mr. Catalanello noted that he and Council Member Cerciello attended the NJ State League of Municipalities Newly Elected Officials training last Saturday. Mr. Catalanello encouraged interested residents to attend the Recreation Advisory Committee meeting Wednesday and the Environmental Commission meeting Thursday this week. Mr. Catalanello noted that the Downtown Development Commission met and is looking into replacing banks of newspaper vending machines along Lincoln Place and Main Street with modular systems used in many cities in an effort to reduce clutter. The Energy Star Refrigerator/Freezer Recycling Program has been extended through June 30, 2011.

## **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.**

**Dave Carver, Belleau Avenue**, encouraged Council Members to vote yes regarding an ordinance for funding of synthetic turf fields. Mayor Holden noted that a hearing regarding Ordinance 2-2011 is scheduled later in this meeting.

**Carmen Pico, North Street**, wished that the voters of Madison could vote on the proposed turf field project. Mr. Pico asked that the Council be watchful that this project does not have overages and extra taxes for residents.

**Lucy Patke, Student**, encouraged the Council to approve turf field funding, noting that the fields are used by other groups like the marching band.

**Thomas Bintinger, Green Avenue**, encouraged the Council to wait until a more appropriate time to fund sports fields.

**Maeve Byrne, Student**, noted that games and practices are cancelled due to a lack of synthetic sports fields.

**Christopher Kellogg, Walnut Street**, commented on the lack of input from other user groups. Mr. Kellogg encouraged the Council to look at the whole 49 acres, not just the sports fields.

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**Helene Rowland, Student**, encouraged Council to approve funding for synthetic turf fields for sports, as well as other users.

**Marty Horn, West Lane**, Chair of the Recreation Advisory Committee, explained the long process regarding synthetic turf fields, and noted that user fees and private donations can be used to finance, maintain and possibly generate revenues for the fields.

**AGENDA DISCUSSIONS**

**01/24/2011-1 OPEN SPACE TRUST FUND**

Mr. Conley offered a presentation to help explain the Open Space Fund with regards to the turf fields. Mr. Conley explained the background of the Open Space questions, balances and recent expenditures, and the impact of the 2013 Revaluation on the Open Space tax. Mr. Conley further explained the funding for the turf fields and the 49 Acres, offering three scenarios of funding for the project. Mr. Conley thanked James Burnet, Robert Kalafut and Mr. Codey for their help with the presentation.

**01/24/2011-2 NEWSPAPER DISTRIBUTION BOXES**

Mr. Catalanello explained that the Downtown Development Commission expressed interest in eliminating congestion with newspaper vendor boxes in the downtown areas, specifically near the U.S. Post Office and the diner on Main Street. Mr. Catalanello offered photos of examples of modular boxes used in several cities, noting that the DDC will study the matter further, as well as enforcement of the current ordinance regulating newspaper distribution boxes. Mr. Mezzacca noted that the ordinance, as written, complies with the law, and to raise fees must show the basis for the increase. Mr. Mezzacca will work with Council Member Catalanello and the DDC.

**ADVERTISED HEARINGS**

The Clerk made the following statement:

Ordinances scheduled for hearing tonight were submitted in writing at a Regular Meeting of the Mayor and Council held on January 10, 2011, were introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

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

**ORDINANCE 1-2011**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 190 OF THE MADISON BOROUGH CODE ENTITLED “WATER” TO AUTHORIZE THE REVISION OF THE BOROUGH OF MADISON’S WATER RATES AND SERVICE FEES**

**WHEREAS**, the Chief Financial Officer of the Borough of Madison has recommended that the water utility rates be increased due to increased costs primarily for significant water main replacements and an automatic meter reading system; and

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**WHEREAS**, the Chief Financial Officer has recommended that Section 190-32 A of the Borough Code regarding Water Rates for Metered Service be amended to read as follows:

- 190-32 A. (1) All water furnished in any quarter annual period shall be priced at the following rates:

<u>Rates per Cubic Foot</u>	
0 to 1,000	\$.0303
1,001 to 3,000	\$.0319
3,001 and higher	\$.0349

subject to the minimum quarterly charge required in Subsection B below.

**WHEREAS**, Borough Chief Financial Officer has further recommended that Section 190-32 B of the Borough Code remain unchanged at the current rates:

Meter Size (inches)	For Any Amount of Water Furnished Not in Excess of (Cubic Feet)	Minimum Charge (per quarter)
5/8	670	\$20.29
3/4	670	\$20.29
1	1682	\$52.07
1½	3,401	\$108.11
2	5,412	\$178.30
3	6,171	204.78
4	9,888	\$334.51
6 and greater	18,632	\$639.62

**WHEREAS**, the Borough Council, after due consideration has determined to proceed 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:

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SECTION 1: Section 190-32 of the Borough Code entitled “Water Rates for Metered Service” is hereby amended to revise the water utility rates as set forth herein.

SECTION 2: All other rates and terms remain the same, except those changed herein.

SECTION 3: This Ordinance shall take effect on February 1, 2011.

SECTION 4: One half of the recommended 20% rate increase will be dedicated to funding approximately \$1,000,000 for the automated meter reading system. This will require a time frame of approximately five years to fully fund this project. This 10% will sunset from the water rates when the project is completely installed. That date will be January 31, 2016 or when the project is fully funded.

Mayor Holden opened up the public hearing on Ordinance 1-2011. Since no member of the public wished to be heard, the public hearing was closed.

Dr. Esposito moved that Ordinance 1-2011, which the 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: Mr. Conley, Mrs. Tsukamoto, Dr. Esposito  
Mr. Cerciello, Mr. Links, Mr. Catalanello

Nays: None

Mayor Holden declared Ordinance 1-2011 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 2-2011**

**BOND ORDINANCE TO AUTHORIZE THE INSTALLATION OF SYNTHETIC TURF MULTIPURPOSE ATHLETIC FIELDS AT THE MADISON RECREATION CENTER PROPERTY BY AND FOR THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,500,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**

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

Section 1. The Borough of Madison, in the County of Morris, New Jersey (the "Borough") is hereby authorized to install synthetic turf athletic fields at

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the Madison Recreation Center Property (designated as a portion of Block 1401, Lot 5 on the Tax Assessment Map of the Borough of Florham Park - to be annexed by Madison), including construction of a parking area, installation of lighting and installation of bleachers, field fixtures, construction of a field house/concession/storage facility, appurtenances and other amenities by and for the Borough. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$3,500,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 of this ordinance (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) the making of such improvement is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$3,500,000, and (4) \$167,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$3,333,000, and (6) the cost of such purpose, as hereinbefore

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stated, includes the aggregate amount of \$120,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that the sum of \$167,000 in the Borough of Madison Open Space and Recreation Trust Fund is now available to serve as the down payment on said purpose. The sum of \$167,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$3,333,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$3,333,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the

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sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of fifteen years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond

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Law, is increased by this ordinance by \$3,333,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 12. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations

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authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Mayor Holden opened up the public hearing on Ordinance 2-2011.

**Sandy Kolakowski, Park Avenue**, raised concern regarding health issues with synthetic turf fields and for the underground aquifer at the 49 Acres. Ms. Kolakowski noted her disappointment with the introduction of a funding ordinance for the fields and asked that the voters of Madison be allowed to decide this issue. Mayor Holden addressed several of the issues raised by Ms. Kolakowski.

**Eugene Zipper, Greenwood Avenue**, raised concern that the project for the 49 acres is being done in pieces and inquired about the total cost to develop the entire area.

**Patricia Rosenberg, Stonegate Court**, expressed concern about the health of the children using the fields. Ms. Rosenberg suggested waiting until NJ DEP concludes their research and full information on health issues is available.

**Sean Dowling, Ridgedale Avenue**, Director of Athletics at Madison High School, spoke in favor of synthetic turf fields near the High School and looks forward to the passive recreation areas within the 49 acres. Mr. Dowling noted the potential for use of the fields by outside groups, noting that children want to play on synthetic turf fields.

**Christopher Kellogg, Walnut Street**, noted his issue with the process of the fields and inquired about spending additional funds to develop the passive recreational portion of the plan as well as the fields.

**Thomas Binting, Green Avenue**, suggested that contributions come from residents of Madison to prove that they are there.

Since no other members of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 2-2011, which the Clerk read by title, be finally adopted. Dr. Esposito seconded the motion.

Mr. Cerciello raised concern that all interested parties be involved in planning, and that there should be a Master Plan for the 49 Acres.

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Mr. Conley expressed his lack of optimism that funding will proceed as planned, and noted that the role of the Council is to balance all areas of the budget.

Mrs. Tsukamoto noted that the Council has an opportunity to make this project a reality and that Council should act at this time. Mrs. Tsukamoto encouraged residents to contribute their input.

Mr. Links stated that Borough employees have had input. Mr. Links also stated that he would not consider synthetic fields if he felt there were health issues.

Mr. Catalanello noted that the Borough must provide safe adequate fields for community use.

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

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

Nays: Mr. Conley, Mr. Cerciello

Mayor Holden declared Ordinance 2-2011 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** - None

**CONSENT AGENDA RESOLUTIONS**

The Clerk made the following statement:

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

R 39-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY PTO LIBERTY CORNER SCHOOL, BULLPEN CLUB INC. AND 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 Applications for Raffles Licenses, to be held as listed below, be and the same are hereby approved:

**PTO LIBERTY CORNER SCHOOL**

**I.D. No. 253-5-36403**

**R.A. No. 1186 – On Premise**

**R.A. No. 1187 – On Premise**

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**BULLPEN CLUB INC.**  
**I.D. No. 274-5-35149**  
**R.A. No. 1188 – Off Premise**  
**May 17, 2011**

**MADISON COOPERATIVE NURSERY SCHOOL INC.**  
**I.D. No. 274-5-27821**  
**R.A. No. 1189 – On Premise**  
**January 28, 2011**

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

R 40-2011 RESOLUTION OF THE BOROUGH OF MADISON RENEWING BOWLING ALLEY LICENSE FOR PLAZA LANES FOR 2011

**BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Bowling Alley License renewal be approved for the year 2011:

**Company Name: PLAZA LANES**  
**Name of Bowling Alley: PLAZA LANES**  
**Location of Bowling Alley: 53 Madison Plaza**  
**Madison, New Jersey**

R 41-2011 RESOLUTION OF THE BOROUGH OF MADISON RENEWING AMUSEMENT DEVICE LICENSES FOR CCG HOLDINGS, LLC AND PLAZA LANES FOR 2011

**BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Amusement Device License renewals be approved for the year 2011:

**DEEP PATEL**  
**Location: Clearview Cinemas, Madison 4**  
**14 Lincoln Place, Madison, N.J.**

**MICHAEL F. RICCONI**  
**Location: Plaza Lanes**  
**53 Madison Plaza, Madison, N.J.**

**BE IT FURTHER RESOLVED**, that these Licenses will permit operation of three amusement machines at the Clearview Cinemas, Madison 4 and eight amusement machines at Plaza Lanes.

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R 43-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING  
SUBMISSION OF RECYCLING TONNAGE GRANT APPLICATION

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing the Borough of Madison to apply for such tonnage grants will memorialize the commitment of the Borough of Madison to recycling and affirms the assent of the Council of the Borough of Madison, to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Borough of Madison hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling, and hereby designates James Burnet, Assistant Business Administrator of the Borough of Madison, as the individual authorized to ensure that said Application is properly filed.

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Dr. Esposito moved adoption of Resolutions R 39-2011 through R 41-2011 and R 43-2011 listed on the Consent Agenda. Mr. Conley 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, Mr. Catalanello  
Nays: None

**R 42-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING CHANGE ORDER #15 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 #14 have previously been approved for a total additional amount of \$555,970.90; and

**WHEREAS**, the Borough Administrator has recommended approval of a Change Order #15 as set forth on the attached AIA Document G701-2001, dated January 4, 2011, increasing the amount of the contract by \$19,695.00 bringing the contract total to \$6,892,665.90.

**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 \$19,695.00 for the rehabilitation of the Hartley Dodge Memorial is authorized.

Dr. Esposito moved adoption of Resolution R 42-2011 listed on the Consent Agenda. Mr. Conley seconded the motion. Mr. Cerciello raised concern regarding the amount of change orders for the Hartley Dodge Memorial building rehabilitation. Following Council discussion, the motion passed with the following roll call vote recorded:

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

**R 44-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF GRANT APPLICATION TO NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION HAZARDOUS DISCHARGE SITE REMEDIATION FUND**

**WHEREAS**, the Borough Administrator has recommended that the Borough submit an application to the New Jersey Department of Environmental Protection for a grant from the Hazardous Discharge Site Remediation Fund for remediation at Block 201, Lot 1.02, commonly known as the Bayley-Ellard Fields.

**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 approves

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the grant application for the above stated purpose, and the Borough Administrator is authorized to sign and submit such application.

Mr. Mezzacca read Resolution R 44-2011 into the record.

Dr. Esposito moved adoption of Resolution R 44-2011. Mr. Conley 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, Mr. Catalanello  
Nays: None

**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.**

**Carmen Pico, North Street**, requested that the second public discussion listed at the end of Council meeting agendas be moved to the beginning of the meeting.

**Don Brunner, Redmond Drive**, asked for clarification of the status of an application approved by the Council for the Madison Housing Authority regarding 22 Orchard Street. Mr. Brunner asked to view photos of the modular newspaper boxes.

**UNFINISHED BUSINESS** - None

**APPROVAL OF VOUCHERS**

On motion by Dr. Esposito, seconded by Mr. Conley 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	\$8,166.79
Health & Public Assistance	4,162.34
Public Works & Engineering	185,627.33
Community Affairs	3,693.14
Finance & Borough Clerk	3,313,195.14
Utilities	<u>1,603,798.48</u>
Total	<u>\$5,118,643.22</u>

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

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

**NEW BUSINESS** - None

**ADJOURN**

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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 February 14, 2011 (EO)