

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

February 28, 2011 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 28th day of February 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 E. Burnet, Assistant Business Administrator
Elizabeth Osborne, Borough Clerk
Joseph Mezzacca, Jr., Borough Attorney

AGENDA REVIEW

Two Contract Matters and two Personnel Matters were added to the 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)

February 14, 2011

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

CONTRACT MATTERS (6)

FIRE SUBCODE INSPECTION SERVICES

INSURANCE DEDUCTIBLE

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GREEN ACRES GRANT
RETAIL ELECTRIC CUSTOMER DEMAND RESPONSE PROGRAMS
TREE KING, INC.
HDM

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

PERSONNEL MATTERS (3)
CROSSING GUARDS
POLICE OFFICER
LABOR NEGOTIATIONS

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 8:05 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 Meeting Minutes of February 14, 2011**. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

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

Mrs. Tsukamoto moved approval of the **Regular Meeting Minutes of February 14, 2011**. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

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

GREETINGS TO PUBLIC

Mayor Holden greeted the public and presented the following Proclamations:

Proclaiming March 2, 2011 as Read Across America Day.

Mayor Holden read a poem commemorating Read Across America Day. Mayor Holden presented the Proclamation to the Central Avenue School Librarian, Gayle Stein.

*Proclamation
of the
Borough of Madison
Proclaiming*

READ ACROSS AMERICA DAY

MARCH 2, 2011

WHEREAS, the citizens of the Borough of Madison stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, Madison has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is the key to the community's well-being and long-term quality of life; and

WHEREAS, *NEA's Read Across America*, a national celebration of reading, will be conducted on March 2, 2011, which would have been the 107th birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, *Read Across America-NJ* is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students;

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the governing body, call on the citizens of Madison to assure that every child is in a safe place reading together with a caring adult on March 2, 2011. Further, I enthusiastically endorse *NEA's Read Across America* and *Read Across America-NJ* and recommit our community to engage in programs and activities to make America's children the best readers in the world.

Mary-Anna Holden, Mayor

February 28, 2011

Proclaiming March 2011 as Madison Young Playwrights Month.

Mayor Holden invited Playwrights Theatre Director James DeVivo to step forward, and read and presented the following Proclamation. Each finalist present was given a chance to speak of the project on which he/she was working.

***Proclamation
of the
Borough of Madison
Proclaiming March 2011 as
Madison Young Playwrights Month
at
Playwrights Theatre
Madison, New Jersey***

Whereas, Playwrights Theatre, founded in 1986, has nurtured creative writing skills for all ages through the New Jersey Writers Project, a co-sponsored program of the New Jersey State Council on the Arts/Department of State; and

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Whereas, Playwrights Theatre has produced performances and offered new plays to local and statewide audiences as a result of its dedication to prospective playwrights; and

Whereas, Playwrights Theatre, brings a unique program to the community through its local in-school playwriting initiative, the Madison Young Playwrights Program; and

Whereas, Playwrights Theatre will present a performance of student written work during the Madison Young Playwrights Festival, to be presented on Saturday afternoon, March 26th; and

Whereas, Playwrights Theatre has continually received a positive response from students, teachers, and parents for its effectiveness in working with all students, many of whom have realized the benefits of self-discovery and expression through playwriting;

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim March 2011 as **MADISON YOUNG PLAYWRIGHTS MONTH**. In so doing, I extend very best wishes to Playwrights Theatre and to all young writers within our community for continued growth and success. Further, I encourage the public's participation to attend performances and commend our young playwrights for their creativity and artistry.

Mary-Anna Holden, Mayor

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Proclaiming March 2011 as American Red Cross Month.

Mayor Holden invited the Executive Director of the Colonial Crossroads Chapter, Christy Hodde, forward, and read and presented a Proclamation in honor of their work:

*Proclamation
of the
Borough of Madison
Proclaiming
AMERICAN RED CROSS MONTH
March 2011*

WHEREAS, the American Red Cross fulfills a vital role in our community. It prevents and alleviates suffering in the face of disaster and is a true reflection of the humanitarian and volunteer spirit of the American people; and

WHEREAS, during the month of March, the American Red Cross asks all Americans to join its movement and help carry out its lifesaving mission, with a gift of time, money or blood. The Red Cross supplies almost half of the nation's blood; teaches skills that save lives; provides international humanitarian aid; supports military members and their families; and feeds, shelters and gives emotional support to victims of disasters; and

WHEREAS, for almost 100 years, Presidents have called on the American people to support the Red Cross and its humanitarian mission. In World War I, President Woodrow Wilson ordered the Red Cross to raise funds to support emergency aid to the military. At that time, the American Red Cross set a goal of \$125 million and in less than six weeks donations totaled nearly \$146 million – a tribute to the overwhelming generosity of the American public; and

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WHEREAS, in 1943, during World War II, President Franklin D. Roosevelt became the first president to proclaim March as Red Cross Month and called on Americans to “rededicate themselves to the splendid aims and activities of the Red Cross.” President Roosevelt’s call to action nearly 70 years ago started a tradition of designating March as Red Cross Month, a time to recognize and support the valuable work of the American Red Cross. President Barack Obama has continued that tradition by proclaiming March 2011 as Red Cross Month; and

WHEREAS, every day, through its network of employees and volunteers, the Colonial Crossroads Chapter of the American Red Cross is there to save the day when disaster strikes or when a neighbor’s house burns down. It is there when someone needs life-saving blood or the comfort of a helping hand. It connects military families with their loved ones in service and provides training in CPR, aquatics safety and first aid. It spreads humanitarian aid and goodwill to people around the world. Last year, this chapter was called to 21 emergencies affecting over 3,000 individuals. Disaster preparedness presentations were provided to 372 individuals and 18,857 people were trained in critical life-savings skills such as First Aid, CPR, AED use and Lifeguard Training. The Colonial Crossroads Chapter conducted 62 blood drives which generated 1,986 units of donated blood. More than 4,000 rides were provided to ambulatory seniors and in a partnership with SAGE Eldercare, chapter volunteers delivered 4,100 hot meals through the Meals-on-Wheels program; and

WHEREAS, our community depends on the American Red Cross and because it is not a government agency, the Red Cross depends on support from the public to continue its humanitarian work. This is especially important in these challenging economic times for the Red Cross and all Americans;

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim March 2011 as American Red Cross Month. I encourage all Americans to support this organization and its noble humanitarian mission.

Mary-Anna Holden, Mayor

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REPORTS OF COMMITTEES

Finance and Borough Clerk

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

Mr. Conley reported that he is continuing to work on field user fees and has communicated with the Little League. Mr. Conley will work with Mr. Mezzacca and have additional information at the next Council meeting.

Public Safety

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

Mrs. Tsukamoto reported that as of February 23rd, all fire emergency calls are dispatched by the communications desk at the Madison Police Department. Mrs. Tsukamoto congratulated the Police and Fire Departments, and also Director of Technology Jim Sanderson, for the transition.

Utilities

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

Dr. Esposito reported that Electric Utility crews have begun annual line maintenance, including testing of the substations, inventory and tool maintenance program. Dr. Esposito announced that the Planning Board is conducting a required

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reexamination of the Borough's Master Plan and will hold a public meeting on March 15th at 7:30 p.m. for public comment.

Public Works and Engineering

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

Mr. Cerciello inquired about television channels for viewing Borough Council meetings. Mr. Cerciello asked why the Borough of Madison did not receive State funding for roadway reconstruction. Mayor Holden noted grant funds yet to be expended, therefore the Borough is not eligible. Mr. Cerciello stated he felt there should be a master plan for development of the Madison Recreation Center and would like to see the Board of Education and all groups included in the planning. The plan should include a field house with bathroom facilities, snack bar and first aid station. Mayor Holden asked that Council Member Cerciello give his report on Public Works and Engineering.

Health & Public Assistance

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

Mr. Links provided a flyer regarding social services and public assistance available to Madison residents through the County of Morris Office of Temporary Assistance.

Community Affairs

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

Mr. Catalanello reported that at a recent Downtown Development Commission meeting, there was discussion of the New Jersey Jazz Festival and how to keep it in Madison, the design for new Main Street alley signs, expanding the Farmers' Market to include part of Lincoln Place and dates for a Green Fair. The Environmental Commission met and discussed recycling plans going forward, solar net metering and made several suggestions with regards to the 49 Acres that will be sent to the Council, and also a recommendation to re-establish the Passive Recreation Committee, which is on the work agenda. The Recreation Department will offer a spring lacrosse program, and registration will take place this week.

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.**

Pat Rowe, Pine Avenue, inquired about the municipal budget, including funding for Capital projects, allowable property tax increases and the risk factor in budgeting for salaries.

Tim Harrington, Cross Gates Road, asked what comprises the work agenda. Mr. Harrington commented that a resolution for amendment to the Council bylaws does not change much. Mr. Harrington asked what information Council Members receive with regards to agenda items.

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AGENDA DISCUSSIONS

02/28/2011-1 LIBRARY UPDATE

Thomas P. Binting, President of the Library Board of Trustees, provided an update of the Library asbestos abatement project. Mr. Binting noted quotes have been received for scraping of the technical service area and expects that the Library will have to close for approximately two weeks during abatement. Mr. Binting stated that funding for the abatement is in the 2011 Library budget.

02/28/2011-2 MRC PASSIVE RECREATION COMMITTEE

Following discussion to re-establish the MRC Passive Recreation Committee, there was agreement with a recommendation to form a committee for further development of the remaining 49 Acres site. There was consensus to re-establish the MRC Passive Recreation Committee.

02/28/2011-3 2011 FARMERS MARKET

There was agreement to list a resolution on the Consent Agenda to authorize the 2011 Farmers' Market, expanded as recommended by the Downtown Development Commission. Eric Range, DDC member, noted that the Market will end earlier, in September rather than October as in previous years, due to lack of daylight. Resolution R 71-2011 is listed on the Consent Agenda with typographical errors corrected.

02/28/2011-4 2011 BUDGET DISCUSSION

Chief Financial Officer Robert Kalafut provided a summary of revenues and appropriations along with a recommendation for property tax levy. Mr. Kalafut noted that State aid to municipalities will remain the same as last year. Mayor Holden asked Council Members for specifics to cut the recommended amount of taxation. Following a lengthy discussion of budget items such as leaf removal, garbage collection, composting, insurance for other organizations and water line insurance for residents, there was agreement for discussion of these items at the next Council meeting.

Mr. Cerciello left the meeting at 10:03 p.m.

02/28/2011-5 NEW ALLEY SIGNS

An example of signs was provided. Mr. Conley motioned to allow new alley signs, to be furnished by the Downtown Development Commission, in four downtown locations. The motion was seconded by Mr. Catalanello and agreed to unanimously by Council Members present.

Mr. Cerciello returned to the meeting at 10:09 p.m.

02/28/2011-6 GREEN FAIR

There were no objections to a request to close Green Village Road in front of the Museum of Early Trades & Crafts on May 12, 2011, for the Madison Green Fair. Resolution R 70-2011 is listed on the Consent Agenda.

02/28/2011-7 BYLAWS REVISION

Resolution R 72-2011 is listed on the Consent Agenda.

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 February 14, 2011, were introduced by title

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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 3-2011
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$450,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR
WOODLAND ROAD RECONSTRUCTION**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$450,000.00 from the General Capital Improvement Fund for Woodland Road reconstruction from Garfield Avenue to Barnsdale Road; 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 \$450,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$450,000.00 from the General Capital Improvement Fund for Woodland Road reconstruction from Garfield Avenue to Barnsdale Road; 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 \$450,000.00 is hereby appropriated from the General Capital Improvement Fund for Woodland Road reconstruction from Garfield Avenue to Barnsdale Road.

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 3-2011. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Cerciello moved that Ordinance 3-2011, which the Borough Clerk read by title, be finally adopted. Mrs. Tsukamoto seconded the motion. Mr. Conley noted the lack of pedestrian walkways in the reconstruction project. Mr. Cerciello noted his dislike of the bid process. 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

Mayor Holden declared Ordinance 3-2011 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 4-2011
ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 2-2009 TO INCREASE MAXIMUM SALARY FOR MAGISTRATE MUNICIPAL COURT AND INCREASE MAXIMUM HOURLY RATE FOR DEPUTY COURT ADMINISTRATOR**

WHEREAS, the Borough Council has determined that a change is required in the salary ranges for non-union part-time employees to increase the maximum salary for the Magistrate Municipal Court and to increase the maximum hourly rate for the Deputy Court Administrator, Part-Time.

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

Section 1. Ordinance 2-2009 setting the salary ranges for non-union part-time employees is hereby amended to change the following salary ranges:

TITLE	MINIMUM	MAXIMUM
Deputy Court Administrator, Part-Time	\$21.75	\$27.50
Magistrate Municipal Court	\$16,377.00/yr	\$90,000.00/yr

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

Section 3. This ordinance shall take effect February 1, 2011.

Mayor Holden opened up the public hearing on Ordinance 4-2011. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 4-2011, which the Borough Clerk read by title, be finally adopted. Mrs. Tsukamoto seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mayor Holden declared Ordinance 4-2011 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.

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INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

The ordinance scheduled for introduction and first reading tonight will have a hearing during the meeting of March 14, 2011, in the 2nd Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinance will be published in the Madison Eagle, be posted at the main entrance to the Borough offices and be made available to members of the public requesting same, as required by law.

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

ORDINANCE 5-2011

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF THE BOROUGH CODE, LAND DEVELOPMENT ORDINANCE, SECTION 34E ENTITLED “PROHIBITED SIGNS”

WHEREAS, the Borough Planner has recommended amending Chapter 195 of the Borough Code, the Madison Land Development Ordinance, Section 195-34E, entitled “Prohibited signs”; 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 195-34E, entitled “Prohibited signs” is hereby amended as follows:

....

(5) No sign, including LED (light-emitting diode) signs, shall be lighted by means of a flashing light, nor shall any sign be in whole or in part moving, mobile or revolving or electrically or mechanically activated.

....

SECTION 2: All other provisions of the Ordinance remain unchanged.

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

Dr. Esposito moved that Ordinance 5-2011, which the Borough Clerk read by title, be adopted. Mrs. Tsukamoto seconded the motion. Mr. Mezzacca advised that the ordinance be introduced as amended. 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

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CONSENT AGENDA RESOLUTIONS

The Clerk made the following statement:

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

Dr. Esposito moved adoption of Resolutions R 62-2011 through R 73-2011 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 62-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING INTERLOCAL SERVICES AGREEMENT WITH THE BOROUGH OF CHATHAM TO PROVIDE PART-TIME FIRE SUB-CODE SERVICES ON A FEE BASIS

WHEREAS, the Borough of Madison has previously entered into an Interlocal Services Agreement with the Borough of Chatham to provide part-time construction code, plumbing sub-code and electrical sub-code services on a fee basis; and

WHEREAS, the Borough Administrator has recommended that an Addendum to the Interlocal Services Agreement be entered into with the Borough of Chatham to provide part-time fire sub-code services on a fee basis; and

WHEREAS, the Borough of Madison would be the provider of said services and the Borough of Chatham would be the recipient of said services, and the Borough of Chatham shall pay to the Borough of Madison a \$7,000.00 annual fee, to be pro-rated for 2011, for the services described herein; and

WHEREAS, the proposed Addendum would be effective retroactively to February 14, 2011, and terminate with the Agreement on September 1, 2014.

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 Mayor is authorized to execute and the Borough Clerk is authorized to attest to an Addendum to the Interlocal Services Agreement with the Borough of Chatham as described herein in a form approved by the Borough Attorney.

R 63-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACT FOR TREE REMOVAL THROUGH THE MORRIS COUNTY CO-OPERATIVE PRICING COUNCIL

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

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

WHEREAS, Tree King Inc., of Landing, New Jersey has been awarded Morris County Co-Operative Pricing Council contract number 18 Tree Removal; and

WHEREAS, the Superintendent of Public Works has recommended that the Borough Council utilize this contract for tree removal in the amount of \$42,000.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$42,000.00 for this purpose, which funds are available in the Operating Budget.

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

1. A contract for tree removal from Tree King, Inc., of Landing, New Jersey, at a total price not to exceed \$42,000.00 is hereby approved under the Morris County Co-Operative Pricing Council contract number 18.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Tree King Inc., of Landing, New Jersey, for tree removal at a total price not to exceed \$42,000.00, in a form acceptable to the Borough Attorney.

R 64-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLE LICENSE APPLICATION SUBMITTED BY PTSO MADISON HS

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

PTSO MADISON HS
I.D. No. 274-5-33795
R.A. No. 1191
April 1, 2011

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

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R 65-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY ST. VINCENT MARTYR CHURCH TO CONDUCT AN OFF PREMISE MERCHANDISE RAFFLE ON SUNDAY, APRIL 3, 2011

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. 274-1-812 to St. Vincent Martyr Church; 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 St. Vincent Martyr Church to conduct an Off-Premise Merchandise Raffles Game on Sunday, April 3, 2011, at 26 Green Village Road, Madison;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the afore-mentioned Application for Raffles License, R.A. No. 1192, 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 66-2011 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING EDWARD DIEMER AND THERESA GIORDANO OF MADISON, NEW JERSEY TO THE POSITION OF SCHOOL CROSSING GUARD

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Edward Diemer of Madison, New Jersey and Theresa Giordano of Madison, New Jersey are each hereby appointed to the position of school crossing guard, effective immediately.

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

R 67-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY MADISON EDUCATION FOUNDATION TO CONDUCT AN ON-PREMISE MERCHANDISE RAFFLE ON SUNDAY, MAY 1, 2011

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. 274-5-36429 to Madison Education Foundation; 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 Madison Education Foundation to conduct an On-Premise Merchandise Raffles Game on Sunday, May 1, 2011, at Madison High School, 170 Ridgedale Avenue, Madison;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the afore-mentioned Application for Raffles License, R.A. No. 1193, 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 68-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING 2011 TAXI DRIVER'S PERMITS FOR MAYRA RIVAS-FLORES AND GABRIELA G. BRUN OF MADISON SQUARE TRANSPORTATION INC.

WHEREAS, in compliance with the provisions of Chapter 173 of the Borough Code, applications for Taxi Driver's Permits for Madison Square Transportation Inc. have been made by Mayra Rivas-Flores, 14 Shepard Place, Kearny, New Jersey, and by Gabriela G. Brun, 359-B Carlton Avenue, Piscataway, New Jersey; and

WHEREAS, the above applicants have complied with all requirements of the State Law and above-mentioned Ordinance;

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NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Taxi Driver's Permit No. 3 be issued to Mayra Rivas-Flores and Taxi Driver's Permit No. 4 be issued to Gabriela G. Brun effective upon Council approval and through December 31, 2011.

R 69-2011 RESOLUTION OF THE BOROUGH OF MADISON CONFIRMING MEMBERSHIP OF CONNOR O. NATUNEN IN THE MADISON HOOK & LADDER COMPANY #1

WHEREAS, the Fire Chief has advised that Connor O. Natunen was voted into the Madison Hook & Ladder Company #1 as a volunteer firefighter; and

WHEREAS, Section 18-27 of the Madison Borough Code requires that each person so voted shall be confirmed as a member of such division by the Council of the Borough of Madison.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Connor O. Natunen is hereby confirmed as a member of the Madison Hook & Ladder Company #1 effective immediately.

R 70-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING MADISON GREEN FAIR

WHEREAS, the Borough Administrator has recommended approval of the Madison Green Fair on May 12, 2011, and authorization of closing Green Village Road in front of the Museum of Early Trades and Crafts; and

WHEREAS, Green Village Road would be closed from 2:00 p.m. to 8:00 p.m. between Blue Ridge Mountain Sports and Chatham Bookseller, with access maintained to the Waverly Green parking lot; and

WHEREAS, stores located in the James Building that front on Green Village Road shall be permitted to have merchandise for sale on the sidewalk in front of their stores while the road is closed; and

WHEREAS, the Police Department has approved the event with the use of Auxiliary officers.

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

1. The Madison Green Fair is approved subject to the safety requirements of the Madison Police Department.

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2. The Madison Police Department is authorized to close Green Village Road between Blue Ridge Mountain Sports and Chatham Bookseller from 2:00 p.m. to 8:00 p.m. on May 12, 2011, in conjunction with the Madison Green Fair.

R 71-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE FARMERS' MARKET FOR 2011

WHEREAS, the Downtown Development Commission has recommended to the Borough Council that the 2011 Farmers' Market be in the Borough of Madison to be held every Thursday beginning June 23, 2011 through Thursday, September 29, 2011; and

WHEREAS, the Downtown Development Commission has requested permission of the Borough of Madison to place the Market on Waverly Place from June 23, 2011 to September 29, 2011; and

WHEREAS, parking spaces along the center island and the northbound traffic on the Chase Bank side would be closed at 1 p.m. and reopen at 8:30 p.m.; and

WHEREAS, parking spaces along the west side and southbound traffic would remain open all day; and

WHEREAS, adequate space for emergency vehicles will be left between farmer displays and the buildings on the northbound side of the street; and

WHEREAS, the Borough Administrator and the Police Chief recommend approval of this request; and

WHEREAS, the Borough Council recognizes that the Farmers' Market has been a welcome addition to the Borough in that it creates another community event which has been successfully run in the past; and

WHEREAS, the Borough Council finds that it is a benefit to the Borough of Madison and its citizens to allow the continued operation of the Farmers' Market.

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

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1. A Farmers' Market is authorized to be conducted on Waverly Place from Thursday, June 23, 2011 through and including Thursday, September 29, 2011, with hours of operation from 2:00 p.m. to 7:00 p.m. each Thursday, subject to the terms and conditions of this Resolution.

2. The Farmers' Market shall be conducted in accordance with the 1993 "Guidelines for Madison's Farmers' Market", as amended by the 1997 amendments, as well as the 2011 Madison Farmers' Market Regulations and By Laws, subject to the dates and times and other conditions set forth in this resolution. Farmers shall be allowed to sell agricultural products that are produced and sold on their farms, including eggs, pork, wheat flour and baked goods and the sale of field-grown and cut field flowers; however, the sale of potted plants, shrubbery or other landscaping products shall not be permitted.

3. The requirements of the Peddling and Soliciting Ordinance (Chapter 139 of the Madison Borough Code) shall not apply to the Farmers' Market as authorized by Chapter 139-13(c).

4. The requirements of the Sign Ordinance (Chapter 195 of the Madison Borough Code) shall not apply to the extent that the Farmers' Market shall be permitted to have signs subject to the approval of the Madison Police Department in various locations in town to direct individuals to Waverly Place as well as direct those driving to available parking in and around the downtown.

5. The requirements of the Sign Ordinance (Chapter 195 of the Madison Borough Code) shall not apply to the extent that the Downtown Development Commission shall be permitted to place additional temporary sandwich board signs on Waverly Place to encourage customers to support the local businesses.

6. The Street and Sidewalk regulations set forth in Section 166-1 et seq. of the Madison Borough Code shall not apply to the extent that the merchants on the East side of Waverly Place shall be permitted to use the entire sidewalk space in front of their establishment to display and sell goods and services.

7. The Sidewalk Dining License restrictions set forth in Section 166-43 et seq. of the Madison Borough Code shall not apply to the extent that the merchants on the East side of Waverly Place shall be permitted to use the entire sidewalk space in front of their establishment for additional restaurant seating.

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8. The parking time limits set forth in Section 185-32 et seq. of the Madison Borough Code shall not apply to the extent that all one hour parking limits in the downtown will be extended to 2 hour parking limits from the hours of 2pm to 8pm on the day of the Farmers Market.

R 72-2011 RESOLUTION OF THE BOROUGH OF MADISON AMENDING COUNCIL BYLAWS FOR 2011

WHEREAS, the Borough Council wishes to amend the Borough Bylaws to amend the order of business at regular meetings of the Council; and

WHEREAS, the Bylaws may be amended by a two-thirds vote of the Council.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey that:

1. The Bylaws are amended as follows:

A236-5

G. Orders of business. The following order of business shall be followed at regular meetings of the Council:

(1) Work Session

- (a) Call to Order
- (b) Statement in Compliance with the Open Public Meetings Act
- (c) Roll Call
- (d) Agenda review
- (e) Reading of Closed Session Resolution certifying that items to be discussed are authorized by law (if necessary)
- (f) Closed session agenda review (if necessary)
- (g) Adjournment of closed work session

(2) Public Session

- (a) Call to order, reconvene with (all) members present
- (b) Pledge of Allegiance.
- (c) Approval of minutes.
- (d) Greeting to public.
- (e) Reports from committees.
- (f) Presentation of communications, petitions, etc.
- (g) Invitation for discussion of work agenda items and resolutions by the public. Speaker must state the work agenda item or the resolution number upon recognition by the Mayor. The Mayor may limit the time for each speaker or the total time for discussion as permitted by NJ law.
- (h) Public work agenda discussions
- (i) Advertised hearings.

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- (j) Invitation for discussion on any topic by the public. The Mayor may limit the time for each speaker or the total time for discussion as permitted by NJ law.
- (k) Introduction of ordinances.
- (l) Resolutions.
- (m) Unfinished business.
- (n) Approval of vouchers.
- (o) New business.
- (p) Adjournment.

H. The aforesaid order of business at any such regular meeting may be changed by a majority vote of the members of the Council present at such meeting.

I. The Mayor shall prepare an agenda for all meetings of the Council. Any Council member can add items to the agenda by requesting, in writing, by 12:00 noon on the Tuesday of the week prior to the meeting. Any item may be added to the agenda of any work session by vote of a majority of the Council members present during the session.

....

2. The remainder of the Bylaws shall be unaffected by these amendments and shall continue in full force and effect.

R 73-2011 RESOLUTION OF THE BOROUGH OF MADISON AMENDING
RESOLUTION 45-2011 AUTHORIZING RELEASE OF PERFORMANCE BOND
FOR 345 MAIN STREET

WHEREAS, the Borough Council adopted Resolution 45-2011 authorizing the release of the performance bond and performance guaranty to Madison 2007, LLC, in connection with site improvements located at 345 Main Street, Block 5202, Lots 7 and 7.01; and

WHEREAS, due to typographical error, the amount of the performance guaranty was incorrect; and

WHEREAS, the correct amount of the performance guaranty is \$31,477.56.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Resolution 45-2011 is hereby amended to reflect that the amount of the Performance Guaranty to be released is \$31,477.56.

Dr. Esposito moved adoption of Resolution R 61-2011. Mr. Conley seconded the motion. Mr. Cerciello raised concern regarding contents of garbage trucks upon arrival and departure from the Borough. There was no further 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

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R 61-2011 RESOLUTION OF THE BOROUGH OF MADISON AMENDING R 50-2011 AUTHORIZING CONTRACT FOR GARBAGE TIPPING FEES THROUGH THE MORRIS COUNTY CO-OPERATIVE PRICING COUNCIL

WHEREAS, the Borough of Madison adopted Resolution 50-2011 authorizing a contract for garbage tipping fees from an authorized vendor under the Morris County Co-Operative Pricing Council program; and

WHEREAS, due to typographical error, the contract amount was incorrect; and

WHEREAS, the correct amount of the contract should be \$482,000.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$482,000.00 for this purpose, which funds are available in the Operating Budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Resolution 50-2011 is hereby amended to reflect a contract price of \$482,000.00.

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, noted a new brine solution used by the Township of Randolph and asked if the Borough collects fees for removal of appliances.

Tim Harrington, Cross Gates Road, asked if a master plan for the 49 Acres is on the Borough's website. Mr. Harrington asked for clarification of the amount of debt for both the Borough of Madison and the Madison Board of Education, noting a lack of information on the Board of Education website.

Sandy Kolakowski, Park Avenue, inquired about Ordinance 2-2011 for bond anticipation notes to finance athletic fields at the Madison Recreation Center, asking for clarification of the scope of the project going out for bid.

Don Brunner, Redmond Drive, inquired about tipping fees and the status of Borough-owned property at 22 Orchard Street. Mr. Brunner asked if the Borough employs more than one meter reader.

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

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supporting documentation of said vouchers was made part of the Supplemental Minute Book.

Public Safety	\$25,433.33
Health & Public Assistance	15,927.52
Public Works & Engineering	116,435.72
Community Affairs	1,736.18
Finance & Borough Clerk	2,911,599.84
Utilities	<u>1,308,103.70</u>
Total	<u>\$4,379,236.29</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 AND RECONVENE EXECUTIVE SESSION

There being no further business to come before the Council, the meeting was adjourned at 10:50 p.m. and the Executive Session immediately reconvened.

RECONVENE AND ADJOURN

The Regular Meeting reconvened at 11:15 p.m. and immediately adjourned.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved March 14, 2011 (EO)