

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

**March 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 March 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**

Three Personnel Matters and two Contract 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 (0)

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

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CONTRACT MATTERS (8)  
VEHICLE TRACKING SYSTEM  
LABOR NEGOTIATIONS  
BOARD OF EDUCATION EASEMENT  
BANKING SERVICES  
HDM  
UNDERGROUND STORAGE TANK  
TEC CON CONTRACTING  
MRC BID SPECIFICATIONS

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

PERSONNEL MATTERS (4)  
SUPERINTENDENT OF PUBLIC WORKS  
MRC-PASSIVE RECREATION COMMITTEE APPOINTMENTS  
HOUSING CODE ENFORCEMENT OFFICER  
BOARD OF HEALTH

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** - None

**GREETINGS TO PUBLIC**

Mayor Holden made the following comments:  
The Donate Life Month Proclamation was presented to Polly Lock at the Council Meeting.

**Proclamation  
of the  
Borough of Madison**

**Proclaiming  
Donate Life Month  
April 2011**

**WHEREAS**, Overlook Hospital's Auxiliary established an Organ and Tissue Donor Awareness Committee in May 1995 whose goal is to make the public aware of organ and tissue donor needs and programs; and

**WHEREAS**, in the United States there are almost 110,000 people waiting for organs (liver, heart, kidney, lungs, pancreas) almost 4,700 of whom are from New Jersey; and

**WHEREAS**, approximately 20 people die daily waiting for organs – the Gift of Life; and

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**WHEREAS**, those needing tissues (bones, ligaments, heart valves, corneas, skin) are waiting to improve their quality of life;

**NOW, THEREFORE**, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim the month of April 2011 as **DONATE LIFE MONTH** and encourage the citizens of Madison to become donors through their driver's license or living will. Citizens are asked to share this decision with their families because it becomes a legal document.

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*MARY-ANNA HOLDEN, MAYOR*  
March 28, 2011

**REPORTS OF COMMITTEES**

**Finance and Borough Clerk**

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

Mr. Conley announced that nominating petition forms for local candidates are available in the Borough Clerk's Office and must be returned by 4 p.m. on April 11 for the June 7th Primary. April 18<sup>th</sup> is the last day to change Party affiliation for the June Primary. Late night voter registration is May 17, 2011, which is the last day to register before the Primary Election.

**Public Safety**

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

Mrs. Tsukamoto thanked OEM Coordinator Robert Landrigan for his efforts in obtaining FEMA reimbursement in the amount of \$19,000.00 for the snowstorm this past December.

**Utilities**

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

Dr. Esposito reported attending an Effective Utilities Management seminar in Atlantic City, where there was discussion of improvements to infrastructure and challenges and enhancement to water and wastewater utilities. Dr. Esposito reported that the Planning Board will take action on properties located on Main Street between Greenwood and Alexander Avenues, the old Exxon property. An Enterprise Rent-A-Car will be moving to that location. Also the old Verizon building on Park Avenue will be going through a major transformation as an office building, a Papa John's pizza delivery will move in next to Atlanta Bread, and Drew University is renovating their student center.

**Public Works and Engineering**

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

Mr. Cerciello reported contacting the Madison Postmaster regarding a mailbox on Main Street. Mr. Cerciello commended the job the Public Works Department has done with snow removal and noted that they are now working on pothole repairs. Mr. Cerciello reported that the Environmental Commission and the Shade Tree Committee have sent recommendations to the Borough Engineer to be included in the bid specifications for the 49 Acres. Mr. Cerciello expressed his wish that the Board of Education and the Borough could work together on the turf fields.

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**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 reported that a letter was received from the Madison Environmental Commission regarding the Madison Recreation Center. Mr. Catalanello thanked all residents who sent correspondence regarding the turf fields project and noted his position that he supports building the fields, but would not vote to spend tax dollars on a project that was not sound. Mr. Catalanello noted that he feels it is not the appropriate time for a “time out” on this project.

**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.**

Since no member of the public wished to be heard at this time, the invitation for public comment was closed.

**AGENDA DISCUSSIONS**

**03/28/2011-1 EXPENSE REDUCTION AD HOC COMMITTEE**

Mr. Conley proposed creating a committee of residents to gather data, review current expense priorities and recommend cost reductions. Following discussion, Mr. Conley asked for the support of the Council and made a motion to create an expense reduction ad hoc committee of 15 residents, Mr. Cerciello seconded the motion, which failed by the following roll call vote:

Yeas: Mr. Conley, Mr. Cerciello

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

Mayor Holden asked for a committee of Council Members to structure town hall meetings with the community. Dr. Esposito, Mr. Conley and Mrs. Tsukamoto agreed to be part of this committee.

**03/28/2011-2 2011 MUNICIPAL BUDGET**

Chief Financial Officer Robert Kalafut addressed the Mayor and Council. Mr. Kalafut provided a list of the Morris County Municipal Tax Levy as comparison, noting that the Borough of Madison is listed third lowest in percentage of total appropriations. Mr. Kalafut stated that previous funding models will no longer work due to a reduction in surplus revenues. Mr. Kalafut stated that the Borough taxes at a very low rate while providing a full menu of services. Mrs. Tsukamoto asked about an increase in funds for the Capital budget and stated that she would like to discuss roadway reconstruction projects further. Mr. Codey noted that the municipal budget must be adopted by the April 25<sup>th</sup> Council meeting.

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**03/28/2011-3 SUBSIDIES FOR ORGANIZATIONS**

Mrs. Tsukamoto proposed whether or not to maintain the same level of funding, such as monetary contributions, insurance, utilities and other services, for a list of organizations in the Borough. Mrs. Tsukamoto noted that if utility subsidizing were to stop, there could be an additional 1% further reduction in the tax levy rate. There was a discussion of municipal services, including leaf removal and garbage collection. There was agreement to hold more informal town hall meetings to determine residents' sentiment regarding services.

**03/28/2011-4 DEPARTMENTAL PURCHASING, LEASING AND SERVICE CONTRACTS**

Mrs. Tsukamoto raised the discussion to consolidate annual leasing and service contracts and purchases to obtain better pricing. Mr. Codey noted several programs where the Borough has already implemented such procedures. There was a recommendation that the Chief Financial Officer and the Purchasing Officer continue to look into more efficient purchasing.

**03/28/2011-5 MULTI FAMILY HOUSING ISSUES**

Mr. Links raised a discussion regarding multi-family housing issues, including stacking, relocation costs, officials' responsibility and enforcement. Following discussion, there was agreement to examine how other municipalities handle similar issues.

**03/28/2011-6 RECREATION VOLUNTEERS FINGERPRINTING**

Mr. Codey provided an explanation of a program for annual state and federal fingerprint checks for coaches, managers and volunteers who work with children in recreational activities. Mrs. Tsukamoto noted that the Madison Police Department highly recommends the program. There was no objection to listing Ordinance 14-2011 for introduction.

**03/28/2011-7 FUNDRAISING PARTNERSHIP WITH MADISON ATHLETIC FOUNDATION**

Mr. Conley made a recommendation to adopt a resolution recognizing the Madison Athletic Foundation as the fundraising partner for the development of the Phase 1B artificial turf fields project. Following discussion, Mayor Holden read Resolution R 87-2011 in full. Resolution R 87-2011 is listed on the Consent Agenda.

***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.**

**Betsy Uhlman, Garfield Avenue**, read a prepared statement from Environmental Commission Chair Tom Haralampoudis regarding the 49 Acres, requesting that more time be given to plans for development and to let the Environmental Commission be a part of the process.

**Sandy Kolakowski, Park Avenue**, noted that she has concerns regarding bid specifications for the turf fields project containing the Borough Engineer's seal. If outside consultants are used, they carry liability insurance.

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**Helen Kaar, Walnut Street**, thanked Mr. Catalanello for reinstating the Recreation Committee for the 49 Acres project. Ms. Kaar stated that she felt the process lacked transparency and asked that residents who are willing to work be given the opportunity.

**Tim Harrington, Cross Gates Road**, asked that the Master Plan be on the municipal website, as well as the introduced budget and ordinances. Mr. Harrington indicated that he likes the idea of an open discussion regarding municipal finances.

**Charles Courtney, Morris Place**, noted that the Passive Recreation Committee of the Madison Recreation Center was not reappointed and the names were removed from the Borough website. Mr. Courtney indicated that Committee members are willing to continue with a proposed plan.

**Stephan Stocker, Park Avenue**, noted that there is concern among several groups regarding the turf fields project and that we are not listening to one another. Mr. Stocker asked that the Council show some flexibility.

**Chris Kellogg, Walnut Street**, raised concern with the proposed design for the Madison Recreation Center turf fields project, noting that the site is crowded, lacking lighting and bleachers as well as adequate parking. Mr. Kellogg asked that the Council build a project that is fit for the Borough of Madison, including passive areas as well.

Dr. Esposito made a motion to continue the Council meeting beyond 11:00 p.m. Mrs. Tsukamoto seconded the motion, which passed by voice vote.

**Don Brunner, Redmond Drive**, asked for clarification of leaf collection with that proposed in the introduced municipal budget.

**Carmen Pico, North Street**, noted his support of the proposed fingerprinting ordinance. Mr. Pico suggested parking meters in the downtown area.

**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 March 14, 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 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

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**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 shall be lighted by means of a flashing light, nor shall any sign be in whole or in part moving, mobile, revolving, electrically or mechanically activated, or give the illusion of movement.

....

(19) LED (light-emitting diode) signs are prohibited; however the use of LED technology as an indirect light source for signs is permitted provided the LED source is not visible or used to comprise any part of the sign lettering, logo or external display face.

....

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

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

Mayor Holden opened up the public hearing on Ordinance 5-2011. Since no member of the public wished to be heard, the public hearing was closed.

Dr. Esposito moved that Ordinance 5-2011, which the Clerk read by title, be finally adopted. Mrs. Tsukamoto seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Holden declared Ordinance 5-2011 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 6-2011 ***Item removed and # retired***

**ORDINANCE 7-2011**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$45,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF A SERVICE TRUCK BODY WITH ACCESSORIES**

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**WHEREAS**, the Superintendent of Public Works has recommended that the Borough appropriate \$45,000.00 from the General Capital Improvement Fund to purchase a service truck utility body with accessories; 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 \$45,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$45,000.00 from the General Capital Improvement Fund to purchase a service truck utility body with accessories; 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 \$45,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase a service truck utility body with accessories.

**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 7-2011. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Cerciello moved that Ordinance 7-2011, which the Clerk read by title, be finally adopted. Mr. Catalanello 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 7-2011 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 8-2011**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$60,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF AN ABOVE GROUND VEHICLE LIFT WITH ACCESSORIES**

**WHEREAS**, the Superintendent of Public Works has recommended that the Borough appropriate \$60,000.00 from the General Capital Improvement Fund to purchase an above ground vehicle lift with accessories; and

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**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 \$60,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$60,000.00 from the General Capital Improvement Fund to purchase an above ground vehicle lift with accessories; 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 \$60,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase an above ground vehicle lift with accessories.

**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 8-2011. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Cerciello moved that Ordinance 8-2011, which the Clerk read by title, be finally adopted. Mr. Catalanello 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 8-2011 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 9-2011            ***Item removed and # retired***

ORDINANCE 10-2011        ***Item removed and # retired***

**ORDINANCE 11-2011**

**ORDINANCE OF THE BOROUGH OF MADISON REVISING CHAPTER 94 OF BOROUGH OF MADISON CODE TO MAKE PROVISION WITH RESPECT TO THE AGGREGATION OF DEMAND RESPONSE ON BEHALF OF RETAIL CUSTOMERS IN THE BOROUGH OF MADISON ELECTRIC UTILITY SYSTEM**

**WHEREAS**, the Federal Energy Regulatory Commission (“Commission”) has issued Order No. 719, 125 FERC ¶ 61,071, 73 Fed. Reg. 64,099 (October 28, 2008), as amended by Order No. 719-A, 128 FERC ¶ 61,059, 74 Fed. Reg. 37775 (July 29, 2009), order denying rehearing, Order No. 719-B, 129 FERC ¶ 61,252 (December 17, 2009); and

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**WHEREAS**, pursuant to Order No. 719, as amended, 18 C.F.R. § 35.28(g)(1)(iii) provides: “Aggregation of retail customers. Each Commission-approved independent system operator and regional transmission organization must accept bids from an aggregator of retail customers that aggregates the demand response of the customers of utilities that distributed more than 4 million megawatt-hours in the previous fiscal year, and the customers of utilities that distributed 4 million megawatt-hours or less in the previous fiscal year, where the relevant electric retail regulatory authority permits such customers' demand response to be bid into organized markets by an aggregator of retail customers. An independent system operator or regional transmission organization must not accept bids from an aggregator of retail customers that aggregates the demand response of the customers of utilities that distributed more than 4 million megawatt-hours in the previous fiscal year, where the relevant electric retail regulatory authority prohibits such customers' demand response to be bid into organized markets by an aggregator of retail customers, or the customers of utilities that distributed 4 million megawatt-hours or less in the previous fiscal year, unless the relevant electric retail regulatory authority permits such customers' demand response to be bid into organized markets by an aggregator of retail customers.” and

**WHEREAS**, pursuant to Order No. 719, as amended, 18 C.F.R. § 35.28(g)(1)(i)(A) provides: “Every Commission-approved independent system operator or regional transmission organization that operates organized markets based on competitive bidding for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional transmission organization's tariff) must accept bids from demand response resources in these markets for that product on a basis comparable to any other resources, if the demand response resource meets the necessary technical requirements under the tariff, and submits a bid under the Commission-approved independent system operator's or regional transmission organization's bidding rules at or below the market-clearing price, unless not permitted by the laws or regulations of the relevant electric retail regulatory authority”; and

**WHEREAS**, pursuant to Chapter 94, Article 1 et seq. of the Madison Borough Code, the Madison Borough Council is authorized to enact laws and regulations governing the provision of electric power to retail customers served within the boundaries of the Borough of Madison Electric Utility System; and

**WHEREAS**, the Borough of Madison distributed less than 4 million megawatt-hours in the previous fiscal year; [08-09: 138,343 MWH; 04-05: 146,401 MWH; 05-06: 143,376 MWH] and

**WHEREAS**, the Madison Borough Council, as the electric retail regulatory authority for the Borough of Madison Electric Utility, has determined it to be desirable and in the interests of the residents/users in the Borough of Madison that the electricity to those residents/users continue to be provided by the Borough of Madison Electric Utility and that demand response, which has always been considered an inherent part of the load management responsibility of the Borough of Madison Electric Utility, also continue to be provided by or under the control of the Borough of Madison Electric Utility so that aggregation of demand response on behalf of retail customers served by the Borough of Madison Electric Utility should be bid directly into the organized electric and ancillary services markets administered by PJM (or any successor independent system operator or regional

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transmission organization to which the Borough of Madison Electric Utility is a participant) by the Borough of Madison Electric Utility or its authorized designee; and

**WHEREAS**, the Madison Borough Council has determined that it would be harmful to the ability of the Borough of Madison Electric Utility to provide electricity to the residents/users of the Borough of Madison at the lowest feasible long-run cost, and to the collective interests of the Borough of Madison Electric Utility as a load-serving entity with an obligation to serve at retail, and the Borough of Madison Electric Utility System's retail customers to permit any entity other than the Borough of Madison Electric Utility System itself or its authorized designee to aggregate demand response on behalf of its retail customers;

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

**Section 1.** CHAPTER 94, ARTICLE 1 et seq., of the Borough Code is hereby revised to add, under the heading "Aggregation of Retail Customer Demand Response," a new subsection Chapter 94-6 to provide as follows:

- A. The Borough of Madison Electric Utility System or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers served by the Borough of Madison Electric Utility System directly into any Federal Energy Regulatory Commission-approved independent system operator's or regional transmission organization's organized electric markets.
- B. Retail customers served by the Borough of Madison Electric Utility wishing to bid their demand response into a Federal Energy Regulatory Commission-approved independent system operator's or regional transmission organization's organized electric markets may do so by participating in the program established by the Borough of Madison Electric Utility or its authorized designee. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of the Borough of Madison Electric Utility.

**Section 2.** CHAPTER 94, ARTICLE 1 et seq., of the Borough Code is hereby revised to add, under the heading "Ancillary Services Provided by Demand Response Resources," a new subsection Chapter 94-7 to provide as follows:

- A. The Borough of Madison Electric Utility or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers served by the Borough of Madison Electric Utility directly into any Commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional transmission organization's tariff).
- B. Retail customers served by the Borough of Madison Electric Utility wishing to bid their demand response into a Commission-approved

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independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional transmission organization's tariff) may do so only by participating in the program established by the Borough of Madison Electric Utility or its authorized designee. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of the Borough of Madison Electric Utility.

**Section 3.** CONFLICTS. Any provision of any Ordinance of the Borough of Madison which is in conflict with any provision of this Ordinance is hereby repealed to the extent, but only to the extent, necessary to be consistent with this Ordinance.

**Section 4.** This ordinance shall take effect as provided by law.

Mayor Holden opened up the public hearing on Ordinance 11-2011. Since no member of the public wished to be heard, the public hearing was closed.

Dr. Esposito moved that Ordinance 11-2011, 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 11-2011 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 12-2011**

**CALENDAR YEAR 2011 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Borough Council of the Borough of Madison in the County of Morris finds it advisable and necessary to increase its CY 2011 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety, and welfare of the citizens; and

**WHEREAS**, the Borough Council hereby determines that a 1.5% increase in the budget for said year, amounting to \$264,379 in excess of the

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increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Borough Council; hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Madison, in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2011 budget year, the final appropriations of the Borough of Madison shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increase by 3.5% amounting to \$616,884 and that the CY 2011 municipal budget for the Borough of Madison be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED** that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mayor Holden opened up the public hearing on Ordinance 12-2011. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 12-2011, which the Clerk read by title, be finally adopted. Mrs. Tsukamoto seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mayor Holden declared Ordinance 12-2011 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 13-2011  
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$70,000.00  
FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF A  
BRINE OPERATION SYSTEM**

**WHEREAS**, the Superintendent of Public Works has recommended that the Borough appropriate \$70,000.00 from the General Capital Improvement Fund to purchase a brine operation system; 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 \$70,000.00 for this purpose; and

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**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$70,000.00 from the General Capital Improvement Fund to purchase a brine operation system; 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 \$70,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase a brine operation system.

**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 13-2011. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Cerciello moved that Ordinance 13-2011, which the Clerk read by title, be finally adopted. Mr. Catalanello 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 13-2011 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

***INTRODUCTION OF ORDINANCES***

The Clerk made the following statement:

Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of April 11, 2011, in the 2<sup>nd</sup> 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 ordinances 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 14-2011**

**ORDINANCE OF THE BOROUGH OF MADISON REQUIRING ANNUAL STATE AND FEDERAL FINGERPRINT CHECKS FOR ALL COACHES, MANAGERS AND VOLUNTEERS FOR BOROUGH SPONSORED RECREATIONAL ACTIVITIES**

**WHEREAS**, the Borough Administrator has recommended that the Borough adopt an ordinance requiring annual state and federal fingerprint checks and background checks for all coaches, managers and volunteers who work with and/or

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supervise children under their care in Madison sports and extracurricular activities;  
and

**WHEREAS**, a program entitled “CHECK ‘EM OUT” was developed by the Megan Nicole Kanka Foundation to help non-profit organizations in New Jersey pay for state and federal fingerprint checks for all coaches, managers and volunteers who work with and/or supervise children in town sports and extracurricular activities;  
and

**WHEREAS**, the Borough Council has determined to pass such an ordinance.

**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 Madison Borough Code is amended to include the following Chapter 49 entitled “Volunteers Involved in Borough Sports and Extracurricular Activities.”:

Chapter 49: Volunteers Involved in Borough Sports and Extracurricular Activities.

**§49-1.** All adults who participate in Madison-sponsored sports and extracurricular activities as a coach, manager or other volunteer, and who work with or supervise children under their care in such sports and extracurricular activities shall, on an annual basis, submit to state and federal fingerprint checks for the purpose of obtaining a background check by the Madison Police Department.

**§49-2.** Upon receipt of the results, the Madison Chief of Police shall notify the organization of the results and if the results show such person has a record of conviction of any crime or disorderly conduct offense, then the Chief of Police shall consult with the organization to determine whether the individual will be disqualified from activities involving children, including coaching, managing or volunteering for children’s sports and extracurricular activities, but such determination shall only be made after the Chief of Police has obtained sufficient information from the individual in question to make such recommendation.

**SECTION 2:** This Ordinance shall take effect as provided by law.

Mrs. Tsukamoto moved that Ordinance 14-2011, 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, Mr. Catalanello

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Nays: 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.

Dr. Esposito moved adoption of the Resolutions 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 83-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A CONTRACT WITH FLEETMATICS OF ARLINGTON HEIGHTS, IL TO INSTALL GPS TRACKING EQUIPMENT ON FIVE PUBLIC WORKS VEHICLES

**WHEREAS**, the Borough of Madison solicited quotes for the installation of GPS tracking equipment on five Department of Public Works vehicles (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-6.1, et seq.; and

**WHEREAS**, the Borough Administrator has recommended that the Contract should be awarded to FleetMatics USA, Inc., in the amount of \$45.25 per vehicle per month for three years; and

**WHEREAS**, The Borough Council has determined to award said contract to FleetMatics USA, Inc.; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$226.25 per month for three years for this purpose in the Operating Budget.

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

1. The Contract is hereby awarded to FleetMatics USA, Inc., of Arlington Heights, Illinois, based upon its quote in the amount of \$45.25 per vehicle per month for GPS tracking equipment.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the Contract with FleetMatics USA, Inc., of Arlington Heights, Illinois, in a form acceptable to the Borough Attorney.

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R 84-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PFIZER 5K RUN ON WEDNESDAY MAY 25, 2011 AT 6:30 P.M.

**WHEREAS**, Pfizer has requested to hold a “5K run” in Madison on Wednesday, May 25, 2011, for the benefit of Project Community Pride; and

**WHEREAS**, the run will begin at 6:30 p.m., on the grounds of Giralda Farms; and

**WHEREAS**, Giralda Farms property owners have requested a Hold Harmless agreement and a Certificate of Liability Insurance regarding such use of the property; and

**WHEREAS**, Police Chief Trevena recommends approval of this request.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the request of Pfizer to hold a “5K run” in Madison on Wednesday, May 25, 2011, as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department, and the Mayor is authorized to sign a Hold Harmless Agreement as approved by the Borough Attorney and to supply a Certificate of Liability Insurance from the Borough for this event.

R 85-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY PTO TOREY J. SABATINI SCHOOL AND EPOCH 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 TOREY J. SABATINI SCHOOL**

**I.D. No. 274-5-33160**

**R.A. No. 1194 – On Premise**

**June 10, 2011**

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**EPOCH INC.**

**I.D. No. 274-5-26960**

**R.A. No. 1196 – Off Premise**

**October 1, 2011**

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

R 86-2011 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING ADAM KLYMKO TO THE POSITION OF PER DIEM DISPATCHER

**WHEREAS**, the Chief of the Madison Police Department recommends the appointment of Adam Klymko to the position of Per Diem Dispatcher; and

**WHEREAS**, the Council agrees with this recommendation.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that Adam Klymko is hereby appointed to the position of Per Diem Dispatcher effective immediately; and

**BE IT FURTHER RESOLVED**, that Adam Klymko be compensated at the rate of \$22.50 per hour.

R 87-2011 RESOLUTION OF THE BOROUGH OF MADISON ESTABLISHING A FUNDRAISING PARTNERSHIP WITH THE MADISON ATHLETIC FOUNDATION

**WHEREAS**, the Borough Council has determined to work with the Madison Athletic Foundation for the purposes of fundraising; and

**WHEREAS**, the Borough wishes to set forth the terms of the arrangement between the Borough and the Madison Athletic Foundation (hereinafter “MAF”); and

**WHEREAS**, the MAF is a 501(c)(3) tax-exempt organization, and was created in 2006 to promote and support youth athletics in the Borough of Madison, New Jersey; and

**WHEREAS**, the MAF mission is as follows:

“The MAF mission is to promote and maintain a strong culture of youth athletics open to all children in the town of Madison. We provide financial support and leadership toward, but not limited to, the establishment and maintenance of first-class athletics facilities in Madison. Our success, in partnership with the Borough of Madison and the Madison Board of Education, will help provide the

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necessary tools for our youth to develop sound athletics skills on safe athletics fields while promoting fitness and wellness for all” ; and

**WHEREAS**, the fundraising campaign shall be led by the MAF and 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, as follows:

1. The Borough hereby recognizes the MAF as the fundraising partner for the development of Phase I-B Artificial Turf Complex of the Madison Recreation Center (hereinafter “MRC”).

2. The fundraising for the Phase I-B Artificial Turf Complex about to be located on the MRC shall be led by the MAF in conjunction with the Borough.

3. All fundraising funds collected by the MAF shall be kept in an interest-bearing account separate from other MAF funds. The funds donated for this project shall not be used for any other purposes including fundraising expenses unless agreed upon in writing by both parties.

4. The transfer of the funds to the Borough shall be on an agreed-upon schedule.

5. All such funds transferred to the Borough shall be held in a dedicated account to pay down the debt of the project.

6. Upon retirement of the debt for the project, the relationship between the Borough of Madison and the MAF for fundraising for this project shall be terminated unless extended by mutual agreement.

7. Upon confirmation of this agreement, and annually thereafter during the term of the agreement:

- a. The MAF shall submit to the Mayor and Council their annual report, audit and the IRS 990 form.
- b. The MAF shall report to the Borough Council quarterly on the progress of the fundraising, including the list of donors and pledges.
- c. The MAF shall send to the Borough Chief Financial Officer on a monthly basis a copy of the bank statement for the dedicated fundraising account.

8. The agreement between the parties may be terminated at any time by either party upon fifteen (15) days written notice to the other party, with all collected funds being transferred to the Borough from the MAF within seven days of the receipt of such notice.

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R 88-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING USE OF COLE PARK BY THE KIWANIS CLUBS OF MADISON AND CHATHAM TO HOST A MULTI FAMILY GARAGE SALE ON MAY 21, 2011

**WHEREAS**, the Kiwanis Clubs of Madison and Chatham have requested permission to use Cole Park on Saturday, May 21, 2011, with a rain date of Sunday, May 22, 2011, for a “Multi-Family Garage Sale” event; and

**WHEREAS**, the Borough Administrator has recommended that such permission be granted; and

**WHEREAS**, upon Council approval for use of Cole Park, the Kiwanis Clubs shall complete and submit a Special Event Permit Application to the Borough as well as a Certificate of Liability Insurance naming the Borough of Madison as an additional insured; and

**WHEREAS**, the Borough Council agrees with this recommendation.

**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 Kiwanis Clubs of Madison and Chatham are hereby given permission to hold a “Multi-Family Garage Sale” event at Cole Park, on Saturday, May 21, 2011, with a rain date of Sunday, May 22, 2011, subject to complying with the above noted conditions, and further subject to such safety requirements as may be directed by the Madison Police Department and/or Fire Department.

R 89-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF TAXI OWNERS’ LICENSES FOR MADISON SQUARE TRANSPORTATION INC. AND TRAVELERS TAXI OF MADISON, LLC FOR 2011

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

<u>LICENSE NO.</u>	<u>NAME</u>	<u>Vehicle</u>
18, 19, 20	Javier Flores, t/a Madison Square Transportation Inc. 36 Lincoln Place, Madison	3 Taxis
21	John J. Patrisco, Jr., t/a Travelers Taxi of Madison, LLC 31 Kings Road, Madison	1 Taxi

R 90-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF TAXI/LIVERY DRIVER’S PERMIT FOR 2011

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**BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Taxi/Livery Driver's Permit renewal be approved for the year 2011:

LICENSE NO.  
**11**

NAME  
**John J. Patrisco, Jr.**

R 91-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING COLLECTIVE BARGAINING AGREEMENT WITH THE FMBA

**WHEREAS**, the Borough of Madison (“Borough”) commenced collective negotiations with each of its employee bargaining units; and

**WHEREAS**, the Borough was able to successfully negotiate a collective bargaining agreement with the Fireman’s Mutual Benevolent Association Local No. 74; and

**WHEREAS**, the Mayor and Council having considered the specific terms and conditions contained in the memorandum of agreement for the above-enunciated bargaining unit;

**BE IT THEREFORE** resolved as follows:

1. The Mayor and Council approve the agreement for the above bargaining unit; and
2. The Mayor and Council hereby authorize the Borough Administrator, Raymond M. Codey and Mayor Mary-Anna Holden to execute the finalized collective bargaining agreement without further action being necessary; and
3. The Mayor and Council authorize Borough Administrator Raymond M. Codey to effectuate the collective bargaining agreement upon execution by all necessary parties.

***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	\$15,335.44
Health & Public Assistance	1,532.95
Public Works & Engineering	196,597.52
Community Affairs	22,736.57
Finance & Borough Clerk	1,918,184.63
Utilities	<u>1,299,244.30</u>
Total	<u>\$3,453,631.41</u>

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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***

Mayor Holden announced the following appointment and requested Council confirmation:

**MADISON ALLIANCE ADDRESSING SUBSTANCE ABUSE**

***Emily Galbraith***, of 28 Dale Drive, Chatham, for a three year term through December 31, 2013

Mrs. Tsukamoto moved confirmation of the foregoing appointment. 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

***ADJOURN AND RECONVENE EXECUTIVE SESSION***

There being no further business to come before the Council, the meeting was adjourned at 11:10 p.m. and the Executive Session immediately reconvened.

***RECONVENE AND ADJOURN***

The Regular Meeting reconvened at 12:20 a.m. and immediately adjourned.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved April 11, 2011 (EO)