

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

February 8, 2010 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 8th day of February 2010. Mayor Holden called the meeting to order at 7 p.m. in the Mayor's Office, Room #210 of Bayley-Ellard High School, 205 Madison Avenue, in the Borough of Madison.

STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

The Borough Clerk read the statement pursuant to the Open Public Meetings Act:

"In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by transmitting a copy of the meeting notice to the Madison Eagle and Morris County Daily Record, posting a copy on the bulletin board at the main entrance of Bayley-Ellard High School, and filing a copy in the office of the Clerk, all on January 7, 2010. This Notice was made available to members of the general public."

ROLL CALL

The Borough Clerk called the roll and the following acknowledged their presence:

Mayor Mary-Anna Holden

Council Members:

Astri J. Baillie
Robert H. Conley
Jeannie Tsukamoto
Vincent A. Esposito
Sebastian J. Cerciello
Donald R. Links

Also Present:

Raymond M. Codey, Borough Administrator
Elizabeth Osborne, Borough Clerk
Joseph Mezzacca, Jr., Borough Attorney

AGENDA REVIEW

One Personnel Matter was removed from the Executive Agenda; one Personnel Matter and one Contract Matter were added to the Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Mrs. Tsukamoto moved:

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

MINUTES FOR APPROVAL (1)
Executive Session Minutes of January 25, 2010

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

Regular Meeting Minutes – February 8, 2010

CONTRACT MATTERS (6)
EAGLE SCOUT PROJECT – MURAL
WOODLAND ROAD
JANITORIAL SERVICES – POLICE DEPT
JANITORIAL SERVICES – CIVIC CENTER
ELECTRICAL SERVICES CONTRACT
BAYLEY-ELLARD FIELDS

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

PERSONNEL MATTERS (2)
MUNICIPAL PROSECUTOR
WELFARE/LOCAL ASSISTANCE
~~TEEN CENTER~~

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

LITIGATION MATTERS (1)
CHATHAM DAY SCHOOL

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

Seconded: Ms. Baillie
Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

Mayor Holden reconvened the Regular Meeting at 8:22 p.m. in the 3rd Floor Meeting Room of Bayley-Ellard with all members present. The Pledge of Allegiance lead by Boy Scout Troop 25 was recited by all.

Flag Salute and Presentation - BOY SCOUTS OF AMERICA - 100th Anniversary

Mayor Holden read and presented the following Proclamation to Madison Boy Scout Troop 25 members:

*Proclamation
of the
Borough of Madison*

Proclaiming

SCOUTING ANNIVERSARY WEEK

FEBRUARY 2 – FEBRUARY 9, 2010

WHEREAS, the success of Scouting for Cub Scouts, Boy Scouts, Explorers and Venturing depends on our community organizations; and

WHEREAS, there are 505 churches and synagogues, schools and parent-teacher associations, service and fraternal clubs and other community organizations that

Regular Meeting Minutes – February 8, 2010

have been chartered in our area by the Boy Scouts of America to use the Scouting program; and

WHEREAS, the volunteer leaders selected by these chartered organizations are performing an outstanding service for 18,871 boys and young men and women; and

WHEREAS, the Patriots' Path Council of the Boy Scouts of America and its corps of dedicated volunteer leaders are providing necessary support to the leaders in the 6,236 Cub Scout Packs, Boy Scout Troops, Explorer Posts and Venture Crews;

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim the week of February 2–9, 2010, as Scouting Anniversary Week and urge our citizens to join with me in expressing appreciation to the community organizations and their volunteer Scouting leaders for bringing this values-based program to our young people.

Mary-Anna Holden, Mayor
February 8, 2010

Members of Madison Venture Crew 77 explained various projects they are working on to achieve Venture awards and Eagle Scout ranking.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Executive Minutes of January 25, 2010**. Mrs. Tsukamoto seconded the motion, which passed by the following roll call vote:

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

Ms. Baillie moved approval of the **Regular Meeting Minutes of January 25, 2010**, with the following amendments:

Page 3 under Reports of Committees, Community Affairs:

A reminder to all male residents that Thursday, February 11th, ~~begins~~ **is** Men's Night Out in Madison, that is the Thursday before Valentine's Day.....

Page 5 under Agenda Discussions 01/25/2010-7:

..... ~~at this evening's meeting so that all members of the Council can receive information regarding the survey and design work along to provide an overview of~~ **design work for** Lincoln Place.

The motion was seconded by Mrs. Tsukamoto and passed with the following roll call vote recorded:

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

Regular Meeting Minutes – February 8, 2010

REPORTS OF COMMITTEES

Community Affairs

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

Ms. Baillie reported that eight Whole Foods Markets, together with the T.J. Martell Foundation, will offer brownies for sale to raise funds for cancer research and for troops overseas. During the week of February 22nd to the 28th, by purchasing brownies, Whole Foods will donate 50% of the sales to the Foundation and will ship brownies to U.S. military troops stationed overseas in Iraq and Afghanistan. The 2010 Census will mail postcards to residents to look for the arrival of Census forms in early March. Forms should be returned by April 1st. The Civic Center elevator construction project has an anticipated completion date of April 1st. The 2010 tax program will continue in the main room at the Civic Center on Wednesdays from February 10th continuing through April 14th by appointment; please call 973-593-3096 to schedule an appointment. Mr. Marty Horn, Chair of the Recreation Advisory Committee, and Ms. Baillie met to view the turf layout of the Madison Recreation Center, and Mr. Horn indicated that he met with the Mayor and representatives from T & M Associates in early January to discuss the turf fields.

Finance and Borough Clerk

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

Mr. Conley reminded residents of the upcoming budget hearings and urged all to attend to get a feeling for the challenges facing all municipalities this coming year.

Public Safety

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

Mrs. Tsukamoto announced that Project Community Pride will hold its annual breakfast on Wednesday, March 24, 2010, at the Fairmount Country Club and encouraged residents to support this valuable project.

Utilities

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

Public Works and Engineering

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

Mr. Cerciello thanked Mr. Codey and Superintendent of Public Works David Maines for improvements to skating conditions at Rosedale Avenue. Mr. Cerciello noted a meeting with Borough Engineer Robert Vogel and members of the Engineering Department to improve customer service to residents. Mr. Cerciello indicated that he met with Mr. Vogel, members of the Council, Mr. Codey and the Borough Zoning Officer to discuss improvements to Woodland Road.

Health & Public Assistance

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

Mr. Links noted that the Madison Health Department has vaccinated approximately 6,000 individuals with the H1N1 vaccine. If anyone is interested in receiving the vaccine, please visit Rosenet.org for more information. Mr. Links reminded residents that it is time to renew dog and cat licenses, and renewal forms are available on the rosenet.org website as well. Also, the Madison Health Department will hold a blood screening and blood pressure clinic on February 25th in the gym at Bayley-Ellard. As registration is required, please call the Health Department.

Regular Meeting Minutes – February 8, 2010

GREETINGS TO PUBLIC

Mayor Holden made the following comments:

Employee of the Month for February is Stacey Dooley of the Purchasing Department for the work she performed creating an in-house office supply catalog. This will make the process of placing purchase orders more efficient and easier for Borough employees.

Mayor Holden noted that Resolution R 55-2010 has been removed and Resolution R 66-2010 has been added to the Consent Agenda.

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, the invitation for discussion was closed.

AGENDA DISCUSSIONS

02/08/2010-1 MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION COOPERATIVE PRICING SYSTEM

Mr. Codey explained that Resolution R 63-2010 is listed on the Consent Agenda for membership in the Middlesex Regional Educational Services Cooperative on a no-fee basis. There was agreement to consider the resolution.

02/08/2010-2 BD OF ED SHARED SERVICES COMMITTEE

Following discussion, there was consensus to continue the Board of Education Shared Services Committee with Council Members Robert Conley, Jeannie Tsukamoto and Don Links agreeing to serve.

02/08/2010-3 TRAFFIC CALMING COMMITTEE

There was consensus for the Committee to continue with all present members, including Mr. Cerciello as Engineering/Public Works Council liaison.

02/08/2010-4 MRC

Mayor Holden noted meeting on January 12th with field turf representatives, T & M Associates representatives and Marty Horn so that they could share files and, upon doing so, there may still be problems with slopes and wetlands. There is a need for site mapping of the area. Mr. Conley stated that the Recreation Advisory Committee, acting as the Active Recreation group for the MRC, met to review several layouts of the area in a joint effort of the 49 acres and the Board of Education property for turfing to come up with a master plan for the fields at the site. They came up with a broad concept that includes two multi-purpose rectangular fields, one rectangular field behind the High School and a baseball field also behind the High School. They encouraged the Council to continue to move forward on construction at this site by applying for permits, creating a budget and by having bid documents prepared. There was discussion to put together a Public Fund Raising

Regular Meeting Minutes – February 8, 2010

Committee, with the Mayor and Council Members, Marty Horn, Steven Coppola, Jim Hughes and Christian Martin. Mr. Links recommended Jim Brueckner and noted other names will be forthcoming. Jim Burnet, Main Street Executive Director, was also recommended. Following discussion, there was agreement that Resolution R 55-2010 was deemed not necessary because a contract exists with T & M Associates for this work and, thus, will be removed from the Consent Agenda.

02/08/2010-5 TREE TRIMMING BID AWARD

Mr. Codey commented that local bidder Honor Tree Service was the lowest responsive and responsible bidder for this contract for emergency tree services as needed. There was Council agreement to list Resolution R 56-2010 on the Consent Agenda.

02/08/2010-6 APPROPRIATION OF \$30,000.00 FOR THE 2010 SANITARY SEWER PUMP STATION REPAIRS AT SHUNPIKE, WEST END AND TREADWELL PUMP STATIONS

Mr. Codey commented on both Ordinance 6-2010 and Ordinance 7-2010 listed for introduction this evening, noting that normally these items would be for discussion during the Capital Budget hearing, but the Borough Engineer has determined that these are emergent matters that need immediate attention. There was agreement to list Ordinance 6-2010 for introduction later in the meeting.

02/08/2010-7 APPROPRIATION OF \$60,000.00 FOR THE 2010 WATER WELL PUMP STATION CONTROL REPAIRS AT WELL A, B AND UTILITY BUILDING

There was agreement to list Ordinance 7-2010 for introduction later in the meeting.

ADVERTISED HEARINGS

The Clerk made the following statement:

Ordinances scheduled for hearing tonight were submitted in writing at a Regular Meeting of the Mayor and Council held on January 25, 2010, 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 2-2010

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 94 APPENDIX "A" SCHEDULE OF RATES FOR ELECTRIC UTILITY

WHEREAS, the Chief Financial Officer of the Borough of Madison has recommended that the electric utility rates be increased due to increased costs; and

WHEREAS, the Borough Chief Financial Officer has recommended that Appendix A to Chapter 94 of the Borough Code, entitled "Borough of Madison Schedule of Rates for Electric Utility December 1993" be amended to reflect the following new rates:

Regular Meeting Minutes – February 8, 2010

Type	Customer Charge	Demand Charge	Energy Charge
Residential Service	\$4.86		0 to 600 kWh \$0.1929 601 kWh or higher \$0.2039
General Service (non demand)	\$4.97		\$0.2091 per kWh
General Service (demand)	\$9.75	\$11.273 per kW	\$0.1459 per kWh
Mid Level General Service – Demand	\$29.21	\$13.314 per kW	\$0.1176 per kWh
Large General Service – Demand	\$29.21	\$12.764 per kW	\$0.1129 per kWh
Outdoor Area Light Service		\$11.581 per 3,650 lumen mercury vapor lamp \$17.64 per 7,000 lumen mercury vapor lamp \$0.850 for each span of wire \$3.827 for each transformer \$1.106 for each pole	

Regular Meeting Minutes – February 8, 2010

Off-Peak Water-Heating Service Rider	\$1.70		\$0.1112 per kWh
Standby Facilities Service Rider			\$1.278 per kWh

WHEREAS, the Borough Council, after due consideration has determined to proceed with said recommendation.

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

SECTION 1: Appendix A to Chapter 94 of the Borough Code, entitled "Borough of Madison Schedule of Rates for Electric Utility December 1993" is hereby amended to revise the electric utility rates and classifications as set forth herein.

SECTION 3: All other rates and terms remain the same, except those changed herein.

SECTION 4: This Ordinance shall take effect on March 1, 2010.

Mayor Holden opened up the public hearing on Ordinance 2-2010.

Thomas Haralampoudis, Pomeroy Road, requested clarification of the kilowatt-hours in the proposed ordinance and asked for a comparison to PSE&G and New Jersey Power & Light rates. Mr. Codey noted that this increase does put electric rates approximately 9% above the other providers, but that Madison's Electric Utility does not charge for seasonal rate changes.

Tim Harrington, Cross Gates Road, asked if Madison residents have the option to opt out of the Electric Utility and pay only a distribution fee, as with other suppliers. Mr. Codey noted that Madison residents do not have that right and that only Drew University, by law, has that right if not offered competitive pricing for electric.

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

Dr. Esposito moved that Ordinance 2-2010, which the Borough Clerk read by title, be finally adopted. Mr. Links seconded the motion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Holden declared Ordinance 2-2010 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

ORDINANCE 3-2010

ORDINANCE OF THE BOROUGH OF MADISON AMENDING SECTION 101-8 OF THE BOROUGH CODE ENTITLED “REGISTRATION AND INSPECTION OF NON-LIFE-HAZARD USES” TO INCREASE FEES

WHEREAS, the Borough Administrator has recommended that the fees for registration and inspection of non-life-hazard uses by the Fire Department be increased; and

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Chapter 101 of the Borough Code entitled “Fire Prevention” shall be amended as follows:

SECTION 1:

§ 101-8. Registration and inspection of non-life-hazard uses.

. . . .

C. The annual registration fee for non-life-hazard uses is as follows:

Square Footage	Fee
0 to 500	\$50.00
500 to 1,000	\$60.00
1,001 to 2,000	\$70.00
2,001 to 3,000	\$80.00
3,001 to 4,000	\$90.00
4,001 to 5,000	\$100.00
5,001 to 6,000	\$110.00
6,001 to 7,000	\$120.00
7,001 to 8,000	\$130.00
8,001 to 9,000	\$140.00
9,001 to 10,000	\$150.00
10,001 to 11,000	\$170.00
11,001 to 12,000	\$190.00
12,001 to 13,000	\$210.00
13,001 to 14,000	\$230.00
14,001 to 15,000	\$250.00
15,001 to 20,000	\$280.00
20,001 to 25,000	\$310.00
25,001 to 30,000	\$340.00

Regular Meeting Minutes – February 8, 2010

30,001 to 35,000	\$370.00
35,001 to 40,000	\$400.00
40,001 to 45,000	\$430.00
45,001 to 50,000	\$460.00
50,001 to 55,000	\$500.00
55,001 to 60,000	\$540.00
60,001 to 65,000	\$580.00
65,001 to 70,000	\$620.00
70,001 to 75,000	\$660.00
75,001 to 80,000	\$700.00
80,001 to 85,000	\$740.00
85,001 to 90,000	\$780.00
90,001 to 95,000	\$820.00
95,001 to 100,000	\$860.00
Each 5,000 or part over 100,000	\$50.00

. . . .

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

Mayor Holden opened up the public hearing on Ordinance 3-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 3-2010, which the Clerk read by title, be finally adopted. Dr. Esposito seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mayor Holden declared Ordinance 3-2010 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

ORDINANCE 4-2010

ORDINANCE OF THE BOROUGH OF MADISON AMENDING SECTION 101-11.1 OF THE BOROUGH CODE ENTITLED “SMOKE DETECTORS AND CARBON MONOXIDE DETECTORS” TO INCREASE INSPECTION FEES

Regular Meeting Minutes – February 8, 2010

WHEREAS, the Borough Administrator has recommended that the fees for smoke detector and carbon monoxide detector inspection and certification by the Fire Department be increased; and

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Chapter 101 of the Borough Code entitled “Fire Prevention” shall be amended as follows:

SECTION 1:

§ 101-11.1. Smoke detectors and carbon monoxide detectors.

. . . .

E. Inspection fees. The fee for any inspection for a certificate of compliance with this section shall be \$75. The fee for any reinspection for a certificate of compliance with this section shall be \$40 until the property is in compliance with this section.

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

Mayor Holden opened up the public hearing on Ordinance 4-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 4-2010, which the Clerk read by title, be finally adopted. Dr. Esposito seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Holden declared Ordinance 4-2010 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

ORDINANCE 5-2010

ORDINANCE OF THE BOROUGH OF MADISON AMENDING SECTION 101-11 OF THE BOROUGH CODE ENTITLED “FIREMAN ON DUTY AT PUBLIC ASSEMBLIES; FEES” TO INCREASE FEES

WHEREAS, the Borough Administrator has recommended that the hourly fee for a fireman on duty at public assemblies be increased; and

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

Regular Meeting Minutes – February 8, 2010

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 101 of the Borough Code entitled “Fire Prevention” shall be amended as follows:

SECTION 1:

§ 101-11. Fireman on duty at public assemblies; fees.

. . . .

B. There shall be a fee of \$65 per hour per fireman to the owner or lessee of said building or structure, or other persons in charge of said assembly or function, for the services of the firemen as required in this section. Sixty dollars of this charge is imposed for the purpose of reimbursing said fireman or firemen assigned to the duties required herein. Five dollars of this charge is imposed for the purpose of reimbursing the Borough for administrative charges connected with the services provided by the firemen.

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

Mayor Holden opened up the public hearing on Ordinance 5-2010.

Tim Harrington, Cross Gates Road, asked for the definition of public assemblies. Mr. Codey explained this provision does not apply to the normal day-to-day activities conducted at churches, theaters and other buildings, but applies to special functions.

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

Mrs. Tsukamoto moved that Ordinance 5-2010, which the Clerk read by title, be finally adopted. Dr. Esposito seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mayor Holden declared Ordinance 5-2010 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of February 22, 2010, in the 3rd Floor Meeting Room of Bayley-Ellard High School, 205 Madison Avenue off Danforth Road in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinances will be published in the Madison Eagle, be posted at

Regular Meeting Minutes – February 8, 2010

the main entrance to Bayley-Ellard High School and be made available to members of the public requesting same, as required by law.

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

ORDINANCE 6-2010

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$30,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR 2010 SANITARY SEWER PUMP STATION REPAIRS

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$30,000.00 from the General Capital Improvement Fund for 2010 Sanitary Sewer Pump Station Repairs at the Shunpike, West End and Treadwell pump station locations; and

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

WHEREAS, the Borough Council has determined that the Borough should appropriate \$30,000.00 from the General Capital Improvement Fund for 2010 Sanitary Sewer Pump Station Repairs at the Shunpike, West End and Treadwell pump station locations; and

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

SECTION 1: The amount of \$30,000.00 is hereby appropriated from the General Capital Improvement Fund for 2010 Sanitary Sewer Pump Station Repairs at the Shunpike, West End and Treadwell pump station locations.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

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

Mr. Cerciello moved that Ordinance 6-2010, which the Borough Clerk read by title, be adopted. Mrs. Tsukamoto seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto

Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

ORDINANCE 7-2010

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$60,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR 2010 WATER WELL PUMP STATION CONTROL REPAIRS

Regular Meeting Minutes – February 8, 2010

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$60,000.00 from the Water Capital Improvement Fund for 2010 Water Well Pump Station Repairs at the Well A, B and Utility Building locations; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Water 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 Water Capital Improvement Fund for 2010 Water Well Pump Station Repairs at the Well A, B and Utility Building locations; 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 Water Capital Improvement Fund for 2010 Water Well Pump Station Repairs at the Well A, B and Utility Building locations.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

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

Mr. Cerciello moved that Ordinance 7-2010, which the Borough Clerk read by title, be adopted. Mrs. Tsukamoto seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto

Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

Added to the agenda:

ORDINANCE 8-2010

ORDINANCE OF THE BOROUGH OF MADISON REPEALING ORDINANCE 4-73 SET FORTH IN CHAPTER 122 OF THE BOROUGH CODE ENTITLED “LOITERING”

WHEREAS, the Borough Attorney has recommended that Ordinance 4-73 set forth in Chapter 122 of the Borough Code, entitled “Loitering”, be repealed; and

WHEREAS, the Borough Council has determined that there is a need to repeal Ordinance 4-73 set forth in Chapter 122 of the Borough Code.

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: All provisions of Chapter 122 of the Borough Code are hereby deleted. Ordinance 4-73 is hereby repealed.

Regular Meeting Minutes – February 8, 2010

SECTION 2: Chapter 122 of the Borough Code shall state that it is “reserved”.

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

Mrs. Tsukamoto moved that Ordinance 8-2010, which the Borough Clerk read in full, be adopted. Dr. Esposito seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mrs. Tsukamoto moved adoption of Resolutions R 54-2010, R 56-2010 and R 57-2010, and R 59-2010 through R 66-2010 listed on the Consent Agenda. Ms. Baillie seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

R 54-2010 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING GARY GRABAS, ESQ. AS MADISON MUNICIPAL PROSECUTOR

WHEREAS, the Borough of Madison has a need to obtain the Professional Services of Gary Grabas, Esq., Prosecutor, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough Administrator of the Borough of Madison has determined that the value of the professional services may exceed \$17,500; and

WHEREAS, the anticipated term of the contract is the balance of the year until December 31, 2010 and may be extended as approved by this governing body; and

WHEREAS, said Professional Services provider has submitted a proposal in January 2010 indicating willingness to provide the services for the annual fee of \$20,000.00 plus a litigation rate of \$90.00 per hour as described in the contract; and

Regular Meeting Minutes – February 8, 2010

WHEREAS, said Professional Services provider has completed and submitted a Business Entity Disclosure Certification which certifies that said provider has not made any reportable contributions to a political or candidate committee in the Borough of Madison, County of Morris, State of New Jersey in the previous one year, and that the contract will prohibit said Professional Services provider from making any reportable contributions through the term of the contract, and

WHEREAS, in accordance with N.J.A.C. 5:30-5.4, the Chief Financial Officer has certified as to the availability of funds for each contract.

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

1. The Mayor is hereby authorized to execute a contract for the professional services of Gary Grabas, Esq., as Prosecutor, the cost of such professional service agreement not to exceed the amount certified by the Chief Financial Officer.
2. The Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.
3. The resolution and contract are on file and available for public inspection in the office of the Municipal Clerk during regular business hours Monday through Friday.

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification and the Determination of Value be placed on file with this resolution.

R 55-2010 Removed and the # retired

R 56-2010 RESOLUTION OF THE BOROUGH OF MADISON AWARDDING TREE TRIMMING SERVICES BID TO HONOR TREE SERVICE

WHEREAS, the Borough of Madison publicly advertised for bids for tree trimming (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the lowest qualified bid on the Contract was submitted by Honor Tree Service, Inc. in the amount of \$97.00 per hour for request one and request two for a total of \$194.00 per hour for both requests; and

Regular Meeting Minutes – February 8, 2010

WHEREAS, the Superintendent of Public Works has recommended that the Contract should be awarded to Honor Tree Service, Inc., in the amount of \$97.00 per hour for request one and \$97.00 per hour for request two; and

WHEREAS, the Borough Council has determined that this bid is fair and reasonable and that Honor Tree Service, Inc., should be awarded the contract based on its bid; and

WHEREAS, the Director of Finance has attested that funds are available in an amount not to exceed \$194.00 per hour for this purpose.

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 for tree trimming is hereby awarded to Honor Tree Service, Inc., based upon its bid in the amount of \$97.00 per hour for request one and \$97.00 per hour for request two.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the Contract with Honor Tree Service, Inc., in a form acceptable to the Borough Attorney.

R 57-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EAGLE SCOUT PROJECT – MURAL

WHEREAS, Sean Ryan, a member of Boy Scout of America Troop 25 located in Madison, has offered to volunteer services for repainting the mural under the Kings Road railroad trestle in support of his Eagle Scout project; and

WHEREAS, Sean Ryan has indicated that he is proposing a new mural to be painted on the eastbound Kings Road side, and the existing mural on the westbound side would be repainted to look similar to what is there; and

WHEREAS, the Council wishes to approve such request.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris in the State of New Jersey that the repainting of the mural under the Kings Road railroad trestle as described herein by Sean Ryan is hereby approved, subject to any safety requirements of the Madison Police Department and any other governmental approvals required including that of New Jersey Transit.

Regular Meeting Minutes – February 8, 2010

BE IT FURTHER RESOLVED that prior to commencing any work, Sean Ryan shall notify the Madison Police Department of the anticipated date of commencement and the Madison Police Department shall notify the Department of Public Works.

R 58-2010 Removed and the # retired

R 59-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING MAIN STREET EXECUTIVE DIRECTOR AND THE MADISON CHAMBER OF COMMERCE TO PLACE SANDWICH BOARD SIGNS THROUGH TOWN TO PROMOTE LATE NIGHT THURSDAYS FEBRUARY 9, 2010 THROUGH MAY 15, 2010

WHEREAS, the Main Street Executive Director and the Madison Chamber of Commerce have requested permission to place up to eight sandwich board signs throughout town to promote “Late Night Thursdays” from February 9, 2010 through May 15, 2010, subject to any safety requirements imposed by the Madison Police Department; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the request for eight sandwich board signs to be placed throughout town at locations as approved by the Main Street Executive Director to promote “Late Night Thursdays” from February 9, 2010 through May 15, 2010, subject to any safety requirements imposed by the Madison Police Department, is hereby approved.

R 60-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXTENSION OF JANITORIAL SERVICES CONTRACT FOR THE POLICE DEPARTMENT WITH OCEAN CLEAN OF CEDAR GROVE, NJ

WHEREAS, a contract for janitorial services for the Police Department was awarded to Ocean Clean of Cedar Grove, New Jersey for the year 2009 as a result of a negotiated contract, after no qualified bids were received on two occasions; and

WHEREAS, the bid specifications allowed for a twelve-month extension of the contract at the request of the Borough; and

WHEREAS, the Purchasing/Personnel Officer has recommended that the Borough award a contract for janitorial services for the Police Department to Ocean Clean of Cedar Grove, New Jersey for the year 2010, commencing on January 1, 2010 through December 31, 2010 at the rate of \$1,083.00 per month, for a contract total of \$12,996.00; and

WHEREAS, Ocean Clean of Cedar Grove, New Jersey has agreed to an extension of the contract at the current rate of \$1,083.00 per month; and

Regular Meeting Minutes – February 8, 2010

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$12,996.00 for this purpose.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris in the State of New Jersey that the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a contract extension for the year 2010, commencing on January 1, 2010 through December 31, 2010 for the Police Department at the rate of \$1,083.00 per month, for a contract total of \$12,996.00, such contract to be in a form approved by the Borough Attorney.

R 61-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXTENSION OF ELECTRICAL SERVICES CONTRACT WITH OXFORD ELECTRICAL CONTRACTORS, INC

WHEREAS, a contract for electrical services was awarded to Oxford Electrical Contractors, Inc., of Randolph, New Jersey for the year 2009 as a result of public bidding; and

WHEREAS, the bid specifications allowed for a twelve-month extension of the contract at the request of the Borough; and

WHEREAS, the Purchasing/Personnel Officer has recommended that the Borough award a contract for electrical services to Oxford Electrical Contractors, Inc. of Randolph, New Jersey for the year 2010, commencing on January 1, 2010 through December 31, 2010, at the current prevailing wage rate of \$71.43 per hour for regular time, \$107.15 per hour for overtime and Saturdays, and \$142.86 per hour for Sundays and holidays; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$71.43 per hour for regular time, \$107.15 per hour for overtime and Saturdays, and \$142.86 per hour for Sundays and holidays.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris in the State of New Jersey that a contract extension is hereby authorized to be entered into with Oxford Electrical Contractors, Inc., for the year 2010 commencing on January 1, 2010 through December 31, 2010, at the current prevailing wage rate of \$71.43 per hour for regular time, \$107.15 per hour for overtime and Saturdays, and \$142.86 per hour for Sundays and holidays, and the Mayor is authorized to execute same and the Borough Clerk is authorized to attest to same, such extension of contract to be in a form approved by the Borough Attorney.

Regular Meeting Minutes – February 8, 2010

R 62-2010 RESOLUTION OF THE BOROUGH OF MADISON DECLARING MAY DAY 2010 TO BE HELD ON SATURDAY, MAY 1, 2010

WHEREAS, the Main Street Executive Director has recommended to the Borough Council that the annual May Day event be held on Saturday, May 1, 2010 from 8:00 a.m. to 12 noon; and

WHEREAS, the May Day event provides an annual opportunity for volunteers to assist in the beautification and maintenance of our public places with the support of the Department of Public Works, thereby fostering a sense of community spirit; and

WHEREAS, the Mayor and Council endorse and commend such activity for the benefit of the Borough.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that May Day 2010 will be held on Saturday, May 1, 2010 from 8:00 a.m. to 12 noon.

R 63-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING MEMBERSHIP IN THE MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION COOPERATIVE PRICING SYSTEM

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Middlesex Regional Educational Services Commission, hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for purchase of good and services; and

WHEREAS, on February 8, 2010, the governing body of the Borough of Madison, County of Morris, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services.

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

1. This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Madison.

Regular Meeting Minutes – February 8, 2010

2. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

3. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

4. The Resolution shall take effect immediately upon passage.

R 64-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXTENSION OF JANITORIAL SERVICES CONTRACT FOR THE CIVIC CENTER AND WATER AND LIGHT PLANT WITH OCEAN CLEAN OF CEDAR GROVE, NJ

WHEREAS, a contract for janitorial services for the Civic Center and the Water and Light Plant was awarded to Ocean Clean of Cedar Grove, New Jersey for the year 2009 as a result of public bidding; and

WHEREAS, the bid specifications allowed for a twelve-month extension of the contract at the request of the Borough; and

WHEREAS, the Purchasing/Personnel Officer has recommended that the Borough award a contract for janitorial services for the Civic Center and the Water and Light Plant to Ocean Clean of Cedar Grove, New Jersey for the year 2010, commencing on January 1, 2010 through December 31, 2010 for the Water and Light Plant at the rate of \$400.00 per month, and commencing on April 1, 2010 through December 31, 2010 for the Civic Center, at the rate of \$700.00 per month, for a contract total of \$11,100.00; and

WHEREAS, Ocean Clean of Cedar Grove, New Jersey has agreed to an extension of the contract at the current rate, \$700.00 per month for the Civic Center and \$400.00 per month for the Water and Light Plant; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$11,000.00 for this purpose.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris in the State of New Jersey that the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a contract extension for the year 2010, commencing on January 1, 2010 through December 31, 2010 for the Water and Light Plant at the rate of \$400.00 per month, and commencing on April 1, 2010 through December 31, 2010 for the Civic Center, at the rate of \$700.00 per month, for a contract total of \$11,100.00, such contract to be in a form approved by the Borough Attorney.

Regular Meeting Minutes – February 8, 2010

R 65-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF 2009 BUSINESS STIMULUS FUND GRANT APPLICATION

WHEREAS, the Borough Administrator has recommended that the Borough authorize the Mayor and Borough Clerk to submit a Grant Application to the 2009 Business Stimulus Fund Grant Program on behalf of the Shade Tree Management Board to assist in community tree planting projects and to help stimulate the economy using local tree care/forest service businesses; and

WHEREAS, the Borough Council desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$7,000.00 to fund the following project: 2009 Business Stimulus Fund Grant (BSF).

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

1. Mary-Anna Holden or the successor to the office of Mayor is authorized (a) to make application for such a grant; (b) if awarded, to execute a grant agreements with the State for a grant in an amount not less than \$7,000.00 and not more than \$7,000.00; and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

2. The Borough of Madison agrees to comply with all applicable federal, State and municipal laws, rules and regulations in its performance pursuant to the agreement.

Added to the agenda:

R 66-2010 RESOLUTION OF THE BOROUGH OF MADISON TRANSFERRING BOROUGH OF MADISON GENERAL PUBLIC ASSISTANCE PROGRAM TO COUNTY OF MORRIS

WHEREAS, the Borough of Madison currently maintains a Department of Welfare and Social Services for the purpose of providing general public assistance in individuals within the Borough of Madison pursuant to the provisions of N.J.S.A. 44:8-107. et seq., as well as other provisions of New Jersey State Law and Municipal Ordinances; and

WHEREAS, New Jersey State Law provides in N.J.S.A. 44:8-145.1 that a municipality may transfer the financial and operational responsibility for the administration of general public assistance to the County in which it is located: and

Regular Meeting Minutes – February 8, 2010

WHEREAS, the Mayor and Council of the Borough of Madison have reviewed the current operation of the Municipal Department of Welfare and Social Services and in consideration of the pending retirement of the Welfare Director that it would be in the best interest of the residents and taxpayers of the Borough of Madison to request that the financial and operation responsibility for this Department be transferred to Morris County.

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 general public assistance program for the Borough of Madison be and hereby is transferred to Morris County effective as of March 15, 2010, or as soon thereafter as Morris County is prepared to implement the program on the Borough of Madison's behalf.

BE IT FURTHER RESOLVED, that a certified copy of the resolution be sent to the Morris County Welfare Director and the appropriate State Office of Public Assistance.

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.**

Don Brunner, Redmond Drive, asked Mr. Cerciello to explain his letter published in a recent issue of the *Madison Eagle*. Mr. Cerciello stated that, in his opinion, he would have done things differently with regards to the renovation of the Hartley Dodge Memorial building.

Tim Harrington, Cross Gates Road, raised an issue of federal funding for solar electric power on public lighting. Mayor Holden noted that Madison is often not eligible. Mr. Harrington asked whether Drew University pays a donation in lieu of taxes. Mayor Holden noted they do not, but they pay for sewer service and are active in promoting volunteerism with the Fire Department and Rescue Squad. Mr. Harrington raised concern for the number of executive sessions conducted by the Mayor and Council and hopes that the spirit and letter of the law are being followed.

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

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mrs. Tsukamoto, seconded by Ms. Baillie and carried, the following vouchers of the Borough of Madison were approved for payment, and the supporting documentation of said vouchers was made part of the Supplemental Minute Book.

Regular Meeting Minutes – February 8, 2010

Public Safety	\$12,945.79
Health & Public Assistance	5,612.76
Public Works & Engineering	213,239.80
Community Affairs	8,330.04
Finance & Borough Clerk	6,812,937.99
Utilities	<u>52,018.89</u>
Total	<u>\$7,105,085.27</u>

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

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

NEW BUSINESS

Mayor Holden announced the following appointments and requested Council confirmation:

Shade Tree Management Board

Alan Andreas – Regular member, unexpired term through December 31, 2010

Downtown Development Commission

Ben M. Cahill, Jr. – Senior Citizens Rep., unexpired term through December 31, 2010

Recreation Advisory Committee

Ranjan Sinha – Regular member, Harding/Madison Youth Hockey

Mrs. Tsukamoto moved approval of the foregoing appointments, seconded by Mr. Cerciello and passed by the following vote:

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

ADJOURN AND RECONVENE EXECUTIVE SESSION

There being no further business to come before the Council, the meeting was adjourned at 9:45 p.m., and the Executive Session immediately reconvened.

RECONVENE AND ADJOURN

The Regular Meeting reconvened at 10:00 p.m. and immediately adjourned.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved February 22, 2010 (EO)