

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

August 22, 2011 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 22nd day of August 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 Borough Administrator
Elizabeth Osborne, Borough Clerk
Joseph Mezzacca, Jr., Borough Attorney

AGENDA REVIEW

During the agenda review, Mr. Conley requested a contract agenda item to clarify the news about the foundation work for the future field house at the Pit. Mayor Holden suggested that it might be better to have the Madison Athletic Foundation present at the next Council meeting. There was consensus agreement to invite the MAF to the next council meeting to discuss plans for the field house and progress with fundraising.

There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Dr. Esposito moved:

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

MINUTES FOR APPROVAL (1)
August 8, 2011

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

PERSONNEL MATTERS (3)
DEPUTY CLERK
TRUCK DRIVER II
PART TIME OFFICE ASSISTANT

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

CONTRACT MATTERS (2)
GVRS PROPERTY
REVALUATION OF REAL PROPERTY

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

LITIGATION MATTERS (2)
POLICE DEPARTMENT
UNFAIR LABOR PRACTICES

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

Seconded: Mr. Conley
Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

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

APPROVAL OF MINUTES

Mrs. Tsukamoto moved approval of the **Executive Minutes of August 8, 2011**. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

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

Mrs. Tsukamoto moved approval of the **Regular Meeting Minutes of August 8, 2011**. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

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

GREETINGS TO PUBLIC

Mayor Holden made the following comments:

Anniversary:

25th Anniversary – James (Tiger) Baumgartner of the Department of Public Works on July 14th.

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Letter received from NJ Department of Community Affairs Commissioner; Lori Grifa, congratulating the Borough of Madison on a recent nomination to Money Magazine's Top 100 Places to Live.

Mayor Holden asked for a moment of silence to remember two residents of the Madison community. Robert Barwick, longtime resident, and Laurence Taber, Borough Historian and former President of the Trustees of the Hartley Dodge Memorial Foundation, member of the Historic Preservation Commission and Shade Tree Management Board.

Mayor Holden invited Suzanne Bassilino, of the Madison Women's Softball League and Marty Horn of the Madison Athletic Foundation forward to present a check in the amount of \$2,560.00 representing user fees collected for the synthetic turf fields project.

Borough Attorney Joseph Mezzacca administered the Oath of Office to Firefighter Sean Norek.

REPORTS OF COMMITTEES

Finance and Borough Clerk

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

Public Safety

Mrs. Tsukamoto, Chair of the Committee, made the following comments: Mrs. Tsukamoto thanked Chief Financial Officer Robert Kalafut for revenue and expense reports noting better than expected year to date revenues. A five year capital plan will be made available at the next Council meeting. The Police Department participated in a training exercise at the College of St. Elizabeth. Mrs. Tsukamoto praised the Police and Fire Department for their efforts during a recent storm. Mrs. Tsukamoto noted a meeting to discuss moving the Borough Clerks' office to a more electronic oriented office with implementation anticipated in 2012 pending budgetary and personnel constraints. Mrs. Tsukamoto stated that a proposal to upgrade to fiber will be presented at the next Council meeting.

Utilities

Dr. Esposito, Chair of the Committee, made the following comments: Dr. Esposito noted a meeting August 9th to discuss future procurement of electricity, solar power, metering infrastructure and other topics. Dr. Esposito thanked the members of the Electric Utility Study Committee for their continued commitment and advice. Dr. Esposito noted the utility department employees' efforts during recent storms. Dr. Esposito explained that there is a resolution listed for Council consideration on the Consent Agenda for the designation of the former Green Village Road School property as an area in need of redevelopment.

Public Works and Engineering

Mr. Cerciello, Chair of the Committee, made the following comments: Mr. Cerciello recommended sending a letter to New Jersey Transit regarding the condition of train trestles in Madison as well as the US Post Office concerning repairs to their facility. Mr. Cerciello asked for clarification of a field house included in the bid specification for the synthetic turf fields project at the Madison Recreation Center.

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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 stated that the construction review committee continues to meet to improve the construction process and long term plans for repairs. Businesses and landlords can now have rear yard pick up of recyclable materials for less than \$10.00 per week. On September 1st garbage collection will be once per week. The Environmental Commission is working on a net metering proposal for solar power and hope to have a presentation for their next meeting.

Downtown Development Commission Presentation – Bottle Hill Day Beer Garden

Stephen Whitehorn of the Downtown Development Commission addressed the Mayor and Council regarding a proposed beer garden to be located along Lincoln Place on Bottle Hill Day, October 1st. Mr. Whitehorn listed several ways the DDC reinvest funds back into the community including parking signs, new lighting fixture, island plantings and an irrigation system along Lincoln Place, University tours, alley way signs, repainting of the millennium clock and brick pavers, and the donation of the gum buster use to clean the downtown area. The beer garden is a way to expand fund raising efforts. Mr. Whitehorn explained safety measures planned for the beer garden, noting only one entrance/exit, ID bracelets, and a limited number of tickets to purchase beer per customer. Beer will only be allowed to be consumed in the beer garden area. Mr. Whitehorn stated that the DDC will secure the proper insurance for this event. Following Council discussion, there was a suggestion to charge for admission bracelets and to restrict the hours of operation. The DDC was asked to work with the Fire Department in terms of capacity.

COMMUNICATIONS AND PETITIONS- none

INVITATION FOR DISCUSSION (1 of 2)

Mayor opened the meeting to the public for their opportunity to ask questions and make comments on those items listed on the Agenda only. 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.**

Brad Cramer, Chairman of Downtown Development Commission, promoted the efforts of the DDC, noting funds raised are put back into the community.

Carmen Pico, North Street, inquired about the proposed ordinance regarding soliciting and peddling, if it excludes Scout fund raising. Mr. Mezzacca noted that charitable organizations are exempt. Mr. Pico expressed his concern regarding the proposed beer garden.

AGENDA DISCUSSIONS

08/22/2011-1

BEST PRACTICES WORKSHEET CY2012

CFO Robert Kalafut explained State of New Jersey Best Practices inventory questionnaire required for Municipal State Aid. A resolution authorizing submission of the check list is on the Consent Agenda for Council approval. Mr. Kalafut noted

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an item with regards to the municipal governing body's approval of all payments of accumulated/uncompensated absence benefits. Following discussion there was agreement to answer this item as 'in progress' and to set a policy for future benefits disbursement.

Resolution R 197-2011 is listed on the Consent Agenda.

08/22/2011-2 PUBLIC LIBRARY TECHNICAL SERVICES DEPARTMENT
Mr. Codey explained an ordinance listed for introduction to appropriate funds for partial cost of asbestos abatement and repair to the Madison Public Library technical services area. Library Trustee President Thomas Binting provided a summary of costs. Following discussion there was agreement to list an ordinance for introduction.

Ordinance 27-2011 is listed for introduction.

08/22/2011-3 NJDOT GRANT APPLICATION - ROSEDALE AVENUE
There was no objection to approving a resolution requested by Borough Engineer Robert Vogel to support a New Jersey Department of Transportation grant application for milling and overlay of Rosedale Avenue.

Resolution 193-2011 is listed on the Consent Agenda.

08/22/2011-4 HDM OIL TANK MITIGATION
Mr. Cerciello requested explanation of a letter received from JM Sorge, Inc, regarding an environmental investigation associated with an underground gasoline storage tank previously located behind the Hartley Dodge Memorial building.

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 August 8, 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 25-2011 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$250,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT
FUND FOR PURCHASE OF MATERIALS FOR IMPROVEMENTS TO
UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM

WHEREAS, the Electric Utility Superintendent has recommended that the Borough appropriate \$250,000.00 from the Electric Capital Improvement Fund for purchase of new underground primary voltage switches, cable and all related materials for the underground distribution system servicing Madison Avenue, Shadylawn Drive and Treadwell Avenue; and

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WHEREAS, the Director of Finance has attested to the availability of the funds in the Electric Capital Improvement Fund in an amount not to exceed \$250,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$250,000.00 from the Electric Capital Improvement Fund for purchase of new underground primary voltage switches, cable and all related materials for the underground distribution system servicing Madison Avenue, Shadylawn Drive and Treadwell Avenue; 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 \$250,000.00 is hereby appropriated from the Electric Capital Improvement Fund for purchase of new underground primary voltage switches, cable and all related materials for the underground distribution system servicing Madison Avenue, Shadylawn Drive and Treadwell Avenue.

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 25-2011. Since no member of the public wished to be heard, the public hearing was closed.

Dr. Esposito moved that Ordinance 25-2011, which the Clerk read by title, be finally adopted with amendment. 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 the aforementioned ordinance 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 26-2011 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 139 OF THE BOROUGH CODE ENTITLED "PEDDLING
AND SOLICITING" TO INCLUDE NON SOLICITATION LIST

WHEREAS, the Chief of Police has recommended amending Chapter 139 of the Borough Code entitled "Peddling and Soliciting"; and

WHEREAS, the Borough Council is in agreement with said recommendation.

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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 139 of the Borough Code entitled “Peddling and Soliciting” is hereby amended as follows:

SECTION 1: §139-1 entitled “Definitions” is hereby amended as follows:

- A. The existing definition for “PEDDLER OR SOLICITOR” shall be deleted.
- B. The following definitions shall be added:

PEDDLER – Any person who goes from place to place by traveling on the streets and roads or from house to house carrying, conveying or transporting goods, wares or merchandise for the purpose of selling and delivering them to customers. The word “peddler” shall include the words “hawker,” “huckster” and “vendor”.

SOLICITOR or CANVASSER – Any person who goes from place to place by traveling on the streets and roads or from house to house taking or attempting to take orders for the sale of goods, wares and merchandise or personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, including orders for improvements to real property, whether or not such person has, carries or exposes for sale a sample of the object to be sold and whether or not he is collecting advance payments on such sales.

The word “solicitor” shall include the word “canvasser,” provided that this definition shall not include wholesalers calling on retail merchants. It also is deemed to be one who is not in the business of selling goods, but one who makes surveys for research purposes, analysis, opinion polls, rating data and any such similar work, which, by nature, involves a door-to-door or place-to-place activity, and shall include persons going from door to door or place to place or being in or on any public or quasi-public areas of the Borough for the purpose of seeking contributions, donations or alms for any person or organization.

SECTION 2: §139-5 entitled “License fees” is hereby amended as follows:

- A. For a weekly license: \$75 per week. For the purposes of this chapter, a “week” shall constitute any six consecutive days, excluding Sundays.

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- B. For a monthly license: \$150.00 per month.
- C. For a yearly license: \$500.00 per year.
- D. With respect to a peddler or solicitor conducting its business door-to-door: \$20 per day for a daily license.

SECTION 3: §139-6 entitled “Regulations governing operations” is hereby amended as follows:

....

B. Every such licensee shall restrict his selling activity within the Borough to the hours between 9:00 a.m. and 9:00 p.m. and shall notify the police officer on duty at least once in every week in which he plans to conduct said activity, before commencing his selling, soliciting or distributing activity. Such notification shall include a statement of the general area of the Borough in which the licensee intends to conduct said activity and a schedule of dates and times when said activity shall be conducted. The licensee shall notify the police officer on duty of any change in the area or time of solicitation, should such changes be made during the week.

....

SECTION 4: §139-7 entitled “Geographic Limitations”, subsection A, is hereby amended as follows:

(1) Peddlers/canvassers/solicitors shall not stop or park any vehicle on privately-owned property for the purpose of conducting a sale without having first filed a written authorization for the same from the property owner

(2) Upon going onto any premises in the Borough, peddlers/canvassers/solicitors shall first examine any notice, as described below, which may be attached to said property, and be governed by the statement contained on any such notice by immediately and peacefully departing from the premises. It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such a residence for the purpose of securing an audience with the occupant thereof and engaging in soliciting as herein defined in defiance of any notice as defined below. Every person desiring to secure the protection provided by this section §139-7,

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shall notify the Borough of his or her desire to be placed on the no solicitation list maintained by the Chief of Police and/or exhibit upon or near the main entrance door to his or her residence a notice indicating the words “no solicitors” or “no soliciting.” The letters shall be at least one inch in height, and the notice shall be at least three inches by six inches in size.

SECTION 5: A new section §139-16 entitled “Non-solicitation list” is hereby added as follows:

§ 139-16. Non-solicitation list.

A. The Chief of Police shall collect, prepare and maintain a list of addresses of those premises where the owner and/or occupant has notified the Borough that he or she does not wish for any solicitor or canvasser to enter upon his or her property for solicitation or canvassing purposes. To be included on this non-solicitation list, residents must complete a form which will be made available through the Police Department and submit the completed form to the Records Department of the Police department. This list shall be provided to all licensees. No solicitor or canvasser shall enter upon any private property that is included upon the non-solicitation list.

B. Violators of this section will be subject to fine and/or suspension or revocation of the license granted under this chapter.

SECTION 6: This Ordinance shall take effect as provided by law.

Mayor Holden opened up the public hearing on Ordinance 26-2011. Since no member of the public wished to be heard, the public hearing was closed.

Mrs., Tsukamoto moved that Ordinance 26-2011, which the Clerk read by title, be finally adopted with amendment. Mr. Cerciello 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 the aforementioned ordinance adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

INVITATION FOR DISCUSSION (2 of 2)

Mayor opened the meeting to the public for their opportunity to ask questions and make comments on any subject. Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an

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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 if all residents have been notified of changes to garbage collection and asked for clarification of the Best Practices Inventory questionnaire.

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 September 12, 2011 in the 2nd Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said 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 Ordinances for first reading and asked the Clerk to read said ordinance by title:

ORDINANCE 27-2011 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$30,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR ABATEMENT PROJECT AT THE MADISON PUBLIC LIBRARY
TECHNICAL SERVICES DEPARTMENT

WHEREAS, the Borough Administrator has recommended that the Borough appropriate \$30,000.00 from the General Capital Improvement Fund for the abatement project at the Madison Free Public Library Technical Services Department; 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 the abatement project at the Madison Free Public Library Technical Services Department; 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 the abatement project at the Madison Free Public Library Technical Services Department.

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.

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Mr. Links moved that Ordinance 27-2011, which the Borough Clerk read by title, be adopted. Mr. Conley seconded the motion. Following Council discussion of fund raising efforts and finances, there was agreement to request expense and audit information from the library before adoption. The motion passed with the following roll call vote recorded:

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

**ORDINANCE 28-2011 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING ORDINANCE 2-2009 PERTAINING TO PART-TIME NON –UNION
SALARIES AND OFFICES**

WHEREAS, the Borough Council has determined that a change is required in the salary ranges for non-union part-time employees to increase the maximum hourly rate for the position of Office Assistant, Part-Time.

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

Section 1. Ordinance 2-2009 setting the salary ranges for non-union part-time employees is hereby amended to increase the maximum hourly rate for the

TITLE	MINIMUM	MAXIMUM
Office Assistant, Part-Time	\$7.15/hr	\$22.00/hr

position of Office Assistant, Part-Time:

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

Section 3. This ordinance shall take effect as provided by law.

Mr. Conley moved that Ordinance 28-2011, 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: Mr. Conley, Mrs. Tsukamoto, Dr. Esposito,
Mr. Cerciello, Mr. Links. Mr. Catalanello
Nays: None

CONSENT AGENDA RESOLUTIONS
The Clerk made the following statement:

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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 R 192-2011, R 196-2011 through R 199-2011 and R 202-2011 through R 204-2011 listed on the Consent Agenda. Mr. Conley seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

R 192-2011 RESOLUTION OF THE MADISON BOROUGH COUNCIL
DETERMINING PROPERTY LOCATED AT 33 GREEN VILLAGE ROAD (LOT 8 IN
BLOCK 3001) TO BE AN AREA IN NEED OF REDEVELOPMENT

WHEREAS, by Resolution 142-2011 adopted on June 13, 2011, the Mayor and Council of the Borough of Madison authorized and directed the Planning Board to conduct a preliminary investigation pursuant to N.J.S.A. 40A:12A-6 to determine whether property located at 33 Green Village Road, consisting of approximately 5 acres and designated as tax Lot 8 in Block 3001, qualifies as an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Planning Board prepared a map showing the boundaries of the proposed redevelopment area as required by N.J.S.A. 40A:12A-6b(1); and

WHEREAS, there was submitted with the map a report setting forth the basis for the investigation as required by N.J.S.A. 40A:12A-6b(1); and

WHEREAS, the Planning Board issued notices of hearing for the purpose of hearing persons interested in or who would be affected by a determination that the delineated area was a redevelopment area, as required by N.J.S.A. 40A:12A-6b(2), and complied with all of the provisions pertaining to publication and mailing of the notices as required by N.J.S.A. 40A:12A-6b(3); and

WHEREAS, the Planning Board conducted a hearing on July 19, 2011, in compliance with N.J.S.A. 40A:12A-6b(4); and

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WHEREAS, after completing its hearing on the matter, the Planning Board in accordance with N.J.S.A. 40A:12A-6b(5) recommended that the delineated area be determined by the Mayor and Council to be an area in need of redevelopment.

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 delineated area located at 33 Green Village Road and designated as tax Lot 8 in Block 3001, also formerly known as the Green Village Road School, is hereby determined to be an area in need of redevelopment as defined in N.J.S.A. 40A:12A-3.

2. The Madison Planning Board is hereby authorized and directed to (a) prepare a redevelopment plan as defined in N.J.S.A. 40A:12A-3 for the area; and (b) comply with the provisions and timelines of N.J.S.A. 40A:12A-7 in preparing and transmitting the plan to the Mayor and Council.

R 196-2011 RESOLUTION OF THE BOROUGH OF MADISON AMENDING
RESOLUTION 49-2011 AUTHORIZING CONTRACT FOR GASOLINE THROUGH
THE MORRIS COUNTY CO-OPERATIVE PRICING COUNCIL

WHEREAS, Resolution 49-2011 awarded a contract to Allied Oil, LLC, of Hillsborough, New Jersey in an amount not to exceed \$120,000.00, for the purchase of gasoline; and

WHEREAS, the Superintendent of Public Works has recommended that the Borough amend Resolution 49-2011 to increase the award amount by \$34,000.00 to \$154,000.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an additional amount not to exceed \$34,000.00, which funds are available in the operating budget.

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

1. Resolution 49-2011 is amended to increase the contract award amount by \$34,000.00 to \$154,000.00.

2. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, an amended purchase order and contract to Allied Oil, LLC, of Hillsborough, New Jersey, for gasoline at a total price not to exceed \$154,000.00, in a form acceptable to the Borough Attorney.

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R 197-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF BEST PRACTICES WORKSHEET AND CERTIFICATION FORM

WHEREAS, the Borough of Madison is required to complete a Best Practices Inventory and submit a Best Practices Worksheet and Certification Form to the New Jersey Division of Local Government Services no later than September 1, 2011, in order to qualify for 100% of state financial aid for 2012; and

WHEREAS, the Chief Financial Officer has recommended that the Chief Financial Officer and Borough Clerk be authorized to complete and submit the Best Practices Worksheet and Certification Form to the New Jersey Division of Local Government Services.

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 Chief Financial Officer and Borough Clerk are hereby authorized to complete and submit the Best Practices Worksheet and Certification Form to the New Jersey Division of Local Government Services by September 1, 2011.

R 198-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING DEVELOPER'S AGREEMENT BETWEEN THE BOROUGH OF MADISON AND 122 MAIN STREET MADISON, LLC, FOR PREMISES AT 122 MAIN STREET, DESIGNATED AS BLOCK 1803, LOT 11

WHEREAS, 122 Main Street Madison, LLC is the present owner of certain property in the Borough of Madison designated as Block 1803, Lot 11 on the current Tax Map of the Borough, located at 122 Main Street (the "Property"); and

WHEREAS, the prior owner, Greenwood Property Group, LLC, obtained from the Madison Planning Board development approval for the Property by Resolution adopted April 27, 2010, which provided for execution of a developer's agreement; and

WHEREAS, the Madison Borough Administrator has recommended that the attached Developer's Agreement concerning the Property be entered into;

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 attached Developer's Agreement between 122 Main Street Madison, LLC and the Borough of

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Madison regarding proposed development on Block 1803, Lot 11 is hereby approved, and the Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute the Developer's Agreement.

R 199-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING APPOINTMENT TO THE POSITION OF TRUCK DRIVER II IN THE PUBLIC WORKS ROADS DEPARTMENT

WHEREAS, the Purchasing/Personnel Officer has recommended that an offer of employment be made to Sebastiano Bassolino for the position of Truck Driver II in the Public Works Roads Department; and

WHEREAS, the Purchasing/Personnel Officer has recommended that the Purchasing/Personnel Officer be authorized to hire Sebastiano Bassolino for the position of Truck Driver II in the Public Works Roads Department upon receipt of satisfactory results of physical and back assessment and drug/alcohol test, effective October 1, 2011, at an annual salary of \$40,283.00 in accordance with the appropriate collective bargaining unit contract.

WHEREAS, the Borough Administrator 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, as follows:

1. The Purchasing/Personnel Officer shall make an offer of employment to Sebastiano Bassolino for the position of Truck Driver II in the Public Works Roads Department.

2. The Purchasing/Personnel Officer is authorized to hire Sebastiano Bassolino for the position of Truck Driver II in the Public Works Roads Department upon receipt of satisfactory results of physical and back assessment and drug/alcohol test, effective October 1, 2011, at an annual salary of \$40,283.00 in accordance with the appropriate collective bargaining unit contract.

R 200-2011 Item removed and the # retired

R 201-2011 Item removed and the # retired

R 202-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING TRANSFER OF 2011 LIVERY OWNER'S LICENSE FOR ROSE CITY LIMO, INC

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WHEREAS, any license issued for any taxicab or livery may be transferred to a substitute vehicle in accordance with the provisions of Chapter 173-7 of the Borough of Madison Code after approval of the Council and upon the payment to the Borough of a transfer fee of \$10.00 for each vehicle for which the license is to be transferred; and

WHEREAS, prior to the approval or disapproval by the Council of the transfer of the license to permit the operation of such substituted vehicle, the owner may operate such substituted vehicle or cause the same to be operated, subject to the other provisions of Chapter 173-7; and

WHEREAS, Rose City Limo, Inc. has made application to transfer Livery Owner's Licenses No. 23 to a substitute vehicle and, at the same time, has provided proof of insurance and paid the appropriate transfer fees;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, to approve the license transfer request from Rose City Limo, Inc.

R 203-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY PLAYWRIGHTS THEATRE OF NEW JERSEY 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, which raffles are to be held as listed below, be and the same are hereby approved:

PLAYWRIGHTS THEATRE OF NEW JERSEY INC
I.D. No. 274-5-32561
R.A. No. 1213 – On Premise
R.A. No. 1214 – On Premise
September 17, 2011

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

R 204-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CANCELLATION OF \$98.31 IN LATE FEES FOR REAL PROPERTY TAX PAYMENT

WHEREAS, the Borough Administrator has recommended approval of a request to cancel \$98.31 in late fees due to extraordinary circumstances for

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delinquent payment of third quarter 2011 taxes on property at Tax Block 4402, lot 9; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the tax collector is authorized to cancel the late fees in the amount of \$98.31 and interest thereon regarding block 4402, lot 9.

Dr. Esposito moved adoption of the Resolutions R 193-2011, R 194-2011 and R 195-2011 listed on the Consent Agenda. Mr. Conley seconded the motion. Following Council discussion, 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 193-2011 RESOLUTION OF THE BOROUGH OF MADISON SUPPORTING NJDOT GRANT APPLICATION FOR THE MILLING AND OVERLAY OF ROSEDALE AVENUE

WHEREAS, the Borough Engineer has recommended that the Borough submit a 2012 Municipal Aid Application to the New Jersey Department of Transportation for resurfacing of Rosedale Avenue; and

WHEREAS, the Rosedale Avenue Resurfacing Project will comprise milling and overlay of a heavily used collector road, estimated to cost \$430,596.00 and for which funding in the amount of \$200,000.00 is being requested from the State of New Jersey Municipal Aid 2012 program; and

WHEREAS, the Borough Engineer has determined that the reconstruction is urgently needed due to current road conditions and need for curb and drainage structure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that the Council formally approves the grant application for the above stated purpose.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-Madison Borough-00025 to the New Jersey Department of Transportation on behalf of the Borough of Madison.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Madison and

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that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

R 194-2011 RESOLUTION OF THE BOROUGH OF MADISON GRANTING THE NEW JERSEY AFFILIATE OF “SUSAN G. KOMEN FOR THE CURE” PERMISSION TO PUBLICIZE OCTOBER AS BREAST CANCER AWARENESS MONTH

WHEREAS, the North Jersey Affiliate of “Susan G. Komen for the Cure Tie a Ribbon Campaign” has requested permission to tie hot pink ribbons on Borough street trees on the main streets of the Borough from October 1, 2011, to October 31, 2011, in support of their “Susan G. Komen for the Cure Tie a Ribbon Campaign” to fight breast cancer and raise awareness during “Breast Cancer Awareness Month;” 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 ribbons to be tied on Borough street trees from October 1, 2011, to October 31, 2011, in support of the North Jersey Affiliate of “Susan G. Komen for the Cure Tie a Ribbon Campaign” to fight breast cancer and raise awareness during “Breast Cancer Awareness Month” is hereby approved.

R 195-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING INDEMNIFICATION AND LEGAL DEFENSE OF JOHN TREVENA

WHEREAS, an employee of the Borough of Madison Police Department, Anthony Kaspereen, has filed suit against the Borough of Madison and Police Chief John Trevena individually and/or as agent, servant or employee of the Borough of Madison; and

WHEREAS, the allegations set forth in said lawsuit against John Trevena arise out of the employment duties of John Trevena as Police Chief of the Borough of Madison Police Department; and

WHEREAS, Police Chief John Trevena has requested that the Borough of Madison provide indemnification and a legal defense to him in said civil action; and

WHEREAS, chapter 14 of the Madison Borough Code provides that whenever a civil action is filed against any employee of the Borough for any action or omission arising out of or in the course of the performance of the duties of such office, position or employment, the Borough “. . .shall defray all costs of defending such action, including reasonable counsel fees and expenses, together with costs of

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appeal, if any, and shall save harmless and protect such persons from any financial loss resulting from the litigation”.

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 Borough of Madison shall provide a legal defense and indemnify Police Chief John Trevena in regard to the lawsuit entitled Anthony Kaspereen v. Borough of Madison et. als. filed in Superior Court of New Jersey, docket number UNN –L- 2467-11, as provided in Chapter 14 of the Borough Code.

Mr. Mezzacca read Resolution R 205-2011 with amendments for the record. Dr. Esposito moved adoption and Mr. Conley seconded the motion. Following Council discussion, the motion passed with the following roll call vote recorded:

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

R 205-2011 RESOLUTION OF THE BOROUGH OF MADISON PROCLAIMING SATURDAY, OCTOBER 1, 2011 AS BOTTLE HILL DAY AND AUTHORIZING BEER GARDEN

WHEREAS, the Mayor and Council of the Borough of Madison have supported the celebration of Bottle Hill Day for the last thirty-five years; and

WHEREAS, Bottle Hill was the name given the community formed in Madison prior to the American Revolution; and

WHEREAS, celebrations commemorating Bottle Hill have been an integral part of the history of Madison; and

WHEREAS, Bottle Hill Day provides an excellent opportunity for all members of Madison families to participate in a Borough recreational activity.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that October 1, 2011 is hereby proclaimed as **BOTTLE HILL DAY**.

BE IT FURTHER RESOLVED, that the following activities are hereby authorized between the hours of 10 a.m. and 5 p.m.:

(1) Merchants contiguous to the sidewalks along the north and south sides of Main Street between Community Place and Greenwood Avenue, both sides of Green Village Road from Kings Road to Main Street, Central Avenue and Waverly Place be permitted to sell their merchandise on the sidewalks assuming they provide clear access for pedestrians.

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(2) Vendors, entertainment and activities shall be allowed to set up at various locations that are approved by the Police Department and the Assistant Borough Administrator, on the western portion of Lincoln Place, both sides of Waverly Place, both sides of Central Avenue (from Main Street to Brittin Street), and Green Village Road between the James Building and the Museum of Early Trades and Crafts, which streets shall be closed to motor vehicle traffic during the event.

(3) The Elmer Street Municipal Parking Lot shall also be utilized for vendors, entertainment and activities as approved by the Police Department and the Assistant Borough Administrator.

(4) The Downtown Development Commission together with the Madison Main Street Foundation shall be permitted to operate a beer garden on Lincoln Place for four hours between 12:00 noon to 5:00 p.m., subject to such restrictions or conditions as may be required by the Madison Chief of Police. The location of the beer garden on Lincoln Place shall be determined by the Assistant Borough Administrator. The Downtown Development Commission shall charge a minimum admission fee of \$2.00 per person and a minimum charge of \$5.00 per beer.

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	\$14,201.86
Health & Public Assistance	1,488.73
Public Works & Engineering	104,640.34
Community Affairs	503.77
Finance & Borough Clerk	2,032,066.25
Utilities	<u>1,694,364.84</u>
Total	<u>\$3,847,265.79</u>

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

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

Nays: None

NEW BUSINESS - None

ADJOURN AND RECONVENE EXECUTIVE SESSION

There being no further business to come before the Council, the meeting was adjourned at 10:30 p.m. and the Executive Session immediately reconvened.

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RECONVENE AND ADJOURN

The Regular Meeting reconvened at 11:00 p.m. and immediately adjourned.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk