

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

May 14, 2012 - 5 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 14th day of May 2012. Mayor Conley called the meeting to order at 5 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 5, 2012. 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 Robert H. Conley

Council Members:

Jeannie Tsukamoto
Vincent A. Esposito
Donald R. Links
Robert Landrigan
Carmela Vitale
Absent: Robert G. Catalanello, excused

Also Present:

Raymond M. Codey, Borough Administrator
Elizabeth Osborne, Borough Clerk
Matthew J. Giacobbe, Esq. Acting Borough Attorney
Absent: Joseph Mezzacca, Jr., Borough Attorney, excused

AGENDA REVIEW

There was approval of the Regular and Executive Agenda.

Presentation on Payments in Lieu of Taxes (PILOT), Brian D. Burns, Esq. and Gregory J. Castano Jr., Esq.

READING OF CLOSED SESSION RESOLUTION

Mrs. Tsukamoto moved:

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

EXECUTIVE MINUTES FOR APPROVAL (1)

March 26, 2012

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

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CONTRACT MATTERS (8)
TAX ASSESSOR SHARED SERVICE
BOROUGH ATTORNEY
GRVS PROPERTY AFFORDABLE HOUSING OBLIGATION
PK ENVIRONMENTAL
ELECTRICAL SUBSTATION INSPECTION
JOINT MUNICIPAL COURT
JACOB HENRY PERKINS FUND DISBURSEMENT
TAX EXEMPT SEWER CHARGES

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

LITIGATION MATTERS (3)
STOP & SHOP SUPERMARKETS, LLC
POLICE DEPARTMENT
PROPERTY TAX APPEALS

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

PERSONNEL MATTERS (2)
SUMMER INTERN – LAND USE SERVICES
PURCHASING OFFICER

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

Seconded: Dr. Esposito
Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

Mayor Conley 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

There was agreement to consider the approval of **Regular Minutes of February 27, 2012**, at the May 30, 2012 meeting of the Mayor and Council.

Mrs. Tsukamoto moved approval of the **Executive Minutes of March 26, 2012**. Dr. Esposito seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links, Mr. Landrigan. Mrs. Vitale
Nays: None
Absent: Mr. Catalanello

Mrs. Tsukamoto moved approval of the **Regular Meeting Minutes of March 12, 2012**. Dr. Esposito seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links, Mr. Landrigan. Mrs. Vitale
Nays: None
Absent: Mr. Catalanello

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GREETINGS TO PUBLIC

Mayor Conley made the following comments:

Recognizing heroic efforts of resident John Hamilton

Mayor Conley present resident John Hamilton with the Mayor's Award for his heroic efforts assisting resident Caroline Malia when attacked on May 3, 2012 by a rabid fox. Ms. Malia was presented with a bouquet of red roses from the Mayor and Council.

Oath of Office Volunteer Firefighter - David S. Watts

R 127-2012 RESOLUTION OF THE BOROUGH OF MADISON
CONFIRMING MEMBERSHIP OF DAVID S. WATTS IN THE MADISON
HOOK & LADDER
COMPANY #1

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

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

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

Mrs. Tsukamoto moved approval of the Resolution R 127-2012. Dr. Esposito seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links, Mr. Landrigan. Mrs. Vitale

Nays: None

Absent: Mr. Catalanello

Mayor Conley administered the oath of office to Volunteer Firefighter David S. Watts.

Proclamation recognizing National Police Week

WHEREAS, The Congress and President of the United States have designated May 15th as Peace Officers' Memorial Day, and the week in which May 15th falls as National Police Week; and

WHEREAS, the members of the law enforcement agency of the Borough of Madison play an essential role in safeguarding the rights and freedoms of the Borough; and

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WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the law enforcement agency of the Borough of Madison unceasingly provide a vital public service;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, call upon all citizens of Madison to observe the week of May 13-19, 2012 as Police Week to commemorate law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I further call upon all citizens of the Borough of Madison to observe Tuesday, May 15th as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

Robert H. Conley, Mayor
May 14, 2012

Proclamation recognizing Shakespeare Theatre 50th Anniversary

WHEREAS, The Shakespeare Theatre of New Jersey is one of the leading Shakespeare theatres in the country, the longest-running Shakespeare theatre on the East coast, and has made Madison, New Jersey its home for the past 40 years; and

WHEREAS, The Shakespeare Theatre serves 100,000 patrons and students annually, and contributes to the local economy each year; and

WHEREAS, under the leadership of Artistic Director Bonnie J. Monte since 1990, The Shakespeare Theatre of New Jersey continues to receive critical acclaim for its world-class productions, and is committed to arts education offering a variety of programs for students, educators, artists-in-training and the general public; and

WHEREAS, The Shakespeare Theatre of New Jersey was named the “Regional Theatre of the Year” in 2002 and 2006 by the Star-Ledger; and

WHEREAS, in 2002, the Theatre was awarded a prestigious Strategic Partnership Grant in the amount of \$1 million by the Geraldine R. Dodge Foundation “in recognition of the artistry, achievements and leadership of this acclaimed Madison, New Jersey-based performing arts and education organization”; and

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WHEREAS, the Outdoor Stage, an open-air amphitheatre, located on the campus of the College of Saint Elizabeth in Morris Township debuted as a performance space in 2002, where a production is presented each summer in one of the only theatres of its kind in the United States; and

WHEREAS, the Theatre, with support from Drew University, undertook a complete renovation and expansion of the Bowne Theatre and in 1998 opened the state-of-the-art F.M. Kirby Shakespeare Theatre - the permanent home of The Shakespeare Theatre of New Jersey's annual Main Stage season which runs May through December;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby extend congratulations and best wishes to The Shakespeare Theatre of New Jersey on reaching its 50th anniversary.

Robert H. Conley, Mayor

May 14, 2012

Mayor Conley announced that Mathew J. Giacobbe, Esq. is appointed as Acting Borough Attorney and asked that residents keep Borough Attorney Joseph Mezzacca, who is suffering an illness, in their thoughts and prayers.

REPORTS OF COMMITTEES

Public Safety

Mrs. Tsukamoto, Chair of the Committee, made the following comments: Mrs. Tsukamoto noted that the Madison Police Department Operation Take Back held April 28, 2012 was a success with collections of approximately 130lbs of prescription medicine for proper disposal. An annual Pfizer 5k run will take place on Wednesday, May 23, 2012, for the benefit of Project Community Pride. Mrs. Tsukamoto noted that there are two resolutions listed on the Consent Agenda for authorization of tax appeal settlements. Mrs. Tsukamoto also noted that the Orchard Street housing project was noticed to the entire neighborhood, not only residents within 200 ft of the project, and that Mr. Codey will set a meeting date for residents regarding the rescheduling of the Green Avenue reconstruction project.

Utilities

Dr. Esposito, Chair of the Committee, made the following comments: Dr. Esposito noted that the Electric Utility Study Committee will meet on Wednesday, May 16th to discuss several items including recent and future electricity procurement and a proposed automated meter program.

Public Works and Engineering

Mr. Links, Chair of the Committee, made the following comments: Mr. Links noted that mulch accumulated by the Public Works Department, during the fall storms, is now gone. Mr. Links announced that garbage collection will be twice a week beginning May 1st through August 31st.

Finance and Borough Clerk

Mr. Catalanello, Chair of the Committee, absent.

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Community Affairs

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

Mr. Landrigan noted that 900 residents volunteered for May Day and offered special thanks to Lisa Ellis and Mara Johnson for their efforts coordinating May Day activities. The Green Fair will take place on May 3, 2012, in front of the Museum of Early Trades and Crafts, which will be closed from 2:00 p.m. to 8:00 p.m. between Blue Ridge Mountain Sports and Chatham Bookseller, with access maintained to the Waverly Green parking lot. The Senior Advisory Committee noted programs for seniors this summer at the Madison Public Library. The Rotary will hold their annual Family Festival on the site of the old Verizon property, beginning Friday, May 31st.

Health & Public Assistance

Mrs. Vitale of the Committee made the following comments:

Mrs. Vitale announced two Health Department screening events to be held for residents of Madison, Chatham Borough and Chatham Township. Men's Health screening on June 4th and Heart Health screening, for men and women, on June 6th. Registration for these events is required. Mrs. Vitale also noted that a rain water barrel workshop presented by the Whippany River Water Shed Committee, will be held at Memorial Park and the cost is \$60.00. Participants must register in advance. The Patriotic Celebrations committee is working on the Memorial Day parade planned for May 28th beginning at 9:00 a.m.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

E-mail received May 9, 2012 from Deborah Farrar Starker, Beverly Road inviting Mayor and Council to the third annual Madison/Florham Park Rotary Family Festival.

INVITATION FOR DISCUSSION (1 of 2)

Mayor Conley 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.**

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

AGENDA DISCUSSIONS

05/14/2012-1 UPDATE ON DOWNTOWN DEVELOPMENT COMMISSION PROGRAMS

Downtown Development Commission Chair Eric Grange presented a Power Point presentation highlighting the many activities and programs of the DDC, including Bottle Hill Day, the Farmers' Market a Taste of Madison and many others. Mayor Conley presented a proclamation to DDC members present.

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05/14/2012-2 AMEND CHAPTER 217, CONSTRUCTION NOISE

Mrs. Vitale explained proposed changes Chapter 217, regarding construction noise. Mrs. Vitale noted surrounding municipalities' regulations regarding hours for construction and landscaping projects. Following Council discussion there was agreement that an ordinance amending Chapter 217 be prepared for introduction at the May 30th Council meeting.

05/14/2012-3 REVIEW OF ORCHARD STREET SITE PLAN

Executive Director of the Housing Authority, Louis Riccio addressed the Mayor and Council, providing a site plan for proposed housing on Orchard Street, at the corner of Strickland Avenue. Mr. Riccio explained that the project is a joint effort by the Housing Authority, Madison Affordable Housing and the Morris Habitat for Humanity. Mr Riccio noted that three homes are planned for the site that require no zoning variances and provided elevations illustrations.

Mayor Conley opened the meeting to the public for their opportunity to ask questions and make comments:

Eugene Zipper, Greenwood Avenue, asked for the total cost of the project, and asked if the purchase price covers those costs.

Jeffery Starrett, Rachael Avenue, noted his appreciation of the remediation of this property and asked about fencing during construction.

Jonelle Marchese, Orchard Street, asked if a relative living in Florida would be eligible for the proposed housing.

Joseph Santoro, Rachael Avenue, thanked the Mayor and Council for the presentation and noted earlier discussions regarding environmental monitoring of surrounding properties.

ADVERTISED HEARINGS

The Clerk made the following statement:

Ordinance scheduled for hearing tonight was submitted in writing at a Regular meeting of the Mayor and Council held on April 23, 2012, 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 Conley called up Ordinances for second reading and asked the Clerk to read said ordinances by title:

ORDINANCE 5-2012

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195, ARTICLE V OF THE BOROUGH CODE ENTITLED "LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF MADISON", TO AMEND THE ZONING MAP TO INCLUDE BLOCK 2803, LOT 2 (10 MAPLE AVENUE) IN THE R-3 ZONING DISTRICT

WHEREAS, the Borough of Madison seeks to facilitate the sale of this property in a manner that is consistent with the existing use of Block 2803, Lot 2 (10 Maple Avenue), as well as the land use patterns of the surrounding area; and

WHEREAS, the Planning Board recently reviewed the zoning of this property in conjunction with a lot line adjustment; and

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WHEREAS, the current OSGU Zoning of Block 2803, Lot 2 does not permit residential uses; and

WHEREAS, the Borough seeks to ensure that the future use of the property remains consistent with the existing residential structure thereon, as well as the adjacent R-3 neighborhood; and

WHEREAS, the proposed re-zoning is consistent with the goals and purposes of the Master Plan and Land Development Ordinance of the Borough of Madison; and

NOW, THEREFORE, be it resolved by the Council of the Borough of Madison, in the County of Morris and the State of New Jersey, as follows:

SECTION 1: The Official Zoning Map, as adopted by Chapter 195 entitled “Land Development Ordinance of the Borough of Madison” Section 29.1 entitled “Zoning Map” is hereby amended to change the zone boundary line between the OSGU District and the R-3 District to include Block 2803, Lot 2, also known as 10 Maple Avenue, in the R-3 zone.

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

Mayor Conley opened up the public hearing on Ordinance 5-2012.

Don Brunner, Redmond Drive, asked for clarification of Ordinance 5-2012 and an update on the sale of the Green Village Road School property.

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

Dr. Esposito moved that Ordinance 5-2012, which was read by title, be finally adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links, Mr. Landrigan. Mrs. Vitale

Nays: None

Absent: Mr. Catalanello

Mayor Conley declared Ordinance 5-2012 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.

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 audible tone of voice, and print the same on the sheet provided for the record.

He/she shall limit his/her statement to three (3) minutes or less.

Carmen Pico, North Street, thanked the Mayor and Council for the synthetic turf fields at the Madison Recreation Complex, noting the benefits for umpires.

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Kathleen Solu, Ridgedale Avenue, introduced the Friends of Ridgedale Avenue Historic District and noted their traffic concerns regarding the speed of Ridgedale Avenue.

Margaret Weisgerber, Ridgedale Avenue, raised concerns regarding traffic on Ridgedale Avenue and offered a petition signed by area residents asking that the speed limit be reduced to 25 mph.

Lisa Sapio, Ridgedale Avenue, also expressed her concern regarding speed on Ridgedale Avenue and noted that Summerhill Park is under utilized by residents.

Michael Sapio, Ridgedale Avenue, noted residents' petition to reduce the speed on Ridgedale Avenue and asked that speed be monitored.

James Sullivan, Broadview Avenue, thanked the Mayor and Council for improvements to the intersection of Samson Avenue at Woodland Road.

Don Brunner, Redmond Drive, asked for information about Council meetings with members of the Madison Board of Education regarding the sale of the Green Village Road School property.

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 Wednesday, May 30, 2012 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 Conley called up Ordinances for first reading and asked the Clerk to read said ordinance by title:

ORDINANCE 6-2012 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$90,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR ABATEMENT PROJECT AT THE MADISON PUBLIC LIBRARY ADULT
SERVICES DEPARTMENT

WHEREAS, the Library Director has recommended that the Borough appropriate \$90,000.00 from the General Capital Improvement Fund for the abatement project at the Madison Free Public Library Adult Services Department;
and

WHEREAS, the approved 2012 Capital Budget recognized this expenditure;
and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$90,000.00 for this purpose; and

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WHEREAS, the Borough Council has determined that the Borough should appropriate \$90,000.00 from the General Capital Improvement Fund for the abatement project at the Madison Free Public Library Adult 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 \$90,000.00 is hereby appropriated from the General Capital Improvement Fund for the abatement project at the Madison Free Public Library Adult 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.

Mr. Landrigan moved that Ordinance 6-2012, which the Borough Clerk read by title, be adopted. Mr. Links seconded the motion. Following Council discussion, the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links, Mr. Landrigan. Mrs. Vitale

Nays: None

Absent: Mr. Catalanello

**ORDINANCE 7-2012 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$11,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR PURCHASE OF FOUR SETS OF FIREFIGHTING TURNOUT GEAR**

WHEREAS, the Fire Chief has recommended that the Borough appropriate \$11,000.00 from the General Capital Improvement Fund for purchase of four sets of firefighting turnout gear; and

WHEREAS, the approved 2012 Capital Budget recognized this expenditure; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$11,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$11,000.00 from the General Capital Improvement Fund for purchase of four sets of firefighting turnout gear; 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:

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SECTION 1: The amount of \$11,000.00 is hereby appropriated from the General Capital Improvement Fund for purchase of four sets of firefighting turnout gear.

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.

Mrs. Tsukamoto moved that Ordinance 7-2012, which the Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links, Mr. Landrigan. Mrs. Vitale
Nays: None
Absent: Mr. Catalanello

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 the Resolutions R 128-2012 through R 131-2012 and R 133-2012 through R 141-2012 listed on the Consent Agenda. Dr. Esposito seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links, Mr. Landrigan. Mrs. Vitale
Nays: None
Absent: Mr. Catalanello

R 128-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE FRIENDS OF THE MADISON PUBLIC LIBRARY IN COOPERATION WITH THE MADISON ROTARY CLUB AND THE MADISON YMCA TO HOLD TOUCH A TRUCK FUNDRAISER ON AUGUST 4, 2012

WHEREAS, the Friends of the Madison Public Library have requested permission to hold a “Touch a Truck” fundraiser in cooperation with the Madison Rotary Club and the Madison YMCA on Saturday, August 4, 2012, on the grounds of the Madison Public Library and the Madison Area YMCA; and

WHEREAS, the Friends of the Madison Public Library have requested participation by the Madison Fire, Police and Public Works departments; and

WHEREAS, the Friends of the Madison Public Library will pay for one police officer for traffic control, whose police vehicle will be on display; and

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WHEREAS, the Borough of Madison Fire Department will display a truck or trucks with paid and volunteer firemen; 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 by Friends of the Madison Public Library to hold a “Touch a Truck” fundraiser in cooperation with the Madison Rotary Club and the Madison YMCA on Saturday, August 4, 2012, on the grounds of the Madison Public Library and the Madison Area YMCA is hereby approved, subject to such safety requirements as may be determined by the Madison Fire, Police and Public Works Departments.

R 129-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SHARED SERVICES AGREEMENT BY AND BETWEEN THE BOROUGH OF MADISON AND THE TOWNSHIP OF MILLBURN FOR THE OFFICE OF JOINT MUNICIPAL TAX ASSESSOR AND TO REAPPOINT LISA BARATTO TO THE POSITION OF JOINT MUNICIPAL TAX ASSESSOR

WHEREAS, pursuant to N.J.S.A. 40:48B-14, the governing bodies of any two or more municipalities may adopt a resolution to establish and maintain the office of Joint Municipal Tax Assessor; and

WHEREAS, the Borough of Madison and the Township of Millburn wish to renew a contract to maintain the office of Joint Municipal Tax Assessor in accordance with N.J.S.A. 40:48B-14 et seq. and on such terms and conditions as are set forth in a Shared Services Agreement to be executed by and between each of the municipalities and the Joint Municipal Tax Assessor; and

WHEREAS, the Borough of Madison and the Township of Millburn have agreed to reappoint Lisa Baratto as the Joint Municipal Tax Assessor; and

WHEREAS, upon adoption of a similar resolution by the Township of Millburn and authorization of the reappointment of Lisa Baratto as the Joint Municipal Tax Assessor by the Township of Millburn, the Borough of Madison shall amend the 2012 annual salary of the Joint Municipal Tax Assessor to be \$93,655.00, of which Millburn Township shall reimburse the Borough of Madison for sixty (60%) percent of said Joint Municipal Tax Assessor’s annual salary and benefits as more particularly set forth in the Shared Services Agreement; and

WHEREAS, the Shared Services Agreement shall provide that the Joint Municipal Tax Assessor will be personally present at the Millburn Tax Assessor’s office for three days each week throughout the year, and will be personally present

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at the Madison Tax Assessor's office for two days each week throughout the year, during the regular office hours.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris and State of New Jersey that a contract for Joint Municipal Tax Assessor is hereby renewed subject to such office being also renewed by a similar resolution adopted by the Township of Millburn.

BE IT FURTHER RESOLVED, that Lisa Baratto shall be reappointed to the position of Joint Municipal Tax Assessor on the terms and conditions set forth herein and as more particularly set forth in the Shared Services Agreement to be executed by the Borough of Madison, and the Township of Millburn and Lisa Baratto, the Assessor, in a form approved by the Madison Borough Attorney and the Township of Millburn Attorney.

BE IT FURTHER RESOLVED that the Mayor of the Borough of Madison is authorized on behalf of the Borough of Madison to execute such Shared Services Agreement and the Borough Clerk is authorized to attest same on behalf of the Borough of Madison, in accordance with the terms and conditions of this resolution.

R 130-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING THE PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL DISTRIBUTION LICENSE NUMBER 1417-44-016-004

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Distribution License Number 1417-44-016-004 heretofore issued to PAYAL, LLC, t/a Neil's Liquors & Deli, for premises located at 114 Park Avenue, Madison, NJ 07940, to SAGAR BEVERAGE, LLC., 28 Phillip Drive, Parsippany, NJ 07054, as a pocket license; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE BE IT RESOLVED that the Borough of Madison Governing Body does hereby approve, effective immediately, the Person-to-Person

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transfer of the aforesaid Plenary Retail Distribution license from PAYAL, LLC, 114 Park Avenue, Madison, NJ 07940, to SAGAR BEVERAGE, LLC., 28 Phillip Drive, Parsippany, NJ 07054, as a pocket license, and does hereby direct the Borough Clerk to endorse the license certificate as follows: “This license, subject to all of its terms and conditions, is hereby transferred to SAGAR BEVERAGE, LLC., 28 Phillip Drive, Parsippany NJ 07054 effective May 14, 2012.

R 131-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING APPOINTMENT OF COLLEEN M. CASSIDY TO THE SUMMER INTERN POSITION IN THE LAND USE SERVICES DIVISION EFFECTIVE JUNE 1, 2012

WHEREAS, the Assistant Borough Administrator has recommended appointment of Colleen M. Cassidy to the position of Summer Intern in the Land Use Services Division; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in Account 9500, subaccount 130, for this purpose; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the appointment of Colleen M. Cassidy to the position of Summer Intern in the Land Use Services Division effective June 1, 2012 at the rate of pay of \$9.00 per hour is hereby authorized.

R 132-2012 Item removed and the # retired

R 133-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING DISBURSEMENT FROM THE JACOB HENRY PERKINS TRUST TO A MADISON SENIOR CITIZEN TO PURCHASE SCOOTER AND CUSTOM ORTHOPEDIC SHOES

WHEREAS, the Borough Administrator has recommended a grant of \$2,000.00 from the Jacob Henry Perkins Trust (hereafter Perkins Trust) be given to M. L., a Borough resident, to purchase a new scooter and custom orthopedic shoes; and

WHEREAS, the Borough Administrator has advised the Borough Council that M. L. meets the criteria for a Perkins Trust grant; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in the Jacob Henry Perkins Trust for this purpose; and

WHEREAS, the Borough Council has determined to approve the request for a Perkins Trust grant in the amount of \$2,000.00.

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NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that a grant is hereby approved from the Perkins Trust in the amount of \$2,000.00, for the benefit of M. L., to purchase a new scooter and custom orthopedic shoes.

R 134-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SETTLEMENT OF THE 2011 TAX APPEAL ENTITLED REX 7 GIRALDA FARMS SPE, LLC. V. MADISON BOROUGH, DOCKET NO. : 003182-2011 OF THE TAX ASSESSMENT OF BLOCK 3202, LOT 7, KNOWN AS LOANTAKA WAY, IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

WHEREAS, an appeal of the real property tax assessment for tax year 2011 involving Block 3202, Lot 7, has been filed by the Taxpayer, Rex 7 Giralda Farms, SPE, LLC.; and

WHEREAS, the proposed settlement agreement has been reviewed and recommended by the Borough Tax Assessor; and

WHEREAS, settlement of said matter is more fully set forth below is in the best interest of the Borough of Madison and

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. Settlement of the 2011 tax appeal is hereby authorized as follows:

Madison Avenue
Year 2011

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$8,000.000	N/A	Withdraw
Imprvts:	\$12,516,000	N/A	Withdraw
Total:	\$20,516.900	N/A	Withdraw

2. The 2012 Assessment has been reduced to \$19,241,000.

3. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Borough Municipal Tax Appeal Attorney to enter into the Stipulation of Settlement as provided by Taxpayer.

R 135-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SETTLEMENT OF THE 2011 TAX APPEAL ENTITLED 3 GIRALDA FARMS SPE, LLC. V. MADISON BOROUGH, DOCKET NO. : 003184-2011 OF THE TAX ASSESSMENT OF BLOCK 3303, LOT 1, KNOWN AS MADISON WAY, IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

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WHEREAS, an appeal of the real property tax assessment for tax year 2011 involving Block 3303, Lot 1, has been filed by the Taxpayer, 3 Giralda Farms, SPE, LLC.; and

WHEREAS, the proposed settlement agreement has been reviewed and recommended by the Borough Tax Assessor; and

WHEREAS, settlement of said matter is more fully set forth below is in the best interest of the Borough of Madison and

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. Settlement of the 2011 tax appeal is hereby authorized as follows:

Madison Avenue
Year 2011

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 6,819.000	N/A	Withdraw
Imprvts:	\$ 7,413,000	N/A	Withdraw
Total:	\$14,232,500	N/A	Withdraw

2. The 2012 Assessment has been reduced to \$12,542,000.

3. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Borough Municipal Tax Appeal Attorney to enter into the Stipulation of Settlement as provided by Taxpayer.

R 136-2012 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING FIREMAN'S FUND INSURANCE COMPANY GRANT AWARD IN THE AMOUNT OF \$5,593.00 FOR PURCHASE OF 'SMARTDOCK' SCBA BRACKETS

WHEREAS, the Governing Body of the Borough of Madison received notice from Madison Fire Chief Louie E. DeRosa that the Madison Fire Department is eligible for a grant from the Fireman's Fund Insurance Company in the amount of \$5,593.00 for the purchase of equipment; and

WHEREAS, the grant funds will be used for the purchase of 'SmartDock' SCBA brackets for all riding positions on three pieces of Fire Department apparatus.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey that the Governing Body does hereby accept the grant of \$5,593.00 from the Fireman's Fund Insurance Company for the purpose of 'SmartDock' SCBA brackets for all riding positions on three

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pieces of Fire Department apparatus, and extends its thanks for the generosity of the Fireman's Fund Insurance Company.

R 137-2012 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO MATTHEW J. GIACOBBE, ESQ. OF FLORHAM PARK, NJ TO SERVE AS ACTING MUNICIPAL ATTORNEY FOR 2012

WHEREAS, the Borough Administrator has recommended that the Borough Council award a Contract to Matthew J. Giacobbe Esq. of Florham Park, New Jersey as Acting Municipal Attorney from May 14, 2012 to December 31, 2012 pursuant to the attached proposal; and

WHEREAS, said services would constitute professional services for which a contract may be awarded without the need of competitive bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, Matthew J. Giacobbe, Esq. shall submit to the Borough Clerk required documents to satisfy the requirements of N.J.S.A.19:44A-20.5, since this matter may be awarded without competitive bidding; and

WHEREAS, Matthew J. Giacobbe, Esq. shall complete and submitted a Business Entity Disclosure Certification which certifies that Matthew J. Giacobbe, Esq. has not made any reportable contributions to a political or candidate committee in the Borough of Madison in the previous one year, and that the contract will prohibit Matthew J. Giacobbe, Esq. from making any reportable contributions through the term of the contract.

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 Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Matthew J. Giacobbe, Esq. to serve as Acting Municipal attorney such contract to be in a form approved by the Borough Administrator.
2. The Business Disclosure Entity Certification, Political Contribution Disclosure Form and the Determination of Value shall be placed on file with this resolution.
3. The Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough of Madison within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.

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R 138-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY THE ARTS COUNCIL OF THE MORRIS AREA TO CONDUCT AN ON-PREMISE 50/50 RAFFLE ON SUNDAY, JUNE 24, 2012

WHEREAS, N.J.S.A. 5:8-1 et seq. and N.J.A.C. 13:47-1.1 et seq. prohibit the conducting of games of chance on Sunday unless specifically authorized by a duly adopted municipal ordinance; and

WHEREAS, on March 8, 1982, the Council of the Borough of Madison adopted Ordinance No. 5-82 to allow the Council, by resolution, to permit qualified organizations to conduct games of chance on Sunday; and

WHEREAS, the New Jersey Legalized Games of Chance Control Commission has issued Registration Identification No. 274-5-34612 to the Arts Council of the Morris Area; and

WHEREAS, an Application for Raffles License, together with all necessary documents and fees, has been submitted to the Madison Borough Clerk's Office by the Arts Council of the Morris Area to conduct an On-Premise 50/20 Raffles Game on Sunday, June 24, 2012 at Giralda Farms, Madison Avenue, Madison, New Jersey;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the afore-mentioned Application for Raffles License, R.A. No. 1235, to be held as listed above, be and the same is hereby approved.

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

R 139-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY THE SHAKESPEARE 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 application for Raffles License, to be held as listed below, be and the same are hereby approved:

THE SHAKESPEARE THEATRE OF NEW JERSEY, INC.
I.D. No. 274-5-32247
R.A. No. 1236 – Off Premise
January 1, 2013

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

R 140-2012 RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION R 67-2012 AUTHORIZING THE SECOND ANNUAL PEDIATRIC ANGEL NETWORK 5K/10K RUN AT GIRALDA FARMS

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WHEREAS, Resolution 67-2012 authorized the Pediatric Angel Network to hold a “5K/10K run” at Giralda Farms in Madison on Sunday, May 20, 2012; and

WHEREAS, the Pediatric Angel Network has requested to change the date of the run to Saturday, May 19; and

WHEREAS, the run will take place between 7 a.m. and 12 p.m., and begin and end on the Giralda Farms property utilizing the road surrounding Giralda Farms; and

WHEREAS, Police Chief Trevena recommends approval of this request.

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 Pediatric Angel Network is hereby given permission to hold a “5K/10K run” in Madison on Saturday, May 19, 2012 between the hours of 7 a.m. and 12 p.m., subject to any safety requirements imposed by the Madison Police Department.

R 141-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SETTLEMENT OF SUMMIT RISK CLAIM NUMBER XJ-0097

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 hereby approves authorizing XL Insurance Company to settle Summit Risk Services Claim No. XJ-0097.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mrs. Tsukamoto seconded by Dr. Esposito 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	\$70,075.14
Health & Public Assistance	20,077.44
Public Works & Engineering	262,678.18
Community Affairs	20,458.02
Finance & Borough Clerk	2,361,857.14
Utilities	<u>66,959.28</u>
Total	<u>\$2,802,105.20</u>

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

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links, Mr. Landrigan. Mrs. Vitale

Nays: None

Absent: Mr. Catalanello

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NEW BUSINESS

Mayor Conley announced the following appointments to the Sustainable Madison Advisory Committee and asked for Council Confirmation.

Regular Members

Ben Wolkowitz of 32 Dellwood Drive for a one year term through December 31, 2012.

Sandra Guarin of 40 Longview Avenue for a one year term through December 31, 2012.

Harriet Honigfeld of 17 Madison Avenue for a two year term through December 31, 2013.

Kathleen Caccavale of 82 Central Avenue for a two year term through December 31, 2013.

Steven Eget of 14 Carteret Court for a three year term through December 31, 2014.

Heather Sherpard of 8 Lewis Drive for a three year term through December 31, 2014.

Council Liaison
MEC Representative
Madison Public School Representative

Donald Links
Betsy Uhlman
to be appointed later

Non-Voting Members

Superintendent of Public Works
Borough Administrator and/or Asst Borough Administrator

David Maines

James Burnet

Mrs. Tsukamoto moved confirmation of the foregoing appointments. Dr. Esposito seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links, Mr. Landrigan. Mrs. Vitale

Nays: None

Absent: Mr. Catalanello

ADJOURN

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

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved August 13, 2012 (EO)