

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

June 11, 2012 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 11th day of June 2012. Mayor Conley 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 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 G. Catalanello
Robert Landrigan
Carmela Vitale

Also Present:

Raymond M. Codey, Borough Administrator
Elizabeth Osborne, Borough Clerk
Matthew Giacobbe, Acting Borough Attorney

AGENDA REVIEW

There was approval of the Regular and 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)

None

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

CONTRACT MATTERS (3)

PK ENVIRONMENTAL

BOARD OF HEALTH

BOROUGH OF CHATHAM – DIVISION ROAD

Regular Meeting Minutes – June 11, 2012

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

LITIGATION MATTERS (3)
2012 TAX APPEAL
BOARD OF HEALTH
STOP & SHOP SUPERMARKETS. LLC

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

LITIGATION MATTERS (2)
PROJECT OVERSIGHT
BOARD OF EDUCATION – SUSTAINABLE MADISON REP

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-NONE

GREETINGS TO PUBLIC

Mayor Conley asked for a moment of silence for the following three Madison residents:

John T. Cunningham of Florham Park, was a noted N.J. historian and author. He graduated from Drew University in Madison in 1938. Mr. Cunningham proudly served his country in the U.S. Army/Air Corp. as a Captain during World War II.

Reverend Monsignor Vincent E. Puma, of St Vincent Church , founder of Eva's Kitchen, a comprehensive social service organization known as Eva's Village in Paterson, NJ.

Joseph Mezzacca, Jr., Borough Attorney for 16 years, who seat will remain empty this evening.

Mayor Conley made the following comments:

Employee of the Month for June:

Ben Samara and Tamica Trotman of the Health Department for their conduct and professionalism in performing their duties as Registered Environmental Health Specialists when interacting with members of the restaurant community.

Proclamation:

A Proclamation recognizing the **Madison Volunteer Ambulance Corps** was presented to Squad President Carol Livesey and Capt. Mark Caccavale. Other squad members were also in attendance.

Regular Meeting Minutes – June 11, 2012

***Proclamation
of the
Borough of Madison***

***In Recognition of
The Madison Volunteer Ambulance Corps***

Whereas, the Madison Volunteer Ambulance Corps was founded over fifty years ago and has responded to 50,000 calls since that time; and

Whereas, the Corps, consisting of over sixty members, all volunteers, is funded primarily through donations; and

Whereas, the Madison Volunteer Ambulance Corps made tremendous contributions to the Borough of Madison during two recent weather events, Hurricane Irene and the Halloween snowstorm; and

Whereas, in August, during Hurricane Irene, a town shelter was opened at Giralda Farms and the Ambulance Corps provided the medical coverage; and

Whereas, crews stayed in the dorms in the Ambulance building to respond to calls throughout Hurricane Irene, as well as responding to a house fire immediately following the hurricane; and

Whereas, when the Halloween snowstorm hit, the Ambulance building, which had a backup generator, became a 24-hour shelter to Madison residents with Ambulance Corps volunteers providing food, a warm place to stay, a place to sleep for 40 residents for two nights and medical care for those at the shelter who requested it; and

Whereas, when power to the town was restored, members of the Madison Ambulance Corps drove residents staying at the shelter back to their homes; and

Whereas, two crews of approximately ten members each, who had once again left their families to stay at the dorms in the ambulance building, responded to calls throughout this storm and the days immediately following;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby extend thanks and appreciation to the volunteers of the Madison Ambulance Corps for their efforts, dedication and commitment to the residents of the Borough of Madison.

Robert H. Conley, Mayor
June 11, 2012

Regular Meeting Minutes – June 11, 2012

REPORTS OF COMMITTEES

Public Safety

Mrs. Tsukamoto, Chair of the Committee, made the following comments: Mrs. Tsukamoto shared a success story from Project Community Pride, noting that a Madison High School Senior, at risk for not graduation due to excessive absences, will graduate with his class this year, with the help of School Officer Lisa Esposito. Project Community Pride works in partnership with the Township of Florham Park and the Borough of Chatham and notes that so far positive fee back has been received form the guidance counselors at each High School. The Madison Fire Department personnel responded to a structural fire on Main Street in Chatham and helped rescued a cat, which was administered oxygen through a recently donated pet oxygen apparatus. Mrs. Tsukamoto thanked the anonymous donor. All Fire Department ladders have passed inspection by a third party agency and Volunteer Fire Firefighter Christopher Killeen has successfully completed 150 hours of Firefighter 1 training. Police Officers James Cavazza and Joseph Longo have graduated from the Police Motorcycle School. The Police Department held a bicycle rodeo on behalf of Community House, which was attended by 50 children. Mrs. Tsukamoto noted that work on reducing the speed limit on Ridgedale Avenue continues. Mrs. Tsukamoto recommended revamping the Traffic Calming Committee. Mayor Conley noted that a discussion of the Complete Streets policy is list on tonight's work agenda.

Utilities

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

Public Works and Engineering

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

Finance and Borough Clerk

Mr. Catalanello, Chair of the Committee, made the following comments: Mr. Catalanello stated that last week's Primary Election was successful and that we will have a full slate of candidates on the ballot at the November Election. Mr. Catalanello thanked the candidates for their interest in serving Madison. Mr. Catalanello stated that a discussion regarding third quarter estimated taxed listed on the work agenda, and noted that he met with concerned residents regarding infrastructure issues and has submitted a report to the Construction Review committee.

Community Affairs

Mr. Landrigan, Chair of the Committee, made the following comments: Mr. Landrigan announced that the Summer Concert series will once again be held every other Friday evening, from 6 - 8 PM, beginning June20 through September 28th, and encouraged all to come and enjoy a free, family-friendly outdoor concert on the lawn of the Museum of Early Trades and Crafts. The Farmers Market will be held again this year on Thursdays on Waverly Place until August 23rd, when it will be held on Green Village Road in front of the Museum. Mr. Landrigan noted the Art Studio Tour was a success showcasing 27 artists at several locations around town. Mr. Landrigan invited residents to the Community Garden Open House to be held on Saturday June 16, 2012.

Regular Meeting Minutes – June 11, 2012

Health & Public Assistance

Mrs. Vitale of the Committee made the following comments:

Mrs. Vitale announced that Florence Rice, Nursing Director and Christine Shesler, Health Educator have applied for a \$25,000.00 grant through the Robert Wood Johnson's "Road Maps to Health" program. Madison is eligible for this type of grant due to the services that the Health Department provides. Mrs. Vitale noted that the health department is moving toward partnerships with other communities to apply for additional grant opportunities. Mrs. Vitale noted that correlation between the discussion of Complete Streets and the need for our community to improve health through walking bicycling and other activities.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

E-mail received June 8, 2012 from Cecilia Dilzell, Green Avenue regarding the excellent service received from Borough Employee Daniel Buckelew

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.**

Sandra Kolakowski, Park Avenue, raised concern regarding the speed of vehicles along Park Avenue and asked that Council consider lowering the speed limit.

Sam Cerciello, Park Avenue, asked about Resolutions R 156-202 regarding tax appeal settlements and R 164-2012 regarding the speed limit on Park Avenue.

AGENDA DISCUSSIONS

06/11/2012-1 EVERY FIFTEEN MINUTES PROGRAM –Officer Chad Rybka
Madison Police Officer Chad Rybka provided a presentation of a program regarding drinking and driving, provided to the students at Madison High School on March 19-20, 2012. The program is a nationwide program intended to teach through the experience and emotion of these events. This program is held every two years for upper classmen. Mayor Conley thanked Officer Rybka and all those who participated in the program noting the incredible work these volunteered did. Mayor Conley noted that the impact of this program will surely save lives.

06/11/2012-2 AUTOMATED METERS SYSTEM, SOLAR RATE STRUCTURE AND VOLUNTARY SERVICE CURTAILMENT PROGRAM

Mr. Burnet offered a power point presentation regarding advanced metering and related infrastructure needs. Curt Wilson, consultant engineer provided information, noting estimated costs and benefits. There was also a presentation on a Voluntary Service Curtailment program and solar rate structuring. Dr. Esposito thanked those who participated in the preparation of this presentation.

06/11/2012-3 3RD QUARTER ESTIMATED TAXES

Mr. Codey explained the need to authorize the Tax Collector to prepare and issue estimated third quarter tax bills due to the delay of approval from the State of New

Regular Meeting Minutes – June 11, 2012

Jersey for the Municipal Budget. There was no objection to listing a resolution authorizing the Tax Collector to issue estimated tax bills on the Consent Agenda.

Resolution R 157-2012 is listed on Consent Agenda.

06/11/2012-4 SIGN PERMIT APPLICATION FEES

There was no objection to listing an ordinance for introduction on the agenda for the next meeting of the Mayor and Council regarding an increase in fees for a sign permit applications.

06/11/2012-5 APPROPRIATE \$20,000 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR LED LIGHT FIXTURES FOR COOK AVENUE PARKING LOT

Mr. Codey noted a recommendation to appropriate \$20,000 from the Electric Capital Improvement fund for LED light fixtures for Cook Avenue. Dr. Esposito raised concern regarding the cost of each fixture and suggested that grant funds may be available for lighting purchases. Following discussion there was agreement to list an ordinance for introduction and have more information provided at the next Council meeting.

Ordinance 11-2012 is listed for introduction.

06/11/2012-6 COMPLETE STREETS POLICY

Borough Engineer Robert Vogel addressed the Mayor and Council explaining that in 2008 the Federal government began requiring that road plans include pedestrian and bicycle accessibility on all streets. The State of New Jersey adopted a similar policy in 2009 for all State funded roadways. This year municipalities are encouraged to adopt their own policies as well. The Borough of Madison has already adopted several policies including bike paths, sidewalks and a compatibility component in the Master plan, so adoption of a Complete Streets policy is an easy step. The State will also include a point in the rating system for municipal state aid if a municipality has adopted a policy. There was Council agreement to list a resolution for approval to adopt a Complete Streets policy.

Resolution R 161-2012 is listed on Consent Agenda.

06/11/2012-7 ILLEGAL SUMP PUMP CONNECTIONS

Mr. Burnet provided a model ordinance. There was discussion regarding illegal sump pump connections, penalties and an amnesty program. Mayor Conley suggested that the next step is to get finance to provide Council with numbers and perhaps a power point presentation on the value of a program.

06/11/2012-8 PARK AVENUE SPEED LIMIT

Mrs. Vitale recommended that the speed limit along Park Avenue be reduced for public safety. Mrs. Vitale noted that Morris County is planning a repaving of this road and steps need to be taken to calm traffic and reduce speed. Following discussion there was agreement to approve a resolution asking the Morris County Board of Chosen Freeholders to reduce the posted speed limit on Park Avenue to 30 MPH.

Resolution R 164-2012 is listed on Consent Agenda.

ADVERTISED HEARINGS-NONE

INTRODUCTION OF ORDINANCES

Regular Meeting Minutes – June 11, 2012

The Clerk made the following statement:

Ordinance scheduled for introduction and first reading tonight will have a hearing during the meeting of July 9, 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 ordinance will be published in the Madison Eagle, be posted at the main entrance to the Borough offices and be made available to members of the public requesting same, as required by law.

Mayor Conley called up Ordinance 11-2012 for first reading and asked the Clerk to read said ordinance by title:

ORDINANCE 11-2012 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$20,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT
FUND FOR PURCHASE OF LED LIGHT FIXTURES FOR THE COOK AVENUE
PARKING LOT

WHEREAS, the Electric Utility Superintendent has recommended that the Borough appropriate \$20,000.00 from the Electric Capital Improvement Fund for the purchase of LED light fixtures for the Cook Avenue Parking Lot; and

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 \$20,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$20,000.00 from the Electric Capital Improvement Fund; 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 \$20,000.00 is hereby appropriated from the Electric Capital Improvement Fund for the purchase of LED light fixtures for the Cook Avenue Parking Lot.

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.

Dr. Esposito moved that Ordinance 11-2012, which the Borough Clerk read by title, be adopted. Mr. Landrigan seconded the motion. Dr. Esposito suggested that the hearing be held at the Council meeting of July 9, 2012, in order to obtain additional information. Following Council discussion, the motion passed with the following roll call vote recorded:

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

CONSENT AGENDA RESOLUTIONS

The Clerk made the following statement:

Regular Meeting Minutes – June 11, 2012

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 listed on the Consent Agenda. Dr. Esposito seconded the motion. Mr. Links indicated that he would not vote to approve the renewal of the ABC license for the Center Pub at Drew University, as there is no need for a Pub at the school. Following Council discussion, the motion passed with the following roll call vote recorded:

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

Nays: None

R 155-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RELEASE OF PERFORMANCE BOND BY STOP & SHOP SUPERMARKET COMPANY, LLC ON BLOCK 2601, LOTS 9, 10 AND 13 AND 10 (ALSO KNOWN AS 133 MAIN STREET)

WHEREAS, the Borough Engineer has recommended that the Performance Bond of \$99,176.00 be released to Stop & Shop Supermarket Company, LLC., in connection with site improvements located at 133 Main Street, Block 2601, Lots 9, 10 and 13; and

WHEREAS, the Borough Engineer advises that all site work has been completed.

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 Performance Bond and Performance Guaranty described herein be released to Stop & Shop Supermarket Company, LLC.

R 156-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SETTLEMENT OF THE 2010, 2011 AND 2012 TAX APPEALS ENTITLED REX 1 GIRALDA FARMS SPE, LLC. V. THE BOROUGH OF MADISON, DOCKET NOS. : 010316-2010; 003182-2011 AND -2012 OF THE TAX ASSESSMENT OF BLOCK 3303, LOT 2, LOCATED ON MADISON AVENUE, IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

WHEREAS, an appeal of the real property tax assessment for tax year 2010, 2011 and 2012 involving Block 3303, Lot 2, has been filed by the Taxpayer, Rex 1 Giralda Farms, SPE, LLC; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated as if set forth at length herein, has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Expert; and

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

Regular Meeting Minutes – June 11, 2012

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:

Year 2010

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 7,536,000	N/A	\$ 7,536,000
Imprvts:	\$ 8,415,500	N/A	\$ 8,415,500
Total:	\$15,951,500	N/A	\$15,951,500

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

Year 2011

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 7,536,000	N/A	\$ 7,536,000
Imprvts:	\$ 8,415,500	N/A	\$ 7,346,000
Total:	\$15,951,500	N/A	\$14,882,000

3. Settlement of the 2012 tax appeal is hereby authorized as follows:

Year 2012

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$,7,536,000	N/A	\$ 7,536,000
Imprvts:	\$ 5,806,000	N/A	\$ 5,806,000
Total:	\$13,342,000	N/A	\$13,342,000

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

R 157-2012 RESOLUTION AUTHORIZING THE BOROUGH OF MADISON TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, C. 72

Regular Meeting Minutes – June 11, 2012

WHEREAS, the Morris County Board of Taxation is unable to certify Madison's tax rate at this time and the Borough of Madison Tax Collector will be unable to mail the Borough's 2012 tax bills on a timely basis;

WHEREAS, the Borough of Madison Tax Collector in consultation with the Borough of Madison Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have both signed a certification showing the tax levies for the previous year, the 2012 estimated tax rates and the range of permitted estimated tax levies;

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY on this 11th day of June, 2012 as follows:

1. The Borough of Madison Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough of Madison for the third installment of 2012 taxes.
2. The entire estimated tax levy for 2012 is hereby set at \$57,829,011.
3. In accordance with law the third installment of 2012 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

R 158-2012 RESOLUTION OF THE BOROUGH OF MADISON RENEWING LIQUOR LICENSES IN THE BOROUGH OF MADISON FOR THE 2012-2013 LICENSE TERM

WHEREAS, the attached applicants have submitted the required information, paid the application fees and satisfactorily completed the investigation process by the Board of Health, Fire Department and Police Department.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following applications for renewal of Liquor Licenses for the 2012 - 2013 license term be, and hereby are, approved:

CLUB LICENSES - FEE: \$180.00; July 1, 2012 through June 30, 2013

License #1417-31-020-001
Club License
Madison Lodge BPO Elks #1465
192 Main Street
Madison, NJ 07940

License # 1417-31-019-001
Center Pub Assoc Of Drew Univ Drew University
Center Pub Assoc Of Drew Univ
36 Madison Avenue
Madison, NJ 07940

Regular Meeting Minutes – June 11, 2012

CONSUMPTION LICENSES – FEE \$2,386.00; July 1, 2012 through June 30, 2013

License #1417-33-005-003
The Cambridge Shanghai Company LLC
Shanghai Jazz Restaurant and Bar
24 Main Street
Madison, NJ 07940

License #1417-33-010-005
L'Allegria Restaurant Corp
9-11 Prospect Street
Madison, NJ 07940

License #1417-33-017-005
Sals Pub Inc.
Rocco's Restaurant
30 Cook Plaza
Madison, NJ 07940

License #1417-33-024-008
Plaza Lanes Inc.
53 Madison Plaza
Madison, NJ 07940

License # 1417-33-015-004
Prospect Tavern Beef & Ale LLC
Prospect Tavern
14 Prospect Street
Madison, NJ 07940

DISTRIBUTION LICENSES - FEE: \$1,798.00; July 1, 2012 through June 30, 2013

License #1417-44-003-006
Silver Sea Enterprises Inc.
Bottle Hill Wine & Spirits Wine Rx
26 Cook Plaza
Madison, NJ 07940

License # 1417-44-016-005 (inactive)
Sagar Beverage, LLC
28 Phillip Drive
Parsippany, NJ 07054

License # 1417-44-004-009
Trid Corp.
Madison Wine Cellars
29 Main Street
Madison, NJ 07940

License #1417-44-001-008 (inactive)
Whole Food Markets Group Inc.
Whole Foods Market
Madison, NJ 07940
Mailing address: 550 Bowie Street
Austin Texas 78703

License #1417-44-009-007
Shah Traders Inc.
Madison Liquor & Convenience
6 Elm Street
Madison, NJ 07940

License #1417-44-013-010
Jelma Inc.
Gary's Wine & Marketplace
121 Main Street
Madison, NJ 07940

License # 1417-44-007-003
VNB Wine and Spirit
Rose City Liquors
84 Main Street
Madison, NJ 07940

Regular Meeting Minutes – June 11, 2012

R 159-2012 RESOLUTION OF THE BOROUGH OF MADISON AWARDING ELECTRIC SERVICES BID TO JAMES BURKE ELECTRICAL CONTRACTOR, INC

WHEREAS, the Borough of Madison publicly advertised for bids for electric services (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 James A. Burke Electrical Contractors, Inc. in the amount of \$68.50 per hour for regular time, \$125.00 per hour for overtime and \$125.00 per hour for weekends and holidays; and

WHEREAS, the Acting Purchasing Officer has recommended that the Contract should be awarded to James A. Burke Electrical Contractors, Inc. in the amount of \$68.50 per hour for regular time, \$125.00 per hour for overtime and \$125.00 per hour for weekends and holidays; and

WHEREAS, the Borough Council has determined that this bid is fair and reasonable and that James A. Burke Electrical Contractors, Inc. should be awarded the contract based on its bid; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$68.50 per hour for regular time, \$125.00 per hour for overtime and \$125.00 per hour for weekends and holidays 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 electric services is hereby awarded to James A. Burke Electrical Contractors, Inc. based upon its bid in the amount of \$68.50 per hour for regular time, \$125.00 per hour for overtime and \$125.00 per hour for weekends and holidays.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the Contract with James A. Burke Electrical Contractors, Inc. in a form acceptable to the Borough Attorney.

R 160-2012 AGREEMENT BETWEEN THE BOROUGH OF MADISON AND THE BOROUGH OF CHATHAM FOR THE DESIGN AND CONSTRUCTION OF ROAD IMPROVEMENTS ON DIVISION AVENUE LOCATED IN MADISON AND CHATHAM, NEW JERSEY

WHEREAS, the Borough of Chatham and the Borough of Madison have agreed to enter into a Shared Services agreement to mill and overlay Division Avenue through the Morris County Cooperative Purchasing System, providing that

Regular Meeting Minutes – June 11, 2012

Chatham will reimburse the Borough of Madison for the portion of the work in the Borough of Chatham, in the amount of fifty (50%) percent of \$35,000.00; and

WHEREAS, the Madison Borough Council has reviewed the proposed agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Mayor and Borough Clerk are authorized to enter into a Shared Services agreement with the Borough of Chatham providing that the Borough of Chatham shall reimburse the Borough of Madison fifty (50%) percent of \$35,000.00 for the milling and overlay of that portion of Division Avenue within the boundary of Chatham Borough, such agreement to be in a form approved by the Madison Borough Attorney.

R 161-2012 RESOLUTION OF THE BOROUGH OF MADISON RECOGNIZING THE ADOPTION OF A COMPLETE STREETS POLICY

WHEREAS, the Borough of Madison recognizes the need to accommodate many modes of travel on local streets, including pedestrian, cyclists, motorist and mass transit riders; and

WHEREAS, the Borough of Madison seeks to meet the transportation needs of all its citizens by providing road networks that are safer, healthier, more livable and welcoming to everyone, regardless of age and ability; and

WHEREAS, the Borough of Madison defines complete streets as roadways designed and operated to enable safe, attractive, comfortable access and travel for many users. Pedestrians, bicyclists, motorists and public transportation users of all ages and abilities are intended to safely and comfortably move along and across a complete street; and

WHEREAS, Complete Streets are typically designed to include sidewalks, pedestrian intersections treatments, bicycle facilities , traffic calming measures, landscaping and transit accommodations; and

WHEREAS, a Complete Streets policy is consistent with the NJDOT Policy 703 effective 12-3-09, the Borough of Madison Master Plan, certain sustainability goals; and

WHEREAS, the Borough of Madison has identified priority corridors that have been selected to provide the greatest benefit to the community via the Master Plan, Bicycle Route Plan, Traffic Calming Guidelines, Sidewalk Plan, and formal public input.

Regular Meeting Minutes – June 11, 2012

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Resolution 187-2010 that:

Section 1. Madison hereby establishes a Complete Streets Policy, which directs staff to accommodate all appropriate modes of travel, including pedestrians, cyclists and transit riders, to the highest degree possible when redesigning the public right-of-way on a formally identified priority route.

Section 2. Madison authorizes staff to utilize documented priorities for Complete Streets, which identify those streets with the highest priority for improvement as resources become available.

R 162-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING 5TH ANNUAL BATTLE OF THE BUSINESS 5K RUN ON MONDAY, JUNE 25, 2012 AT 6:00 P.M.

WHEREAS, the ADP and Sobel & Co., LLC requested Madison's cooperation in connection with their 5th Annual Battle of the Business 5K Run on Monday, June 25, 2012; and

WHEREAS, the run will begin at 6:00 p.m. on the roadway (DRE) of the former Exxon Mobil site in Florham Park; and

WHEREAS, the Rockefeller Group recommends closing off the entrance to the DRE at Ridgedale Avenue during the Battle of the Business 5K Run.

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 request of ADP and Sobel & Co., LLC to hold a "5K run" on the roadway (DRE) on Monday June 25, 2012, as described herein is hereby approved.

R 163-2012 RESOLUTION OF THE BOROUGH OF MADISON OPPOSING NEW JERSEY STATE SENATE BILL #1534, EQUALIZING STANDING OF PRIVATE AND PUBLIC COLLEGES BEFORE LAND USE AGENCIES

WHEREAS, S-1534, would exempt private no profit institutions from the provisions of P.L.1975, c.291 (C.40:55D-1 et seq.), to the same extent as a State college organized under N.J.S.18A:64-1; and

WHEREAS, S-1534 would place private nonprofit colleges in the same status as State colleges under the "Municipal Land Use Law", P.L.1975, c.291 (C.40:55D-1 et seq.); and

WHEREAS, the governing body of the Borough of Madison strongly oppose S-1534, which would exempt these private colleges and universities from local

Regular Meeting Minutes – June 11, 2012

zoning and planning jurisdiction and agrees that these institutions should continue to be subject to local zoning jurisdiction and find no reason for them to be provided a special status.; and

WHEREAS, municipalities must retain the flexibility to address their own unique issues and meet the demands and expectations of their residents.

NOW THEREFORE BE IT RESOLVED, that the governing body of the Borough of Madison strongly urges the legislature to oppose S-1534; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the sponsor of S-1914, Senator Paul A. Sarlo, Senator Robert W. Singer, Assembly Speaker Oliver, Senator Richard J. Codey, our Assembly members John F. McKeon and Mila M. Jasey, the New Jersey State League of Municipalities and the Office of the Governor.

R 164-2012 RESOLUTION OF THE BOROUGH OF MADISON URGING THE MORRIS COUNTY BOARD OF CHOSEN FREEHOLDERS TO REDUCE THE POSTED SPEED LIMIT ON PARK AVENUE IN THE BOROUGH OF MADISON FROM 35 MPH TO 30 MPH

WHEREAS, Park Avenue is a major County roadway in the Borough of Madison; and

WHEREAS, the existing speed limit on Park Avenue is 35 mph within the Borough of Madison; and

WHEREAS, the Madison Police have recorded a number of vehicular accidents and pedestrian injuries throughout the years at this location; and

WHEREAS, major commercial development has taken place along the Park Avenue corridor resulting in dramatically increase traffic flow.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Madison requests the Morris County Board of Chosen Freeholders to reduce the posted speed limit along Park Avenue in the Borough of Madison from thirty-five (35) miles per hour to thirty (30) miles per hour and to take all required action to secure approval for said action from the New Jersey Department of Transportation.

BE IT FURTHER RESOLVED, that traffic calming measures be included in the current reconstruction of Park Avenue, such as narrowing the roadway with striping and chevrons and safety measures approaching crosswalks.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the governing bodies of Florham Park and Morris Township and our State legislative delegation.

Regular Meeting Minutes – June 11, 2012

R 165-2012 RESOLUTION OF THE BOROUGH OF MADISON CERTIFYING SUBMISSION OF EXPENDITURE FOR TAXES PURSUANT TO P. L. 2007, CHAPTER 311

WHEREAS, the Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the “Local Public Contracts Law”, the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW, THEREFORE, BE IT ORDAINED, by the Borough of Madison that the Borough of Madison hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2011 in the amount of \$14,962.62. Documentation supporting this submission is available at Borough of Madison, Hartley Dodge Memorial Building, 50 Kings Rd, Madison, NJ 07940, and shall be maintained for no less than five years from this date.

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.

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	\$13,084.90
Health & Public Assistance	3,277.32
Public Works & Engineering	163,737.77
Community Affairs	1,166.20
Finance & Borough Clerk	2,925,027.22
Utilities	<u>32,200.43</u>

Regular Meeting Minutes – June 11, 2012

Total \$3,138,493.84

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

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

Nays: None

NEW BUSINESS - None

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 10:55 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved September 10, 2012 (EO)