

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

**April 14, 2008 - 6 p.m.**

**Call to Order**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 14<sup>th</sup> day of April 2008. Mayor Holden called the meeting to order at 6 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 4, 2008. Notice of change of this meeting from 7 p.m. to 6 p.m. filed in the same manner, all on April 8, 2008.

**Roll Call**

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

Mayor Mary-Anna Holden

Council Members:

Astri J. Baillie  
Carmela Vitale

John M. Elias

Robert H. Conley

Jeannie Tsukamoto

Vincent A. Esposito

Also Present:

Raymond M. Codey, Borough Administrator

Marilyn Schaefer, Borough Clerk

Joseph Mezzacca, Jr., Borough Attorney

**AGENDA REVIEW**

Added to the Executive Agenda were three Contract Matters and one Potential Litigation Matter.

**Reading of Closed Session Resolution**

Mr. Conley moved:

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

EXECUTIVE SESSION MINUTES (1)

Executive Minutes of March 24, 2008

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

PERSONNEL MATTERS (6)

Main Street Executive Director

Shared Services

Appoint Firefighter

Planning & TCC

Names for Advisory Committee

Appoint two Police Officers

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

CONTRACT MATTERS (6)

Fields Consultant

10 Maple Avenue

Verizon Wireless

Board of Education

Fire & Police Building

Change Order #5

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

POTENTIAL LITIGATION MATTERS (2)

Library

Tree Ordinance

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

Seconded: Mrs. Vitale

Vote: Unanimous 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.

**Leading the Way Awards were presented to:**

LaJunta Hurt; Cicconi Family; Paul Allocco and Alfred's Sporting Goods for their outstanding support in making May Day in Madison a success.

**Appointment of Probationary Police Officer Melissa L. Kenyon of Berkeley Heights**

Mrs. Vitale read the following Resolution R 99-2008 in full and moved approval. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

**R 99-2008**

**RESOLUTION OF THE BOROUGH OF MADISON APPOINTING MELISSA L. KENYON OF BERKELEY HEIGHTS TO THE POSITION OF PROBATIONARY POLICE OFFICER EFFECTIVE IMMEDIATELY**

**WHEREAS**, the Madison Borough Chief of Police has recommended that Melissa L. Kenyon be appointed to the position of Probationary Police Officer in the Madison Police Department; and

**WHEREAS**, the Madison Borough Council, after due consideration, has determined to appoint Melissa L. Kenyon to the position of Probationary Police Officer in the Madison Police Department.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Melissa L. Kenyon is hereby appointed to the position of Probationary Police Officer in the Madison Police Department effective immediately, to be compensated in accordance with the Police Benevolent Association Collective Bargaining Agreement.

Mr. Mezzacca administered Melissa L. Kenyon's Oath of Office, after which there was a long round of applause. The Mayor and Council Members individually shook Officer Kenyon's hand and wished her well.

**APPROVAL OF MINUTES**

Ms. Baillie moved approval of the **Executive Minutes of March 24, 2008**. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Ms. Baillie moved approval of the **Regular Minutes of March 24, 2008**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

**GREETINGS TO PUBLIC**

Mayor Holden made the following comments:

April Employee of the Month

Lt. Jerry Mantone for his work with the Sheriff's Labor Assistance Program (SLAP) personnel and assistance in coordinating the moving of Borough files and property to Bayley-Ellard.

Anniversary

On April 16, 2008, Doug Smith will reach his 35th Anniversary with the Borough.

2008 Budget

The 2008 Budget will be introduced this evening. The Budget in Brief and Budget in Full is posted on the Borough web site.

Flag Repair

The flag on the Borough's flagpole is in disrepair; a local resident has offered to repair the flag, which will save Madison significant expense; therefore, the flag will be missing from display during repair.

**REPORTS OF COMMITTEES**

**Finance and Borough Clerk**

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

The Mayor and Council have reviewed the 2008 budget with the goal of maintaining services, providing capital projects to preserve infrastructure and keeping taxes down; Ms. Baillie thanked Chief Financial Officer Robert Kalafut, Administrator Raymond M. Codey and all department heads for crafting this budget.

**Public Safety**

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

Again, welcomed Melissa Kenyon to Madison.

**Public Works and Engineering**

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

The Department of Public Works reported that they have, over the past month, along with the help of volunteers, brought in and on budget the fields for baseball and soccer. Also, this coming Saturday, April 19, 2008, at 8 a.m. volunteers are needed for mulching projects at three playgrounds. Starting next Monday, April 21, 2008, wood chips will be made available to residents to take home from John Avenue's Public Works Garage area. The Historic Preservation Commission has noted in the newspaper this week the program "Name Your Historic District"; contact Mr. Elias as Council Liaison with your ideas. As to the Shade Tree Management Board and the proposed Tree Ordinance, while the second reading is scheduled for April 28, 2008, it will be carried again to the May 12, 2008 meeting; again, there will not be a second reading at the April 28, 2008 meeting.

**Utilities**

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

The Traffic Calming Committee did reconvene and will have a grant application ready for the "Safe Routes to Schools" program due this month. Traffic calming measures will be studied for Green Avenue set for reconstruction this year.

**Health & Public Assistance**

Mrs. Tsukamoto, Chair of the Committee, no report.

**Community Affairs**

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

The Madison Chamber of Commerce will hold their first retail business meeting tomorrow, April 15, 2008; the discussions will include ways to best market Madison retail merchants; please call Dr. James Hollenbach, President of the Madison Chamber of Commerce, for details as to the place and time of the meeting. The Rotary Club of Madison will host a "Community Shred" on Saturday, April 26th, from 1 to 5 pm at the Provident Bank parking lot on Elmer Street in Madison. Everyone is invited to bring their file boxes of unwanted personal documents to be securely shredded on site by Shred-It Inc. The cost will be \$5 per file box, and larger boxes will cost up to \$10. The Madison Chamber of Commerce is also presenting their new value card—a \$10 card will get holders a discount at many Madison businesses. Also this year the Chamber is introducing a "University Card" for university students. Dr. Esposito encouraged everyone to take part in May Day on May 3, 2008, when residents get together to spruce up Madison.

**COMMUNICATIONS AND PETITIONS**

The Borough Clerk announced receipt of the following communications:

From Tom Lewis of Cross Gates Road strongly advocating adoption of the tree ordinance.

Mayor Holden commented on a letter from a resident who wanted to know why an electric bill did not reflect a credit he had received; correspondence has been referred to the Madison Housing Authority.

**INVITATION FOR DISCUSSION (1 of 2)**

Mayor Holden opened the meeting to the public for their opportunity to ask questions and make comments. The Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record. ***He/she shall limit his/her statement to three (3) minutes or less.***

**Eugene Zipper, Greenwood, Greenwood Avenue**, is opposed to adoption of the tree ordinance and asked if there is any intention to provide justification for the ordinance; Mr. Zipper was advised that Madison did have some empirical data that served as a basis for the ordinance and which was part of the genesis for the tree ordinance.

**Sam Cerciello, Park Avenue**, commented that he has been doing a lot of walking and that sidewalks are in disrepair; asked why the DDC does not pay for the GumBuster machine. In commenting on the renovation of the HDM, was advised that there are only a limited number of firms allowed to work on this building because the HDM is listed on the State National Historical Register.

**Tim Harrington, Cross Gates Road**, commented that the acoustics in the Council Chamber are a problem. Mr. Harrington suggested converting all water meters to be read electronically. Mr. Codey was recognized by the Chair and commented that in the 2008 budget \$500,000 has been allocated to begin a phased-in remote reading of water and electric meters; also funds are allocated for a sound system in the Council Chamber as part of the design plan for this building; even with the 9% increase in Madison's electric rates, the Borough is 30% to 35% under the Public Service and JCP&L rates even before their proposed rate increases of 15% to 19%.

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

#### **BUDGET INTRODUCTION**

Chief Financial Officer Robert Kalafut reported on items listed for adoption later in the meeting:

This evening the Council will be taking action on two budget matters:

Budget Self-Examination Resolution—two out of three years, a municipality that meets certain parameters established by the State of New Jersey is permitted to perform Budget self-examination, which speeds up the budget process.

Introduction of a Cap Bank Ordinance—this increases spending within the cap from 2 1/2% to 3 1/2%; this does not increase the tax rate or taxation.

In a detailed statement, Mr. Kalafut went over the Budget in Brief pages, available to all members and public present at the meeting, and explained the components of the recommended property tax increase for Madison of 4.96%.

#### **Introduction of 2008 Budget**

**R 100-2008**

#### **RESOLUTION OF THE BOROUGH OF MADISON APPROVING THE 2008**

#### **BUDGET AND TAX RESOLUTION**

Ms. Baillie moved approval of the budget document R 100-2008, which was read by title. Mr. Elias seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

#### **Mayor's Statement:**

The Budget will be published by summary in the Madison Eagle on April 24, 2008, with the hearing date of May 12, 2008. Members of the public will have an opportunity to be heard during the hearing; copies of the 2008 budget may be obtained without charge from the Borough Clerk during normal business hours up to and including the public hearing. Also, copies of the Budget will be available at the Madison Library, Morris County Library and on line at RoseNet.

#### **Agenda Discussions**

##### **04/14/2008-1 AWARD TREE TRIMMING SERVICES BID TO HONOR TREE SERVICE –TWO YEAR CONTRACT**

Mr. Elias moved approval of Superintendent of Public Works David Maines' recommendation to award a two-year contract for tree trimming services to Honor Tree Service. Mr. Conley seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

#### **Discussions #2 and #3 were handled together regarding additional maintenance and additional cleaning of the Madison Civic Center building:**

**04/14/2008-2** Ratifying contract to Peter Limone for \$2,584 additional maintenance services rendered in 2007 for a total contract price of \$20,068.00.

**04/14/2008-3** Ratifying contract to Linda Limone for \$3,866 additional cleaning services rendered in 2007 for a total contract price of \$19,706.

Superintendent of Public Works David Maines explained approval of these additional services, which will bring their contracts through the end of the year 2007; their services have already been rendered; their original contracts were not through the end of the year. Mr. Elias moved approval of Mr. Maines' recommendation. Ms. Baillie seconded the motion. Mr. Maines will provide a breakdown of what type of maintenance services were performed and the hours involved. A contract for 2008 for maintenance and cleaning services was bid and awarded to a different vendor, so the Limone services were needed through the end of 2007. There was no further discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, as to discussion #2

Mrs. Tsukamoto, Dr. Esposito

Nays: None

Abstain: Mr. Conley, as to discussion #3

Two resolutions are listed on the Consent Agenda.

**Discussions #4 and #5 were handled together:**

**04/14/2008-4** AMEND ORDINANCE 36-2006 TO ADD FOUR ADDITIONAL STREETS FOR MILLING AND OVERLAY: LYNWOOD PLACE, CRESTWOOD DRIVE, ROSEWOOD DRIVE AND COOK AVENUE

**04/14/2008-5** amend bond ordinance 45-2007 by resolution to include noe avenue

Mr. Elias commented that the milling and overlay requests are part of the road program and will be done within the next two weeks upon approval.

As to discussion #4, Superintendent of Public Works David Maines commented that no additional funds are needed as the funds are available in the ordinance; the ordinance is being amended as to purpose to include the additional roads for milling and overlay.

As to discussion #5, Superintendent of Public Works David Maines commented that no additional funds are needed as the funds are available in the ordinance; the Bond Ordinance is being amended by resolution, in accordance with the recommendation of the Borough Auditor, to include Noe Avenue for milling and overlay.

Mr. Elias moved approval of Mr. Maines' requests #4 and #5. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

An ordinance is listed for introduction amending Ordinance 36-2006 to add four roads to the purpose of the ordinance to include Lynwood Place, Crestwood Drive, Rosewood Drive and Cook Avenue.

A resolution is listed on the Consent Agenda amending Bond Ordinance 45-2007 to include milling and overlay for Noe Avenue.

**Discussions #6 and #7 were handled together:**

**04/14/2008-6** APPROPRIATE \$31,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND TO PURCHASE WINDOW REPLACEMENTS AND A NEW GENERATOR FOR THE CIVIC CENTER

**04/14/2008-7** APPROPRIATE \$10,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND TO PURCHASE A NEW REPLACEMENT ANTENNA FOR THE RADIO AT MIDWOOD TANK

Mr. Elias commented that these requests have been discussed as part of the 2008 Capital Budget discussions.

As to discussion #6, Superintendent of Public Works David Maines recommended appropriating \$31,000.00 to purchase window replacements and a new generator for the Civic Center where Project Community Pride will be located; as to the window replacements, the windows are broken, can't be opened or locked properly and need to be replaced. As to the generator, the Board of Health keeps medicines there which must stay under refrigeration in case of power failure; during the flu season, the Health Department has about \$35,000 worth of vaccine; the automatic generator would take over in the event of a power outage.

As to discussion #7, Superintendent of Public Works David Maines recommended appropriating \$10,000.00 to fund purchase of a new replacement antenna for the radio at the Midwood tank. The antenna there is over 25 years old and is not working properly

At the conclusion of discussion, Mr. Elias moved approval of Mr. Maines' recommendations for appropriating \$31,000 for window replacements and a new generator for the Civic Center and for appropriating \$10,000.00 for the purchase of a new replacement antenna for the radio at the Midwood tank. Mrs. Vitale seconded the motion.

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Ordinances so appropriating will be listed for introduction on the April 28, 2008 Agenda.

**Discussions #8 and #9 were handled together:**

**04/14/2008-8** APPROPRIATE \$20,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND TO PURCHASE PORTABLE GENERATOR AND ACCESSORIES

**04/14/2008-9** APPROPRIATE \$20,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF A WATER LEAK DETECTOR FOR USE BY THE WATER DEPARTMENT

Mr. Elias commented that these appropriations were discussed during the formation of the 2008 Capital Budget.

As to discussion #8, Superintendent of Public Works David Maines recommended appropriating \$20,000.00 from the Water Capital Improvement Fund to purchase a portable generator and accessories. The current portable generator is from 1965 and must be replaced.

As to discussion #9, Superintendent of Public Works David Maines recommended appropriating \$20,000.00 from the Water Capital Improvement Fund for the purchase of a water leak detector for use by the Water Department. Small leaks on a water main may be detected without digging up the road.

Mr. Elias moved approval of Mr. Maines' recommendations #8 and #9. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Ordinances will be listed for introduction on the April 28, 2008 agenda.

**04/14/2008-10** APPROPRIATE \$15,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE RESURFACING IMPROVEMENTS TO THE DODGE FIELD AND LUCY D. ANTHONY BASKETBALL COURTS

Recreation Director Doug Smith commented that the Joint Insurance Fund recommended repairs to the courts due to cracking. The timing of the project will probably be for September 2008 after the children are back in school.

Mr. Elias moved approval of Mr. Smith's recommendation. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

An ordinance will be listed for introduction on the April 28, 2008 agenda.

**04/14/2008-11** INCREASE AWARD FROM \$23,730 TO \$42,160 FOR ELECTRICAL WIRING IN THE BAYLEY ELLARD BUILDING

Ms. Baillie moved approval of Network Administrator Jim Sanderson's recommendation to increase the award by \$18,430.00 to \$42,160.00 to Johnston Communications Voice & Data under State Contract for electrical wiring in the Bayley Ellard building. Mrs. Vitale seconded the motion. Mr. Codey commented on this project, which will provide greater electric capacity needed at the site.

At the conclusion of discussion, the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

A resolution is listed on the Consent Agenda.

**04/14/2008-12** appropriate \$8,000.00 from the General Capital Improvement Fund for purchase of Gumbuster Machine

Mr. Codey commented that this machine is to remove gum and other stains from public sidewalks; the machine has been observed in use in other municipalities. Going forward, the Downtown Development Commission (DDC) will pay for supplies needed, such as new brushes, and they would finance the payments for any extra help needed to operate the machine.

Dr. Esposito moved approval of the requested appropriation. Mrs. Vitale seconded the motion. There was a long comment period on other uses for the machine, who would be assigned to operate it and how the machine operates. The DDC will be asked for a contribution toward the purchase of the machine.

At the conclusion of discussion, the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

An ordinance is listed for introduction later in the meeting.

**04/14/2008-13** AMEND RESOLUTION R 77-2008 WHICH ESTABLISHED AN AD HOC ADVISORY COMMITTEE FOR THE MADISON AREA RECREATION CENTER TO REDUCE THE SIZE

Ms. Baillie commented that after discussion it was decided to reduce the size of the committee, which would include the Chair or designee from each of the following standing committees: Open Space, Historic Preservation and Recreation Advisory Committee; Recreation Advisory Committee; Parks Advisory Committee; Shade Tree Management Board; Environmental Commission; at-large resident; a senior representative; two Council liaisons; and Ex-Officio the Mayor.

Ms. Baillie moved approval of amending R 77-2008 to reduce the size of the Ad Hoc Advisory Committee for the Madison Area Recreation Center. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

A resolution is listed on the Consent Agenda.

**04/14/2008-14** APPROPRIATE \$30,000.00 FROM FIRE DEPARTMENT TRUST ACCOUNT FOR PURCHASE OF FIRE DEPARTMENT VEHICLE

Mrs. Vitale moved approval of Fire Chief Atchison's recommendation to appropriate \$30,000.00 from the Fire Department Trust Account for the purchase of a Fire Department vehicle. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

An ordinance will be listed for introduction on the April 28, 2008 Agenda.

**Discussions #15 and #16 were handled together:**

**04/14/2008-15** APPROPRIATE \$10,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR MISCELLANEOUS EQUIPMENT INCLUDING RUBBER MATS FOR THE APPARATUS FLOOR, A FLOOR SCRUBBER, ADDITIONAL SHELVEING AND VACUUMS

**04/14/2008-16** APPROPRIATE \$6,000 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF A COPIER MACHINE, FAX MACHINE, PRINTER AND STORAGE UNIT

Mrs. Vitale moved approval of Fire Chief Atchison's above recommendations. Mr. Conley seconded the motion. These items have been budgeted in earlier capital plans for these purposes; they are not included in the Bond Ordinance for the Fire & Police Building; the items to be purchased are new, not replacement items. There was no further Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Ordinances as described above are listed for introduction later in the meeting.

**04/14/2008-17** OMLAND ENGINEERING – WATER MAIN AND CHAPEL STREET AWARDS

Mr. Codey commented that this is a contract to perform inspection services for two projects. The figure quoted is a "not to exceed" figure; the firm performed good work in the past, and the funding will be provided from the funding stream from the original work.

Mr. Elias moved approval of Borough Engineer Robert Vogel's recommendation, as presented by Mr. Codey, to award a contract for construction inspection work for the Chapel Street project in the amount of \$47,250, and a contract for construction inspection work for the 2007 Water Main project in the amount of \$47,250.00, both contracts to Omland Engineering Associates. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Resolutions awarding as described above are listed on the Consent Agenda.

**04/14/2008-18** WAIVE REQUIREMENT FOR PERFORMANCE BOND FOR GRACE CHURCH CONSTRUCTION PROJECT

Mr. Codey explained the request to have the governing body waive condition #9 in the permit requirement for Performance Bond for the Grace Church construction project. It is within the Governing Body's jurisdiction to waive the requirement with the concurrence of the Borough Engineer. This is consistent with past practice for non-profits. Mrs. Tsukamoto abstained from the vote as her family uses Grace Church frequently.

Mr. Elias moved approval of the request. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias, Mr. Conley, Dr. Esposito

Nays: None

Abstain: Mrs. Tsukamoto

A resolution is listed on the Consent Agenda.

**INVITATION FOR DISCUSSION (2 of 2)**

Mayor Holden opened the meeting to the public for their opportunity to ask questions and make comments. The Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record. **He/she shall limit his/her statement to three (3) minutes or less.**

**Eugene Zipper, Greenwood Avenue**, spoke about removing gum and his firsthand experience in removing it, and felt buying a machine is not necessarily the best answer.

**Sam Cerciello, Park Avenue**, asked the Borough to start thinking of saving some money.

**Advertised Hearings**

Statement of Borough Clerk:

Ordinance 19-2008 scheduled for hearing was introduced by title and passed on first reading at a Regular Meeting of the Council held on March 24, 2008, was published in

the Madison Eagle and copies made available to members of the public.

Mayor Holden called up Ordinance 19-2008 for hearing and asked the Borough Clerk to read said ordinance by title:

**ORDINANCE 19-2008**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 107 OF THE BOROUGH CODE ENTITLED "GARBAGE, MUNICIPAL SOLID WASTE AND RECYCLABLES"**

The Borough Clerk read the following proposed amendment to Ordinance 19-2008, which was inadvertently left out when the ordinance was introduced:

**Amend Ordinance 19-2008 to Add to page 2, top of page, § 107-2. Definitions.**

.....

As used in this chapter the following terms shall have the meanings indicated:

.....

Mr. Mezzacca commented that the amendment was not significant and the Council may proceed with amending the ordinance and consideration for final adoption after the hearing.

Mr. Elias moved approval of the aforementioned amendment. Dr. Esposito seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Mayor Holden opened up the hearing and asked if any member of the public wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

**ORDINANCE 19-2008**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 107 OF THE BOROUGH CODE ENTITLED "GARBAGE, MUNICIPAL SOLID WASTE AND RECYCLABLES"**

WHEREAS, certain amendments to the Madison Municipal Solid Waste and Recycling ordinance are needed pursuant to the Morris County Solid Waste Management Plan (hereinafter "County Plan"); and

WHEREAS, the Borough Council has determined to make such amendments to comply with the updated County Plan.

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 107 of the Madison Borough Code entitled "GARBAGE, MUNICIPAL SOLID WASTE AND RECYCLABLES", shall be deleted and replaced and amended in its entirety so as to read:

**Chapter 107**

**GARBAGE, MUNICIPAL SOLID WASTE AND RECYCLABLES**

**Article I General Conditions and Definitions**

§ 107-1. Authorization to adopt collection and disposal rules and regulations.

- A. The Borough Council may make provision, either by contract or through its own employees or otherwise, as circumstances may require, for the collection and disposal of commercial and residential solid waste and recyclables; and it may also determine from time to time the extent and frequency of collections and make suitable rules and regulations with respect to the same.
- B. The Borough Council may from time to time determine what material may be placed for collection as commercial and/or residential solid waste and as recyclables and may change the designations of each as conditions require in accordance with the Morris County Solid Waste Management Plan.

§ 107-2. Definitions.

A. As used in this chapter the following terms shall have the meanings indicated:

COMMINGLED RECYCLABLES — Glass bottles and jars, aluminum cans, bimetal cans, tin cans and plastic bottles;

DESIGNATED RECYCLABLE MATERIALS- means those materials designated within the Morris County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include:

Aluminum Cans - Cans made from aluminum that was manufactured to hold a serving of a beverage. Specifically omitted from this definition are aluminum foil and aluminum pie plates.

Glass Bottles and Jars - Bottles and jars made from glass including clear, brown and green glass. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. A jar is defined as a wide mouthed container that can be capped. Caps and lids not included. Specifically omitted from this definition are drinking glasses, windows, mirrors, light bulbs, and anything made of Pyrex® or ceramic.



Plastic Bottles (coded 1 and 2) - Plastic bottles coded to indicate that they are comprised of the specific types of plastic compounds (polymers) known as polyethylene terephthalate (PETE) or high density polyethylene (HDPE). See symbols to the left. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. Caps and lids not included. Any item made of plastic that is not a bottle, and any plastic bottle without one of the symbols shown to the left is specifically omitted from this definition. Empty bottles which contained hazardous materials, such as motor oil, antifreeze, etc. should not be recycled.

Steel (Tin) Cans - An air-tight container for the distribution or storage of goods, composed of thin, usually ferrous, metal. Examples are soup cans and tuna fish cans.

Newspaper - A publication containing news, information and advertising, usually printed on low-cost paper called newsprint. Newspaper may include glossy inserts which come with the paper, dependent upon the market conditions at the time.

Corrugated Cardboard - Shipping containers made with kraft paper linerboard and corrugated medium.

Mixed Paper - Various categories of recyclable paper including, but not limited to white and colored paper used in printers, photocopiers and fax machines, white and colored ledger paper, carbonless copy paper, construction paper, undeliverable mail, mailed promotional letters/advertisements/circulars, magazines, catalogues, envelopes, soft cover books.

Leaves - Vegetative material, typically generated in the autumn when they fall from trees and then are raked from residents' and/or commercial lawns.

Grass Clippings - Vegetative material generated when grass (lawns) are cut.

Brush - Branches, woody plants and other similar vegetative material. Leaves and grass do not constitute brush.

Natural Wood Waste - Logs, stumps, branches and other wood tree parts. Dimensional lumber is omitted from inclusion in this definition.

Oil-Contaminated Soil - Non-hazardous soil that contains petroleum hydrocarbons (gasoline, diesel, kerosene, jet fuel, #4 & #6 heating oils and certain other refinery products including coal tar). This type of soil shall be determined to be non-hazardous in accordance with the standards set forth in N.J.A.C. 7:26.

Used Motor Oil - Motor oil from motor vehicles, lawn mowers, boats, etc., which has served its intended useful purpose.

Lead-Acid Batteries - Storage batteries in which the electrodes are grids of lead containing lead oxides that change in composition during charging and discharging, and the electrolyte is dilute sulfuric acid. These include starting batteries such as car batteries that deliver a short burst of high power to start the engine. In addition, they may include deep cell batteries found on boats or campers used to power accessories like trolling motors, winches or lights.

Hazardous Dry Cell Batteries - Rechargeable batteries, such as nickel-cadmium, nickel-iron, nickel metal hydride, lithium ion, small sealed lead acid, etc. These are often used as substitutes for non-rechargeable batteries in standard sizes such as AAA, AA, C, D and 9V. Rechargeable batteries are commonly found in cordless tools, cellular and cordless phones, laptop computers, cameras, remote controls, toys, etc. Also included in this definition are non-rechargeable batteries that are hazardous as defined by the Resource Conservation Recovery Act ("RCRA"), regardless of the RCRA exclusion of household waste from the definition of hazardous waste pursuant to 40 C.F.R. 261.4(b). Non-rechargeable, hazardous batteries include older alkaline and carbon zinc batteries as well as silver oxide, mercury and magnesium button-type batteries, etc. It should be noted that domestically manufactured alkaline and carbon zinc non-rechargeable batteries made after circa 1994 eliminated mercury content to the point that they should not be considered RCRA hazardous and therefore are not included in this material category.

Metal Appliances - Appliances composed predominantly of metal, and may include stoves, washing machines and dryers, for example, if the appliance is predominantly metal. Also included are air conditioners, refrigerators and dehumidifiers if they are predominantly metal. If these appliances on the latter list contain refrigerants that are prohibited by the Clean Air Act from being knowingly vented, the refrigerant must be recovered accordingly.

Whole Tires\* - Tires that are whole, not chipped into small pieces.

\*Tires are allowed to be recycled and/or incinerated for energy recovery.;

ELECTRONIC WASTE – shall mean a computer central processing unit and associated hardware including keyboards, modems, printers scanners and fax machines; a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device with a screen that is greater than 4 inches measured diagonally and that contains one or more circuit boards, including a television, and cell phones.

MEDICAL FACILITY — Offices of physicians and dentists, veterinary clinics, medical testing laboratories, hospitals, health-care facilities and other establishments which generate medical waste.

MEDICAL WASTE — All solid waste generated by a medical facility, including but not limited to tongue depressors, cotton swabs, medical gloves, surgical gowns, table paper, bandages and gauze, needles and syringes, pathological wastes, liquids, throat cultures and similar waste material. This term shall not include office waste, food waste and other solid waste which is unrelated to any medical use.

**MEDICAL WASTE, INFECTIOUS** — All medical waste which consists of needles and syringes, pathological wastes, all liquids in excess of 20 cubic centimeters, throat cultures and similar waste.

**MEDICAL WASTE, NONINFECTIOUS** — All medical waste which does not constitute "infectious medical waste."

**MULTIFAMILY DWELLING** — means any building or structure, or complex of buildings in which three or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see N.J.S.A. 13:1E-99.13a.) and shall include hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the "Hotel and Multiple Dwelling Law," P.L. 1967, c. 76 (C.55: 13A-1 et seq.).

**MUNICIPAL RECYCLING COORDINATOR** — means the person or persons appointed by the municipal governing body to fulfill the requirements of the Morris County Solid Waste Management Plan and the New Jersey Statewide Mandatory Source Separation and Recycling Act and those rules and regulations promulgated therefore.

**MUNICIPAL RECYCLING ENFORCEMENT COORDINATOR** — means the person or persons named by the municipality who shall fulfill the responsibilities with respect to recycling enforcement coordination detailed in the March 2007 Morris County Solid Waste Management Plan Amendment Section 8.6. This person may be the same person designated as the Municipal Recycling Coordinator.

**MUNICIPAL SOLID WASTE (MSW) STREAM** — means all solid waste generated at residential, commercial, and institutional establishments within the boundaries of the municipality of the Borough of Madison which is not bulky waste or construction and demolition debris.

**RECYCLABLE MATERIAL** — means those materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products.

**SOURCE-SEPARATED RECYCLABLE MATERIALS** — means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

**SOURCE SEPARATION** — means the process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

B. All other definitions and regulations for the collection, transportation and disposal of residential and commercial solid waste and recyclables are set forth in the current contracts for curbside collection and disposal of solid waste and curbside collection and disposal of recyclables executed by the borough with private corporations. These contracts are on file in the office of the Borough Clerk and may be examined upon request.

#### § 107-3 Source Separation; Exemption From Source Separation Requirements

A. **Mandatory source separation:** It shall be mandatory for all persons who are owners, tenants, or occupants of residential and non-residential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the municipality of the Borough of Madison, to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants, or occupants of such premises. Designated recyclable materials shall be placed separately at the curb in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Borough of Madison.

B. **Exemptions:** Pursuant to N.J.S.A. 13:1E-99.16.6.(d), the governing body of a municipality may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source separation requirements of the ordinance which requires persons generating municipal solid waste within its municipal boundaries to source separate from the municipal solid waste stream, the specified recyclable materials if those persons have otherwise provided for the recycling of all designated recyclable materials. To be eligible for an exemption pursuant to this Chapter, a commercial or institutional generator of solid waste shall file an application for exemption with the municipal recycling coordinator on forms to be provided for this purpose. The form shall include, at a minimum, the following information: the name of the commercial or institutional entity; the street address location and lot and block designation; the name, official title and phone number of the person making application on behalf of the commercial or institutional entity; the name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials, and a certification that the designated recyclable materials will be recycled, and that, at least on an annual basis, said recycling service provider or commercial/institutional generator shall provide written documentation to the municipal recycling coordinator of the total number of tons collected and recycled for each designated material.

#### § 107-4. Preparation for collection; prohibited locations.

- A. All residential and commercial solid waste and recyclables shall be placed at the curbside or other collection area designated by the borough for collection, and the same shall be placed in appropriate containers for collection as described herein and pursuant to contract regulations. Containers shall be placed as near as possible to or along the curbside.
- B. No refuse, grass clippings, yard waste, hedge clippings, shrubbery clippings, tree branches, tree cuttings or other similar material shall be placed, pushed, blown, raked or swept in or onto any public walk or sidewalk so as to interfere with public travel.
- C. Curbside collection of solid waste and recyclables is prohibited on Main Street from Park Avenue to Prospect Street, on Park Avenue from Main Street to Ridgedale Avenue, on Waverly Place and on Lincoln Place. For these locations, a collection point must be established, maintained and kept clear at the rear of the building. Where multiple commercial and/or residential establishments use the same collection point, each container must be clearly marked to identify the owner.

- D. No leaves, grass clippings, hedge clippings, tree branches, tree cuttings, yard waste or other similar material shall be placed in any manner in any street at any time. Leaves placed for collection during fall pickup shall not be placed in any manner in a street.

§ 107-5. Containers.

- A. Each resident or commercial establishment shall be responsible for providing sufficient containers so as to keep all solid waste and recyclables contained therein, except for those items defined in the contract as "large items" which are too large to fit into a container. Such containers shall be watertight and strong enough so that their contents do not fall out when the containers are picked up and emptied.
- B. Solid waste shall be placed in garbage cans such that the container and its contents shall not weigh more than 80 pounds. Such garbage cans shall not exceed 39 gallons in capacity and shall have tight-fitting lids and handles.
- C. Commingled recyclables shall be placed in reusable containers or garbage cans such that the container and its contents shall not weigh more than 80 pounds.
- D. Newsprint may be combined and placed in strong brown kraft paper bags or tied in bundles. Bundles shall not weigh more than 25 pounds each.
- E. Yard waste, other than leaves, shall be placed in containers not greater than thirty-gallon capacity. The container and its contents shall not weigh more than 80 pounds. Twigs and branches shall be cut to no more than four-foot lengths and may be tied with twine or heavy cotton cord.

§ 107-6. Hours for collection.

- A. No solid waste or recyclables shall be placed at the curbside or collection area before 7:00 p.m. on the evening before the day of collection, except as otherwise provided in this chapter.
- B. No container, receptacle or uncollected material shall be left at the curbside or collection area later than 8:00 p.m. on the day of collection.

§ 107-7. Metal appliances; charge for removal.

- A. Metal appliances, defined in § 107-2, including stoves, refrigerators, freezers, washing machines, dryers, dish washers and air conditioners may be placed at the curbside no more than two days prior to the day of collection. Refrigerator and freezer doors and any other dangerous attachments must be removed prior to placement for collection.
- B. Metal appliances will be picked up by borough employees. Prior arrangements must be made with the Public Works Department. A charge will be imposed for their removal as set forth in § 107-8.

§ 107-8. Fees for collection.

The following fees will be charged for the pickup of refrigerators, freezers, air conditioners and other white goods and heavy appliances. Fees are to be paid to the Borough Clerk prior to making arrangements for pickup.

- A. Refrigerators and freezers containing Freon: \$25.
- B. Air conditioners: \$25. [Amended 8-11-2003 by Ord. No. 37-2003]
- C. All other metal appliances: \$25. [Amended 8-11-2003 by Ord. No. 37-2003]

§ 107-9. Cleanup.

The owner of any receptacle, container, packaged or bundled solid waste and/or recyclable placed for collection shall be responsible for cleaning and policing the curbside or collection area in the event that said receptacle, container, package or bundle is broken and the solid waste and/or recyclable is scattered.

§ 107-10. Dogs.

No person owning, keeping or harboring a dog shall permit, suffer or allow said dog to damage any receptacle or container or to scatter or otherwise disturb any garbage and/or recyclables placed for collection.

§ 107-11. Residential Dwelling Compliance Requirements

The owner of any property shall be responsible for compliance with this Ordinance. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by the appropriate municipal office. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every 6 months during their occupancy.

§ 107-12. Non-Residential Establishment Compliance Requirements

- A. All non-residential generators, including commercial, industrial and institutional establishments, of solid waste shall be required to comply with the provisions of this Ordinance.
- B. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoors litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.
- C. All non-residential facilities shall report on an annual basis to the Municipal Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.
- D. All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or

cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any code enforcement officer.

## **Article II New Developments of Certain Properties**

### § 107-13 New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties (Pursuant to N.J.S.A. 13:1E-99.13a and 99.16.6.c.)

A. Any application to the planning board of the Borough of Madison, for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of 50 or more units or any commercial, institutional, or industrial development for the utilization of 1,000 square feet or more of land, must include a recycling plan. This plan must contain, at a minimum, the following:

- 1) A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development; and
- 2) Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the municipal recycling coordinator.

B. Prior to the issuance of a Certificate of Occupancy by the Borough of Madison, the owner of any new multi-family housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.

C. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the municipal engineer.

### § 107-14 Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials

A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.

B. It shall be the responsibility of the resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this article and the local sanitary code.

C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

## **ARTICLE III Enforcement, Penalties and Regulations**

### § 107-15. Enforcement; random inspections.

- A. Except as otherwise provided, provisions of this chapter shall be enforced by the Madison Superintendent of Public Works. The Superintendent may delegate said enforcement responsibilities to one or more employees of the Borough of Madison as deemed necessary and appropriate for effective enforcement.
- B. Random inspections of garbage set out for collection can be conducted in order to determine if recyclable materials are included.
- C. The provisions of Article VI, Medical Waste, shall be enforced by the Madison Health Officer. The Health Officer may delegate said enforcement responsibilities to one or more employees of the Borough of Madison as deemed necessary and appropriate for effective enforcement.

### § 107-16. Violations and penalties.

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this ordinance or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not less than \$25, nor more than \$1,000. Each day such violation shall be continued shall be deemed to be a separate and distinct offense.

### § 107-17. Regulations.

The Superintendent of Public Works and the Recycling Coordinator are hereby authorized and directed to promulgate such reasonable regulations as necessary for the efficient operation of the solid waste and recycling collection programs, respectively, including but not limited to the manner, days and times of collection. Said regulations may also establish reasonable exceptions from the recycling requirements, such as for physically disabled or handicapped persons. Such regulations shall take effect only after adoption by resolution of the Borough Council. Such regulations may be amended from time to time by the same procedure as deemed necessary and appropriate.

## **ARTICLE IV Recyclable Materials**

### § 107-18. Recycling mandated.

- A. There is hereby established a mandatory recycling program for all residential, commercial and institutional establishments of the borough for the purpose of separating recyclable materials, as defined in § 107-2, from other waste.
- B. As set forth in N.J.S.A. 13:1E-99.13.3.b.(4)(c), and section 9.2 (b) of the Morris County Solid Waste Management Plan, the Borough of Madison accepts the goal of 50% recycling of municipal solid waste by 2015 and shall monitor its level of recycling and solid waste disposal and shall strive to achieve the recycling of 50% of the municipal solid waste generated within its borders.
- C. To achieve the fifty-percent objective, all residential dwellings, institutional, commercial and industrial businesses shall source separate designated materials from all other solid waste for recycling.
- D. All persons who are owners, lessees or occupants of any residential or commercial property in

the Borough of Madison shall separate and exclude all recyclable materials, as defined herein and as may be changed or augmented from time to time by the Borough Council or other governmental agency of competent jurisdiction, from all other solid waste which is put at the curbside or other collection point for collection.

- E. In multi-generator buildings, such as apartment buildings, hotels, condominiums or office buildings, the building management as well as the generator shall be responsible for compliance with material source separation recycling requirements mandated by the County of Morris and the Borough of Madison.

§ 107-19. Disposal of recyclable materials.

- A. Commingled recyclables, newsprint and residential corrugated cardboard shall be placed in containers or bundled as described in § 107-4 and placed at the curbside or other designated collection area or may be brought to the Recycling Center at the Public Works Garage.
- B. The owner, lessee or occupant of any commercial establishments shall be responsible for disposing of all recyclable materials through private contracts. Commingled recyclables, newsprint, office paper and/or cardboard may also be brought to the Recycling Center at the Public Works Garage. Documentation of recycling must be provided to the Recycling Coordinator as required.
- C. Yard waste shall be placed in containers or tied as described in § 107-4 and placed at the curbside or other designated collection area.
- D. Tires are to be brought to service stations or tire retailers.
- E. Vehicular batteries and motor oil are to be brought to service stations.
- F. Metal appliances are to be set at the curbside or other designated collection area to be picked up by borough employees as directed in § 107-7.
- G. Oil-contaminated soil and natural wood waste shall be brought to an accredited recycling facility.
- H. Household batteries are to be brought to the county recycling center during designated hazardous waste days.

§ 107-20. Commingled recyclables.

Prior to disposal, said owners, lessees or occupants shall remove the caps and shall rinse out glass and plastic bottles and aluminum and tin cans.

§ 107-21. Unauthorized collection prohibited.

From the time that recyclable materials are placed at the curbside for collection they shall become the property of the Borough of Madison or its authorized agents. It shall be a violation of this Article for any person to collect, pick up or cause to be collected or picked up any such material unless expressly authorized by the Borough of Madison. Each and every such unauthorized collection in violation of this section shall constitute a separate and distinct offense and may be punishable as provided in §107-16.

§ 107-22. Sale or donation of recyclable materials permitted.

Nothing contained in this Article shall be deemed to prohibit any owner, lessee or occupant of any premises in the Borough of Madison from taking any recyclable material to any recycling center for sale or donation, nor shall it prohibit drives by nonprofit organizations or groups from collecting recyclable materials. Any such nonprofit organization or group shall obtain a permit from the Borough Clerk to conduct a recyclable materials collection drive.

**ARTICLE V Recycling Coordinator**

§ 107-23. Appointment.

The Recycling Coordinator shall be appointed by the Borough Council, upon the recommendation of the Administrator, and shall be compensated as set forth in the Salary Ordinance. Editor's Note: See Ch. 42, Salaries and Compensation.

§ 107-24. Duties.

- A. The Recycling Coordinator shall compile all recycling documentation and shall file reports to the County of Morris and State of New Jersey as required and prescribed by laws or rules and regulations passed pursuant thereto.
- B. The Recycling Coordinator shall from time to time make recommendations to the Borough Council for changes in the recycling program which will enhance its effectiveness and/or bring it into compliance with changes in the law.
- C. The Recycling Coordinator shall assist the Clean Communities Coordinator implementing the New Jersey Clean Communities Grant Program.

§ 107-25. Distribution of public information.

The Recycling Coordinator shall prepare and distribute public information to residential, commercial, educational and nonprofit organizations and houses of worship in the Borough of Madison and other entities as enumerated in the Morris County Solid Waste Management Plan, which will promote and/or facilitate recycling and to summarize the recycling program and the general regulations of this chapter.

**ARTICLE VI Medical Waste**

§ 107-26. Separation of medical waste required; applicability.

- A. All medical facilities shall exclude all medical waste from all solid waste to be collected as part of the regular solid waste collection service within the Borough of Madison. The operator of such medical facility shall be responsible, at his or her own cost and expense, for making separate contractual arrangements for the collection and disposal of all medical waste in a lawful manner, which may require separate arrangements for infectious and noninfectious medical waste.
- B. The foregoing exclusion of medical waste from all other solid waste shall not apply to waste such as diapers, pill vials and bandages generated by an individual residential household; provided,

however, that it shall be unlawful for medical waste from a medical facility to be included with any solid waste placed for collection at a residence or any other location as part of the regular solid waste collection service within the Borough of Madison.

§ 107-27. Collection of nonmedical solid waste from medical facilities.

The collection of nonmedical waste from medical facilities shall be provided in accordance with the applicable solid waste collection contract provided for by § 107-2B of this chapter; provided, however, that as a condition of such collection of nonmedical waste, the collection contractor may impose additional requirements, such as but not limited to the provision by the operator of a medical facility of satisfactory proof and/or a certification that separate contractual arrangements have been made for the collection and disposal of all medical waste from the medical facility and that no medical waste will be included with the nonmedical solid waste.

§ 107-28. Liability for borough costs.

Any person who fails to exclude medical waste from solid waste collected as part of the normal solid waste collection service within the borough in contravention of the requirements of this Article shall be liable for any additional costs imposed upon the borough in connection with the disposal of said medical waste.

#### **ARTICLE VII Severability**

§ 107-29. Severability.

If any section, sentence or any part of this chapter is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter.

Mr. Elias moved that Ordinance 19-2008, which was read by title, be finally adopted as amended. Dr. Esposito seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Mayor Holden declared Ordinance 19-2008 adopted as amended and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

Note to file: the Hearing on Ordinance 20-2008 is scheduled for April 28, 2008.

#### **Introduction of Ordinances**

The Borough Clerk stated that Ordinances set for first reading will have a hearing date set for April 28, 2008, will be published in the Madison Eagle and made available to members of the public requesting copies.

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

#### **ORDINANCE 21-2008**

##### **ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$8,000.00 FROM THE FUND BALANCE ACCOUNT CONTAINED IN THE GENERAL CAPITAL FUND TO PURCHASE DOOR FOR SALT SHED**

**WHEREAS**, the Superintendent of Public Works has recommended that the Borough appropriate \$8,000.00 from the Fund Balance Account contained in the General Capital Fund to purchase a new door for the salt shed; and

**WHEREAS**, the Director of Finance has attested to the availability of the funds in the Fund Balance Account contained in the General Capital Fund in an amount not to exceed \$8,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$8,000.00 from the Fund Balance Account contained in the General Capital Fund to purchase a new door for the salt shed; 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 \$8,000.00 is hereby appropriated from the Fund Balance Account contained in the General Capital Fund to purchase a new door for the salt shed.

**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. Elias moved that Ordinance 21-2008, which the Borough Clerk read by title, be adopted. Dr. Esposito seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

#### **ORDINANCE 22-2008**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$25,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND TO PURCHASE A ONE-TON ROLLER**

**WHEREAS**, the Superintendent of Public Works has recommended that the Borough appropriate \$25,000.00 from the General Capital Improvement Fund to purchase a one-ton roller; 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 \$25,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$25,000.00 from the General Capital Improvement Fund to purchase a one-ton roller; 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 \$25,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase a one-ton roller.

**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. Elias moved that Ordinance 22-2008, which the Borough Clerk read by title, be adopted. Dr. Esposito seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

**ORDINANCE 23-2008**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$50,000.00 FROM THE FUND BALANCE ACCOUNT CONTAINED IN THE GENERAL CAPITAL FUND TO PURCHASE 5 SPREADERS AND ACCESSORIES**

**WHEREAS**, the Superintendent of Public Works has recommended that the Borough appropriate \$50,000.00 from the Fund Balance Account contained in the General Capital Fund to purchase five spreaders and accessories; and

**WHEREAS**, the Director of Finance has attested to the availability of the funds in the Fund Balance Account contained in the General Capital Fund in an amount not to exceed \$50,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$50,000.00 from the Fund Balance Account contained in the General Capital Fund to purchase five spreaders and accessories; and

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

**SECTION 1:** The amount of \$50,000.00 is hereby appropriated from the Fund Balance Account contained in the General Capital Fund to purchase five spreaders and accessories.

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

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

Mr. Elias moved that Ordinance 23-2008, which the Borough Clerk read by title, be adopted. Dr. Esposito seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

**ORDINANCE 24-2008**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$150,000.00 FROM THE FUND BALANCE ACCOUNT CONTAINED IN THE GENERAL CAPITAL FUND TO PURCHASE A NEW CATCH BASIN CLEANER TRUCK & ACCESSORIES**

**WHEREAS**, the Superintendent of Public Works has recommended that the Borough appropriate \$150,000.00 from the Fund Balance Account contained in the General Capital Fund to purchase a new catch basin cleaner truck and accessories; and

**WHEREAS**, the Director of Finance has attested to the availability of the funds in the Fund Balance Account contained in the General Capital Fund in an amount not to exceed \$150,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$150,000.00 from the Fund Balance Account contained in the General Capital Fund to purchase a new catch basin cleaner truck and accessories; and

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

**SECTION 1:** The amount of \$150,000.00 is hereby appropriated from the Fund Balance Account contained in the General Capital Fund to purchase a new catch basin cleaner truck and accessories.

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

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

Mr. Elias moved that Ordinance 24-2008, which the Borough Clerk read by title, be adopted. Dr. Esposito seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

#### ORDINANCE 25-2008

##### ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$30,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR COMPUTER UPGRADES AND REPLACEMENTS IN THE WATER SYSTEM WATER WELLS

**WHEREAS**, the Superintendent of Public Works has recommended that the Borough appropriate \$30,000.00 from the Water Capital Improvement Fund for computer upgrades and replacements in the water system water wells; and

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

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$30,000.00 from the Water Capital Improvement Fund for computer upgrades and replacements in the water system water wells; 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 Water Capital Improvement Fund for computer upgrades and replacements in the water system water wells.

**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. Elias moved that Ordinance 25-2008, which the Borough Clerk read by title, be adopted. Dr. Esposito seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

#### ORDINANCE 26-2008

##### ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 36-2006 APPROPRIATING \$300,000.00 TO ADD FOUR MORE STREETS FOR MILLING AND OVERLAY: LYNWOOD PLACE, CRESTWOOD DRIVE, ROSEWOOD DRIVE AND COOK AVENUE

**WHEREAS**, Ordinance 36-2006 of the Borough of Madison appropriated \$300,000.00 from the General Capital Improvement Fund for the 2006 milling and overlay projects of Bruns Street, Buckingham Drive, Canterbury Road, Norman Circle, and Oxford Lane; and

**WHEREAS**, Ordinance 76-2007 amended Ordinance 36-2006 to include Colonial Way, Olde Greenhouse Lane, and Danforth Road between Morris Place and Madison Avenue; and

**WHEREAS**, the Superintendent of Public Works has recommended that the Borough further amend Ordinance 36-2006 to authorize additional scope of work for the milling and overlay projects to include Lynwood Place, Crestwood Drive, Rosewood Drive and Cook Avenue; and

**WHEREAS**, the Superintendent of Public Works has also recommended that the capital budget be amended to include these projects, and the cost will be the current balance of Ordinance 36-2006; and

**WHEREAS**, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund for this project in an amount not to exceed the

current balance of Ordinance 36-2006; and

**WHEREAS**, the Borough Council has determined that the Borough should amend Ordinance 36-2006 to authorize additional scope of work for the milling and overlay projects to include Lynwood Place, Crestwood Drive, Rosewood Drive and Cook Avenue, without increasing the amount of the appropriation.

**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:** Ordinance 36-2006 is amended to authorize additional scope of work for the milling and overlay projects to include Lynwood Place, Crestwood Drive, Rosewood Drive and Cook 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.

Mr. Elias moved that Ordinance 26-2008, which the Borough Clerk read by title, be adopted. Dr. Esposito seconded the motion. It was noted that there is no new appropriation, the funds are in place from Ordinance 36-2006, and that ordinance is being amended as to purpose to add four more streets. There was no further discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

#### ORDINANCE 27-2008

##### ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$10,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR EQUIPMENT INCLUDING RUBBER MATS FOR THE APPARATUS FLOOR, A FLOOR SCRUBBER, ADDITIONAL SHELVING AND VACUUMS FOR THE FIRE DEPARTMENT

**WHEREAS**, the Fire Chief has recommended that the Borough appropriate \$10,000.00 from the General Capital Improvement Fund for equipment including rubber mats for the apparatus floor, a floor scrubber, additional shelving and vacuums for the Fire 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 \$10,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$10,000.00 from the General Capital Improvement Fund for equipment including rubber mats for the apparatus floor, a floor scrubber, additional shelving and vacuums for the Fire 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 \$10,000.00 is hereby appropriated from the General Capital Improvement Fund for equipment including rubber mats for the apparatus floor, a floor scrubber, additional shelving and vacuums for the Fire 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.

Mrs. Vitale moved that Ordinance 27-2008, which the Borough Clerk read by title, be adopted. Dr. Esposito seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

#### ORDINANCE 28-2008

##### ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$6,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR OFFICE EQUIPMENT INCLUDING COPIER MACHINE, FAX MACHINE, PRINTER AND STORAGE UNIT WITH COUNTERTOP FOR THE MADISON FIRE DEPARTMENT

**WHEREAS**, the Fire Chief has recommended that the Borough appropriate \$6,000.00 from the General Capital Improvement Fund for office equipment including copier machine, fax machine, printer, and storage unit with countertop; 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 \$6,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$6,000.00 from the General Capital Improvement Fund for office equipment including copier machine, fax machine, printer, and storage unit with countertop; 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 \$6,000.00 is hereby appropriated from the General Capital Improvement Fund for office equipment including copier machine, fax machine,

printer, and storage unit with countertop.

**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. Vitale moved that Ordinance 28-2008, which the Borough Clerk read by title, be adopted. Mr. Conley seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

#### ORDINANCE 29-2008

##### ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$8,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF GUM BUSTER MACHINE AND ACCESSORIES

**WHEREAS**, the Borough Administrator has recommended that the Borough appropriate \$8,000.00 from the General Capital Improvement Fund for purchase of a GumBuster Gum Removal Machine and accessories; and

**WHEREAS**, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$8,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$8,000.00 from the General Capital Improvement Fund for purchase of a GumBuster Gum Removal Machine and accessories; and

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

**SECTION 1:** The amount of \$8,000.00 is hereby appropriated from the General Capital Improvement Fund for purchase of a GumBuster Gum Removal Machine and accessories.

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

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

Dr. Esposito moved that Ordinance 29-2008, which the Borough Clerk read by title, be adopted. Mrs. Tsukamoto seconded the motion. It was confirmed that the next DDC meeting is on Thursday when they will be approached about contributing to the purchase of the machine. There was no further discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

#### ORDINANCE 30-2008

##### ORDINANCE OF THE BOROUGH OF MADISON TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN ACCORDANCE WITH N.J.S.A. 40A: 4-45.14 – CALENDAR YEAR 2008

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

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

**WHEREAS**, the Borough Council of the Borough of Madison in the County of Morris finds it advisable and necessary to increase its CY 2008 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Borough Council hereby determines that a 1% increase in the budget for said year, amounting to \$157,439.43 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Madison in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2008 budget year, the final appropriations of the Borough of Madison shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$551,038.00 and that the CY 2008 municipal budget for the Borough of Madison be approved and adopted in accordance with this ordinance; and

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

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

introduction; and

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

Ms. Baillie moved that Ordinance 30-2008, which the Borough Clerk read by title, be adopted. Mr. Elias seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

**Consent Agenda Resolutions**

The Clerk made the following statement:

Consent Agenda Resolutions will be enacted with a single motion; any Resolution requiring expenditure is supported by a Certification of Availability of Funds; any Resolution requiring discussion will be removed from the Consent Agenda; all Resolutions will be reflected in full in the minutes. R 112-2008 and R 114-2008 have been removed from the Consent Agenda. R 124-2008 was added to the Agenda and read in full. It was pointed out that R 106-2008 names members of the Ad Hoc Committee, and this was agreeable to all.

Mr. Conley moved adoption of the Resolutions listed on the Consent Agenda. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, as to all but R 109-2008

Mrs. Tsukamoto, as to all but R 117-2008

Dr. Esposito

Nays: None

Abstain: Mr. Conley, as to R 109-2008

Mrs. Tsukamoto, as to R 117-2008

**R 101 - 2008**

**RESOLUTION OF THE BOROUGH OF MADISON**

**APPROVING RENEWAL OF LIVERY OWNER'S LICENSES**

**FOR ROSE CITY LIMO INC. FOR 2008**

**BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Livery Owner's License renewals be approved for the year 2008:

-

LICENSE NO. NAME Vehicle

-

**22, 23, 24, Ann Marie Davies & 4 Liveries**

**25 Samuel Mantone t/a**

**Rose City Limo Inc.**

**R 102- 2008**

**RESOLUTION OF THE BOROUGH OF MADISON**

**APPROVING RENEWAL OF TAXI OWNER'S LICENSES**

**FOR E PLUS TRANSPORTATION INC. FOR 2008**

**BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Taxi Owner's License renewals be approved for the year 2008:

LICENSE NO. NAME Vehicle

**26, 27, 28, George J. Enslin, t/a 9 Taxis**

**29, 30, 31, E Plus Transportation Inc.**

32, 33, 34

**R 103 – 2008**

**RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY EPOCH INC.,  
MADISON COOPERATIVE NURSERY SCHOOL INC. AND PTO CENTRAL AVENUE SCHOOL**

**BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following applications for Raffles Licenses, to be held as listed below, be and the same are hereby approved:

**EPOCH INC.**

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

**R.A. No. 1074 – Off Premise  
October 4, 2008**

**MADISON COOPERATIVE NURSERY SCHOOL INC.**

**I.D. No. 274-5-27821**

**R.A. No. 1078 – On Premise**

**May 2, 2008**

**PTO CENTRAL AVENUE SCHOOL**

**I.D. No. 274-5-23982**

**R.A. No. 1079 – On Premise**

**May 16, 2008**

**BE IT FURTHER RESOLVED** that a certified copy of this

Resolution be forwarded to the Legalized Games of Chance Control Commission.

**R 104-2008**

**RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION 85-2008 TO INCREASE THE AWARD BY \$18, 430 FOR A  
TOTAL OF \$42,160.00 TO JOHNSTON COMMUNICATIONS VOICE & DATA UNDER STATE CONTRACT #A42287/T1316 FOR  
ELECTRICAL INFRASTRUCTURE IN THE BAYLEY-ELLARD BUILDING**

**WHEREAS**, the Borough of Madison desires to increase the award made by Resolution 85-2008 to Johnston Communications Voice & Data, an authorized vendor under state contract #A42287/T1316, for electrical infrastructure in the Bayley-Ellard building; and

**WHEREAS**, the purchase of goods and services through State agency by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12, et seq; and

**WHEREAS**, Johnston Communications Voice and Data, P.O. Box 390, Kearny, New Jersey has been awarded New Jersey State contract number A42287/T1316; and

**WHEREAS**, the Network Administrator has recommended that the Borough Council utilize this contract for installation of cables and electrical wiring in the amount of \$42,160.00 from the amount of \$23,730.00 awarded by R 85-2008, which is an increase of \$18,430.00; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$42,160.00 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 purchase of installation of cables and electrical wiring from Johnston Communications Voice and Data, at a total price not to exceed \$42,160.00 is hereby approved under the New Jersey State contract number A42287/T1316, and Resolution R 85-2008 is hereby amended.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Johnston Communications Voice and Data for installation of cables and electrical wiring at a total price not to exceed \$42,160.00, in a form acceptable to the Borough Attorney.

**R 105-2008**

**RESOLUTION OF THE MADISON BOROUGH COUNCIL APPOINTING ROBERT DUNNE TO THE POSITION OF PROBATIONARY FIREFIGHTER**

**WHEREAS**, Fire Captain Lou DeRosa has recommended the appointment of Robert Dunne to the position of probationary firefighter in the paid division of the Madison Borough Fire Department; and

**WHEREAS**, Fire Captain Lou DeRosa certified that Robert Dunne is a fully qualified firefighter; and

**WHEREAS**, the Mayor and Council have reviewed the recommendation and accept the Fire Captain's representations that Robert Dunne has met all requirements to be a probationary firefighter in the paid division.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Robert Dunne is hereby appointed to the position of probationary firefighter in the paid division of the Madison Borough Fire Department, effective April 28, 2008.

**BE IT FURTHER RESOLVED**, that he be compensated in accordance with the terms of the Collective Bargaining Agreement between the Firemen's Mutual Benevolent Association Local No. 74 and the Borough.

**R 106-2008**

**RESOLUTION OF THE BOROUGH OF MADISON NAMING THE AD HOC ADVISORY COMMITTEE MEMBERS FOR THE MADISON RECREATION CENTER**

**WHEREAS**, the Madison Recreation Center Development Ad Hoc Advisory Committee was formed by Resolution 77-2008 and amended by Resolution 111-2008; and

**WHEREAS**, the Council submits the following appointments to the Madison Recreation Center Development Ad Hoc Advisory Committee to the Mayor:

Recreation Advisory Committee – Marty Horn

Open Space Advisory Committee – Dan Dunham

Parks Advisory Committee – Peter Ranieri

Environmental Commission – George Van Orden

Shade Tree Management Board – Gene Cracovia

At-large representative – Jennifer McCullough

Senior representative – Charles Courtney

Council liaisons – Robert Conley and Vincent Esposito (backup Astri Baillie)

Mayor Mary-Anna Holden, ex officio

**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 Madison Recreation Center Development Ad Hoc Advisory Committee shall be comprised of the following members:

Recreation Advisory Committee – Marty Horn

Open Space Advisory Committee – Dan Dunham

Parks Advisory Committee – Peter Ranieri

Environmental Commission – George Van Orden

Shade Tree Management Board – Gene Cracovia

At-large representative – Jennifer McCullough

Senior representative – Charles Courtney

Council liaisons – Robert Conley and Vincent Esposito (backup Astri Baillie)

Mayor Mary-Anna Holden, ex officio

**R 107-2008****RESOLUTION OF THE BOROUGH OF MADISON AWARDING TREE TRIMMING SERVICES BID TO HONOR TREE SERVICE**

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

**WHEREAS**, the lowest qualified bid on the Contract was submitted by Honor Tree Service, Inc. in the amount of \$110.00 per hour for request one and request two for a total of \$220.00 per hour for both requests; and

**WHEREAS**, the Superintendent of Public Works has recommended that the Contract should be awarded to Honor Tree Service, Inc., in the amount of \$110.00 per hour for request one and \$110.00 per hour for request two; and

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

**WHEREAS**, the Director of Finance has attested that funds are available in an amount not to exceed \$220.00 per hour for this purpose.

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

1. The Contract for tree trimming is hereby awarded to Honor Tree Service, Inc., based upon its bid in the amount of \$110.00 per hour for request one and \$110.00 per hour for request two.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the Contract with Honor Tree Service, Inc., in a form acceptable to the Borough Attorney.

**R 108-2008****RESOLUTION OF THE BOROUGH OF MADISON RATIFYING CONTRACT AWARD TO PETER LIMONE FOR MAINTENANCE SERVICES RENDERED IN 2007**

**WHEREAS**, the Borough of Madison solicited quotes for maintenance services for the Civic Center for 2007 (the "Contract") in accordance with the Local Public Contracts Law; and

**WHEREAS**, the Contract was awarded to Peter Limone based on his quote in the amount of \$17,484.00; and

**WHEREAS**, Peter Limone has advised that due to miscommunication, the quote was only for services through the beginning of November 2007; and

**WHEREAS**, Peter Limone provided additional maintenance services totaling \$2,584.00; and

**WHEREAS**, the Superintendent of Public Works has recommended ratifying an amended contract to Peter Limone for maintenance services for the Civic Center for 2007 in the total amount of \$20,086.00; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$20,068.00 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 maintenance services for 2007 at the Civic Center is hereby awarded to Peter Limone based upon his quote in the amount of \$20,068.00.
2. Payment shall not be made until Peter Limone submits a completed Business Entity Disclosure Certification and a Political Contribution Disclosure Form to the Purchasing Agent, which shall be on file for ten (10) days before payment is made.
3. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Peter Limone in a form acceptable to the Borough Attorney.

**R 109-2008****RESOLUTION OF THE BOROUGH OF MADISON RATIFYING CONTRACT AWARD TO LINDA LIMONE FOR CLEANING SERVICES RENDERED IN 2007**

**WHEREAS**, the Borough of Madison solicited quotes for cleaning services for the Civic Center for 2007 (the "Contract") in accordance with the Local Public Contracts Law; and

**WHEREAS**, the Contract was awarded to Linda Limone based on her quote in the amount of \$15,840.00; and

**WHEREAS**, Linda Limone has advised that due to miscommunication, the quote was only for services through the beginning of October 2007; and

**WHEREAS**, Linda Limone provided additional cleaning services totaling \$3,866.00; and

**WHEREAS**, the Superintendent of Public Works has recommended ratifying an amended contract to Linda Limone for cleaning services for the Civic Center for 2007 in the total amount of \$19,706.00; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$19,706.00 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 cleaning services for 2007 at the Civic Center is hereby awarded to Linda Limone based upon her quote in the amount of \$19,706.00.
2. Payment shall not be made until Linda Limone submits a completed Business Entity Disclosure Certification and a Political Contribution Disclosure Form to the Purchasing Agent, which shall be on file for ten (10) days before payment is made.
3. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Linda Limone in a form acceptable to the Borough Attorney.

**R 110-2008**

**RESOLUTION OF THE BOROUGH OF MADISON AMENDING BOND ORDINANCE 45-2007 TO INCLUDE MILLING AND OVERLAY FOR NOE AVENUE**

**WHEREAS**, Bond Ordinance 45-2007 of the Borough of Madison appropriated \$430,000.00 for the 2007 milling and overlay projects of Dean Street, John Avenue, Dwyer Street, Howard Street, Myrtle Avenue, Burnet Road, and Chateau Thierry; and

**WHEREAS**, the Superintendent of Public Works has recommended that the Borough amend Bond Ordinance 45-2007 to authorize additional scope of work for the milling and overlay projects to include Noe Avenue, with no additional funds to be appropriated; and

**WHEREAS**, the Director of Finance has attested to the availability of the funds in Bond Ordinance 45-2007 for this project in an amount not to exceed the current balance of Bond Ordinance 45-2007; and

**WHEREAS**, the Borough Council has determined that the Borough should amend Bond Ordinance 45-2007 to authorize additional scope of work for the milling and overlay projects to include Noe Avenue, without increasing the amount of the appropriation.

**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:

**SECTION 1:** Bond Ordinance 45-2007 is amended to authorize additional scope of work for the milling and overlay projects to include Noe Avenue.

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

**R 111-2008**

**RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION 77-2008 TO REDUCE THE SIZE OF THE AD HOC ADVISORY COMMITTEE FOR THE MADISON RECREATION CENTER**

**WHEREAS**, the Madison Recreation Center Development Ad Hoc Advisory Committee was established by Resolution 77-2008; and

**WHEREAS**, the Mayor and Council wish to reduce the size of the membership of the Ad Hoc Advisory Committee.

**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 77-2008 is amended to provide that the Madison Recreation Center Development Ad Hoc Advisory Committee shall be comprised of the following membership: one representative from each of the following standing committees: Open Space Committee; Historic Preservation and Recreation Advisory Committee; Recreation Advisory Committee; Parks Advisory Committee; Shade Tree Management Board; the Environmental Commission; as well as one at-large resident; one senior representative; two Council member liaisons; and the Mayor.

R 112-2008 was removed and the # was retired:

**R 113-2008**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING 24<sup>th</sup> ANNUAL GIRALDA FARMS RUN ON SUNDAY, NOVEMBER 9, 2008**

**WHEREAS**, the Rose City Runners Club has requested permission to use portions of Loantaka Way, Woodland Road, Treadwell Avenue, Dodge Drive and Madison Avenue in connection with the annual Giralda Farms Run; and

**WHEREAS**, the Police Chief recommends approval of this request; and

**WHEREAS**, the Rose City Runners Club has agreed to reimburse the Madison Police Department for all expenses incurred in connection with the monitoring of said race; and

**WHEREAS**, the Borough Council has reviewed said request and determined that it should be granted.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the Rose City Runners Club is hereby granted permission to use portions of Loantaka Way, Woodland Road, Treadwell Avenue, Dodge Drive and Madison Avenue in connection with the annual Giralda Farms Run to be conducted on Sunday, November 9, 2008, between the hours of 12:00 (noon) and 2:00 p.m. subject to the condition that the Rose City Runners Club reimburse the Madison Police Department for all expenses incurred in connection with the monitoring of said race.

R 114-2008 was removed and the # was retired.

-

**R 115-2008****RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING FIFTH ANNUAL MADISON HIGH SCHOOL EDUCATIONAL FOUNDATION 5K RUN FOR SUNDAY, MAY 4, 2008**

**WHEREAS**, the Madison High School Educational Foundation has requested to hold a "5K run" in Madison on Sunday, May 4, 2008; and

**WHEREAS**, the run will begin at 10:00 a.m. from the Madison High School on Ridgedale Avenue to Central Avenue to Walnut Street to Ridgedale Avenue and end at 12:00 a.m., on the Madison High School Grounds; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the request of the Madison High School Educational Foundation to hold a 5K run@ in Madison on Sunday, May 4, 2008, as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department.

**R 116-2008****RESOLUTION OF THE BOROUGH OF MADISON AWARING CONTRACT FOR CONSTRUCTION INSPECTION AND OBSERVATION SERVICES FOR THE 2007 WATER MAIN PROJECT TO OMLAND ENGINEERING**

**WHEREAS**, the Borough Engineer has recommended that the Borough obtain construction inspection and observation services for the 2007 Water Main Project (hereinafter the "Contract"); 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**, the Purchasing Agent has determined and certified in writing that the value of this acquisition will exceed \$17,500.00; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Council award the Contract to Omland Engineering Associates of Middletown, New Jersey in an amount not to exceed \$47,250.00, for construction inspection and observation services for the 2007 Water Main Project; and

**WHEREAS**, Omland Engineering Associates has submitted to the Borough Purchasing Agent, the 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**, Omland Engineering Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Omland Engineering Associates 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 Omland Engineering Associates from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$47,250.00 for this purpose, which funds were appropriated by Ordinance 47-2007.

**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:

The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Omland Engineering Associates for construction inspection and observation services for the 2007 Water Main Project in an amount not to exceed \$47,250.00, such contract to be in a form approved by the Borough Attorney.

The Business Disclosure Entity Certification, Political Contribution Disclosure Form and the Determination of Value shall be placed on file with this resolution.

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.

**R 117-2008****RESOLUTION OF THE BOROUGH OF MADISON WAIVING PERFORMANCE BOND REQUIREMENT FOR GRACE CHURCH CONSTRUCTION PROJECT**

**WHEREAS**, the Grace Episcopal Church has requested a waiver of the \$135,817.56 Performance Bond and of \$15,090.84 Performance Guarantee for the construction project previously approved by the Madison Zoning Board on April 12, 2007.

**WHEREAS**, the Borough Administrator has recommended waiver of the Performance Bond and Performance Guarantee and has indicated that the Church has paid the Engineering Inspection fee in full.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Performance Bond in the amount of \$135,817.56 and the Performance Guarantee in the amount of \$15,090.84 for this project is hereby waived.

**R 118-2008**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SHARED SERVICES AGREEMENT BY AND BETWEEN THE BOROUGH OF MADISON AND THE TOWNSHIP OF MILLBURN TO ESTABLISH THE OFFICE OF JOINT MUNICIPAL TAX ASSESSOR AND TO APPOINT 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 establish and 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 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 employ Lisa Baratto as the Joint Municipal Tax Assessor; and

**WHEREAS**, Lisa Baratto is currently a part-time Tax Assessor for the Borough of Madison and is a holder of a tax assessor certificate as required by N.J.S.A. 54:1-35.33; and

**WHEREAS**, upon adoption of a similar resolution by the Township of Millburn and authorization of the appointment of Lisa Baratto as the Joint Municipal Tax Assessor by the Township of Millburn, the Borough of Madison shall amend the annual salary of the Joint Municipal Tax Assessor to be \$90,462.00, of which Millburn Township shall reimburse the Borough of Madison for \$60,000.00 of said Joint Municipal Tax Assessor's annual salary 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 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 the office of Joint Municipal Tax Assessor is hereby established subject to such office being also established by a similar resolution adopted by the Township of Millburn.

**BE IT FURTHER RESOLVED**, that Lisa Baratto shall be appointed 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.

DRAFT

SHARED SERVICES AGREEMENT

THIS SHARED SERVICES AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by and between the Township of Millburn, in the County of Essex, a municipal corporation of the State of New Jersey, having its principal offices at 375 Millburn Avenue, Millburn, New Jersey 07041 (hereinafter referred to as "Millburn") and the Borough of Madison, of the County of Morris, a municipal corporation of the State of New Jersey having its principal offices at 50 Kings Road, Madison, New Jersey (hereinafter referred to as "Madison").

WITNESSETH

WHEREAS, the parties hereto deem it to be in their best interests to establish and maintain the office of Joint Municipal Tax Assessor to assess real and personal property for taxation within each of the respective municipalities joining hereunder; and

WHEREAS, the governing bodies of Millburn and Madison have pursuant to, and in accordance with N.J.S.A. 40:48B-14 et seq. duly adopted substantially similar resolutions to establish and maintain the said office of Joint Municipal Tax Assessor, subject to the terms and conditions set forth in the within Agreement;

NOW THEREFORE, under and by virtue of the authority of the said resolutions adopted by Millburn and Madison and in consideration of the promises and covenants hereinafter made, the parties hereto agree as follows:

1. LISA BARATTO, currently the Tax Assessor of Madison is hereby appointed as Joint Municipal Tax Assessor for Madison and Millburn and shall hold such office, position or employment for a term of four (4) years from the date of this Agreement. Lisa Baratto is the holder of a Tax Assessor Certificate required by N.J.S.A. 54:1-35.33.
2. Madison and Millburn shall each furnish to the Joint Municipal Tax Assessor, office space for the operation of said office within their municipalities.
3. The Joint Municipal Tax Assessor shall be deemed to be a full-time employee of Madison at an annual salary of \$90,462. Millburn shall pay \$60,000 of the Tax Assessor's annual salary and sixty (60%) percent of the annual expenses of the Joint Municipal Tax Assessor including the workers' compensation insurance attributable to said Assessor and the employer contributions to pension and social security, health benefits and other related employment costs during the term of this Agreement to Madison. Said payments shall be made monthly by Millburn to Madison on a pro-rated basis payable by the tenth day of each month. Madison shall pay \$30,462 of the Tax Assessor's annual salary and forty (40%) percent of the annual expenses of the Joint Municipal Tax Assessor including the workers' compensation insurance attributable to said Assessor and the employer contributions to pension and social security, health benefits and other related employment costs during the term of this Agreement.
4. The assessment function of the Joint Municipal Tax Assessor shall be exercised in the same manner and to the same extent as though it was exercised in each municipality separately, and the tax list and duplicate, property record cards, and all other records for each of the municipalities shall be maintained separately and shall be available for public inspection pursuant to law.
5. The Joint Municipal Tax Assessor shall be personally present at the Millburn Tax Assessor's Office and available to the public for three days each week throughout the year during regular office hours and two days each week at the Madison Tax Assessor's Office throughout the year during regular office hours. Millburn and Madison agree to coordinate said work schedule and adjust same if required for municipal revaluation purposes or other special events.
6. The term of this Joint Agreement shall be for a period of four (4) years from the date of execution hereof. This Agreement may be terminated prior to the expiration of such term upon the adoption of a resolution to that effect by the governing body of either Millburn or Madison, pursuant to N.J.S.A. 40:48B-20. Notice as to such termination must be given to the Tax Assessor and the other municipality at least ninety (90) days prior to the effective date of the Resolution, unless otherwise required by law.

7. This Agreement may be amended from time to time by agreement of the parties hereto, in the same manner as the original agreement was authorized and approved.

8. This Agreement is subject to approval by resolution of the governing bodies of Madison and Millburn prior to its execution by such officials as may be authorized to execute this Agreement. A copy of this Agreement and of every pertinent resolution, agreement and every amendment thereto shall be filed with the Director of the Division of Taxation in the Department of the Treasury and the Director of the Division of Local Finance in the Department of Community Affairs of the State of New Jersey.

9. During the term of this Agreement, Madison residents will be extended annually fifty (50) full memberships and thirty (30) limited membership to the Millburn Municipal Par 3 Golf Course on the same terms and conditions required of non-residents from other participating communities with membership privileges pursuant to the attached memorandum dated February 2008 issued by the Millburn Department of Public Recreation.

10. The Township of Millburn will indemnify and hold harmless the Borough of Madison with reference to any cause of action resulting from or arising out of any act or conduct by the Tax Assessor when said act or conduct is solely and exclusively for the performance of her duties and obligations to the Township of Millburn pursuant to the terms and conditions of this Agreement. In the event the Borough of Madison receives notification of any cause of action or claim which it contends arises out of the employment by the Township of Millburn of the services of the Tax Assessor pursuant to the terms of this Agreement, said notification shall be made promptly to the Township of Millburn by directing same to the Mayor and Business Administrator.

11. The Township of Millburn shall indemnify and hold harmless acts, conduct or services of the Tax Assessor when said individual is acting solely and exclusively for the Township of Millburn provided that said acts, conduct or services arise out of and are in the scope and duties of the Tax Assessor. It is the intent of this provision that the Tax Assessor shall conduct herself pursuant to general principles, obligations, duties and responsibilities, governing the general nature and standards of Tax Assessor services recognized through the State of New Jersey.

12. If this Agreement is terminated by Millburn, the Tax Assessor shall revert to her current status with the Borough of Madison as a tenured part-time employee without health benefits.

13. The salary schedule referenced herein shall be adjusted annually pursuant to the appropriate Salary Ordinance for full-time employees for the Borough of Madison with the Township of Millburn responsible for one hundred (100%) percent of said percentage raise applied to \$60,000 of the base salary and the Borough of Madison shall be responsible for one hundred (100%) percent of said percentage raise applied to \$30,462 of the base salary.

14. Vacation days, holidays and sick days shall be consistent with the personnel policies of the Borough of Madison and coordinated between the municipalities to insure an equal pro-rated impact on each municipality.

IN WITNESS WHEREOF the parties have caused these presents to be signed and executed as of the day and year first above written.

**R 119 - 2008**

**RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY ARTS COUNCIL OF THE MORRIS AREA TO CONDUCT AN ON-PREMISE 50/50 RAFFLES GAME ON SUNDAY, JUNE 29, 2008**

**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 50/50 Raffles Game on Sunday, June 29, 2008, at Giralda Farms, Madison Avenue, Madison (Rain Site: Madison High School, Ridgedale Avenue, Madison);

**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. 1076, 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 120 - 2008**

**RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY NEW JERSEY JAZZ SOCIETY TO CONDUCT AN ON-PREMISE 50/50 RAFFLES GAME ON SATURDAY AND SUNDAY, JUNE 7 AND 8, 2008**

**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. 393-5-36807 to the New Jersey Jazz Society; 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 New Jersey Jazz Society to conduct an On-Premise 50/50 Raffles Game on Saturday and Sunday, June 7 and 8, 2008, at Drew University, Madison Avenue, Madison;

**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. 1077, 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 121-2008**

**RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT FOR CONSTRUCTION INSPECTION AND OBSERVATION SERVICES FOR THE CHAPEL STREET PROJECT TO OMLAND ENGINEERING**

**WHEREAS**, the Borough Engineer has recommended that the Borough obtain construction inspection and observation services for the Chapel Street Project (hereinafter the "Contract"); 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**, the Purchasing Agent has determined and certified in writing that the value of this acquisition will exceed \$17,500.00; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Council award the Contract to Omland Engineering Associates of Middletown, New Jersey in an amount not to exceed \$47,250.00, for construction inspection and observation services for the Chapel Street Project; and

**WHEREAS**, Omland Engineering Associates has submitted to the Borough Purchasing Agent, the 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**, Omland Engineering Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Omland Engineering Associates 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 Omland Engineering Associates from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$47,250.00 for this purpose, which funds were appropriated by Ordinance 51-2007.

**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:

The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Omland Engineering Associates for construction inspection and observation services for the Chapel Street Project in an amount not to exceed \$47,250.00, such contract to be in a form approved by the Borough Attorney.

The Business Disclosure Entity Certification, Political Contribution Disclosure Form and the Determination of Value shall be placed on file with this resolution.

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.

**R 122-2008**

**RESOLUTION OF THE BOROUGH OF MADISON ASSUMING RESPONSIBILITY OF CONDUCTING THE ANNUAL BUDGET EXAMINATION**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility normally granted to the Director of the Division of Local Government services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 through 7.5 the Borough of Madison has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2002 budget year; so

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Madison that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes

That the provisions relating to limitations on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" Law.)

That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate, and correctly stated
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services with the Clerk's Certification.

CLERK'S CERTIFICATION

I, Marilyn Schaefer, Clerk of the Borough of Madison, County of Morris, State of New Jersey, hereby certify that the foregoing is a true and exact copy of a resolution adopted at a meeting of said Borough Council of the Borough of Madison held on the 14<sup>th</sup> day of April, 2008.

Marilyn Schaefer, Borough Clerk

**BOROUGH OF MADISON**

**COUNTY OF MORRIS**

**Certification of 2008 Approved Budget**

It is hereby certified that the 2008 Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78 (b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

Dated:  
April 14,  
2008 By:

Robert F.  
Kalafut

Chief  
Financial  
Officer

**R 123-2008**

**RESOLUTION OF THE BOROUGH OF MADISON APPOINTING LOUISE G. FINELLI, OF MADISON, NEW JERSEY TO THE POSITION OF SCHOOL CROSSING GUARD**

**BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Louise G. Finelli, of Madison, New Jersey is hereby appointed to the position of school crossing guard, effective immediately.

**BE IT FURTHER RESOLVED**, by the Council of the Borough of Madison, that he be compensated in accordance with the Borough Resolution establishing the salaries for part-time, school crossing guards.

**R 124-2008**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH CLOUGH HARBOUR & ASSOCIATES LLP (CHA) TO PROVIDE CONSULTING ENGINEERING SERVICES REGARDING DEVELOPMENT OF THE FIELDS KNOWN AS "THE PIT" AND THE BALANCE OF THE 53 ACRES KNOWN AS THE MADISON RECREATION CENTER**

**WHEREAS**, the Borough Administrator has recommended that the Borough obtain professional engineering services regarding development of the fields known as "The Pit" and the balance of the 53 acres known as the Madison Recreation Center (hereinafter the "Contract"); 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**, the Purchasing Agent has determined and certified in writing that the value of this acquisition will exceed \$17,500.00; and

**WHEREAS**, the Borough Council has determined to award the Contract to Clough Harbour & Associates LLP (CHA) in an amount not to exceed \$117,500.00 for professional engineering services regarding development of the fields known as "The Pit" and the balance of the 53 acres known as the Madison Recreation Center; and

**WHEREAS**, Clough Harbour & Associates LLP (CHA), must submit to the Borough Purchasing Agent, the 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**, Clough Harbour & Associates LLP (CHA), must complete and submit a Business Entity Disclosure Certification which certifies that Clough Harbour & Associates LLP (CHA) 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 Clough Harbour & Associates LLP (CHA) from making any reportable contributions through the term of the contract; and

**WHEREAS**, said contract will be effective ten days after receipt of the required documents which satisfy the requirements of N.J.S.A. 19:40A-20.5; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$117,500.00 for this purpose, which funds are from the Madison's Open Space Trust Fund.

**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:

The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional engineering services with Clough Harbour & Associates LLP (CHA) regarding development of the fields known as "The Pit" and the balance of the 53 acres known as the Madison Recreation Center effective 10 days after receipt of the required documents which satisfy the requirements of N.J.S.A. 19:40A-20.5 in an amount not to exceed \$117,500.00 such contract to be in a form approved by the Borough Attorney.

The Business Disclosure Entity Certification, Political Contribution Disclosure Form and the Determination of Value shall be placed on file with this resolution.

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.

**Unfinished Business** - None

**APPROVAL OF VOUCHERS**

On motion by Mr. Conley, seconded by Mrs. Vitale 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 \$19,285.35

Health & Public Assistance 3,626.06

Public Works & Engineering 243,378.95

Community Affairs 918.06

Finance & Borough Clerk 472,567.11

Utilities 43,474.89

Total \$783,250.42

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

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

**New Business**

Mayor Holden made the following appointment requesting Council confirmation:

Board of Health

Jill Rebholz, Alt #2, unexpired term (Katy Galton) through December 31, 2008

Mrs. Tsukamoto moved the aforementioned appointment. Dr. Esposito seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

**Adjourn and reconvene executive session**

The Regular Meeting adjourned and the Executive Session immediately reconvened in the Committee Room at 10:25 p.m.

**RECONVENE AND ADJOURN**

The Regular Meeting reconvened in the Committee Room and immediately adjourned at 11 p.m.

Respectfully submitted,

Marilyn Schaefer

Borough Clerk

Approved April 28, 2008 (MS)