

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

Wednesday, May 28, 2008 - 7 p.m.

Call to Order

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on Wednesday, the 28th day of May 2008. Mayor Holden called the meeting to order at 7 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

Statement in Compliance with the Open Public Meetings Act

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

"In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by transmitting a copy of the meeting notice to the Madison Eagle and Morris County Daily Record, posting a copy on the bulletin board at the main entrance of the Hartley Dodge Memorial, and filing a copy in the office of the Clerk, all on January 4, 2008. Notice of this meeting was made available to members of the general public."

Roll Call

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

Mayor Mary-Anna Holden, left the Regular Meeting at 10:18 p.m.

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

One Contract Matter and two Potential Litigation Matters were added to the Executive Agenda; Unfinished Business of "Touch a Truck" and "Municipal Wastewater Management Planning Technical Committee" were added to the Agenda, along with one New Business appointment to the Shade Tree Management Board.

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 5/12/2008

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

CONTRACT MATTERS (4)

ORCHARD STREET

10 MAPLE AVENUE

TAXI-LIVERY LICENSE APPLICATIONS

13 MADISON AVENUE

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

PERSONNEL MATTER (1)

RATIFYING APPOINTMENT OF INTERNS

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

LITIGATION MATTER (1)

COMBE SOUTH LANDFILL

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

POTENTIAL LITIGATION MATTERS (2)

PUBLIC EVENTS AT MEMORIAL PARK

COUGAR FIELD

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.

APPROVAL OF MINUTES

Mrs. Vitale moved approval of the *Executive Minutes of May 12, 2008*. Ms. Baillie 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 Meeting Minutes of May 12, 2008** with the following amendments:

Page 4, last paragraph

Health & Public Assistance

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

Regarding the tree ordinance, Mrs. Tsukamoto does feel very deeply about the environment, and she will plant a hardwood tree in her backyard and encouraged Council Members **and the public** to do the same.

Page 7, last sentence of 4th paragraph:

.....If all municipal sources were taken to the highest level, **the** less municipal surplus would be generated to be used to reduce taxes.

.....

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:

She thanked everyone for their participation in making the Memorial Day Commemoration a success; gave special thanks to former Mayor Dunne for his idea to honor the Ryan family. Mayor Holden announced that she will adjust the agenda where the first Invitation for Discussion will be only for items on tonight’s agenda, as the Mayor must leave the meeting early.

REPORTS OF COMMITTEES

Finance and Borough Clerk

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

The Primary Election is Tuesday, June 3, 2008. Polls are open from 6 a.m. to 8 p.m. There are special instructions for parking at the Bayley Ellard High School site; it is necessary to park behind the school (road on the left of the school gym) or to park in front of the Mansion by keeping right past the gym up to the Mansion parking lot (recommended for handicap parking, as it is a shorter walk to voting). Voters cannot get to the voting area through the gym entrance—voters must park either behind the High School or in front of the Mansion. Voters may look for the flag at the door entrance.

Ms. Baillie named all the polling locations:

District 1 - St. Vincent’s Parish Center Entrance Lobby

Districts 2, 4 & 10 - North Star Athletic Club

Districts 3, 7, 11 & 12 - Bayley Ellard High School

Districts 5 & 13 - Madison Public Library

Districts 6 & 14 - Madison Housing Authority

District 8 - YMCA

District 9 - Madison Baptist Church

Ms. Baillie reminded residents that pick-up and drop-off van service is offered by the Madison Senior Center on a regular basis; this may be useful to residents in particular on Election Day. Call the Senior Center Director on the day you need van service between the hours of 8:30 a.m. and 9:00 a.m., and leave a message with your name, address and location where you need to go. You will be called back with the pick-up time.

Public Safety

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

The official phone communication switched over to the new Public Safety Complex at 62 Kings Road; the police have been there for a week or so; Fire Chief Atchison is planning a ceremony for Monday, June 2, at 7 p.m. with the paid and volunteer divisions, and everyone is invited when the Fire Department equipment will be officially moved; the plan is to walk to the original firehouse to Greenwood to Prospect where a brief ceremony will take place officially locking the door at the Hartley Dodge Memorial building Fire Department site.

Public Works and Engineering

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

Mr. Elias thanked the Department of Public Works for their efforts in making the Memorial Day parade a success and thanked all those in the community who helped to celebrate the memory of those who have given so much to everyone over the years. Mr. Elias briefly mentioned all the road programs in Madison which will be under way in the next few months; residents being affected will be notified. The Department of Public Works has been hard at work this week getting the lacrosse fields ready; Mr. Elias briefly spoke about coordination of work between the Board of Education and some of the Borough's committees.

Utilities

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

The Shared Services Committee with the Board of Education had a kick-off meeting last week; the Madison Community Ad Hoc Committee for the 53 acres will have its second meeting next week.

Health & Public Assistance

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

Regarding the Health Department, information on lyme disease will be posted on RoseNet.

Community Affairs

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

There will be two full days of jazz music with the New Jersey Jazzfest on June 7th and 8th.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

Various communications dating from 01/04/2007 to 05/09/2008 regarding issues with a driveway on the property adjacent to home of Mary Kay Schneider of Green Village Road; this correspondence has been handed over to John Elias to follow up.

05/12/2008 - Chris McCormick of Maple Avenue giving property rights issues regarding the proposed third Historic District; requesting that 31 Maple Avenue be excluded from the Historic District.

05/19/2008 - Frank & Mary Alice Ribeiro of Hillside Avenue asking for an official public hearing/meeting before any preliminary applications are filed regarding a proposed Historic District.

05/15/2008 – Carol Bennett stating Ms. Bennett had a certified arborist, John Lang from Friendly Tree Service, look at a tree on her property at the corner of Green Avenue and Woodland Road that is dangerous—the tree is the Zelcova on the Woodland Road side of her property at Green Avenue.

05/13/2008 – Tom Abruzzo of Maple Avenue asking, absent a fair and open hearing, for the immediate termination of the plan for the sake of the taxpayers and homeowners directly affected by the plan for a proposed third Historic District.

05/14/2008 – May Sue Salko regarding Keep Street commuter parking on a street with a three-hour parking limit.

Mr. Elias apologized for not covering the proposed third Historic District during his committee report. Regarding comments on this subject, a proposed third Historic District will not proceed without a full and open hearing; there will be an opportunity for the public to learn the process and to voice their opinions both pro and con; sufficient notice will be given.

INVITATION FOR DISCUSSION (1 of 2)

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

Don Brunner, Redmond Drive, asked about the denial of taxi-livery driver licenses and was advised it was not E-Plus.

Evangeline Lee, Longview Avenue, spoke of a letter she sent in October of 2007 to Recreation Director Doug Smith about the possibility of Madison hosting two youth concerts. Ms. Lee assumed that the events were approved and did not know Council must approve. Ms. Lee has distributed flyers for May 31st and is seeking Council approval for the events. This subject is listed for discussion later in the meeting.

Agenda Discussions

05/28/2008-1 RETROACTIVE APPROVAL OF EMERGENCY CONTRACT TO J. FLETCHER CREAMER FOR EXCAVATION AND INSTALLATION OF CONDUIT AND HAND-HOLE AT MADISON COMMONS IN THE AMOUNT OF \$21,200

Mr. Conley moved approval of Electric Utility Superintendent Michael Piano's request for retroactive approval of emergency contract to J. Fletcher Creamer for excavation and installation of new conduit and hand-hole at Madison Commons in the amount of \$21,200. Ms. Baillie 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

Resolution R 143-2008 so approving is listed on the Consent Agenda.

5/28/2008-2 retroactive approval of emergency purchase order for cable to reconstruct the underground distribution system at Madison commons

Mr. Conley moved approval of Electric Utility Superintendent Michael Piano's request for retroactive approval of emergency contract to Turtle & Hughes for cable to reconstruct the underground distribution system at Madison Commons in the amount of \$61,306.00. Ms. Baillie 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

Resolution R 144-2008 so approving is listed on the Consent Agenda.

05/28/2008-3 status of the architectural contract with the Rosen Group for the space utilization/elevator study for the senior center

Borough Engineer Robert Vogel requested a resolution for a professional services contract to the Rosen Group of Madison, NJ, for an elevator design at the Civic Center in the amount of \$23,800.00. Mr. Codey commented that a number of locations would be presented, and the governing body would decide on the location. Mrs. Vitale will convene the committee formed to study utilization of the Civic Center; Borough Engineer Robert Vogel will ask the Rosen Group to reach out to Mrs. Vitale. Mr. Conley moved approval of Mr. Vogel's request. Ms. Baillie seconded the motion, which passed by voice vote.

A resolution of award will be listed on the June 9, 2008 Consent Agenda.

05/28/2008-4 SEWER & WATER CONNECTION FEE COMPUTATION per NJSA 40A:31-11

Borough Engineer Robert Vogel commented that based on the 2007 survey of Morris County municipalities and further research by municipal consultants, finance officer and auditor, there appears to be a viable revenue source as capital costs rise due to the tightening of potable water quality regulations, construction of new treatment facilities, water mains, upgraded interconnections, etc., associated with operating a public sanitary collection and water distribution system. A portion of these costs should be borne by the development community, especially if proposed demands are far greater than what exists.

Mr. Vogel will come back at a future meeting with a recommendation as to water and sewer connection fees.

05/28/2008-5 AUTHORIZE THE CHAIRMAN OF THE JOINT MEETING TO SIGN RESOLUTION 08-32 OF THE MADISON-CHATHAM JOINT MEETING AUTHORIZING TREATMENT WORKS APPROVAL APPLICATION

The Joint Meeting did not have a quorum of Madison representatives at its last meeting and that is why the Council is being asked to vote on this resolution. Mr. Conley moved approval of authorizing the Superintendent to sign Resolution 08-32 of the Madison-Chatham Joint Meeting authorizing Treatment Works Approval application. Ms. Baillie seconded the motion, which passed by voice vote.

Resolution R 150-2008 is listed on the Consent Agenda for approval.

05/28/2008-6 RETURN ESCROW DEPOSIT HELD SINCE 1979 UPON INSPECTION OF INSTALLATION OF PAVING

There was agreement that the escrow deposit will be refunded to Mr. and Mrs. Easton upon approval of the Borough Engineer after his inspection of the paving at 155 Main Street (Madison Eagle Building).

A resolution will be listed on a future Consent Agenda after Engineer inspection/approval of the paving installation.

Added to Agenda**05/28/2008-7 AWARD ROADWAY SURVEY AND DESIGN CONTRACT FOR GREEN AVENUE SOUTH TO PENNONI ASSOCIATES IN THE AMOUNT OF \$32,900**

Mr. Elias moved approval of Borough Engineer Robert Vogel's recommendation to award the roadway survey and design contract for Green Avenue South to Pennoni Associates in the amount of \$32,900.00. 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

A resolution will be listed on the June 9, 2008 Consent Agenda.

Added to Agenda**05/28/2008-8 AWARD CONTRACT IN THE AMOUNT OF \$21,566.00 TO HEWLETT PACKARD UNDER STATE CONTRACT A70262 FOR 32 COMPUTERS TO REPLACE AGING AND OUT-OF-WARRANTY PC'S ACROSS THE BOROUGH**

Ms. Baillie moved approval of Network Administrator James Sanderson's recommendation to award a contract in the amount of \$21,566.00 to Hewlett-Packard under State Contract A70262 for 32 computers to replace aging and out-of-warranty PC's across the Borough. 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

Resolution R 155-2008 awarding as above described is listed on the Consent Agenda.

Added to Agenda**05/28/2008-9 APPROVE EVENTS AT MEMORIAL PARK FOR MAY 31, 2008, JUNE 1, 2008 AND SATURDAY AUGUST 16, 2008**

Mrs. Vitale moved to amend R 154-2008 to approve Recreation Director Doug Smith's request for approval of Madison Little League events at Memorial Park for June 1, 2008, after Ernie Cicconi, President of Madison Little League, gave assurances as to insurance coverage for the events including the evening movie. Ms. Baillie 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

Discussion continued regarding Mr. Smith's request for approval of two Saturday evening events for May 31, 2008, and August 16, 2008, consisting of band concerts at Memorial Park; discussion included the sensitivity of the neighborhood to noise and lights, police overtime coverage and cost and the lack of information as to whether the co-sponsors have insurance coverage for the events.

Evangelina Lee, Longview Avenue, spoke of fundraising and spoke of wanting to host a concert for musical students; there was a long discussion; Mrs. Lee was advised that these types of activities must be approved by the Council.

Mr. Conley moved that R 154-2008 listed on the Consent Agenda be amended to remove the Youth Concert events of May 31 and August 16, 2008, and be listed to approve only the Little League events for June 1, 2008. The motion was seconded by Mrs. Vitale and carried with the following roll call vote recorded:

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

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Mr. Smith was advised to come up with a good proposal for future events.

Added to Agenda

05/28/2008-10 APPROVE FARMERS MARKET FOR 2008

Mrs. Vitale moved approval of the Farmers' Market for 2008. 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

Resolution R 156-2008 is listed on the Consent Agenda.

Advertised Hearings

Statement of Borough Clerk:

Ordinances for hearing were introduced by title and passed on first reading at a Regular Meeting of the Council held May 12, 2008; both were published in the Madison Eagle and copies made available to members of the public.

ORDINANCE 43 - 2008

ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 5-2008

SETTING SALARY RANGES FOR NON-UNION FULL-TIME EMPLOYEES TO INCLUDE SALARY RANGE FOR JOINT MUNICIPAL TAX ASSESSOR

WHEREAS, the Borough Council has determined to amend Ordinance 5-2008 setting salary ranges for non-union full-time employees to include salary range for Joint Municipal Tax Assessor in accordance with a shared-services agreement between the Borough of Madison and the Township of Millburn authorized by R 118-2008.

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

Section 1. Ordinance 5-2008 setting the salary ranges for non-union full-time employees is hereby amended to include the following salary range in accordance with a shared-services agreement between the Borough of Madison and the Township of Millburn:

TITLE	MINIMUM	MARKET VALUE	MAXIMUM
Joint Municipal Tax Assessor	\$76,893.00	\$90,462.00	\$104,031.00

Section 2. This ordinance shall take effect as provided by law.

Mayor Holden opened up the public hearing on Ordinance 43-2008. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 43-2008, which the Borough Clerk read by title, be finally 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

Mayor Holden declared Ordinance 43-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 44-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$12,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND ACCOUNT CONTAINED WITHIN THE GENERAL CAPITAL FUND FOR SCANNING MACHINE TO DIAGNOSE BOROUGH VEHICLE MECHANICAL PROBLEMS

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$12,000.00

from the General Capital Improvement Fund Account contained within the General Capital Fund to purchase a modular diagnostic scanner and Motor/All data information system; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund Account contained within the General Capital Fund in an amount not to exceed \$12,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$12,000.00 from the General Capital Improvement Fund Account contained within the General Capital Fund to purchase a modular diagnostic scanner and Motor/All data information system; 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 \$12,000.00 is hereby appropriated from the General Capital Improvement Fund Account contained within the General Capital Fund to purchase a modular diagnostic scanner and Motor/All data information system.

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

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

Mayor Holden opened up the public hearing on Ordinance 44-2008. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Elias moved that Ordinance 44-2008, which the Borough Clerk read by title, be finally adopted. Dr. Esposito seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Mayor Holden declared Ordinance 44-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

Introduction of Ordinances

Borough Clerk statement:

The ordinance scheduled for first reading will be published in the Madison Eagle on June 5, 2008, with a hearing date set for June 23, 2008, and copies will be made available to members of the public requesting the same.

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

ORDINANCE 45 - 2008

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 5-2008
SETTING SALARY RANGES FOR NON-UNION FULL-TIME EMPLOYEES TO
INCLUDE SALARY RANGE FOR "MADISON MAIN STREET EXECUTIVE**

DIRECTOR" AND TO INCLUDE SALARY RANGE FOR "CONFIDENTIAL ASSISTANT TO THE CHIEF FINANCIAL OFFICER AND PERSONNEL OFFICER"

WHEREAS, the Borough Council has determined to amend Ordinance 5-2008 setting salary ranges for non-union full-time employees to include salary range for "Madison Main Street Executive Director" and to include salary range for "Confidential Assistant to the Chief Financial Officer and Personnel Officer".

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

Section 1. Ordinance 5-2008 setting the salary ranges for non-union full-time employees is hereby amended to include the following salary range:

TITLE	MINIMUM	MARKET VALUE	MAXIMUM
Madison Main Street Executive Director	\$46,750.00	\$55,000.00	\$63,250.00
Confidential Assistant to the Chief Financial Officer and Personnel Officer	51,000.00	60,000.00	69,000.00

Section 2. This ordinance shall take effect as provided by law.

Ms. Baillie moved that Ordinance 45-2008, 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.

Mr. Conley moved adoption of the Resolutions listed on the Consent Agenda. Mrs. Vitale seconded the motion. R 154-2008 will be held to be read in full by Mr. Mezzacca to reflect the amendments discussed earlier in the meeting. R 157-2008 will be added to the Agenda and be discussed and voted upon separately. In answer to a question about R 146-2008 accepting donation of bicycle racks from Sal Piccolo, Mayor Holden will work with the Parks Committee to come up with an appropriate site or sites for the three donated bike racks. 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

R 141-2008

RESOLUTION OF THE BOROUGH OF MADISON AMENDING R 73-2008 SETTING SALARIES FOR FULL-TIME NON-UNION PERSONNEL TO INCLUDE SALARY FOR THE POSITION OF JOINT MUNICIPAL TAX ASSESSOR PURSUANT TO SHARED SERVICE AGREEMENT WITH TOWNSHIP OF MILLBURN

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that R 73-2008 is hereby amended to include the following person to be compensated at the annual salary or rate of wages pursuant to Shared Service Agreement with the Township of Millburn, adopted and approved by R 118-2008:

<u>POSITION AND NAME</u>	<u>2008 BASE SALARY</u>
Lisa Baratto, Joint Municipal Tax Assessor	\$90,462.00

BE IT FURTHER RESOLVED that the effective date of this salary adjustment is pursuant to the Shared Services Agreement and adoption of Ordinance 43-2008 amending Ordinance 5-2008 setting salary ranges for full-time non-union employees.

R 142-2008

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING MORRIS LAND CONSERVANCY TO SUBMIT AN APPLICATION ON BEHALF OF THE BOROUGH OF MADISON FOR FUNDING UNDER THE YEAR 2008 TO THE MORRIS COUNTY OPEN SPACE TRUST FUND FOR LAND ACQUISITION FUNDS TO PURCHASE A PORTION OF BLOCK 1401, LOT 5 CONSISTING OF APPROXIMATELY 53 ACRES IN FLORHAM PARK FROM ITS CURRENT OWNERS ROCK-FLORHAM, LLC

WHEREAS, the Borough of Madison has negotiated for the purchase of a portion of Block 1401, Lot 5 in the Borough of Florham Park, consisting of approximately 53 acres; and

WHEREAS, the governing body wishes to authorize the Morris Land Conservancy to submit an application on behalf of the Borough of Madison for funding under the year 2008 to the Morris County Open Space Trust Fund for land acquisition of 53 acres from Rock-Florham, LLC, which is part of Block 1401, Lot 5 in the Borough of Florham Park.

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 Morris Land Conservancy is hereby authorized to submit an application on behalf of the Borough of Madison for funding under the year 2008 to the Morris County Open Space Trust Fund for land acquisition of 53 acres which is a portion of Block 1401, Lot 5 in the Borough of Florham Park, said property being currently owned by Rock-Florham, LLC.

R 143-2008

RESOLUTION OF THE BOROUGH OF MADISON APPROVING CONTRACT

AWARDED ON AN EMERGENCY BASIS TO J. FLETCHER CREAMER IN THE AMOUNT OF \$21,200.00 TO EXCAVATE AND INSTALL NEW CONDUIT AND HAND-HOLE FOR RECONSTRUCTION OF UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM AT MADISON COMMONS

WHEREAS, the Electric Utility Supervisor has advised the Council that the underground electric distribution system at Madison Commons required emergency reconstruction in order to protect the health and welfare of the public; and

WHEREAS, the Borough expended \$21,200.00 to excavate and install a new conduit and hand-hole on an emergency basis, pursuant to N.J.S.A. 40A:11-6, and

WHEREAS, the Electric Utility Supervisor engaged the services of J. Fletcher Creamer to perform the emergency work; and

WHEREAS, the Electric Utility Supervisor has requested that the Borough authorize payment to J. Fletcher Creamer in the amount of \$21,200.00 for such work which payment is authorized pursuant to N.J.S.A. 40A:11-6 (b); and

WHEREAS, the Borough Council has determined to authorize payment in the amount of \$21,200.00 for the emergency services performed; and

WHEREAS, the Director of Finance has attested that funds are available in the amount of \$21,200.00 for this purpose, which funds were appropriated by Ordinance 37-2008.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that payment in the amount of \$21,200.00 is authorized to be made to J. Fletcher Creamer for the emergency services it performed as described herein.

R 144-2008

RESOLUTION OF THE BOROUGH OF MADISON APPROVING CONTRACT AWARDED ON AN EMERGENCY BASIS TO TURTLE & HUGHES IN THE AMOUNT OF \$61,306.00 FOR CABLE TO RECONSTRUCT THE UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM AT MADISON COMMONS

WHEREAS, the Electric Utility Supervisor has advised the Council that the underground electric distribution system at Madison Commons required emergency reconstruction in order to protect the health and welfare of the public; and

WHEREAS, the Borough expended \$61,306.00 to purchase cable on an emergency basis, pursuant to N.J.S.A. 40A:11-6, and

WHEREAS, the Electric Utility Supervisor purchased the cable on an emergency basis from Turtle & Hughes; and

WHEREAS, the Electric Utility Supervisor has requested that the Borough authorize payment to Turtle & Hughes in the amount of \$61,306.00 for such purchase which payment is authorized pursuant to N.J.S.A. 40A:11-6(b); and

WHEREAS, the Borough Council has determined to authorize payment in the amount of \$61,306.00 for the emergency purchase; and

WHEREAS, the Director of Finance has attested that funds are available in the amount of \$61,306.00 for this purpose, which funds were appropriated by Ordinance 37-2008.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that payment in the amount of \$61,306.00 is authorized to be made to Turtle & Hughes for the emergency services it performed as described herein.

R 145 – 2008

RESOLUTION OF THE BOROUGH OF MADISON DENYING APPLICATION FOR TAXI-LIVERY LICENSE DATED MARCH 19, 2008

WHEREAS, in accordance with § 173-23 of the Borough Code, every application for a taxi-livery driver's license, together with the other materials and information required to be furnished in connection therewith are presented by the Borough Clerk to the Council of the Borough of Madison; and

WHEREAS, the Council then considers said application, together with the information submitted, and approves or disapproves the granting of the license; and

WHEREAS, the Council notifies the Borough Clerk of its action, and the same is entered in the minutes of the Borough Council; and

WHEREAS, in accordance with N.J.S.A. 2A:168A-2, if an application is denied based upon the grounds for disqualification set forth in § 173-21F, the applicant will be provided with a written explanation based upon consideration of the factors enumerated therein; and

WHEREAS, the Chief of Police has completed investigations of applicant and recommends denial of application for taxi-livery license of dated March 19, 2008.

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 application for taxi-livery license dated March 19, 2008 is hereby denied.

BE IT FURTHER RESOLVED, that in accordance with N.J.S.A. 2A:168A-2, the applicant shall be provided with a written explanation based upon consideration of the factors enumerated.

R 146-2008

RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING DONATION OF BICYCLE RACKS FROM SAL PICCOLO

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WHEREAS, Sal Piccolo of Madison has generously offered to donate three bicycle racks to the Borough; and

WHEREAS, the Borough Council has concluded that it would be in the best interest of the Borough to accept the donated bicycle racks.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris in the State of New Jersey that the Borough accepts the donation of the above described bicycle racks.

BE IT FURTHER RESOLVED that the Borough of Madison expresses its gratitude to Sal Piccolo.

R 147-2008

RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING DONATION OF FURNITURE FROM GIRALDA ONE

WHEREAS, Giralda One has generously offered to donate miscellaneous office furniture to the Borough; and

WHEREAS, the Borough Council has concluded that it would be in the best interest of the Borough to accept the donated furniture.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris in the State of New Jersey that the Borough accepts the donation of the above described office furniture.

BE IT FURTHER RESOLVED that the Borough of Madison expresses its gratitude to Giralda One.

R 148 - 2008

RESOLUTION OF THE BOROUGH OF MADISON APPROVING 2008 LIVERY OWNER'S LICENSE NO. 35 FOR AIR MAX LIMOUSINE LLC

WHEREAS, in compliance with the provisions of Chapter 173 of the Borough Code, application for a Livery License has been made by Mohamed Seif, t/a Air Max Limousine LLC; and

WHEREAS, the above applicant has complied with all requirements of the State Law and above-mentioned Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Livery License No. 35 be issued to Mohamed Seif, t/a Air Max Limousine LLC, effective upon Council approval and through December 31, 2008.

R 149-2008

RESOLUTION OF THE BOROUGH OF MADISON APPROVING 2008 LIVERY DRIVER'S PERMIT NO. 6 FOR MOHAMED SEIF OF AIR MAX LIMOUSINE LLC

WHEREAS, in compliance with the provisions of Chapter 173 of the Borough Code, application for a Livery Driver's Permit for Air Max Limousine LLC has been made by Mohamed Seif, 32 Brooklake Road, Madison, New Jersey; and

WHEREAS, the above applicant has complied with all requirements of the State Law and above-mentioned Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Livery Driver's Permit No. 6 be issued to Mohamed Seif effective upon Council approval and through December 31, 2008.

R 150-2008

RESOLUTION OF THE BOROUGH OF MADISON RATIFYING DECISION OF MADISON-CHATHAM JOINT MEETING TO AUTHORIZE THE SUPERINTENDENT TO ENDORSE THE TREATMENT WORKS APPROVAL APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE BOROUGH OF CHATHAM (RIVER VIEW PUMP STATION) AT BLOCK 99, LOT 1-18

WHEREAS, the Finance Committee and Operating Committee of the Madison-Chatham Joint Meeting have recommended endorsement by the Superintendent of a Treatment Works Approval application to the New Jersey Department of Environmental Protection for the Borough of Chatham (River View Pump Station) at Block 99, Lot 1-18; and

WHEREAS, the authorization for endorsement is reflected in Resolution #08-32 of the Madison-Chatham Joint Meeting.

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 recommendation of the Finance Committee and Operating Committee of the Madison-Chatham Joint Meeting is accepted and therefore the authorization for the Superintendent to sign the Treatment Works Approval application set forth in Resolution #08-32 of the Madison-Chatham Joint Meeting is ratified and approved.

R 151-2008

RESOLUTION OF THE BOROUGH OF MADISON DENYING APPLICATION FOR TAXI-LIVERY LICENSE DATED MARCH 18, 2008

WHEREAS, in accordance with § 173-23 of the Borough Code, every application for a taxi-livery driver's license, together with the other materials and information required to be furnished in connection therewith are presented by the Borough Clerk to the Council of the Borough of Madison; and

WHEREAS, the Council then considers said application, together with the information submitted, and approves or disapproves the granting of the license; and

WHEREAS, the Council notifies the Borough Clerk of its action, and the same is entered in the minutes of the Borough Council; and

WHEREAS, in accordance with N.J.S.A. 2A:168A-2, if an application is denied based upon the grounds for disqualification set forth in § 173-21F, the applicant will be provided with a written explanation based upon consideration of the factors enumerated therein; and

WHEREAS, the Chief of Police has completed investigations of the applicant and recommends denial of application for taxi-livery license dated March 19, 2008.

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 application for taxi-livery license dated March 19, 2008 is hereby denied.

BE IT FURTHER RESOLVED, that in accordance with N.J.S.A. 2A:168A-2, the applicant shall be provided with a written explanation based upon consideration of the factors enumerated.

R 152-2008**RESOLUTION OF THE BOROUGH OF MADISON APPROVING "GIRLS ON THE RUN OF NJ EAST 5K RUN" ON SATURDAY, JUNE 7, 2008 AT MEMORIAL PARKING LOT AND SKATING RINK FIELD AREA**

WHEREAS, Girls on the Run of NJ East has requested to hold a A5K run@ in Madison on Saturday, June 7, 2008; and

WHEREAS, the event will begin at 6:30 a.m., at the Memorial Park parking lot and the skating rink field area on the route approved by the Madison Borough Police Chief; 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 Girls on the Run of NJ East to hold a "5K run" in Madison on Saturday, June 7, 2008, as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department.

R 153-2008**RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF SUMMER INTERNS**

WHEREAS, the Purchasing/Personnel Officer has recommended appointment of Summer Interns for Borough departments as follows:

<u>Name</u>	<u>Department</u>	<u>Rate of Pay</u>	<u>Effective Date</u>
Matthew Taylor	Public Works	\$9.00/hour	May 19, 2008
Antonietta Bernardo	Administration and Clerk	\$9.00/hour	May 19, 2008
Peter Marotta	Public Works	\$9.00/hour	May 22, 2008
Matthew Ciampi	Public Works	\$9.00/hour	May 22, 2008
Mario Bronzino	Public Works	\$9.00/hour	May 27, 2008
Nicholas Prochilo	Financial Administration	\$9.00/hour	May 28, 2008
Vincent Evangelista	Engineering	\$9.00/hour	May 27, 2008

WHEREAS, the Borough Council agrees with these recommendations.

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 Summer Interns set forth herein are hereby appointed at the rates and effective dates set forth herein.

R 154-2008 was removed from the Consent Agenda and considered separately later in the meeting.

R 155-2008

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF
32 DESKTOP COMPUTERS FROM HEWLETT-PACKARD UNDER STATE
CONTRACT A70262**

WHEREAS, the Borough of Madison desires to purchase 32 new desktop computers to replace aging and out of warranty PCs across the Borough from an authorized vendor under State Contract #A70262; 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, Hewlett-Packard has been awarded New Jersey State contract number A70262; and

WHEREAS, the Network Administrator has recommended that the Borough Council utilize this contract for 32 new desktop computers in the amount of \$21,566.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$21,566.00 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 32 new desktop computers from Hewlett-Packard, at a total price not to exceed \$21,566.00 is hereby approved under the New Jersey State contract number A70262.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Hewlett-Packard for the purchase of 32 new desktop computers at a total price not to exceed \$21,566.00 in a form acceptable to the Borough Attorney.

R 156- 2008

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE FARMERS'
MARKET FOR 2008**

WHEREAS, the Downtown Development Commission has recommended to the Borough Council that the Farmers' Market be continued in the Borough of Madison to be held every Thursday beginning June 26, 2008 through Thursday, October 30, 2008; and

WHEREAS, the Downtown Development Commission has requested permission of the Borough of Madison to utilize the Bayley Ellard High School parking lot for the Farmers' Market for the period beginning Thursday, June 26, 2008 through and including Thursday, October 30, 2008; and

WHEREAS, the Borough Council recognizes that the Farmers' Market has been a welcome addition to the Borough in that it creates another community event which has been successfully run in the past; and

WHEREAS, the Borough Council finds that it is a benefit to the Borough of Madison and its citizens to allow the continued operation of the Farmers' Market.

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

1. A Farmers' Market is authorized to be conducted at the parking lot of Bayley Ellard High School from Thursday, June 26, 2008 through and including Thursday, October 30, 2008, with hours of operation from 2:00 p.m. to 7:00 p.m. each Thursday, subject to the terms and conditions of this Resolution passed by the Borough of Madison.

2. The Farmers' Market shall be conducted in accordance with the 1993 "Guidelines for Madison's Farmers' Market", as amended by the 1997 amendments, as well as the 2008 Madison Farmers' Market Regulations and By Laws, subject to the dates and times and other conditions set forth in this resolution. Farmers shall be allowed to sell agricultural products that are produced and sold on their farms, including eggs, pork, wheat flour and baked goods and the sale of field-grown and cut field flowers; however, the sale of potted plants, shrubbery or other landscaping products shall not be permitted.

3. The requirements of the Peddling and Soliciting Ordinance (Chapter 139 of the Madison Borough Code) shall not apply to the Farmers' Market as authorized by Chapter 139-13(c).

4. The requirements of the Sign Ordinance (Chapter 195 of the Madison Borough Code) shall not apply to the extent that the Farmers' Market shall be permitted to have signs as utilized in previous years for the day of the market only commencing from June 26, 2008 through October 30, 2008, at the following sites, or more, and the sign sizes and locations are subject to the approval of the Madison Police Department:

(a) Main Street and Rosedale

(b) Main Street and Greenwood

(c) Main Street and Prospect

(d) Main Street and Central

(e) Kings Road and Prospect (on traffic island)

(f) Kings Road and Green (on flag pole island)

(g) Madison Avenue and Kings Road (traffic island by Grace Church)

(h) Conduurso Way (by James Park)

(i) Park Avenue and Ridgedale

(j) Central Avenue and Ridgedale

(k) Such other locations as may be approved by the Madison Police Department to direct individuals to the Bayley Ellard High School parking lot located at the Danforth Avenue entrance off 205 Madison Avenue

Mr. Mezzacca read R 154-2008 in full:

R 154-2008

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING LITTLE LEAGUE
ALL STAR DAY AND MOVIE NIGHT AT MEMORIAL PARK**

WHEREAS, The Madison Little League has requested permission to hold an All-Star Day and Movie Night at

Memorial Park on Sunday, June 1, 2008, beginning at 12:30 p.m. and ending 10:00 p.m.; and

WHEREAS, the Recreation Director 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 Little League to hold an All-Star Day and Movie Night at Memorial Park on Sunday, June 1, 2008, as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department and Madison Fire Department.

Mr. Conley moved approval of R 154-2008, which Mr. Mezzacca read in full. 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

Added to Agenda:

The Borough Clerk read R 157-2008 by title:

R 157-2008

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PERMISSION FOR FLAGS TO BE FLOWN DOWNTOWN AND RIBBONS TO BE TIED ON TREES FROM JUNE 2, 2008 TO JUNE 23, 2008 IN SUPPORT OF THE MADISON RELAY FOR LIFE TO TAKE PLACE JUNE 20, 2008

WHEREAS, the American Cancer Society has requested permission for flags to be flown downtown and ribbons to be tied on trees from June 2, 2008 to June 23, 2008 in support of the Madison Relay for Life on Friday, June 20, 2008; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the request for flags to be flown downtown and ribbons to be tied on trees from June 2, 2008 to June 23, 2008 in support of the Madison Relay for Life on Friday, June 20, 2008 is hereby approved.

Mr. Conley moved approval of R 157-2008, which was added to the Agenda and read by title by the Borough Clerk. 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

Mrs. Vitale moved approval of Fire Chief Atchison's proposed walk of members of the volunteer and paid divisions on Monday, June 2, 2008, at 7 p.m. from the HDM Fire Department facility along the street to the old Firehouse at 22 Central, then over to the new Public Safety building to commemorate the move. 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

Unfinished Business

Touch-a-Truck

Regarding the Touch-a-Truck event requested by Mrs. Adamczyk, Mr. Conley would like some presence of the Borough at the event, which is supported by the Rotary Club. This will be discussed again.

Municipal Wastewater Management Planning Technical Committee

Mayor Holden commented that a letter was received from the County requesting that a Committee be formed consisting of at least three municipal staff and/or officials who are knowledgeable about wastewater, water supply, land use and zoning in the Borough. After the Council has had a chance to read the material, the committee will be formed.

Because Mayor Holden had to leave, the balance of the meeting was turned over to Mr. Conley.

INVITATION FOR DISCUSSION (2 of 2)

Acting Mayor Conley opened the meeting to the public for their opportunity to ask questions and make comments and 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.***

Donald Brunner, Redmond Drive, asked when the Council decided to pull the tree ordinance as the announcement of pulling the ordinance happened at the beginning of the meeting. Mrs. Vitale responded that the tree ordinance was discussed in Executive Session as potential litigation. Mr. Brunner asked how Dr. Esposito was picked from the candidates for the unexpired term of Mrs. Holden; Mr. Mezzacca replied that there was no discussion beforehand by the Council, and that the Council did the process and made the appointment in the Public Session; there was no discussion in Executive Session.

Mrs. Vitale commented that the Council came to a decision to itemize each subject being discussed in Executive Session, and this is announced in the Resolution to Adjourn to Executive Session.

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

APPROVAL OF VOUCHERS

On motion by Ms. Baillie, 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 \$18,026.82

Health & Public Assistance 2,982.98

Public Works & Engineering 87,947.35

Community Affairs 6,979.75

Finance & Borough Clerk 409,753.43

Utilities 1,260,629.37

Total \$1,786,319.70

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

Mr. Elias moved that Jack Kranefuss be appointed as Alt. #2 to the Shade Tree Management Board for the unexpired term (Finn) to 12/31/2010.

Adjournment

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

Respectfully submitted,

Marilyn Schaefer

Borough Clerk

Approved June 9, 2008 (MS)