

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

March 9, 2009 - 7 p.m.

Call to Order

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 9th day of March 2009. Mayor Holden called the meeting to order at 7 p.m. in Room #210, Mayor's Office, of Bayley-Ellard High School, 205 Madison Avenue, 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 Bayley-Ellard High School, and filing a copy in the office of the Clerk, all on January 6, 2009. This Notice was made available to members of the general public."

Roll Call

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

Mayor Mary-Anna Holden

Council Members:

Astri J. Baillie

John M. Elias

Robert H. Conley

Jeannie Tsukamoto

Vincent A. Esposito

Dan S. Dunham

Also Present:

Raymond M. Codey, Borough Administrator

Marilyn Schaefer, Borough Clerk

Joseph Mezzacca, Jr., Borough Attorney

AGENDA REVIEW

There was approval of the Regular and Executive Agenda.

Reading of Closed Session Resolution

Mrs. Tsukamoto moved:

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

MINUTES FOR APPROVAL (2)
Executive Minutes of February 9, 2009

Executive Minutes of February 23, 2009

CONTRACT MATTERS (4)
LIBERTY MUTUAL

PAYMENT TO CHATHAM MAIN

HDM STATUS

SPACE ON KINGS ROAD CELL TOWER

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

PERSONNEL MATTERS (3)

APPOINT PROJECT COMMUNITY PRIDE DIRECTOR

APPOINT TRUCK DRIVER IN PW DEPARTMENT

LEAVE OF ABSENCE

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

Seconded: Ms. Baillie

Vote: Approved by unanimous voice vote

Reconvene in Council Chamber

Mayor Holden reconvened the Regular Meeting at 8 p.m. in the 3rd Floor Meeting

Room of Bayley-Ellard with all members present. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Executive Meeting Minutes of February 9, 2009**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

Nays: None

Ms. Baillie moved approval of the **Executive Meeting Minutes of February 23, 2009**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

Nays: None

Ms. Baillie moved approval of the **Regular Meeting Minutes of February 9, 2009** with the following amendments:

Page 7, Discussion #7

.....there remain unsold approximately 30 commuter parking spaces **permits**.....

Page 3, Greetings to Public, last paragraph:

..... Congressman Frelinghuysen was hoping to be able to vote on individual projects **smaller grouped, jobs-related projects** rather than on a whole package of projects.

Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

Nays: None

Ms. Baillie moved approval of the **Regular Meeting Minutes of February 23, 2009** with the following amendments:

Page 3 of 11 – Public Safety Report, last sentence:

..... The ~~Department of Public Works~~ **Boy Scouts** will put the benches together and place them in the park. In addition, a Boy Scout project to clear and plant a 'sensory garden' is a reality to be enjoyed for the first time this spring. **The 'sensory garden' will be fenced and plants identified with stakes.**

Page 4 of 11 – Public Works and Engineering

..... Today is the 104th anniversary of the founding of the ~~Madison~~ Rotary Club **International**.....

Page 4 of 11 – Finance and Borough Clerk, last sentence:

..... The final budget adjustments will be ~~scheduled~~ **rescheduled** at a later date.

Page 3 of 11 – Family Challenge at Bayley-Ellard

Mayor Holden commented that Madison took part in ~~the a~~ dodge ball tournament at the **Active** Family Challenge at Bayley-Ellard this past weekend and **Alfred's Sports Shop team** won the **Mayor's** trophy, which will be displayed at ~~Stewart-Morris~~ **their store**. The dodge ball event was so much fun that another dodge ball event is being planned for ~~May~~ **April** 2009.

Page 4 of 11 – Communications and Petitions

Last sentence as to communication from William P. Henry, Nordling Lane, February 19, 2009, the following will be added at the end of the statement: **The Code Official will respond.**

Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

Nays: None

Ms. Baillie moved approval of the **Reorganization Meeting Minutes of January 1, 2009**, with the following amendments:

Page 8 of 24, Election of Council President:

.....Mr. Conley **Elias** seconded

Page 1 of 24, Invocation:

....."St. Paul Inside the Walls",.....

Page 2 of 24, Presentation of Colors:

..... Mayor Holden acknowledged **World War II Veteran** David Squibb, who sang **sang** the National Anthem, "~~The Star Spangled Banner~~", after which the ~~Retiring of Colors took place~~ **were retired**.

Page 3, Presentation by Senator Tom Kean to Outgoing Council Member Vitale:

.....Senator Kean announced and presented a **Joint** Resolution....

Page 3, last sentence of Special Presentation to retiring Police Chief Vincent Chirico:

..... Mrs. Vitale felt it was important to show recognition of Chief Chirico's service by presenting him with a **Retired Chief S**hield in his honor.....

Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

Nays: None

GREETINGS TO PUBLIC

Mayor Holden called forward the following volunteers to honor them for their service to the Borough and to present each of them with a Medallion for their service. There was a long round of applause for each recipient:

Medallions:

Dr. George Van Orden

Environmental Commission

1997 – 2008

John W. Kennedy

Environmental Commission

2002 – 2008

Mayor Holden made the following announcements:

Employee of the Month for March

Kris MacDougall of the Department of Public Works was named Employee of the Month for March 2009 in honor of his steady and reliable work as a mechanic in the service department; the new ideas and solutions he offers gets the job done faster. He is an asset to the department; he made it possible to keep up with the extra work load during the absence of a third mechanic.

30th Anniversary

Carol Hilligas of the Health Department on March 26th.

20th Anniversary

Robert Kalafut, CFO, on March 1st.

20th Anniversary

Christine Shesler of the Health Department on March 1st.

Proclaiming March 2009 as Madison Young Playwrights Month

Mayor Holden read and presented the following Proclamation to Alex Sarian, Education Associate at the Playwrights Theatre, who was present along with young playwrights and their families:

Proclamation
of the
Borough of Madison
Proclaiming March 2009 as
Madison Young Playwrights Month
at
Playwrights Theatre
Madison, New Jersey

Whereas, Playwrights Theatre, founded in 1986, has nurtured playwriting skills for all ages, produced performances, and offered new plays to local and statewide audiences as a result of its dedication to prospective playwrights; and

Whereas, Playwrights Theatre brings a unique program to the students of the community through the expertise of trained teaching artists, and provides personal, one-on-one instruction that improves writing and communication skills while developing creativity and self-expression; and

Whereas, Playwrights Theatre, through its local initiative, the Madison Young Playwrights Program and Festival, will present a performance on Saturday afternoon, March 28, of elementary and junior high school plays; and

Whereas, Playwrights Theatre has successfully undertaken statewide initiatives through the New Jersey Writers Project, a co-sponsored program of the New Jersey State Council on the Arts/Department of State, reaching over 15,000 students annually throughout New Jersey; and

Whereas, Playwrights Theatre has continually received a positive response from students, teachers, and parents for its effectiveness in working with all students, many of whom have realized the benefits of self-discovery through playwriting. A number of Madison students have won statewide recognition in the New Jersey Young Playwrights Contest, while others have pursued careers in writing;

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim March 2009 as **MADISON YOUNG PLAYWRIGHTS MONTH**. In so doing, I extend very best wishes to Playwrights Theatre for continued growth and success as its local and statewide initiatives are fostered and cultivated through the art of creative writing and searching for the undiscovered writer. Further, I encourage the public's participation to attend performances and commend our young playwrights for their creativity and artistry.

Mary-Anna Holden, Mayor

March 9, 2009

REPORTS OF COMMITTEES

Public Safety

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

Ms. Baillie congratulated the Police Department on savings in their operating budget and capital budget. They have determined that they will need only one regular police vehicle this year—they have determined that the best thing to do is to replace the broken-down community service officer's car with an energy efficient compact model. There has been some confusion—it was never the intention to permanently remove the School Resource Officer; there has been some different restructuring of the department, and the department will be able to continue to staff the school with the School Resource Officer through the school year and the upcoming year as well. The Police Department has had some in-service training including leadership, supervision, blood-borne pathogen training and traffic engineering.

The Fire Department continues to do fire subcode inspections, smoke detector inspections, and fire incident reports, which are sent to the New Jersey Division of Fire Safety; they continue to complete courses in fire safety and inspection of detectors at the Central Avenue School.

Utilities

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

Public Works and Engineering

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

Finance and Borough Clerk

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

We are continuing our Budget Work Sessions. The next one is scheduled for Thursday, March 19, 2009; we will continue to discuss our capital budget for the year; also some other items on the agenda will be the temporary budget, sewer rates, electric rates and water rates.

Community Affairs

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

Dr. Esposito reminded everyone that the annual Taste of Madison will take place on March 11, 2009, at its new venue at the Ferguson Recreation Center of Fairleigh Dickinson University. This annual fund-raising event is organized by the Rotary Club of Madison, the Madison Chamber of Commerce and the Madison Downtown Development Commission, and will feature food, desserts and gourmet coffee offered by over 20 participating restaurants of Madison, NJ. The wines will be donated and presented by the members of the Napa Valley Vintners Association, working in conjunction with Gary's Wine and Marketplace, with wine tasting not only from California, but from around the world as well. V.I.P tickets will be sold at \$100.00 and regular admission at \$65.00; the V.I.P. doors open up at 6 p.m., and regular admission opens up at 7 p.m. Tickets may be purchased at Gary's Wine and Marketplace or online at www.tasteofmadison.org.

The Downtown Development Commission (DDC) is mounting another "If you Love Madison, Shop Madison" campaign in 2009 with a Merchant Window Display Contest. The Shop Madison campaign over the holiday season was a great success given the current economic recession; merchants need our continued support as best we can. The DDC has come up with this campaign to promote and encourage local shopping; window displays must be completed by March 20th, and the only requirement is that the "If You Love Madison, Shop Madison" logo be incorporated into their design. Windows will be judged by overall theme, creativity and originality, visual appeal and most improved; the judging will take place on the last day in April.

One of the major businesses which opened up this past week is the Prospect Tavern on Prospect Street next to the Stop & Shop parking lot. They serve great steak and ale.

The Madison Recreation Department, in a shared service with Millburn Recreation, is selling permits for Millburn's Par 3 Golf Course to Madison Residents 21 years of age and older; there are limited and full memberships available. For details, contact Doug Smith at the Madison Recreation Department.

The staff and students of Madison High School are inviting Madison senior citizens to their fifth annual dinner theater event on Wednesday, March 18, 2009.

This year's production is called "Into the Woods"; it is a musical mix of familiar fairy tales and original stories about a childless baker and his wife who try to reverse a curse on their family. Dinner will be served, and the admission is free. Reservations are required and may be made by calling 973.593.3095.

Health & Public Assistance

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

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communication:

Sam Cerciello, Park Avenue, communicating comments he received from other members of the public giving suggestions on how the Borough Council may reduce the budget.

INVITATION FOR DISCUSSION (1 of 2)

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

Sam Cerciello, Park Avenue, speaking of candidates he wished were appointed, asked about the appointment of the truck driver position. He was advised that the recommended appointment was Andrew Atchison. He was advised that there were 78 applicants. All Madison residents were interviewed. The most qualified candidate is being recommended for the job.

Jim McCloskey, Dean Street, spoke against raising water rates. He asked the Council to do something to reduce Madison taxes, not increase them.

Agenda Discussions

03/09/2009-1 AMENDING CHAPTER 147 ENTITLED "FEES FOR PUBLIC

02/23/2009-3 RECORDS AND DOCUMENTS" ESTABLISHING/

INCREASING FEES FOR POLICE RECORDS

There was consensus to approve Acting Police Chief John Trevena's recommendation to increase fees to more accurately reflect the costs involved.

Ordinance 13-2009 is listed for introduction later in the meeting.

03/09/2009-2 AMENDING THE BOROUGH CODE TO INCLUDE A NEW CHAPTER 82 ENTITLED "CLOTHING BINS"

There was consensus to adopt an ordinance to regulate clothing bins in conformity with N.J.S.A. 40:48-2.70 et. seq. The Code currently requires a zoning permit for placement of a clothing bin; this proposed ordinance would require that in addition to the zoning permit, the person or entity also obtain a permit, valid for a period of one year, issued by the Borough Clerk, upon approval of the Borough Council in accordance with new state law. This proposed ordinance is for identifying the entity on the bin for which a permit must be issued each year.

Ordinance 12-2009 is listed for introduction later in the meeting.

03/09/2009-3 AMENDING CHAPTER 195 OF THE BOROUGH CODE, LAND DEVELOPMENT ORDINANCE TO REZONE CERTAIN PROPERTIES ALONG COOK AVENUE AND RIDGEDALE AVENUE TO "R-5A ZONE".

There was consensus to approve the recommendation to create a new Zone R-5A that would extend east of Ridgedale Avenue and north of Cook Avenue (Community Place up Cook Avenue to Ridgedale and along Ridgedale ending at the property line of the Sayre House) including the following lot and block numbers: Block 1601 Lots 24 through 32. The purpose of the zone is to provide a range of housing opportunities and appropriate development standards for properties located at the edge of the Central Business District and adjacent to multi-family development. The uses which are being proposed in this new zone would complement and support the downtown commercial core, are compatible with abutting residential uses, and reflect the area's accessibility to mass transit and public services. The standards of this zone are intended to encourage superior building aesthetics, sustainable building practices, adaptive reuse of historic resources and streetscape enhancement at a scale appropriate to this area and the Borough. Upon first reading and adoption by the Council, the ordinance will be referred to the Planning Board for its comment and approval, then it will come back to the Council for public hearing and consideration for final approval. Mr. Mezzacca commented that COAH rules have changed again, and he requested a meeting with the Borough planners, along with other Borough officials, regarding the ordinance before the final reading. Neighbors within 200 feet of the proposed new zone will be noticed upon introduction of this ordinance.

Ordinance 11-2009 is listed for introduction later in the meeting.

03/09/2009-4 DDC ORDINANCE

This ordinance will be brought back at the next meeting. Comments included that because of lack of a quorum last year, the Downtown Development Commission (DDC) was unable to conduct business at about four of the eleven scheduled meetings. The new DDC bylaws will be integrated into a new ordinance for the DDC. A compare copy of the proposed ordinance will be sent home to the Mayor and Council.

Ordinance 14-2009 will not be listed for introduction later in the meeting.

03/09/2009-5 YOUTH MUSIC CONCERTS REQUEST FOR MAY 30, 2009 & AUGUST 15, 2009 FROM 4 TO 7 P.M. AT BAYLEY-ELLARD

There was consensus to approve the dates, to waive the permit fees and to co-sponsor the event as was done last year; appropriate paperwork will be filed by the applicant before the event upon approval of reserving the dates. In the event of inclement weather, the events would be moved indoors. The same procedure as last year will be followed. There is nothing else on the Borough Recreation calendar for those dates. Recreation Director Doug Smith and Administrator Codey will be present on those dates.

Resolution R 84-2009 is listed on the Consent Agenda to secure the dates.

03/09/2009-6 AWARDDING CONTRACTS TO REIVAX, INTERSTATE AND MATINA

There was consensus to approve contracts to Reivax, Interstate and Matina as requested by Borough Engineer Robert Vogel.

Three resolutions, R 90-2009 (Reivax), R 91-2009 (Interstate) and R 92-2009 (Matina, which payment will not be released until repaving is done on Pomeroy), are listed on the Consent Agenda; Ordinance 15-2009 (Interstate) is listed for introduction later in the meeting.

03/09/2009-7 AUTHORIZING PARTICIPATION IN NEW JERSEY SHARES PROGRAM TO PROVIDE ASSISTANCE TO MADISON RESIDENTS IN NEED OF TEMPORARY HELP PAYING UTILITY BILLS (GAS AND ELECTRIC)

This is a program funded by traditional gas and electric suppliers; Mr. Codey commented that the BPU was persuaded to make the program available to Madison residents even though Madison has its own Electric Utility. The BPU has been petitioned for a second source of funding for the gas bills. There was consensus to approve the recommendation of Mr. Codey to authorize participation in the above-mentioned program. Welfare Director Linda Durney and Senior Coordinator Edna lerley-Byrne will be the contact personnel in

Madison. The Borough must agree not to shut off any grant recipient for 30 days. A fact sheet went out with all Madison energy bills.

Resolution R 82-2009 is listed on the Consent Agenda.

03/09/2009-8 OPEN SPACE, RECREATION & HISTORIC PRESERVATION TRUST FUND

There was consensus to approve Ms. Baillie's recommendation to establish a separate dedicated account to provide a secure way for individuals to make tax-deductible contributions to the development of the Madison Recreation Center. Comments included that it is time to start a capital campaign for development of the property. The resolution will be worded accordingly.

Resolution R 86-2009 is listed on the Consent Agenda with amended language.

03/09/2009-9 GREEN ACRES GRANT FUNDING

Ms. Baillie asked for clarification as to whether to request further grants from the County Green Acres Program for the Madison Recreation Center. Before the Borough may submit for a grant, the property has to be annexed to the Borough. The entire tract has to be made available for public use. Once Green Acres funding is accepted, restrictions would include that anyone may schedule use of the fields, but Madison has first priority. There was discussion of use of solar panels at the Madison Recreation Center for powering the area. There was agreement to continue to discuss this, and Ms. Baillie will ask the Morris Land Conservancy to look into the solar panel issue.

03/09/2009-10 DRAFT AFFORDABLE HOUSING ORDINANCE

A resolution was not needed; R 87-2009 was removed from the Consent Agenda.

03/09/2009-11 AFFORDABLE HOUSING DEVELOPMENT FEE ORDINANCE

A resolution of the Council is needed to authorize sending the draft Affordable Housing Development Fee ordinance to COAH.

There was consensus to list Resolution R 88-2009 on the Consent Agenda so authorizing.

03/09/2009-12 RESOLUTION REGARDING FUNDING OF MUNICIPAL PUBLIC LIBRARIES

There was consensus to list a resolution on the Consent Agenda opposing the new state formula reducing funding of Libraries, as requested by Library Director Nancy Adamczyk.

Resolution R 89-2009 is listed on the Consent Agenda.

03/09/2009-13 AD HOC ADVISORY COMMITTEE FOR THE MADISON RECREATION CENTER

This committee was created in 2008; there was concurrence that the committee as constituted last year served its purpose; discussion followed on whether to reconstitute the committee focusing on development of the Madison Recreation Center. It was noted that specific individuals appointed by the Mayor do not have the power to appoint others; all appointments are made by the Mayor with the approval of the Council; methods for getting as much input as possible should be used.

Mayor Holden will list the appointments under New Business later in the meeting.

03/09/2009-14 AWARD CONTRACT TO OMLAND ENGINEERING ASSOCIATES, INC FOR PROFESSIONAL SERVICES FOR WOODLAND ROAD CONSTRUCTION DOCUMENTS (GARFIELD, BARNSDALE, STATE AID PORTION) IN THE AMOUNT OF \$15,400.00

There was consensus to list on the Consent Agenda a resolution awarding the contract as recommended by Borough Engineer Robert Vogel and Administrator Ray Codey.

Resolution R 85-2009 is listed on the Consent Agenda.

03/09/2009-15 ADOPT A FEE SCHEDULE FOR INSPECTION OF HOTELS AND MULTIPLE DWELLINGS

There was consensus to create an inspection schedule for three units or greater and present an ordinance in this regard as recommended by Code Enforcement Officer Len Taylor. The state inspects once every five years; the Borough proposes to inspect three times in a five-year period.

There was no objection to bringing an ordinance for introduction to a future meeting.

03/09/2009-16 CREATION OF DISPATCHER POSITION AND SALARY RANGE IN THE POLICE DEPARTMENT AND AUTHORIZATION TO ADVERTISE ONCE ESTABLISHED

This is an outgrowth of budget discussions with Acting Police Chief Trevena; the goal would be to have police dispatchers instead of uniformed officers manning the dispatch desk; these positions would be in lieu of hiring police officers to replace retiring officers. There was discussion of establishing a shared service with other towns to have Madison provide dispatch services

The goal would be to create a salary range, and post and advertise for these dispatcher positions. It is anticipated that these positions would be non-union.

There was consensus to establish the position and a salary range by ordinance in accordance with the draft job description submitted to the Mayor and Council. A draft ordinance will be listed on a future agenda.

Advertised Hearings

The Clerk made the following statement:

Land Development Ordinances 5-2009 and 6-2009 were introduced by title and passed on first reading at a regular meeting of the Council held on February 9, were published in the Madison Eagle on February 12, 2009, were posted and filed according to law, and copies were made available to the general public requesting same.

ORDINANCE 5-2009

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195, ARTICLE V OF THE BOROUGH CODE ENTITLED "LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF MADISON" TO AMEND THE ZONING MAP SO AS TO INCLUDE ALL OF BLOCK 1401 LOT 2 IN THE P ZONE

WHEREAS, the Madison Planning Board recently reviewed the boundary line between the R-5 zone and the P zone in connection with Lot 2 in Block 1401, and recommended that all of Lot 2 in Block 1401 be included in the P zone and that the official Zoning Map be amended to reflect such change; and

WHEREAS, the Borough Council desires to make such amendment to the Zoning Map, which map is incorporated into the Zoning Ordinance by Chapter 195-29.1 of the Borough Code.

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 official Zoning Map, as adopted by Chapter 195 entitled "Land Development Ordinance of the Borough of Madison" section 29.1 entitled "Zoning Map" is hereby amended to change the zone boundary line between R-5 and P to include all of Lot 2 in Block 1401 on Madison Avenue in the P zone.

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

Mayor Holden opened up the public hearing on Ordinance 5-2009. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 5-2009, 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, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

Nays: None

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

Mr. Mezzacca requested that, although contained in the body of the ordinance, Lot 1401 be put in the title. This is a minor correction.

ORDINANCE 6-2009

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF THE BOROUGH CODE, LAND DEVELOPMENT ORDINANCE, SECTION 32.2 ENTITLED "RC SINGLE-FAMILY RESIDENTIAL CLUSTER ZONE REGULATIONS"

WHEREAS, the Borough Administrator has recommended amending Chapter 195 of the Borough Code, the Madison Land Development Ordinance, Section 195-32.2, entitled "RC Single-Family Residential Cluster Zone regulations" to more precisely reflect the current uses within the zone; and

WHEREAS, the Borough Council has considered the proposed amendment to the Madison Land Development Ordinance and wishes to amend the Code as recommended.

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 195 of the Borough Code entitled "Madison Land Development Ordinance" shall be amended as follows:

SECTION 1: Section 195-32.2, entitled "RC Single-Family Residential Cluster Zone regulations" is hereby amended to read as follows:

§ 195-32.2. RC Single-Family Residential Cluster Zone regulations.

A. Purposes. The purpose of this zone is to:

(1) Encourage the continued use, maintenance and renovation of the existing buildings and site improvements previously devoted to use as Bayley Ellard High School.

....

B. Principal permitted uses.

....

(3) Religious and/or educational uses of the existing buildings and site improvements previously devoted to use as Bayley Ellard High School.

(4) Public uses.

....

SECTION 2: All other provisions of Section 195-32.2 that are not amended herein shall remain the same.

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

Mayor Holden opened up the public hearing on Ordinance 6-2009.

Barbara Wattenbach, Shadylawn Drive, commented that upon reviewing the mailing received on this ordinance, the map was an old map; it was determined that an updated map would be forwarded to all property owners within 200 feet.

Chuck Paul, Shadylawn Drive, commented that this property was encouraged as a high school before, and now is encouraged as public use. Mayor Holden

commented that the Diocese told the Borough that what was the Mansion and convent will be used as a center for faith development; some of the identified purposes were already in the ordinance; this ordinance adds use as a public facility and legitimizes use by the Borough of this former high school facility.

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

Ms. Baillie moved that Ordinance 6-2009, which the Borough Clerk read by title, be finally adopted. Dr. Esposito seconded the motion. There was no further discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

Nays: None

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

Note: Ordinance 7-2009 was finally adopted on February 23, 2009

Ordinances 8-2009 and 9-2009 were introduced by title and passed on first reading at a regular meeting of the Council held on February 23, 2009, were published in the Madison Eagle, posted and filed according to law, and copies have been made available to members of the public requesting same.

ORDINANCE 8-2009

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 75 OF THE BOROUGH CODE ENTITLED "BUILDING CONSTRUCTION" TO AMEND CERTAIN FEES

WHEREAS, the Construction Official has recommended that the Borough Code be amended to establish a minimum electrical inspection fee of \$46 and to increase the alteration inspection fee from \$17 per thousand dollars of construction cost to \$20 per thousand dollars of construction cost; and

WHEREAS, the Borough Council has determined to amend the fees in accordance with said recommendation.

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: Section 75-14 of the Borough Code entitled "Fees" subparagraph A.(1) (b) shall be amended to state "For renovations, alterations and repairs: \$20 per \$1,000 of estimated cost of the work, provided that the minimum fee shall be \$46."

SECTION 2: Section 75-14 of the Borough Code entitled "Fees" subparagraph A.(3) shall be amended to state "The electrical subcode fee shall be 100% of state fees, provided that the minimum fee shall be \$46."

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

Mayor Holden opened up the public hearing on Ordinance 8-2009. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 8-2009, which the Borough Clerk read by title, be finally adopted. Mr. Dunham seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

Nays: None

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

ORDINANCE 9-2009

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

WHEREAS, certain changes are required in the salary ranges for non-union part-time employees;

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

Section 1. Ordinance 2-2009 is hereby amended by this ordinance to include the below, amended part-time salary range:

POSITION	MINIMUM	MAXIMUM
Temporary Building Inspector	\$15.00/hr	\$25.00/hr

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

Mayor Holden opened up the public hearing on Ordinance 9-2009. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 9-2009, which the Borough Clerk read by title, be finally adopted. Mr. Dunham seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

Nays: None

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

Introduction of Ordinances

The Clerk made the following statement:

Ordinances scheduled for first reading have a hearing date set for March 23, 2009, except for Land Development Ordinance 11-2009, which will have a hearing date set for April 13, 2009; all will be published in the Madison Eagle, posted on the Bulletin Board 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 10-2009

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 190 OF THE MADISON BOROUGH CODE ENTITLED "WATER" TO AUTHORIZE THE REVISION OF THE BOROUGH OF MADISON'S WATER RATES AND SERVICE FEES

WHEREAS, the Chief Financial Officer of the Borough of Madison has recommended that the water utility rates be increased due to increased costs

primarily for significant water main replacements and also to be more comparable with other water utility companies; and

WHEREAS, the Chief Financial Officer has recommended that Section 190-32 A of the Borough Code regarding Water Rates for Metered Service be amended to read as follows:

190-32 A. (1) All water furnished in any quarter annual period shall be priced at the following rates:

Rates per 100 Cubic Feet

0 to 1,000 \$2.19

1,001 to 3,000 \$2.31

3,001 and higher \$2.53

subject to the minimum quarterly charge required in Subsection B below.

(2) The water rates for metered services shall increase each year, effective January 1, 2010 and each January 1 thereafter by the Cost of Living Adjustment (COLA, formerly called the Index Rate) which is applicable to municipal and county budge caps. The COLA is based on the Implicit Price Deflator for State and Local Governments, calculated by the U.S. Department of Commerce, Bureau of Economic Analysis. Said increased rates shall be reflected in a resolution to be adopted by the Borough Council each year.

WHEREAS, Borough Chief Financial Officer has further recommended that Section 190-32 B of the Borough Code be amended to further reflect the following new rates:

Meter Size (inches)	For Any Amount of Water Furnished Not in Excess of (Cubic Feet)	Minimum Charge (per quarter)
------------------------	-----------------------------------------------------------------------	---------------------------------

5/8	805	\$17.63
¾	805	\$17.63
1	2,010	\$45.23
1½	4,021	\$93.93
2	6,433	\$154.95
3	7,343	\$177.98
4	11,801	\$290.77
6 and greater	22,286	\$556.04

WHEREAS, the Borough Council, after due consideration has determined to proceed with said recommendation.

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: Section 190-32 of the Borough Code entitled "Water Rates for Metered Service" is hereby amended to revise the water utility rates as set forth herein.

SECTION 2: All other rates and terms remain the same, except those changed herein.

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

Mrs. Tsukamoto moved that Ordinance 10-2009, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

Nays: None

ORDINANCE 11-2009

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF THE BOROUGH CODE, LAND DEVELOPMENT ORDINANCE TO REZONE CERTAIN PROPERTIES ALONG COOK AVENUE AND RIDGEDALE AVENUE TO "R-5A ZONE".

WHEREAS, the Borough Council has determined to create a R-5A zone to provide a range of housing opportunities and appropriate development standards for properties strategically located at the edge of the Central Business District and adjacent to multi-family development.

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 195 of the Borough Code entitled "Madison Land Development Ordinance" shall be amended as follows:

SECTION 1: Section 195-32.14 R-5A Zone is added to the Land Development Ordinance as follows:

A. Purpose. The purpose of this zone is to provide a range of housing opportunities and appropriate development standards for properties strategically located at the edge of the Central Business District and adjacent to multi-family development. The uses permitted are those that complement and are supportive of the downtown commercial core, are compatible with abutting residential uses, and reflect the area's accessibility to mass transit, public services and major roadways. The standards of this zone are intended to encourage superior building aesthetics, sustainable building practices, adaptive reuse of historic resources, and streetscape enhancement at a scale appropriate to this area and the Borough.

B. Principal permitted uses:

(1) Single-family detached dwellings in accordance with the standards of the R-4 Zone

(2) Two-family dwellings, in accordance with the standards of the R-4 Zone;

(3) Attached single-family dwellings/townhouses and apartments, whether attached to one another horizontally, vertically, or by some combination of the two.

C. Accessory uses:

(1) Uses that are customarily incidental and accessory to the principal use.

D. Area, Height and Bulk Requirements:

(1) Minimum lot area: 65,000 sq. ft.

(2) Maximum height/stories:

a. 3 stories/ 35 feet along Ridgedale Avenue frontage as measured from the top of the curb of Ridgedale Avenue to the highest point of the roof surface exclusive of chimneys and mechanical penthouses; and,

b. for buildings located on Ridgedale Avenue that have the majority of their frontage on Ridgedale Avenue and extend along the Cook Avenue frontage, the height of the building along Cook Avenue for the first 70 feet of linear building frontage (measured from the Ridgedale Avenue front yard setback line) may exceed 35 feet up to a maximum of 40 feet, as measured from the top of the curb of Cook Avenue to the highest point of the roof surface, only to allow for a section of continuous roofline and enclosed parking level; otherwise, the height of any buildings fronting Cook Avenue shall be as noted in c. below

c. 3 stories/35 feet along Cook Avenue frontage as measured from the top of the curb of Cook Avenue to the highest point of the roof surface exclusive of chimneys and mechanical; and,

d. An overall maximum building height in the zoning district of 3 stories/35 feet, measured as the average vertical distance from grade to the level of the highest point of the roof surface (exclusive of chimneys and mechanical penthouses which cannot exceed five feet). The reference grade plane for computing height shall be established by the lowest points within the area between the structure and the property line as determined by perpendicular offset from the structure wall, or, where the property line is more than 10 perpendicular feet from the structure, the lowest points between the structure and within 10 feet, or, where a

public road exists within 50 feet of the structure, the top of the curb of the public road shall be used. Ground levels are to averaged at no more than 60 foot intervals and shall include all building corners.

e. Enclosed parking shall not count as a story if the exposure of the parking level at the setback line of any public street is less than 3.5 feet as measured from the proposed or existing grade to the underside of the structure of the floor above.

(3) Minimum setbacks for principal buildings:

a. Front yard: Minimum of 18 feet along Cook Avenue and minimum of 25 feet along Ridgedale Avenue.

b. Side yard: 25 feet minimum.

c. Rear yard: 25 feet minimum.

d. Building separation: 20 feet minimum.

(4) Setbacks for accessory buildings: 15 feet to any side or rear yard; no accessory buildings allowed in any front yard.

(5) Maximum impervious coverage: 55%

(6) Minimum number of buildings per tract or lot: 2 buildings (exclusive of accessory structures); for lots greater than 85,000 sq. ft. there shall be a minimum of 3 buildings exclusive of accessory structures.

(7) Maximum building coverage: 30%

(8) Maximum dwelling units per acre: 12 units per acre base density, with bonuses as follows:

a. Incorporation of green building/design techniques to achieve at least a Silver level LEED certified project: Bonus of 10% over base density.

b. Preservation, rehabilitation, and occupancy of one or more historically significant structures within a designated historic district on the site: Bonus of 10% over base density and cannot be combined with (c) below

c. Preservation and incorporation of one or more historic facades into proposed development: Bonus of 5% over base density and cannot be combined with (b) above.

d. Maximum cumulative density bonuses shall not exceed 20% over base density of 12 units per acre.

(9) Off-street parking shall be as set forth in the RSIS; however, the Board should encourage a waiver be requested from these standards due to the location of any parcel within the zone relative to available downtown parking resources and other opportunities for shared parking.

(10) Façade length to frontage ratio: the aggregate length of all building facades fronting a street shall not exceed 0.80 of the frontage width at the street right-of-way.

E. The [Zoning Map](#) is amended to remove the following block and lots from the R-4 District and place them in the R-5A Zones as follows:

(1) R-5A Zone: Block 1601 Lots 24, 25, 26, 27, 28, 29, 30, 31 & 32.

F. Supplemental requirements and design standards:

(1) Parking

a. At least 75% of the off-street parking shall be contained within the principal structures. No parking garages shall be permitted in the required front yard, nor between any parts of the building façade and the street right-of-way line. No garage shall face a public street.

b. An area for bicycle storage shall be provided within all parking garages or designated storage areas.

(2) Landscaping & Fencing

a. A minimum ten-foot landscaped buffer shall be required along each side yard and along the rear property line. All pervious areas in the required front yard and/or between the front building façade and the street right-of-way shall be fully planted and maintained in a combination of lawn area or ground cover with a mix of native deciduous and evergreen shrubbery and trees. The landscape plan shall be prepared by a licensed landscape architect and reviewed by the Madison Shade Tree Management Board.

b. Parking areas, solid waste storage areas, sheds and all other accessory structures shall be screened from view of adjacent residential zones, existing residential uses and public roads by landscaping, fencing or a combination of these to create a buffer of at least six feet in height. Landscaping shall contain a mix of deciduous and evergreen plantings sufficient to screen the view of vehicles in all seasons.

c. No fences or gates across access drives shall be permitted in the front yard setback. Fencing along the perimeter of rear and side yards shall not exceed six (6) feet in height. No chainlink fencing shall be permitted.

(3) Vehicular Access

- a. Vehicular access is limited to one ingress-egress point along Cook Avenue which shall be at least 125 feet from the Ridgedale Avenue intersection.
- b. Curb cuts, circulation, and parking areas shall be located at least five (5) feet from the property line and shall be located only in side and rear yards.

(4) Building arrangement and design:

- a. When development consists of multiple structures, buildings shall be oriented around open space, courtyard or similar landscape amenity with the overall design preserving existing trees and vegetation to the maximum extent possible.
- b. The selection of building design elements, such as materials, fenestration, color and texture, should be compatible with that in the Borough and neighborhood. Either clapboard siding or brick exterior shall be the primary material to echo adjacent streetscape elements.
- c. Streetscape design should include landscaping, street trees, pedestrian scale street lights, and similar features appropriate to the zone's context.
- d. Site lighting should be harmonious with the building style and design and shall use only downward facing fixtures to minimize spillage and glare. Lighting intensities shall be the minimum required to adequately light the site and shall consider the proximity and nature of adjoining uses. See also Chapter 195-25.6 for additional standards.
- e. All building facades shall be treated as front facades.
- f. All buildings are required to incorporate frequent vertical and horizontal articulation through slight variations in build-to-lines along all public street frontages, incorporation of front entries and porches, variations in roof pitch, careful selection of materials, the use of windowed projections, and similar architectural treatments to improve the visual appearance of the buildings.
- g. Vertical articulations shall be provided at least every 30 feet along all public street frontages.

(5) Development shall implement section 195-24 General Design Standards and 195-25 Specific Design Standards of the Borough Land Development Ordinance.

(6) Applicants for development in the R-5A Zone shall submit a concept plan and an existing conditions survey with elevation/slope information and existing vegetation for planning board review prior to making a site plan application.

(7) Given the zone's location in an historic district, photo simulations shall be provided showing the massing, scale, materials and finishes proposed for the project from various viewpoints in context with surrounding properties. These simulations shall be submitted at the time of the initial application for site plan approval.

(8) Given the zone's location in an area designated as a historic streetscape, all site plan applications shall undergo advisory review by the Madison Historic Preservation Commission. A member of the Madison HPC shall participate in TCC meetings and recommendations by the HPC shall be provided to the reviewing Board throughout the review process.

(9) All proposals for development in this zone shall be required to prepare an Environmental Impact Assessment in accordance with Chapter 195-20.F. and a Traffic Impact Statement in accordance with Chapter 195-20.G.

G. Standards related to site design and layout, including, but not limited to landscaping, stormwater management, lighting, parking, etc. outlined in other sections of Chapter 195, Land Development, shall apply. In the event of inconsistencies between standards elsewhere in Chapter 195 and in this section, the more restrictive standard shall apply.

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

Ms. Baillie moved that the revised Ordinance 11-2009 submitted by the Borough Attorney, and 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, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

Nays: None

ORDINANCE 12-2009

ORDINANCE OF THE BOROUGH OF MADISON AMENDING THE BOROUGH CODE TO INCLUDE A NEW CHAPTER 82 ENTITLED "CLOTHING BINS"

WHEREAS, the Borough Administrator has recommended the adoption of an Ordinance to regulate Clothing Bins in conformity with N.J.S.A. 40:48-2.60 et. seq.; and

WHEREAS, the Council desires to enact such Ordinance.

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 Madison Borough Code is hereby amended to include a new Chapter 82 entitled "Clothing Bins" which shall provide as follows:

Chapter 82 Clothing Bins

82-1 Permit Required

In accordance with N.J.S.A. 40:48-2.61, notwithstanding any other provision of law to the contrary, no person or entity shall place, use, or employ a donation clothing bin, for solicitation purposes, within the Borough of Madison unless the person or entity shall obtain a permit, valid for a period of one year, issued by the Borough Clerk, upon approval of the Borough Council, in accordance with this Chapter 82.

82-2 Issuance of Permit

1. An application shall be filed with the Borough Clerk on forms designated by the Borough Clerk which shall include the following:

- (a) the location where the bin would be situated, as precisely as possible;
- (b) the manner in which the person anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;
- (c) the name, and telephone number of the bona fide office required pursuant to subsection b. of this section, of any entity which may share or profit from any clothing or other donations collected via the bin;
- (d) written consent from the property owner to place the bin on his property; and
- (e) a zoning permit issued by the Madison Zoning Officer pursuant to section 195-30.5 of the Madison Land Development Ordinance.

2. The Borough Council shall not grant an application for a permit to place, use, or employ a donation clothing bin if it determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but not be limited

to, the placement of a donation clothing bin within 100 yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases;

3. The applicant shall pay to the Borough of Madison a permit fee of \$25, to offset the costs involved in enforcing this Chapter and N.J.S.A 40:48-2.60 et seq.

82-3 Renewal of Permit

1. An expiring permit for a donation clothing bin may be renewed upon application for renewal and payment of a \$25.00 fee for such renewal, to offset the costs involved in enforcing Chapter and N.J.S.A 40:48-2.60 et seq. Such application shall include:

(a) the location where the bin is situated, as precisely as possible, and, if the person intends to move it, the new location where the bin would be situated after the renewal is granted and written consent from the property owner to place the bin on his property;

(b) the manner in which the person has used, sold, or dispersed any clothing or other donations collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person anticipates it may make in these processes during the period covered by the renewal; and

(c) The name, and telephone number of the bona fide office required pursuant to subsection b. of this section, of any entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal; and

82-4 Display of Information on Bin

1. All bins shall comply with the following display requirements:

(a) The permit number and its date of expiration shall be clearly and conspicuously displayed on the exterior of the donation clothing bin, in addition to the information required pursuant to subsection c. of this section;

(b) The person, and any other entity which may share or profit from any clothing or other donations collected via the bin, maintains a bona fide office where a representative of the person or other entity, respectively, can be reached at a telephone information line during normal business hours for the purpose of offering information concerning the person or other entity. For the purposes of this subsection, an answering machine or service unrelated to the person does not constitute a bona fide office; and

(c) The following information is clearly and conspicuously displayed on the exterior of the donation clothing bin:

(1) The name and address of the registered person that owns the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin;

(2) The telephone number of the person's bona fide office and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin;

(3) In cases when any entity other than the person who owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person who owns the bin, and identifying all such entities which may share or profit from such donations; and

(4) A statement, consistent with the information provided to the Borough of Madison in the most recent permit or renewal application pursuant to subparagraph (b) of paragraph (1) of subsection a. of this section and subparagraph (b) of paragraph (4) of subsection a. of this section, indicating the manner in which the person anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

82-5 Complaints

1. The Borough of Madison shall receive and investigate, within 30 days, any complaints from the public about the bin. Whenever it appears to the Borough of Madison that a person has engaged in, or is engaging in any act or practice in violation of section 2 of N.J.S.A. 40:48-2.61 or any provisions of this Chapter, the person who placed the bin shall be issued a warning, stating that if the violation is not rectified or a hearing with the Borough Council is not requested within 45 days, the bin will be seized or removed at the expense of the person who placed the bin, and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of. In addition to any other means used to notify the person who placed the bin, such warning shall be affixed to the exterior of the bin itself.

2. In the event that the person who placed the bin does not rectify the violation or request a hearing within 45 days of the posting of the warning, the Borough of Madison may seize the bin, remove it, or have it removed, at the expense of the person who placed the bin, and sell at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be paid to the Borough of Madison.

82-6 Penalties

1. In addition to any other penalties or remedies authorized by the laws of this State, any person who violates any provision of N.J.S.A. 40:48-2.60 et seq. which results in seizure of the donation clothing bin shall be:

(a) Subject to a penalty of up to \$20,000 for each violation. The Borough of Madison may bring this action in the municipal court or Superior Court as a summary proceeding under the Penalty Enforcement Law of 1999, N.J.S.A..2A:58-10 et seq, and any penalty monies collected shall be paid to the Borough of Madison; and

(b) Deemed ineligible to place, use, or employ a donation clothing bin for solicitation purposes pursuant to section 2 of N.J.S.A .40:48-2.61. A person disqualified from placing, using, or employing a donation clothing bin by violating the provisions of N.J.S.A .40:48-2.60 et seq. may apply to the Borough Council to have that person's eligibility restored. The Borough Council may restore the eligibility of a person who:

(1) Acts within the public interest; and

(2) Demonstrates that he made a good faith effort to comply with the provisions of N.J.S.A..40:48-2.60 et seq. and this Chapter and all other applicable laws and regulations, or had no fraudulent intentions.

SECTION 2: If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION 3: All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 4: The Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Mrs. Tsukamoto moved that Ordinance 12-2009, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

Nays: None

ORDINANCE 13-2009

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 147
ENTITLED "FEES FOR PUBLIC RECORDS AND DOCUMENTS"
ESTABLISHING/ INCREASING FEES FOR POLICE RECORDS**

WHEREAS, the Acting Police Chief has recommended that Chapter 147-1C entitled "Police records" of Chapter 147 of the Borough Code entitled "Fees For Public Documents and Records" be amended to increase certain fees and establish a fee for fingerprinting; and

WHEREAS, the Borough Council agrees with this recommendation.

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 147 of the Borough Code entitled "Fees for Public Documents and Records" shall be amended as follows:

SECTION 1: Section 147-1C entitled "Police records" is hereby amended to read as follows:

§ 147-3C Police records.

. . . .

(4) Incident verification letter and Letters of Good Conduct: \$10.00.

(5)

(7) Fingerprinting for firearms, real estate, etc.: \$15.00 per card.

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

Ms. Baillie moved that Ordinance13-2009, 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, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

Nays: None

Ordinance 14-2009 was removed from the Agenda and the # retired.

ORDINANCE 15-2009

ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 40-2008 INCREASING APPROPRIATION BY \$65,000.00 FROM \$637,000.00 TO \$702,000.00 FROM THE WATER UTILITY CAPITAL IMPROVEMENT FUND FOR COMPLETION OF 2007 WATER MAIN REPLACEMENT PROJECT

WHEREAS, Ordinance 47-2007 of the Borough of Madison appropriated \$590,000.00 from the Reserve for Filtration System in the Water Utility Capital Fund for water main replacement of municipal roads including Myrtle Avenue, South Street, Dellwood Parkway South, Woodcliff Drive and Dean Street; and

WHEREAS, Ordinance 40-2008 of the Borough of Madison amended Ordinance 47-2007 to appropriate an additional \$47,000.00 from the Reserve for Filtration System in the Water Utility Capital Fund thereby increasing Ordinance 47-2007 to \$637,000.00; and

WHEREAS, the Borough Engineer has recommended that the Borough amend Ordinance 47-2007 and Ordinance 40-2008 to appropriate an additional \$65,000.00 from the Water Utility Capital Improvement Fund thereby increasing Ordinance 47-2007 to \$702,000.00 for completion of the 2007 Water Main Replacement Project; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Water Utility Capital Improvement Fund in an amount not to exceed \$65,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should amend Ordinance 47-2007 and Ordinance 40-2008 to appropriate an additional \$65,000.00 from the Water Utility Capital Improvement Fund thereby increasing Ordinance 47-2007 to \$702,000.00 for completion of the 2007 Water Main Replacement Project.

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 47-2007 and Ordinance 40-2008 are amended to appropriate an additional \$65,000.00 from the Water Utility Capital Improvement Fund thereby increasing Ordinance 47-2007 to \$702,000.00 for completion of the 2007 Water Main Replacement Project.

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. Conley moved that Ordinance 15-2009, which the Borough Clerk read by title, be adopted. Mr. Dunham seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

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.

Mrs. Tsukamoto moved adoption of the Resolutions listed on the Consent Agenda. Ms. Baillie seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

Nays: None

R 80-2009

RESOLUTION OF THE BOROUGH OF MADISON APPOINTING BRIGITTE KELLY TO THE POSITION OF DIRECTOR, PROJECT PRIDE EFFECTIVE APRIL 1, 2009

WHEREAS, the Acting Chief of Police recommends the appointment of Brigitte Kelly to the position of Director, Project Pride, effective April 1, 2009; and

WHEREAS, the Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that Brigitte Kelly is hereby appointed to the position of Director, Project Pride, effective April 1, 2009, at an annual salary of \$65,519.00.

R 81-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EMERGENCY CONTRACT TO CHATHAM MAIN FOR EMERGENCY SEWER REPAIRS ON CENTRAL & BARDON, RIDGEDALE AVENUE AND BURNET ROAD

WHEREAS, the Borough Engineer has advised the Council that the sewer main on Central & Bardon, Ridgedale Avenue and Burnet Road required emergency repair in order to protect the health and welfare of the public; and

WHEREAS, the Borough expended \$33,204.90 to replace the water main on an emergency basis, pursuant to N.J.S.A 40A:11-6, and

WHEREAS, the Borough Engineer engaged the services of Chatham Main to perform the emergency work; and

WHEREAS, the Borough Engineer has requested that the Borough authorize payment to Chatham Main in the amount of \$33,204.90 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 \$33,204.90 for the emergency services performed; and

WHEREAS, the Director of Finance has attested that funds are available in the amount of \$33,204.90 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, that payment in the amount of \$33,204.90 is authorized to be made to Chatham Main for the emergency services it performed as described herein.

R 82-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PARTICIPATION IN NEW JERSEY SHARES PROGRAM TO PROVIDE

ASSISTANCE TO MADISON RESIDENTS IN NEED OF TEMPORARY HELP PAYING UTILITY BILLS (GAS AND ELECTRIC)

WHEREAS, the Borough Administrator has recommended that the Borough of Madison join New Jersey Shares, a Non-profit 503C Entity in order to provide assistance to Madison residents who are in need of temporary help to pay their gas and electric utility bills; and

WHEREAS, the only obligation of the Borough of Madison will be to agree that its electric department will continue or restore services for thirty (30) days to a resident who obtains a New Jersey Shares Grant for payment of such utility; and

WHEREAS, eligibility for such grants to individuals is based on demonstrative financial crisis and history of good faith utility bill payments in order to provide relief to those who otherwise would have no means of assistance; and

WHEREAS, local organizations will handle the intake process for such grants to be approved of up to \$1,000.00 available annually per family.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey shall hereby join New Jersey Shares and authorizes the Borough Administrator to enter into an arrangement for the Borough of Madison to participate in New Jersey in order to assist Madison residents in need and to agree on behalf of the Borough of Madison Electric Utility agree to continue or restore service for thirty (30) days after receipt of a grant or an eligible utility customer.

R 83-2009 Removed and the # retired

R 84-2009

RESOLUTION OF THE BOROUGH OF MADISON RESERVING THE DATES FOR USE OF BAYLEY-ELLARD ON 5/30/2009 AND 8/15/09 FOR CONCERTS

WHEREAS, the Borough Administrator has recommended authorizing the request of Evangeline Lee for a Youth Music Concert to be co-sponsored by the Madison Arts and Cultural Alliance (MACA), the Kiwanis Club of Madison and the Borough of Madison on May 30, 2009 and August 15, 2009 at the Bayley-Ellard High School; and

WHEREAS, the concert would take place between the hours of 4 p.m. and 7 p.m. on one of the Bayley-Ellard fields, weather permitting, or inside the Bayley-Ellard gym in the event of inclement weather; and

WHEREAS, if the concert is held outside, the participants will need to provide their own generator for power; and

WHEREAS, the participants will be required to pay for one police officer to be on duty unless a volunteer police officer is available; and

WHEREAS, the Madison Recreation Director, Doug Smith, will work with the participants to facilitate the necessary arrangements for the program.

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 a Youth Music Concert as requested by Evangeline Lee and co-sponsored by MACA, the Kiwanis Club and the Borough of Madison is hereby authorized to be held at Bayley-Ellard on Saturday, May 30, 2009 and Saturday, August 15, 2009, from 4 p.m. to 7 p.m., on a field as designated by the Borough Recreation Director, weather permitting, or in the even of inclement weather, in the Bayley-Ellard gym, provided one police officer is on duty at said event at the cost of the applicant, and the Recreation Director of the Borough of Madison is hereby authorized to coordinate the arrangements with the applicant, and the arrangements are subject to such safety requirements as may be directed by the Madison Police Department and/or Fire Department.

R 85-2009

RESOLUTION OF THE BOROUGH OF MADISON AWARDING PROFESSIONAL SERVICES CONTRACT TO OMLAND ENGINEERING ASSOCIATES, INC. FOR WOODLAND ROAD CONSTRUCTION DOCUMENTS (GARFIELD, BARNSDALE STATE AID PORTION) IN THE AMOUNT OF \$15,400.00

WHEREAS, the Borough Engineer has recommended that the Borough award a contract for professional engineering services for Woodland Road construction documents (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 Borough Engineer has determined and certified in writing that the value of this acquisition will not exceed \$17,500.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the Contract to Omland Engineering Associates, Inc. of Cedar Knolls, New Jersey in an amount not to exceed \$15,400.00, for professional engineering services for Woodland Road construction documents, based on Task 1B and Task 2 on a proposal dated February 23, 2008; and

WHEREAS, Omland Engineering Associates, Inc. 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, Omland Engineering Associates, Inc., must complete and submit a Business Entity Disclosure Certification which certifies that Omland Engineering Associates, Inc., 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, Inc., from making any reportable contributions through the term of the contract; and

WHEREAS, the Director of Finance has attested that funds are available in an amount not to exceed \$15,400.00 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:

Ten days after receipt of the Business Entity Disclosure Certification and other required documents from Omland Engineering Associates, Inc., the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional engineering services with Omland Engineering Associates, Inc. for Woodland Road construction documents in an amount not to exceed \$15,400.00, based on Task 1B and Task 2 on a proposal dated February 23, 2008, such contract to be in a form approved by the Borough Attorney.

When received, 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 86-2009

RESOLUTION OF THE BOROUGH OF MADISON ESTABLISHING A SEPARATE DEDICATED ACCOUNT TO RECEIVE CONTRIBUTIONS FOR THE DEVELOPMENT OF THE MADISON RECREATION CENTER

WHEREAS, the Borough Council has determined to establish a separate special trust account for tax-deductible contributions to the development of the Madison Recreation Center.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that a separate special trust account be established entitled "Madison Recreation Center Fund" solely for the purposes of collecting contributions to the development of the Madison Recreation Center.

R 87-2009 Removed and the # retired

R 88-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF DRAFT AFFORDABLE HOUSING DEVELOPMENT FEE ORDINANCE TO THE COUNCIL ON AFFORDABLE HOUSING FOR REVIEW AND APPROVAL

WHEREAS, the Governing Body of the Borough of Madison, Morris County petitioned the Council on Affordable Housing (COAH) for substantive certification on December 29, 2008; and

WHEREAS, P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), permits municipalities that are under the jurisdiction of COAH or of a court of competent jurisdiction and that have a COAH-approved spending plan to impose and retain fees on residential and non-residential development; and

WHEREAS, subject to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), N.J.A.C. 5:97-8.3 permits a municipality to prepare and submit a development fee ordinance for review and approval by the Council on Affordable Housing (COAH) that is accompanied by and includes the following:

A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);

A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e);

A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d);

A description of collection procedures per N.J.A.C. 5:97-8.3(f);

A description of development fee appeals per N.J.A.C. 5:97-8.3(g); and

A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h).

WHEREAS, the Borough of Madison has previously adopted a fee ordinance, most recently amended by Ordinance 59-2007 and approved by COAH on October 23rd, 2007, that established standards for the collection, maintenance, and expenditure of development fees consistent with COAH's regulations at N.J.A.C. 5:97-8 and in accordance with P.L.2008, c.46, Sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7); and

WHEREAS, the proposed amended fee ordinance updates the required fees based on COAH's amended rules.

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 of Madison, Morris County requests that COAH review and approve the Borough of Madison's development fee ordinance.

R 89-2009

RESOLUTION OF THE BOROUGH OF MADISON REGARDING FUNDING OF MUNICIPAL PUBLIC LIBRARIES

WHEREAS, the New Jersey League of Municipalities ("League") passed a resolution, at its 2008 annual conference, to seek to reduce the minimum funding level for New Jersey municipal public libraries from 1/3 mil to 1/6 mil of equalized assessed valuation and has forwarded that resolution to the Legislature (2008-03 Resolution Recommending Amendment Regarding Tax Levies for Free Public Libraries); and

WHEREAS, municipal public libraries have been established at the direction of its citizens through a binding referendum which specified the minimum funding level at 1/3 of a mil; and

WHEREAS, public libraries are vital community centers providing essential services to the residents of their municipalities, even more so during these difficult economic times; and

WHEREAS, the current funding formula for municipal libraries has endured for over 100 years providing a stable source of tax support for municipal library services; and

WHEREAS, the resolution proposed by the League would critically weaken the foundation of library services in New Jersey by drastically reducing the minimum funding level which would directly impact library services; and

WHEREAS, the fiscal hardships facing many residents and businesses require access to key information resources available in New Jersey's free public libraries, such as access to computers for educational or business needs, or to find jobs and other opportunities; and increases the use of the other services of the public library, such as borrowing books and other media or attending programs for children and the entire family.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the Council opposes the proposed action of the New Jersey League of Municipalities as set forth in their Resolution 2008-03 and urges our legislative representatives to vote against Assembly Bill A-3753 so that there will be no reduction in the minimum funding level for municipal public libraries.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Senator Thomas H. Kean, Assemblyman Jon M. Bramnick, Assemblyman Eric Munoz, the New Jersey League of Municipalities and the Office of the Governor.

R 90-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING FINAL PAYMENT AND CHANGE ORDER REQUEST FROM REIVAX FOR THE CHAPEL STREET RECONSTRUCTION BID IN THE AMOUNT OF \$38,938.73 INCREASING THE CONTRACT AWARD TO \$229,717.29

WHEREAS, a contract for the Chapel Street Reconstruction project, in an amount not to exceed \$194,672.00 was awarded to Reivax Contracting Corp. of Harrison, New Jersey, by Resolution 56-2008; and

WHEREAS, the Borough Engineer has recommended approval of a change order to the contract for changes regarding unit costs and quantities that were encountered during the construction, in an additional amount of \$35,045.29 bringing the contract total to \$229,717.29; and

WHEREAS, the Borough Engineer has advised the project has been completed and has recommended approval of final payment including the change order to Reivax Contracting Corp. of Harrison, New Jersey in an amount not to exceed \$38,938.72; and

WHEREAS, the Director of Finance has attested to the availability of funds in an amount not to exceed \$38,938.72 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 that the final payment and change order request from Reivax Contracting Corp. of Harrison, New Jersey, in the total amount not to exceed \$38,938.72 for the Chapel Street Reconstruction project is authorized.

R 91-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING FINAL PAYMENT AND CHANGE ORDER REQUEST FROM INTERSTATE CONTRACTORS FOR THE 2007 WATER MAIN REPLACEMENT CONSTRUCTION PROJECT FOR MYRTLE AVENUE, SOUTH STREET, DELLWOOD PARKWAY SOUTH, WOODCLIFF DRIVE AND DEAN STREET IN THE AMOUNT OF \$101,722.71

WHEREAS, a contract for the 2007 Water Main Replacement project, in an amount not to exceed \$584,970.00 was awarded to Interstate Contracting & Excavating LLC of Newark, New Jersey, by Resolution 63-2008; and

WHEREAS, the Borough Engineer has recommended approval of a change order to the contract for changes regarding unit costs and quantities that were encountered during the construction, in an additional amount of \$64,774.07 bringing the contract total to \$649,744.07; and

WHEREAS, the Borough Engineer has advised the project has been completed and has recommended approval of final payment including the change order to Interstate Contracting & Excavating LLC of Newark, New Jersey in an amount not to exceed \$101,722.71; and

WHEREAS, the Director of Finance has attested to the availability of funds in an amount not to exceed \$101,722.71 for this purpose, upon final adoption of Ordinance 15-2009.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that upon final adoption of Ordinance 15-2009, the final payment and change order request from Interstate Contracting & Excavating LLC of Newark, New Jersey, in the total amount not to exceed \$101,722.71 for the 2007 Water Main Replacement project is authorized.

R 92-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING FINAL PAYMENT AND CHANGE ORDER REQUEST FROM MATINA & SONS FOR WATER MAIN REPLACEMENT IN THE AMOUNT OF \$38,505.40

WHEREAS, a contract for water main replacement on Pomeroy Road, Brooklake Road and Highway 124, in an amount not to exceed \$590,000.00 was awarded to Matina & Son, Inc. of Hackensack, New Jersey, by Resolution 137-2008; and

WHEREAS, the Borough Engineer has recommended approval of a change order to the contract for changes regarding unit costs and quantities that were encountered during the construction, in an additional amount of \$24,029.87 bringing the contract total to \$614,029.87; and

WHEREAS, the Borough Engineer has advised the project has been completed and has recommended approval of final payment including the change order to Matina & Son, Inc. of Hackensack, New Jersey in an amount not to exceed \$38,505.40; and

WHEREAS, the Director of Finance has attested to the availability of funds in an amount not to exceed \$38,505.40 for this purpose, which funds were appropriated by Ordinance 54-2008.

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 final payment and change order request from Matina & Son, Inc. of Hackensack, New Jersey, in the total amount not to exceed \$38,505.40 for water main replacement on Pomeroy Road, Brooklake Road and Highway 124 is authorized.

R 93-2009

RESOLUTION OF THE BOROUGH OF MADISON DESIGNATING TOWING OPERATORS FOR 2009, 2010 AND 2011

WHEREAS, the Borough Chief of Police has requested that the Borough Council establish a list of licensed towing operators pursuant to Borough Code §176-7; and

WHEREAS, applications for such license have been made by T&J Service Center, Inc., and DeFalco's Automotive and Towing; and

WHEREAS, the Chief of Police has advised that such applicants have been investigated pursuant to the requirements of the Borough Code and they are satisfactory; and

WHEREAS, the Chief of Police has requested that the Council pass a resolution authorizing issuance of the towing licenses for the years 2009, 2010 and 2011; and

WHEREAS, the Borough Council has determined to authorize such towing licenses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that towing licenses pursuant to Borough Code Chapter 176 shall be issued to T&J Service Center, Inc., and DeFalco's Automotive and Towing for the years 2009, 2010 and 2011.

Mayor Holden asked Mr. Mezzacca to read Resolution R 94-2009 in full, after which Mrs. Tsukamoto moved its adoption. Ms. Baillie seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

Nays: None

R 94-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING APPOINTMENT OF ANDREW ATCHISON TO THE POSITION OF TRUCK DRIVER II IN THE PUBLIC WORKS PARKS DEPARTMENT

WHEREAS, the Purchasing/Personnel Officer has recommended that an offer of employment be made to Andrew Atchison for the position of Truck Driver II in the Public Works Parks Department upon satisfactory completion of a pre-employment background check; and

WHEREAS, the Purchasing/Personnel Officer has recommended that upon satisfactory completion of the background check, that the Purchasing/Personnel Officer be authorized to hire Andrew Atchison for the position of Truck Driver II in the Public Works Parks Department upon receipt of satisfactory results of physical and back assessment and drug/alcohol test, at an annual salary of \$40,283.00 in accordance with the appropriate collective bargaining unit contract.

WHEREAS, the Borough Administrator agrees with this recommendation.

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

1. The Purchasing/Personnel Officer shall make an offer of employment to Andrew Atchison for the position of Truck Driver II in the Public Works Parks Department upon satisfactory completion of a pre-employment background check.
2. The Purchasing/Personnel Officer is authorized to hire Andrew Atchison for the position of Truck Driver II in the Public Works Parks Department upon receipt of satisfactory results of physical and back assessment and drug/alcohol test, at an annual salary of \$40,283.00 in accordance with the appropriate collective bargaining unit contract.

INVITATION FOR DISCUSSION (2 of 2)

Mayor Holden opened the meeting to the public for their opportunity to ask questions and make comments on any subject. 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.**

Sam Cerciello, Park Avenue, volunteered his services for the new Ad Hoc Committee being formed to develop the Madison Recreation Center.

Don Brunner, Redmond Drive, asked when 22 Orchard Street would be cleaned up; was advised that within two weeks the Borough may learn whether a grant was received to do a study of the site; in the meantime, a survey of the property was done and a fence will be put up.

Unfinished Business

Mayor Holden asked about the fence at 22 Orchard Street and the possibility of getting the same quality at a lower price; she was advised by Mr. Codey that, after review by the Borough Attorney, the previous award may be rescinded and a new award made.

APPROVAL OF VOUCHERS

On motion by Mrs. Tsukamoto seconded by Ms. Baillie and carried, the following vouchers of the Borough of Madison were approved for payment, and the supporting documentation of said vouchers was made part of the Supplemental Minute Book.

Public Safety \$14,872.02

Health & Public Assistance 1,855.52

Public Works & Engineering 276,883.35

Community Affairs 3,765.83

Finance & Borough Clerk 609,302.16

Utilities 1,298,168.50

Total \$2,204,847.38

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

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

Nays: None

New Business

Mr. Dunham announced the following Mayor appointments requiring Council confirmation:

Ad Hoc Advisory Committee for the Madison Recreation Center

Jennifer McCullough, Chair, At-Large #1

Chris Kellogg, Open Space Rep.

Frank Moore, Parks Advisory Committee Rep.

Thomas Haralampoudis, Environmental Commission Rep.

Gene Cracovia, Shade Tree Management Board Rep.

Charles Courtney, Senior Citizens Advisory Committee Rep.

Marty Horn, Recreation Advisory Committee Rep., Football Programs Rep.

Griff Fielding, Baseball Programs Rep.

David Hargrave, At-Large #2

Sean Dowling, MHS Athletic Director, Board of Education Rep.

Robert Conley, Council Liaison

Dan Dunham, Council Liaison

Astri J. Baillie, Back-up Council Liaison

Mayor Mary-Anna Holden, Ex-Officio

Vacancy, Soccer Programs

Vacancy, Lacrosse Programs

Mr. Dunham moved approval of the foregoing appointments to the Ad Hoc Advisory Committee for the Madison Recreation Center. Mr. Conley seconded the motion. There was no Council discussion, and the motion carried with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley

Mrs. Tsukamoto, Dr. Esposito, Mr. Dunham

Nays: None

Adjourn

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

Respectfully submitted,

Marilyn Schaefer

Borough Clerk

Approved March 23, 2009 (MS)