

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

August 10, 2009 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 10th day of August 2009. Mayor Holden called the meeting to order at 7 p.m. in the Mayor's Office, Room #210 of Bayley-Ellard High School, 205 Madison Avenue, in the Borough of Madison.

STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

The Acting 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 Acting 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

Carmela Vitale

Also Present:

Raymond M. Codey, Borough Administrator

Elizabeth Osborne, Acting 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 (1)

Executive Session Minutes of July 27, 2009

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

CONTRACT MATTERS (5)
BAYLEY-ELLARD PHASE II ENVIRONMENTAL STUDY

HDM CHANGE ORDERS

STRUCTURE OF DELINQUENT UTILITIES PAYMENT PLAN

FRIENDS OF THE MADISON TRAIN STATION

HDM CONSTRUCTION SUPERVISOR

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

LITIGATION MATTERS (5)

MADISON VS STOP & SHOP

RECREATION FIELDS LIGHTING POLICY

11 LONGVIEW AVENUE

COUGAR FIELD LIGHTING

OPRA REQUEST

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

Seconded: Ms. Baillie

Vote: Approved by 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 Minutes of July 27, 2009**. Mrs. Vitale seconded the motion, which passed by the following roll call vote:

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

Mrs. Tsukamoto, Dr. Esposito, Mrs. Vitale

Nays: None

Ms. Baillie moved approval of the **Regular Meeting Minutes of July 27, 2009**. Mrs. Tsukamoto seconded the motion, which passed by the following roll call vote:

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

Mrs. Tsukamoto, Dr. Esposito, Mrs. Vitale

Nays: None

GREETINGS TO PUBLIC

Mayor Holden made the following comments:

Mayor Holden thanked the Madison Police Department, Project Community Pride and local businesses who participated in the annual National Night Out held on August 4th.

REPORTS OF COMMITTEES

Public Safety

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

On August 6th, the Madison Police, Fire and Electric Utility Departments and the Department of Public Works responded to two incidents. Ms. Baillie noted a reminder from Police Chief Trevena that residents not call 911 with inquiries, but to use the regular Police phone number or sign up for Nixle service, which provides Madison residents with news and information on their computers or cell phones.

Utilities

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

Mr. Elias commended the Electric Utilities Department for their quick response in restoring power following a downed tree on Green Village Road.

Public Works and Engineering

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

The Public Works Department has been busy with cleanup following recent heavy rain, and the football fields are now lined and ready for practice to begin.

Finance and Borough Clerk

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

Mrs. Tsukamoto also complimented the Utilities Department and the Police for their response to the August 6th incidents. Mrs. Tsukamoto reminded residents that property tax bills have been mailed out and that any payment received after August 24th will be charged interest.

Community Affairs

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

Project Community Pride is sponsoring "Dine Out With Pride" next Tuesday, August 11th. Several area restaurants will donate a portion of their proceeds to Project Community Pride. The Madison Rotary Club will hold a blood drive through the American Red Cross at the Madison Ambulance Squad from 1:30 to 7:00 p.m. on August 20, 2009.

Health & Public Assistance

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

Mrs. Vitale thanked a Broadview Avenue resident, who is the youngest Neighborhood Watch captain, for his efforts during National Night Out. Also, the Health Department noted receipt of a \$2,500.00 reimbursable grant through the Center for Disease Control. The grant is only for items used for communication during a health crisis. The Health Department has purchased a language translator, public address system, computer and printer, as well as other items.

Mayor Holden continued with the following announcements:

Employee of the Month for August: Frances Boardman of the Planning and Zoning Department for her work efforts transitioning between the Health Department and Land Use Services. She has adapted to Land Use Operations by learning application processing and distribution, relevant state regulations and various new software, as well as organizing and attending night meetings for the Land Use Boards.

Employee Anniversaries:

Daniel Philips, Madison Fire Department - 20th Anniversary on August 1, 2009
Tom Knudsen, Madison Public Library - 25th Anniversary on August 26, 2009

COMMUNICATIONS AND PETITIONS - None

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.**

Samuel DeAngelis, Attorney for the property owner at 43 Lathrop Avenue, requesting zone change from R-3 to R-4; acknowledged property owners of notice that wish to be heard.

Nancy and Brent Phillippi, Lathrop Avenue, stated that they prefer for their lot not to be included in the proposed zone line change listed on the agenda for introduction, because of a potential increase in property taxes. Mrs. Phillippi noted that they hope the builder goes ahead with his plans.

Samuel DeAngelis, acknowledged that Mr. Andreas, the property owner, has no objection to removing Lot #26 from the proposed ordinance as requested by Mr. and Mrs. Phillippi, and noted that Lot #23 is already zoned R-4 and can also be removed.

AGENDA DISCUSSIONS

08/10/2009-1 AUTHORIZE CONTRACT AWARD TO INSTALL DRAINAGE AT MUSEUM OF EARLY TRADES & CRAFTS

There was consensus to list on the Consent Agenda a resolution awarding the contract to Garcia Construction as recommended.

Resolution R 208-2009 is listed on the Consent Agenda.

08/10/2009-2 10TH ANNUAL CHESHIRE HOME 5K RUN TO BE HELD

SEPTEMBER 13, 2009

There was agreement to approve this Resolution for a run to be held on Sunday, September 13, 2009.

Resolution R 206-2009 is listed on the Consent Agenda.

08/10/2009-3 FOOTBALL CLUB STORAGE SHED

Following a brief discussion, there was consensus to approve the coordinated use of a shed on the Bayley-Ellard fields among all sports that use the field, with the consent of the property owner.

08/10/2009-4 ZONE LINE MODIFICATION LATHROP AVENUE

Council is in agreement with the Planning Board's recommendation for Zone Line Modification for Block 4301, lots #24 and #25, as amended. Mr. Mezzacca will read the amended ordinance

at introduction. Following notice of residents within 200 feet, the public hearing will be scheduled for September 14, 2009.

Ordinance 44-2009 is listed for Introduction as amended.

08/10/2009-5 AUTHORIZATION OF AGREEMENT WITH AUCTION LIQUIDATION SERVICES FOR ON-LINE AUCTION OF SURPLUS BOROUGH PROPERTY

There was consensus to list on the Consent Agenda a resolution authorizing the execution of an agreement with Auction Liquidation Services for an on-line auction as recommended.

Resolution R 210-2009 is listed on the Consent Agenda.

08/10/2009-6 AWARD OF CONTRACT TO LANDSCAPE MAINTENANCE SERVICES FOR DODGE FIELD IMPROVEMENTS

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

Resolution R 212-2009 is listed on the Consent Agenda.

08/10/2009-7 AUTHORIZING FINAL PAYMENT AND CHANGE ORDER TO JENICAR BUILDERS CO., INC. FOR THE GREEN AVENUE RECONSTRUCTION PROJECT

Resolution R 215-2009 was removed from the Consent Agenda and the # retired.

08/10/2009-8 RESCIND RESOLUTION 54-2009 AWARDED FENCING CONTRACT TO GM FENCE FOR THE MRC PROJECT

Following a brief discussion, Council agreed to rescind Resolution R 54-2009 awarding the fencing contract to GM Fence to achieve better pricing with the bidding process than utilizing the Morris County Co-op vendor.

Resolution R 216-2009 is listed on the Consent Agenda.

08/10/2009-9 AUTHORIZE CONTRACT AWARD TO 4 CLEAN-UP OF NORTH BERGEN, NJ FOR SOUTH STREET RECONSTRUCTION

There was consensus to list on the Consent Agenda a resolution awarding the contract to 4 Clean Up Inc. for \$237,383.00 as recommended by Administrator Ray Codey.

Resolution R 217-2009 is listed on the Consent Agenda.

ADVERTISED HEARINGS

The Acting Borough Clerk made the following statement:

Ordinances scheduled for hearing were introduced by title and passed on first reading at a Regular Meeting of the Council held on July 27, 2009; all were posted and filed according to law, and copies were made available to the general public requesting same.

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

ORDINANCE 42-2009

ORDINANCE OF THE BOROUGH OF MADISON ESTABLISHING A STANDING
FINANCE COMMITTEE FOR JOINT MEETINGS WITH THE BOARD OF
EDUCATION

WHEREAS, the Borough Council deems it in the best interest of the public to establish a standing Finance Committee for periodic joint meetings with the Madison Board of Education or their designated committee for the purpose of discussing financial and related issues.

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 Borough code shall be amended to reflect a new Chapter 47 entitled "Standing Finance Committee for Joint Meetings with the Madison Board of Education".

47-1. Establishment.

A Standing Finance Committee is hereby established to be known as "The Standing Finance Committee for Joint Meetings with the Board of Education" (hereinafter referred to as "Standing Committee"). The Standing Committee shall be advisory only.

47-2. Purpose.

A. To meet periodically on a monthly or other suitable basis with the Madison Board of Education for enhanced financial transparency between the Madison governing body and the Madison Board of Education and to discuss Board of Education financial matters including:

1. Budget.
2. Investments.
3. Debt service.

4. Any and all issues related to ongoing financial matters of the Board of Education.

5. For mutual understanding of proper financial planning between the Board of Education and the Borough Council.

B. To advise the Mayor and Council as to the financial matters concerning the Madison Board of Education.

C. To further the mutual communications between the Mayor and Council and the Board of Education for proper financial planning.

47-3. Membership.

The Standing Committee shall be comprised of the persons holding the following offices for each year:

A. The Mayor or the Mayor's designee.

B. The Council Liaison to Finance.

C. The Council Alternate Liaison to Finance.

D. The Chief Financial Officer of the Borough.

E. The Borough Administrator

47-4. Term of Office.

A. The term of office for each member of the Standing Committee shall be one year, with the first term to run from adoption of this ordinance until December 31, 2009. Thereafter the term shall be one year, commencing on January 1 of each year. Provided further that if any member of the Standing Committee holds one of the positions listed in Section 47-3 above for less than one year, then the successor in their office shall serve for the remainder of that year.

B. The Mayor shall chair the Standing Committee or may designate another member to chair the Standing Committee on an annual basis. The Standing Committee shall

select a member to serve as secretary to record minutes. The Chairperson shall call the initial meeting of the Standing Committee within forty-five (45) days of the adoption of this chapter. The Standing Committee shall report to the Mayor and Council at least quarterly.

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

Mayor Holden opened up the public hearing on Ordinance 42-2009. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 42-2009, which the Acting Borough Clerk read by title, be finally 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, Mrs. Vitale
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 43-2009

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$12,250.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF AN ATTACHMENT FOR TRACTOR

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$12,250.00 from the General Capital Improvement Fund for the purchase of an attachment for the tractor to maintain the ball fields; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$12,250.00 for this purpose; and

WHEREAS, the Madison Board of Education has agreed to be a 50% partner and reimburse the Borough of Madison for their share, and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$12,250.00 from the General Capital Improvement Fund for the purchase of an attachment for the tractor to maintain the ball fields; 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 \$12,250.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of an attachment for the tractor to maintain the ball fields.

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 43-2009 with amendment to include that the Madison Board of Education has agreed to be a 50% partner and reimburse the Borough of Madison for their share. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 43-2009, as amended, which the Acting Borough Clerk read by title, be finally adopted with amendment. Mrs. Vitale 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, Mrs. Vitale
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 Acting Borough Clerk made the following statement:

Ordinance 44-2009 scheduled for first reading has a hearing date set for September 14, 2009. Ordinance 45-2009 scheduled for first reading has a hearing date set for August 24, 2009. Both 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 Acting Borough Clerk to read said ordinances by title:

ORDINANCE 44-2009

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195, ARTICLE V OF THE BOROUGH ENTITLED "LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF MADISON" TO AMEND THE ZONING MAP SO AS TO INCLUDE ALL OF LOTS 24 AND 25 IN BLOCK 4301 IN THE R-4 ZONE

WHEREAS, the Madison Planning Board recently reviewed the boundary line between the R-3 zone and the R-4 zone in connection with Lots 24 and 25 in Block 4301, and recommended that all of Lots 24 and 25 in Block 4301 be included in the R-4 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-3 and R-4 to include all of Lots 24 and 25 in Block 4301 on Lathrop Avenue in the R-4 zone.

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

Mr. Conley moved that Ordinance 44-2009, which the Acting Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley
Mrs. Tsukamoto, Dr. Esposito, Mrs. Vitale
Nays: None

ORDINANCE 45-2009

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 134 OF THE MADISON BOROUGH CODE ENTITLED "PARKING LOTS"

WHEREAS, the Borough Administrator has recommended revision of Chapter 134 of the Borough Code entitled "Parking Lots" to include the Madison Train Station Parking Lot and to set the daily parking fee at \$5.00; and

WHEREAS the Borough Council has determined to revise Chapter 134 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: Chapter 134 of the Borough Code entitled "Parking Lots" is hereby amended to include the following:

Chapter 134. PARKING LOTS

§134-2: Identification of Lots and Parking Areas

.....

(12) "Train Station Lot" shall mean and include the crescent parking lot at the Madison Train Station off of Kings Road, known as a portion of Block 2703, Lot 1 on Kings Road between Green Avenue and Prospect Street, which is leased from NJ Transit.

§134-3. General parking restrictions in certain lots

.....

B. Include "Train Station Lot".

.....

§134-4: Entrance to and Exits from certain lots.

.....

D. Access to the Train Station Lot shall be from the designated entrance on the easterly side of the parking lot towards Prospect Street and the exit shall be from the designated exit on the westerly side of the parking lots towards Green Avenue.

....

§134-6: Use Regulations for Individual Lots

....

M (1). Train Station Lot Numbered spaces. Monday through Saturday, any vehicle may be parked in a numbered space. The owner of the vehicle must deposit the required fee, as specified by Section 134 – 10 B-(8) or as may be modified by Borough Council resolution and posted at the numbered space payment boxes, for each twelve-hour period.

(2) On Sunday the lot may be used by the General Public.

....

§134-10: Parking Permits and Fees

....

B. Fees

....

(8) Train Station Parking Lot – Commencing September 1, 2009 the fee for parking in numbered spaces in the Train Station Lot shall be \$5 for each twelve-hour period. This fee shall be posted at the numbered space payment boxes in the Train Station Lot.

SECTION 2: All other provisions of the Ordinance not inconsistent herewith shall remain the same.

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

Mrs. Tsukamoto moved that Ordinance 45-2009, which the Acting 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, Mrs. Vitale
Nays: None

CONSENT AGENDA RESOLUTIONS

The Acting Borough 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 to rescind the Resolution R 205-2009 approved at the Council meeting of July 27, 2009, and moved for adoption of a revised Resolution R 205-2009, Resolutions R 206-2009 through R 214-2009, and Resolutions R 216-2009 and R 217-2009 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, Mrs. Vitale
Nays: None

R 205-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AGREEMENT WITH THE FRIENDS OF THE MADISON TRAIN STATION AND PROVIDING FOR DONATIONS TO THE FRIENDS OF THE MADISON TRAIN STATION FOR MAINTENANCE AND PROJECTS RELATED TO THE PREMISES LEASED BY THE BOROUGH OF MADISON

WHEREAS, the Borough of Madison has entered into a Lease Agreement with New Jersey Transit to Lease the Madison Train Station crescent parking lot (Kings Road side of the station), adjacent sidewalks to the station and parking lot, and the grounds excluding all buildings, stairways, platform and tracks, by which Madison is obligated to provide for landscaping services and snow removal services as well as other projects as described in the Lease related to the maintenance and improvement of the Madison Train Station; and

WHEREAS, the Friends of the Madison Train Station ("Friends") have offered to assist the Borough in accomplishing such requirements of the Lease at the Madison Train Station; and

WHEREAS, the Council has determined to enter into an agreement with the Friends and to authorize donations from the Station Area Fund Account to the Friends for such purposes.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that funds from the special Station Area Fund Account shall be utilized for donations on a monthly basis to the Friends, in an amount necessary to cover the cost of lawn mowing, landscaping and snow removal, and other projects as itemized in the Lease Agreement between the Borough of Madison and New Jersey Transit, not to exceed the amount of revenues collected less the cost of the monthly rent due under the Lease, in such monthly amount as authorized by the Borough Administrator.

R 206-2009

RESOLUTION OF THE BOROUGH OF MADISON GRANTING PERMISSION FOR TENTH ANNUAL CHESHIRE HOME 5K RUN ON SUNDAY SEPTEMBER 13, 2009

WHEREAS, Cheshire Home, Inc., has requested permission to hold the Tenth Annual Cheshire Home 5k run in Madison on Sunday, September 13, 2009; and

WHEREAS, the run will begin at 9:00 a.m., at the Madison High School and end at Cheshire Home on a route approved by the Madison Borough Police Department; and

WHEREAS, Police Chief Trevena recommends approval of this request.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, and State of New Jersey, that the request of Cheshire Home, Inc., to hold the Tenth Annual Cheshire Home 5k run in Madison on Sunday, September 13, 2009, as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department and the Madison Fire Department.

R 207-2009

RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY BPOE #1465 MADISON LODGE TO CONDUCT DAILY INSTANT RAFFLE GAMES, INCLUDING SUNDAY

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

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

WHEREAS, the New Jersey Legalized Games of Chance Control Commission has issued Registration Identification No. 274-6-34038 to BPOE #1465 Madison Lodge; and

WHEREAS, an Application for Raffles License, together with all necessary documents and fees, has been submitted to the Madison Borough Clerk's Office by BPOE #1465 Madison Lodge to conduct Instant Raffle Games seven days a week on its premises at 192 Main Street, Madison, for a period of one year from September 28, 2009 through September 27, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the aforementioned Application for Raffles License, R.A. No. 1121, to be held as listed above, be and the same is hereby approved.

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

R 208-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AWARD OF CONTRACT TO GARCIA CONSTRUCTION FOR WORK TO INSTALL DRAINAGE AT THE MUSEUM OF EARLY TRADES & CRAFTS IN THE AMOUNT OF \$12,000.00

WHEREAS, the Borough Engineer has advised the Council that the drainage system at the Museum of Early Trades & Crafts is in need of repair and improvements; and

WHEREAS, the Borough of Madison solicited quotes for the repair of the drainage system at the Museum of Early Trades & Crafts (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-6.1, et seq.; and

WHEREAS, the Borough Engineer has recommended that the Contract should be awarded to John Garcia Construction Co., Inc., in the amount of \$12,000.00; and

WHEREAS, The Borough Council has determined to award said contract to John Garcia Construction Co., Inc.; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$12,000.00 for this purpose, which funds were appropriated by Ordinance 35-2009.

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

1. The Contract is hereby awarded to John Garcia Construction Co., Inc., of Clifton, NJ based upon its quote in the amount of \$12,000.00 for repair the drainage system at the Museum of Early Trades and Crafts.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the Contract with John Garcia Construction Co., Inc., of Clifton, NJ in a form acceptable to the Borough Attorney.

R 209-2009

RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED T. J. MARTELL FOUNDATION FOR LEUKEMIA CANCER & AIDS RESEARCH, INC. TO BE HELD AT POOR HERBIE'S RESTAURANT

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following application for Raffles License, which raffles drawing is to be held at Poor Herbie's Restaurant, be and the same is hereby approved:

**T J MARTELL FOUNDATION FOR LEUKEMIA,
CANCER & AIDS RESEARCH INC.**

I.D. No. 732-5-38238

R.A. No. 1122 – Off Premise

November 18, 2009

BE IT FURTHER RESOLVED that a certified copy of this

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

R 210-2009

RESOLUTION OF THE MADISON BOROUGH COUNCIL AUTHORIZING EXECUTION OF AN AGREEMENT WITH AUCTION LIQUIDATION SERVICES FOR ON-LINE AUCTION OF SURPLUS BOROUGH

WHEREAS, the Borough of Madison periodically has surplus property; and
WHEREAS, the Borough of Madison periodically sells such surplus property pursuant to
N.J.S.A. 40A:14-157; and

WHEREAS, the Purchasing/Personnel Officer of the Borough of Madison has recommended that the Borough utilize the services of Auction Liquidation Services for internet sales of the surplus property as permitted by N.J.S.A. 40A:14-157; and

WHEREAS, Auction Liquidation Services is one of the vendors that has been authorized by the New Jersey Division of Local Government Services to conduct online auction services for municipalities; and

WHEREAS, the Purchasing/Personnel Officer has recommended the use of Auction Liquidation Services and has recommended to the Borough enter into an agreement with Auction Liquidation Services to perform services for the Borough of Madison to conduct an online sale of the surplus property.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk authorized to execute an agreement with Auction Liquidation Services of Eatontown, New Jersey, to conduct online auction services to disclose of the surplus property pursuant to N.J.S.A. 40A:14-157 to be compensated by the percentages set forth in the agreement out of the sale proceeds collected, said agreement to be in a form as approved by the Borough Attorney.

R 211-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF THE 2010 MUNICIPAL ALLIANCE GRANT APPLICATION IN THE AMOUNT OF \$11,774.00

WHEREAS, the Borough of Madison, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society among persons of all ages; and

WHEREAS, the Borough of Madison further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough of Madison desires to apply for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Morris.

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 Borough Administrator is authorized to submit an application for the Municipal Alliance grant for calendar year 2010 in the amount of \$11,774.00.
2. The Borough of Madison acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

R 212-2009

RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARDING CONTRACT TO LANDSCAPE MAINTENANCE SERVICES OF HILLSBOROUGH NJ FOR PROJECT ENTITLED DODGE FIELD IMPROVEMENT

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

WHEREAS, the lowest qualified bid was submitted by Landscape Maintenance Services of Hillsborough, New Jersey in the amount of \$45,137.30; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the contract to Landscape Maintenance Services in the amount of \$45,137.30; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$45,137.30 for this purpose which funds did Ordinance 29-2009 appropriate.

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

1. The contract for improvements to Dodge Field is hereby awarded to Landscape Maintenance Services of Hillsborough, New Jersey based upon its bid in the amount of \$45,137.30.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Landscape Maintenance Services in a form acceptable to the Borough Attorney.

R 213-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE MADISON FIRE DEPARTMENT TO HOLD A WET DOWN EVENT

WHEREAS, the Fire Chief has recommended that permission be granted for the Fire Department to hold a special "wetdown" event to celebrate the arrival of Engine 1, Tower 1 and the new headquarters; and

WHEREAS, the event will be held at the Fire and Police Building on Saturday, August 29, 2009 from 6:00 p.m. to 10:00 p.m.; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey, that the Fire Department is hereby given permission to hold a special "wetdown" event to celebrate the arrival of Engine 1, Tower 1 and the new headquarters on Saturday, August 29, 2009, from 6:00 p.m. to 10:00 p.m. at the Fire and Police Building.

R 214-2009

RESOLUTION OF THE BOROUGH OF MADISON AWARDING PROFESSIONAL SERVICES CONTRACT TO PK ENVIRONMENTAL FOR SUPPLEMENTAL ENVIRONMENTAL TESTING IN THE AMOUNT OF \$84,820.00

WHEREAS, the Borough Administrator has recommended that the Borough obtain professional services from PK Environmental, for supplemental environmental testing at the Bayley-Ellard recreation fields; 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 Administrator has determined and certified in writing that the value of this acquisition will exceed \$17,500.00; and

WHEREAS, the Borough Administrator has recommended that the Borough Council award the Contract to PK Environmental, in an amount not to exceed \$84,820.00; and

WHEREAS, PK Environmental 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, PK Environmental must complete and submit a Business Entity Disclosure Certification which certifies that PK Environmental 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 PK Environmental from making any reportable contributions through the term of the contract; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$84,820.00 for this purpose from the Open Space Trust Fund.

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

3. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from PK Environmental, the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract with PK Environmental, for supplemental environmental testing at the Bayley-Ellard recreation fields in

an amount not to exceed \$84,820.00, such contract to be in a form approved by the Borough Attorney.

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

5. 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 215-2009

REMOVED FROM THE AGENDA AND THE # RETIRED

R 216-2009

RESOLUTION OF THE BOROUGH OF MADISON RESCINDING RESOLUTION 54-2009
AWARDING CONTRACT TO GM FENCE IN THE AMOUNT OF \$49,014.00 FOR FENCING AT
THE MADISON RECREATION CENTER

WHEREAS, Resolution 54-2009 authorized the Borough Administrator to execute a purchase order to GM Fence for the installation of fencing at the Borough-owned property at Block 1401, Lot 5.02 in Florham Park, known as the Madison Recreation Center; and

WHEREAS, the Borough Administrator has recommended that Resolution 54-2009 be rescinded, and that the Council authorize the Borough Administrator to solicit bids for a lower price from other vendors; and

WHEREAS, the Mayor and Council have determined that Resolution 54-2009 should be rescinded and that the purchase order to GM Fence should not be executed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Resolution 54-2009 is hereby rescinded, and the Borough Administrator is authorized to solicit bids for a lower price from other vendors.

R 217-2009

RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARDING CONTRACT TO 4
CLEAN-UP INC. IN THE AMOUNT OF \$237,383.00 FOR SOUTH STREET
RECONSTRUCTION

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

WHEREAS, the lowest qualified bid was submitted by 4 Clean-Up, Inc., of North Bergen, New Jersey in the amount of \$237,383.00; and

WHEREAS, the Purchasing/Personnel Officer has recommended that the Borough Council award the contract to 4 Clean-Up, Inc., of North Bergen, New Jersey in the amount of \$237,383.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$237,383.00 for this purpose which funds were appropriated by Ordinance 38-2009.

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

1. The contract for the South Street Reconstruction project is hereby awarded to 4 Clean-Up, Inc., of North Bergen, New Jersey based upon its bid in the amount of \$237,383.00.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with 4 Clean-Up, Inc., of North Bergen, New Jersey, in a form acceptable to the Borough Attorney.

Mrs. Tsukamoto moved adoption of Resolution R 218-2009 added to the Consent Agenda. Mr. Elias seconded the motion. Mr. Elias read Resolution R 218-2009 in full. 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, Mrs. Vitale
Nays: None

R 218-2009

RESOLUTION OF THE BOROUGH OF MADISON APPOINTING RICHARD P. CUSHING, ESQ., AS SPECIAL COUNSEL FOR THE MATTER OF STOP & SHOP v. MADISON, ET AL.

WHEREAS, the Council has determined to appoint Richard P. Cushing, Esq., of Gebhardt & Kiefer, 1318 Route 31, Clinton, New Jersey as Special Counsel to represent the Borough of Madison, the Mayor and Council, and the named officials in the matter of The Stop & Shop Supermarket Company LLC v. John Allocca and Saverio Allocca d/b/a Prospect Tavern; Prospect Tavern Beef & Ale LLC; Frances A. Mantone; the Planning Board of the Borough of Madison; the Borough of Madison; the Mayor and Council of the Borough of Madison; Russell Brown, in his Capacity as Construction Official for the Borough of Madison; Dan Buckelew, in his Capacity as Zoning Officer for the Borough of Madison; Robert Vogel, in his Capacity as Borough Engineer for the Borough of Madison; XYZ Corporation; and John Doe, Docket No: MRS-L-1373-09, Superior Court of New Jersey, Morris County, Law Division; and

WHEREAS, Richard P. Cushing, Esq., will be compensated at the same rate as the Borough Attorney, \$150.00 per hour; and

WHEREAS, said services 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 Director of Finance has attested to the availability of funds in an amount not to exceed \$150.00 per hour for this purpose.

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

1. Richard P. Cushing, Esq., of Gebhardt & Kiefer, is hereby appointed Special Counsel at the rate of \$150.00 per hour in regard to the aforementioned legal proceedings.

2. The Mayor and Borough Clerk are authorized to execute on behalf of the Borough a professional services contract or retainer letter with Richard P. Cushing, Esq., of Gebhardt & Kiefer, at a cost not to exceed \$150.00 per hour in a form acceptable to the Borough Attorney.

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.

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, asked about recent activity at the Bayley-Ellard ball fields. Mr. Mezzacca explained that pursuant to the contract for the purchase of the property, the Borough of Madison, by due diligence, hired an environmental engineer to do soil testing. There is a need to do further testing, but no volatile materials have been found. Mr. Cerciello expressed concern regarding construction at the Hartley Dodge Memorial Building and the need for accountability.

Eugene Zipper, Greenwood Avenue, agreed with the ordinance establishing a Standing Finance Committee for Joint Meetings with the Madison Board of Education and asked if the Board of Education would be occupying space at the Hartley Dodge Memorial Building once completed. Mr. Codey explained the Board of Education has indicated their intent to stay where they are. Mr. Zipper asked for an explanation of Resolution R 218-2009.

UNFINISHED BUSINESS - None

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	\$39,201.96
Health & Public Assistance	2,706.61
Public Works & Engineering	148,826.61
Community Affairs	4,302.43
Finance & Borough Clerk	6,247,868.67
Utilities	<u>43,412.40</u>
Total	<u>\$6,486,318.68</u>

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

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley
Mrs. Tsukamoto, Dr. Esposito, Mrs. Vitale
Nays: None

NEW BUSINESS - None

ADJOURN AND RECONVENE EXECUTIVE SESSION

There being no further business to come before the Council, the meeting was adjourned at 9:13 p.m. and the Executive Session immediately reconvened.

RECONVENE AND ADJOURN

The Regular Meeting reconvened at 10:00 p.m. and immediately adjourned.

Respectfully submitted,

Elizabeth Osborne

Acting Borough Clerk
Approved August 24, 2009 (EO)