

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

January 25, 2010 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 25th day of January 2010. 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 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 7, 2010. 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
Robert H. Conley
Jeannie Tsukamoto
Vincent A. Esposito
Sebastian J. Cerciello
Donald R. Links

Also Present:

Raymond M. Codey, Borough Administrator
Elizabeth Osborne, Borough Clerk
Joseph Mezzacca, Jr., Borough Attorney

AGENDA REVIEW

One Personnel Matter was removed from the Executive Agenda; one Personnel Matter, two Litigation Matters and one Potential Litigation Matter were added to the 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 January 11, 2010

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

Regular Meeting Minutes – January 25, 2010

CONTRACT MATTERS (2)

BAYLEY-ELLARD

HDM CHANGE ORDER

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

PERSONNEL MATTERS (7)

FIRE DEPARTMENT

FIRE DEPARTMENT/VOLUNTEER AMBULANCE CORP

TEEN CENTER

MUNICIPAL PROSECUTOR

WELFARE/LOCAL ASSISTANCE DEPARTMENT

DEPARTMENT OF PUBLIC WORKS

INTERN POLICY

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

LITIGATION MATTERS (4)

COUGAR FIELD

CHATHAM DAY SCHOOL

VERIZON

LOITERING ORDINANCE

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

POTENTIAL LITIGATION MATTER (1)

BRITTIN STREET

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 8:25 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 **Reorganization Meeting Minutes of January 1, 2010**. Mrs. Tsukamoto seconded the motion, which passed by the following roll call vote:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto

Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

Ms. Baillie moved approval of the **Executive Minutes of January 11, 2010**. Mrs. Tsukamoto seconded the motion, which passed by the following roll call vote:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto

Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

Ms. Baillie moved approval of the **Regular Meeting Minutes of January 11, 2010**. Mrs. Tsukamoto seconded the motion, which passed by the following roll call vote:

Regular Meeting Minutes – January 25, 2010

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links
Nays: None

REPORTS OF COMMITTEES

Community Affairs

Ms. Baillie, Chair of the Committee, made the following comments:
A reminder to all male residents that Thursday, February 11th, is Men's Night Out in Madison, that is the Thursday before Valentine's Day, and also for residents to save the date of March 15th for the beginning of Taste of Madison week. The Senior Citizens are looking forward to returning to 28 Walnut Street, with the construction of the elevator completion planned for April 1st. The seniors have also been discussing the East End of Madison with regard to making it more pedestrian friendly. The Recreation Advisory Committee will meet as scheduled February 2nd, and Ms. Baillie will meet later this week with the Chair of the Recreation Committee to discuss the Madison Recreation Center. Madison received money from the State of New Jersey for its recycling efforts, and Madison has the highest rate of recycling in Morris County with a rate of 62.5%.

Finance and Borough Clerk

Mr. Conley, Chair of the Committee, made the following comments:
Mr. Conley reminded residents of upcoming 2010 municipal budget sessions scheduled for Thursdays, February 11th and 18th, and Thursdays, March 4th and 18th, noting the importance of attending these budget sessions.

Public Safety

Mrs. Tsukamoto, Chair of the Committee, made the following comments:
Mrs. Tsukamoto offered congratulations to Municipal Prosecutor James DeMarzo on his appointment as Judge to the New Jersey Superior Court, Morris County. Mrs. Tsukamoto, along with the New Jersey League of Municipalities, is urging all to donate to Haitian Earthquake Relief. Also be aware that the FBI has warned against fraudulent donation schemes. The Rose City Police History project is under way, with \$13,500 donated to date toward the goal of \$25,000 for the project. Please contact Officer Joseph Longo if you wish to make a donation.

Utilities

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

Public Works and Engineering

Mr. Cerciello, Chair of the Committee, made the following comments:
Mr. Cerciello noted a meeting with residents of Loveland Street and South Street regarding parking issues. Several ideas on how to improve the situation were discussed, including new signs for parking on only the left side of the street. Mr. Cerciello stated that he will meet with Borough Engineer Robert Vogel to go through the 2010 engineering budget.

Health & Public Assistance

Mr. Links, Chair of the Committee, made the following comments:
Mr. Links noted that the Madison Board of Health has vaccinated approximately 5,700 individuals with the H1N1 vaccine, mostly children.

Regular Meeting Minutes – January 25, 2010

Mayor Holden stated that in order for the Mayor and Council to take action, correspondence received from residents must not be anonymous.

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.**

John Morris, Bedford Court, asked that the Council take the next step in revitalizing Lincoln Place, not just for businesses, but also for the benefit of all Madison residents.

AGENDA DISCUSSIONS

01/25/2010-1 AMEND FIRE DEPARTMENT FEE SCHEDULE

Mr. Codey explained that the fee schedule for certain registration and inspection of non-life hazard uses by Madison Fire Department personnel should be adjusted to reflect increased costs and had not been increased since 1992.

Ordinance 3-2010 is listed for introduction

01/25/2010-2 ELECTRIC UTILITY RATE INCREASE

Chief Financial Officer Robert Kalafut addressed the Mayor and Council explaining the need for an increase in the electric utility rates. Mr. Kalafut summarized the discussions previously held with the Mayor and Council, noting electrical purchase cost increases and a decline in consumption. Mr. Kalafut recommended a 15% increase necessary to operate the utility, pay the supplier and to generate a surplus to use for the reduction of property taxes.

Ordinance 2-2010 is listed for introduction

01/25/2010-3 AUTHORIZE CONSENT TO EXECUTE AND SUBMIT FORMS TO NJDEP FOR SANITARY SEWER FORCE MAIN AND TREATMENT WORKS APPROVALS FOR FDU

Borough Engineer Robert Vogel requested authorization to execute and submit consent forms to the NJDEP in order to obtain permits authorizing replacement of sanitary sewer force main and treatment works approvals for Fairleigh Dickinson University, a portion of which is located in the Borough of Madison.

Resolution R 45-2010 is listed on the Consent Agenda

01/25/2010-4 INCREASE SMOKE DETECTOR/CARBON MONOXIDE CERTIFICATIONS FEES

Mr. Codey stated that an increase in the inspection and reinspection fees is necessary due to increased costs, noting fees were last increased in 2003.

Ordinance 4-2010 is listed for introduction

01/25/2010-5 INCREASE THE HOURLY FEE FOR MADISON FIREMEN ON DUTY AT PUBLIC ASSEMBLIES

Mr. Codey recommended amending Borough Code Section 101-11B to increase the hourly fee for a fireman on duty at public assemblies, which were last revised in 1992.

Ordinance 5-2010 is listed for introduction

Regular Meeting Minutes – January 25, 2010

01/25/2010-6 AWARD CONTRACT TO ROSEN GROUP OF SUMMIT, NJ FOR CONSTRUCTION OVERSIGHT FOR THE CIVIC CENTER ELEVATOR

Mr. Codey explained that due to delays in the supply of elevator equipment from the supplier, the schedule must be extended to finish the installation at the Civic Center. An additional amount of \$2,800.00 is requested for construction oversight.

Resolution R 47-2010 is listed on the Consent Agenda

01/25/2010-7 AWARD CONTRACT TO PENNONI ASSOC., INC. OF CEDAR KNOLLS FOR LINCOLN PLACE SURVEY AND DESIGN WORK

Ms. Baillie asked Main Street Executive Director Jim Burnet to present suggestions to provide an overview of design work for Lincoln Place. Mr. Burnet noted that Lincoln Place is in poor shape both aesthetically and safety wise. This area is a major destination for both residents and visitors, offering the U.S. Post Office, a movie theatre and train station; it is overall the gateway to the Downtown area. Mr. Burnet presented a 3D view of proposed features for Lincoln Place, including possibly adding new sidewalks, bump outs, new striping, designated crosswalks and a center island. The survey is necessary to get more accurate estimates of costs for improvements. Borough Engineer Robert Vogel noted improvements are also needed in infrastructure as well. There was consensus to award a contract to Pennoni Associates for survey and design work for Lincoln Place.

Resolution R 48-2010 is listed on the Consent Agenda

01/25/2010-8 AWARD CONTRACT TO HATCH MOTT MACDONALD, INC. OF MILLBURN, NJ FOR WATER/WASTEWATER GIS UPDATES

There was consensus to approve Borough Engineer Robert Vogel's recommendation to award a contract to Hatch Mott MacDonald for GIS updates funded through the Water Operating budget.

Resolution R 49-2010 is listed on the Consent Agenda

01/25/2010-9 AWARD CONTRACT TO DENNIS HARRINGTON OF MADISON, NJ FOR CONSTRUCTION ADMINISTRATION SERVICES FOR THE ELMER STREET STORM SEWER IMPROVEMENT PROJECT

There was agreement with Mr. Vogel's recommendation to award a contract to Dennis Harrington for construction administration for the Elmer Street storm sewer improvement project.

Resolution R 50-2010 is listed on the Consent Agenda

Mayor Holden announced that the Boys Scouts of America will celebrate their 100th Anniversary and noted that local troops will attend the next Borough Council meeting on February 8, 2010.

ADVERTISED HEARINGS

The Clerk made the following statement:

The ordinance scheduled for hearing tonight was submitted in writing at a Regular Meeting of the Mayor and Council held on January 11, 2010, was introduced by title and passed on first reading, was published in the Madison Eagle and made available to members of the general public requesting same.

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

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING SECTION 190-33
OF THE BOROUGH CODE ENTITLED “FEES FOR DEPARTMENT SERVICES”
TO INCREASE FEES FOR WATER DEPARTMENT SERVICES**

WHEREAS, the Borough Administrator has recommended that the fees for services by the Water Department be increased to reflect the increased costs associated with such charges; and

WHEREAS, the Borough Council has determined that there is a need to approve such increase.

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 190 of the Borough Code entitled “Water” shall be amended as follows:

SECTION 1:

§ 190-33. Fees for Department services.

Fees for services rendered by the Department, as provided for herein, shall be as follows:

- A. Supervision of main and service line leakage and pressure tests as provided for in § 190-6 herein: \$280 per day, or \$35 per hour for each hour or fraction thereof during which the presence of the Inspector is required.
- B. Inspection of main and service line construction as provided for in § 190-8 herein: \$280 per day, or \$35 per hour for each hour or fraction thereof during which the presence of the Inspector is required.
- C. Tapping of main, construction of service line and installation of meter as provided for in § 190-11 herein:
 - (1) Three-fourths inch: \$1,500, including material and labor.
 - (2) One inch: \$2,000, including material and labor.
 - (3) One and one-half inches: \$2,800, including material and labor.
 - (4) Two inches or greater via outside contracted services.
- D. Services in new subdivisions as provided for in § 190-12 herein and for meter installations as provided for in § 190-13 herein:
 - (1) Three-fourths inch: \$75 per service.
 - (2) One inch: \$150 per service.
 - (3) One and one-half inches: \$200 per service.

Regular Meeting Minutes – January 25, 2010

- (4) Two inches: \$250 per service. In the case of three-fourths-, one-, one-and-one-half- and two-inch service, labor, excavation and all materials, except the meter, shall be provided by the developer. In the case of larger services, labor, excavations and all material and the meter shall be provided by the developer as approved by the Water Utility.
- (5) Four inches: \$450 per service.
- (6) Six inches: \$1,000 per service.
- (7) Eight inches: \$1,800 per service.
- E. Temporary services as provided for in § 190-14 herein: \$35. Labor, excavation and material shall be provided for by the applicant.
- F. Resetting, repairing or replacement of curb box as provided for in § 190-17 herein: \$450, including all labor and materials.
- G. Discontinuation and/or restoration of service as provided for in § 190-24 herein: \$50 each.
- H. Meter test of meter two inches or less as provided for in § 190-25 herein: \$20.
- I. Hydrant maintenance fee as provided for in § 190-28 herein: \$115 per year.
- J. Fire sprinkler service fee.
 - (1) Four-inch connection: \$57.50 per quarter.
 - (2) Six-inch connection: \$71.25 per quarter.
 - (3) Eight-inch connection: \$107.50 per quarter.

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

Dr. Esposito moved that Ordinance 1-2010, which was read by title, be finally adopted. Mr. Links seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links
Nays: None

Mayor Holden declared Ordinance 1-2010 adopted and finally passed, and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of February 8, 2010, in the 3rd Floor Meeting Room of Bayley-

Regular Meeting Minutes – January 25, 2010

Ellard High School, 205 Madison Avenue off Danforth Road in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinances will be published in the Madison Eagle, be posted at the main entrance to Bayley-Ellard High School and be made available to members of the public requesting same, as required by law.

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

ORDINANCE 2-2010

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 94
APPENDIX "A" SCHEDULE OF RATES FOR ELECTRIC UTILITY**

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

WHEREAS, the Borough Chief Financial Officer has recommended that Appendix A to Chapter 94 of the Borough Code, entitled "Borough of Madison Schedule of Rates for Electric Utility December 1993" be amended to reflect the following new rates:

Type	Customer Charge	Demand Charge	Energy Charge
Residential Service	\$4.86		0 to 600 kWh \$0.1929 601 kWh or higher \$0.2039
General Service (non demand)	\$4.97		\$0.2091 per kWh
General Service (demand)	\$9.75	\$11.273 per kW	\$0.1459 per kWh
Mid Level General Service – Demand	\$29.21	\$13.314 per kW	\$0.1176 per kWh

Regular Meeting Minutes – January 25, 2010

Large General Service – Demand	\$29.21	\$12.764 per kW	\$0.1129 per kWh
Outdoor Area Light Service		<p>\$11.581 per 3,650 lumen mercury vapor lamp</p> <p>\$17.64 per 7,000 lumen mercury vapor lamp</p> <p>\$0.850 for each span of wire</p> <p>\$3.827 for each transformer</p> <p>\$1.106 for each pole</p>	
Off-Peak Water-Heating Service Rider	\$1.70		\$0.1112 per kWh
Standby Facilities Service Rider			\$1.278 per kWh

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: Appendix A to Chapter 94 of the Borough Code, entitled "Borough of Madison Schedule of Rates for Electric Utility December 1993" is hereby amended to revise the electric utility rates and classifications as set forth herein.

SECTION 3: All other rates and terms remain the same, except those changed herein.

SECTION 4: This Ordinance shall take effect on March 1, 2010.

Dr. Esposito moved that Ordinance 2-2010, which the Borough Clerk read by title, be adopted. Mr. Links seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto
 Dr. Esposito, Mr. Cerciello, Mr. Links
 Nays: None

ORDINANCE 3-2010

ORDINANCE OF THE BOROUGH OF MADISON AMENDING SECTION 101-8 OF THE BOROUGH CODE ENTITLED “REGISTRATION AND INSPECTION OF NON-LIFE-HAZARD USES” TO INCREASE FEES

WHEREAS, the Borough Administrator has recommended that the fees for registration and inspection of non-life-hazard uses by the Fire Department be increased; and

WHEREAS, the Borough Council has determined that there is a need to approve such increase.

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 101 of the Borough Code entitled “Fire Prevention” shall be amended as follows:

SECTION 1:

§ 101-8. Registration and inspection of non-life-hazard uses.

....

C. The annual registration fee for non-life-hazard uses is as follows:

Square Footage	Fee
0 to 500	\$50.00
500 to 1,000	\$60.00
1,001 to 2,000	\$70.00
2,001 to 3,000	\$80.00
3,001 to 4,000	\$90.00
4,001 to 5,000	\$100.00
5,001 to 6,000	\$110.00
6,001 to 7,000	\$120.00
7,001 to 8,000	\$130.00
8,001 to 9,000	\$140.00
9,001 to 10,000	\$150.00
10,001 to 11,000	\$170.00
11,001 to 12,000	\$190.00
12,001 to 13,000	\$210.00
13,001 to 14,000	\$230.00
14,001 to 15,000	\$250.00
15,001 to 20,000	\$280.00
20,001 to 25,000	\$310.00

Regular Meeting Minutes – January 25, 2010

25,001 to 30,000	\$340.00
30,001 to 35,000	\$370.00
35,001 to 40,000	\$400.00
40,001 to 45,000	\$430.00
45,001 to 50,000	\$460.00
50,001 to 55,000	\$500.00
55,001 to 60,000	\$540.00
60,001 to 65,000	\$580.00
65,001 to 70,000	\$620.00
70,001 to 75,000	\$660.00
75,001 to 80,000	\$700.00
80,001 to 85,000	\$740.00
85,001 to 90,000	\$780.00
90,001 to 95,000	\$820.00
95,001 to 100,000	\$860.00
Each 5,000 or part over 100,000	\$50.00

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

Mrs. Tsukamoto moved that Ordinance 3-2010, 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. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links
Nays: None

ORDINANCE 4-2010

ORDINANCE OF THE BOROUGH OF MADISON AMENDING SECTION 101-11.1 OF THE BOROUGH CODE ENTITLED “SMOKE DETECTORS AND CARBON MONOXIDE DETECTORS” TO INCREASE INSPECTION FEES

WHEREAS, the Borough Administrator has recommended that the fees for smoke detector and carbon monoxide detector inspection and certification by the Fire Department be increased; and

WHEREAS, the Borough Council has determined that there is a need to approve such increase.

Regular Meeting Minutes – January 25, 2010

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 101 of the Borough Code entitled “Fire Prevention” shall be amended as follows:

SECTION 1:

§ 101-11.1. Smoke detectors and carbon monoxide detectors.

....

E. Inspection fees. The fee for any inspection for a certificate of compliance with this section shall be \$75. The fee for any reinspection for a certificate of compliance with this section shall be \$40 until the property is in compliance with this section.

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

Mrs. Tsukamoto moved that Ordinance 4-2010, 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. Conley, Mrs. Tsukamoto

Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

ORDINANCE 5-2010

ORDINANCE OF THE BOROUGH OF MADISON AMENDING SECTION 101-11 OF THE BOROUGH CODE ENTITLED “FIREMAN ON DUTY AT PUBLIC ASSEMBLIES; FEES” TO INCREASE FEES

WHEREAS, the Borough Administrator has recommended that the hourly fee for a fireman on duty at public assemblies be increased; and

WHEREAS, the Borough Council has determined that there is a need to approve such increase.

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 101 of the Borough Code entitled “Fire Prevention” shall be amended as follows:

SECTION 1:

§ 101-11. Fireman on duty at public assemblies; fees.

....

B. There shall be a fee of \$65 per hour per fireman to the owner or lessee of said building or structure, or other persons in charge of said assembly or function, for the services of the firemen as required in this section. Sixty dollars of this charge is imposed for the purpose of reimbursing said fireman or firemen

Regular Meeting Minutes – January 25, 2010

assigned to the duties required herein. Five dollars of this charge is imposed for the purpose of reimbursing the Borough for administrative charges connected with the services provided by the firemen.

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

Mrs. Tsukamoto moved that Ordinance 5-2010, 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. Conley, Mrs. Tsukamoto

Dr. Esposito, Mr. Cerciello, Mr. Links

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 Resolutions R 38-2010 through R 42-2010, Resolutions R 44-2010 and R 45-2010, Resolutions R 47-2010 through R 50-2010 and Resolution R 53-2010 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. Conley, Mrs. Tsukamoto

Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

R 38-2010 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING RESIGNATION OF CODE ENFORCEMENT OFFICIAL EFFECTIVE MARCH 1, 2010

WHEREAS, Leonard Taylor, Code Enforcement Official, has tendered a written resignation effective March 1, 2010.

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 resignation effective March 1, 2010 of Leonard Taylor as Code Enforcement Official, is hereby acknowledged and accepted.

R 39-2010 RESOLUTION OF THE BOROUGH OF MADISON RENEWING BOWLING ALLEY LICENSE FOR PLAZA LANES FOR 2010

Regular Meeting Minutes – January 25, 2010

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Bowling Alley License renewal be approved for the year 2010:

Company Name: PLAZA LANES INC.

Name of Bowling Alley: PLAZA LANES

Location of Bowling Alley: 53 Madison Plaza Madison, New Jersey

R 40-2010 RESOLUTION OF THE BOROUGH OF MADISON RENEWING THEATER LICENSE FOR CLEARVIEW MADISON 4 FOR 2010

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Theater License renewal be approved for the year 2010:

Company Name: CLEARVIEW CINEMAS

Name of Theater: CLEARVIEW MADISON 4

Location of Theater: 14 LINCOLN PLACE
MADISON, NEW JERSEY

R 41-2010 RESOLUTION OF THE BOROUGH OF MADISON RENEWING AMUSEMENT DEVICE LICENSES FOR 2010 FOR CLEARVIEW CINEMAS MADISON 4 AND PLAZA LANES

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Amusement Device License renewals be approved for the year 2010:

ADVAY AMIN

Location: Clearview Cinemas Madison 4
14 Lincoln Place, Madison, N.J.

MICHAEL F. RICCONI

Location: Plaza Lanes
53 Madison Plaza, Madison, N.J.

BE IT FURTHER RESOLVED, that these Licenses will permit operation of four amusement machines at the Clearview Cinemas Madison 4 and eight amusement machines at Plaza Lanes.

Regular Meeting Minutes – January 25, 2010

R 42-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY FRIENDS OF THE MADISON PUBLIC LIBRARY

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, to be held as listed below, be and the same is hereby approved:

FRIENDS OF THE MADISON PUBLIC LIBRARY
I.D. No. 274-5-37411
R.A. No. 1144 – Off Premise
March 6, 2010

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

R 44-2010 RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION R 214-2009 AWARDING PROFESSIONAL SERVICES CONTRACT TO PK ENVIRONMENTAL FOR SUPPLEMENTAL ENVIRONMENTAL TESTING

WHEREAS, a contract was awarded to PK Environmental for supplemental environmental testing at the Bayley-Ellard recreation fields in the amount of \$84,820.00 by Resolution R 214-2009; and

WHEREAS, the Borough Engineer has recommended that the Borough amend Resolution

R 214-2009 to include further environmental remedial investigation and increase the award amount by \$2,800.00 to \$87,620.00; and

WHEREAS, the Director of Finance has attested that funds will be available in a total amount not to exceed \$87,620.00 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:

1. Resolution R 214-2009 is amended to increase the award amount by \$2,800.00 to \$87,620.00 for further environmental remedial investigation.

2. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract with PK Environmental of Chatham, New Jersey for further environmental remedial investigation at the Bayley-Ellard recreation fields in an amount not to exceed \$2,800.00, such contract to be in a form approved by the Borough Attorney.

R 45-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXECUTION AND SUBMISSION OF CONSENT FORMS TO THE NJDEP FOR PERMITS AUTHORIZING REPLACEMENT OF THE SANITARY SEWER FORCE

Regular Meeting Minutes – January 25, 2010

MAIN AND TREATMENT WORKS APPROVALS FOR FAIRLEIGH DICKINSON UNIVERSITY

WHEREAS, the Borough Engineer has recommended that he be authorized to act on behalf of the Borough of Madison to execute and submit consent forms to the New Jersey Department of Environmental Protection (NJDEP) in connection with replacement of sanitary sewer force main and treatment works approvals for Fairleigh Dickinson University, Block 101, Lot 8 in the Borough of Madison along Madison Avenue, in conjunction with the Borough of Florham Park; and

WHEREAS, the Borough Engineer has indicated approximately fifty feet of force main is proposed within the Borough of Madison.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Robert Vogel, Borough Engineer, is authorized to endorse form WQM-003 to be submitted to the NJDEP in regard to the Fairleigh Dickinson University force main replacement, or such other forms as may be necessary, on behalf of the Borough of Madison, in cooperation with the proposal to replace sewer force mains to serve Fairleigh Dickinson University in Florham Park.

R 47-2010 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO ROSEN GROUP OF SUMMIT, NJ FOR CONSTRUCTION OVERSIGHT FOR THE CIVIC CENTER ELEVATOR IN THE AMOUNT OF \$2,800.00

WHEREAS, a professional services contract for construction oversight for the Madison Civic Center improvements was awarded to Rosen Group of Summit, New Jersey, by Resolution R 245-2009; and

WHEREAS, due to delays in the supply of equipment, the construction schedule must be extended; and

WHEREAS, the Borough Engineer has recommended that the Borough obtain professional services from Rosen Group of Summit, New Jersey, for additional construction oversight for the Madison Civic Center improvements (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

Regular Meeting Minutes – January 25, 2010

WHEREAS, the Borough Engineer has recommended that the Borough Council award the Contract to Rosen Group in an amount not to exceed \$2,800.00, for construction oversight for the Madison Civic Center improvements; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$2,800.00 for this purpose, which funds were appropriated by Ordinance 32-2009.

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 Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Rosen Group for construction oversight for the Madison Civic Center improvements in an amount not to exceed \$2,800.00, such contract to be in a form approved by 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.

R 48-2010 RESOLUTION OF THE BOROUGH OF MADISON AWARDING PROFESSIONAL SERVICES CONTRACT TO PENNONI ASSOCIATES, INC. OF CEDAR KNOLLS, NJ FOR LINCOLN PLACE SURVEY AND DESIGN WORK IN THE AMOUNT OF \$29,250.00

WHEREAS, the Borough Engineer has recommended that the Borough obtain professional services from Pennoni Associates, Inc. for Lincoln Place survey and design work (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 exceed \$17,500.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the Contract to Pennoni Associates, Inc. in an amount not to exceed \$29,250.00, for Lincoln Place survey and design work; and

WHEREAS, Pennoni Associates, Inc., must submit to the Borough Purchasing/Personnel Officer 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, Pennoni Associates, Inc. must complete and submit a Business Entity Disclosure Certification which certifies that Pennoni Associates, Inc. has not

Regular Meeting Minutes – January 25, 2010

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 Pennoni Associates, Inc. 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 \$29,250.00 for this purpose from the Water Operating professional services account.

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. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from Pennoni Associates, Inc., the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Pennoni Associates, Inc. for Lincoln Place survey and design work, in an amount not to exceed \$29,250.00, such contract to be in a form approved by the Borough Attorney.

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

3. 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 49-2010 RESOLUTION OF THE BOROUGH OF MADISON AWARDING PROFESSIONAL SERVICES CONTRACT TO HATCH MOTT MACDONALD, INC. OF MILLBURN, NJ FOR WATER/WASTEWATER GIS UPDATES IN THE AMOUNT OF \$15,000.00

WHEREAS, the Borough Engineer has recommended that the Borough obtain professional services from Hatch Mott MacDonald, Inc. for water/wastewater GIS updates (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 Hatch Mott MacDonald, Inc. in an amount not to exceed \$15,000.00, for water/wastewater GIS updates; and

Regular Meeting Minutes – January 25, 2010

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$15,000.00 for this purpose, from the Water Operating professional services account.

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:

2. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional engineering services with Hatch Mott MacDonald, Inc., for water/wastewater GIS updates in an amount not to exceed \$15,000.00, such contract to be in a form approved by the Borough Attorney.

3. 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 50-2010 RESOLUTION OF THE BOROUGH OF MADISON AWARDDING CONTRACT TO DENNIS HARRINGTON OF MADISON, NJ FOR CONSTRUCTION ADMINISTRATION SERVICES FOR THE ELMER STREET STORM SEWER IMPROVEMENT PROJECT IN THE AMOUNT OF \$15,000.00

WHEREAS, the Borough Engineer has recommended that the Borough obtain professional services from Dennis Harrington, P.E., for construction administration services for the Elmer Street Storm Sewer improvements (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 Dennis Harrington, P.E. in an amount not to exceed \$15,000.00, for construction administration services for the Elmer Street Storm Sewer improvements; and

WHEREAS, Dennis Harrington, P.E., must submit to the Borough Purchasing/Personnel Officer 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, Dennis Harrington, P.E., must complete and submit a Business Entity Disclosure Certification which certifies that Dennis Harrington, P.E., has not made any reportable contributions to a political or candidate committee in the

Regular Meeting Minutes – January 25, 2010

Borough of Madison in the previous one year, and that the contract will prohibit Dennis Harrington, P.E., 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 \$15,000.00 for this purpose, which funds were appropriated by Ordinance 49-2008.

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:

4. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from Dennis Harrington, P.E., the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Dennis Harrington, P.E., for construction administration services for the Elmer Street Storm Sewer improvements in an amount not to exceed \$15,000.00, such contract to be in a form approved by the Borough Attorney.

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

6. 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 53-2010 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING DONATION OF FITNESS EQUIPMENT TO THE MADISON PBA LOCAL #92

WHEREAS, Madison High School has generously offered to donate fitness equipment to the Madison PBA Local #92 to be set up in the Public Safety Complex to be used by members of the Madison PBA; and

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

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

BE IT FURTHER RESOLVED that the Borough of Madison expresses its gratitude to Madison High School.

Regular Meeting Minutes – January 25, 2010

Mrs. Tsukamoto moved adoption of Resolution R 43-2009 as amended. Mr. Conley seconded the motion. Mr. Mezzacca read Resolution R 43-2010 in full, and the motion passed with the following roll call vote recorded:

R 43-2010 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING ACTING FIRE CHIEF OF THE FIRE DEPARTMENT

BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Louie E. DeRosa, III, is hereby appointed to the position of Acting Fire Chief effective January 28, 2010; and

BE IT FURTHER RESOLVED that Louie E. DeRosa, III be appointed to the position of Fire Chief effective July 31, 2010.

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links
Nays: None

Mrs. Tsukamoto moved adoption of Resolution R 46-2009. Ms. Baillie seconded the motion. Mr. Cerciello raised concern regarding construction at the Hartley Dodge Memorial building.

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley, Mrs. Tsukamoto, Dr. Esposito
Nays: Mr. Cerciello

R 46-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING CHANGE ORDER #6 FOR THE HDM

R 46-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING CHANGE ORDER #6 FOR THE HDM

WHEREAS, a contract for the rehabilitation of the Hartley Dodge Memorial, in an amount not to exceed \$6,317,000 was awarded to Merrell & Garaguso, Inc., by Resolution R124-2009; and

WHEREAS, Change Orders #1, #2, #3, #4 and #5 have previously been approved for a total additional amount of \$345,242.00; and

WHEREAS, the Borough Administrator has recommended approval of a Change Order #6 to the contract to repair stone at the front foundation, extend sanitary vent, replace janitor's slop sink, relocate junior steel beam in court room, steel allowances, and install drain from electric vault, in an additional amount of \$32,512.00 bringing the contract total to \$6,694,754.00; and

WHEREAS, the Director of Finance has attested to the availability of funds in an amount not to exceed \$32,512.00 for this purpose, which funds were appropriated by Ordinance 58-2008.

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 change order request from Merrell & Garaguso, Inc., in the total amount not to exceed \$32,512.00 for the rehabilitation of the Hartley Dodge Memorial is authorized.

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 Mantone, West Lane, thanked the Mayor and Council for moving forward with improvements to Lincoln Place, noting the benefits to all residents of Madison.

Eugene Zipper, Greenwood Avenue, requested that the public see back-up information for agenda items. Mr. Zipper indicated his preference in paying an increase to property taxes rather than electric utility rates because property taxes can be deducted from income taxes.

Don Brunner, Redmond Drive, asked the Mayor and Council why the utility rate increase could not wait until after budget hearings and when the new rates will be reflected in residents' utility bills.

Craig Erezuma, Albright Circle, wished to thank the governing body for the proposed work on Lincoln Place, which will be a real asset to Madison; also wished to clarify the terms usage and consumption for the electric utility, noting that as technology becomes more efficient, those funds will be lost.

Mary Smith, Academy Road, suggested that the electric utility rates be adjusted for usage, noting several ways to increase for different users of electricity.

Hebbly Emerson, Fairwood Road, stated his support of development to Lincoln Place and looks forward to more information regarding improvements, noting the benefit to the entire community.

Brad Cramer, Main Street, thanked the Mayor and Council for moving ahead with improvements to Lincoln Place, noting that improvements will encourage owners to make repairs to their buildings.

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. Voucher #00362 in the amount of \$487.39 was removed from the following voucher totals:

Public Safety	\$9,609.54
Health & Public Assistance	877.87
Public Works & Engineering	115,271.91
Community Affairs	2,011.48
Finance & Borough Clerk	1,604,788.10

Regular Meeting Minutes – January 25, 2010

Utilities	<u>1,693,539.44</u>
Total	<u>\$3,426,098.34</u>

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

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links

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 10:15 p.m. and the Executive Session immediately reconvened.

RECONVENE AND ADJOURN

The Regular Meeting reconvened at 11:10 p.m. and immediately adjourned.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved February 8, 2010 (EO)