

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

March 22, 2010 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 22nd day of March 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

Four Contract Matters, one Potential Litigation Matter and one 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 March 8, 2010

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

CONTRACT MATTERS (5)

REVENUE GENERATORS

TAXI LICENSES

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SIDEWALK DINING
VACATE DOUGLAS AVENUE
YMCA TEEN CENTER

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

PERSONNEL MATTERS (1)
ROBERT F KALAFUT, CFO

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

LITIGATION MATTERS (1)
BAYLEY-ELLARD FIELDS

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

POTENTIAL LITIGATION MATTERS (1)
CHATHAM DAY SCHOOL

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 8:20 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 March 8, 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 March 8, 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

GREETINGS TO PUBLIC

Mayor Holden made the following comments:
The Borough of Madison has purchased the fields at the former Bayley-Ellard High School. The property will continue its current use remaining as open space. Mayor Holden thanked Ms. Baillie for her efforts in making the acquisition possible.

Autism Awareness Month THURSDAY MORNING CLUB

*Proclamation
of the
Borough of Madison*

Proclaiming

***AUTISM AWARENESS MONTH
APRIL 2010***

WHEREAS, autism is a pervasive developmental disorder affecting the social, learning and behavioral skills of those affected by it; and

WHEREAS, autism was once thought to be a relatively rare disorder, affecting only one in one thousand people; and

WHEREAS, as more and more health professionals become proficient in diagnosing autism, more children are being diagnosed on the autism spectrum, resulting in rates as high as one in 150 children nationally and one in 94 in New Jersey; and

WHEREAS, while there is no cure for autism, it is well documented that if individuals with autism receive treatment early in their lives, it often is possible for those individuals to lead significantly improved lives; and

WHEREAS, the New Jersey State Federation of Women’s Clubs of the General Federation of Women’s Clubs (GFWC) and the Thursday Morning Club join with women’s clubs throughout the State of New Jersey and with Autism New Jersey (formerly COSAC) to spearhead an awareness effort in order to educate parents, professionals and the general public about autism and its effects;

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim April 2010 as ***AUTISM AWARENESS MONTH*** in the municipality of Madison. Further, we do hereby join the dedicated volunteers of the New Jersey State Federation of Women’s Clubs of GFWC, the Thursday Morning Club and Autism New Jersey and urge all employees and residents to participate in Autism Awareness Month activities, in order to become better educated on the subject of autism spectrum disorders.

Mary-Anna Holden, Mayor

March 22, 2010

Mayor Holden presented a Proclamation declaring April as “Autism Month” to President Sharon Silver and Vice President Anne Lawless of the Thursday Morning Club.

Donate Life Month

***Proclamation
of the
Borough of Madison***

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***Proclaiming
Donate Life Month
April 2010***

WHEREAS, Overlook Hospital’s Auxiliary established an Organ and Tissue Donor Awareness Committee in May 1995 whose goal is to make the public aware of organ and tissue donor needs and programs; and

WHEREAS, in the United States there are almost 105,000 people waiting for organs (liver, heart, kidney, lungs, pancreas) almost 4,000 of whom are from New Jersey; and

WHEREAS, approximately 20 people die daily waiting for organs – the Gift of Life; and

WHEREAS, those needing tissues (bones, ligaments, heart valves, corneas, skin) are waiting to improve their quality of life;

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim the month of April 2010 as **DONATE LIFE MONTH** and encourage the citizens of Madison to become donors through their driver’s license or living will. Citizens are asked to share this decision with their families because it becomes a legal document.

MARY-ANNA HOLDEN, MAYOR

March 22, 2010

The Proclamation proclaiming April as “Donate Life Month” was presented by Mayor Holden to Sarah O’Donnell.

MAY DAY ‘LEADING THE WAY’ AWARDS WINNERS

Mayor Holden presented Awards to the following individuals:

Peter Coviello
Cheryl Munkel
Brad Cramer

REPORTS OF COMMITTEES

Community Affairs

Ms. Baillie, Chair of the Committee, made the following comments:
Ms. Baillie announced the Madison Chamber of Commerce will hold an Easter Fun Fest on Saturday, March 27th, from 11:00 a.m. until 12:30 p.m. Ms. Baillie also announced that the Madison Little League will hold the Opening Day of their 58th

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season on Saturday, April 10th, starting with a parade at noon on Wilmer Street and ending at Dodge Field, with a 50/50 raffle held at 1:00 p.m. On April 29th, there will be a Green Fair on the lawn of the Museum of Early Trades & Crafts on Green Village Road to introduce to the community a way to be environmentally sensitive and help Madison become part of Sustainable NJ. This year's Farmers' Market will begin Thursday, June 24th, through September on Thursdays along Waverly Place and in October at the Staples parking lot. Ms. Baillie also announced that the DDC will celebrate its 13th annual May Day on Saturday, May 1st, with a town-wide beautification event of improvements and cleaning of public spaces.

Finance and Borough Clerk

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

Public Safety

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

Mrs. Tsukamoto commended the Madison Fire Department for their response during recent storms, including pumping out 20 houses in Madison, responding to and clearing debris from the railroad tracks and responding to a transformer fire. The Madison Fire Department also provided mutual aid to Lincoln Park.

Utilities

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

Dr. Esposito reported that on March 12th, due to a severe storm, the Madison-Chatham Joint Meeting was without power for a short time. Generators were brought in and power was restored quickly. Also the Electric Department crews worked very hard to restore power to about 40 customers due to the severe storm. A large tree came down on Fairwood Road, and a large branch in the Madison High School parking lot caused some damage.

Public Works and Engineering

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

Mr. Cerciello noted a meeting scheduled for April 6th with Mr. Mezzacca, Borough Engineer Robert Vogel, Borough Planner Susan Blickstein, Main Street Executive Director James Burnet and Borough Administrator Ray Codey to discuss ways to simplify the application process for businesses in the downtown area. Mr. Cerciello would also like to have a review of construction ordinances.

Health & Public Assistance

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

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communication:

A letter received March 22, 2010, from Ms. Heidi Zapf of Samson Avenue regarding parking on Samson Avenue.

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.**

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

AGENDA DISCUSSIONS

03/22/2010-1 NORTH STREET PUMP STATION STATUS

Mr. Codey provided information regarding improvements to the North Street pump station. Mr. Codey noted new manhole covers with deodorant attachments have been ordered and will be installed this week. A force main needs to be cleaned and a camera purchased to see inside the system. Mr. Codey noted that long term a total renovation of the pump station is needed.

03/22/2010-2 Item Removed

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 March 8, 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 9-2010

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CH. 94 OF THE BOROUGH CODE SETTING POLICY ON UNDERGROUND ELECTRIC SERVICE

WHEREAS, the Borough Administrator has recommended that the Electric Utility Rules and Regulations be amended to provide for reimbursement to residential customers with underground service for repairs; and

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

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 94, Appendix C of the Borough Code entitled “Electric Utility Department Rules And Regulations” shall be amended as follows:

SECTION 1:

§2.14 All underground service ducts and conductors will be installed, owned, and maintained at the owner’s expense. All existing underground ducts and cable that run from the Borough’s manholes or vaults to the customer’s premises will be upgraded, replaced or repaired at the owner’s expense. In the event that a residential underground service must be repaired, the customer shall be reimbursed

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for one time only, a fixed amount of \$800.00. No one shall enter any manhole, hand hole, or vault without being accompanied by an Electric Department employee.

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

Mr. Conley moved that Ordinance 9-2010, which was 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. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

Mayor Holden declared Ordinance 9-2010 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 - 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 78-2010, R 79-2010 and Resolutions R 81-2010 through Resolutions R 94-2010 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 78-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PFIZER 5K RUN ON WEDNESDAY, MAY 26, 2010 AT 6:30 P.M.

WHEREAS, Pfizer has requested to hold a A5K run@ in Madison on Wednesday, May 26, 2010, for the benefit of Project Community Pride; and

WHEREAS, the run will begin at 6:30 p.m., on the grounds of Giralda Farms; and

WHEREAS, Giralda Farms property owners have requested a Hold Harmless agreement and a Certificate of Liability Insurance regarding such use of the property; and

WHEREAS, Police Chief Trevena recommends approval of this request.

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NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the request of Pfizer to hold a “5K run” in Madison on Wednesday, May 26, 2010, as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department, and the Mayor is authorized to sign a Hold Harmless Agreement as approved by the Borough Attorney and to supply a Certificate of Liability Insurance from the Borough for this event.

R 79-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE SUBMITTED BY MADISON HIGH SCHOOL EDUCATIONAL FOUNDATION TO CONDUCT AN ON-PREMISE MERCHANDISE RAFFLES GAME ON SUNDAY, MAY 2, 2010

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

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

WHEREAS, the New Jersey Legalized Games of Chance Control Commission has issued Registration Identification No. 274-5-36429 to the Madison High School Educational Foundation; and

WHEREAS, an Application for Raffles License, together with all necessary documents and fees, has been submitted to the Madison Borough Clerk's Office by the Madison High School Educational Foundation to conduct an On-Premise Merchandise Raffles Game on Sunday, May 2, 2010, from 9 a.m. to 12:15 p.m. at Madison High School, 170 Ridgedale Avenue, Madison;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the afore-mentioned Application for Raffles License, R.A. No. 1147, 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 81-2010 RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION R 11-2010 ADOPTING 2010 TEMPORARY APPROPRIATIONS FOR OPERATING PURPOSES PURSUANT TO N.J.S.A. 40:4-19

WHEREAS,40A:4-19 Local Budget Act, provides that temporary

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appropriations be made in the amounts required where contracts, commitments or payments must be made prior to the final adoption of the 2010 budget; and

WHEREAS, the date of this resolution is within the first thirty days of 2010; and

WHEREAS, the total appropriations in the 2009 Budget, less appropriations made for capital improvement fund, debt service and relief of the poor (public assistance) are as follows:

CURRENT	\$22,386,752.33
WATER UTILITY	\$1,731,741.00
ELECTRIC UTILITY	\$19,372,830.00

WHEREAS, 52.50 percent of the total appropriations in the 2009 Budget less appropriations for capital improvement fund, debt service and relief of the poor (public assistance) in the said 2009 Budget is as follows:

MUNICIPAL	\$11,753,044.96
WATER UTILITY	\$909,164.02
ELECTRIC UTILITY	\$10,170,735.76

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following temporary appropriations be made, and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

GENERAL ADMINISTRATION & HUMAN RESOURCES	
Salary & Wages	\$200,000.00
Other Expenses	\$30,000.00
MUNICIPAL SUPPORT	
Other Expenses	\$44,000.00
BOROUGH CLERK	
Salary & Wages	\$50,000.00
Other Expenses	\$20,000.00
FINANCIAL ADMINISTRATION	
Salary & Wages	\$80,000.00
Other Expenses	\$14,000.00
MAYOR AND BOROUGH COUNCIL	
Salary & Wages	\$50,000.00
Other Expenses	\$12,000.00
MAIN STREET EXECUTIVE DIRECTOR	
Salary & Wages	\$30,000.00
ASSESSMENT OF TAXES	
Salary & Wages	\$60,000.00
Other Expenses	\$20,000.00
REVENUE ADMINISTRATION	

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Salary & Wages	\$80,000.00
Other Expenses	\$20,000.00
LEGAL SERVICES	
Other Expenses	\$80,000.00
MUNICIPAL COURT	
Salary & Wages	\$70,000.00
Other Expenses	\$18,000.00
PUBLIC BUILDINGS & GROUNDS	
Salary & Wages	\$60,000.00
Other Expenses	\$72,000.00
PLANNING BOARD	
Salary & Wages	\$30,000.00
Other Expenses	\$40,000.00
ZONING BOARD	
Salary & Wages	\$14,000.00
Other Expenses	\$30,000.00
ENGINEERING	
Salary & Wages	\$120,000.00
Other Expenses	\$40,000.00
ENVIRONMENTAL COMMISSION	
Other Expenses	\$1,000.00
INSURANCE	
Group Health Insurance	\$1,080,000.00
Liability	\$440,000.00
Workers Compensation	\$340,000.00
FIRE DEPARTMENT	
Salary & Wages	\$650,000.00
Other Expenses	\$60,000.00
FIRE SAFETY PROGRAM	
Salary & Wages	\$50,000.00
Other Expenses	\$2,000.00
POLICE DEPARTMENT	
Salary & Wages	\$1,800,000.00
Other Expenses	\$300,000.00
CONSTRUCTION CODE	
Salary & Wages	\$120,000.00
Other Expenses	\$20,000.00
EMERGENCY MANAGEMENT SERVICES	\$4,000.00
COMMUNITY PRIDE	
Salary & Wages	\$60,000.00
Other Expenses	\$6,000.00
PUBLIC WORKS	
Salary & Wages	\$970,000.00
Other Expenses	\$120,000.00
SEWER LINE MAINTENANCE	
Salary & Wages	\$150,000.00
Other Expenses	\$20,000.00
SHADE TREE MANAGEMENT BOARD	

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Other Expenses	\$60,000.00
GARBAGE & TRASH REMOVAL	
Other Expenses	\$960,000.00
VEHICLE MAINTENANCE	
Salary & Wages	\$110,000.00
Other Expenses	\$44,000.00
MADISON-CHATHAM JOINT MEETING	
Other Expenses	\$612,000.00
HEALTH DEPARTMENT	
Salary & Wages	\$300,000.00
Other Expenses	\$130,000.00
DOG REGULATION	
Other Expenses	\$10,000.00
ADMINISTRATION OF PUBLIC ASSISTANCE	
Salary & Wages	\$20,000.00
Other Expenses	\$4,000.00
CIVIC CENTER	
Other Expenses	\$40,000.00
PARKS & RECREATION	
Salary & Wages	\$30,000.00
Other Expenses	\$20,000.00
TEEN CENTER	
Salary & Wages	\$8,000.00
Other Expenses	\$5,000.00
MAINTENANCE OF FREE PUBLIC LIBRARY	
Other Expenses	\$650,000.00
UTILITY EXPENSES	
Other Expenses	\$180,000.00
SENIOR CITIZENS PROGRAM	
Salary & Wages	\$30,000.00
Other Expenses	\$8,000.00
CONTINGENCY	
Other Expenses	\$5,044.96
PENSION	\$800,000.00
SOCIAL SECURITY	\$250,000.00
SUBTOTAL	\$11,753,044.96
Capital Improvement	\$1,000,000.00
TOTAL	\$12,753,044.96

WATER UTILITY

Salary & Wages	\$300,000.00
Other Expenses	\$586,164.02
Social Security System	\$23,000.00

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SUBTOTAL	\$909,164.02
Capital Improvement	\$400,000.00
TOTAL	\$1,309,164.02

ELECTRIC UTILITY

Salary & Wages	\$700,000.00
Other Expenses	\$9,417,185.76
Social Security System	\$53,550.00
SUBTOTAL	\$10,170,735.76
Capital Improvement	\$300,000.00
TOTAL	\$10,470,735.76

R 82-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING THE ANNUAL LITTLE LEAGUE PARADE TO BE HELD ON SATURDAY, APRIL 10, 2010

WHEREAS, The Madison Little League has requested permission to hold its annual Little League parade on Saturday, April 10, 2010 to officially start their 2010 season; and

WHEREAS, the parade will begin at 12:00 Noon, and proceed on a route approved by the Madison Borough Police Chief, said route beginning at the intersection of Wilmer Street and Green Village Road, and it will continue down Green Village Road to Main Street, continuing east on Main Street and turn left onto Greenwood Avenue, continuing down Greenwood Avenue where it will conclude at Dodge Field where there will be a brief ceremony at the conclusion of the parade; and

WHEREAS, Police Chief Trevena recommends approval of this request.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the request of the Madison Little League to hold its annual Little League parade in Madison on Saturday, April 10, 2010, as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department

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R 83-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING MADISON GREEN FAIR

WHEREAS, the Main Street Executive Director has recommended approval of the Madison Green Fair on April 29, 2010, and authorization of closing Green Village Road in front of the Museum of Early Trades and Crafts; and

WHEREAS, Green Village Road would be closed from 2:00 p.m. to 8:00 p.m. between Blue Ridge Mountain Sports and Chatham Bookseller, with access maintained to the Waverly Green parking lot; and

WHEREAS, stores located in the James Building that front on Green Village Road shall be permitted to have merchandise for sale on the sidewalk in front of their stores while the road is closed; and

WHEREAS, the Police Department has approved the event with the use of Auxiliary officers.

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 Madison Green Fair is approved subject to the safety requirements of the Madison Police Department.
2. The Madison Police Department is authorized to close Green Village Road between Blue Ridge Mountain Sports and Chatham Bookseller from 2:00 p.m. to 8:00 p.m. on April 29, 2010, in conjunction with the Madison Green Fair.

R 84-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE FARMERS' MARKET FOR 2010

WHEREAS, the Downtown Development Commission has recommended to the Borough Council that the 2010 Farmers' Market be in the Borough of Madison to be held every Thursday beginning June 24, 2010 through Thursday, October 28, 2010; and

WHEREAS, the Downtown Development Commission has requested permission of the Borough of Madison to place the Market on Waverly Place from June 24, 2010 to September 30, 2010; and

WHEREAS, parking spaces along the center island and the northbound traffic on the Chase Bank side would be closed at 1 p.m. and reopen at 8:30 p.m.; and

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WHEREAS, parking spaces along the west side and southbound traffic would remain open all day; and

WHEREAS, adequate space for emergency vehicles will be left between farmer displays and the buildings on the northbound side of the street; and

WHEREAS, the Downtown Development Commission has requested permission of the Borough of Madison to place the Market at the Madison Plaza from October 7, 2010 to October 28, 2010; and

WHEREAS, the Main Street Executive Director and the Police Chief recommend approval of this request; and

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

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

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

1. A Farmers' Market is authorized to be conducted on Waverly Place from Thursday, June 24, 2010 through and including Thursday, September 30, 2010, and at the Madison Plaza from Thursday, October 7, 2010 through and including Thursday, October 28, 2010, with hours of operation from 2:30 p.m. to 7:00 p.m. each Thursday, subject to the terms and conditions of this Resolution.

2. The Farmers' Market shall be conducted in accordance with the 1993 "Guidelines for Madison's Farmers' Market", as amended by the 1997 amendments, as well as the 2010 Madison Farmers' Market Regulations and By Laws, subject to the dates and times and other conditions set forth in this resolution. Farmers shall be allowed to sell agricultural products that are produced and sold on their farms, including eggs, pork, wheat flour and baked goods and the sale of field-grown and cut field flowers; however, the sale of potted plants, shrubbery or other landscaping products shall not be permitted.

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

4. The requirements of the Sign Ordinance (Chapter 195 of the Madison Borough Code) shall not apply to the extent that the Farmers' Market shall be permitted to have signs subject to the approval of the Madison Police Department in various locations in town to direct individuals to Waverly Place as well as direct those driving to available parking in and around the downtown.

5. The requirements of the Sign Ordinance (Chapter 195 of the Madison Borough Code) shall not apply to the extent that the Downtown Development Commission shall be permitted to place additional temporary sandwich board signs on Waverly Place to encourage customers to support the local businesses.

6. The Street and Sidewalk regulations set forth in Section 166-1 et seq. of the Madison Borough Code shall not apply to the extent that the merchants on the East side of Waverly Place shall be permitted to use the entire sidewalk space in front of their establishment to display and sell goods and services.

7. The Sidewalk Dining License restrictions set forth in Section 166-43 et seq. of the Madison Borough Code shall not apply to the extent that the merchants on the East side of Waverly Place shall be permitted to use the entire sidewalk space in front of their establishment for additional restaurant seating.

8. The parking time limits set forth in Section 185-32 et seq. of the Madison Borough Code shall not apply to the extent that all one hour parking limits in the downtown will be extended to 2 hour parking limits from the hours of 2pm to 8pm on the day of the Farmers Market.

R 85-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING FRIDAY EVENING DOWNTOWN CONCERT SERIES

WHEREAS, the Main Street Executive Director has recommended approval of the 2010 Summer Concert Series and authorization of closing Green Village Road in front of the Museum of Early Trades and Crafts; and

WHEREAS, the concert series would take place on June 11, 2010, June 25, 2010, July 9, 2010, July 25, 2010, August 6, 2010, August 20, 2010, September 3,

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2010, September 17, 2010, and October 1, 2010, with rain dates for each concert of the following Friday evening; and

WHEREAS, Green Village Road would be closed from 5:45 p.m. to 8:30 p.m. between Blue Ridge Mountain Sports and Chatham Bookseller, with access maintained to the Waverly Green parking lot; and

WHEREAS, stores located in the James Building that front on Green Village Road shall be permitted to have merchandise for sale on the sidewalk in front of their stores while the road is closed; and

WHEREAS, the Police Department has approved the event with the use of Auxiliary officers.

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 2010 Summer Concert Series is approved subject to the safety requirements of the Madison Police Department.

2. The Madison Police Department is authorized to close Green Village Road between Blue Ridge Mountain Sports and Chatham Bookseller from 5:45 p.m. to 8:30 p.m. on June 11, 2010, June 25, 2010, July 9, 2010, July 25, 2010, August 6, 2010, August 20, 2010, September 3, 2010, September 17, 2010, and October 1, 2010, with rain dates for each concert of the following Friday evening in conjunction with the 2010 Summer Concert Series.

R 86-2010 RESOLUTION OF THE BOROUGH OF MADISON SUPPORTING APPLICATION TO ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS (ANJEC) SMART GROWTH PLANNING ASSISTANCE PROGRAM BY THE MADISON ENVIRONMENTAL COMMISSION (MEC)

WHEREAS, the Madison Environmental Commission (MEC) wishes to update Madison's Environmental Resource Inventory; and

WHEREAS, the MEC wishes to submit an application for the Smart Growth Planning Assistance Program to the Association of New Jersey Environmental Commissions (ANJEC).

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris and State of New Jersey, that the Borough of Madison supports and endorses the above-described application to the Association of New Jersey Environmental Commissions Smart Growth Planning Assistance Program by

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the Madison Environmental Commission.

R 87-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF TAXI/LIVERY DRIVER'S PERMITS FOR 2010

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Taxi/Livery Driver's Permit renewals be approved for the year 2010:

<u>LICENSE NO.</u>	<u>NAME</u>
1	John J. Patrisco, Jr.
2	Javier Flores
3	Edgardo Duarte
4	Bernardo Brun
5	Michael Lekas
6	Carmin C. Fornaro
7	John J. Mastrobuono
8	Robert Kubach

R 88-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF LIVERY OWNER'S LICENSES FOR MADISON LIMOUSINE FOR 2010

WHEREAS, in compliance with the provisions of Chapter 173 of the Borough Code, applications for renewal of Livery Licenses have been submitted by Michael Lekas of Madison Limousine, 340 Main Street, Madison, New Jersey; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that renewal of Livery Licenses Nos. 1 through 8, issued to Michael Lekas, t/a Madison Limousine, be approved for the year 2010 contingent upon the stipulations in the attached letter from Zoning Officer Frank Russo dated February 16, 2010.

R 89-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF LIVERY OWNERS' LICENSES FOR PRECISE LIMOUSINE TRANSPORT SERVICE LLC, MADISON LIVERY AND MADISON TRANSPORTATION INC. FOR 2010

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

<u>LICENSE NO.</u>	<u>NAME</u>	<u>Vehicle</u>
9, 10, 11, 12, 13, 14	Carmine C. Fornaro, t/a Precise Limousine Transport Service, LLC 14 Kings Road, Madison	6 Liveries
15	John J. Mastrobuono, t/a Madison Livery 152 Park Avenue, Madison	1 Livery
16	Robert Kubach, t/a Madison Transportation Inc. RR Station, Kings Road, Madison	1 Livery

R 90-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF TAXI OWNER'S LICENSE FOR TRAVELERS TAXI OF MADISON, LLC FOR 2010

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

<u>LICENSE NO.</u>	<u>NAME</u>	<u>Vehicle</u>
17	John J. Patrisco, t/a Travelers Taxi of Madison, LLC 31 Kings Road, Madison	1 Taxi

R 91-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF TAXI OWNER'S LICENSES FOR MADISON SQUARE TRANSPORTATION INC. FOR 2010

WHEREAS, in compliance with the provisions of Chapter 173 of the Borough Code, applications for renewal of Taxi Licenses have been submitted by Javier Flores of Madison Square Transportation Inc., 36 Lincoln Place, Madison, New Jersey; and

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

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NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that renewal of Taxi Licenses Nos. 18, 19 and 20, issued to Javier Flores, t/a Madison Square Transportation Inc., be approved for the year 2010 contingent upon the stipulations in the attached two letters from Zoning Officer Frank Russo dated November 23, 2009 and January 11, 2010.

R 92-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING PROPERTY TAX EXEMPTION STATUS FOR BLOCK 1101, LOT 13 RETROACTIVE TO JANUARY 1, 2010 FOR WARTIME SERVICE-CONNECTED DISABILITY

WHEREAS, the owner of Block 1101, Lot 13 of the taxing district of the Borough of Madison is the widow of a citizen and resident of the State of New Jersey, who served in the United States military in time of war; and

WHEREAS, the owner of Block 1101, Lot 13 of the taxing district of the Borough of Madison is the widow of a veteran who was honorably discharged from the United States military and has been found by the United States Department of Veterans Affairs to have a 100% service-connected, permanent disability; and

WHEREAS, N.J.S.A. 54:4-3.30 provides that the dwelling house of any citizen of this State, who is honorably discharged from active military service in time of war and is declared to be 100% permanently disabled by the United States Veterans Administration or its successor, shall be exempt from property taxation; and

WHEREAS, the Borough Administrator has recommended that property taxes for the period of January 1, 2010 to March 31, 2010 for Block 1101, Lot 13 be cancelled and refunded as the owner of the property qualifies for a tax exemption as the widow of a totally disabled veteran pursuant to N.J.S.A. 54:4-3.30; and

WHEREAS, the Borough Tax Assessor has determined that the property owner is eligible for the tax exemption beginning January 1, 2010, pursuant to N.J.S.A. 54:4-3.30.

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 property taxes for Block 1101, Lot 13 for January 1, 2010, through March 31, 2010, are cancelled and shall be refunded because the owner of the property is the widow of a disabled veteran who satisfies the requirements of N.J.S.A. 54:4-3.30.

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R 93-2010 RESOLUTION OF THE BOROUGH OF MADISON PERMITTING SIDEWALK DINING COMMENCING MARCH 23, 2010

WHEREAS, outdoor sidewalk dining is allowed pursuant to Chapter 166, Article V of the Madison Borough Code; and

WHEREAS, §166-49 authorizes outside dining from April 1 to October 31; and

WHEREAS, the Main Street Executive Director has recommended that for 2010 sidewalk dining should be permitted commencing March 23, 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 for the year 2010, outdoor sidewalk dining shall be permitted commencing March 23, 2010.

R 94-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY MADISON COOPERATIVE NURSERY SCHOOL INC.

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:

**MADISON COOPERATIVE NURSERY SCHOOL INC.
I.D. No. 274-5-27821
R.A. No. 1150 – On Premise
April 30, 2010**

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

Mrs. Tsukamoto moved adoption of Resolution R 80-2010 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, Mrs. Tsukamoto, Dr. Esposito, Mr. Cerciello, Mr. Links
Nays: None
Abstain: Mr. Conley

R 80-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY YMCA MADISON AREA INC. AND BULLPEN CLUB INC.

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following applications for Raffles Licenses, to

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

YMCA MADISON AREA INC.

I.D. No. 274-4-27577

R.A. No. 1148 – Off Premise

September 11, 2010

BULLPEN CLUB INC.

I.D. No. 274-5-35149

R.A. No. 1149 – Off Premise

May 18, 2010

BE IT FURTHER RESOLVED that a certified copy of this

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

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 DeMarzo, Ridgedale Avenue – complimented the Madison Department of Public Works and the Madison Police Department for their service during recent storms. Mr. DeMarzo asked the Mayor and Council to staff all departments to maintain service in the Borough. Mr. DeMarzo suggested installing French drains in the area of Pine and Rose Avenues to address drainage problems.

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	\$4,665.01
Health & Public Assistance	4,092.30
Public Works & Engineering	184,582.04
Community Affairs	1,387.00
Finance & Borough Clerk	356,933.24
Utilities	<u>1,292,873.18</u>
Total	<u>\$1,844,532.77</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

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Nays: None

NEW BUSINESS

Mr. Cerciello noted discussions with representatives of the Madison Board of Education regarding their use of space at the Hartley Dodge Memorial building. Mr. Cerciello would like to see paving blocks, which have been removed from reconstruction sites, reused.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved April 12, 2010 (EO)