

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

April 12, 2010 - 6 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 12th day of April 2010. Mayor Holden called the meeting to order at 6 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 Potential Litigation Matter, one Contract Matter and one Personnel 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 22, 2010

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

CONTRACT MATTERS (6)

PK ENVIRONMENTAL
RECYCLING CONTRACT

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MADISON AVE–MORRIS PLACE PARCELS
JEN ELECTRIC
WIRELESS BIDS

SHARED SERVICES–GVR

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

PERSONNEL MATTERS (2)
BUDGET MATTERS–NEGOTIATIONS
TITLE/SIGN DDC

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

LITIGATION MATTERS (1)
VERIZON

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

POTENTIAL LITIGATION MATTERS (1)
ZONING 24-HOUR OPERATION

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 7 p.m. in the 3rd Floor Meeting Room of Bayley-Ellard with all members present. The Pledge of Allegiance was recited by all.

EXXON REDEVELOPMENT REGIONAL TRAFFIC STUDY- Morris County Division of Engineering & Transportation

Christopher Vitz, Supervising Engineer with the Morris County Division of Transportation, and Louis Berger, Consultant Engineer, provided an overview of the review of existing and future conditions of various intersections within the Borough of Madison due to the potential redevelopment of the former Exxon Research Facility on Park Avenue in the Borough of Florham Park. The study looked at safety concerns as well as quality of life issues.

Mayor Holden opened the meeting to the public for their opportunity to ask questions and make comments regarding the Exxon Redevelopment Regional Traffic Study presentation.

Heraclio Pacheco, Park Avenue, asked the engineers if they have studied traffic between 4 p.m. and 6 p.m. Mr. Pacheco noted difficulty exiting his driveway.

Mr. Berger indicated a plan for a traffic signal at Park Avenue and Danforth Road, as well as improvements to Danforth Road.

Mia Romano-Brown, Pine Avenue, noted that she is not in favor of a traffic signal at Park Avenue and Danforth Road for the reason that it will cause the side streets to be used as cut-through streets. Ms. Romano-Brown also indicated that she would not like to have access to Route 24 in Madison.

Mayor Holden noted that the purchase of the 49 acres for the Madison Recreation Center has eliminated the possibility of access to Route 24.

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Carl Hess, Park Avenue, inquired about opening the gate at the former Exxon facility and indicated that he would like to object to opening that gate.

Patrick Rowe, Pine Avenue, inquired about the increase in the number of vehicles on Park Avenue due to the redevelopment. Mr. Rowe asked if the study was conducted to perhaps stop redevelopment of the area. Mr. Berger noted that the study is to help the Governing Body mitigate the impact of traffic. Mr. Rowe inquired about the entrance to the office buildings off Ridgedale Avenue.

Mayor Holden paused the meeting for a ten-minute recess.

GREETINGS TO PUBLIC

MORRIS COUNTY PRESERVATION TRUST PRESENTATION

Freeholder Director Gene F. Feyl, Freeholder Jack Schrier and Freeholder Jim Murray presented Mayor Holden with a ceremonial check from the Morris County Open Space Trust in the amount of \$1,750,000.00 for the purchase of fields at the former Bayley-Ellard High School. Mayor Holden thanked Council Member Astri Baillie for all her efforts with the application process and thanked Mr. Codey and Mr. Mezzacca for all their work to make the field acquisition possible. Mayor Holden presented medallions to Freeholders Feyl, Schrier and Murray.

OATH OF OFFICE

R 101-2010 RESOLUTION OF THE BOROUGH OF MADISON CONFIRMING MEMBERSHIP OF TROY PEHOWIC IN THE MADISON HOSE COMPANY NO.1, INC.

WHEREAS, the Acting Fire Chief has advised that Troy Pehowic was voted into the Madison Hose Company No.1, Inc. as a volunteer firefighter; and

WHEREAS, Section 18-27 of the Madison Borough Code requires that each person so voted shall be confirmed as a member of such division by the Council of 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 Troy Pehowic is hereby confirmed as a member of the Madison Hose Company No. 1, Inc. effective immediately.

Mrs. Tsukamoto moved adoption of Resolution R 101-2010. 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

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Borough Attorney Joseph Mezzacca administered the oath of office to newly confirmed volunteer firefighter Troy Pehowic, as well as Sean Norek, who was confirmed by Resolution R 71–2010 on March 8, 2010.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Executive Minutes of March 22, 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 22, 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

REPORTS OF COMMITTEES

Community Affairs

Ms. Baillie, Chair of the Committee, made the following comments:
The Madison Green Fair will take place on Thursday, April 29th, from 3:30 to 7:30 p.m. at the Museum of Early Trades & Crafts. Annual May Day events are scheduled for May 1st, and any residents who wish to participate should contact Main Street Executive Director Jim Burnet. The Seniors have moved back into their space at the Madison Civic Center at 28 Walnut Street.

Finance and Borough Clerk

Mr. Conley, Chair of the Committee, made the following comments:
In an effort to continue Shared Services with the Board of Education, on the suggestion of Council Member Cerciello, tomorrow there will be a walk-through to view the east wing of the Hartley Dodge Memorial building for possible office space for the Board of Education.

Public Safety

Mrs. Tsukamoto, Chair of the Committee, made the following comments:
Mrs. Tsukamoto informed residents of a new state law, as of April 1st, requiring motorists to stop for pedestrians in walkways. Motorists must come to a complete stop and remain stopped or face fines of \$200.00, and pedestrians who jaywalk face fines of \$54.00. Mrs. Tsukamoto noted that police have monitored traffic on Morris Place, five times a day for four days, and reported that so far there are no speeding violations. The message board will be placed on Morris Place. The Madison Fire Department responded to 101 calls in the month of March, including a call of a structure fire in a deli at 250 Main Street, with assistance from fire departments in Florham Park, Cedar Knolls, Morris Township and Chatham.

Utilities

Dr. Esposito, Chair of the Committee, made the following comments:
Dr. Esposito reported that during windy weather, a large tree came down in the Fairwoods section, cutting power to the area. The Madison Electric Utility responded quickly to make repairs.

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Public Works and Engineering

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

Mr. Cerciello noted a meeting with several Borough employees to review application procedures. Mr. Cerciello advised that he received several e-mails regarding speeding on Morris Place.

Health & Public Assistance

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

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

Letter received April 9, 2010, from Midge Cassidy of the Madison Day Care Center, Inc., encouraging continued support for the Center.

E-mail received April 6, 2010, from Charles Courtney and Mireille Bessin of Morris Place regarding speeding traffic on Morris Place.

E-mail received April 7, 2010, from Sarah Chapman of Morris Place regarding speeding traffic on Morris Place.

E-mail received April 12, 2010, from Mr. & Mrs. Gephardt, Mrs. McCulloch and Dr. & Mrs. Lejewski also regarding speeding traffic on Morris Place.

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.**

Heidi Zapf, Samson Avenue, referred to her letter sent to the Mayor and Council regarding parking issues on Samson Avenue. Ms. Zapf asked for the support of the Council in establishing a two-hour parking rule to prevent employees from local businesses using Samson and surrounding streets for all-day parking.

Tony Vitale, Greenwood Avenue, indicated that parking issues occur in the entire area, not just on Samson Avenue.

Tim Harrington, Cross Gates Road, inquired about the cost for sewer replacement and paving along Pomeroy Road from Samson Avenue to Prospect Street, and also a similar question regarding construction on Brooklake Road as well as linear feet. Mr. Harrington asked how power line tree trimming activities are monitored and for a breakdown of pricing for environmental testing at the Bayley-Ellard fields.

Jack Kranefuss, Longview Avenue, asked how the process for an "Animal House" ordinance is moving. Mr. Mezzacca advised of his conversation with the Zoning Officer, noting that courts have thrown out ordinances that target one segment of the population and that residents can use ordinances already in place, such as the noise ordinance.

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AGENDA DISCUSSIONS

04/12/2010-1 APPROPRIATE \$10,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF FIRE ALARM FOR THE PUBLIC WORKS BUILDING

Mr. Codey noted that the Capital account, as of the end of 2009, has a balance of \$3,256,000.00 and, if approved tonight, the requests from capital ordinances amount to approximately \$444,000.00. Public Works Superintendent David Maines is requesting to move forward with items he feels are critical. There was no objection to listing Ordinance 10-2010 for introduction.

04/12/2010-2 APPROPRIATE \$20,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF AN OIL WATER SEPARATOR

Mr. Maines explained that an oil water separator is required under the stormwater management regulations. There was consensus to listing Ordinance 11-2010 for introduction.

04/12/2010-3 APPROPRIATE \$34,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF A LEAF MACHINE AND ACCESSORIES

Mr. Codey explained that this item is to replace a leaf collection machine lost last year in an accident and that insurance funds for the replacement have been received. Following discussion, there was consensus to listing Ordinance 12-2010 for introduction.

04/12/2010-4 APPROPRIATE \$17,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF A TIRE CHANGER, WHEEL BALANCER AND ACCESSORIES

Following discussion, Ordinance 13-2010 was removed and # retired.

04/12/2010-5 APPROPRIATE \$10,000.00 FROM THE SEWER ACCOUNT OF THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF PUMPS

Mr. Maines explained that pumps are necessary to avoid overflow at each station. Ordinance 14-2010 is listed for introduction

04/12/2010-6 APPROPRIATE \$10,000.00 FROM THE SEWER ACCOUNT OF THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF A CAMERA FOR SEWER LINES AND ACCESSORIES

Following discussion of shared equipment with surrounding municipalities, there was no objection to listing Ordinance 15-2010 for introduction

04/12/2010-7 AUTHORIZE CHANGE ORDER AND FINAL PAYMENT FROM LANDSCAPE MAINTENANCE SERVICES INC. FOR DODGE FIELD IMPROVEMENT PROJECT

Mr. Vogel recommended change order and final payment to Landscape Maintenance Services. Following discussion, there was agreement to list Resolution R 98-2010 on the Consent Agenda.

04/12/2010-9 AMEND CH. 185-32 OF THE BOROUGH CODE TO INCLUDE TIME LIMIT RESTRICTIONS FOR PARKING ON SAMSON AVE BETWEEN MAIN STREET AND KINGS ROAD

Mrs. Tsukamoto proposed an ordinance addressing a two-hour time limit for parking on Sampson Avenue between Main Street and Kings Road and on Station Road between

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Main Street and Dean Street until 7 p.m. to address parking by employees from local businesses. Ordinance 16-2010 will be listed for introduction.

04/12/2010-10 AMEND CH. 185-32 OF THE BOROUGH CODE TO RESTRICT PARKING ON THE SOUTHSIDE OF LOVELAND STREET FROM PARK AVENUE TO EAST STREET

Mrs. Tsukamoto offered recommendations from Traffic Safety Officer Sgt. Keymer regarding Loveland Street. Mr. Conley recused himself from this discussion. Mr. Vogel noted a recent meeting with area residents and that improvement in the Kirby Center bus location has helped. There was agreement to continue discussion. Mrs. Tsukamoto will give Sgt. Keymer additional suggestions regarding striping and crosswalks.

04/12/2010-12 APPROPRIATE \$323,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND for THE RECONSTRUCTION OF BROOKLAKE ROAD
Mr. Vogel explained the project to improve drainage, sidewalks and curbs on the Madison portion of Brooklake Road and a milling and overlay on the Chatham portion. Chatham has not yet committed their funds, but Mr. Vogel would like to move forward with this project. Following discussion, there was consensus to listing Ordinance 18-2010 for introduction.

04/12/2010-13 APPROPRIATE \$20,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR EQUIPMENT AND SERVICES TO REPLACE AND IMPROVE BLINKER SIGNALS

Mr. Vogel explained that the blinker replacement project at four intersections in the Borough is in the Engineering budget. Mr. Vogel noted that this is a safety issue, especially at Brittin Street and Greenwood Avenue. Following discussion, there was consensus to list Ordinance 19-2010 for introduction, but to remove Resolution R 105-2010 until further discussion.

04/12/2010-14 AWARD CONTRACT TO ASPLUNDH TREE EXPERT CO. OF HORSHAM, PA FOR ELECTRIC LINE CLEARANCE SERVICES

Electric Utility Superintendent Michael Piano provided information regarding bids received April 6th for specialized electric line clearance. Mr. Piano noted that this is a two-year contract. There was consensus to list Resolution R 106-2010 on the Consent Agenda.

04/12/2010-11 AMEND LAND USE CODE TO INCLUDE STANDARDS FOR MULTI-FAMILY HOUSING

Ms. Baillie explained that the existing Borough Code addresses minimum floor area standards in the R-5 and R-6 districts and that Ordinance 17-2010 would extend those standards to include residential units in the R-5A, CBD, CC and Gateway Zones. There was no objection to listing Ordinance 17-2010 for introduction, with a hearing date set for May 10, 2010.

04/12/2010-8 HARTLEY DODGE MEMORIAL BUILDING

There was discussion of several items requested in a potential change order for the HDM building. Following discussion, there was agreement to reconsider the exterior lighting over the east and west wing doors. There was agreement to approve the replacement of toilets in the public bathrooms on the 1st and 2nd floors, as well as approval of \$70,000.00 for extension of the KeyScan card access system, including conduit and new hardware required for doors other than court operations. Discussion

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regarding custom millwork for desks for Mayor and Council requires additional information and discussion.

Added to the Agenda

04/12/2010-15 AMENDING CHAPTER 195 OF THE BOROUGH CODE, LAND DEVELOPMENT ORDINANCE, REGARDING OUTDOOR DINING AT BUSINESS ESTABLISHMENTS

Mr. Mezzacca explained an ordinance recommended for introduction setting standards for outside dining on private property that is not addressed in the Borough Code. This ordinance, if introduced, must be referred to the Planning Board, and Mr. Mezzacca recommended setting the hearing date for May 10th to give the Planning Board an opportunity to consider the ordinance at their next meeting. Following discussion, there was consensus to introduce Ordinance 20-2010.

ADVERTISED HEARINGS - None

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

Ordinances 10-2010 through 16-2010 and Ordinances 18-2010 and 19-2010 scheduled for introduction and first reading tonight will have a hearing during the meeting of April 26, 2010, in the 3rd Floor Meeting Room of Bayley-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. Ordinances 17-2010 and 20-2010 scheduled for introduction and first reading tonight will have a hearing during the meeting of May 10, 2010, in the 3rd Floor Meeting Room of Bayley-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 10-2010 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$10,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR PURCHASE OF FIRE ALARM FOR THE PUBLIC WORKS BUILDING

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$10,000.00 from the General Capital Improvement Fund for purchase of a fire alarm for the Public Works Building; 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 \$10,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$10,000.00 from the General Capital Improvement Fund for purchase of a fire alarm for the Public Works Building; 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:

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SECTION 1: The amount of \$10,000.00 is hereby appropriated from the General Capital Improvement Fund for purchase of a fire alarm for the Public Works Building.

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. Mrs. Tsukamoto moved that Ordinance 10-2010, which the Borough Clerk read by title, be adopted. Mr. Cerciello 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 11-2010 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$20,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR PURCHASE OF AN OIL WATER SEPARATOR

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$34,000.00 from the General Capital Improvement Fund for the purchase of a leaf machine and accessories; 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 \$34,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$34,000.00 from the General Capital Improvement Fund for the purchase of a leaf machine and accessories; 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 \$34,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of a leaf machine and accessories.

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.

Mrs. Tsukamoto moved that Ordinance 11-2010, which the Borough Clerk read by title, be adopted. Mr. Cerciello 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

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Dr. Esposito, Mr. Cerciello, Mr. Links
Nays: None

ORDINANCE 12-2010 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$34,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR PURCHASE OF A LEAF MACHINE AND ACCESSORIES

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$34,000.00 from the General Capital Improvement Fund for the purchase of a leaf machine and accessories; 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 \$34,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$34,000.00 from the General Capital Improvement Fund for the purchase of a leaf machine and accessories; 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 \$34,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of a leaf machine and accessories.

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.

Mrs. Tsukamoto moved that Ordinance 12-2010, which the Borough Clerk read by title, be adopted. Mr. Cerciello 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 13-2010 Item removed and # retired

ORDINANCE 14-2010 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$10,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR PURCHASE OF PUMPS

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$10,000.00 from the General Capital Improvement Fund for the purchase of sewer pumps; and

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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 \$10,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$10,000.000 from the General Capital Improvement Fund for the purchase of sewer pumps; 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 \$10,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of sewer pumps.

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.

Mrs. Tsukamoto moved that Ordinance 14-2010, which the Borough Clerk read by title, be adopted. Mr. Cerciello 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 15-2010 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$10,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR PURCHASE OF A CAMERA FOR SEWER LINES AND ACCESSORIES**

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$10,000.00 from the General Capital Improvement Fund for the purchase of a camera and accessories for the sewer lines; 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 \$10,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$10,000.00 from the General Capital Improvement Fund for the purchase of a camera and accessories for the sewer lines; 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:

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SECTION 1: The amount of \$10,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of a camera and accessories for the sewer lines.

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.

Mrs. Tsukamoto moved that Ordinance 15-2010, which the Borough Clerk read by title, be adopted. Mr. Cerciello 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 16-2010 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 185-32 OF THE BOROUGH CODE TO INCLUDE TIME
LIMIT RESTRICTIONS FOR PARKING ON SAMSON AVENUE BETWEEN MAIN
STREET AND KINGS ROAD, AND STATION ROAD BETWEEN MAIN STREET AND
DEAN STREET

WHEREAS, the Madison Borough Police Department, due to public safety concerns, has recommended that Chapter 185-32 of the Borough Code be amended to limit parking time on portions of Samson Avenue and Station Road as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Time Limit</u>	<u>Location</u>
Samson Avenue	Both	2 hours	Main Street to Kings Road
Station Road	East	2 hours	Main Street to Dean Street

; and

WHEREAS, the Borough Council has determined that Chapter 185-32 of the Madison Borough Code entitled "Schedule IV: Time Limit Parking" should be amended in order implement these changes;

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

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Section 1: Section 185-32 of the Code of the Borough of Madison entitled “Schedule IV: Time Limit Parking” shall be amended as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Time Limit</u>	<u>Location</u>
Samson Avenue	Both	2 hours	Main Street to Kings Road
Station Road	East	2 hours	Main Street to Dean Street

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

Mrs. Tsukamoto moved that Ordinance 16-2010, 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 17-2010 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 195 OF THE BOROUGH CODE, LAND DEVELOPMENT
ORDINANCE, REGARDING MINIMUM FLOOR AREA FOR RESIDENTIAL UNITS IN
THE R-5A, CBD, CC, AND GATEWAY ZONES

WHEREAS, the Borough Planner has recommended amending Chapter 195 of the Borough Code, the Madison Land Development Ordinance, in regard to minimum floor area for residential units in the R-5A, CBD, CC and Gateway Zones; and

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

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that Chapter 195 of the

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Borough Code entitled “Madison Land Development Ordinance” shall be amended as follows:

SECTION 1: Section 195-7, entitled Definitions shall have the following added to it:
Studio/efficiency apartment: A dwelling unit consisting of not more than one habitable room, together with a kitchen and sanitary facilities.

SECTION 2: *SECTION 195-32.14, ENTITLED R-5A MULTIFAMILY RESIDENTIAL ZONE REGULATIONS, SHALL HAVE THE FOLLOWING ADDED TO IT:*

Section 195-32.14.F(10): Multi-family residential development, consisting of any building or structures with attached housing with three or more units, with the exception of units owned and/or operated by the Madison Housing Authority, shall conform with the following minimum floor area requirements:

- Studio/Efficiency: 575 square feet
- 1 Bedroom: 750 square feet
- 2 Bedroom: 950 square feet
- 3 Bedroom: 1,200 square feet

SECTION 3: Section 195-32.4, entitled CBD-1, CBD-2 Central Business District Zones regulations, shall have the following added to it:

Section 195-32. 4.G(2): Residential units permitted over first floor commercial space, with the exception of units owned and/or operated by the Madison Housing Authority, shall conform with the following minimum floor area requirements:

- Studio/Efficiency: 575 square feet
- 1 Bedroom: 750 square feet
- 2 Bedroom: 950 square feet
- 3 Bedroom: 1,200 square feet

SECTION 4: Section 195-32.5 entitled CC Community Commercial Zone regulations, shall have the following added to it:

Section 195-32.5.E(3): Residential development, with the exception of units owned and/or operated by the Madison Housing Authority, shall conform with the following minimum floor area requirements:

- Studio/Efficiency: 575 square feet
- 1 Bedroom: 750 square feet
- 2 Bedroom: 950 square feet
- 3 Bedroom: 1,200 square feet

SECTION 5: Section 195-32.13 entitled Gateway Zone, shall have the following added to it:

Section 195-32.13.H(8), Floor Area Requirements for Senior Housing Units shall be consistent with Section 195-32.9.D(2). All other residential units, with the exception of units owned and/or operated by the Madison Housing Authority, shall conform with the following minimum floor area requirements:

- Studio/Efficiency: 575 square feet
- 1 Bedroom: 750 square feet
- 2 Bedroom: 950 square feet
- 3 Bedroom: 1,200 square feet

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SECTION 6: This Ordinance shall take effect as provided by law.

Ms. Baillie moved that Ordinance 17-2010, which the Borough Clerk read by title, be adopted. Mr. Conley 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 18-2010 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$323,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR THE RECONSTRUCTION OF BROOKLAKE ROAD FROM MAIN
STREET TO THE FLORHAM PARK LINE

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$323,000.00 from the General Capital Improvement Fund for reconstruction of Brooklake Road between Main Street and the Florham Park line; 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 \$323,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$323,000.00 from the General Capital Improvement Fund for reconstruction of Brooklake Road between Main Street and the Florham Park line; 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 \$323,000.00 is hereby appropriated from the General Capital Improvement Fund for reconstruction of Brooklake Road between Main Street and the Florham Park line.

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.

Mrs. Tsukamoto moved that Ordinance 18-2010, which the Borough Clerk read by title, be adopted. Mr. Cerciello 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

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ORDINANCE 19-2010 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$20,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR EQUIPMENT AND SERVICES TO REPLACE AND IMPROVE BLINKER
SIGNALS

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$20,000.00 from the General Capital Improvement Fund for equipment and services to replace and improve blinker signals; 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 \$20,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$20,000.00 from the General Capital Improvement Fund for equipment and services to replace and improve blinker signals; 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 \$20,000.00 is hereby appropriated from the General Capital Improvement Fund for equipment and services to replace and improve blinker signals.

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.

Mrs. Tsukamoto moved that Ordinance 19-2010, which the Borough Clerk read by title, be adopted. Mr. Cerciello 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 20-2010 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 195 OF THE BOROUGH CODE, LAND DEVELOPMENT
ORDINANCE, REGARDING OUTDOOR DINING AT BUSINESS ESTABLISHMENTS

WHEREAS, the Borough Planner has recommended amending Chapter 195 of the Borough Code, the Madison Land Development Ordinance, in regard to outdoor dining at business establishments; and

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

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that Chapter 195 of the Borough Code entitled “Madison Land Development Ordinance” shall be amended as follows:

SECTION 1: Section 195-32.4, entitled CBD-1, CBD-2 Central Business District Zones Regulations shall have the following added to it:

D. Conditional Uses:

. . . .

(4) Outdoor Dining.

SECTION 2: Section 195-32.5, entitled CC Community Commercial Zone Regulations shall have the following added to it:

D .Conditional Uses

. . .

(7) Outdoor Dining

SECTION 3: Section 195-33.B entitled “Outdoor Dining”, shall have the following added to it:

. . .

(11) Outdoor Dining:

- (b) Outdoor dining refers only to the service of food and beverages, consistent with the definition of restaurant, but extended to include privately owned outdoor property on which a restaurant operates as the principal permitted use; outdoor dining on any public sidewalk or right-of-way shall continue to be governed by Borough Ordinance Section 166-43 and associated permit requirements.
- (c) Outdoor dining does not include an outdoor bar or any other similar outdoor accessory use that serves only beverages, nor does it include any drive through or take out windows;
- (d) Public access shall be provided from within the principal restaurant use with a secondary means of emergency egress in accordance with applicable NJ building codes;
- (e) Outdoor dining areas shall be designed in accordance with barrier free requirements;
- (f) The calculation of off-street parking requirements shall include outdoor seating occupancy;
- (g) The approval of any application for outdoor dining shall not be construed as approval by the Borough Council for extension and/or renewal of any license under ABC jurisdiction; such extensions and/or renewals shall only be granted by the Borough Council.
- (h) All outdoor dining areas shall be clearly delineated by a solid decorative fence, wall or other structure at least than 4.5 feet in height but no more than six feet in height;
- (i) Hours of operation of outdoor dining areas shall not extend later than 10:00 pm;

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- (j) All outdoor lighting for shall be downward facing and shall be turned off by 10:30pm;
- (k) No amplified music shall be permitted in outdoor dining areas.
- (l) No outdoor dining area that serves alcoholic beverages shall be located within 200 feet of a school or public park.
- (m) No outdoor dining area shall obstruct pedestrian access serving one or more stores or businesses in addition to the property on which outdoor dining is proposed.

SECTION 4: This Ordinance shall take effect as provided by law.

Ms. Baillie moved that Ordinance 20-2010, which the Borough Clerk read by title, be adopted. Mr. Conley 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 95 through R 100 and R 102, R 103, R 106 through R 109 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 95-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING
RAFFLES LICENSE APPLICATION SUBMITTED BY EPOCH 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:

**EPOCH INC.
I.D. No. 274-5-26960
R.A. No. 1151 – Off Premise
October 2, 2010**

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

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R 96-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING USE OF BAYLEY-ELLARD ON MAY 30, 2010 FOR SUMMER YOUTH CONCERT

WHEREAS, the Borough Administrator has recommended authorizing the request of Evangeline Lee for a Youth Music Concert to be co-sponsored by the Madison Arts and Cultural Alliance (MACA) and the Kiwanis Clubs of Madison and Chatham and the Borough of Madison on May 30, 2010 at the Bayley-Ellard High School; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris in the State of New Jersey that a Youth Music Concert as requested by Evangeline Lee and co-sponsored by MACA and the Kiwanis Clubs of Madison and Chatham and the Borough of Madison is hereby authorized to be held at Bayley-Ellard on Saturday, May 30, 2010 on a field as designated by the Borough Recreation Director, weather permitting, or in the even of inclement weather, in the Bayley-Ellard gym, provided one police officer is on duty at said event at the cost of the applicant, and the Recreation Director of the Borough of Madison is hereby authorized to coordinate the arrangements with the applicant, and the arrangements are subject to such safety requirements as may be directed by the Madison Police Department and/or Fire Department.

R 97-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING USE OF COLE PARK BY THE KIWANIS CLUBS OF MADISON AND CHATHAM TO HOST A MULTI FAMILY GARAGE SALE ON MAY 15, 2010

WHEREAS, the Kiwanis Clubs of Madison and Chatham have requested permission to use Cole Park, on Saturday, May 15, 2010, with a rain date of Sunday, May 16, 2010, for a “Multi-Family Garage Sale” event; and

WHEREAS, the Borough Administrator has recommended that such permission be granted; and

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WHEREAS, upon Council approval for use of Cole Park, the Kiwanis Clubs shall complete and submit a Special Event Permit Application to the Borough as well as submitting a Certificate of Liability Insurance naming the Borough of Madison as an additional insured; 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 and State of New Jersey, that the Kiwanis Clubs of Madison and Chatham are hereby given permission to hold a “Multi-Family Garage Sale” event at Cole Park, on Saturday, May 15, 2010, with a rain date of Sunday, May 16, 2010, subject to complying with the above noted conditions, and further subject to such safety requirements as may be directed by the Madison Police Department and/or Fire Department.

R 98-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING FINAL PAYMENT AND CHANGE ORDER REQUEST FROM LANDSCAPE MAINTENANCE SERVICES INC. FOR DODGE FIELD IMPROVEMENT PROJECT

WHEREAS, a contract for the Dodge Field Improvement project, in an amount not to exceed \$45,137.30 was awarded to Landscape Maintenance Services, Inc., of Hillsborough, New Jersey, by Resolution 212-2009; and

WHEREAS, the Borough Engineer has recommended approval of a change order to the contract for changes that were encountered during the construction, in an additional amount of \$8,915.25 bringing the contract total to \$54,052.55; and

WHEREAS, the Borough Engineer has advised the project has been completed and has recommended approval of final payment including the change order to Landscape Maintenance Services, Inc. of Hillsborough, New Jersey in an amount not to exceed \$8,915.25; and

WHEREAS, the Director of Finance has attested to the availability of funds in an amount not to exceed \$8,915.23 for this purpose, which funds were appropriated by Ordinance 29-2009.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that the final payment and change order request from Landscape Maintenance Services, Inc. of Hillsborough, New Jersey, in the total amount not to exceed \$8,915.25 for the Dodge Field Improvement project is authorized.

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R 99-2010 RESOLUTION OF THE BOROUGH OF MADISON OPPOSING SENATE BILL S-458, TRANSFERRING MUNICIPAL TAX ASSESSOR TO THE COUNTY

WHEREAS, Senator Robert Smith (D-17) of Middlesex County and Senator Joseph Kyrillos (R-13) of Monmouth County have introduced legislation, Senate Bill No. S458 that calls for the consolidation of the Office of Municipal Tax Collector, as well as the Office of Municipal Tax Assessor, and;

WHEREAS, the legislation calls for the decision to be made on a county by county referendum and calls for the Commissioner of Community Affairs and the Director of the Division of Taxation to develop a comprehensive Master Plan to phase out these municipal offices and transfer them to the county within two years; and

WHEREAS, S458 directs that the plan shall effectuate long range cost savings through the consolidation of these functions with no empirical data or factual studies showing a transfer of these functions to a county authority will in any way reduce property taxes or improve the delivery of service of these functions; and

WHEREAS, legislation was passed and signed into law last year authorizing a pilot program in Gloucester County to study, over several years, the cost/benefits of county wide tax assessment; and

WHEREAS, the Local Unit Alignment, Reorganization and Consolidation Commission (LUARCC) was approved by the legislature and established on March 15, 2007 as part of P. L. 2007, 54 as part of the 2007 Property Tax Relief Act for the purpose of recommending legislative changes which would encourage the more efficient operation of local government; and

WHEREAS, some of the conclusions contained in the LUARCC March, 2009 Report “A Quest for Efficiency on Local Government” state: “The main reason for centralizing services is to provide economies of scale or better resources to improve service quality or reduce the costs of delivery.” And further states: “That economies of scale do exist but, according to the literature, only for capital-intensive or specialized services that are relatively infrequent at the local level”; and

WHEREAS, LUARCC, in the Executive Summary of the same March, 2009 Report, acknowledges that it will expand its focus to include the efficiency in service delivery and the methods used in the assessment and collection of taxes; and

WHEREAS, the law establishing the Gloucester County pilot program for county wide tax assessment requires LUARCC to evaluate the program at the end of six (6) years; and

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WHEREAS, S458 would usurp the function of the LUARCC, which the legislature created in 2007 and directs the Department of Community Affairs and the Department of Treasury to perform a brief ninety (90) day study of a very complex delivery of services and do so without public input; and

WHEREAS, the findings in the March, 2009 LUARCC do not support the premise conveyed in S458 and passage of S458 could cause irreparable damage to the delivery of services and the public's confidence in the functions of Tax Assessor and Tax Collector;

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 Borough Council in the County of Morris opposes Senate Bill No. S458.
2. The Madison Borough Clerk is instructed to forward a copy of this Resolution to:

Governor Chris Christie, Senate President Stephen M. Sweeney, Assembly Speaker Sheila Oliver, Senator Thomas H. Kean Jr., Assemblyman Jon M. Bramnick, Assemblywoman Nancy F. Munoz, Morris County Board of Chosen Freeholders, The New Jersey League of Municipalities, the Tax Collectors and Treasurers Association of New Jersey (TCTANJ), the New Jersey Association of County Tax Boards (NCACTB) and the Association of Municipal Assessors of New Jersey (AMANJ) and all municipalities in Morris County.

R 100-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SEVENTH ANNUAL MADISON HIGH SCHOOL EDUCATIONAL FOUNDATION RUN ON SUNDAY, MAY 2, 2010

WHEREAS, the Madison High School Educational Foundation has requested to hold a "5K run" in Madison on Sunday, May 2, 2010; and

WHEREAS, the run will begin at 10:00 a.m. from the Madison High School on Ridgedale Avenue to Central Avenue to Walnut Street to Ridgedale Avenue and end at 12:00 a.m., on the Madison High School Grounds; 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 High School Educational Foundation to hold a 5K run@ in Madison on Sunday, May 2, 2010, as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department.

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R 102-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING 2010 LIVERY OWNER'S LICENSES NO. 21 AND NO. 22 FOR ROSE CITY LIMO INC.

WHEREAS, in compliance with the provisions of Chapter 173 of the Borough Code, application for two Livery Licenses has been made by Samuel L. Mantone and Ann Marie Davies, t/a Rose City Limo Inc., 212 Main Street, Madison, New Jersey; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Livery Licenses No. 21 and No. 22 be issued to Rose City Limo Inc. effective upon Council approval and through December 31, 2010.

R 103-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING 2010 LIVERY DRIVER'S PERMIT NO. 9 FOR SAMUEL L. MANTONE OF ROSE CITY LIMO INC.

WHEREAS, in compliance with the provisions of Chapter 173 of the Borough Code, application for a Livery Driver's Permit for Rose City Limo Inc. has been made by Samuel L. Mantone; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Livery Driver's Permit No. 9 be issued to Samuel L. Mantone effective upon Council approval and through December 31, 2010.

R 104-2010 Item removed and # retired

R 105-2010 Item removed and # retired

R 106-2010 RESOLUTION OF THE BOROUGH OF MADISON AWARDDING CONTRACT TO ASPLUNDH TREE EXPERT CO. OF HORSHAM, PA FOR ELECTRIC LINE CLEARANCE SERVICES FOR THE HOURLY RATE OF \$115.39

WHEREAS, the Borough of Madison publicly advertised for bids for electric line clearance for 2010 and 2011 (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

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WHEREAS, Asplundh Tree Expert Co. submitted the lowest bid in the amount of \$115.39 per hour for approximately 12 weeks beginning June 2010 and June 2011; and

WHEREAS, the Electric Utility Superintendent has recommended that the Contract be awarded to Asplundh Tree Expert Co., in the amount of \$115.39 per hour, not to exceed a total cost of \$55,387.20 per year with the contract for 2011 contingent on funding availability; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$115.39 per hour for 12 weeks, for a total cost not to exceed \$55,387.20 per year for this purpose from the Electric Department Operating Budget, subject to funding availability for the second year of the contract in 2011.

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 electric line clearance for 2010 and 2011 is hereby awarded to Asplundh Tree Expert Co., based upon its bid in the amount of \$115.39 per hour, not to exceed a total cost of \$55,387.20 per year, with the contract for 2011 condition on availability of funding.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Asplundh Tree Expert Co., in a form acceptable to the Borough Attorney.

R 107-2010 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT AND LEASE FOR WIRELESS COMMUNICATION ANTENNAE MONOPOLE AND GROUND FACILITY ON BOROUGH PROPERTY LOCATED ON KINGS ROAD KNOWN AS BLOCK 2601, LOT 26 ADJACENT TO THE ELECTRIC UTILITY SUBSTATION

WHEREAS, the Borough of Madison publicly advertised for bids in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. to lease space on Borough property on Kings Road, Block 2601, Lot 26, for a Wireless Communication facility consisting of a monopole for wireless antennae and a ground facility by Co-locators; and

WHEREAS, the bid documents specified that one space was available on the monopole and the successful bidder would also be responsible for the construction of one unit to be added to the existing ground facility; and

WHEREAS, one bid was received submitted by MetroPCS New York, LLC for \$21,600 annual rent.

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WHEREAS, the Borough Engineer has recommended that the Borough Council award the contract and leases to MetroPCS New York, LLC as set forth above; and

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 lease of certain area on Lot 26, Block 2601, Kings Road, for one location on the existing Wireless Communication Monopole and space for one ground facility is hereby awarded to MetroPCS New York, LLC for the annual rent of \$21,600.00, subject to MetroPCS New York, LLC entering into a Lease agreement approved by the Borough Attorney and a co-location agreement among carriers.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute the Lease described above in a form acceptable to the Borough Attorney.

R 108-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SETTLEMENT IN THE MATTER OF VERIZON NEW JERSEY, INC V. BOROUGH OF MADISON

WHEREAS, the Borough of Madison is a defendant in litigation entitled Verizon New Jersey, Inc v. Borough of Madison filed in Superior Court of New Jersey in regard to certain services rendered by Verizon New Jersey, Inc (hereafter “Verizon”); and

WHEREAS, the parties have agreed to settle the matter; and

WHEREAS, the Borough Council has determined it to be in the best interest of the Borough to settle the litigation; and

WHEREAS, the settlement provides that the Borough shall pay \$45,000.00 to Plaintiff in full and final settlement; and

WHEREAS, the Director of Finance has attested that funds are available in an amount not to exceed \$45,000.00 for this purpose which 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 Settlement and payment to Verizon New Jersey, Inc., as described herein is approved subject to Verizon executing such settlement documents as determined to be appropriate by the Borough Attorney.

R 109-2010 RESOLUTION OF THE BOROUGH OF MADISON AWARDDING PROFESSIONAL SERVICES CONTRACT TO PK ENVIRONMENTAL FOR ADDITIONAL ENVIRONMENTAL CONSULTING SERVICES

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WHEREAS, the Borough Administrator has recommended that the Borough obtain professional services from PK Environmental, for additional environmental consulting services to assist the Borough in complying with NJDEP regulations at the former 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 not 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 \$8,450.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$8,450.00 for this purpose from the Open Space Trust Fund or from the Bayley-Ellard Fields purchase escrow 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. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional services contract with PK Environmental, for additional environmental consulting services to assist the Borough in complying with NJDEP regulations at the former Bayley-Ellard recreation fields in an amount not to exceed \$8,450.00, such contract to be in a form approved by the Borough Attorney.

2. 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.

Noah Gephart, Morris Place, raised concern regarding speeding traffic along Morris Place. Mr. Gephart suggested speed bumps, striping and additional signage.

Tim Harrington, Cross Gates Road, stated that \$17,000.00 for a tire changer is too expensive; he suggested three to four hour parking along Samson Avenue, as well as speaking to the General Manager of Whole Foods. Mr. Harrington stated that he is

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discouraged that the vote for the School Board budget will come before the introduction of the Municipal budget, noting that all municipalities are in trouble.

Don Brunner, Redmond Drive, inquired about the introduction of the Municipal budget. Mr. Codey explained that there is still work to be completed on the Municipal budget, due in part to reductions in State aid, and noted that there will be advanced notice of the public hearing upon introduction. Mr. Brunner asked if the Republican members of the governing body are happy with the playing fields. Mayor Holden asked Mr. Brunner to refrain from political banter in the Council Chambers.

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. Health & Public Assistance and Public Works & Engineering payments were removed from the vouchers list.

Public Safety	\$24,237.08
Health & Public Assistance	0.00
Public Works & Engineering	0.00
Community Affairs	783.04
Finance & Borough Clerk	2,841,017.74
Utilities	<u>60,752.98</u>
Total	<u>\$2,926,790.84</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

Mr. Cerciello asked that the governing body send a letter to Madison’s legislative representatives regarding a per student fee for municipal services approved by the Borough. Mayor Holden asked that an agenda recommendation be submitted for the April 26, 2010 Council meeting.

ADJOURN AND RECONVENE EXECUTIVE SESSION

There being no further business to come before the Council, the meeting was adjourned at 11:00 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 May 10, 2010 (EO)