

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

May 24, 2010 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 24th day of May 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

There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Mrs. Tsukamoto moved:

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

EXECUTIVE SESSION MINUTES (1)

Executive Session Minutes of May 10, 2010

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

CONTRACT MATTERS (1)

HDM – TRUSTEES

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

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PERSONNEL MATTERS (3)

ACTING UTILITY COLLECTOR

APPOINT SUMMER INTERNS

ELECTRIC UTILITY LINEMEN

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

POTENTIAL LITIGATION MATTERS (1)

24 HOUR ZONING

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

Seconded: Ms. Baillie

Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

Mayor Holden reconvened the Regular Meeting at 8 p.m. in the Gymnasium of the former Bayley-Ellard High School with all members present. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Executive Minutes of May 10, 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 May 10, 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:

Ordinance 34-2010 will be read into the record in full this evening. This is a land development ordinance proposed to regulate retail business hours in all commercial zones located within 300 feet of any residential zone.

Mayor Holden invited all residents to Livingston High School this Wednesday at 7 p.m. to support the Madison High School boys' lacrosse team in the NJSIAA Group I Final vs. Summit.

There will be additional opportunities for public discussion at this evening's meeting after the special presentations for both the Introduction of the 2010 Municipal Budget and a presentation on the proposed design of the 49 Acres, including funding and fundraising.

REPORTS OF COMMITTEES

Community Affairs

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

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On Wednesday, May 26th, Pfizer is sponsoring a 5K Run With Pride to support Project Community Pride. The Downtown Concert Series begins Friday, June 11th, in front of the Museum of Early Trade & Crafts, from 6 p.m. to 8 p.m.

Finance and Borough Clerk

Mr. Conley, Chair of the Committee, made the following comments:
Mr. Conley expressed his delight with the process regarding the defeated school budget with the Madison Board of Education and noted a capital budget presentation for this evening.

Public Safety

Mrs. Tsukamoto, Chair of the Committee, no report.

Utilities

Dr. Esposito, Chair of the Committee, made the following comments:
The Electric Utility Department continues with the installation of a main feeder at Giralda Farms, as well as improvements to the old Mayflower Storage property.

Public Works and Engineering

Mr. Cerciello, Chair of the Committee, made the following comments:
Mr. Cerciello reported a meeting with Borough Engineer Robert Vogel and Mr. Codey regarding construction projects. Mr. Cerciello announced that the Madison Board of Education has agreed to occupy space at the Hartley Dodge Memorial building.

Health & Public Assistance

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

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communication:

Letter received May 21, 2010, from Alan Schmitz, III, of Hillside Avenue regarding boys' lacrosse fields.

BUDGET INTRODUCTION

The Clerk made the following statement:

Upon introduction and adoption, the 2010 Budget and Tax Resolution will be published by summary in the Madison Eagle on May 27, 2010, with a public hearing date set for June 28, 2010, at 8 p.m. in Room #320 of Bayley-Ellard High School, 205 Madison Avenue off Danforth Road, at which time and place all interested individuals will have an opportunity to be heard, and there will be consideration for final adoption. A copy of the budget as introduced will be filed with the Madison Public Library and the Morris County Library for public review.

Mr. Codey stated that preparing the budget for introduction has been a long process, but contains no furloughs, layoffs or reduced services in light of a difficult economic environment.

In a detailed statement, Mr. Kalafut summarized the 2010 Budget in Brief pages, available to all present at the meeting, and explained the components of the recommended property tax increase for the Borough of Madison of 5.41%. Mr. Kalafut explained that the total estimated tax levy of \$55,425,358 is distributed as

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61.2% in School taxes, 23.8% as Municipal and Open Space taxes, and the remaining 15% as County and County Open Space taxes.

David H. Evans, Certified Public Accountant with Nisivoccia & Company, LLC, auditor for the Borough of Madison, commended the Council for staying within the Municipal Cap. He explained the introduction of a Cap Bank Ordinance—this increases spending within the cap up to 3.5%; this does not increase the tax rate or taxation.

R 136-2010 RESOLUTION OF THE BOROUGH OF MADISON ADOPTING 2010 BUDGET AND TAX RESOLUTION

<Insert 2010 Budget Document>

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Mr. Conley moved adoption of Resolution R 136-2010. 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

CAP BANK ORDINANCE

Ordinance 33-2010 listed later for introduction

AGENDA DISCUSSIONS

05/24/2010-1 CAPITAL BUDGET REVIEW

Mr. Conley provided a presentation of Capital Projects for the next three years to help give an understanding of funding challenges and project guidelines going forward. Mr. Conley noted three assumptions: road projects are grouped together by neighborhood, sewers need a minimum investment each year and Open Space Funds are tied up with the 49-Acre purchase. Mr. Conley included an explanation of Electric Utility Capital funding and Water Capital funding. Mayor Holden referred to a 20-year plan compiled in 1996 and suggested that plans should be matched to see where the Borough is in reference to planning.

INVITATION FOR DISCUSSION (1 of 3)

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

Martin Horn, West Lane – asked if Capital Budget projects must be paid for in one year.

Paul Delacruz, Valley Road – asked about the decline in capital funding and the return on investment of smart meters for water and electric use.

Patrick Rowe, Pine Avenue – thanked the Mayor and Council for keeping roadway reconstruction in his neighborhood on the list of capital projects. Mr. Rowe asked how comfortable the Council is to funding the Capital Budget next year given the economic outlook.

05/24/2010-2 MADISON RECREATION CENTER PRESENTATION

Dominic Carrino of T&M Associates provided a concept plan for the proposed playing field on the 49-Acre site known as the Madison Recreation Center. Robert Gregoria and Peter Repetti of T&M Associates were also present. The design presented is on property leased by Madison High School commonly referred to as the "Pit". The concept is for synthetic multi-purpose fields for several sports, including soccer, lacrosse, football and field hockey. The remaining areas are to be developed into passive recreation areas, including walking areas, dog parks, a gazebo and parking. Phase 1A, the synthetic turf field, is on the High School property. Phase 1B, the Pit area, will require DEP permits as it is a wetlands area. Mr. Carrino indicated that the project could move without delay upon approval. Director of Technology Jim Sanderson presented a Google Sketchup 3D model of proposed fields. Mr. Martin Horn, Chair of the Recreation Advisory Committee,

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noted that turf fields are easier to maintain and last longer. Mr. Mezzacca advised that a courtesy review by the Madison Planning Board is recommended to see that the proposed plan fits with the overall Master Plan for the Borough. Mr. Links explained the proposed fundraising for this project, noting that funds will not come from either the Borough of Madison's or the Madison Board of Education's operating budgets, rather through fundraising, sponsorship and per athlete user fees to pay interest on a note. A Gala to raise funds is tentatively planned for next spring.

INVITATION FOR DISCUSSION (2 of 3)

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

Lisa Ellis, Brittin Street – thanked all the players who made the Madison Recreation Center possible - Mr. Horn, Mr. Dowling, the Mayor and Council - and noted the great income potential for the recreation fields. Mrs. Ellis also thanked the Council for moving ahead on the reconstruction project for Lincoln Place.

Martin Horn, West Lane – thanked all residents who attended this evening's meeting and noted that now is the time to move on the MRC project.

Ms. Baillie made a motion that the proposal as presented for the Madison Recreation Center Phase 1A be referred to the Madison Planning Board for compliance with the Master Plan. Mrs. Tsukamoto seconded the motion. There was no further 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

Mr. Cerciello expressed his interest in being involved in the construction phase of the proposed project.

Mayor Holden recommended that Mr. Kalafut meet with Borough Bond Counsel to arrange for a bond anticipation note sale.

05/24/2010-3 ESTIMATED THIRD QUARTER 2010 TAX BILLS

Mr. Codey explained the need to authorize the Tax Collector to prepare and issue estimated third quarter tax bills due to the delay of approval from the State of New Jersey for the introduced Municipal Budget. There was no objection, and a resolution so authorizing will be on the agenda of the June 14th Council meeting.

**05/24/2010-4 POLICE DEPARTMENT COMPUTER AIDED
DISPATCH/RECORD MANAGEMENT SYSTEM**

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Mr. Codey explained a request from Police Chief John Trevena to purchase a new Computer Aided Dispatch/Record Management system, replacing an inadequate and outdated system currently in place. Mrs. Tsukamoto noted an annual savings of \$8,000.00. There was no objection to listing Resolution R 137-2010 on the Consent Agenda.

05/24/2010-5 APPROPRIATE \$65,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR PENNGLOBE VICTORIAN FIXTURES

Michael Piano, Electric Utility Superintendent, explained that this purchase of new style Pennglobe Victorian fixtures will allow for continued gradual replacement of the existing fixtures. Ordinance 30-2010 listed for Introduction.

05/24/2010-6 APPROPRIATE \$10,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND AND THE WATER CAPITAL IMPROVEMENT FUND FOR FIRE ALARM SYSTEM AT THE WATER & LIGHT PLANT

Mr. Piano indicated that like the DPW facility on John Avenue, the Borough's insurance carrier recommends an alarm system be installed at the Water and Light Plant. Ordinances 31-2010 and 32-2010 listed for Introduction.

05/24/2010-7 AUTHORIZING BOY SCOUT TROOP 7 AND THE FMST TO PLANT 50 TREES SEEDLINGS IN TRESTLE PARK

Mayor Holden explained that the seedling planting is an Eagle Scout project for resident Alex Post. Trestle Park is located along Kings Road just past the YMCA after the train trestle. Resolution R 141-2010 is listed on the Consent Agenda.

ADVERTISED HEARINGS

The Clerk made the following statement:

Ordinances 24-2010, 25-2010, 26-2010, 27-2010 and 28-2010 scheduled for hearing were introduced by title and passed on first reading at a Regular Meeting of the Council held on April 24, 2010; Ordinance 29-2010 scheduled for hearing was introduced by title and passed on first reading at a Regular Meeting of the Council held on May 10, 2010; all were posted and filed according to law, and copies were made available to the general public requesting same.

ORDINANCE 24-2010

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$295,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR IMPROVEMENTS TO LINCOLN PLACE

WHEREAS, the Borough Administrator has recommended that the Borough appropriate \$295,000.00 from the General Capital Improvement Fund for improvements to Lincoln Place including road repair and reconstruction, sanitary sewer improvements, crosswalks, storm drains, water line repairs, tree wells and trees, park benches, electrical work and sidewalks; 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 \$295,000.00 for this purpose; and

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WHEREAS, the Borough Council has determined that the Borough should appropriate \$295,000.00 from the General Capital Improvement Fund for improvements to Lincoln Place; 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 \$295,000.00 is hereby appropriated from the General Capital Improvement Fund for improvements to Lincoln Place.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law. Mayor Holden opened up the public hearing on Ordinance 24-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Cerciello moved that Ordinance 24-2010, which the Clerk read by title, be finally adopted. Mrs. Tsukamoto seconded the motion. There was Council discussion of the project time line and estimated costs. Main Street Executive Director Jim Burnet provided photos of some of the more eroded roadway and curbing along Lincoln Place. 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 24-2010 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.

ORDINANCE 25-2010

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$125,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR IMPROVEMENTS TO LINCOLN PLACE

WHEREAS, the Borough Administrator has recommended that the Borough appropriate \$125,000.00 from the Water Capital Improvement Fund for improvements to Lincoln Place including road repair and reconstruction, sanitary sewer improvements, crosswalks, storm drains, water line repairs, tree wells and trees, park benches, electrical work and sidewalks; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Water Capital Improvement Fund in an amount not to exceed \$125,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$125,000.00 from the Water Capital Improvement Fund for improvements to Lincoln Place; and

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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 \$125,000.00 is hereby appropriated from the Water Capital Improvement Fund for improvements to Lincoln Place.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

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

Mayor Holden opened up the public hearing on Ordinance 25-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Cerciello moved that Ordinance 25-2010, which the Clerk read by title, be finally adopted. Mrs. Tsukamoto 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 25-2010 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.

ORDINANCE 26-2010

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$220,000.00 FROM THE ELECTRIC UTILITY CAPITAL IMPROVEMENT FUND FOR IMPROVEMENTS TO LINCOLN PLACE

WHEREAS, the Borough Administrator has recommended that the Borough appropriate \$220,000.00 from the Electric Utility Capital Improvement Fund for improvements to Lincoln Place including road repair and reconstruction, sanitary sewer improvements, crosswalks, storm drains, water line repairs, tree wells and trees, park benches, electrical work and sidewalks; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Electric Utility Capital Improvement Fund in an amount not to exceed \$220,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$220,000.00 from the Electric Utility Capital Improvement Fund for improvements to Lincoln Place; 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 \$220,000.00 is hereby appropriated from the Electric Utility Capital Improvement Fund for improvements to Lincoln Place.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

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

Mayor Holden opened up the public hearing on Ordinance 26-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Cerciello moved that Ordinance 26-2010, which the Clerk read by title, be finally adopted. Mrs. Tsukamoto 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 26-2010 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.

ORDINANCE 27-2010

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$17,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF A TIRE CHANGER, WHEEL BALANCER AND ACCESSORIES

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$17,000.00 from the General Capital Improvement Fund for the purchase of a tire changer, wheel balancer 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 \$17,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$17,000.00 from the General Capital Improvement Fund for the purchase of a tire changer, wheel balancer 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 \$17,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of a tire changer, wheel balancer and accessories.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

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

Mayor Holden opened up the public hearing on Ordinance 27-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Cerciello moved that Ordinance 27-2010, which the Clerk read by title, be finally adopted. Mrs. Tsukamoto 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 27-2010 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.

ORDINANCE 28-2010

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$277,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR CONSTRUCTION OF WATER MAIN REPLACEMENT ON VINTON ROAD AND BELMONT AVENUE

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$277,000.00 from the Water Capital Improvement Fund for construction of water main replacements on Vinton Road and Belmont Avenue; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Water Capital Improvement Fund in an amount not to exceed \$277,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$277,000.00 from the Water Capital Improvement Fund for construction of water main replacements on Vinton Road and Belmont Avenue; 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 \$277,000.00 is hereby appropriated from the Water Capital Improvement Fund for construction of water main replacements on Vinton Road and Belmont Avenue.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

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

Mayor Holden opened up the public hearing on Ordinance 28-2010. Since no member of the public wished to be heard, the public hearing was closed.

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Mr. Cerciello moved that Ordinance 28-2010, which the Clerk read by title, be finally adopted. Mrs. Tsukamoto 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 28-2010 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.

**ORDINANCE 29-2010
ORDINANCE OF THE BOROUGH OF MADISON AUTHORIZING GRANT OF
ACCESS EASEMENT OVER EXISTING DRIVEWAY ON PROPERTY OWNED BY
THE BOROUGH OF MADISON KNOWN AS BLOCK 1401, LOT 3**

WHEREAS, the Council of the Borough of Madison adopted Resolution 289-2009 authorizing consent to an application before the Madison Zoning Board of Adjustment by 13 Madison Avenue, LLC, regarding property at 13 Madison Avenue, Madison, New Jersey, known as Block 1401, Lot 2 on the current tax map, which property is adjacent to property owned by the Borough of Madison known as James Park, Block 1401, Lot 3; and

WHEREAS, there is an existing driveway on the westerly portion of the Borough property that leads to a Borough-owned electric substation; and

WHEREAS, Resolution 289-2009 indicated that the Council was agreeable to providing an access easement over the said existing driveway based on the agreement of 13 Madison Avenue, LLC to allow certain exterior elements to be preserved on the historic dwelling located on 13 Madison Avenue; and

WHEREAS, the Madison Historic Preservation Commission, by letter dated December 9, 2009, indicated that the dwelling structure located on 13 Madison Avenue is one of the oldest structures in the Borough of Madison and holds significance as the home of the first French family in Madison; and

WHEREAS, 13 Madison Avenue, LLC, obtained variances and site plan approval from the Madison Zoning Board of Adjustment by resolution adopted January 14, 2010, for certain development on said property, which would result in the dwelling not being removed or demolished; and

WHEREAS, a condition of approval of the Madison Zoning Board of Adjustment was that the owner obtain an easement agreement with the Borough of Madison allowing shared use of the existing driveway on the adjacent Borough property, Block 1401, Lot 3, to allow access to the rear of Block 1401, Lot 2 for ingress and egress; and

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WHEREAS, the construction of a driveway on the existing property would require removal of a portion of the dwelling, which would cause the loss of significant historical elements; and

WHEREAS, the Madison Borough Council has determined to grant an easement for right of ingress and egress over the existing driveway into the rear of the property at Block 1401, Lot 2, provided the easement may be revoked for the reasons set forth in the access easement agreement.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Mayor and Borough Clerk are authorized to execute an access easement agreement consistent with the terms hereof, in a form approved by the Borough Attorney.

Mayor Holden opened up the public hearing on Ordinance 29-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Cerciello moved that Ordinance 29-2010, which the Clerk read by title, be finally adopted. Mrs. Tsukamoto 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 29-2010 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of June 14, 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 30-2010
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$65,000.00
FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR PURCHASE OF
NEW STYLE PENNGLOBE VICTORIAN FIXTURES**

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WHEREAS, the Electric Utility Superintendent has recommended that the Borough appropriate \$65,000.00 from the Electric Capital Improvement Fund for the purchase of new style Pennglobe Victorian fixtures for the commercial district; and

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

WHEREAS, the Borough Council has determined that the Borough should appropriate \$65,000.00 from the Electric Capital Improvement Fund for the purchase of new style Pennglobe Victorian fixtures for the commercial district; 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 \$65,000.00 is hereby appropriated from the Electric Capital Improvement Fund for the purchase of new style Pennglobe Victorian fixtures for the commercial district.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

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

Mr. Cerciello moved that Ordinance 30-2010, which the Borough Clerk read by title, be adopted. Mrs. Tsukamoto 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 31-2010

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$5,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR INSTALLATION OF FIRE ALARM SYSTEM AT WATER & LIGHT PLANT

WHEREAS, the Electric Utility Superintendent has recommended that the Borough appropriate \$5,000.00 from the Water Capital Improvement Fund for the installation of a fire alarm system at the Water & Light Plant; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Water Capital Improvement Fund in an amount not to exceed \$5,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$5,000.00 from the Water Capital Improvement Fund for the installation of a fire alarm system at the Water & Light Plant; and

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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 \$5,000.00 is hereby appropriated from the Water Capital Improvement Fund for the installation of a fire alarm system at the Water & Light Plant.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

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

Mr. Cerciello moved that Ordinance 31-2010, which the Borough Clerk read by title, be adopted. Mrs. Tsukamoto 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 32-2010

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$5,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR INSTALLATION OF FIRE ALARM SYSTEM AT WATER & LIGHT PLANT

WHEREAS, the Electric Utility Superintendent has recommended that the Borough appropriate \$5,000.00 from the Electric Capital Improvement Fund for the installation of a fire alarm system at the Water & Light Plant; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Electric Capital Improvement Fund in an amount not to exceed \$5,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$5,000.00 from the Electric Capital Improvement Fund for the installation of a fire alarm system at the Water & Light Plant; 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 \$5,000.00 is hereby appropriated from the Electric Capital Improvement Fund for the installation of a fire alarm system at the Water & Light Plant.

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.

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Mr. Cerciello moved that Ordinance 32-2010, which the Borough Clerk read by title, be adopted. Mrs. Tsukamoto 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 33-2010
CALENDAR YEAR 2010 ORDINANCE TO EXCEED THE MUNICIPAL
BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of the Borough of Madison in the County of Morris finds it advisable and necessary to increase its CY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety, and welfare of the citizens; and

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$626,471 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Borough Council; hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Madison, in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Borough of Madison shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increase by 3.5% amounting to \$626,471 and that the CY 2010 municipal budget for the Borough of Madison be approved and adopted in accordance with this ordinance; and

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BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mr. Conley moved that Ordinance 33-2010, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

ORDINANCE 34-2010

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF THE BOROUGH CODE, LAND DEVELOPMENT ORDINANCE, SECTION 31 ENTITLED “CERTAIN PERMITTED USES.”

WHEREAS, the Borough Council has determined to amend Chapter 195 of the Borough Code, the Madison Land Development Ordinance, Section 195-31, entitled “Certain Permitted Uses” to regulate retail business hours in all commercial zones of establishments located within 300 feet of any residential zone; and

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

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 195-31, entitled “Certain Permitted Uses” is hereby amended to add the following section:

§ 195-31. Certain Permitted Uses

E. HOURS OF BUSINESS OPERATIONS IN CERTAIN AREAS.
No retail establishment located in any non-residential zone, including CBD-1, CBD-2, and CC Zones, that is located within 300 feet of any residential zone, shall conduct business between the hours of 11:00 p.m. of each day and 6:00 a.m. of the

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following day. The distance shall be measured from any property line of the retail establishment to the closest residential zone line.

SECTION 2: All other provisions of Section 195-31 that are not amended herein shall remain the same.

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

Ms. Baillie moved that Ordinance 34-2010, which she read in full into the record, be adopted. Mrs. Tsukamoto 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 the Resolutions listed on the Consent Agenda. Ms. Baillie seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

R 137-2010 RESOLUTION OF THE BOROUGH OF MADISON AWARDDING PURCHASE OF NEW COMPUTER AIDED DISPATCH/RECORD MANAGEMENT SYSTEM FROM LAWSOFT, INC. OF BLOOMINGDALE, NJ IN THE AMOUNT OF \$40,000.00

WHEREAS, the Chief of Police has recommended the purchase of a new Computer Aided Dispatch/Record Management System to replace the existing software; and

WHEREAS, the Chief of Police has recommended awarding a contract for extraordinary and unspecifiable service in regard to the purchase of a new Computer Aided Dispatch/Record Management System; and

WHEREAS, the Chief of Police recommends awarding a contract to Lawsoft, Inc. of Bloomingdale, New Jersey in the amount of \$40,000.00 for such extraordinary and unspecifiable services; and

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WHEREAS, the Borough Administrator has certified that this award may be made without receipt of formal bids as an extraordinary and unspecifiable service pursuant to N.J.S.A. 40A:11-5(1)(a)(ii); and

WHEREAS, the Director of Finance has certified that funds are available for this purpose in an amount not to exceed \$15,000.00 from the Police Outside Duty Fund and \$25,000.00 from Operating Account 0-01-25-240-212; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. requires that a resolution authorizing an award of a contract for professional and/or extraordinary and unspecifiable services and/or copyrighted materials without competitive bids be publicly advertised.

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 authorized to enter into an agreement with Lawsoft Inc. of Bloomingdale, New Jersey, in an amount not to exceed \$40,000.00 for the Computer Aided Dispatch/Record Management System described in a proposal submitted by Lawsoft Inc.

2. This contract is made without competitive bidding as an extraordinary and unspecifiable service under the provisions of the Local Public Contracts Law because of the qualitative nature of the services.

3. The form of agreement is subject to approval by the Borough Attorney.

R 138-2010 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENTS OF INTERNS MARK TROXELL AND RUSSELL BOARDMAN TO THE SUMMER INTERN POSITIONS IN THE PUBLIC WORKS DEPARTMENT

WHEREAS, the Purchasing/Personnel Officer has recommended appointment of Mark Troxell to the position of Summer Intern in the Public Works department; and

WHEREAS, the Purchasing/Personnel Officer has recommended appointment of Russell Boardman to the position of Summer Intern in the Public Works department; and

WHEREAS, the Borough Council agrees with these recommendations.

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:

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1. Mark Troxell is hereby appointed to the position of Summer Intern in the Public Works Department effective May 19, 2010 at the rate of pay of \$9.00 per hour.

2. Russell Boardman is hereby appointed to the position of Summer Intern in the Public Works Department effective May 19, 2010 at the rate of pay of \$9.00 per hour.

R 139-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PARTICIPATION OF THE FIRE DEPARTMENT AND POLICE DEPARTMENT AT NO COST TO THE BOROUGH TO PARTICIPATE IN TOUCH A TRUCK FUNDRAISER ON SATURDAY, AUGUST 7, 2010 HELD BY THE FRIENDS OF THE MADISON PUBLIC LIBRARY IN COOPERATION WITH THE MADISON ROTARY CLUB AND THE MADISON YMCA

WHEREAS, the Friends of the Madison Public Library have requested permission to hold a “Touch a Truck” fundraiser in cooperation with the Madison Rotary Club and the Madison YMCA on Saturday, August 7, 2010, on the grounds of the Madison Public Library and the Madison Area YMCA; and

WHEREAS, the Friends of the Madison Public Library have requested participation by the Madison Fire, Police and Public Works departments; and

WHEREAS, the Friends of the Madison Public Library will pay for one police officer for traffic control, whose police vehicle will be on display; and

WHEREAS, the Borough of Madison Fire Department will display a truck or trucks with paid and volunteer firemen; and

WHEREAS, the Borough Council has determined to grant 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 by Friends of the Madison Public Library to hold a “Touch a Truck” fundraiser in cooperation with the Madison Rotary Club and the Madison YMCA on Saturday, August 7, 2010, on the grounds of the Madison Public Library and the Madison Area YMCA is hereby approved, subject to such safety requirements as may be determined by the Madison Fire, Police and Public Works Departments.

R 140-2010 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING DONNA CAREY TO POSITION OF ACTING UTILITY COLLECTOR

WHEREAS, the Chief Financial Officer recommends the appointment of Donna Carey to the position of Acting Utility Collector, effective April 26, 2010; and

WHEREAS, the Borough Administrator recommends the appointment of Donna Carey to the position of Utility Collector, effective August 1, 2010; and

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WHEREAS, the Council agrees with this recommendation.

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

1. Donna Carey is hereby appointed to the position of Acting Utility Collector, effective April 26, 2010.
2. Donna Carey will be entitled to receive a five (5%) percent differential in compensation effective May 26, 2010.
3. Donna Carey is hereby appointed to the position of Utility Collector, effective August 1, 2010.

R 141-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING BOY SCOUT TROOP 7 AND THE FMST TO PLANT SEEDLINGS IN TRESTLE PARK

WHEREAS, Boy Scout Troop 7 and the Friends of Madison Shade Trees have requested permission to plant up to fifty tree seedlings in Trestle Park; and

WHEREAS, the tree seedlings will be donated by the Friends of Madison Shade Trees; and

WHEREAS, the Main Street Executive Director has recommended that the request be granted; and

WHEREAS, the Madison Shade Tree Management Board and the Madison Parks Advisory Committee have approved the project; and

WHEREAS, the trees will be planted on either side of Kings Road and no trees will be planted in the existing parking area.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the request of Boy Scout Troop 7 and the Friends of Madison Shade Trees to plant up to fifty tree seedlings in Trestle Park as set forth herein is approved.

R 142-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PLAQUE COMMEMORATING THE SERVICE OF KELLI WYNNE

WHEREAS, the Borough Administrator has recommended a plaque be placed at the Hut at Rosedale Field commemorating the service of Kelli Wynne to the Madison Soccer Club and the Borough of Madison; and

WHEREAS, the Council commends and endorses the placement of the plaque.

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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 Council hereby approves the placement of a plaque at the Hut at Rosedale Field commemorating the service of Kelli Wynne to the Madison Soccer Club and the Borough of Madison.

R 143-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING 2ND ANNUAL ALLIANCE FOR LUPUS RESEARCH WALK ON SATURDAY, JUNE 5, 2010 AT 10:30 A.M.

WHEREAS, the New York Jets requested Madison's cooperation in connection with their 2nd Annual Alliance for Lupus Research Walk, Saturday June 5, 2010, for the benefit of Lupus research; and

WHEREAS, the walk will begin at 10:30 a.m., on the roadway (DRE) of the former Exxon Mobil site in Florham Park; and

WHEREAS, the Rockefeller Group recommends closing off the entrance to the DRE at Ridgedale Avenue during the Alliance for Lupus Research walk.

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 New York Jets to hold a "5K walk" on the roadway (DRE), on Saturday, June 5, 2010, as described herein is hereby approved.

R 144-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING APPLICATION TO AMEND RAFFLES LICENSE NO. 1149 SUBMITTED BY BULLPEN CLUB INC. TO CHANGE THE DATE, HOUR AND PLACE OF THE DRAWING

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Application to Amend Raffles License No. 1149 submitted by Bullpen Club Inc., I.D. No. 274-5-35149, is hereby approved for the purpose of changing the date, hour and place of the drawing, due to the cancellation of the ball game with which it was associated, as follows:

To: June 9, 2010, 7 p.m. in the Madison High School Cafeteria

From: May 18, 2010, 5 p.m. in the Madison High School Gym

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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INVITATION FOR DISCUSSION (3 of 3)

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.**

Paul Allocco, Greenwood Avenue – thanked the Mayor, Council and Mr. Mezzacca for their prompt action regarding regulation of retail business hours in all commercial zones located within 300 feet of any residential zone.

Eugene Zipper, Greenwood Avenue – asked for a reading room at the Hartley Dodge Memorial building to look at materials provided to the Mayor and Council before each meeting.

Lorraine Figarelli, Alexander Avenue – offered a petition of over 200 residents' signatures in opposition to 24-hour businesses. Ms. Figarelli thanked the Mayor and Council for their swift action.

Tim Harrington, Cross Gates Road – asked for clarification of the introduced ordinance to regulate business hours. Mr. Harrington asked if there is a Master Plan to replace Borough water and sewer lines. Mr. Harrington asked if the Council is given a per linear foot cost of road reconstruction projects. Mr. Harrington would like to see salaries and health benefits of Borough employees published annually.

Don Brunner, Redmond Drive – asked if the proposed ordinance regulating business hours would affect Burger King and Quick-Chek.

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	\$7,854.83
Health & Public Assistance	1,239.33
Public Works & Engineering	159,614.66
Community Affairs	208.07
Finance & Borough Clerk	3,351,519.67
Utilities	<u>1,269,114.65</u>
Total	<u>\$4,789,551.21</u>

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

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

Nays: None

NEW BUSINESS - None

ADJOURN

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There being no further business to come before the Council, the meeting was adjourned at 10:55 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved June 14, 2010 (EO)