

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

November 22, 2010 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 22nd day of November 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
James Burnet, Assistant Business Administrator
Elizabeth Osborne, Borough Clerk
Joseph Mezzacca, Jr., Borough Attorney
Robert Catalanello, Council Member-Elect

AGENDA REVIEW

One Contract Matter was 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 Minutes of November 8, 2010

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

CONTRACT MATTERS (7)

NORTH STREET PUMP STATION

LEGAL COUNSEL

ELECTRIC DEPARTMENT MATERIALS

Regular Meeting Minutes – November 22, 2010

LEAF REMOVAL
BOE SHARED SERVICES
WEB-BASED BIDDING SERVICES
ANNEXATION

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

PERSONNEL MATTERS (1)
JOINT MUNICIPAL COURT

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

LITIGATION MATTERS (2)
STOP & SHOP
WATER MAIN COLLAPSE

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

POTENTIAL LITIGATION MATTERS (2)
HDM

CROSS ROAD CONSTRUCTION CORP.

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

Seconded: Ms. Baillie
Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

Mayor Holden reconvened the Regular Meeting at 8 p.m. in the 3rd Floor Meeting Room of Bayley-Ellard with all members present. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Executive Minutes of November 8, 2010**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

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 November 8, 2010**. Mrs. Tuskamoto seconded the motion, which passed with the following roll call vote recorded:

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

GREETINGS TO PUBLIC

Mayor Holden made the following comments:
Mayor Holden asked for a moment of silence for the recent passing of Albert Esposito, father of Council Member Dr. Esposito, and Matthew Sanderson, son of Director of Technology Jim Sanderson.

Regular Meeting Minutes – November 22, 2010

REPORTS OF COMMITTEES

Community Affairs

Ms. Baillie, Chair of the Committee, made the following comments:
The Borough of Madison received a plaque in recognition of certification from Sustainable Jersey at the annual New Jersey League of Municipalities Conference. Ms. Baillie thanked all the volunteers who worked to make this certification possible. Ms. Baillie announced that gift certificates for all shops and restaurants in Madison are on sale for the holiday season. The Madison Chamber of Commerce is sponsoring an outdoor home decorating contest, with winners receiving gift certificates and special recognition plaques. Ms. Baillie reminded residents to mail cards and packages early from the Madison Post Office due to the reconstruction project along Lincoln Place.

Finance and Borough Clerk

Mr. Conley, Chair of the Committee, made the following comments:
Mr. Conley reminded residents that the 2011 Budget Hearings will begin on Monday, November 29th, at 7:00 p.m. and Monday, December 6th, at 6:00 p.m. A presentation regarding the budget is available on the Borough website, as well as on RosenetTV. Mr. Conley noted several workshops he attended at the New Jersey League of Municipalities Conference and provided a copy of current legal issues valuable to elected officials for distribution to the Mayor and Council.

Public Safety

Mrs. Tsukamoto, Chair of the Committee, made the following comments:
Mrs. Tsukamoto reported attending very productive sessions at the New Jersey League of Municipalities Conference and noted that she will pursue many ideas, including shared services, cost reduction and new revenues, as well as information on electronic metering. Mrs. Tsukamoto congratulated the Madison Police Department for their successful American Medicine Chest Challenge campaign. Sixty-three pounds of prescription medicines were surrendered. The Police Department will be accepting unwrapped toys for the annual Toys for Tots toy drive. Mrs. Tsukamoto congratulated the Madison Fire Department for their successful two-day confined space drill conducted at the Madison-Chatham Joint Meeting.

Utilities

Dr. Esposito, Chair of the Committee, made the following comments:
Dr. Esposito offered an explanation of the discrepancy suggested in the loss of water at the previous meeting of the Mayor and Council. Dr. Esposito stated that by State regulation up to 15% of water pumped can be unaccounted or unbilled, and Madison usually falls well below that level. Unbilled usage includes use at all Borough facilities, fire hydrants and fields. Problems can occur if meters are not regularly calibrated, and often estimated bills are produced if meters cannot be accessed. Dr. Esposito recommends, perhaps, replacing current meters with digital meters located outside residences to capture correct revenues. The utilities departments are meeting regularly to improve both water and electric services. Dr. Esposito suggested considering little or no increase in water rates this coming year.

Public Works and Engineering

Mr. Cerciello, Chair of the Committee, made the following comments:
Mr. Cerciello noted his attendance at the New Jersey League of Municipalities Conference on November 16th, 17th and 18th, which he found very informative. Mr. Cerciello continues to have concerns regarding the reconstruction of Lincoln Place,

Regular Meeting Minutes – November 22, 2010

mainly the bumpouts, island and sidewalks. Mr. Cerciello noted his continued concern for bus and tractor-trailer traffic. Mr. Cerciello feels there is no need to spend extra money.

Health & Public Assistance

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

Mayor Holden noted her attendance at the New Jersey League of Municipalities Conference. Mayor Holden congratulated the Madison High School volleyball team that placed first at the State finals, the cheerleaders and high school band that placed second at States, and the High School football team that will participate in the State championship game on Saturday, December 4th, at Kean College.

Mayor Holden and Council Members presented a plaque to Borough Administrator Raymond M. Codey awarded as the New Professional in Government Award from the Municipal Managers Association.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

E-mail received November 16, 2010, from Mr. Anthony Abilo of Laurel Way regarding the annual Giralda Farms Run.

Letter received November 17, 2010, from Mary Smith of Academy Road regarding proposed roadway improvements.

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.**

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

AGENDA DISCUSSIONS

11/22/2010-1 CANCELLATION OF COMPLETED CAPITAL IMPROVEMENT ORDINANCES

Borough CFO Robert Kalafut explained that this is a routine procedural item for year end. There was no objection to listing on the Consent Agenda. Resolution R 295-2010 is listed on the Consent Agenda.

11/22/2010-2 CANCELLATIONS OF ALL OUTSTANDING CHECKS AND BANK ERRORS

Borough CFO Robert Kalafut explained that this is also a routine procedural item for year end. There was no objection to listing on the Consent Agenda. Resolution R 296-2010 is listed on the Consent Agenda.

11/22/2010-3 CANCELLATION OF GRANT APPROPRIATION RESERVE BALANCE

Regular Meeting Minutes – November 22, 2010

As recommended in the recent audit, the inactive grant appropriation reserve is to be canceled as a year-end procedural item. There was consensus to list a resolution on the Consent Agenda. Resolution R 297-2010 is listed on the Consent Agenda.

11/22/2010-3(a) WATER UTILITY RATE INCREASE

There was discussion of a proposed increase in water utility rates. Mr. Kalafut stressed that an increase is important to continue capital funding of the water system infrastructure. Following extended discussion, Mr. Links asked that Mr. Kalafut examine the possibility of privatizing the Borough water department. There was consensus to continue discussion at the upcoming budget hearings.

11/22/2010-4 AUTHORIZE MUNICIPAL ON-LINE AUCTION

Mr. Codey explained that with the return of Borough offices to the Hartley Dodge Memorial building, the stair glide assisted lift installed at Bayley Ellard High School is declared surplus and will need to be auctioned. Resolution R 298-2010 is listed on the Consent Agenda.

11/22/2010-5 CHRISTMAS COMMITTEE PARADE

There was agreement to list a resolution to approve the Madison Christmas Committee Parade to be held the day after Thanksgiving at 5:30 p.m. Resolution R 294-2010 is listed on the Consent Agenda.

11/22/2010-6 BROOKLAKE COMMUNITY GARDEN UPDATE

Following discussion, there was agreement that Mayor Holden will draft a letter in response to the Borough of Chatham's request regarding the proposed Community Gardens on Brooklake Road.

ADVERTISED HEARINGS - None

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

The Ordinance scheduled for introduction and first reading tonight will have a hearing during the meeting of December 13, 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 Ordinance 61-2010 for first reading and asked the Clerk to read said ordinance by title:

ORDINANCE 61-2010

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$24,150.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR REMEDIATION OF 22 ORCHARD STREET

WHEREAS, the Borough Administrator has recommended that the Borough appropriate \$24,150.00 from the General Capital Improvement Fund for removal of underground storage tanks on Borough-owned property at 22 Orchard Street; and

Regular Meeting Minutes – November 22, 2010

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 \$24,150.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$24,150.00 from the General Capital Improvement Fund for removal of underground storage tanks on Borough-owned property at 22 Orchard Street; 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 \$24,150.00 is hereby appropriated from the General Capital Improvement Fund for removal of underground storage tanks on Borough-owned property at 22 Orchard Street.

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 61-2010, which the Borough Clerk read by title, be adopted. Mrs. Tsukamoto seconded the motion. Mrs. Tsukamoto noted that this property is potentially an affordable housing site and, therefore, she will abstain because she is a board member of Morris Habitat. The motion passed with the following roll call vote recorded:

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

Nays: None

Abstain: Mrs. Tsukamoto

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 289-2010 through R 292-2010 and R 294-2010 through R 301-2010 listed on the Consent Agenda. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

R 289-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY PTO TOREY J. SABATINI SCHOOL

Regular Meeting Minutes – November 22, 2010

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, be and the same is hereby approved:

PTO TOREY J. SABATINI SCHOOL
I.D. No. 274-5-33160
R.A. No. 1180 – On Premise
February 26, 2011

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

R 290-2010 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING MATTHEW GIACOBBE AND HIS FIRM CLEARY GIACOBBE ALFIERI JACOBS, LLC AS LABOR COUNSEL AND APPROVING TRANSFER OF PENDING COURT MATTERS TO THE LAW FIRM OF CLEARY GIACOBBE ALFIERI JACOBS, LLC

WHEREAS, a contract was awarded to Matthew J. Giacobbe, Esq., of Scarinci Hollenbeck LLC for legal services for labor matters by Resolution 2-2010; and

WHEREAS, Matthew J. Giacobbe, Esq., is now a member of Cleary Giacobbe Alfieri Jacobs, LLC; and

WHEREAS, the Borough Administrator has recommended that the Borough continue to be represented for labor matters by Matthew Giacobbe, Esq., at his new firm; and

WHEREAS, the Borough Administrator has recommended that Scarinci Hollenbeck LLC be directed to release all Madison Borough files to Cleary Giacobbe Alfieri Jacobs, LLC.

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

1. Resolution 2-2010 is hereby amended to state that the Labor Counsel is Cleary Giacobbe Alfieri Jacobs, LLC (Matthew J. Giacobbe, Esq.) at the rate of \$130 per hour, effective immediately.
2. The Borough Administrator is authorized to execute a letter directing Scarinci Hollenbeck LLC to release all Madison Borough files to Cleary Giacobbe Alfieri Jacobs, LLC.

R 291-2010 RESOLUTION OF THE BOROUGH OF MADISON AWARDING BID FOR LEAF REMOVAL TO GRINNELL RECYCLING OF SPARTA, NEW JERSEY IN THE AMOUNT OF \$63,000.00

Regular Meeting Minutes – November 22, 2010

WHEREAS, the Borough of Madison publicly advertised for bids for removal and proper recycle of leaves (the %Contract+) in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the apparent lowest bid submitted by Walnut Grove Farm did not comply with statutory requirements and must be rejected, and also did not comply with the bid specifications; and

WHEREAS, the lowest qualified bid was submitted by Grinnell Recycling of Sparta, New Jersey in the amount of \$63,000.00; and

WHEREAS, the Purchasing/Personnel Officer has recommended that the Borough Council award the contract to Grinnell Recycling of Sparta, New Jersey in the amount of \$63,000.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$63,000.00 for this purpose in the Public Works operating budget.

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 removal and proper recycle of leaves is hereby awarded to Grinnell Recycling of Sparta, New Jersey based upon its bid in the amount of \$63,000.00.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Grinnell Recycling of Sparta, New Jersey in a form acceptable to the Borough Attorney.

R 292-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AN AGREEMENT WITH INTERNATIONAL DATABASE CORP. FOR WEB-BASED SOLICITATION AND BIDDING SERVICES

WHEREAS, the Purchasing/Personnel Officer has advised that the server that houses the Madison bid notices will be taken out of services in the near future, and the Borough has a need for continuing that service with a different provider; and

WHEREAS, the County of Morris is partnered with International Database Corporation doing business as Interactive Procurement Technologies by BidNet (hereinafter %IPT+) for web-based solicitation and bidding services; and

WHEREAS, the Purchasing/Personnel Officer has recommended that the Borough enter into an agreement with IPT which will not only house the Borough bid notices but also house all bid packages available for bidding, and provide much greater exposure for the Madison Borough bid solicitations; and

Regular Meeting Minutes – November 22, 2010

WHEREAS, there is no cost to the Borough of Madison for entering into this agreement, except for reimbursement of postage for items mailed on behalf of the Borough by IPT; and

WHEREAS, the agreement provides that it may be terminated by either party on sixty (60) days advance notice.

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 Mayor is authorized to execute and the Borough Clerk is authorized to attest to the agreement for services with IPT for a period of twelve (12) months in a form approved by the Borough Attorney.

R 293-2010 item removed and the # retired

R 294-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING ANNUAL MADISON CHRISTMAS COMMITTEE PARADE

WHEREAS, the Madison Christmas Committee has requested permission to hold their annual parade on Friday, November 26, 2010, beginning at 5:30 p.m. on a route from Prospect Street to Main Street to Green Village Road or as otherwise approved by the Police Department; and

WHEREAS, the Assistant Business Administrator recommends approval of this request.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, and State of New Jersey, that the request of the Madison Christmas Committee to hold their annual parade in Madison on Friday, November 26, 2010, as described herein is hereby approved, subject to any safety requirements that are imposed by the Madison Police Department.

R 295-2010 RESOLUTION OF THE BOROUGH OF MADISON CANCELLING COMPLETED CAPITAL IMPROVEMENT ORDINANCES

WHEREAS, the Chief Financial Officer has reviewed a list of open capital projects and has determined that several capital projects have been completed and the improvement authorization accounts should be closed; and

WHEREAS, the Chief Financial Officer has recommended that the Council adopt a Resolution canceling the open dollar balances in such completed projects; and

Regular Meeting Minutes – November 22, 2010

WHEREAS, the Borough Council has determined to make such cancellation.

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 list of open capital projects annexed hereto are hereby cancelled.

R 296-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CANCELLATION OF OLD OUTSTANDING CHECKS, BANK ERRORS AND RETURNED CHECKS

WHEREAS, the Madison Borough Chief Financial Officer has recommended that old outstanding checks, bank errors and returned checks be cancelled as being out of date; and

WHEREAS, the Chief Financial Officer has indicated that the Chief Accountant has recommended these items should be cancelled.

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. All outstanding checks and charges listed on the attached Memorandum dated October 28, 2010 from Francine DeAngelis, Chief Accountant, to Robert Kalafut, Chief Financial Officer, be cancelled.
2. The Chief Financial Officer is authorized to take whatever action is necessary to effectuate this Resolution.

R 297-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CANCELLATION OF OLD FEDERAL AND STATE GRANT RESERVE BALANCES

WHEREAS, the Madison Borough Chief Financial Officer has recommended that old Federal and State Grant Reserve Balances be cancelled; and

WHEREAS, the Chief Financial Officer has indicated that the Borough Auditor has recommended these items should be reviewed for proper disposition.

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:

Regular Meeting Minutes – November 22, 2010

3. All federal and state grant reserve balances as listed on the attached schedule prepared by the Chief Financial Officer, be cancelled.
4. The Chief Financial Officer is authorized to take whatever action is necessary to effectuate this Resolution.

R 298-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING ON-LINE AUCTION OF SURPLUS MUNICIPAL PROPERTY

WHEREAS, the Borough of Madison has determined that the items listed in schedule A, attached to this resolution, are property no longer needed for public use; and

WHEREAS, the State of New Jersey permits the sale of surplus property no longer needed for public use through the use on an online auction services, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30.; and

WHEREAS, the Borough of Madison has surplus property listed in schedule A, attached to this resolution, and desires to sell this property online pursuant to an agreement with Auction Liquidation Services; and

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 Purchasing/Personnel Officer, Elizabeth Crescibene, is authorized to provide a list of surplus items to the auction company Auction Liquidation Services, which items are set forth on Schedule A, to be sold online on an auction website as follows:

Online auction site: www.usgovbid.com

Length of Auction: Five days, to be held as soon as possibly

Auction fees: To be paid through proceeds of the sale

Method of Payment: See www.usgovbid.com for their acceptable payment methods

R 299-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SETTLEMENT WITH PROPERTY OWNER OF 274 MAIN STREET

WHEREAS, a claim for property damage was filed with the Borough by Frances Mantone, a Borough resident, due to a burst water main; and

WHEREAS, the matter was referred to the Borough's insurance carrier, the Joint Insurance Fund, which denied the claim; and

WHEREAS, the Borough Administrator has negotiated a settlement with Frances Mantone in the total amount of \$4,265.00; and

Regular Meeting Minutes – November 22, 2010

WHEREAS, the Borough Administrator has recommended that the Borough pay \$4,265.00 for full and final settlement of the matter.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that settlement as described herein is approved subject to Frances Mantone signing a general release to the Borough of Madison in a form approved by the Borough Attorney.

R 300-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING FINAL PAYMENT AND CHANGE ORDER REQUEST FROM CROSS ROAD CONSTRUCTION CORP INC. IN THE AMOUNT OF \$28,009.05 FOR THE GREEN VILLAGE ROAD STORM SEWER PROJECT

WHEREAS, a contract for the Green Village Road storm sewer project, in an amount not to exceed \$647,705.00 was awarded to Cross Road Construction Corp Inc. of Newark, New Jersey, by Resolution 237-2009; and

WHEREAS, the Borough Engineer has recommended approval of a change order to the contract for changes regarding unit quantities, which with previously approved change orders bring the authorized contract total to \$487,323.10; and

WHEREAS, the Borough Engineer has advised the project has been completed and has recommended approval of final payment including the change order to Cross Road Construction Corp Inc. of Newark, New Jersey in an amount not to exceed \$28,009.05; and

WHEREAS, the Director of Finance has attested to the availability of funds in an amount not to exceed \$28,009.05 for this purpose, which funds were appropriated by Ordinance 49-2008.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that the final payment and change order request from Cross Road Construction Corp Inc. of Newark, New Jersey, in the total amount not to exceed \$28,009.05 for the Green Village Road storm sewer project is authorized.

R 301-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING REQUEST FOR EXTENSION OF TIME FOR DATE OF AWARD OF CONSTRUCTION CONTRACT AND RECEIPT OF 2009 MUNICIPAL AID FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION

WHEREAS, Madison has received an award from the New Jersey Department of Transportation (NJDOT), MA-2009-Madison Borough-00577, Roadway Preservation for Woodland Road (Garfield to Barnsdale) in the Borough of

Regular Meeting Minutes – November 22, 2010

Madison, in the amount of \$200,000.00 based on an application submitted pursuant to Resolution 179-2008, said award dated January 28, 2009; and

WHEREAS, the NJDOT award requires a construction contract to be awarded no later than June 28, 2010, extended via resolution 164-2010 to December 29, 2010; and

WHEREAS, the Madison Borough Engineer has requested that NJDOT grant an extension of time for the award of the construction contract, due to the award priority for Woodland Road advanced on the section between Green and Garfield (also state assisted . now in construction), an extended period of public involvement related to sidewalk construction for all phases, requested for cost reduction while maintaining scope of original two-phase project approach and State funding for same, and the budget approval delays due to modifications in State formula aid and other revenues, resulting in modifications of the Madison Capital Budget to include the project (Woodland Road from Garfield to Barnsdale) again in Municipal Fiscal Year 2011; and

WHEREAS, the Borough Engineer has previously determined that reconstruction of Woodland Road is needed due to degrading road conditions and absence of adequate curb and drainage structures;

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 supports and endorses the request of the Madison Borough Engineer for an extension of time from New Jersey Department of Transportation to award a contract for the Woodland Road construction (from Garfield to Barnsdale) within six months of this resolution and maintain the Municipal Aid award set forth in the Agreement with the State of New Jersey.

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.**

Carmen Vacchiano, Greenwood Avenue, raised concern regarding a commercial business on Lathrop Avenue. Mr. Vacchiano provided photos of commercial vehicles and asked for additional review of any zoning violations. Mr. Mezzacca indicated that he will work with Madison Zoning Official Frank Russo regarding zoning and/or any other ordinances that may apply.

Regular Meeting Minutes – November 22, 2010

Matthew Madara, Lathrop Avenue, asked that the Mayor and Council take action regarding the commercial poultry vehicles at 43-45 Lathrop Avenue and parked cars on sidewalks at 33 Lathrop Avenue. Mr. Madara was asked to contact the Police Department when the live birds are present and vehicles are parked on sidewalks.

Tom Haralampoudis, Pomeroy Road, raised questions concerning the proposed increase in the water utility rates. On behalf of the Madison Environmental Commission, Mr. Haralampoudis asked that the Mayor and Council consider an ordinance regulating motor vehicle engine idling. Mr. Haralampoudis asked if it is possible for the Borough to obtain equipment to clean the skating rink at Memorial Park.

Irene Knoblach, Brooklake Road, thanked the Mayor and Council for their efforts regarding the proposed Community Garden on Borough of Chatham property bordering Brooklake Road.

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	\$20,254.06
Health & Public Assistance	6,350.32
Public Works & Engineering	142,934.27
Community Affairs	6,589.13
Finance & Borough Clerk	3,737,675.91
Utilities	<u>1,263,068.25</u>
Total	<u>\$5,176,871.94</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

There being no further business to come before the Council, the meeting was adjourned at 10:12 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved December 13, 2010 (EO)