

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

February 14, 2011 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 14th day of February, 2011. Mayor Holden called the meeting to order at 7 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, 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 the Hartley Dodge Memorial, and filing a copy in the office of the Clerk, all on January 6, 2011. 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:

Robert H. Conley
Jeannie Tsukamoto
Vincent A. Esposito
Sebastian J. Cerciello
Donald R. Links
Robert G. Catalanello

Also Present:

Raymond M. Codey, Borough Administrator
James Burnet, Assistant Business Administrator
Elizabeth Osborne, Borough Clerk

Absent: Joseph Mezzacca, Jr., Borough Attorney

AGENDA REVIEW

There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Dr. Esposito moved:

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

MINUTES FOR APPROVAL (3)
December 13, 2010
January 10, 2011
January 24, 2011

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

CONTRACT MATTERS (6)

SALT

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TREE REMOVAL
DIESEL FUEL
GASOLINE
GARBAGE TIPPING FEES
MUNICIPAL PROSECUTOR

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

PERSONNEL MATTERS (4)
METER READER, PART-TIME
LABOR NEGOTIATIONS
CUSTODIAN, PART-TIME
MUNICIPAL COURT

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

LITIGATION MATTERS (1)
HDM

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

Seconded: Mr. Conley
Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

Mayor Holden reconvened the Regular Meeting at 8:08 p.m. in the Council Chamber with all members present. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Mrs. Tsukamoto moved approval of the **Executive Minutes of December 13, 2010**. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mr. Conley, Mrs. Tsukamoto, Dr. Esposito,
Mr. Cerciello, Mr. Links
Nays: None
Abstain: Mr. Catalanello

Mrs. Tsukamoto moved approval of the **Regular Meeting Minutes of December 13, 2010**. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mr. Conley, Mrs. Tsukamoto, Dr. Esposito,
Mr. Cerciello, Mr. Links
Nays: None
Abstain: Mr. Catalanello

Mrs. Tsukamoto moved approval of the **Executive Minutes of January 10, 2011**. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

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

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Mrs. Tsukamoto moved approval of the **Regular Meeting Minutes of January 10, 2011**. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Mrs. Tsukamoto moved approval of the **Executive Minutes of January 24, 2011**. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Mrs. Tsukamoto moved approval of the **Regular Meeting Minutes of January 24, 2011**, with the following correction:

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~~Mr. Conley~~ **Mrs. Tsukamoto** moved that Ordinance 2-2011, which the Clerk read by title, be finally adopted. ~~Mrs. Tsukamoto~~ **Dr. Esposito** seconded the motion.

Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

GREETINGS TO PUBLIC

Mayor Holden made the following comments:

Mayor Holden wish each and every one a very Happy Valentine's Day.

Mayor Holden complimented the job the Public Works Department personnel have done with snow removal this winter season.

REPORTS OF COMMITTEES

Finance and Borough Clerk

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

Mr. Conley wished every one a very Happy Valentine's Day.

Public Safety

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

Mrs. Tsukamoto reported that 2011 Parking permits are sold out. Mrs. Tsukamoto noted Federal reimbursement available for the December 2010 snow storm and thanked OEM Coordinator Robert Landrigan, present, for his hard work with the necessary application for reimbursement.

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Utilities

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

Dr. Esposito acknowledged that the Madison Electric Utility has had only have spot outages of approximately 15 to 20 minutes despite the rough weather this winter season.

Public Works and Engineering

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

Mr. Cerciello noted he would like to see the Borough run more like a corporation.

Mr. Cerciello stated his disgrace attending an Open Space meeting, and noted several residents concur with his opinion of the 49 Acres project. Mr. Cerciello noted his request to have the order of business at Council meetings changed and was again asked to submit an agenda recommendation to consider a change to the By-laws. Mr. Cerciello was repeatedly asked to report on Public Works and Engineering Departments. Mr. Cerciello noted the job the Public Works department has done with snow removal and noted a number of residential sidewalks not cleared.

Health & Public Assistance

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

Mr. Links announced that Health Department Nursing Director Florence Rice and Nurse Marlene Dolan will be recognized at the Center for Disease Control's National Immunization Conference for their abstracts regarding best practices and immunizations, to be held March 28th through the 31st in Washington DC. Mr. Links noted the great honor to the individual employees as well as to the Borough.

Community Affairs

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

Mr. Catalanello reported that 2011 Tax Assistance is available beginning Wednesday, February 2 through April 13th. Residents must make an appointment by calling 973-593-3096. Mr. Catalanello also reported that the NJ Clean Energy Council has various ways to make homes more energy efficient. The Warm Advantage program offers rebates for new energy efficient heating systems and hot water heaters and the Cool Advantage program offers the same for air conditioning improvements. More information can be found on the Borough website.

Mayor Holden made the following announcement:

Employees of the Month for February:

Jay Healy of the Electric Utility for the work he performed reading electric and water meters in severe weather, customer service duties, teaching part-time meter readers the location of meters and how to properly record the usage, all while being the only full-time employee in the meter department.

Hattie Evans of the Tax Collector's Office for training all new part-time employees in the Tax Collector's Office within the past few years.

Mayor Holden reported her conversation with Congressman Rodney P. Frelinghuysen today regarding the mail boxes in front of the U.S. Post Office. He promised to get back to Mayor Holden immediately regarding replacement of the mailboxes. Mayor Holden noted an upcoming meeting with NJ Transit Executive Director regarding improvements to the station facilities in continuation of the 1996 project for upgrades to the Tran Station. Repairs are needed for wall deterioration

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along Waverly Place, Kings Road and the Elm Street trellis. The Executive Director noted that capital money skirted from the tunnel project will now be available for other projects and he is hopeful bids will go out in April.

COMMUNICATIONS AND PETITIONS- none

INVITATION FOR DISCUSSION (1 of 2)

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

Saverio Allocca; Belleau Avenue, suggested the Council have a long range budget plan and involve residents in budget process.

Carmen Pico, North Street, inquired about the proposed brine snow and ice removal system. Mr. Pico noted is gladness that the Borough looking into this option.

Tim Harrington; Crossgates Road, inquired about the salt usage on roadways. Mr. Harrington suggested the Borough do an electric cost study. Mr. Harrington asked about the latest Municipal Audit. Mr. Harrington noted his attendance at a recent Open Space, Recreation and Historic Preservation Advisory Committee meeting and saw what he believes was a personal vindictive attack on a volunteer.

Marty Horn, West Lane, Chair of the Recreation Advisory Committee, questioned the need for an ordinance regarding recreation user fees, and asked how it would impact financing. Mr. Horn asked if the fee is for all recreation groups, how would it be dedicated to the 49 Acres project. Mr. Horn asked that the Council carefully discuss before introducing an ordinance.

AGENDA DISCUSSIONS

02/14/2011-1 2011 MUNICIPAL BUDGET

Chief Financial Officer Robert Kalafut offered Mayor and Council an up to date synopsis on the recent budget hearings, noting several schedules that were provided as well as proposed budget options. Mr. Kalafut is recommending a property tax increase of 5.73%, including the 2% mandated tax levy cap and increased cost in pension and health care benefits as well as funding for a revaluation scheduled fore 2013. Following discussion of waste collection options and municipal debt, there was agreement to continue budget discussions at the next Council meeting of February 28th, after State Aid figures are announced.

02/14/2011-2 BRINE SNOW AND ICE REMOVAL

There was discussion of the benefit of roadway snow and ice maintenance with the use of a brine solution. Brine can be purchase or made and stored. This product is safe for sidewalks and driveways as well and will reduce overtime costs, material costs and provide safer roads.

02/14/2011-3 USER FEE ORDINANCE

Mr. Conley explained that the proposed ordinance will help minimize the exposure to the taxpayer by securing the user fee component of project financing and help

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offset the cost of Board of Education facilities. Mr. Conley proposes that all funds be held by the Borough in a dedicated account and would be used for future field improvements. Following Council discussion it was suggested that Mr. Mezzacca answer further Council questions regarding fees and research the use of an agreement with the Madison Athletic Foundation.

02/14/2011-4 WOODLAND ROAD RECONSTRUCTION

Borough Engineer Robert Vogel provided explanation of the proposed ordinance to finance roadway reconstruction of Woodland Avenue from Garfield Avenue to Barnesdale Road, noting that no pedestrian sidewalk element is in the proposed plans. Mr. Cerciello noted his displeasure with Local Public Contracts laws, stating that contractors now know what the Borough is willing to spend. It was explained that funds must be guaranteed by ordinance in order bid projects. Mr. Catalanello proposed an advisory committee to help find savings. There was agreement to list Ordinance. 3-2011 for introduction.

ADVERTISED HEARINGS - none

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of February 28, 2011 in the 2nd Floor Council Chamber of the Hartley Dodge Memorial Building, Kings 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 the Borough offices 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 ordinance by title:

ORDINANCE 3-2011 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$450,000.00 FROM THE GENERAL CAPITAL
IMPROVEMENT FUND FOR WOODLAND ROAD RECONSTRUCTION

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$450,000.00 from the General Capital Improvement Fund for Woodland Road reconstruction from Garfield Avenue to Barnsdale Road; 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 \$450,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$450,000.00 from the General Capital Improvement Fund for Woodland Road reconstruction from Garfield Avenue to Barnsdale Road; 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 \$450,000.00 is hereby appropriated from the General Capital Improvement Fund for Woodland Road reconstruction from Garfield Avenue to Barnsdale Road.

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 3-2011, 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: Mr. Conley, Mrs. Tsukamoto, Dr. Esposito
Mr. Links, Mr. Catalanello
Nays: Mr. Cerciello

**ORDINANCE 4-2011 ORDINANCE OF THE BOROUGH OF MADISON
REPLACING ORDINANCE 2-2009 PERTAINING TO PART-TIME NON-UNION
SALARIES AND OFFICES**

WHEREAS, the Borough Council has determined that a change is required in the salary ranges for non-union part-time employees to increase the maximum salary for the Magistrate Municipal Court and to increase the maximum hourly rate for the Deputy Court Administrator, Part-Time.

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

Section 1. Ordinance 2-2009 setting the salary ranges for non-union part-time employees is hereby amended to change the following salary ranges:

TITLE	MINIMUM	MAXIMUM
Deputy Court Administrator, Part-Time	\$21.75	\$27.50
Magistrate Municipal Court	\$16,377.00/yr	\$90,000.00/yr

Section 2. All other provisions of the Ordinance remain unchanged.

Section 3. This ordinance shall take effect February 1, 2011.

Mr. Cerciello moved that Ordinance 3-2011, 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: Mr. Conley, Mrs. Tsukamoto, Dr. Esposito,
Mr. Cerciello, Mr. Links. Mr. Catalanello
Nays: None

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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.

R 45-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RELEASE OF PERFORMANCE BOND FOR 345 MAIN STREET

WHEREAS, the Borough Engineer has recommended that the Performance Bond of \$283,298.04 and Performance Guaranty of \$15,738.78 and the remaining balance of inspection fees for this project in Trust Account 2326 be released to Madison 2007, LLC in connection with site improvements located at 345 Main Street, Block 5202, Lots 7 and 7.01; and

WHEREAS, the Borough Engineer advises that all site work has been completed.

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 Performance Bond and Performance Guaranty described herein be released to Madison 2007, LLC.

R 46-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACT FOR ROCK SALT THROUGH THE MORRIS COUNTY CO-OPERATIVE PRICING COUNCIL

WHEREAS, the Borough of Madison desires to enter into a contract for rock salt from an authorized vendor under the Morris County Co-Operative Pricing Council program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-10, et seq.; and

WHEREAS, Atlantic Salt, Inc., of Lowell, Massachusetts, has been awarded Morris County Co-Operative Pricing Council contract number 3, Rock Salt & Calcium Chloride; and

WHEREAS, the Superintendent of Public Works has recommended that the Borough Council utilize this contract for rock salt in the amount of \$88,000.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$88,000.00 for this purpose, which funds are available in the Operating Budget.

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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, as follows:

1. A contract for rock salt from Atlantic Salt, Inc., of Lowell, Massachusetts, at a total price not to exceed \$88,000.00 is hereby approved under the Morris County Co-Operative Pricing Council contract number 3, Rock Salt & Calcium Chloride.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Atlantic Salt, Inc., of Lowell, Massachusetts, for rock salt at a total price not to exceed \$88,000.00, in a form acceptable to the Borough Attorney.

R 47-2011 Removed from Agenda and the # retired

R 48-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACT FOR DIESEL FUEL THROUGH THE MORRIS COUNTY CO-OPERATIVE PRICING COUNCIL

WHEREAS, the Borough of Madison desires to enter into a contract for ultra low sulfur diesel fuel from an authorized vendor under the Morris County Co-Operative Pricing Council program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-10, et seq.; and

WHEREAS, Finch Fuel Oil Company, Inc., of Kearny, New Jersey has been awarded Morris County Co-Operative Pricing Council contract number 2 Ultra Low Sulfur Diesel Fuel; and

WHEREAS, the Superintendent of Public Works has recommended that the Borough Council utilize this contract for ultra low sulfur diesel fuel in the amount of \$55,000.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$55,000.00 for this purpose, which funds are available in the 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. A contract for ultra low sulfur diesel fuel from Finch Fuel Oil Company, Inc., of Kearny, New Jersey, at a total price not to exceed \$55,000.00 is hereby approved under the Morris County Co-Operative Pricing Council contract number 2 Ultra Low Sulfur Diesel Fuel.

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2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Finch Fuel Oil Company, Inc., of Kearny, New Jersey, for ultra low sulfur diesel fuel at a total price not to exceed \$55,000.00, in a form acceptable to the Borough Attorney.

R 49-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACT FOR GASOLINE THROUGH THE MORRIS COUNTY CO-OPERATIVE PRICING COUNCIL

WHEREAS, the Borough of Madison desires to enter into a contract for gasoline from an authorized vendor under the Morris County Co-Operative Pricing Council program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-10, et seq.; and

WHEREAS, Allied Oil, LLC, of Hillsborough, New Jersey has been awarded Morris County Co-Operative Pricing Council contract number 1 Gasoline; and

WHEREAS, the Superintendent of Public Works has recommended that the Borough Council utilize this contract for gasoline in the amount of \$120,000.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$120,000.00 for this purpose, which funds are available in the 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. A contract for gasoline from Allied Oil, LLC, of Hillsborough, New Jersey, at a total price not to exceed \$120,000.00 is hereby approved under the Morris County Co-Operative Pricing Council contract number 1 Gasoline.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Allied Oil, LLC, of Hillsborough, New Jersey, for gasoline at a total price not to exceed \$120,000.00, in a form acceptable to the Borough Attorney.

R 51-2011 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING THERESA GIORDANO TO THE POSITION OF METER READER, PART-TIME

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WHEREAS, the Purchasing/Personnel Officer recommends the appointment of Theresa Giordano to the position of Meter Reader, Part-Time, effective February 16, 2011; and

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, that Theresa Giordano is hereby appointed to the position of Meter Reader, Part-Time, effective February 16, 2011; and

BE IT FURTHER RESOLVED, that Theresa Giordano will be compensated at the hourly rate of \$12.00 per hour.

R 52-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RENEWAL OF A LEASE AGREEMENT WITH JOSEPH LOSAPIO FOR AN ADDITIONAL TERM OF FIVE YEARS FROM MARCH 11, 2011 THROUGH MARCH 10, 2016

WHEREAS, the Borough of Madison previously entered into a five (5) year lease agreement with Joseph LoSapio (“Tenant”) from March 11, 2006 through March 10, 2011 for property designated on the Tax Map of the Borough of Madison as Block 3081, Lot 1; and

WHEREAS, the Tenant has requested a renewal of the lease agreement as was done for prior terms; and

WHEREAS, the Borough Administrator has recommended renewing the lease agreement for the annual rent of \$550.00 per year on the terms and condition of the previous lease.

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 lease agreement with Joseph LoSapio for a parcel designated on the Tax Map of the Borough of Madison as Block 3081, Lot 1 is hereby renewed for an additional term of five (5) years from March 11, 2011 through March 10, 2016 for the annual rent of \$550.00 and the Mayor and Borough Clerk are authorized to execute a new lease agreement to be prepared by and approved by the Borough Attorney on the same terms as the previous lease agreement.

R 53-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING 2011 TAXI DRIVER’S PERMITS FOR EDUARDO M. BRUN AND MARIO J. GATTO OF MADISON SQUARE TRANSPORTATION INC.

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WHEREAS, in compliance with the provisions of Chapter 173 of the Borough Code, applications for Taxi Driver's Permits for Madison Square Transportation Inc. have been made by Eduardo M. Brun, 39 Lexington Boulevard, Clark, New Jersey, and by Mario J. Gatto, 741 Magie Avenue, Elizabeth, 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 Taxi Driver's Permit No. 1 be issued to Eduardo M. Brun and Taxi Driver's Permit No. 2 be issued to Mario J. Gatto effective upon Council approval and through December 31, 2011.

R 54-2011 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING SEBASTIANO BASSOLINO TO THE POSITION OF CUSTODIAN, PART-TIME

WHEREAS, the Borough Administrator recommends the appointment of Sebastiano Bassolino to the position of Custodian, Part-Time, upon satisfactory completion of a background check; and

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, that Sebastiano Bassolino is hereby appointed to the position of Custodian, Part-Time upon satisfactory completion of a background check, at an hourly rate of \$20.00 for 20 hours per week.

R 55-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING USE OF THE HARTLEY DODGE MEMORIAL COUNCIL CHAMBER BY GIRL SCOUT TROOP 1706 ON APRIL 1, 2011

WHEREAS, Girl Scout Troop 1706 has requested permission to hold a Gold Award Ceremony, on Friday, April 1, 2011, from 6:00 p.m. to 9:00 p.m., at the Hartley Dodge Memorial in the Council Chamber; and

WHEREAS, the Borough Administrator has recommended that such permission be granted; 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 Girl Scout Troop 1706 is hereby given permission to hold Gold Award Ceremony at the Hartley

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Dodge Memorial, in the Council Chamber, on Friday, April 1, 2011, from 6:00 p.m. to 9:00 p.m.

R 56-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACT WITH AHS HOSPITAL CORP., TO PROVIDE EMERGENCY MEDICAL DISPATCHING FOR A THREE YEAR TERM MAY 1, 2010 THROUGH APRIL 30, 2013

WHEREAS, the N.J.A.C. 17:24-1.1, et seq. requires that the municipality provide pre-arrival health-care instructions be given by the phone operator/dispatcher/police officer on all emergency medical-related calls. Presently, no Madison Police Officers are trained to administer pre-arrival instructions.

WHEREAS, the Borough Administrator has recommended the Borough retain the professional services of AHS Hospital Corp., to provide emergency medical dispatching for the Borough for a period of three (3) years at the rate of \$5,400.00 for the first contract year for up to six hundred (600) calls and \$9.50 for each call over six hundred (600); \$5,508.00 for the second contract year for up to six hundred (600) calls and \$9.50 for each call over six hundred (600) calls; and \$5,618.00 for the third contract year for up to six hundred (600) calls and \$9.50 for each call over six hundred (600) calls.

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, AHS Hospital Corp., must submit to the Borough Purchasing/Personnel Officer the required documents to satisfy the requirements of N.J.S.A. 19:44A-20.5, since this matter may be awarded without competitive bidding; and

WHEREAS, AHS Hospital Corp. must complete and submit a Business Entity Disclosure Certification which certifies that AHS Hospital Corp. has not made any reportable contributions to a political or candidate committee in the Borough of Madison in the previous one year, and that the contract will prohibit AHS Hospital Corp. from making any reportable contributions through the term of the contract; and

WHEREAS, the Director of Finance has attested to the availability of funds in an amount not to exceed the amounts specified above for each contract year respectively for this purpose;

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

1. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from AHS Hospital Corp., the Mayor and

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Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract with AHS Hospital Corp. to provide emergency medical dispatching for the Borough for a period of three (3) years at the rate of \$5,400.00 for the first contract year for up to six hundred (600) calls and \$9.50 for each call over six hundred (600); \$5,508.00 for the second contract year for up to six hundred (600) calls and \$9.50 for each call over six hundred (600) calls; and \$5,618.00 for the third contract year for up to six hundred (600) calls and \$9.50 for each call over six hundred (600) calls, in a form acceptable to the Borough attorney.

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

3. The Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough of Madison within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.

R 57-2011 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING
PETER A. FICO, ESQ. AS MUNICIPAL PROSECUTOR FOR HARDING
TOWNSHIP AND CHATHAM TOWNSHIP

WHEREAS, the Borough of Madison has a need to obtain the Professional Services of Peter A. Fico, Esq., as a Municipal Prosecutor for Harding Township and Chatham Township matters, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough Administrator of the Borough of Madison has determined that the value of the professional services may exceed \$17,500; and

WHEREAS, the anticipated term of the contract is one year and may be extended as approved by this governing body; and

WHEREAS, said Professional Services provider has submitted a proposal indicating willingness to provide the services for the fee of \$450.00 per session; and

WHEREAS, said Professional Services provider must submit to the Borough Purchasing/Personnel Officer the required documents to satisfy the requirements of N.J.S.A. 19:44A-20.5, since this matter may be awarded without competitive bidding; and

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WHEREAS, said Professional Services provider must submit a Business Entity Disclosure Certification which certifies that said provider has not made any reportable contributions to a political or candidate committee in the Borough of Madison, County of Morris, State of New Jersey in the previous one year, and that the contract will prohibit said Professional Services provider from making any reportable contributions through the term of the contract, and

WHEREAS, in accordance with N.J.A.C. 5:30-5.4, the Chief Financial Officer has certified as to the availability of funds for the contract.

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

1. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from Peter A. Fico, Esq., the Mayor is hereby authorized to execute a contract for the professional services of Peter A. Fico, Esq., as Municipal Prosecutor for Harding Township and Chatham Township matters, the cost of such professional service agreement not to exceed the amount certified by the Chief Financial Officer.
2. The Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.
3. The resolution and contract are on file and available for public inspection in the office of the Municipal Clerk during regular business hours Monday through Friday.

BE IT FURTHER RESOLVED that when received, the Business Entity Disclosure Certification and the Determination of Value be placed on file with this resolution.

R 58-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING BOROUGH ENGINEER TO SUBMIT CONSENT FORMS TO THE NJDEP FOR 175 PARK AVENUE WATER MAIN EXTENSION

WHEREAS, 175 Park Avenue, LLC has applied to the Madison Planning Board for development approvals to allow building modification at Block 401, Lot 2 (hereinafter the "Property") at 175 Park Avenue; and

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WHEREAS, the New Jersey Department of Environmental Protection (“NJDEP”) requires that the Borough submit consent forms before it issues a permit authorizing the extension of water main service to the Property; and

WHEREAS, the Borough Council desires to submit the appropriate consent forms to obtain a NJDEP permit authorizing the extension of water main service to the Property.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Borough authorizes the Borough Engineer to execute and submit consent forms to the NJDEP in order to obtain a permit authorizing the extension of water main service to the Property.

R 59-2011 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING DONATION OF ICE RESURFACING MACHINE FROM MR. AND MRS. THOMAS HARALAMPOUDIS

WHEREAS, Mr. and Mrs. Thomas Haralampoudis have generously offered to donate an ice resurfacing machine to the Borough; and

WHEREAS, the Borough Council has concluded that it would be in the best interest of the Borough to accept the donated ice resurfacing machine.

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

BE IT FURTHER RESOLVED that the Borough of Madison expresses its gratitude to Mr. and Mrs. Thomas Haralampoudis.

R 60-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY PECK SCHOOL TO BE HELD AT PLAZA LANES

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 are hereby approved:

**PECK SCHOOL
I.D. No 324-5-30421
R.A. NO 1190 – On Premise
April 2, 2011**

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

Dr. Esposito moved adoption of the Resolutions R 45-2011, R 46-2011, R 48-2011, R 49-2011 and Resolutions R 51-2011 through R 60-2011 listed on the Consent Agenda.

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Mr. Conley seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

R 50-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACT FOR GARBAGE TIPPING FEES THROUGH THE MORRIS COUNTY CO-OPERATIVE PRICING COUNCIL

WHEREAS, the Borough of Madison desires to enter into a contract for garbage tipping fees from an authorized vendor under the Morris County Co-Operative Pricing Council program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-10, et seq.; and

WHEREAS, the Morris County Municipal Utilities Authority of Mendham, New Jersey has been awarded a Morris County Co-Operative Pricing Council contract for garbage tipping fees; and

WHEREAS, the Superintendent of Public Works has recommended that the Borough Council utilize this contract for garbage tipping fees in the amount of \$428,000.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$428,000.00 for this purpose, which funds are available in the 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. A contract for garbage tipping fees from the Morris County Municipal Utilities Authority of Mendham, New Jersey, at a total price not to exceed \$428,000.00 is hereby approved under the Morris County Co-Operative Pricing Council contract for garbage tipping fees.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to the Morris County Municipal Utilities Authority of Mendham, New Jersey, for garbage tipping fees at a total price not to exceed \$428,000.00, in a form acceptable to the Borough Attorney.

Dr. Esposito moved adoption of the Resolutions R 50-2011 listed on the Consent Agenda. Mr. Conley seconded the motion. Mr. Cerciello suggested a system be established to check garbage vehicle before and after collection in the Borough. Mayor

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Holden noted high Morris County Municipal Utility Authorities tipping fees and noted the Mr. Codey is exploring the possibility of other disposal locations. There was no further Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

INVITATION FOR DISCUSSION (2 of 2)

Mayor opened the meeting to the public for their opportunity to ask questions and make comments on any subject. 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.

Helen Kaar; Walnut Street, expressed misgivings concerning the artificial turf fields. Ms. Kaar noted that there is no harm in constructing natural fields. Madison could be part of environmental movement regarding field construction.

Tim Harrington; Crossgates Road, commented on the percentage of debt in the tax rate. Mr. Harrington asked when there will be more detail and discussion regarding the municipal budget. Mr. Harrington asked about final cost for the rehabilitation of the Hartley Dodge Memorial building

Carmen Pico, North Street, raised concern regarding families unable to pay the proposed recreation user fees.

Saverio Allocca; Belleau Avenue, noted that Trenton gives municipalities direction but no money. Mr. Allocca asked why the Board of Education does not manage their money better.

Thomas Haralampoudis, Pomeroy Road, inquired about the status of an anti-idling ordinance, asking that residents receive notification of state restrictions. Mr. Haralampoudis inquired about the status of borough owned property on Orchard Street. Mr. Haralampoudis asked if the Borough has a location for leaf composting. Mr. Haralampoudis stated that every volunteer is valuable and means well.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Dr. Esposito seconded by Mr. Conley 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	\$40,188.87
Health & Public Assistance	1,816.45
Public Works & Engineering	393,521.35
Community Affairs	16,059.73
Finance & Borough Clerk	5,307,676.01
Utilities	<u>79,676.54</u>
Total	<u>\$5,838,938.95</u>

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

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

Nays: None

NEW BUSINESS - None

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved February 28, 2011 (EO)