

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

**April 25, 2011 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 25th day of April 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 E. Burnet, Assistant Borough Administrator  
Elizabeth Osborne, Borough Clerk  
Joseph Mezzacca, Jr., Borough Attorney

**AGENDA REVIEW**

One Potential Litigation Matter and one Contract Matter were added to the Executive Agenda.

Mr. Conley moved that Paul Hackett of Chatham Township make a presentation to the Mayor and Council, Mr. Cerciello seconded the motion, which failed by the following roll call vote:

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

**READING OF CLOSED SESSION RESOLUTION**

Dr. Esposito moved:

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

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MINUTES FOR APPROVAL (1)

April 11, 2011

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

CONTRACT MATTERS (6)

ROYAL WAVE DEVELOPMENT LLC

ANIMAL CONTROL SERVICES

HDM CHANGE ORDER/NJDEP

175 PARK AVENUE

SUBURBAN DISPOSAL

SPECIAL EVENTS

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

PERSONNEL MATTERS (2)

ENGINEERING DEPARTMENT

FIRE DEPARTMENT

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

POTENTIAL LITIGATION MATTERS (1)

SEXUALLY ORIENTED BUSINESSES ORDINANCE

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: 20 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 Meeting Minutes of April 11, 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 April 11, 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

**GREETINGS TO PUBLIC**

Mayor Holden presented the following Proclamations:

*Proclamation  
of the  
Borough of Madison*

***Proclaiming  
National Preservation Month***

***May 2011***

**WHEREAS**, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

**WHEREAS**, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

**WHEREAS**, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a community; and

**WHEREAS**, historic preservation is the greenest form of building, creating local jobs while rehabilitating and recycling, particularly the existing buildings that are a source of a community's heritage; and

**WHEREAS**, "Celebrating America's Treasures" is the theme for National Preservation Month 2011, co-sponsored by the Borough of Madison, Preservation New Jersey and the National Trust for Historic Preservation;

**NOW, THEREFORE**, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim May 2011 as National Preservation Month, and call upon the people of the Borough of Madison to join their fellow citizens across New Jersey and the United States in recognizing and participating in this special observance.

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Mary-Anna Holden, Mayor  
April 25, 2011

***Proclamation  
of the  
Borough of Madison  
Recognizing  
Municipal Clerks' Week  
May 1 through May 7, 2011***

**WHEREAS**, the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

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**WHEREAS**, the Office of the Municipal Clerk is the oldest among public servants; and

**WHEREAS**, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

**WHEREAS**, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

**WHEREAS**, the Municipal Clerk serves as the information center on functions of local government and community; and

**WHEREAS**, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and

**WHEREAS**, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk, notably Elizabeth Osborne, Patricia Graham and Patty Macaluso;

**NOW, THEREFORE**, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the governing body, do hereby recognize the week of May 1 through May 7, 2011, as Municipal Clerks' Week, and further extend appreciation to our Municipal Clerk, Elizabeth Osborne, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

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Mary-Anna Holden, Mayor  
April 25, 2011

Borough Attorney Joseph Mezzacca administered the Oath of Office to Volunteer Firefighter Conner Natunen.

**REPORTS OF COMMITTEES**

**Finance and Borough Clerk**

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

**Public Safety**

Mrs. Tsukamoto, Chair of the Committee, made the following comments: Please remember "Operation Take Back" this Saturday, April 30<sup>th</sup>, a program sponsored by the Madison Police Department to take in unused prescription drugs from the public and disposing them in an environmentally friendly manner.

**Utilities**

Dr. Esposito, Chair of the Committee, no report.

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**Public Works and Engineering**

Mr. Cerciello, Chair of the Committee, made the following comments:  
The Public Works Department is continuing to repair potholes. Mr. Cerciello noted that the Borough Engineer will hold a pre-bid meeting and site visit for contractors bidding on the MRC synthetic turf sports fields project, and noted his disappointment that recommendations from the Madison Environmental Commission were not included in the bid specifications.

**Health & Public Assistance**

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

**Community Affairs**

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

**BUDGET AMENDMENT HEARING**

**R 92-2011 RESOLUTION OF THE BOROUGH OF MADISON TO AMEND INTRODUCED BUDGET**

RESOLUTION R 92-2011  
RESOLUTION OF THE BOROUGH OF MADISON TO AMEND INTRODUCED BUDGET

WHEREAS, the local municipal budget for the year 2011 was approved on the 14th day of March, 2011, and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, it is desired to amend said approved budget;

NOW, THEREFORE BE IT RESOLVED by the governing body of the Borough of Madison, of the County of Morris that the following amendments to the approved budget of 2011 be made:

Recorded Vote					{
(insert last names)	AYES	{	Tsukamoto	NAYS	{
	Conley	{	Links		{
	Esposito	{	Catalanello		{
	Cerciello	{	NONE	ABSTAINED	{
	Holden	{			{
		{	NONE	ABSENT	{
					{

**CURRENT FUND ANTICIPATED REVENUES**

**3. Miscellaneous Revenues - Section F: Public and Private Revenues offset with Appropriations:**

Bulletproof Vest Partnership	\$	0.00	\$	12,090.00
Smart Growth Planning Grant		0.00		6,000.00
Total Section F		143,578.58		161,668.58
Total Miscellaneous Revenues		7,425,007.58		7,443,097.58

**6. Amount to be Raised by Taxes for support of Municipal Budget**

- a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes \$13,178,688.00 \$  
11,976,513.00
- c) Minimum Library Levy  
1,197,291.00

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7. Total General Revenues	\$ 24,438,695.58	\$
24,451,901.58		
GENERAL APPROPRIATIONS		
(A) Operations - Within "CAPS"		
Municipal Support:		
Other Expenses	43,350.00	
28,350.00		
Assessment of Taxes		
Other Expenses	24,230.00	
29,230.00		
Police:		
Salaries & Wages	3,747,511.00	3,739,511.00
Other Expenses	249,300.00	
257,300.00		
Total Operations Including Contingent within "CAPS"	15,369,718.00	
15,359,718.00		
Detail:		
Salaries & Wages	8,784,421.00	
8,776,421.00		
Other Expenses	6,585,297.00	
6,583,297.00		
(H-1) Total General Appropriations for Municipal Purposes Within "CAPS"	17,424,718.00	
17,414,718.00		
(A) Operations - Excluded from "CAPS"		
Bulletproof Vest Partnership	0.00	
12,090.00		
Smart Growth Planning Grant	0.00	
6,000.00		
Total Public and Private Programs Offset by Revenues	146,522.58	
164,612.58		
Total Operations - Excluded from "CAPS"	3,256,841.58	
3,274,931.58		
Detail:		
Other Expenses	2,460,295.35	
2,478,385.35		
Municipal Debt Service - Excluded from "CAPS"		
Interest on Bonds	1,179,076.00	
1,179,675.00		
NJEIT Interest	22,313.00	
25,357.00		
NJEIT Principal	35,747.00	
37,220.00		
Total Municipal Debt Service - Excluded from "CAPS"	2,257,136.00	
2,262,252.00		
(H-2) Total General Appropriations for Mun. Purposes Excluded from "CAPS"	5,513,977.58	
5,537,183.58		
9. Total General Appropriations	\$ 24,438,695.58	\$
24,451,901.58		

Be it further resolved that three certified copies of this resolution be filed forthwith in the office of the Director

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of Local Government Services for his certification of the local municipal budget so amended.

Mayor Holden opened the hearing on the amendments to the 2011 Municipal Budget and asked if any member of the public wished to be heard concerning the amendments.

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

Mr. Conley moved that Resolution R 92-2011, which was read by title, be finally adopted. Mrs. Tsukamoto seconded the motion.

Following lengthy discussion, the motion passed by the following roll call vote:

Yeas: Mr. Conley, Dr. Esposito, Mr. Cerciello, Mayor Holden

Nays: Mrs. Tsukamoto, Mr. Links, Mr. Catalanello

**ADOPTION OF THE MUNICIPAL BUDGET**

***R 101-2011* RESOLUTION OF THE BOROUGH OF MADISON ADOPTING THE 2011 BUDGET AND TAX RESOLUTION**

Mr. Conley moved that Resolution R 101-2011, which was read by title, be finally adopted. Mrs. Tsukamoto seconded the motion.

Mrs. Tsukamoto opposed the tax increase noting that the Governing Body could have taken additional measures to increase revenues and reduce expenses, with greater urgency. She noted that no appropriations for capital improvement funding, the cost of re-evaluation and tax appeal refunds would lead to a larger debt. She called for the re-examination of the current practices of over-budgeting expenses and under-budgeting revenues, asked for regular finance meetings and monthly reporting to improve accountability and a comprehensive 5-year finance plan with special emphasis on electric utility.

Mr. Links opposed the 11% tax collection overage noting a reduction would have resulted in a flat tax year to take the burden off the middleclass and seniors. He called for improving accountability and managing the Borough like a business.

Mr. Catalanello said the budget was balanced without making any real cuts to expenditures, putting off hard choices to the future, neglecting capital improvements and by creative accounting. He asked for a cost benefit analysis of outsourcing vs. hiring in DPW. He called for a fundamental change on how we tax, spend, and budget relating to the electric and water utilities. He noted fiscal responsibility and improving the infrastructure were not reflected in this budget.

Following discussion, the motion passed by the following roll call vote:

Yeas: Mr. Conley, Dr. Esposito, Mr. Cerciello, Mayor Holden

Nays: Mrs. Tsukamoto, Mr. Links, Mr. Catalanello

Mayor Holden declared the 2011 Budget and Tax Resolution adopted and passed, and ordered the Borough Clerk to publish and post according to law.

***COMMUNICATIONS AND PETITIONS - None***

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### **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. *Mayor Holden suggested that residents be invited to address the Council as each item on the work agenda is discussed.*

### **AGENDA DISCUSSIONS**

#### **Added to the Agenda**

##### **04/25/2011-1(a) 22 ORCHARD STREET**

Mr. Codey provided a brief account of the Borough-owned property at 22 Orchard Street. Mr. Codey noted a December 2010 resolution authorizing execution of an option agreement granting the Madison Affordable Housing Corporation an option to purchase the property subject to remediation.

The following residents voiced their objections to the proposed Madison Affordable Housing Corporation plan to build five 2-family for sale homes on the subject property:

***Marcy Sasso, Strickland Place***

***Kristin Kaldor, Douglas Avenue***

***Joseph Gero, Myrtle Avenue***

***Jonelle Marchese, Drew Place***

***Jeff Sarrett, Rachael Avenue***

***A. Guerreiro, Baker Avenue***

***A. Guerreiro, Lathrop Avenue***

***Rolf Hoag, Rachael Street***

Mr. Cerciello left the Council meeting at 9:45 p.m.

##### **04/25/2011-1 TURF FIELD PROJECT REVIEW**

Mr. Conley recommended a review of the proposed synthetic turf fields project to date and invited members of the Environmental Commission and the Shade Tree Management Board and others to present their findings and recommendations.

Mr. Cerciello returned to the Council meeting at 9:55 p.m.

***Tom Haralampoudis, Environmental Commission Chair***, noted that members Betsy Uhlman, Roy Redmond and Steven Stocker are also present. Mr. Haralampoudis stated that the Environmental Commission members are in favor of the project and wish to make sure that the public's concerns are heard. Mr. Haralampoudis noted the responsibilities of the Commission, especially protecting

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the water resources in the Borough. Mr. Haralampoudis indicated that concerned residents want to see more studies and possible modification to materials proposed for the project.

Frank Russo of Omland Engineering confirmed Borough Engineer's findings regarding water runoff and recharge calculations at the fields.

**Betsy Uhlman**, Environmental Commission member, asked for clarification of net increase in runoff water.

**Roy Redmond**, member of the Environmental Commission, noted he works on many designs for all types of fields. Mr. Redmond asked the Council to look at other material as alternatives to crumb rubber that may contain PAH's, which are known carcinogens.

**Michael Kopas**, Chair of the Shade Tree Management Board, stated the Board's concern with the Pin Oak trees and noted that the bid specifications included comments from the Shade Tree Board. Mr. Kopas indicated that he feels comfortable that the trees have a good chance for survival.

**Marty Horn**, Recreation Advisory Committee Chair, indicated that the project has been viewed from every angle and noted that Committee members are happy to see this project happen.

**Robert McDowell, Knollwood Avenue**, inquired about the total costs of the synthetic turf sports field project.

**Paul Hackett, Chatham Borough**, explained that recently installed sports fields in Chatham were constructed with an alternative product that is lighter in color and reported to emit less heat. Mr. Hackett also indicated that replacement costs are unknown or how long they will last.

**Sandra Kowlakowski, Park Avenue**, noted comments to a survey posted on a website she created. Ms. Kowlakowski asked that Council members view the survey at her website. Ms. Kowlakowski suggested recalling the bond ordinance and putting the question to the residents.

Mrs. Tsukamoto moved that the Council meeting be extended past 11:00 p.m., seconded by Mr. Conley and passed by voice vote.

### **04/25/2011-2 AMENDING CHAPTER 185 OF THE BOROUGH CODE - RIDGEDALE AVENUE SPEED LIMIT**

There was agreement with Mrs. Tsukamoto's recommendation to introduce an ordinance to amend the Borough Code to reduce the speed limit along Ridgedale Avenue. Ordinance 17-2011 is listed for introduction.

### **ADVERTISED HEARINGS**

The Clerk made the following statement:

Ordinances scheduled for hearing tonight were submitted in writing at a Regular Meeting of the Mayor and Council held on April 11, 2011, were introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

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Mayor Holden called up ordinances for second reading and asked the Clerk to read said ordinances by title:

**ORDINANCE 15-2011  
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING  
\$10,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR  
PURCHASE OF FOUR SETS OF FIREFIGHTING TURNOUT GEAR**

**WHEREAS**, the Fire Chief has recommended that the Borough appropriate \$10,000.00 from the General Capital Improvement Fund for purchase of four sets of firefighting turnout gear; and

**WHEREAS**, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$10,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$10,000.00 from the General Capital Improvement Fund for purchase of four sets of firefighting turnout gear; and

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

**SECTION 1:** The amount of \$10,000.00 is hereby appropriated from the General Capital Improvement Fund for purchase of four sets of firefighting turnout gear.

**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 15-2011. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 15-2011, which was read by title, be finally adopted. Mr. Cerciello 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

Mayor Holden declared Ordinance 15-2011 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 16-2011  
ORDINANCE OF THE BOROUGH OF MADISON ANNEXING CERTAIN LAND  
INTO THE BOROUGH OF MADISON FROM THE BOROUGH OF FLORHAM PARK  
CONSISTING OF APPROXIMATELY 61.3 ACRES**

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**WHEREAS**, the Borough of Madison purchased approximately 49 acres in Florham Park from Rock-Florham, LLC, pursuant to an agreement entered into between the Borough of Madison, Rock-GW, LLC, Rock-Florham, LLC, and the Borough of Florham Park dated December 24, 2007; and

**WHEREAS**, said agreement provided, among other things, that the Borough of Madison would annex said property, now known as Block 1401, Lot 5.02, as well as annexing the adjoining tax Block 1503, Lot 1, owned by the Madison Board of Education and located in the Borough of Florham Park; and

**WHEREAS**, the Madison Borough Council adopted Resolution 132-2010 on May 10, 2010, authorizing the necessary steps be taken for the annexation of Block 1401, Lot 5.02 and Block 1503, Lot 1 located in the Borough of Florham Park; and

**WHEREAS**, the Florham Park governing body has adopted an ordinance (Ordinance 11-2) consenting to the annexation by the Borough of Madison of the property described herein, which Ordinance was adopted on March 29, 2011; and

**WHEREAS**, attached hereto as Schedule A is a description of the property to be annexed into the Borough of Madison as consented to by the governing body of the Borough of Florham Park; and

**WHEREAS**, the Borough of Madison has determined to adopt this Ordinance to annex the land described herein pursuant to N.J.S.A. 40A:7-13.

**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 property described as Block 1401, Lot 5.02 in the Borough of Florham Park be annexed into the Borough of Madison and be known as Block 601, Lot 15 on the Borough of Madison tax map, and further, that the property known as Block 1503, Lot 1 in the Borough of Florham Park be annexed into the Borough of Madison and be known as Block 601, Lot 1.1 on the Borough of Madison tax map.

**BE IT FURTHER ORDAINED** that upon this Ordinance becoming effective, the land described herein shall be part of the municipality of the Borough of Madison and upon adoption the Borough Clerk is directed to immediately file in the office of the Clerk of Morris County and in the office of the Secretary of State a certified copy of this Ordinance pursuant to N.J.S.A. 40A:7-14.

Mayor Holden opened up the public hearing on Ordinance 16-2011. Since no member of the public wished to be heard, the public hearing was closed.

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Mr. Conley moved that Ordinance 16-2011, which was 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: Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Mr. Cerciello, Mr. Links, Mr. Catalanello

Nays: None

Mayor Holden declared Ordinance 16-2011 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

***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.**

***Don Brunner, Redmond Drive***, inquired about the status of the Health Officer.

***Tim Harrington, Cross Gates Road***, asked that the Council continue to make cuts to future municipal budgets.

***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 May 9, 2011, in the 2<sup>nd</sup> 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 ordinance 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 the ordinance for first reading and asked the Clerk to read said ordinance by title:

**ORDINANCE 17-2011**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 185 OF THE BOROUGH CODE, SCHEDULE XVI ENTITLED “SPEED LIMITS”**

**WHEREAS**, the Police Department and Borough Engineer have recommended amending Chapter 185 of the Borough Code, Schedule XVI (§185-44), entitled “Speed limits” to reduce the speed limit on Ridgedale Avenue from 35 miles per hour to 30 miles per hour; and

**WHEREAS**, the Borough Council has considered the proposed amendment to the Borough Code and wishes to amend the Code.

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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 that Chapter 185 of the Borough Code entitled “Vehicles and Traffic” shall be amended as follows:

**SECTION 1:** Schedule XVI, (Section 185-44), entitled “Speed limits” is hereby amended as follows:

<b>Name of Street</b>	<b>Speed Limit</b>	<b>Location</b>
Ridgedale Avenue	30	From Central Avenue to Park Avenue

**SECTION 2:** All other provisions of the Ordinance remain unchanged.

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

Mrs. Tsukamoto moved that Ordinance 17-2011, which the Borough Clerk read by title, be adopted. Mr. Conley seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

**CONSENT AGENDA RESOLUTIONS**

The Clerk made the following statement:

Consent Agenda Resolutions will be enacted with a single motion; any Resolution requiring discussion will be removed from the Consent Agenda; all Resolutions will be reflected in full in the minutes.

Dr. Esposito moved adoption of Resolutions R 102-2011 through R 104-2011 and R 106-2011 and R 107-2011 listed on the Consent Agenda. 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 102-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY AUXILIARY OF THE MADISON VOLUNTEER AMBULANCE CORPS

**BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following application for Raffles License, to be held as listed below, be and the same is hereby approved:

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AUXILIARY OF THE MADISON  
VOLUNTEER AMBULANCE CORPS  
I.D. No. 275-10-10817  
R.A. No. 1198 – Off Premise  
November 17, 2011

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

R 103-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING DEVELOPER'S AGREEMENT BETWEEN THE BOROUGH OF MADISON AND ROYAL WAVE DEVELOPMENT, LLC, FOR PREMISES AT BLOCK 1601, LOTS 27, 28, 29, 30, 31 AND 32.

**WHEREAS**, Royal Wave Development, LLC is the owner of certain property in the Borough of Madison designated as Block 1601, LOTS 27, 28, 29, 30, 31 and 32, on the current Tax Map of the Borough, located at Cook Avenue and Ridgedale Avenue; and

**WHEREAS**, Royal Wave Development, LLC has obtained from the Madison Planning Board development approval for the above Property by Resolution adopted February 23, 2010; and

**WHEREAS**, the Resolution adopted by the Madison Planning Board required that a Developer's Agreement be entered into between Royal Wave Development, LLC and the Borough of Madison; and

**WHEREAS**, the Resolution adopted by the Madison Planning Board also required that an agreement be entered into between Royal Wave Development, LLC and the Madison Housing Authority; and

**WHEREAS**, the Madison Borough Administrator has recommended that the Developer's Agreement be entered into.

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

1. The Developer's Agreement between Royal Wave Development, LLC and the Borough of Madison regarding the proposed development on Block 1601, LOTS 27, 28, 29, 30, 31 and 32, is hereby approved, subject to Royal Wave Development, LLC entering into an agreement with the Madison Housing Authority pursuant to the Planning Board resolution.

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2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into such agreement on behalf of the Borough of Madison in a form acceptable to Gary Hall, Esq, substitute Borough Attorney for this matter upon receipt of an executed copy of the Agreement with the Madison Housing Authority.

R 104-2011 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING EDWARD R. NUNN, JR. AS HOUSING OFFICER FOR THE BOROUGH OF MADISON

**BE IT RESOLVED**, that the Council of the Borough of Madison, County of Morris, State of New Jersey hereby appoints Edward R. Nunn, Jr. as Housing Officer for the Borough of Madison effective immediately.

R 106-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING BIKEWAY FOR 175 PARK AVENUE

**WHEREAS**, 175 Park Avenue, LLC, received preliminary and final major site plan and variance approval by resolution of the Madison Planning Board dated February 15, 2011; and

**WHEREAS**, the resolution of approval contained several conditions including Condition 5 providing that a separate plan be presented to the Planning Board Secretary, planning consultant and Planning Board consulting engineer for the adjoining intersection realignment with the bike lane dedication and approval of easements granting same to the Borough of Madison; and

**WHEREAS**, 175 Park Avenue, LLC has submitted to the Mayor and Council a proposed “Dedication of Right of Way and Sight Triangle Easement” in accordance with the Planning Board resolution condition.

**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 “Dedication of Right of Way and Sight Triangle Easement” is hereby approved, subject to review and approval of same by the Madison Borough Engineer and subject to the form of easement being approved by the Madison Borough Attorney.

**BE IT FURTHER RESOLVED** that upon receipt of the approval of the Madison Borough Engineer and the Madison Borough Attorney, the Mayor and Borough Clerk are authorized to execute the “Dedication of Right of Way and Sight Triangle Easement.”

**Regular Meeting Minutes – April 25, 2011**

R 107-2011 RESOLUTION OF THE BOROUGH OF MADISON AMENDING THE SOLID WASTE COLLECTION AND DISPOSAL CONTRACT WITH SUBURBAN DISPOSAL, INC. REGARDING THE WEEKLY PICKUP

**WHEREAS**, the Borough of Madison entered into a contract dated October 26, 2009 for solid waste collection and disposal with Suburban Disposal, Inc., for a five year term, which contract was authorized by Resolution 272-2009; and

**WHEREAS**, the Borough Administrator has recommended a second addendum to the contract to provide that Suburban Disposal will reduce the weekly pickup of solid waste to one pickup per week during the months of September, October, November and December in 2011 and thereafter for the remaining term that the contract is in effect there shall be one pick up per week for the months of January, February, March, April, September, October, November and December, with two pickups per week for the months of May, June, July and August with the payments to Suburban Disposal being reduced by Ten-Thousand dollars (\$10,000.00) per month for those months that only one pickup of solid waste per week is provided.

**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 and Borough Clerk are hereby authorized to execute a second addendum to the contract with Suburban Disposal, Inc., which addendum will reduce the weekly pickup of solid waste to one pickup per week during the months of September, October, November and December in 2011 and thereafter for the remaining term that the contract is in effect there shall be one pick up per week for the months of January, February, March, April, September, October, November and December, with two pickups per week for the months of May, June, July and August with the payments to Suburban Disposal being reduced by Ten-housand dollars (\$10,000.00) per month for those months that only one pickup of solid waste per week is provided, such addendum to be in a form acceptable to the Borough attorney.

Dr. Esposito moved adoption of Resolution R 105-2011 listed on the Consent Agenda. 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. Links, Mr. Catalanello  
Nays: Mr. Cerciello

R 105-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING FINAL CHANGE ORDER FOR HDM PROJECT

**Regular Meeting Minutes – April 25, 2011**

**WHEREAS**, a contract for the rehabilitation of the Hartley Dodge Memorial, in an amount not to exceed \$6,317,000 was awarded to Merrell & Garaguso, Inc., by Resolution 124-2009; and

**WHEREAS**, Change Orders #1 through #15 have previously been approved for a total additional amount of \$575,665.90; and

**WHEREAS**, the Borough Administrator has recommended approval of a Final Change Order increasing the amount of the contract by \$50,000.00 bringing the contract total to \$6,942,266.90.

**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 change order request from Merrell & Garaguso, Inc., increasing the total contract amount by \$50,000.00 for the rehabilitation of the Hartley Dodge Memorial is authorized.

**UNFINISHED BUSINESS** - None

**APPROVAL OF VOUCHERS**

On motion by Mr. Conley, seconded by Mrs. Tsukamoto 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	\$14,772.54
Health & Public Assistance	8,265.73
Public Works & Engineering	89,948.48
Community Affairs	1,663.92
Finance & Borough Clerk	1,070,785.77
Utilities	<u>1,327,470.21</u>
Total	<u>\$2,512,906.65</u>

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 11:20 p.m.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved May 9, 2011 (EO)