

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

May 9, 2011 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 9th day of May 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
Gary T. Hall, Esq., for Joseph Mezzacca, Jr., Borough Attorney, excused

AGENDA REVIEW

One Personnel Matter was added to the 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 (1)
April 25, 2011

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

CONTRACT MATTERS (5)
22 ORCHARD STREET
OPERATION MOBILITY
NORTH STREET PUMP STATION

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JM SORGE, INC.
SEXUALLY ORIENTED BUSINESS ORDINANCE

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

PERSONNEL MATTERS (4)
NON AFFILIATED COMPENSATION
MUNICIPAL PROSECUTOR
FIRE DEPARTMENT
ELECTRIC DEPARTMENT

Date of public disclosure 90 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 8:12 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 25, 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 25, 2011**, with the following amendments:

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AGENDA REVIEW

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

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ADOPTION OF THE MUNICIPAL BUDGET

Add:

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

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and a comprehensive 5-year finance plan with special emphasis on the 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 middle class 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.

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Add:

..... confirmed **Borough Engineer's** findings regarding water runoff and recharge calculations

Roy Redmond, alternatives to crumb rubber that **may** contains PAH's, which are known carcinogens.....

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 thanked residents who participated in the annual May Day clean-up and Arbor Day celebration at the Hartley Dodge Memorial building, noting that Madison has been proclaimed as a Tree City for the 26th year.

Mayor Holden announced that four members of the Madison Police Department participated in the 15th Annual Police Unity Tour, a four-day bicycle ride from East Hanover to the National Law Enforcement Officers Memorial and Museum in Washington, D.C., to bring awareness for officers killed in the line of duty on September 11, 2001, and raise money for the families they left behind.

Mayor Holden announced the following Proclamation:

*Proclamation
of the
Borough of Madison
Proclaiming
Support for the Click It or Ticket Mobilization*

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May 23 – June 5, 2011

WHEREAS, there were 554 motor vehicle fatalities in New Jersey in 2010; and

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing seat belts; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

WHEREAS, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 23 – June 5, 2011 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 93.73% to 100%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways;

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 23 – June 5, 2011 and pledge to increase awareness of the mobilization and the benefits of seat belt use.

MARY-ANNA HOLDEN, MAYOR

May 9, 2011

Anniversaries:

25th Anniversary - Chief John Trevena of the Madison Police Department on May 5th.

20th Anniversary - Margaret LoSapio, a Crossing Guard, on May 30th.

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:

The Madison Police Department is supporting Bike to Work Day, Friday, May 20th, with free breakfast and prizes at the Madison Police Department.

Utilities

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

Public Works and Engineering

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

Mr. Cerciello noted the replacement of a mailbox on Main Street. Mr. Cerciello explained his reason for his affirmative vote for the 2011 Municipal budget noting that, in his opinion, enough money has been taken from services and more should be cut from consultants.

Health & Public Assistance

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

Community Affairs

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

May Day was a success with over 1,000 volunteers working on over 50 projects. Mr. Catalanello thanked all those who participated. Mr. Catalanello announced that the Madison Environmental Commission, along with Boy Scout Troop 25, will hold a Green Fair on Thursday, May 12th, from 3:30 p.m. to 7:30 p.m. in front of the Museum of Early Trades & Crafts. The Madison Chamber of Commerce, along with Madison Jaguar, will sponsor a night of networking at their showroom at 275 Main Street in Madison. The Environmental Commission met to discuss potential areas of shared services with the Board of Education pertaining to solar energy and grant opportunities.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

Letter dated April 26, 2011, from Laura Mecadante of Florham Park regarding Project Community Pride.

Letter dated April 29, 2011, from Toni DeRosa of Alexander Avenue regarding synthetic turf fields.

Letter dated May 4, 2011, from Lois Vuono of Pine Tree Terrace regarding roadway reconstruction on Pine Tree Terrace, Durwood Place, Fletcher Place and Niles Avenue.

Mayor Holden announced that Resolutions R 114-2011 and R 115-2011 would be considered out of order this evening.

Mr. Codey explained that the Madison Housing Authority asked to rescind prior approval of two resolutions authorizing execution of a purchase option agreement and a contract for remediation of Borough owned property at 22 Orchard Street.

Mrs. Tsukamoto moved adoption of Resolutions R 114-2011 and R 115-2011. Mr. Conley seconded the motion. Mrs. Tsukamoto noted that in December the Council simply authorized the grant application and did not review plans or any building information. Once grant funds were received, the Housing Authority would have had to come back to the Council for further discussion. 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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R 114-2011 RESOLUTION OF THE BOROUGH OF MADISON RESCINDING RESOLUTION 310-2010 AUTHORIZING EXECUTION OF A PURCHASE OPTION AGREEMENT WITH THE MADISON HOUSING AUTHORITY

WHEREAS, Resolution 310-2010 authorized the Mayor and Borough Clerk to execute an Option Agreement granting the Madison Affordable Housing Corporation the right to purchase the property and building at Block 4312, Lot 14, 15 and 16, 22 Orchard Street, for development of affordable housing; and

WHEREAS, the director of the Madison Affordable Housing Corporation has advised that the Madison Affordable Housing Corporation did not receive funding from the Morris County Community Development Block Grant Program for the purchase; and

WHEREAS, the Borough Administrator has recommended that Resolution 310-2010 be rescinded; and

WHEREAS, the Mayor and Council have determined that Resolution 310-2010 should be rescinded and that the Option Agreement with the Madison Affordable Housing Corporation should not be executed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Resolution 310-2010 is hereby rescinded.

R 115-2011 RESOLUTION OF THE BOROUGH OF MADISON RESCINDING RESOLUTION 282-2010 AUTHORIZING A CONTRACT WITH HATCH MOTT MACDONALD FOR REMEDIATION OF THE SUBJECT PROPERTY

WHEREAS, Resolution 282-2010 authorized the Mayor and Borough Clerk to execute a contract with Hatch Mott MacDonald for removal of underground storage tanks at the Borough-owned property at Block 4312, Lots 14, 15 and 16, known as the Orchard Street Property; and

WHEREAS, the Borough Administrator has recommended that Resolution 282-2010 be rescinded; and

WHEREAS, the Mayor and Council have determined that Resolution 282-2010 should be rescinded and that the contract with Hatch Mott MacDonald should not be executed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Resolution 282-2010 is hereby rescinded.

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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. **He/she shall limit his/her statement to three (3) minutes or less.**

Antonio Demeri, Elm Street, inquired about the next step to clean up the property at 22 Orchard Street, possible subdivision and auction for sale.

James Kassis, Douglas Avenue, thanked the governing body for listening to residents' concerns and inquired about recouping the cost for clean up of the property by those who caused the pollution.

Richard Klein, Lathrop Avenue, asked if the Borough has any contingency if the minimum price at auction is not offered.

Sam DeMarzo, Ridgedale Avenue, spoke in favor of the proposed ordinance to reduce the speed limit on Ridgedale Avenue, and noted that the sidewalks and other safety issues should be addressed.

Marie Moore, Fox Chase Road, asked Council to look at the pothole repairs and consider repaving Green Avenue from Woodland Road to Shunpike Road.

Douglas Grainger, Shunpike Road, asked that potholes on Green Avenue be filled.

AGENDA DISCUSSIONS

05/09/2011-1 ON-LINE WORK ORDER AND VEHICLE MAINTENANCE SYSTEM

There was agreement to authorize a proposed online work order and vehicle maintenance system as presented by Borough Director of Technology James Sanderson.

05/09/2011-2 RECREATION FIELDS USE POLICY

Mr. Catalanello provided an explanation of a proposed field use policy that would formalize field reservations for recreation use. Following discussion, there were no objections to adopting the proposed policy to prohibit the scheduling of a field for an entire season by any one group.

05/09/2011-3 SOLAR ARRAY PROJECT

Mr. Catalanello provided information on initial research being conducted regarding requests for proposals for a solar array project at the Police and Fire complex roof as well as the ambulance building. The developer would design, construct and maintain the facility. Energy would be sold back to the Borough. There was agreement to continue with a RFP researching this project.

05/09/2011-4 JUNE 4TH SIDEWALK SALES

There was agreement to list a resolution waiving the sidewalk ordinance for June 4th sidewalk sales sponsored by the Chamber of Commerce in the downtown area to invite businesses without store fronts on Main Street to participate.

05/09/2011-5 SPECIAL EVENTS PERMIT AND POLICY

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Mrs. Tsukamoto explained a proposed ordinance for introduction to clarify the Special Events permit and to draft a policy for use of the Harley Dodge Memorial building. There was agreement to list Ordinance 18-2011 for introduction.

05/09/2011-6 REVIEW THREE-YEAR CAPITAL BUDGET/CAPITAL ROAD PROJECTS

Mr. Conley presented a review of a three-year capital plan to assist with decisions related to the 2011 Capitol Budget. The presentation covered current available capital funds, including State aid. Mr. Conley outlined capital projects planned for the current year as well as 2012 and 2013. There was agreement to continue discussion. Mrs. Tsukamoto recommended re-examining Capital Road projects, including transferring \$1.5 million from Capital Surplus to Capital Improvement Fund for roadway reconstruction projects and not to use the funds for other purposes. Mrs. Tsukamoto provided a prioritized list of projects. Following discussion, Mrs. Tsukamoto moved that the Borough Engineer move forward with milling and overlay of the northern portion of Union Hill Road, seconded by Mr. Catalanello and passed by the following roll call vote:

Yeas: Mrs. Tsukamoto, Mr. Links, Mr. Catalanello, Mayor Holden

Nays: Mr. Conley, Dr. Esposito, Mr. Cerciello

Mr. Cerciello left the meeting at 10:29 p.m.

ADVERTISED HEARINGS

The Clerk made the following statement:

Ordinance 17-2011 scheduled for hearing tonight was submitted in writing at a Regular Meeting of the Mayor and Council held on April 25, 2011, was introduced by title and passed on first reading, was published in the Madison Eagle and made available to members of the general public requesting same.

Mayor Holden called up the ordinance for second 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.

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:

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

Name of Street	Speed Limit	Location
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.

Mayor Holden opened up the public hearing on Ordinance 17-2011. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 17-2011, which was read by title, be finally adopted. Dr. Esposito 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 17-2011 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

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.**

Sandy Kolakowski, Park Avenue, addressed the Council regarding the turf sports fields, noting studies of new infill materials. Ms. Kolakowski urged the Council to wait one year to install the fields.

Mr. Cerciello returned to the meeting at 10:36 p.m.

Jane Reynolds, Greenwood Avenue, raised concern regarding synthetic turf sports fields, noting children need more time with family. Ms. Reynolds indicated she would like to see the project put on hold.

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 May 23, 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

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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 ordinances by title:

**ORDINANCE 18-2011
ORDINANCE OF THE BOROUGH OF MADISON AMENDING SECTION 136-32
OF THE BOROUGH CODE ENTITLED “SPECIAL EVENT PERMITS”**

WHEREAS, the Borough Council has determined to amend Section 136-32 of the Borough Code entitled “Special Events Permits” to provide that the governing body must approve any permit for use of the Hartley Dodge Memorial.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Section 136-32 of the Borough Code entitled “Special Event Permits” shall be amended as follows:

SECTION 1:

§ 136-32 Special Event Permits.

A.

B. . . .

(2) A permit shall be issued by the Borough Clerk in consultation with the appropriate department head and Business Administrator and approval by the governing body upon the recommendation of the Business Administrator, provided that a permit for use of the Hartley Dodge Memorial may only be issued upon approval of the governing body, and for all permits on all properties after making the following findings:

(a) That the proposed activity or use of the municipal property will not unreasonably interfere with or detract from the general public enjoyment of the subject property.

(b) That the nature and character of the proposed activity or use of the property is not reasonably anticipated to incite violence, crime or disorderly conduct.

(c) That the proposed activity or use of the property will not entail extraordinary or burdensome expense on the public safety operations of the Borough.

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- (d) That the property or facility desired has not been reserved for other use at the date and hour desired in the application.
- (e) That all conditions on the special event permit application as to insurance, security, indemnification, fees and bonding have been satisfied.
- (f) The Borough reserves the right to waive any and all conditions or to reject the application in their sole discretion.
- (g) Cosponsorship of any special event as defined herein shall require specific prior written approval of the governing body.
- (h) Such other reasonable conditions as may be required by the municipality.
- (i) The requirements for obtaining a permit under this chapter shall not relieve any person or group of persons from obtaining such further permits or approvals as may be required now or in the future by reason of any state or federal law.

....

SECTION 2: All other provisions of the Ordinance not inconsistent herewith shall remain the same.

Mrs. Tsukamoto moved that Ordinance 18-2011, which the Borough Clerk read by title, be adopted. Mr. Cerciello seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

**ORDINANCE 19-2011
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 147 OF
THE BOROUGH CODE ENTITLED “FEES”**

WHEREAS, the Chief of Police has recommended that the fees for fingerprinting for fire arms, real estate, etc., be amended; and

WHEREAS, the Borough Council has determined that there is a need to approve such increase.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Section 147-1 of the Borough Code entitled “Fees for copies of particular records and documents” shall be amended as follows:

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SECTION 1:

§ 147-1 Fees for copies of particular records and documents.

....

C. Police records.

(7) Fingerprinting for firearms, real estate, etc.: \$20 per card.

....

SECTION 2: All other provisions of the Ordinance not inconsistent herewith shall remain the same.

Mrs. Tsukamoto moved that Ordinance 19-2011, which the Borough Clerk read by title, be adopted. Mr. Cerciello seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: 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 108-2011, R 110-2011, R 111-2011 and R 113-2011, and R 117-2011 through R 122-2011 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 108-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY SHAKESPEARE THEATRE OF NEW JERSEY INC. TO CONDUCT AN OFF-PREMISE MERCHANDISE RAFFLES GAME ON SUNDAY, JANUARY 1, 2012, TO BE HELD AT THE F.M. KIRBY SHAKESPEARE THEATRE

WHEREAS, N.J.S.A. 5:8-1 et seq. and N.J.A.C. 13:47-1.1 et seq. prohibit the conducting of games of chance on Sunday unless specifically authorized by a duly adopted municipal ordinance; and

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WHEREAS, on March 8, 1982, the Council of the Borough of Madison adopted Ordinance No. 5-82 to allow the Council, by resolution, to permit qualified organizations to conduct games of chance on Sunday; and

WHEREAS, the New Jersey Legalized Games of Chance Control Commission has issued Registration Identification No. 274-5-32247 to the Shakespeare Theatre of New Jersey Inc.; and

WHEREAS, an Application for Raffles License, together with all necessary documents and fees, has been submitted to the Madison Borough Clerk's Office by the Shakespeare Theatre of New Jersey Inc. to conduct an Off-Premise Merchandise Raffles Game on Sunday, January 1, 2012, at the F. M. Kirby Shakespeare Theatre, 36 Madison Avenue, Madison, New Jersey;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the afore-mentioned Application for Raffles License, R.A. No. 1199, to be held as listed above, be and the same is hereby approved.

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

R 110-2011 RESOLUTION OF THE BOROUGH OF MADISON REGARDING GRANT APPLICATION SUBMITTED TO THE MORRIS COUNTY HISTORIC PRESERVATION TRUST TO CREATE A PRESERVATION PLAN FOR THE HARTLEY DODGE MEMORIAL AND COMMITTING TO PAY TWENTY PERCENT OF THE COST

WHEREAS, a grant application has been submitted by the Borough of Madison to the Morris County Historic Preservation Trust seeking funds to create a Preservation Plan for the Hartley Dodge Memorial building; and

WHEREAS, the estimated cost of the project is \$39,175.00; and

WHEREAS, if awarded, the grant would cover eighty percent of the cost of replacement; and

WHEREAS, the Morris County Historic Preservation Trust requires that the governing body adopt a resolution committing to pay twenty percent of the cost for the project, specifically \$7,835.00; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$7,835.00 for this purpose in Hartley Dodge Memorial Capital Ordinance 04-56-181-602.

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NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Borough agrees to pay twenty percent of the cost of creating a Preservation Plan for the Hartley Dodge Memorial as described herein if the Morris County Historical Preservation Trust awards a grant to the Borough for such purpose, and the Borough specifically authorizes the payment of \$7,835.00 for said project.

R 111-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING USE OF MEMORIAL PARK ON MAY 28, 2011 FOR SUMMER YOUTH CONCERT

WHEREAS, the Assistant Borough Administrator has recommended authorizing the request of Evangeline Lee for a Youth Music Concert to be co-sponsored by the Madison Arts and Cultural Alliance (MACA) and the Kiwanis Clubs of Madison and Chatham and the Borough of Madison on May 28, 2011 at Memorial Park; and

WHEREAS, the concert would take place between the hours of 4 p.m. and 7 p.m.; and

WHEREAS, MACA will provide a generator for power; and

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

WHEREAS, the Assistant Borough Administrator will work with the participants to facilitate the necessary arrangements for the program.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris in the State of New Jersey that a Youth Music Concert as requested by Evangeline Lee and co-sponsored by MACA and the Kiwanis Clubs of Madison and Chatham and the Borough of Madison is hereby authorized to be held at Memorial Park on Saturday, May 28, 2011 from 4 p.m. to 7 p.m., provided one police officer is on duty at said event at the cost of the applicant, and the Assistant Borough Administrator of the Borough of Madison is hereby authorized to coordinate the arrangements with the applicant, and the arrangements are subject to such safety requirements as may be directed by the Madison Police Department and/or Fire Department.

R 112-2011 ITEM REMOVED AND THE # RETIRED

R 113-2011 RESOLUTION OF THE BOROUGH OF MADISON AMENDING CONTRACT WITH MUNICIPAL PROSECUTOR

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WHEREAS, Resolution 22-2011 awarded a professional services contract to Maryann O'Donnell McCoy, Esq., to serve as Municipal Prosecutor; and

WHEREAS, the compensation under the contract is \$400.00 per court session for fifty session; and

WHEREAS, the commencement of the Joint Court has increased the workload of the Municipal Prosecutor; and

WHEREAS, the Borough Administrator has recommended increasing the compensation of the Municipal Prosecutor to \$450.00 per court session; and

WHEREAS, the increased rate is reflected in the 2011 Joint Municipal Court budget.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that the Mayor and Borough Clerk are authorized to execute an amendment to the professional services contract with Maryann O'Donnell McCoy, Esq., increasing the compensation to \$450.00 per court session, in a form approved by the Borough Attorney.

R 117-2011 RESOLUTION OF THE BOROUGH OF MADISON AWARDING PROFESSIONAL SERVICES CONTRACT TO CAMP DRESSER & McKEE INC. FOR NORTH STREET PUMP STATION IN THE AMOUNT OF \$47,100.00

WHEREAS, the Borough Engineer has recommended that the Borough obtain professional services from Camp Dresser & McKee, Inc. (hereinafter "CDM") for preparing revised technical plans and specifications for force main improvements and odor control at the North Street Pump Station (hereinafter the "Contract"); and

WHEREAS, said services would constitute professional services for which a contract may be awarded without the need of competitive bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of this acquisition will exceed \$17,500.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the Contract to CDM in an amount not to exceed \$47,100.00, for preparing revised technical plans and specifications for force main improvements and odor control at the North Street Pump Station; and

WHEREAS, CDM 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, CDM must complete and submit a Business Entity Disclosure Certification which certifies that CDM has not made any reportable contributions to a

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political or candidate committee in the Borough of Madison in the previous one year, and that the contract will prohibit CDM from making any reportable contributions through the term of the contract; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$47,100.00 for this purpose, which funds were appropriated by Ordinance 38-2010.

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 Camp Dresser & McKee, Inc., the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a contract for professional services with Camp Dresser & McKee Inc. for preparing revised technical plans and specifications for force main improvements and odor control at the North Street Pump Station in an amount not to exceed \$47,100.00, such contract to be in a form approved by 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 118-2011 RESOLUTION OF THE BOROUGH OF MADISON AWARDED PROFESSIONAL SERVICES CONTRACT TO JM SORGE, INC. FOR UNDERGROUND STORAGE TANK CASE CLOSURE AT THE HARTLEY DODGE MEMORIAL IN AN AMOUNT NOT TO EXCEED \$32,500.00

WHEREAS, the Borough Engineer has recommended that the Borough obtain professional services from JM Sorge, Inc., for environmental engineering services for closure of the New Jersey Department of Environmental Protection case regarding the underground storage tank behind the Hartley Dodge Memorial (hereinafter the “Contract”); and

WHEREAS, said services would constitute professional services for which a contract may be awarded without the need of competitive bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of this acquisition will exceed \$17,500.00; and

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WHEREAS, the Borough Engineer has recommended that the Borough Council award the Contract to JM Sorge Inc. in an amount not to exceed \$32,500.00, for environmental engineering services for closure of the New Jersey Department of Environmental Protection case regarding the underground storage tank behind the Hartley Dodge Memorial; and

WHEREAS, JM Sorge Inc., 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, JM Sorge Inc. must complete and submit a Business Entity Disclosure Certification which certifies that JM Sorge Inc. 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 JM Sorge Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$32,500.00 for this purpose, which funds are available in account C04 56 181 602.

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:

4. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from JM Sorge Inc., the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with JM Sorge Inc. for environmental engineering services for closure of the New Jersey Department of Environmental Protection case regarding the underground storage tank behind the Hartley Dodge Memorial in an amount not to exceed \$32,500.00, such contract to be in a form approved by the Borough Attorney.

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

6. 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.

R119-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING
RAFFLES LICENSE APPLICATION SUBMITTED BY F&AM #93 MADISON
LODGE

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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:

F&AM #93 MADISON LODGE

I.D. No. 274-6-38897

R.A. No. 1200 – Off Premise

September 14, 2011

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

R 120-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY ARTS COUNCIL OF THE MORRIS AREA TO CONDUCT AN ON-PREMISE 50/50 RAFFLES GAME ON SUNDAY, JUNE 26, 2011

WHEREAS, N.J.S.A. 5:8-1 et seq. and N.J.A.C. 13:47-1.1 et seq. prohibit the conducting of games of chance on Sunday unless specifically authorized by a duly adopted municipal ordinance; and

WHEREAS, on March 8, 1982, the Council of the Borough of Madison adopted Ordinance No. 5-82 to allow the Council, by resolution, to permit qualified organizations to conduct games of chance on Sunday; and

WHEREAS, the New Jersey Legalized Games of Chance Control Commission has issued Registration Identification No. 274-5-34612 to the Arts Council of the Morris Area; and

WHEREAS, an Application for Raffles License, together with all necessary documents and fees, has been submitted to the Madison Borough Clerk's Office by the Arts Council of the Morris Area to conduct an On-Premise 50/50 Raffles Game on Sunday, June 26, 2011, at Giralda Farms, Madison Avenue, Madison (Rain Site: Madison High School, Ridgedale Avenue, Madison);

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the afore-mentioned Application for Raffles License, R.A. No. 1201, to be held as listed above, be and the same is hereby approved.

BE IT FURTHER RESOLVED that a certified copy of this

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Resolution be forwarded to the Legalized Games of Chance Control Commission.

R 121-2011 RESOLUTION OF THE BOROUGH OF MADISON AMENDING FIRE DEPARTMENT RULES AND REGULATIONS

WHEREAS, Madison Borough Fire Chief Louie E. DeRosa, III, has recommended that the Fire Department Rules and Regulation be amended in regard to qualifications for Fire Chief; and

WHEREAS, Section 300-2 of the Rules and Regulations entitled “Qualifications” sets forth the requirements for Fire Chief; and

WHEREAS, the Madison Borough Code Section 18-2 provides that the Council of the Borough of Madison may by resolution from time to time adopt rules and regulations regarding the operation of the Madison Fire Department.

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 Madison Fire Department Rules and Regulations Section 300-2 is hereby amended as follows:

300-2. Qualifications. The Chief must have the following prescribed qualifications, in addition to any prescribed by the Revised Statutes of New Jersey:

(a) Ten (10) or more years of continuous service in the Paid Division of the Madison Fire Department and of those ten years a minimum of two (2) years shall be as an Officer in the Paid Division of the Madison Fire Department; or fourteen (14) or more years of service as a firefighter in the Paid Division of the Madison Fire Department.

(b) Proven ability to plan and direct the activities of a Fire Department.

(c) Satisfactory passing grades or scores in any examination which may be prescribed by the Borough Council for the position of Chief.

(d) Proven ability to meet and deal with the public in a courteous, pleasant and efficient manner.

(e) Possesses one of the following State Licenses:

(1) Fire Official/Inspector License, as per New Jersey Division of Fire Safety.

(2) Fire Protection Inspector License, minimum of ICS.

R 122-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AMENDMENTS TO WIRELESS LEASES WITH VERIZON WIRELESS AT THE KINGS ROAD FACILITY AND THE MADISON AVENUE WATER TOWER

WHEREAS, Verizon Wireless has requested amendments to the leases at the Kings Road facility and the Madison Avenue water tower; and

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WHEREAS, the Borough Engineer has reviewed the request and the proposed Lease amendments.

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 authorized to sign amendments to said leases in a form approved by the Borough Attorney, and with such work to be done by Verizon to be approved by the Borough Engineer.

Dr. Esposito moved adoption of Resolution R 109-2011 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 109-2011 RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION 105-2011 APPROVING FINAL CHANGE ORDER FOR THE HDM PROJECT

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, Resolution 105-2011 approved a final change order request for Merrell & Garaguso, Inc. in the amount of \$50,000.00; and

WHEREAS, due to clerical error, Resolution 105-2011 was passed with an incorrect contract total.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that Resolution 105-2011 is hereby amended to reflect a total contract amount of \$6,942,665.90.

Dr. Esposito moved adoption of Resolution R 116-2011 listed on the Consent Agenda. Mr. Conley seconded the motion. Mr. Hall read the resolution into the record as amended, 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 116-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING VENTURE SCOUT CREW TO UTILIZE A PORTION OF BASEMENT SPACE AT HARTLEY DODGE MEMORIAL BUILDING FOR COMMUNITY PROJECT

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WHEREAS, the Borough Administrator has recommended to the Borough Council that the Venture Scout Crew be permitted to use a portion of the Hartley Dodge Memorial basement for storage of medical equipment collected in connection with their Operation Mobility project; and

WHEREAS, the Council has determined to grant permission for this request, which can be revoked upon sixty (60) days written notice to Venture Scout Crew.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that the Venture Scout Crew is authorized to store donated medical equipment in the basement of the Hartley Dodge Memorial, in an area approved by the Borough Administrator.

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	\$31,843.95
Health & Public Assistance	16,653.77
Public Works & Engineering	173,772.28
Community Affairs	2,279.57
Finance & Borough Clerk	3,376,919.01
Utilities	<u>44,894.47</u>
Total	<u>\$3,646,363.05</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 10:48 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved May 23, 2011 (EO)