

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

June 13, 2011 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 13th day of June 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

Absent: Robert G. Catalanello, excused

Also Present:

Raymond M. Codey, Borough Administrator

James E. Burnet, Assistant Borough Administrator

Elizabeth Osborne, Borough Clerk

Joseph Mezzacca, Jr., Borough Attorney

AGENDA REVIEW

There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Dr. Esposito moved:

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

MINUTES FOR APPROVAL (1)

May 23, 2011

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

CONTRACT MATTERS (7)

GREEN VILLAGE ROAD SCHOOL DESIGNATION

BOE EASEMENT STATUS

ORCHARD ST APPRAISAL

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COMPUTER SERVICES
WOODLAND ROAD PHASE II
WOODLAND ROAD PHASE II FIELD INSPECTION
MRC FIELD INSPECTION

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

PERSONNEL MATTERS (3)
APPOINT SUMMER INTERN
RISK MANAGEMENT POLICIES
STATE HEALTH BENEFITS PROGRAM

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 8:15 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 May 23, 2011**. Mr. Conley seconded the motion, which passed by the following roll call vote:

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

Mrs. Tsukamoto moved approval of the **Regular Meeting Minutes of May 23, 2011** with the following amendments:

Page 5 to 20, # 1:

... there was no objection to **Mrs. Tsukamoto's recommendation to list** listing Ordinance 20-2011 for introduction to appropriate \$450,000.00 from the Capital Fund Balance ...

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

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

GREETINGS TO PUBLIC

Mayor Holden made the following comments:

New Jersey Future presented the tenth Smart Growth award to Madison and the Madison Affordable Housing Corporation was recognized for their new Firehouse apartments project. The concert series began this past Friday. Concerts are held every other Friday evening, 6 - 8 p. m., from June through September in front of the Museum of Early Trades & Crafts. Mayor Holden thanked Provident Bank for their sponsorship.

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The New Jersey Jazz Society honored Mayor Holden, who accepted on behalf of the Chamber of Commerce and the Downtown Development Commission, for her support of the arts and culture in the region.

Mayor Holden called forward Board of Education President Lisa Ellis to sign an easement agreement for access to the Madison Recreation Complex sports fields.

Softball Coach Robert Welter and several softball players presented a check in the amount of \$6,750 to Madison Athletic Foundation representative Brian Agnew. The check represents user fees collected in 2010 and earmarked for funding toward the new synthetic turf fields.

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: Madison Police Chief John Trevena was awarded the 2011 Life Time Achievement award by the Patriots Path Council of the Boy Scouts of America. The Fire Department had the opportunity to conduct training in three vacant homes along Cook Avenue before scheduled demolition. Mrs. Tsukamoto thank property owner Richard Romano.

Utilities

Dr. Esposito, Chair of the Committee, made the following comments: The Electrical Department crews have been ahead of repairs caused by recent storms, as well as continuing maintenance of the electrical lines. The automated meter reading system is in study mode and continues to collect data. Dr. Esposito reminded resident to conserve water, especially when utilizing irrigation systems, and to remember to adhere to voluntary odd even watering days.

Public Works and Engineering

Mr. Cerciello, Chair of the Committee, made the following comments: Mr. Cerciello noted that recorded Council meetings are not shown on cable television Channel 21. Mr. Codey explained that the Madison Board of Education will appoint an employee to maintain the cable TV coverage throughout the summer break. Mr. Cerciello commented that recent repaving of Main Street was done well.

Health & Public Assistance

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

Community Affairs

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

COMMUNICATIONS AND PETITIONS

Mayor Holden stated that twenty seven red flyers were received in the Clerk's office regarding opposition to contracts for the synthetic turf sports fields, noting that the flyers had no author. Mayor Holden offered to discuss any concerns residents may have regarding the turf fields off-line.

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

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recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record. **He/she shall limit his/her statement to three (3) minutes or less.**

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

AGENDA DISCUSSIONS

06/13/2011-1 PERFORMANCE MANAGEMENT FOR DEPARTMENT HEADS

Following discussion regarding mid-year performance reviews for department heads, utilizing a performance evaluation form developed by Mrs. Tsukamoto, there was agreement to continue discussion and include discussion of the governing body's roles and responsibilities regarding performance management with labor attorney. Resolution R 143-2011 was removed from the Consent Agenda.

06/13/2011-2 GRASS FIELDS USER FEES

Mr. Links recommended that additional grass field maintenance be done on weekend by volunteer residents. There was consensus that an ordinance recommending fees for grass fields use not be added to the Agenda.

06/13/2011-3 MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

Mr. Robert Landrigan, Borough of Madison OEM Coordinator addressed the Mayor and Council regarding participation in a multi-jurisdictional hazard mitigation plan, to help reduce future public, private, community and personal costs of disaster response and recovery and to assign responsibilities for maintenance of the plan. There was consensus to list Resolution R 148-2011 on the Consent Agenda

06/13/2011-4 TECHNOLOGY LIAISON

Mrs. Tsukamoto indicated her concerns regarding utilizing technology within the Borough and recommended that a technology liaison and alternate be appointed to move forward on technology initiatives. Mr. Conley suggested an informal committee, rather than an additional liaison position. Mayor Holden appointed Mrs. Tsukamoto as liaison and Mr. Links as alternate for the remainder of 2011, and asked for a report at the next Council meeting.

06/13/2011-5 REVIEW OF STATE ROAD GRANTS AND 2011 CAPITAL PROJECT DELIVERY PLAN

At Mr. Conley's suggestion, Borough Engineer Robert Vogel provided the Council with an overview of arterial roadway reconstruction projects recently completed and those in the queue for future consideration. Mr. Vogel indicated projects that he would recommend for possible state funding. Mr. Cerciello recommended grouping roadway reconstruction project together.

06/13/2011-6 PLAYWRIGHTS THEATRE REQUEST

After a brief explanation by Mr. Burnet, there was consensus to list Resolution R 150-2011 on the Consent Agenda as recommended. Resolution R 150-2011 is listed on the Consent Agenda.

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 May 23, 2011, were introduced by title and

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passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

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

ORDINANCE 20-2011

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$450,000.00 FROM THE CAPITAL FUND BALANCE FOR RECONSTRUCTION OF GREEN AVENUE (WOODLAND TO SHUNPIKE)

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$450,000.00 from the Capital Fund Balance for reconstruction of Green Avenue from Woodland Road to Shunpike Road; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Capital Fund Balance 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 Capital Fund Balance for reconstruction of Green Avenue from Woodland Road to Shunpike 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:

SECTION 1: The amount of \$450,000.00 is hereby appropriated from the Capital Fund Balance for reconstruction of Green Avenue from Woodland Road to Shunpike 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.

Mayor Holden opened up the public hearing on Ordinance 20-2011. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 20-2011, which was read by title, be finally adopted. Mr. Cerciello seconded the motion.

Mr. Cerciello inquired about cost of the reconstruction project. Mr. Mezzacca stated that this is an ordinance to appropriate funds for the project. Mr. Conley explained his concerns regarding supervision of the project, forgoing state funding and future capital resources. Mrs. Tsukamoto noted that the road is in poor condition and now is the time to do the repairs. Following Council discussion and the motion passed with the following roll call vote recorded:

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

Mayor Holden declared Ordinance 20-2011 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.

ORDINANCE 21-2011

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$539,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR RECONSTRUCTION OF PINE, CEDAR, ROSE AND BEECH AVENUES

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$539,000.00 from the General Capital Improvement Fund for reconstruction of Pine, Cedar, Rose and Beech Avenues; 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 \$539,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$539,000.00 from the General Capital Improvement Fund for reconstruction of Pine, Cedar, Rose and Beech Avenues; 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 \$539,000.00 is hereby appropriated from the General Capital Improvement Fund for reconstruction of Pine, Cedar, Rose and Beech Avenues.

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 21-2011. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 21-2011, 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.
Nays: None
Abstain: None
Absent: Mr. Catalanello

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Mayor Holden declared Ordinance 21-2011 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 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.

Tim Harrington; Crossgates Road, asked how many performance reviews are conducted by Mr. Codey. Mr. Harrington indicated his surprise at how far behind the corporate world the Borough is with regards to personnel matters. Mr. Harrington stated that Green Avenue paving problems began with the sewer repairs that caused a trench in the roadway. Mr. Harrington indicated his surprise at funding for roadway repairs.

Frank Bergin; Rose Avenue, thanked the Council for adopting ordinance 21-2011, for reconstruction of Pine, Cedar, Rose and Beech Avenues. Mr. Bergin raised concern regarding increased traffic in his neighborhood do to construction work along Danforth Road and asked that the Council find alternative routes.

Carmin Pico; North Street, indicated his willingness to help maintain grass sports fields.

Sandra Kolakowski; Park Avenue, raise concern regarding the synthetic turf sports fields and indicated her disappointment that the Council did not look at alternatives. Ms. Kolakowski wished that there had been be more public participation with regard to the fields. Ms. Kolakowski indicated she believes the Borough paid a premium price for a non-premium product.

Don Brunner, Redmond Drive, asked when new 30 mile an hour speed signs will be posted on Ridgedale Avenue, an asked that the new speed limits be enforced. Mr. Brunner asked for clarification of a resolution authorizing use of the Hartley Dodge memorial Building

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of June 27, 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:

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ORDINANCE 22-2011

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$220,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR REIMBURSEMENT TO THE MADISON COMMUNITY POOL FOR REPLACEMENT OF THE POOL PARKING LOT

WHEREAS, the Borough Administrator has recommended that the Borough appropriate \$220,000.00 from the General Capital Improvement Fund to reimburse the Madison Community Pool Corporation for replacement of the pool parking lot including drainage, striping, signage, curbing and concrete work; 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 \$220,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$220,000.00 from the General Capital Improvement Fund to reimburse the Madison Community Pool Corporation for replacement of the pool parking lot including drainage, striping, signage, curbing and concrete work; 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 \$220,000.00 is hereby appropriated from the General Capital Improvement Fund to reimburse the Madison Community Pool Corporation for replacement of the pool parking lot including drainage, striping, signage, curbing and concrete work.

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 22-2011, which the Borough Clerk read by title, be adopted. Mrs. Tsukamoto seconded the motion. Following Council discussion, the motion passed with the following roll call vote recorded:

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

Nays: None

Abstain: None

Absent: Mr. Catalanello

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.

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Dr. Esposito moved adoption of the Resolutions R 138-2011, R 139-2011, R141-2011, R 142-2011, R 144 - 2011 through R 148-2011, R 150-2011, R 154-2011, R 155-2011 and R 156-2011 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.
Nays: None
Abstain: None
Absent: Mr. Catalanello

R 138-2011 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF ALEX DEROSE TO SUMMER INTERN POSITION IN THE WATER & ELECTRIC ADMINISTRATION DEPARTMENT

WHEREAS, the Purchasing/Personnel Officer has recommended the appointment of Alex DeRose to the position of Summer Intern in the Water & Electric Administration Department; 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 the appointment of Alex DeRose to the position of Summer Intern in the Water & Electric Administration Department effective May 18, 2011 at the rate of pay of \$9.00 per hour is hereby ratified.

R 139-2011 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF MOLLY JOHNSON TO SUMMER INTERN POSITION IN THE ENGINEERING DEPARTMENT

WHEREAS, the Purchasing/Personnel Officer has recommended the appointment of Molly Johnson to the position of Summer Intern in the Engineering Department; 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 the appointment of Molly Johnson to the position of Summer Intern in the Engineering Department effective May 11, 2011 at the rate of pay of \$9.00 per hour is hereby ratified.

R 140-2011 Item Removed and the # Retired

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R 141-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING 4TH ANNUAL BATTLE OF THE BUSINESS 5K RUN ON MONDAY, JUNE 27, 2011 AT 6:00 P.M.

WHEREAS, the the ADP and Sobel & Co., LLC requested Madison's cooperation in connection with their 4th Annual Battle of the Business 5K Run on Monday, June 27, 2011; and

WHEREAS, the run will begin at 6:00 p.m. on the roadway (DRE) of the former Exxon Mobil site in Florham Park; and

WHEREAS, the Rockefeller Group recommends closing off the entrance to the DRE at Ridgedale Avenue during the Battle of the Business 5K Run.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the request of ADP and Sobel & Co., LLC to hold a "5K run" on the roadway (DRE) on Monday June 27, 2011, as described herein is hereby approved.

R 142-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE PLANNING BOARD TO CONDUCT A REDEVELOPMENT STUDY FOR THE GREEN VILLAGE ROAD SCHOOL PROPERTY

WHEREAS, the Madison Board of Education is the owner of property at 33 Green Village Road, consisting of approximately 5 acres and designated as Tax Lot 8 in Block 3001 ("the "Property"); and

WHEREAS, the Property was previously the site of the Green Village Road School; and

WHEREAS, the Borough is desirous of conducting an investigation to determine if the Property should be designated as an area in need of redevelopment under N.J.S.A. 40A:12A-5; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the governing body must authorize the Planning Board to undertake the preliminary investigation as to whether the area qualifies as an area in need of redevelopment.

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 Planning Board is hereby authorized and assigned to:

1. Conduct a preliminary investigation pursuant to N.J.S.A. 40A:12A-6 to determine whether the area identified as Lot 8 in Block 3001 qualifies as a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5; and

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2. Make a determination, after conducting a hearing and completing the investigation, as to whether or not the delineated area, or any part of it, is an appropriate redevelopment area in accordance with the statute; and
3. Report that determination to the Mayor and Council.

R 143-2011 Item Removed and the # Retired

R 144-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, C.72

WHEREAS, the Morris County Board of Taxation is unable to certify Madison's tax rate at this time and the Borough of Madison Tax Collector will be unable to mail the Borough's 2011 tax bills on a timely basis;

WHEREAS, the Borough of Madison Tax Collector in consultation with the Borough of Madison Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have both signed a certification showing the tax levies for the previous year, the 2011 estimated tax rates and the range of permitted estimated tax levies;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Madison, in the County of Morris and State of New Jersey on this 13th day of June, 2011 as follows:

1. The Borough of Madison Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough of Madison for the third installment of 2011 taxes.
2. The entire estimated tax levy for 2011 is hereby set at \$56,846,431.
3. In accordance with law the third installment of 2011 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the estimated tax bill were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

R 145-2011 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF BRITTANY PEZIK TO SUMMER INTERN POSITION IN THE FINANCE DEPARTMENT

WHEREAS, the Purchasing/Personnel Officer has recommended the appointment of Brittany Pezik to the position of Summer Intern in the Finance Department; 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 the appointment of

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Brittany Pezik to the position of Summer Intern in the Finance Department effective June 1, 2011 at the rate of pay of \$9.00 per hour is hereby ratified.

R 146-2011 RESOLUTION OF THE BOROUGH OF MADISON CONFIRMING MEMBERSHIP OF ALEX WESOLOWSKI IN THE MADISON HOSE COMPANY NO.1, INC.

WHEREAS, the Fire Chief has advised that Alex Wesolowski was voted into the Madison Hose Company No.1, Inc. as a volunteer firefighter; and

WHEREAS, Section 18-27 of the Madison Borough Code requires that each person so voted shall be confirmed as a member of such division by the Council of the Borough of Madison.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Alex Wesolowski is hereby confirmed as a member of the Madison Hose Company No. 1, Inc. effective immediately.

R 147-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACT EXTENSION FOR DAILY COMPUTER NETWORKING/MAINTENANCE SERVICES TO SAI ENTERPRISES, INC. OF BURLINGTON, MA

WHEREAS, a two-year contract for daily computer networking/maintenance services was awarded by Resolution 122-2009 to SAI Enterprises, Inc., of Burlington, Massachusetts as a result of public bidding, which contract expires on July 9, 2011; and

WHEREAS, the bid specifications allowed for one two-year extension or two one-year extensions of the contract at the request of the Borough; and

WHEREAS, the Director of Technology has recommended that the Borough award a two-year contract for daily computer networking/maintenance services to SAI Enterprises, Inc., of Burlington, Massachusetts, commencing on July 10, 2011 through July 9, 2013, at the hourly rate of \$37.50 per hour, not to exceed \$75,000.00 per year; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$37.50 per hour, or \$75,000.00 per year.

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 two-year contract extension is hereby authorized to be entered into with SAI Enterprises, Inc., of Burlington, Massachusetts commencing on July 10, 2011 through July 9, 2013, at the hourly rate of \$37.50 per hour, not to exceed \$75,000.00 per year, and the

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Mayor is authorized to execute same and the Borough Clerk is authorized to attest to same, such extension of contract to be in a form approved by the Borough Attorney.

R 148-2011 RESOLUTION OF THE BOROUGH OF MADISON ADOPTING THE MORRIS COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

WHEREAS, the Borough of Madison is vulnerable to damages from natural hazard events which pose a threat to public health and safety and could result in property loss and economic hardship; and

WHEREAS, a Multi-Jurisdictional Hazard Mitigation Plan (the Plan) has been developed through the work of the Morris County Hazard Mitigation Planning Committee, the Borough of Madison Hazard Mitigation Working Group, and interested parties within the Borough of Madison; and

WHEREAS, the Plan recommends hazard mitigation actions that will protect people and property affected by natural hazards that face the Borough of Madison, that will reduce future public, private, community and personal costs of disaster response and recovery; and that will reinforce the Borough of Madison's leadership in emergency preparedness efforts; and

WHEREAS, the Disaster Mitigation Act of 2000 (P.L. 106-390) (DMA 2000) and associated Federal regulations published under 44 CFR Part 201 require the Borough of Madison to formally adopt a Hazard Mitigation Plan subject to the approval of the Federal Emergency Management Agency to be eligible for federal funds for hazard mitigation projects and activities; and

WHEREAS, public meetings were held to receive comment on the Plan as required by DMA 2000.

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

1. The Plan is hereby adopted as an official plan of the Borough of Madison.
2. The Borough of Madison officials identified in the Mitigation Action Plan (Section 9) are hereby directed to implement the recommended actions assigned to them. These officials will report quarterly on their activities, accomplishments and progress to the Borough of Madison Hazard Mitigation Working Group, and the Borough of Madison Mayor and Council.

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3. The Borough of Madison Hazard Mitigation Working Group will provide annual progress reports on the status of implementation of the Plan to the Mayor and Council. This report shall be submitted to the Mayor and Council by December 31st of each year.
4. The Borough of Madison Hazard Mitigation Working Group will undertake periodic updates of the Plan as indicated in the Plan Maintenance Program (Section 10) but no less frequently than every five years.

BE IT FURTHER RESOLVED that the Borough of Madison adopts the Morris County, New Jersey Multi-Jurisdictional Hazard Mitigation Plan, dated July 23, 2010, as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

R 149-2011 Item Removed and the # Retired

R 150-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING USE OF THE HARTLEY DODGE MEMORIAL BUILDING BY THE PLAYWRIGHTS THEATRE OF NEW JERSEY SEPTEMBER 17, 2011

WHEREAS, Playwrights Theatre of New Jersey has requested permission to hold a gala on Saturday, September 17, 2011, from 3:00 p.m. to 10:00 p.m., at the Hartley Dodge Memorial; and

WHEREAS, the Assistant Borough Administrator has recommended that such permission be granted; and

WHEREAS, the Borough Council agrees with this recommendation subject to submission of missing application items.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that subject to the submission of missing application items, Playwrights Theatre of New Jersey is hereby given permission to hold a gala at the Hartley Dodge Memorial, in the Council Chamber, on Saturday, September 17, 2011, from 3:00 p.m. to 10:00 p.m.

R 154-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PARTICIPATION IN THE STATE HEALTH BENEFITS PLAN

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A **RESOLUTION** for Local Government and Local Education Employers to offer both options or only one option of the Health Maintenance Organization Plans (Aetna HMO or CIGNA HealthCare HMO) under the State Health Benefits Program or School Employees' Health Benefits Program of the State of New Jersey.

AS A RESULT OF COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE LOCAL EMPLOYER UNIT NAMED BELOW AND ITS EMPLOYEES, BE IT RESOLVED:

The BOROUGH OF MADISON 0938-00
CORPORATE NAME OF EMPLOYER SHBP/SEHBP EMPLOYER LOCATION NUMBER

(CHECK ONE)

- Will **NOT** offer the Aetna HMO plan at this time.
- Will **NOT** offer the CIGNA HealthCare HMO plan at this time.
- Will offer **BOTH** the Aetna HMO **and** CIGNA HealthCare HMO plans at this time.

Upon receipt of this resolution, the Health Benefits Bureau will schedule a Special Open Enrollment for active employees currently enrolled in any HMO that will no longer be offered. These employees must submit a *Health Benefits Application* to change medical plans during the Special Open Enrollment or will otherwise be terminated from coverage.

R 155-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PARTICIPATION IN THE STATE HEALTH BENEFITS PLAN

A **RESOLUTION** for Local Government and Local Education Employers to offer both options or only one option of the Preferred Provider Organization (NJ DIRECT15 or NJ DIRECT10) under the State Health Benefits Program or School Employees' Health Benefits Program of the State of New Jersey.

AS A RESULT OF COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE LOCAL EMPLOYER UNIT NAMED BELOW AND ITS EMPLOYEES, BE IT RESOLVED:

The BOROUGH OF MADISON 0938-00
CORPORATE NAME OF EMPLOYER SHBP/SEHBP EMPLOYER LOCATION NUMBER

(CHECK ONE)

- Will **NOT** offer the NJ DIRECT15 plan at this time. Therefore, please automatically transfer all of our active employees currently enrolled in NJ DIRECT15 into NJ DIRECT10.
- Will **NOT** offer the NJ DIRECT10 plan at this time. Therefore, please automatically transfer all of our active employees currently enrolled in NJ DIRECT10 into NJ DIRECT15.
- Will offer **BOTH** the NJ DIRECT10 **and** NJ DIRECT15 plan at this time.

Please note that active employees currently enrolled in Aetna HMO or Cigna HealthCare HMO will remain in their HMO plan unless they elect to enroll in another plan offered by the Borough of Madison _____ by completing an enrollment application.

CORPORATE NAME OF EMPLOYER

R 156-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PARTICIPATION IN THE STATE HEALTH BENEFITS PLAN

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A RESOLUTION to authorize participation in the State Health Benefits Program and/or School Employees' Health Benefits Program of the State of New Jersey.

BE IT RESOLVED:

1. The BOROUGH OF MADISON 0938-00
CORPORATE NAME OF EMPLOYER STATE SOCIAL SECURITY I.D. NUMBER
hereby elects to participate in the Health Program provided by the New Jersey State Health Benefits Act of the State of New Jersey (N.J.S.A. 52:14-17.26 and N.J.S.A. 52:14-17.46.2) and to authorize coverage for all the employees and their dependents thereunder in accordance with the statute and regulations adopted by the State Health Benefits Commission and/or School Employees' Health Benefits Commission.
2. A. We elect to participate in the Employee Prescription Drug Plan defined by N.J.S.A. 52:14-17.25 et seq. and authorize coverage for all employees and their dependents in accordance with the statute and regulations adopted by the State Health Benefits Commission and/or School Employees' Health Benefits Commission.
B. We will be maintaining _____ as our prescription drug plan.¹
NAME OF PLAN
C. We will not have a stand-alone prescription drug plan and understand that prescription drug coverage will be provided based on the medical plan chosen by the subscriber.
3. A. We elect to participate in the Employee Dental Plans defined by N.J.S.A. 52:14-17.25 et seq. and authorize coverage for all employees and their dependents in accordance with the statute and regulations adopted by the State Health Benefits Commission.
B. We will be maintaining Delta Dental as our dental plan.¹
NAME OF PLAN
C. We will not have a dental plan.
4. We elect 30² hours per week (average) as the minimum requirement for full time status in accordance with N.J.A.C. 17:9-4.6.
5. As a participating employer we will remit to the State Treasury all charges due on account of employee and dependent coverage and periodic charges in accordance with the requirements of the statute and the rules and regulations duly promulgated thereunder.
6. We hereby appoint Elizabeth Crescibene, Purchasing/Personnel Officer to act as
NAME/TITLE
Certifying Officer in the administration of this program.
7. This resolution shall take effect immediately and coverage shall be effective as of 10/1/11
or as soon thereafter as it may be effectuated pursuant to the statutes and regulations. DATE

Mr. Conley moved adoption of the Resolutions R 151-2011 listed on the Consent Agenda. Mrs. Tsukamoto seconded the motion. There was no Council discussion the motion passed with the following roll call vote recorded:

Following Council discussion and the motion passed with the following roll call vote recorded:

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

**R 151-2011 RESOLUTION OF THE MADISON BOROUGH COUNCIL
AWARDING CONTRACT TO J A ALEXANDER, INC IN THE AMOUNT OF
\$371,730.44 FOR WOODLAND ROAD RECONSTRUCTION PHASE II**

WHEREAS, the Borough of Madison publicly advertised for bids for the Woodland Road Phase 2 Construction Project from Garfield Avenue to Barnsdale Road (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the lowest bid was submitted by Black Rock Enterprises, but said bidder failed to submit three years of financial statements which were required by the bid specifications and therefore Black Rock Enterprises did not submit a qualified bid; and

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WHEREAS, the lowest qualified bid was submitted by J.A. Alexander, Inc., in the amount of \$371,730.44; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the contract to J.A. Alexander, Inc., in the amount of \$371,730.44; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$371,730.44 for this purpose which funds were appropriated by Ordinance 3-2011.

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

1. The bid of Black Rock Enterprises is rejected for the reason set forth above.

2. The contract for the Woodland Road Phase 2 Construction Project is hereby awarded to J.A. Alexander, Inc., based upon its bid in the amount of \$371,730.44.

3. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with J.A. Alexander, Inc., in a form acceptable to the Borough Attorney.

R 152-2011 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO DENNIS HARRINGTON OF MADISON, NJ FOR FIELD INSPECTIONS AND OVERSIGHT OF THE MADISON RECREATION COMPLEX SYNTHETIC TURF SPORTS FIELDS PROJECT IN THE AMOUNT OF \$45,475.00

WHEREAS, the Borough Engineer has recommended that the Borough obtain professional services from Dennis Harrington, P.E., for field inspections and oversight of the Madison Recreation Complex Synthetic Turf Sports Fields project (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 Engineer 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 Dennis Harrington, P.E. in an amount not to exceed \$45,475.00, for field inspections and oversight of the Madison Recreation Complex Synthetic Turf Sports Fields project; and

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WHEREAS, Dennis Harrington, P.E., 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, Dennis Harrington, P.E., must complete and submit a Business Entity Disclosure Certification which certifies that Dennis Harrington, P.E., 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 Dennis Harrington, P.E., 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 \$45,475.00 for this purpose, which funds were appropriated by Ordinance 2-2011.

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 Dennis Harrington, P.E., the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Dennis Harrington, P.E., for field inspections and oversight of the Madison Recreation Complex Synthetic Turf Sports Fields project in an amount not to exceed \$45,475.00, 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 153-2011 RESOLUTION OF THE BOROUGH OF MADISON AWARDING PROFESSIONAL SERVICES CONTRACT TO OMLAND ENGINEERING ASSOCIATES, INC., FOR FIELD INSPECTIONS AND OVERSIGHT OF THE WOODLAND ROAD PHASE 2 PROJECT (GARFIELD AVENUE TO BARNSDALE ROAD)

WHEREAS, the Borough Engineer has recommended that the Borough obtain professional services from Omland Engineering Associates, Inc., for field

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inspections and oversight of the reconstruction of Woodland Road from Garfield Avenue to Barnsdale Road (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 Engineer 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 Omland Engineering Associates, Inc., in an amount not to exceed \$28,500.00, for field inspections and oversight of the reconstruction of Woodland Road from Garfield Avenue to Barnsdale Road; and

WHEREAS, Omland Engineering Associates, 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, Omland Engineering Associates, Inc., must complete and submit a Business Entity Disclosure Certification which certifies that Omland Engineering Associates, 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 Omland Engineering Associates, 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 \$28,500.00 for this purpose, which funds were appropriated by Ordinance 3-2011.

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 Omland Engineering Associates, Inc., the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Omland Engineering Associates, Inc., for field inspections and oversight of the reconstruction of Woodland Road from Garfield Avenue to Barnsdale Road in an amount not to exceed \$28,500.00, such contract to be in a form approved by the Borough Attorney.

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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.

Mr. Conley moved adoption of the Resolutions R 152-2011, and R 153-2011 listed on the Consent Agenda. Mrs. Tsukamoto seconded the motion. Mr. Cerciello indicated his concern regarding the Borough's use of consultants. Following Council discussion the motion passed with the following roll call vote recorded:

Following Council discussion and the motion passed with the following roll call vote recorded:

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

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	\$68,011.74
Health & Public Assistance	2,441.04
Public Works & Engineering	208,002.06
Community Affairs	13,466.99
Finance & Borough Clerk	5,353,501.06
Utilities	<u>75,651.64</u>
Total	<u>\$5,721,074.53</u>

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

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

NEW BUSINESS - None

ADJOURN AND RECONVENE EXECUTIVE SESSION

There being no further business to come before the Council, the meeting was adjourned at 10:30p.m.

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Respectfully submitted,

Elizabeth Osborne
Borough Clerk