

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

**July 11, 2011 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 11th day of July 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  
Robert G. Catalanello  
Absent: Donald R. Links, excused

Also Present:

Raymond M. Codey, 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)

June 27, 2011

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

CONTRACT MATTERS (6)  
AMERICAN POWERNET  
ELRAC ENTERPRISES, LLC  
ROYAL WAVE DEVELOPMENT, LLC  
LANDTEK GROUP

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HDM

DEPARTMENT OF PUBLIC WORKS

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

PERSONNEL MATTERS (1)

APPOINT SUMMER INTERNS

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

LITIGATION MATTERS (1)

PERSONNEL LITIGATION

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

Seconded: Mrs. Tsukamoto

Vote: Approved by voice vote

**RECONVENE IN COUNCIL CHAMBER**

Mayor Holden reconvened the Regular Meeting at 8 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 June 27, 2011**. Mr. Conley seconded the motion, with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Links

**Regular Meeting Minutes of June 27, 2011** were held for approval at the Council meeting of July 25, 2011.

**GREETINGS TO PUBLIC**

Mayor Holden made the following comments:

Employee of the Month for July:

Sgt. John Keymer of the Madison Police Department for the work he performs in his assignment as traffic safety Sergeant, as well as his work updating the billing process for outside vendor traffic jobs, his willingness to always fill in for a vacant supervisor and his interaction with other Borough departments to accomplish Borough initiatives.

Anniversaries:

35th Anniversary - Alan Alise of the Finance Department on July 1st.

25th Anniversary – James Finelli of the Department of Public Works on July 7th.

20th Anniversary – John Dunne of the Madison Fire Department on July 15th .

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### **REPORTS OF COMMITTEES**

#### **Finance and Borough Clerk**

Mr. Conley, Chair of the Committee, made the following comments:  
The Madison Board of Health has appointed James Norgalis Health Officer as well as Joann Grillo as part-time deputy registrar.

#### **Public Safety**

Mrs. Tsukamoto, Chair of the Committee, made the following comments:  
Residents are asked to inform the Police Department when on vacation. The Police Department reports an increase in stolen bicycles and asks riders to use locks to secure their bicycles. There was a structural fire on Wayne Blvd and Mrs. Tsukamoto offered many thanks to surrounding fire departments for their mutual aid, including Florham Park, Chatham Borough, Chatham Township Cedar Knolls and Morris Township. Mrs. Tsukamoto sadly reported that volunteer firefighter Peter Esposito passed away in June. Mr. Esposito served the citizens of Madison for 36 years. On the technology side, residents can now send communications directly to the Mayor and Council via a link on the Council's webpage. Mrs. Tsukamoto noted a technology team meeting held on June 11<sup>th</sup>. A preliminary plan will be presented at the next Council meeting. Items highlighted were a need to improve the communications infrastructure and the website, actively working on an integrated electronic metering, monitoring and billing system for utilities and moving ahead with a multi-departmental work order and tracking system.

Mayor Holden noted that the Madison Fire Department now has equipment and training for dog and cat fire rescue and cardiopulmonary resuscitation (CPR).

#### **Utilities**

Dr. Esposito, Chair of the Committee, made the following comments:  
Borough staff has been working on various projects including capital review projects and state legislation, the possibility of a municipal solar installation and automated meter reading and procurement of electricity after the current contract expires. Dr. Esposito noted a resolution for approval listed on the Consent Agenda for the procurement of future electricity.

#### **Public Works and Engineering**

Mr. Cerciello, Chair of the Committee, made the following comments:  
Mr. Cerciello noted that Borough Council meetings are not being shown on cable television. Mr. Codey explained that the televue server at the High School is being replaced. Mr. Cerciello asked about newspaper vending machines located at the U.S. Post Office and newspaper flyers delivered to resident driveways. Mr. Cerciello noted that the crosswalks along Kings Road need re striping. Mr. Cerciello noted a number of residents attended a recent informational meeting regarding roadway reconstruction on Pine, Beech, Rose, Cedar and Green Avenues. Mr. Cerciello noted employee concern regarding new State health insurance. Mr. Cerciello raised concern regarding communication between recreation teams for field use and with delivery of Council packets.

#### **Health & Public Assistance**

Mr. Links, Chair of the Committee, absent.

#### **Community Affairs**

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

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The Electric Utility, along with the Downtown Development commission, placed new lighting sconces at the trestle on Green Avenue. Bottle Hill Day is scheduled for Saturday, October 1<sup>st</sup>, and the Farmers' Market continues on Thursdays at 2:00 p.m. on Waverly Place. The 39 Acres Committee will meet tomorrow evening, July 12<sup>th</sup>, at 7:30 p.m. in the Committee Room at the Hartley Dodge Memorial building. The Environmental Commission will sponsor a poster contest for children to design posters encouraging residents to recycle. A press release will be issued next week.

**COMMUNICATIONS AND PETITIONS**

The Borough Clerk announced receipt of the following communications:

E-mail received June 30, 2011, C.V. Tebbutt of Park Lane regarding electronic receipt of utility payments.

E-mail received July 3, 2011, from Dwar Patel of Dunkin Donuts Main Street regarding Guest Appreciation Day.

E-mail received July 4, 2011, from Joe Luzzi of Fairfield N. J. regarding Flood Control Reform.

**INVITATION FOR DISCUSSION (1 of 2)**

Mayor opened the meeting to the public for their opportunity to ask questions and make comments on those items listed on the Agenda only. Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record. **He/she shall limit his/her statement to three (3) minutes or less.**

**Stephen Stocker; Park Avenue**, asked for clarification of a proposed resolution authorizing an agreement with American Power Net to provide wholesale electric procurement services.

**AGENDA DISCUSSIONS- NONE**

**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 x, 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.

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

**ORDINANCE 23-2011**

**ORDINANCE OF THE BOROUGH IN THE COUNTY OF MORRIS NEW JERSEY AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$600,000 FOR A PROGRAM OF REVALUATION OF REAL PROPERTY IN, BY AND FOR THE BOROUGH**

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

Section 1. Pursuant to N.J.S.A. 40A:4-53, the sum of \$600,000 is hereby appropriated for the preparation and execution of a complete program of revaluation of real property and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53 and 40A:4-55.

Section 2. The amount to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized, pursuant to N.J.S.A. 40A:4-55.

Section 3. A certified copy of this ordinance shall be filed with the Director of the Division of Local Government Services.

Section 4. This ordinance shall take effect at the time and in the manner provided by law.

Mayor Holden opened up the public hearing on Ordinance 23-2011. Since no member of the public wished to be heard, the invitation for discussion was closed.

Mr. Conley moved that Ordinance 23-2011, which the Borough Clerk 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. Catalanello  
Nays: None  
Absent: Mr. Links

**Mayor's Statement:** Mayor declares Ordinance 23-2011 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 24-2011**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$55,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND BALANCE ACCOUNT FOR ENERGY CONSERVATION INSTALLATIONS IN BOROUGH BUILDINGS**

**WHEREAS**, the Assistant Borough Administrator has recommended that the Borough appropriate \$55,000.00 from the Electric Capital Improvement Fund Balance Account for installation of energy conservation measures in the DPW Garage, Water & Light Building, Library and Civic Center; and

**WHEREAS**, the Director of Finance has attested to the availability of the funds in the Electric Capital Improvement Fund Balance Account in an amount not to exceed \$55,000.00 for this purpose; and

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**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$55,000.00 from the General Capital Improvement Fund for installation of energy conservation measures in the DPW Garage, Water & Light Building, Library and Civic Center; 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 \$55,000.00 is hereby appropriated from the General Capital Improvement Fund for installation of energy conservation measures in the DPW Garage, Water & Light Building, Library and Civic Center.

**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 24-2011. Since no member of the public wished to be heard, the invitation for discussion was closed.

Mr. Catalanello moved that Ordinance 24-2011, which the Borough Clerk 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. Catalanello  
Nays: None  
Absent: Mr. Links

**Mayor's Statement:** Mayor declares Ordinance 24-2011 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 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.**

***Eugene Zipper; Greenwood Avenue***, raised objection to a proposed resolution regarding fair school funding, noting that other methods of funding would be more reasonable.

***Don Brunner, Redmond Drive***, asked for clarification of a recent resolution authorizing the Madison Panning Board to conduct a redevelopment study for the Green Village Road School property and asked whether the study was necessary.

***INTRODUCTION OF ORDINANCES- NONE***

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**CONSENT AGENDA RESOLUTIONS**

The Clerk made the following statement:

Consent Agenda Resolutions will be enacted with a single motion; any Resolution requiring expenditure is supported by a Certification of Availability of Funds; any Resolution requiring discussion will be removed from the Consent Agenda; all Resolutions will be reflected in full in the minutes.

Dr. Esposito moved adoption of the Resolutions R 165-2011 through R 168-2011 and R171-2011 through R 174-2011 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. Catalanello

Nays: None

Absent: Mr. Links

**R 165-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE SALE OF \$600,000 SPECIAL EMERGENCY NOTES OF THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, NEW JERSEY AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH**

BE IT RESOLVED by the Borough Council of the Borough of Madison, in the County of Morris, New Jersey (the "Borough") (not less than two-thirds of all members thereof affirmatively concurring), as follows:

Section 1. Pursuant to the Local Budget Law and an ordinance adopted by the Borough Council of the Borough on July 11, 2011 (the "Ordinance"), the Borough appropriated \$600,000 as a special emergency appropriation pursuant to N.J.S.A. 40A:4-53 for the preparation and execution of a complete program of revaluation of real property. Pursuant to N.J.S.A. 40A:4-55, \$600,000 principal amount of Special Emergency Notes are hereby authorized to be issued.

Section 2. The total amount authorized pursuant to the Ordinance is \$600,000 and the Borough Council hereby requests that an exclusion from the "Cap" be granted by the Director of the Division of Local Government Services in accordance with P.L. 1981 Chapter 56 in the amount of \$120,000 per year in the budgets of the next five succeeding years commencing with the 2012 budget in accordance with N.J.S.A. 40A:4-55(c).

Section 3. Such notes are hereby authorized to be issued pursuant to the Ordinance and this resolution and shall be negotiable notes payable to bearer, and shall bear interest at a rate per annum as may be hereafter determined within the limitations

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prescribed by law, and such interest shall be payable at the maturity of such notes. The notes shall be dated on or about the date of their issuance and may be renewed from time to time, but at least 1/5 of the total amount of notes hereby authorized, and the renewals thereof, shall mature and be paid in each year, so that all notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of this resolution. The issuing officers are authorized to provide that the notes may be redeemable at the option of the Borough.

Section 4. The Mayor and the Chief Financial Officer are hereby authorized to execute said notes, and the Borough Clerk is hereby authorized to affix the seal of the Borough to such notes and to attest such seal and said notes, and said officers are hereby authorized to issue said notes in such form as they may adopt in conformity with law and to recite therein that all requirements and conditions of law have been complied with in the issuance of said notes, and that said notes are within every debt and other limit prescribed by the Constitution or statutes of New Jersey.

Section 5. The Chief Financial Officer is hereby authorized to sell said notes and any renewals thereof from time to time, at not less than par and accrued interest and to determine within the limitations prescribed by this resolution, the date, principal amount, maturity date, and denomination of said notes, and the rate of interest said notes shall bear and to deliver such notes upon receiving the purchase price to be paid therefor.

Section 6. The Borough Council hereby designates the Special Emergency Notes as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). It is hereby determined and stated that (1) the Special Emergency Notes are not "private activity bonds" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of tax-exempt obligations (other than private activity bonds) during the calendar year 2011. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Borough does not covenant to do so, and expressly states that a covenant is not made hereby.

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Section 7. A certified copy of this resolution shall be filed with the Director of the Division of Local Government Services.

Section 8. This resolution shall take effect immediately upon its adoption.

**R 166-2011 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF JESSE BARBATO TO PLAYGROUND SUPERVISOR POSITION IN THE RECREATION DEPARTMENT**

**WHEREAS**, the Purchasing/Personnel Officer has recommended the appointment of Jesse Barbato to the position of Playground Supervisor in the Recreation 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 Jesse Barbato to the position of Playground Supervisor in the Recreation Department effective June 27, 2011 at the rate of pay of \$10.00 per hour is hereby ratified.

**R 167-2011 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF BRENNA ANDERSON TO PLAYGROUND SUPERVISOR POSITION IN THE RECREATION DEPARTMENT**

**WHEREAS**, the Purchasing/Personnel Officer has recommended the appointment of Brenna Anderson to the position of Playground Supervisor in the Recreation 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 Brenna Anderson to the position of Playground Supervisor in the Recreation Department effective June 27, 2011 at the rate of pay of \$8.50 per hour is hereby ratified.

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R 168-2011 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF JOEL PHILLIPS, JR. TO PLAYGROUND SUPERVISOR POSITION IN THE RECREATION DEPARTMENT

**WHEREAS**, the Purchasing/Personnel Officer has recommended the appointment of Joel Phillips, Jr., to the position of Playground Supervisor in the Recreation 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 Joel Phillips, Jr., to the position of Playground Supervisor in the Recreation Department effective June 28, 2011 at the rate of pay of \$8.50 per hour is hereby ratified.

R 169-2011 item removed and the # retired

R 171-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY HUDDLE CLUB AND PTO KINGS ROAD SCHOOL

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

**HUDDLE CLUB d/b/a The Huddle Club**

**I.D. No. 274-5-39130**

**R.A. No. 1205 - Off Premise – December 17, 2011**

**R.A. No. 1206 - Off Premise – December 17, 2011**

**PTO KINGS ROAD SCHOOL**

**I.D. No. 274-5-18728**

**R.A. No. 1207 – On Premise - October 15, 2011**

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

R 172-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AGREEMENT WITH AMERICAN POWER NET TO PROVIDE WHOLESALE ELECTRIC PROCUREMENT SERVICES

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**WHEREAS**, the Assistant Borough Administrator has recommended that the Borough enter into a Master Energy Supply Agreement with American PowerNet Management, L.P. (“APN”) to provide wholesale electric procurement services; and

**WHEREAS**, the Master Energy Supply Agreement with APN has been reviewed and approved by Special Rate Counsel for the Borough of Madison.

**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 hereby authorized to execute on behalf of the Borough of Madison the Master Energy Supply Agreement between American PowerNet Management, L.P. and the Borough of Madison for wholesale electric procurement services in a form approved by Betts and Holt, Special Rate Counsel for the Borough of Madison.

R 173-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING DEVELOPER'S AGREEMENT BETWEEN THE BOROUGH OF MADISON AND ELRAC ENTERPRISES, LLC FOR PREMISES AT 128 MAIN STREET

**WHEREAS**, Janet McGrath is the owner of certain property in the Borough of Madison designated as Block 1803, Lot 15, on the current Tax Map of the Borough, located at 128 Main Street; and

**WHEREAS**, Elrac, LLC, d/b/a Enterprise Rent-a-Car, is the Tenant of said Property; and

**WHEREAS**, Elrac, LLC has obtained from the Madison Planning Board development approval for the above Property by Resolution adopted January 4, 2011; and

**WHEREAS**, the Resolution adopted by the Madison Planning Board required that a Developer's Agreement be entered into between Elrac, LLC and the Borough of Madison; 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 Elrac, LLC, d/b/a Enterprise Rent-a-Car, and the Borough of Madison regarding the proposed development on Block 1803, Lot 15, is hereby approved.
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 the Borough Attorney.

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R 174-2011 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 contemplated that an agreement would be entered into between Royal Wave Development, LLC and the Madison Housing Authority concerning the provision of affordable housing; and

**WHEREAS**, by resolution adopted April 25, 2011 (R 103-2011), the Borough Council authorized execution of a developer's agreement with Royal Wave Development, LLC that was premised on execution of the contemplated agreement with the Madison Housing Authority prior to issuance of any building permits; and

**WHEREAS**, a modified developer's agreement has been prepared to allow issuance of building permits for seven (7) townhouse units that are part of the development project prior to execution of the contemplated agreement between Royal Wave Development, LLC and the Madison Housing Authority, a copy of which is annexed hereto ("Developer's Agreement"); 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 attached 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 and the Mayor and Borough Clerk are hereby

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authorized and directed on behalf of the Borough to execute the Developer's Agreement.

2. This Resolution supersedes and nullifies Resolution R 103-2011 adopted on April 25, 2011, which authorized a prior developer's agreement between the Borough of Madison and Royal Wave Development, LLC.

Dr. Esposito moved adoption of Resolution R 170-2011. Mr. Conley seconded the motion. Mr. Conley noted that the system for school funding is broken, and that the proposed resolution does not address the problems. Mr. Cerciello was in agreement. Following Council discussion, the motion failed with the following roll call vote recorded:

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

**R 170-2011 RESOLUTION OF THE MADISON BOROUGH COUNCIL  
SUPPORTING FAIR SCHOOL FUNDING**

**WHEREAS**, the Borough Council of the Borough of Madison believes that every child should have equal resources of state aid distributed by the legislature for an education in the State of New Jersey by utilizing a fair school funding mechanism; and

**WHEREAS**, the current distribution of state aid for education to the schools has not been distributed in a fair and equitable manner to provide property tax relief to all the citizens of the State of New Jersey; and

**WHEREAS**, Article III., Paragraph 1, of the New Jersey State Constitution states, "The powers of government shall be divided among three distinct branches, the legislative, executive, and judicial. No person or persons belonging to or constituting one branch shall exercise any of the powers properly belonging to either of the others, except as expressly provided in this Constitution;" and

**WHEREAS**, Article VIII, Section IV, Paragraph 1, of the New Jersey State Constitution states, "the Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all children in the State between the ages of five and eighteen years;" and

**WHEREAS**, Article VIII, Section IV, Paragraph 2, of the New Jersey State Constitution states, "the fund for the support of free public schools . . . shall be annually appropriated to the support of free public schools, and for the equal benefit of all the people of this State;" and

**WHEREAS**, Article VIII, Section I, Paragraph 7.a. of the New Jersey State Constitution states, the income tax is to be "annually appropriated . . . exclusively for the purpose of reducing or offsetting property taxes;" and

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**WHEREAS**, this body can no longer bear the burden of the continued diversion of its fair share of state school aid for the students between the ages of five and eighteen years of age who reside within this jurisdiction.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Madison does hereby call upon the Legislature of the State of New Jersey to fulfill its constitutionally assigned duty to distribute the state aid for education to the school districts in this state in a fair manner that is for the equal benefit of all the people of the state and not by means that are prejudiced by the actions of special interests that may have been presented before the Court or other venue.

**BE IT FURTHER RESOLVED**, that the Clerk of this entity is hereby directed to forward a copy of this resolution to Governor Chris Christie, Senate President Stephen Sweeney, Senate Minority Leader Thomas Kean Jr., Assembly Speaker Sheila Oliver and Assembly Minority Leader Alex DeCroce.

**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	\$21,359.79
Health & Public Assistance	1,375.46
Public Works & Engineering	116,915.00
Community Affairs	1,804.00
Finance & Borough Clerk	3,862,807.66
Utilities	<u>48,180.83</u>
Total	<u>\$4,052,442.72</u>

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

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

Nays: None

Absent: Mr. Links

**NEW BUSINESS**

Mayor Holden announces the following appointment and requests Council confirmation:

Housing Authority

**Jerald Mantone**; 1 Highland Ave., Commissioner, Madison Housing Authority through August 10, 2015

Mrs. Tsukamoto moved confirmation of the foregoing appointment. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Links

***ADJOURN***

There being no further business to come before the Council, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Elizabeth Osborne

Borough Clerk

Approved July 25, 2011 (EO)