

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

November 14, 2011 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 14th day of November 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
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)
October 12, 2011

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

CONTRACT MATTERS (7)
LIBRARY UTILITY SUBSIDY
TEEN CENTER
STEP INCREASES
LEAF RECYCLING

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ELECTRIC DEPARTMENT MATERIALS
2011 ROAD RECONSTRUCTION PROJECT
LAND AUCTION – 22 ORCHARD STREET

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

PERSONNEL MATTERS (3)
ACTING SERGEANT-POLICE DEPARTMENT
SENIOR OFFICE ASSISTANT, P/T UTILITIES DEPT
EXECUTIVE ASSISTANT

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 October 12, 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 October 12, 2011**. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

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

GREETINGS TO PUBLIC

Mayor Holden made the following comments:

Mayor Holden offered congratulation to Mayor-Elect Conley as well as Council Members-Elect Carmela Vitale and Robert Landrigan.

Mayor Holden made the following announcements:

Employees of the Month for November:

Russell Brown, the Construction Official, for his professionalism installing the exterior lights and the installation of the refurbished chandeliers in the Council Chamber at the Hartley Dodge Memorial. He went above and beyond by performing this work after hours and during the weekends.

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Vito Terranova of the Department of Public Works for his efficient and conscientious effort in cleaning the sidewalks downtown.

Anniversaries:

25th Anniversary – James Mattina of the Electric Utility Department on November 24th.

REPORTS OF COMMITTEES

Finance and Borough Clerk

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

Mr. Conley thanked Mayor Holden for her fourteen years of service to the Borough and congratulated newly elected Council members Carmela Vitale and Robert Landrigan.

Public Safety

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

Mrs. Tsukamoto congratulated Mr. Landrigan and Mrs. Vitale. Mrs. Tsukamoto noted that the Madison Fire Department was requested to aid in a rescue on November 3rd. Tow workers were trapped 122ft above a church in Morristown, while doing reconstruction work. Mrs. Tsukamoto noted that it was a very challenging rescue requiring a team effort.

Utilities

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

Dr. Esposito announced that the Borough has made its first electric purchase using a managed portfolio approach. The winning bid was received from Exelon Corporation for a price of \$59.56 per megawatt. This purchase should generate a significant savings, which will be seen after 2014 budget. Dr. Esposito thanked the electric utility staff for their work during the recent snow storm and noted that the annual tree lighting will take place with a tree donated by a resident of Crossgates Road. Thanked the linemen and the Christmas committee for their efforts. Dr. Esposito congratulated the Madison High School football team for their win against Hackensack High School, and will head to the state championship again this year.

Public Works and Engineering

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

Mr. Cerciello raised concern regarding the sound system in the Council Chamber. Mr. Cerciello asked if the public works department will be using a brine system to clear roads during storms this year. Mr. Cerciello noted a letter received from a resident regarding water collecting on South Street after rain and a sign along Park Avenue that needs to be moved. Mayor Holden asked Mr. Cerciello to refer the issues to the Public Works Superintendent to address.

Health & Public Assistance

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

Mr. Links congratulated newly elected Council members Carmela Vitale and Robert Landrigan and noted that the Madison Junior Football Team won their championship game.

Community Affairs

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

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On November 6th the Passive Recreation Committee held an on site meeting at the 39 Acres parcel attended by members of the committee, local cross country advocates, members of the Shade Tree Commission and members of Boy Scouts Troop 25, to consider where walking and running path will go. Joseph Falco will lead Troop 25 in cleaning out the access road to the area. A public comment session was held during the MEC's November 3rd meeting, regarding the environmental resources inventory, which will be provided to the Council shortly. The Construction Review Committee met on November 10th and toured locations in the Borough that are of the most critical in need of repair especially the sewer system. Mr. Catalanello will ask to discuss at the December 12th meeting.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

Letter dated October 27, 2011, from Pasquale P. Sparaco of South Street regarding water collection on South Street.

E-Mail dated November 4, 2011, from Barbara Delaney of Redmond Drive regarding communications during snow storm.

E-mail dated November 7, 2011, from Jennifer DeSimone of Laurel Way thanking electric department personnel for their efforts during the recent snow storm.

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.**

Ron Ladell; Avalon Bay Developers, addressed the Mayor and Council regarding development of the Green Village Road School property. Mr. Ladell asked that Council delay any action on Ordinance 32-2011 regarding the development of the Green Village Road School property.

Patrick Rowe; Pine Avenue, asked that the Borough Engineer review the proposed reconstruction plans for Pine Avenue due to the restriction of the street.

Timothy Harrington; Cross Gates Road, asked if there is a cause of action against JCP& L due to recent storm related power outages, and noted that the Borough is entitled to answers. Mr. Harrington asked about funding for the proposed field house at the Madison Recreation Center.

Betsy Uhlman; Garfield Avenue, stated that the field house project should be subject to public bidding, and worries that the project may be a conflict of interest for Mayor Holden.

Mia Romano-Brown; Pine Avenue, thanked the Mayor and Council for moving forward with the roadway improvement project for Pine, Beech, Rose and Cedar Avenues and hopeful that the project will begin in the spring.

Peter DeRosa; Pine Avenue, addressed the Council regarding roadway reconstruction along Danforth Road, conducted by Morris County, noting damage to

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tree roots. Mr. DeRosa asked that public safety officials review the roadway project to ensure that roadways are accessible.

Richard Klein; Lathrop Avenue, asked about the intention of the Madison Housing Authority for the purchase of property on Orchard Street, and deadlines for cleaning of the property.

Marcy Sasso; Strickland Place, asked where the auction of public property on Orchard Street was advertised.

12(a) ORDINANCE FOR HEARING

Ordinance 32-2011 scheduled for hearing was introduced by title and passed on first reading at a regular meeting of the Council held on October 12, 2011; was posted and filed according to law, and copies were made available to the general public requesting same.

Mayor Holden called up Ordinance 32-2011 for second reading and asked the Clerk to read said ordinances by title:

ORDINANCE 32-2011 ORDINANCE OF THE BOROUGH OF MADISON
ADOPTING A REDEVELOPMENT PLAN IN ACCORDANCE WITH N.J.S.A.
40A:12A-7

BE IT ORDAINED by the Mayor and Council of the Borough of Madison as follows:

1. On August 22, 2011, the Mayor and Council adopted Resolution No. 192-2011 which determined a certain delineated area to be a “redevelopment area” as defined in N.J.S.A. 40A:12A-3.

2. In the same Resolution, the Mayor and Council authorized and directed the Planning Board to prepare a redevelopment plan, as defined in N.J.S.A. 40A:12A-3, for the delineated redevelopment area in accordance with N.J.S.A. 40A:12A-7.

3. The Planning Board has prepared a proposed redevelopment plan for the delineated redevelopment area and by its October 4, 2011 Resolution has transmitted it to the Mayor and Council with a recommendation that it be adopted.

4. The Plan meets all of the requirements of N.J.S.A. 40A:12A-7.

5. The section of the plan proposed by the Planning Board entitled “Other Improvements,” appearing on page 18, shall be amended as follows:

In lieu of providing active recreation facilities within the Plan Area, the Redeveloper may propose to construct or fund appropriate improvements elsewhere within the Borough to satisfy recreational needs of future residents.

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6. The area governed by the plan is the same area defined in Resolution No. 192-2011.

7. The plan is hereby adopted and designated the “Green Village School Redevelopment Plan.”

Mayor Holden opened up the public hearing on Ordinance 32-2011. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 32-2011, which the Clerk read by title, be finally adopted. Mr. Cerciello seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Holden declared Ordinance 32-2011 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

AGENDA DISCUSSIONS

11/14/2011-1 LIGHTNING PREDICTION SYSTEM

Steven Coppola from the Madison Little League addressed the Mayor and Council regarding a proposed lightning diction system for fields and playgrounds. Mr. Coppola noted that currently teams use a handheld detection system. The proposed system would be more accurate, using an airhorn and strobe light to warn coaches and players. The estimates cost is approximately \$51,000 plus an annual maintenance contract. Following discussion there was agreement to have Mr. Kalafut look into insurance coverage and continue discussion as part of the 2012 capital budget.

11/14/2011-2 2012 MUNICIPAL BUDGET HEARING SCHEDULE

Following discussion of schedules, there was agreement to meet on December 9th at 6 p.m. and December 20th at 7p.m. for discussion of the 2012 municipal budget.

11/14/2011-3 JOINT MEETING BUDGET ISSUES

There was discussion regarding the operating budget for the Madison Chatham Joint Meeting. Mr. Codey provided information regarding dormant fund for prior capital improvements. Following discussion there was agreement to take discussion to the Joint Meeting committee.

11/14/2011-4 ITEM REMOVED

11/14/2011-5 CANCELLATION OF COMPLETED CAPITAL IMPROVEMENT ORDINANCES

After comments from Chief Financial Officer Robert Kalafut that this is an annual action, there was agreement to list a resolution canceling completed capital improvement ordinances.

Resolution R 253-2011 is listed on Consent Agenda

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11/14/2011-6 CANCELLATION OF OUTSTANDING CHECKS AND BANK ERRORS

Mr. Kalafut offered his recommendation to cancel old outstanding checks, bank errors and returned items.

Resolution R 254-2011 is listed on Consent Agenda.

11/14/2011-7 CANCELLATION OF EMERGENCY APPROPRIATION IN ELECTRIC UTILITY

There was no objection to Mr. Kalafut's recommendation to cancel the open balance of \$528,785.09 in the Electric Utility Operating Fund.

Resolution R 255-2011 is listed on Consent Agenda.

11/14/2011-8 NORTH JERSEY EMPLOYEE BENEFITS FUND MEMBERSHIP

Mr. Kalafut explained the renewal of the annual membership for dental coverage only through the NJHIF. There was agreement to list a resolution on the Consent Agenda.

Resolution R 256-2011 is listed on Consent Agenda.

ADVERTISED HEARINGS

The Clerk made the following statement:

Ordinance 31-2011 scheduled for hearing was introduced by title and passed on first reading at a regular meeting of the Council held October 12, 2011; Ordinance 34-2011 was introduced and passed on first reading at a regular meeting of the Council on October 24, 2011; all were posted and filed according to law, and copies were made available to the general public requesting same.

ORDINANCE 31-2011 ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$3,800.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF EVIDENCE STORAGE BINS

WHEREAS, the Chief of Police has recommended that the Borough appropriate \$3,800.00 from the General Capital Improvement Fund to purchase evidence storage bins for the Police Department 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 \$3,800.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$3,800.00 from the General Capital Improvement Fund to purchase evidence storage bins for the Police Department and

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

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SECTION 1: The amount of \$3,800.00 is hereby appropriated from the General Capital Improvement Fund to purchase evidence storage bins for the Police Department.

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 31-2011. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 31-2011, which the Clerk read by title, be finally adopted. Mr. Cerciello seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Mayor Holden declared Ordinance 31-2011 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 33-2011 re-introduced as amended

ORDINANCE 34-2011 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 128 OF THE BOROUGH CODE ENTITLED “NEWSPAPER
DISTRIBUTION BOXES”

WHEREAS, the Assistant Borough Administrator has recommended that the code regarding newspaper distribution boxes be amended; and

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

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 128 of the Borough Code entitled “Newspaper Distribution Boxes” shall be amended as follows:

SECTION 1: Chapter 128, Section 6 entitled “Inspection; fees” shall be amended as follows:

§ 128-6. Inspection; fees.

- A.
- C. The annual fee for each such inspection shall be \$75 per box.

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SECTION 2: Chapter 128, Section 8 entitled “Additional requirements” shall be amended as follows:

§ 128-8. Additional requirements.

- A.
- H. No box or group of attached boxes shall be located within 500 feet of any other box or group of attached boxes.

SECTION 3: Chapter 128, Section 11 entitled “Impoundment of dangerous boxes” shall be amended as follows:

§ 128-11. Impoundment of dangerous, abandoned, or unregistered boxes.

- A. The police of the Borough of Madison may impound any unregistered newspaper distribution box, any newspaper distribution box that creates an imminent danger of personal injury or property damage to pedestrians or vehicles and any abandoned or unused newspaper distribution box containing publications dating 30 days or more past the regular cycle of said publication.
- B.
- C. The police may dispose of any impounded newspaper distribution box which is not claimed by the owner within sixty (60) days after the written notice of impoundment has been sent.

SECTION 4: A new Section 13 shall be added to Chapter 128 as follows:

§ 128-13. Multiple Newsrack Zone.

- A. There is hereby established a multiple newsrack zone consisting of the following streets:
 - 1. Lincoln Place
 - 2. Waverly Place
 - 3. Main Street from Community Place to Alexander Avenue.
- B. Purpose.
 - 1. To protect and enhance the streetscape in the downtown district.
 - 2. To provide safe and convenient access to lands in the downtown district.
- C. The zone need not be contiguous. Within the multiple newsrack area, the placement, installation and maintenance of newsracks shall be prohibited, except as authorized by the Borough of Madison for the placement, installation and maintenance of multiple newsracks. The Borough of Madison shall determine the areas that require such designation based upon the following considerations:

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1. The current number of newsracks within or near the proposed area so as to avoid undue concentration of newsracks.
 2. The impact on pedestrian, bicycle and vehicular traffic and accessibility to Public transportation.
 3. The inconsistency of individual newsracks with the character of the surrounding streetscape.
 4. The impact on and proximity to buildings used for residential purposes.
 5. At a particular area, give priority to Morris County publications.
- B. The Borough of Madison will have the authority on where the placements of multiple newsracks within the multiple newsrack area are to be located.
- C. The Borough of Madison will have the authority to determine the number of compartments for publications in the multiple newsrack zone.
- D. In determining which publications shall be permitted at a given multiple newsrack location, the Borough shall utilize the following criteria:
1. Limit access of each publication to one compartment at each designated area whenever the number of publications sought to be distributed exceeds the number of compartments available. Publications containing legal notices and local (Morris County) news content, and published at least weekly may maintain up to two (2) compartments, provided each newsrack is individually licensed by the Borough.
 2. At a particular area preference shall be given to publications containing legal notices and local (Morris County) news content, and published at least weekly.
 3. At a particular area, preference shall be given to publications that had been contained in single newsracks that were replaced with multiple newsracks at that area.
 4. When more than one application is filed simultaneously than may be accommodated at a specific multiple newsrack location, priority shall be determined by lottery.

SECTION 5: All other provisions of the Ordinance not inconsistent herewith shall remain the same.

Mayor Holden opened up the public hearing on Ordinance 34-2011. Since no member of the public wished to be heard, the public hearing was closed.

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Mrs. Tsukamoto moved that Ordinance 34-2011, which the Clerk read by title, be finally adopted. Mr. Cerciello seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Holden declared Ordinance 34-2011 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.

Carman Pico; North Street, congratulated the successful candidates in the recent General Election and encouraged Council to move forward on the installation of a lightning detection system.

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 November 28, 2011 in the 2nd Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinances will be published in the Madison Eagle, be posted at the main entrance to the Borough offices and be made available to members of the public requesting same, as required by law.

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

ORDINANCE 33-2011 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$320,000.00 FROM THE WATER CAPITAL IMPROVEMENT
FUND FOR CONSTRUCTION OF WATER MAIN REPLACEMENT ON ACADEMY
ROAD AND DIVISION AVENUE

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$320,000.00 from the Water Capital Improvement Fund for construction of water main replacements on Academy Road and Division Avenue; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Water Capital Improvement Fund in an amount not to exceed \$320,000.00 for this purpose; and

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WHEREAS, the Borough Council has determined that the Borough should appropriate \$320,000.00 from the Water Capital Improvement Fund for construction of water main replacements on Academy Road and Division Avenue; 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 \$320,000.00 is hereby appropriated from the Water Capital Improvement Fund for construction of water main replacements on Academy Road and Division Avenue.

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 33-2011, which the Borough Clerk read by title, be adopted. Mr. Catalanello 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 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 245-2011 through R 259-2011 listed on the Consent Agenda. Mrs. Tsukamoto seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

R 245-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING DONATION OF SURPLUS BOROUGH EQUIPMENT TO THE MADISON COMMUNITY HOUSE AND MADISON JUNIOR SCHOOL

WHEREAS, the Borough Administrator has advised the Council that the Borough has surplus volleyball equipment and a surplus air hockey table, which

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have nominal value and are not usable by the Recreation Department or the Senior Center; and

WHEREAS, the Borough Administrator has recommended that the surplus volleyball equipment be donated to the Madison Community House and the surplus air hockey table be donated to the Madison Junior School; and

WHEREAS, the Borough Council has concluded that it would be appropriate to donate such surplus equipment as recommended;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, in the State of New Jersey, that the surplus volleyball equipment be donated to the Madison Community House (Thursday Morning Club) and the surplus air hockey table be donated to the Madison Junior School.

R 246-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACT FOR ROCK SALT THROUGH THE SOMERSET COUNTY CO-OPERATIVE PRICING COUNCIL

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

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

WHEREAS, Atlantic Salt, Inc., of Lowell, Massachusetts, has been awarded Somerset County Co-Operative Pricing Council contract number cc-54-10, Rock Salt & Calcium Chloride; and

WHEREAS, the Borough Administrator has recommended that the Borough Council utilize this contract for rock salt in the amount of \$25,000.00; and

WHEREAS, the Director of Finance has attested that funds will be available in the amount of \$25,000.00 for this purpose, which funds are available in the Operating Budget.

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

1. A contract for rock salt from Atlantic Salt, Inc., of Lowell, Massachusetts, at a price of \$25,000.00 is hereby approved under the Somerset

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County Co-Operative Pricing Council contract number cc-54-10, Rock Salt & Calcium Chloride.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Atlantic Salt, Inc., of Lowell, Massachusetts, for rock salt at a price of \$25,000.00, in a form acceptable to the Borough Attorney.

R 247-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY MADISON ATHLETIC FOUNDATION, INC.

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

MADISON ATHLETIC FOUNDATION, INC.

I.D. No. 274-5-39298

R.A. No. 1224 – Off Premise

April 14, 2012

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

R 248-2011 RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARDING ELECTRIC MATERIALS BID TO TURTLE & HUGHES IN THE AMOUNT OF \$26,645.18 AND SPECTRUM POWER PRODUCTS IN THE AMOUNT OF \$17,914.42

WHEREAS, the Borough of Madison publicly advertised for bids for the purchase of Electric Department materials in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, three bids were received for various electric materials for the Electric Department; and

WHEREAS, one of the bids received was not responsive, and the bid must be therefore rejected; and

WHEREAS, two qualified bids were received from Turtle & Hughes, Inc., of Bridgewater, New Jersey, and Spectrum Power Products, LLC of Bath, Pennsylvania; and

WHEREAS, the Electric Utility Supervisor has recommended that the Borough Council award a contract for certain electric materials to Turtle & Hughes, Inc., for the Electric Department in an amount not to exceed \$26,645.18 and a

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contract for certain electric materials to Spectrum Power Products, LLC in an amount not to exceed \$17,914.42; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$44,559.60 for this purpose.

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

1. The contract for the purchase of certain electric materials for the Electric Department is hereby awarded to each of the following: Turtle & Hughes, Inc. in an amount not to exceed \$26,645.18; and Spectrum Power Products, LLC in an amount not to exceed \$17,914.42.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into contracts with Turtle & Hughes, Inc., and Spectrum Power Products, LLC, in a form acceptable to the Borough Attorney.

R 249-2011 RESOLUTION OF THE BOROUGH OF MADISON AWARDING BID FOR LEAF REMOVAL TO S. ROTONDI & SONS OF SUMMIT, NEW JERSEY IN THE AMOUNT OF \$79,500.00

WHEREAS, the Borough of Madison publicly advertised for bids for removal and proper recycle of leaves (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the lowest qualified bid was submitted by S. Rotondi & Sons, of Summit, New Jersey in the amount of \$79,500.00; and

WHEREAS, the Borough Administrator has recommended that the Borough Council award the contract to S. Rotondi & Sons, of Summit, New Jersey in the amount of \$79,500.0; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$79,500.00 for this purpose in the Public Works operating budget.

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

1. The contract for removal and proper recycle of leaves is hereby awarded to S. Rotondi & Sons, of Summit, New Jersey based upon its bid in the amount of \$79,500.00.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with S. Rotondi & Sons, of Summit, New Jersey, in a form acceptable to the Borough Attorney.

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R 250-2011 RESOLUTION OF THE BOROUGH OF MADISON UPDATING THE PERSONNEL POLICIES AND PROCEDURES MANUAL AND THE EMPLOYEE HANDBOOK IN REGARD TO PHOTO IDENTIFICATION CARDS

WHEREAS, the Purchasing/Personnel Officer has made certain recommendations for revisions to the section Borough Personnel Policies and Procedures Manual and Employee Handbook as follows:

Section Two Workplace Policies shall be updated to read:

Each employee shall be provided with a photo identification card ("photo ID"), identifying them as a Borough of Madison employee. The photo ID card must be clearly displayed either on a lanyard or a clip attached to the front of clothing at all times while working. For those employees entering residences and/or businesses for inspection or other Borough-related business, the photo ID card must be displayed on any outerwear clothing (jackets, coats, etc.)

WHEREAS, the Borough Council has determined to adopt such recommendations.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris in the State of New Jersey that the recommended revisions to the Personnel Policies and Procedures Manual and the Employee Handbook as described herein are hereby adopted and the Purchasing/Personnel Officer is authorized to provide any required notice to employees.

R 251-2011 RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARDING CONTRACT TO CIFELLI & SONS CONSTRUCTION IN THE AMOUNT OF \$335,970.00 FOR THE 2011 ROAD IMPROVEMENT PROGRAM

WHEREAS, the Borough of Madison publicly advertised bids for the 2011 Road Improvement Program; and

WHEREAS, the lowest qualified bid was submitted by Cifelli & Sons Construction in the amount of \$502,115.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the contract to Cifelli & Sons Construction in the amount of \$502,115.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$502,115.00 for this purpose which funds were appropriated by Ordinance 21-2011.

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:

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1. The contract for the 2011 Road Improvement Program is hereby awarded to Cifelli & Sons Construction based upon its bid in the amount of \$502,115.00.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Cifelli & Sons Construction in a form acceptable to the Borough Attorney.

R 252-2011 RESOLUTION OF THE BOROUGH OF MADISON LIMITING MEDICAL PLANS OFFERED UNDER THE STATE HEALTH BENEFITS PROGRAM

A RESOLUTION for Local Government Employers to limit the medical plans offered under the State Health Benefits Program. Employers must offer at least one plan from each category.

BE IT RESOLVED:

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

WILL NOT OFFER THE FOLLOWING PLAN(S) (CHECK THE PLANS YOUR LOCATION WILL NOT BE OFFERING – YOU MUST OFFER AT LEAST ONE PLAN FROM EACH CATEGORY.)

CATEGORY 1	CATEGORY 2	CATEGORY 3	CATEGORY 4
<input checked="" type="checkbox"/> NJ DIRECT10 <input type="checkbox"/> NJ DIRECT15	<input type="checkbox"/> NJ DIRECT1525	<input checked="" type="checkbox"/> NJ DIRECT2030	<input checked="" type="checkbox"/> NJ DIRECT HD4000 <input checked="" type="checkbox"/> NJ DIRECT HD1500
<input checked="" type="checkbox"/> AETNA HMO <input checked="" type="checkbox"/> CIGNA HMO	<input checked="" type="checkbox"/> AETNA1525 <input checked="" type="checkbox"/> CIGNA1525	<input type="checkbox"/> AETNA2030 <input checked="" type="checkbox"/> CIGNA2030	<input checked="" type="checkbox"/> AETNA HD4000 <input checked="" type="checkbox"/> AETNA HD1500 <input type="checkbox"/> CIGNA HD4000 <input checked="" type="checkbox"/> CIGNA HD1500

Upon receipt of this resolution, the Health Benefits Bureau will schedule a Special Open Enrollment for active employees currently enrolled in any plan 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. Resolutions may be filed once in a calendar year.**

R 253-2011 RESOLUTION OF THE BOROUGH OF MADISON CANCELLING COMPLETED CAPITAL IMPROVEMENT ORDINANCES

WHEREAS, the Chief Financial Officer has reviewed a list of open capital projects and has determined that several capital projects have been completed and the improvement authorization accounts should be closed; and

WHEREAS, the Chief Financial Officer has recommended that the Council adopt a Resolution canceling the open dollar balances in such completed projects; and

WHEREAS, the Borough Council has determined to make such cancellation.

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 list of open capital projects annexed hereto are hereby cancelled.

R 254-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CANCELLATION OF OLD OUTSTANDING CHECKS, BANK ERRORS AND RETURNED CHECKS

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WHEREAS, the Madison Borough Chief Financial Officer has recommended that old outstanding checks, bank errors and returned checks be cancelled as being out of date; and

WHEREAS, the Chief Financial Officer has indicated that the Chief Accountant has recommended these items should be cancelled.

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. All outstanding checks and charges listed on the attached Memorandum dated October 26, 2011 from Francine DeAngelis, Chief Accountant, to Robert Kalafut, Chief Financial Officer, be cancelled.
2. The Chief Financial Officer is authorized to take whatever action is necessary to effectuate this Resolution.

R 255-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CANCELLATION OF OPEN BALANCE IN ELECTRIC UTILITY OPERATING FUNDS

WHEREAS, the Madison Borough Chief Financial Officer has recommended cancellation of the open balance of \$528,785.09 in the Electric Utility Operating Funds; and

WHEREAS, Resolution 283-2010 authorized an emergency appropriation in the amount of \$900,000.00, of which \$528,785.09 was ultimately not required; and

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 open balance in the Electric Utility Operating Funds in the amount of \$528,785.09 is hereby cancelled.
2. The Chief Financial Officer is authorized to take whatever action is necessary to effectuate this resolution, and to return such funds to the Electric Utility Operating Surplus Account.

R 256-2011 RESOLUTION OF THE BOROUGH OF MADISON RENEWING MEMBERSHIP IN THE NORTH JERSEY MUNICIPAL BENEFITS FUND

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND, hereafter referred to as "the FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq.; and

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WHEREAS, the FUND was approved to become operational by the Department of Insurance and Community Affairs and has been operational since that date; and

WHEREAS, the statutes and regulations governing the creation and operation of a joint health insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such the FUND;

WHEREAS, the governing body of the Borough of Madison, hereafter referred to as “LOCAL UNIT” has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the LOCAL UNIT hereby agrees as follows:

3. Renew membership with the FUND for the period outlined in the LOCAL UNIT’s Indemnity and Trust Agreements.
4. Will participate in the following type (s) of coverage (s):
 - a. Dental Insurance as defined pursuant to N.J.S.A. 17B:14-4, the FUND’s Bylaws, and Plan of Risk Management.
5. Adopts and approves the FUND’s Bylaws.
6. Execute an application for membership and any accompanying certification.

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND’s Bylaw, and to deliver these documents to the FUND’s Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

R 257-2011 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING THE HIGHEST BID AT THE PUBLIC AUCTION HELD ON NOVEMBER 10, 2011 FOR THE SALE OF PROPERTY OWNED BY THE BOROUGH ON ORCHARD STREET, BLOCK 4312, LOTS 14, 15 AND 16 TO THE MADISON HOUSING AUTHORITY AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT OF SALE

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WHEREAS, the Borough of Madison has previously authorized the sale to the highest bidder by public auction of vacant property owned by the Borough known as Lots 14, 15 and 16, Block 4312, Orchard Street; and

WHEREAS, pursuant to law a public auction was held on November 10, 2011, at the Borough Hall of the Borough of Madison; and

WHEREAS, the Borough reserved the right to accept the highest bid or to reject all bids received at said public auction; and

WHEREAS, the only bid was made by The Madison Housing Authority/Madison Affordable Housing Corporation in the amount of \$250,000.00 (the Buyer is also obligated to perform an Environmental Clean-up of the property pursuant to the terms of the contract and in the time frame set forth in the contract); and

WHEREAS, the Council wishes to accept the bid of \$250,000.00 and authorize the entry into a contract with The Madison Housing Authority/Madison Affordable Housing Corporation for the sale of the property described herein, subject to the terms and conditions set forth in the contract, including an Environmental Clean-up.

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 Borough of Madison hereby accepts the highest bid of \$250,000.00 with the Buyer responsible for an Environmental Clean-up and other conditions set forth in the Contract for the sale of property known as Lots 14, 15 and 16, Block 4312, Orchard Street, Madison, New Jersey, currently owned by the Borough of Madison.
2. Pursuant to the terms of the contract, the deed shall contain a restrictive covenant providing that only one single family dwelling per lot may be built on the property.
3. The Mayor and Borough Clerk are authorized to enter into a contract of sale with the Buyer, The Madison Housing Authority/Madison Affordable Housing Corporation, in a form as approved by the Borough Attorney and to execute a Deed and other closing documents as approved by the Borough Attorney.

R 258-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXTENDED PARKING HOURS FOR THE HOLIDAY SEASON

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WHEREAS, the Assistant Business Administrator has recommended that 2 hour parking be permitted in all 1 hour parking spaces on Main Street and Waverly Place from Thanksgiving through Christmas.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that 2 hour parking shall be permitted in all 1 hour parking spaces on Main Street and Waverly Place, effective November 25, 2011 and extending through December 25, 2011.

R 259-2011 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING DONATION FROM THE MADISON ATHLETIC FOUNDATION FOR A FIELD HOUSE AT THE MADISON RECREATION CENTER

WHEREAS, the Madison Athletic Foundation (“MAF”) has generously offered to donate a field house at the Madison Recreation Center to the Borough; and

WHEREAS, the Borough Council previously adopted R 87-2011 which recognized the MAF as the fundraising partner for the development of Phase I-B Artificial Turf Complex of the Madison Recreation Center; and

WHEREAS, the donation by the MAF is consistent with this partnership; and

WHEREAS, the field house is beneficial for the overall programming of the site; and

WHEREAS, the Borough Council has concluded that it would be in the best interest of the Borough to accept the donation.

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 Borough accepts the donation of the field house to be built at the Madison Recreation Center.
2. The plans for the field house have been approved by the Borough Council with review and comment by the Borough Engineer.
3. All permits for such construction shall be obtained by the MAF.
4. Subject to all applicable laws and regulations for construction of the field house on public property.
5. The MAF shall provide a certificate of insurance from the contractors and subcontractors as required by the Municipal Joint Insurance Fund.
6. Subject to an agreement to be entered into between the Borough and the MAF consistent with this resolution, in a form approved by the Borough Attorney.

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BE IT FURTHER RESOLVED that the Borough of Madison expresses its gratitude to Madison Athletic Foundation.

Mr. Mezzacca read Resolution R 260-2011 and R 261-2011 for the record.

Dr. Esposito moved adoption of the Resolutions R 260-2011 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 260-2011 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING JOHN MISCIA TO THE POSITION OF ACTING SERGEANT OF THE MADISON POLICE DEPARTMENT

WHEREAS, Police Chief, John Trevena, has recommended that John Miscia be appointed to the position of Acting Sergeant until further notice; and

WHEREAS, the Borough Council agrees with said recommendation;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Police Officer John Miscia is appointed to the position of Acting Sergeant, effective immediately.
2. Officer Miscia's salary shall be increased by five (5 %) percent for the period of time that he remains Acting Sergeant.

Mr. Cerciello moved adoption of the Resolution R 261-2011 listed on the Consent Agenda. Mr. Conley seconded the motion. Mrs. Tsukamoto stated that Police Chief John Trevena objected to the extension of hours for alcoholic beverage license holders and for that reason will abstain from voting. Following Council discussion, the motion passed with the following roll call vote recorded:

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

R 261-2011 RESOLUTION OF THE BOROUGH OF MADISON PERMITTING RESTAURANT-BARS AND TAVERNS TO REMAIN OPEN UNTIL 2:00 A.M. ON WEDNESDAY, NOVEMBER 23, 2011

WHEREAS, the Restaurant-Bars of Madison have requested permission to remain open on Wednesday, November 23, 2011 until 2:00 A.M.; and

WHEREAS, the Borough Code provides for a weekday closing time of 1:00 A.M;

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NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Restaurant-Bars and Taverns shall be permitted to remain open on Wednesday, November 23, 2011 until 2:00 A.M.

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	\$23,153.14
Health & Public Assistance	7,496.62
Public Works & Engineering	194,957.46
Community Affairs	1,443.40
Finance & Borough Clerk	6,268,925.60
Utilities	<u>1,541,001.13</u>
Total	<u>\$8,036,977.35</u>

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

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

Nays: None

Absent: Mr. Cerciello

NEW BUSINESS

Mayor Holden announced the following appointment:

Historic Preservation Commission

Joseph Longo, 75 Derby Court, Class B, through December 31, 2011

ADJOURN AND RECONVENE EXECUTIVE SESSION

There being no further business to come before the Council, the meeting was adjourned at 11:05 p.m. and the Executive Session immediately reconvened.

RECONVENE AND ADJOURN

The Regular Meeting reconvened at 12:10 p.m. and immediately adjourned.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved January 9, 2012 (EO)