

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

February 27, 2012 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 27th day of February 2012. Mayor Conley 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 5, 2012. 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 Robert H. Conley

Council Members:

Jeannie Tsukamoto
Vincent A. Esposito
Donald R. Links
Robert G. Catalanello
Robert Landrigan
Carmela Vitale

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

Mrs. Tsukamoto moved:

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

MINUTES FOR APPROVAL (1)

December 12, 2011

January 9, 2012

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

CONTRACT MATTERS (1)

REQUESTS FOR PROFESSIONAL SERVICES

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

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PERSONNEL MATTERS (2)
PROBATIONARY POLICE OFFICER
RICE NOTICES

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

LITIGATION MATTERS (1)
MADISON-CHATHAM JOINT MEETING

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

Seconded: Dr. Esposito
Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

Mayor Conley reconvened the Regular Meeting at 8:20 p.m. in the Council Chamber with all members present. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Mrs. Tsukamoto moved approval of the **Executive Minutes of December 12, 2011**.
Dr. Esposito seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links,
Mr. Catalanello, Mr. Landrigan. Mrs. Vitale
Nays: None

Mrs. Tsukamoto moved approval of the **Executive Minutes of January 9, 2012**.
Dr. Esposito seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links,
Mr. Catalanello, Mr. Landrigan. Mrs. Vitale
Nays: None

GREETINGS TO PUBLIC

Mayor Conley presented the following Proclamations:

Proclaiming March 2, 2012 as Read Across America Day - Central Avenue School Librarian Gayle Stein (wearing a Cat in the Hat outfit) was in attendance.

WHEREAS, the citizens of the Borough of Madison stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, Madison has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is the key to the community's well-being and long-term quality of life; and

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WHEREAS, *NEA's Read Across America*, a national celebration of reading, will be conducted on March 2, 2012, which would have been the 108th birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, *Read Across America-NJ* is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, call on the citizens of Madison to assure that every child is in a safe place reading together with a caring adult on March 2, 2012. Further, I enthusiastically endorse *NEA's Read Across America* and *Read Across America-NJ* and recommit our community to engage in programs and activities to make America's children the best readers in the world.

Robert H. Conley Mayor

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Proclaiming March 2012 as Madison Young Playwrights Month -

Playwrights Theatre Director of Education, James DeVivo, as well as the young playwrights and their families, were in attendance.

Whereas, Playwrights Theatre, founded in 1986, has nurtured creative writing skills for all ages through the New Jersey Writers Project, a co-sponsored program of the New Jersey State Council on the Arts/Department of State; and

Whereas, Playwrights Theatre has produced performances and offered new plays to local and statewide audiences as a result of its dedication to prospective playwrights; and

Whereas, Playwrights Theatre, brings a unique program to the community through its local in-school playwriting initiative, the Madison Young Playwrights Program; and

Whereas, Playwrights Theatre will present a performance of student written work during the Madison Young Playwrights Festival, to be presented on Saturday afternoon, March 17th; and

Whereas, Playwrights Theatre has continually received a positive response from students, teachers, and parents for its effectiveness in working with all students, many of whom have realized the benefits of self-discovery and expression through playwriting;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim March 2012 as **MADISON**

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YOUNG PLAYWRIGHTS MONTH. In so doing, I extend very best wishes to Playwrights Theatre and to all young writers within our community for continued growth and success. Further, I encourage the public's participation to attend performances and commend our young playwrights for their creativity and artistry.

Robert H. Conley Mayor

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Recognizing Madison High School Football team – 2011 State Championship

Mayor Conley presented Certificates of achievement to members of the Madison High School Football Team, who were present along with their coaches.

REPORTS OF COMMITTEES

Dr. Esposito made a statement regarding recent criminal charges of wrong doing and noted that he will fight for his family name. Dr. Esposito thanked Council members and residents for their support.

Mr. Mezzacca stated that it is inappropriate for the Mayor and Council members to make any comment at this time, and stated that there is no regulation requiring Dr. Esposito to resign.

Public Safety

Mrs. Tsukamoto, Chair of the Committee, made the following comments:
Mrs. Tsukamoto report on Madison Police Department activities for the month of February noting that the Police received 1914 calls for service, reported 41 motor vehicle crashes, 250 motor vehicle summons issued and 31 arrests made. The Police also responded to 48 alarm activations. The Police Chief asks residents to be vigilant in locking their homes and cars especially at night.

Utilities

Dr. Esposito, Chair of the Committee, made the following comments:
Dr. Esposito announced that the Madison Community Pool is accepting application for the 34th summer season. The Madison Chatham Joint Meeting proposed budget includes a saving for Madison of approximately \$37,000.00. Dr. Esposito reminded residents of the new waterline protection insurance program.

Public Works and Engineering

Mr. Links, Chair of the Committee, made the following comments:
Mr. Links asked that residents stay off the Madison Recreation Center fields when the closed signs are posted. Mr. Links noted that the proposed municipal budget includes maintenance for the MRC fields of \$20,000.00 and that the 3rd annual Green Fair will take place in front of the Museum of Early Trades & Crafts on May 3, 2012. Any vendors interested in participating should contact the Environmental Commission and /or the Boy Scouts

Finance and Borough Clerk

Mr. Catalanello, Chair of the Committee, made the following comments:
Mr. Catalanello indicated that final budget adjustments will be discussed during the work agenda portion of this evening's meeting.

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Health & Public Assistance

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

Mr. Landrigan reported on activities at the Senior Center including annual tax preparation assistance through April 11th. Zumba Gold fitness classes begin March 1st, and gentle yoga and bowling activities continue. The Senior Advisory committee will hold a program regarding information for senior residents entitled 'The Time of Your Life' on April 14th. The program will begin with Betty Dangler as keynote speaker. The Downtown Development Commission will hold the annual May Day activities on Saturday May 6th. The Borough clock at Waverly Place has been removed for refurbishing and will be returned soon.

Community Affairs

Mrs. Vitale of the Committee made the following comments:

Mrs. Vitale reported that as part of a five year strategic plan established by the Board of Health, restaurants in Madison will receive a survey regarding inspections to receive feed back on the perception of inspections by business owners. This is a Board of Health program and not a Health Department activity. If anyone has any questions they are encouraged to contact Board of Health President John Hoover.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

The following residents sent emails to the Mayor and Council in support of Library funding in the municipal budget.

Paul Lehmann
Stafford Drive

Carol Schessler
Spring Garden Drive

Lorraine Figarelli
Central Avenue

Maureen and Joseph Haggerty
Albright Circle

Denise Katz
Parkside Ave

James Kemp
Wayne Blvd

Pauline Bliss
Spring Garden Drive

Sarah Chapman
Morris Place

Marilyn and Ken Miller
Stafford Drive

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Rose Mary Dinnhaupt
Albright Circle

Judy Honohan
Glendale Road

E-mail received from Steven McCann of Green Avenue regarding reconstruction of Green Avenue.

INVITATION FOR DISCUSSION (1 of 2)

Mayor Conley 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.**

Sam Cerciello, Park Avenue, asked for clarification of proposed resolutions listed on the Consent Agenda regarding professional services, and the rejecting of bids for the Green Avenue reconstruction project.

Dave Carver, Belleau Avenue, commented on the necessity for repairs to the North Street pump station, encouraging Council to add the project to the Capital budget.

Sandra Kolakowski, Park Avenue, commented that she is impressed by departments' maintaining costs in this budget, but is disappointed with the Council's request for job descriptions during the budget process. Ms. Kolakowski raised concern regarding the meter reading project at this time.

Jane Reynolds, Greenwood Avenue, spoke in support of funding for the Public Library and noted that municipalities are often judged by their library.

AGENDA DISCUSSIONS

02/27/2012-1 FINAL BUDGET ADJUSTMENTS

Mayor Conley noted that the municipal budget is still a work in progress and that introduction is planned for the March 12th Council meeting. Mr. Catalanello stated that at a meeting with CFO Robert Kalafut, Council President Tsukamoto and Assistant Business Administrator James Burnet, there was concern raised regarding a proposed 3.3% tax increase. Mr. Catalanello also noted that additional capital funding is necessary for improvement projects, and suggested that a plan is necessary to maintain surplus. Mr. Catalanello suggested a tax increase between 2% and 3 %, in an effort to maintain AAA rating. Mr. Catalanello noted that they have identified savings that would help with funding for the Public Library. One area to consider is no longer pay for utilities for non profit groups. Also the need for additional funding for the Madison Recreation Center fields for maintenance will require additional funding of approximately \$40,000.00. Mr. Catalanello stated that the goal is sustainability over the long term. Mrs. Tsukamoto recommended adding an additional police officer due to serious safety concerns. There was discussion of staffing at the Department of Public Works. Mrs. Tsukamoto recommended adding \$81,032.00 to the mil rate line for the Madison Public Library. Mr. Links stated that he would like to continue teen center services at the YMCA, but asked that more

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information on the number of children attending be provided. There was consensus to reduce the amount for legal fees to \$50,000.00 in the 2012 municipal budget. Mrs. Tsukamoto explained that at the executive session, consolidation of department head positions was discussed and she would carry out the actions in public with several motions. Mrs. Tsukamoto made a motion to abolish the Purchasing/Personnel Officer position, create Purchasing Officer position and restart the interview/hiring process, seconded by Mr. Catalanello and agreed to unanimously. Mrs. Tsukamoto made a motion to move the personnel function including pension, health care benefits and other insurance employee savings plan and employment verification, to the duties of the Chief Financial Officer, seconded by Mr. Catalanello. Following discussion there was agreement that a resolution be adopted at the next council meeting. Mr. Catalanello suggested that the duties of the Director of Technology would be an example of outsourcing and noted that as liaison he will reach out to major technology suppliers in an effort to create a partnership, to work toward a truly paperless environment. Mayor Conley noted that this initiative has no effect on this year's budget.

Mrs. Tsukamoto made a motion to consolidate the Borough Administrator and Assistant Borough Administrator positions, remove Raymond Codey as Borough Administrator and appoint James E. Burnet, seconded by Mr. Landrigan. Mayor Conley asked that the motions be considered individually. Mayor Conley noted a reduction in staff through attrition, and that this type of action should have been considered during previous budget sessions. Mrs. Tsukamoto asked the Borough Attorney to read the statute regarding the appointment of the Borough Administrator. Mr. Mezzacca read the statute regarding appointment of the Borough Administrator noting that the Administrator may be removed at any time by a two-thirds vote of the Borough Council and shall be paid for 90 days. Mr. Mezzacca indicated that a formal resolution is required for the record. Mr. Catalanello stated that this action has nothing to do with Mr. Codey's performance, only a cost saving measure by combining two positions. Mrs. Vitale stated that she feels this action is not in the best interest of the residents of Madison. Mr. Landrigan noted that this is not an easy decision, but favors smaller government, smaller administration. Mayor Conley asked that the motion be withdrawn. Mr. Links indicated that the job consolidation is not a reflection of job performance. Dr. Esposito stated that, while he respects the opinion of the fellow Council members, Mr. Codey has been a great asset to the municipality, that further discussion is needed and that this move will not make or break the municipal budget. Mr. Catalanello raised concerns for future state and federal tax burdens on residents. Mayor Conley again asked that the motions be restated individually. Mr. Burnet spoke of revenue saving that he and Mr. Codey have worked together to achieve. Mr. Codey thanked Mr. Burnet for his comments, and urged that the Council reconsider the salary for the Borough Administrator position. Mr. Codey thanked the Department heads and pledged an orderly transition period for the newly appointed Administrator. Mayor Conley asked to have the motions considered individually, one for consolidating the positions, another for abolishing the Assistant Borough Administrator and a third for appointment of the new Administrator. Mrs. Tsukamoto asked that Mr. Mezzacca clarify the need for separate motions. Mr. Mezzacca explained that the motion can be considered as is or vote on separately, but the question of immediate removal or within three months, must be addressed. Mrs. Tsukamoto moved to revise her previous motion to include immediate removal of Raymond M. Codey as Borough Administrator. Mr. Landrigan seconded the motion, which passed with the following roll call vote recorded:

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Yeas: Mrs. Tsukamoto, Mr. Links, Mr. Catalanello, Mr. Landrigan

Nays: Dr. Esposito, Mrs. Vitale

Mayor Conley stated that since the Borough is with out an Administrator he nominates Raymond M. Codey to the position of Borough Administrator and asked for Council confirmation.

Dr. Esposito moved to appoint Raymond M. Codey as Borough Administrator. Mrs. Vitale seconded the motion, which failed with the following roll call vote recorded:

Yeas: Dr. Esposito, Mrs. Vitale

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

Mrs. Tsukamoto requested that the Borough Labor Attorney be requested to work on separation details. Mr. Codey offered to help Mr. Burnet with an orderly transition and pledged his cooperation for the next 90 day. Mr. Mezzacca reminded council that the vote was to remove Mr. Codey immediately, and at this time there is no Borough Administrator.

Mr. Catalanello moved to appoint James E. Burnet as Borough Administrator. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Links, Mr. Catalanello, Mr. Landrigan

Nays: Dr. Esposito, Mrs. Vitale

Mayor Conley asked for any additional budget adjustments at this time. Mrs. Tsukamoto moved to have the Chief Financial Officer make final adjustments to the budget based on tonight's motions with a tax increase of 2%, for introduction at the next Council meeting. Mr. Landrigan seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Links, Mr. Catalanello, Mr. Landrigan

Nays: Dr. Esposito, Mrs. Vitale

ORDINANCES FOR HEARING - none

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.

Sam Cerciello, Park Avenue, commented on surprise action of the Council in removing the Borough Administrator and voiced his opinion that funds are wasted on construction projects.

Thomas Haralampoudis, Pomeroy Road, expressed his disappointment with the actions of the Council this evening. Mr. Haralampoudis asked the Council to reconsider the removal of Borough Administrator

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Thomas Binting, Rolling Hills Court, noted that he was glad to see support in the municipal budget for the Public Library, and listed funding for the Library. Mr. Binting asked if members of the audience, also in support, could stand and be counted as supporting funding for the Library. Mayor Conley agreed. The audience in attendance all stood.

Lynne Norris, Niles Avenue, spoke in support of funding for the Library and noted that repairs to the sewer system should be a priority. Ms. Norris noted that the Council has difficult decisions to make with regards to the municipal budget.

Paul Lozier, Chelsea Court, asked about how much cash and surplus the Borough has on hand. Mr. Lozier asked how much money the Borough plans to borrow in the next five years. Mr. Lozier asked if the Budget in Brief will be available this year.

Mrs. Tsukamoto moved to extend the Council meeting beyond 11:00 p.m., seconded by Mr. Landrigan and approved by voice vote.

Tim Harrington, Cross Gates Road, noted that the actions of the Council with regards to the Borough Administrator position are most inappropriate and will not have an impact on this budget.

Janet Allocco, Greenwood Avenue, thanked the Council for their consideration of continued support for the Madison Community House.

INTRODUCTION OF ORDINANCES - 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.

Mrs. Tsukamoto moved adoption of the Resolutions listed on the Consent Agenda. Dr. Esposito seconded the motion. Mr. Mezzacca read resolution R 84-2012 and R 85-2012 in full for the record. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links,
Mr. Catalanello, Mr. Landrigan. Mrs. Vitale

Nays: None

R 72-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE AWARD OF CONTRACTS TO ROGUT MCCARTHY LLC AS BOND COUNSEL FOR 2012

WHEREAS, the Borough Administrator has recommended that a professional services contract be awarded to Rogut McCarthy LLC to continue to serve as bond counsel for 2012; and

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WHEREAS, the Borough Administrator has recommended that a professional services contract be awarded to Cleary, Giacobbe, Alfieri, Jacobs, LLC to continue to serve as Labor Counsel for 2012; and

WHEREAS, the Borough solicited receipt of competitive proposals through a Request for Proposal process (RFP); and

WHEREAS, the Chief Financial Officer has attested to the availability of funds for these purposes as follows; Labor Counsel (2012 temporary budget, account #105/215); and Bond Counsel (2012 temporary budget, account #155/215) and bond financing to be issued with any fees reflected therein.

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 Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for bond counsel services with Rogut McCarthy LLC for 2012 such contract to be in a form approved by the Borough attorney.

2. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional contract for labor council with Cleary, Giacobbe, Alfieri, Jacobs, LLC for 2012 such contract to be in a form approved by Borough attorney.

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 73-2012 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING
MICHAEL GIORDANO TO THE POSITION OF LEAD MAN IN THE DEPARTMENT
OF PUBLIC WORKS

WHEREAS, the Superintendent of Public Works has recommended that Michael Giordano be appointed to the position of Leadman in the Madison Roads Department; and

WHEREAS, the Madison Borough Council, after due consideration, has determined to appoint Michael Giordano to the position of Leadman in the Madison Roads Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Michael Giordano is hereby appointed to the position of Leadman in the Madison Roads Department effective January 1, 2012.

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R 74-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING USE OF MADISON PARKING LOT #1 ON SATURDAY, APRIL 21, 2012 BY THE ROTARY CLUB OF MADISON FOR A PUBLIC SHREDDING EVENT

WHEREAS, the Rotary Club of Madison has requested permission to use public parking lot number one on Saturday, April 21, 2012, between the hours of 11 a.m. and 4 p.m. for a public shredding event; and

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

WHEREAS, the Rotary Club has submitted a Special Event Permit Application to the Borough as well as a Certificate of Liability Insurance naming the Borough of Madison as an additional insured; 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 Rotary Club of Madison is hereby given permission to hold a public shredding event at Madison public parking lot number one, on April 21, 2012, between the hours of 11 a.m. and 4 p.m. and subject to such safety requirements as may be directed by the Madison Police Department and/or Fire Department.

R 75-2012 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING DONATION OF LABOR AND MATERIALS FROM THE MADISON LITTLE LEAGUE TO UPGRADE THE LUCY D. FIELDS

WHEREAS, the Madison Little League, Inc., wishes to donate the materials and labor to upgrade the dugout area at the Lucy D Hut field and the Lucy D Myrtle field; and

WHEREAS, the Borough Council has concluded that it would be in the best interest of the Borough to accept the donated labor and materials to upgrade the dugout area at the Lucy D Hut field and the Lucy D Myrtle field under the direction of the Borough Engineer.

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 Borough accepts the donation by the Madison Little League, Inc, of labor and materials to upgrade the dugout area at the Lucy D Hut field and the Lucy D Myrtle field under the direction of the Borough Engineer.

BE IT FURTHER RESOLVED that the Borough of Madison expresses its gratitude to the Madison Little League, Inc., for the donated labor and materials.

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R 76-2012 RESOLUTION OF THE BOROUGH OF MADISON REJECTING BIDS RECEIVED FOR THE 2011 GREEN AVENUE SOUTH RECONSTRUCTION PROJECT

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

WHEREAS, the Borough received seventeen bids of which the lowest bid had a base price of \$547,655.28 which exceeds the \$450,000.00 appropriation ordinance; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris and State of New Jersey that all bids for the reconstruction of Green Avenue are hereby rejected for the reasons set forth herein.

R 77-2012 RESOLUTION OF THE BOROUGH OF MADISON IN SUPPORT OF LEGISLATION TO CREATE A MUNICIPAL SHARED SERVICES ENERGY AUTHORITY

WHEREAS, the Borough of Madison owns and operates a not-for-profit electric utility that is owned by the customers it serves; and

WHEREAS, the Borough of Madison electric utility is one of ten (10) such utilities commonly referred to as public power utilities that are located through the State of New Jersey; and

WHEREAS, the Borough of Madison desires to ensure that our customers receive reliable electric service at consistently competitive prices by maximizing its strengths through shared services with other New Jersey public power utilities; and

WHEREAS, management of shared services through a municipal shared services energy authority will provide increased opportunities for success in all facets of power supply procurement as well as other electric utility endeavors; and

WHEREAS, enabling legislation is required to establish a municipal shared services energy authority to coordinate action in the wholesale electricity markets on behalf of public power utilities that choose to become members.

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 supports the concept of a municipal shared services energy authority as embodied in S. 1389 and A. 2316 now pending in the 2012-2013 Legislative Session.
2. The Borough of Madison urges passage of S. 1389 and A. 2316 with the amendments attached hereto and as prepared for consideration by the

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Senate Budget and Appropriations Committee for S. 2630 in the 2010-2011 Legislative Session.

3. The Borough of Madison urges swift passage of amended versions of S. 1389 and A, 2316 so that the New Jersey Municipal Shared Services Energy Authority may act as soon as possible to achieve cost savings for our electric utility customers.

R 78-2012 RESOLUTION OF THE BOROUGH OF MADISON CANCELLING APPROPRIATION ORDINANCE 20-2011

WHEREAS, the Borough Administrator has recommended that Ordinance 20-2011 appropriating funds for the Green Avenue reconstruction be cancelled due to rejection of all bids received.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Ordinance 20-2011 appropriating funds for the Green Avenue reconstruction is hereby cancelled.

R 79-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING A MERIT PAY PROGRAM FOR NON-UNION PERSONNEL

WHEREAS, the Borough Administrator has recommended a revised merit pay program for non-union personnel; and

WHEREAS, the Borough Council has reviewed the proposed revised merit pay program; and

WHEREAS, the Borough Council has determined to authorize same.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, the revised merit pay program for non-union personnel is hereby authorized.

R 80-2102 RESOLUTION OF THE BOROUGH OF MADISON DECLARING MAY DAY 2012 TO BE HELD ON SATURDAY, MAY 5, 2012

WHEREAS, the Assistant Borough Administrator has recommended to the Borough Council that the annual May Day event be held on Saturday, May 5, 2012 from 8:00 a.m. to 12 noon; and

WHEREAS, the May Day event provides an annual opportunity for volunteers to assist in the beautification and maintenance of our public places with the support of the Department of Public Works, thereby fostering a sense of community spirit; and

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WHEREAS, the Mayor and Council endorse and commend such activity for the benefit of the Borough.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that May Day 2012 will be held on Saturday, May 5, 2012 from 8:00 a.m. to 12 noon.

R 81-2012 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING MADISON GREEN FAIR

WHEREAS, the Borough Administrator has recommended approval of the Madison Green Fair on May 3, 2012, and authorization of closing Green Village Road in front of the Museum of Early Trades and Crafts; and

WHEREAS, Green Village Road would be closed from 2:00 p.m. to 8:00 p.m. between Blue Ridge Mountain Sports and Chatham Bookseller, with access maintained to the Waverly Green parking lot; and

WHEREAS, stores located in the James Building that front on Green Village Road shall be permitted to have merchandise for sale on the sidewalk in front of their stores while the road is closed; and

WHEREAS, the Police Department has approved the event with the use of Auxiliary officers.

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 Madison Green Fair is approved subject to the safety requirements of the Madison Police Department.
2. The Madison Police Department is authorized to close Green Village Road between Blue Ridge Mountain Sports and Chatham Bookseller from 2:00 p.m. to 8:00 p.m. on May 3, 2012, in conjunction with the Madison Green Fair.

R 82-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY MADISON EDUCATION FOUNDATION TO CONDUCT AN ON-PREMISE MERCHANDISE RAFFLE ON SUNDAY, MAY 6, 2012

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

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

WHEREAS, the New Jersey Legalized Games of Chance Control Commission has issued Registration Identification No. 274-5-36429 to Madison Education Foundation; and

WHEREAS, an Application for Raffles License, together with all necessary documents and fees, has been submitted to the Madison Borough Clerk's Office by Madison Education Foundation to conduct an On-Premise Merchandise Raffles Game on Sunday, May 6, 2012, at 170 Ridgedale Avenue, Madison;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the afore-mentioned Application for Raffles License, R.A. No. 1232, to be held as listed above, be and the same is hereby approved.

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

R 83-2012 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY BULLPEN CLUB 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 License, to be held as listed below, be and the same are hereby approved:

BULLPEN CLUB INC.
I.D. No. 274-5-35149
R.A. No. 1233 – Off Premise 50/50
June 5, 2012

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

R 84-2012 RESOLUTION OF THE BOROUGH OF MADISON AWARDING PROFESSIONAL SERVICES CONTRACT TO AS TAX APPEAL ATTORNEY FOR 2012

WHEREAS, the Borough Council has determined to appoint Matthew J. O'Donnell, Esq. as Tax Appeal Attorney for 2012; 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

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WHEREAS, the Chief Financial Officer has attested to the availability of funds 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 Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for Tax Appeal Attorney with Matthew J. O'Donnell, Esq. for 2012.

2. 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 85 -2012 RESOLUTION OF THE BOROUGH OF MADISON EXTENDING PROFESSIONAL SERVICES CONTRACT TO AS ELECTRIC ENGINEER CONSULTANT FOR 2012

WHEREAS, the Borough Council has determined to extend the appointment of Crane Associates, Inc. as Electric Engineer Consultant for 2012; 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 Director of Finance has attested to the availability of funds 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 Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, an extension of the professional service contract for Electric Engineer Consultant with Crane Associates, Inc. for 2012 .

2. 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.

UNFINISHED BUSINESS

Mayor Conley announces the following appointment and requests Council confirmation:

Nisivoccia & Company, LLP as auditor for the Borough of Madison for 2012.
Extend appointment of Joseph Mezzacca Jr. as Borough Attorney through May 31, 2012.

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Mrs. Tsukamoto moved confirmation of each of the foregoing appointments Dr. Esposito seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links,
Mr. Catalanello, Mr. Landrigan, Mrs. Vitale
Nays: None

APPROVAL OF VOUCHERS

On motion by Mrs. Tsukamoto seconded by Dr. Esposito 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	\$21,488.29
Health & Public Assistance	2,766.57
Public Works & Engineering	135,658.72
Community Affairs	301.01
Finance & Borough Clerk	2,744,914.52
Utilities	<u>1,231,651.30</u>
Total	<u>\$4,136,780.41</u>

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

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Links,
Mr. Catalanello, Mr. Landrigan. Mrs. Vitale
Nays: None

NEW BUSINESS - None

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 11:15 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved May 30, 2012 (EO)