

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

September 13, 2010 - 6 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 13th day of September 2010. Mayor Holden called the meeting to order at 6 p.m. in the Mayor's Office, Room #210 of Bayley-Ellard High School, 205 Madison Avenue, 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 Bayley-Ellard High School, and filing a copy in the office of the Clerk, all on September 9, 2010. 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:

Astri J. Baillie
Robert H. Conley
Jeannie Tsukamoto
Vincent A. Esposito
Sebastian J. Cerciello
Donald R. Links

Also Present:

Raymond M. Codey, Borough Administrator
Elizabeth Osborne, Borough Clerk
Joseph Mezzacca, Jr., Borough Attorney

AGENDA REVIEW

One Personnel Matter, one Litigation Matter and two Contract Matters were added to the 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)
Executive Minutes of August 9, 2010
Executive Minutes of August 23, 2010

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

Regular Meeting Minutes – September 13, 2010

CONTRACT MATTERS (10)
DEP VIOLATION
MADISON PUBLIC LIBRARY
MUSEUM OF EARLY TRADES & CRAFTS
JOINT COURT
T&M ASSOCIATES
BOE AGREEMENT
WATER RATES
CIVIC CENTER ELEVATOR
UNION NEGOTIATIONS
NJ TRANSIT

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

PERSONNEL MATTERS (6)
ATTENDANCE POLICY
PER DIEM DISPATCHERS
FARMERS' MARKET REVIEW
ASSISTANT BUSINESS ADMINISTRATOR
BUILDING INSPECTOR
FIRE DEPARTMENT

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

LITIGATION MATTERS (3)
COUGAR FIELD
STOP & SHOP
POLICE DEPARTMENT

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

Seconded: Ms. Baillie
Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

Mayor Holden reconvened the Regular Meeting at 8 p.m. in the 3rd Floor Meeting Room of Bayley-Ellard with all members present. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Executive Minutes of August 9, 2010**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Executive Minutes of August 23, 2010**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

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

Regular Meeting Minutes – September 13, 2010

Nays: None

Ms. Baillie moved approval of the **Regular Meeting Minutes of August 9, 2010**, with the following amendments:

Page 6 of 12:

08/09/2010-11 REVISED LIGHTING ORDINANCE

The Madison Planning Board has recommended that the ~~lighting~~ **single family and two family homes** ordinance be amended to update to current lighting standards. Following discussion, an ordinance, including a change from “all” to “new” lighting, will be listed for introduction.

Page 8 of 12:

Mr. Links moved that Ordinance 44-2010, which the Borough Clerk read by title, be adopted. Mr. Cerciello seconded the motion. **Mrs. Tsukamoto noted that this project was rejected during the Capital budget review and it was inappropriate to work around the process.** Following Council discussion, the motion passed with the...

Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Ms. Baillie moved approval of the **Regular Meeting Minutes of August 23, 2010**, with the following amendments:

Page 2 of 13:

ABC Hearing - Prospect Tavern Beef & Ale, LLC

.....the Division of ABC. ~~We feel~~ **Mr. Simon believes** the objections are completely irrelevant to renewal and that the allegations are inaccurate. Mr. Simon stated that there is no illegal gambling at the Tavern. The restaurant is open on Sundays, but does not serve alcohol until the permitted hour. Further, **he states** there have been no problems, complaints, accidents or incidents associated with the ABC license. ~~They~~ **He** contends that this is an ongoing dispute over parking and that Stop & Shop is maliciously using...

Page 2 of 13:

08/23/2010-4 OPEN CAPITAL ORDINANCES

...Mrs. Tsukamoto ~~stated-recommended~~ that ~~several~~ **19** ordinances can be cancelled now that the projects are completed **and a total of \$1.1 million be put back to the Capital funds.** There was agreement with Mrs. Tsukamoto's...

Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

Regular Meeting Minutes – September 13, 2010

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

GREETINGS TO PUBLIC

Mrs. Tsukamoto moved adoption of Resolution R 248-2010. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

R 248-2010 RESOLUTION OF THE BOROUGH OF MADISON CONFIRMING MEMBERSHIP OF MICHAEL CACCAVALE IN THE MADISON HOOK & LADDER COMPANY, INC.

WHEREAS, the Fire Chief has advised that Michael Caccavale was voted into the Madison Hook & Ladder Company, Inc. as a volunteer firefighter; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Michael Caccavale is hereby confirmed as a member of the Madison Hook & Ladder Company, Inc. effective immediately.

Oath of Office Volunteer Firefighter Michael Caccavale, Administered by Borough Attorney

GREETINGS TO PUBLIC

Mayor Holden made the following comments:

Mayor Holden thanked the Rotary Club of Madison for their 9/11 tribute.

Mayor Holden read the following proclamation:

Proclaiming September 17- 23, 2010 as Constitution Week

WHEREAS, two hundred and twenty-three years ago this week, delegates to the Constitutional Convention in Philadelphia signed one of the most enduring documents in history – the Constitution of the United States; and

WHEREAS, our Constitution is the foundation of our liberty and has guaranteed the rights of our people through a history of tremendous change and progress; and

Regular Meeting Minutes – September 13, 2010

WHEREAS, during Constitution Week, citizens should remember those who have fought and those who have died to preserve, protect and defend the Constitution; and

WHEREAS, this anniversary of the Constitution provides an historic opportunity for all Americans to learn about and celebrate the achievements of our founding forefathers; and

WHEREAS, our town's namesake, James Madison, who also served as the fourth President of the United States, was a framer of the Constitution;

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim September 17 through September 23, 2010 as **Constitution Week** and urge all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

Employee of the Month for September is **Stacey Dooley** of the **Purchasing Department** for the work she performed in providing purchasing support for the Summer Recreation personnel who did not have access to the purchasing system.

REPORTS OF COMMITTEES

Sharon Harris, Chair of the Madison Board of Health, recognized Dr. Vincent Esposito for his dedication to the Borough of Madison and thanked him for his contribution to the Board of Health, particularly the immunization programs.

Community Affairs

Ms. Baillie, Chair of the Committee, made the following comments:

Ms. Baillie reminded residents that the Farmers' Market is now at the Staples Plaza parking area on Thursdays from 2 p.m. to 7 p.m. until October.

Finance and Borough Clerk

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

Public Safety

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

Mrs. Tsukamoto announced that September is Preparedness Month and reminded residents to make a plan and get involved. The Madison Police have completed the "Hang up or Pay up" cell phone enforcement campaign, with over 150 summons issued and approximately \$18,000.00 in fines. For September, Madison Police officers will be cracking down on motorists who don't stop at crosswalks. As of August 31st, the Madison Fire Department will respond to all Code 4 medical calls when the Ambulance Corps does not have a full crew. Mrs. Tsukamoto thanked the Madison Auxiliary Police for more than 80 hours of volunteer service in August. The Police Department has implemented new computer-aided dispatch software with remote reporting, which allows the officers to remain in the field.

Utilities

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

Dr. Esposito reported that in August a squirrel ate through wires at the Kings Road Substation causing a power outage for a large portion of the community. Electric crews responded quickly to replace damaged equipment and restore power. They are also working on safety features to prevent this from happening again. New equipment and poles are being installed at the Ridgedale circuit.

Regular Meeting Minutes – September 13, 2010

Public Works and Engineering

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

Mr. Cerciello reported on letters sent to the Madison Post Office and to NJ Transit regarding repairs to their facilities. With the help of Congressman Rodney Frelinghuysen, Mr. Cerciello received a letter of response from the Post Office that they will be replacing windows.

Health & Public Assistance

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

Mr. Links reported that the Madison Library Trustees have accepted the proposed changes to the Borough health care plan, along with the Madison Fire Department and non-union employees. Mr. Links introduced Sharon Harris and John F. Hoover, members of the Madison Board of Health, to make a presentation regarding the Time Entry System program used by the Health Department. Mr. Hoover presented the background and purpose of the system, as well as the system configurations, results and reporting. Mr. Hoover explained observations of the system, noting that Department Heads and IT involvement is necessary.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

Letter received August 29, 2010, from Stephen Byrd of Academy Road regarding road repairs.

Letter received September 7, 2010, from Gretchen Coviello of Brannick Drive regarding Breast Cancer Awareness Month.

Three e-mails from DDC members in support of James Burnet for Assistant Business Administrator.

INVITATION FOR DISCUSSION (1 of 2)

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

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

AGENDA DISCUSSIONS

09/13/2010-1 BOARD OF HEALTH TIME ENTRY SYSTEM PRESENTATION - *presented under Committee Reports*

09/13/2010-2 CANCELLATION OF COMPLETED CAPITAL ORDINANCES
Borough of Madison Chief Financial Officer Robert Kalafut explained the cancellation of open Capital projects and outstanding ordinances, noting that the amount of \$1,135,000 is the largest dollar amount cancelled. Resolution R 249-2010 is listed on the Consent Agenda.

Regular Meeting Minutes – September 13, 2010

09/13/2010-3 APPROPRIATE \$30,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR DAMAGE TO KINGS ROAD SUBSTATION
Electric Utility Superintendent Michael Piano explained the need for additional funds due to wildlife damage to the Kings Road Substation. There was agreement to list Ordinance 51-2010 for introduction.

09/13/2010-4 AMEND DIESEL FUEL CONTRACT
Public Works Superintendent David Maines recommended additional funds for diesel fuel due to increased costs. Resolution R 247-2010 is prepared for the Consent Agenda.

09/13/2010-5 APPROPRIATE \$10,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR UPGRADES TO THE WATER SYSTEM WATER WELLS
Mr. Maines explained that funds are needed to replace the chlorinators and valves at the water wells. There was no objection to listing an ordinance for introduction. Ordinance 52-2010 is listed for introduction.

09/13/2010-6 FINANCIAL OVERVIEW AND BUDGETING CHALLENGES 2011 AND BEYOND PUBLIC INFORMATIONAL HEARING
There was agreement to set a date for a public budget hearing on Tuesday, October 19, 2010, to discuss budgeting challenges in 2011 and compile any questions from the Council Members. (Please note: meeting date changed to Wednesday, October 20, 2010)

09/13/2010-7 INTERSECTION IMPROVEMENTS-LOANTAKA WAY AND SHUNPIKE ROAD
Mr. Codey noted a request to support a plan for improvements to the intersection of Loantaka Way and Shunpike Road. Resolution R 252-2010 is prepared for the Consent Agenda.

ADVERTISED HEARINGS

The Clerk made the following statement:

Ordinances 45-2010 and 46-2010 scheduled for hearing were introduced by title and passed on first reading at a Regular Meeting of the Council held on Monday, August 9, 2010; Ordinances 47-2010 and 49-2010 were introduced by title and passed on first reading at a Regular Meeting of the Council held on Monday, August 23, 2010; all were posted and filed according to law, and copies were made available to the general public requesting same.

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

**ORDINANCE 45-2010
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF
THE BOROUGH CODE, LAND DEVELOPMENT ORDINANCE, REGARDING
OUTDOOR DINING AT BUSINESS ESTABLISHMENTS**

WHEREAS, the Borough Planner has recommended amending Chapter 195 of the Borough Code, the Madison Land Development Ordinance, in regard to outdoor dining at business establishments; and

Regular Meeting Minutes – September 13, 2010

WHEREAS, the Borough Council has considered the proposed amendment to the Madison Land Development Ordinance and wishes to amend the Code as recommended.

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 195 of the Borough Code entitled “Madison Land Development Ordinance” shall be amended as follows:

SECTION 1: Section 195-33.B entitled “Outdoor Dining”, shall have the following added to it:

. . . .

(11) Outdoor Dining:

. . . .

(n) There shall be no outdoor dining at any restaurant located in any non-residential zone, including CBD-1, CBD-2, and CC Zones, that is located within 200 feet of any residential zone. The distance shall be measured from any property line of the restaurant to the closest residential zone line.

SECTION 2: This Ordinance shall take effect as provided by law.

Mayor Holden opened up the public hearing on Ordinance 45-2010. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 45-2010, which the Borough Clerk read by title, be adopted. Mr. Conley seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Holden declared Ordinance 45-2010 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

ORDINANCE 46-2010

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF THE BOROUGH CODE, LAND DEVELOPMENT ORDINANCE, SECTION 25.6 ENTITLED “LIGHTING”

WHEREAS, the Borough Planner has recommended amending Chapter 195 of the Borough Code, the Madison Land Development Ordinance, Section 195-25.6, entitled “Lighting”; and

Regular Meeting Minutes – September 13, 2010

WHEREAS, the Borough Council has considered the proposed amendment to the Madison Land Development Ordinance and wishes to amend the Code.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that Chapter 195 of the Borough Code entitled “Madison Land Development Ordinance” shall be amended as follows:

SECTION 1: Section 195-25.6, entitled “Lighting” is hereby amended as follows:

§ 195-25.6. Exterior Lighting

- A. Purpose. Regulation of outdoor lighting is necessary to permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night. It is necessary to prevent light trespass, to reduce unnecessary glare caused by inappropriate or misaligned light fixtures and to prevent the cause of unnecessary skyglow. These standards are intended to protect adjacent residential neighborhoods from unnecessary lighting impacts, to encourage energy efficiency, to discourage the waste of electricity and to improve or maintain nighttime public safety, utility and security.
- B. All outdoor lighting fixtures (luminaires) shall be installed in conformance with this Regulation and with the provisions of the Building Code, the Electrical Code, and the Sign Code, as applicable and under permit and inspection, if such is required.
- C. Standards. All outdoor light fixtures installed and thereafter maintained, other than those serving one- and two-family dwellings, shall comply with the following requirements:
 - 1. Illumination levels shall not exceed those recommended in the:
 - a. IESNA Lighting Handbook, 9th Edition, as amended from time to time.
 - b. IESNA publication, RP-33-99, Lighting for Exterior Environments, as amended from time to time.
 - c. IESNA publication, RP-08-, Roadway Lighting, as amended from time to time.
 - d. IESNA publication, RP-6-01, Reaffirmed 2009, Sports and Recreational Area Lighting, as amended from time to time.
 - 2. Light trespass (nuisance light).
 - a. All light fixtures, except street lighting maintained by a governmental authority, and those used on one- or two-family dwellings, shall be designed, installed and maintained to prevent light trespass, as specified below:

Regular Meeting Minutes – September 13, 2010

- 1) The maximum illumination at property lines shall be 0.1 footcandle at grade.
 - 2) Illumination occurring above a height of five feet above the property line of the subject property shall not exceed 0.1 footcandle in a vertical plane on residentially zoned property.
 - 3) Outdoor light fixtures properly installed and thereafter maintained shall be directed so that there will not be any direct glare source visible from any property.
3. Outdoor lighting energy conservation.
- a. All exterior lighting shall be designed so as not to exceed the exterior lighting unit power allowances of ASHRAE/IESNA Standard 90.1-2004, or the version currently adopted by the New Jersey Department of Energy.
 - b. All outdoor lighting not essential for safety and security purposes or to illustrate changes in grade or material shall be activated by automatic control devices and turned off during non-operating hours. Illuminated signs are excluded from this requirement.
 - c. Exterior retail and merchandise display lighting shall not remain on after 10:00 p.m. Reduced levels of lighting in interior show or display windows may remain on for security purposes; provided, however, that these levels shall not exceed 25% of the normal artificial lighting levels in the interior display or show windows.
 - d. Exterior lighting for recreational areas, athletic fields and courts shall not remain on after 10:00 p.m., except as necessary for completion of scheduled games as may occur from time to time.
 - e. Exterior lighting serving accredited educational institutions, not including recreational areas, athletic fields and courts, shall not remain on after 11:00 p.m.
4. Only shielded light fixtures shall be used. Any fixture mounted above 10 feet shall have no more than 10% of its light distribution at a vertical angle of 80° above nadir and 2.5% at an angle of 90° above nadir.
5. Light fixtures used to illuminate flags, statues or other objects mounted on a pole, pedestal or platform shall have their candlepower curve plotted such that 100% of the beam angle used is not greater than the size of the object to be illuminated.
6. Other upward-directed architectural, landscape or decorative direct-light emissions shall have at least 90% of their total distribution pattern within the profile of the illuminated structure.
7. Description of outdoor lamp/luminaire combinations, including component specifications such as lamps, reflectors, optics, angle of cutoff, supports, poles and include manufacturer's catalog cuts.

Submission of plans. Except for detached single family and detached two family dwellings, plans and evidence of compliance shall include the following;

- a. Locations and description of every outdoor enclosed light fixture and hours of operation, their aiming angles and mounting heights.

Regular Meeting Minutes – September 13, 2010

- b. Foundation details for light poles.
- c. Lighting calculations for site lighting and general exterior applications shall be provided that identify the following elements; (See Section 195-25.6-D3(c) below for lighting calculation requirements for recreational and sports lighting)
 - 1) Initial horizontal illuminances at grade and vertical illuminances where vertical surfaces are being illuminated such as building facades. Illuminances shall be illustrated in footcandles (before depreciation).
 - a) Average footcandles, during operating and non-operating hours.
 - b) Maximum footcandles.
 - c) Minimum footcandles.
 - d) Average to minimum uniformity ratio.
 - e) Maximum to minimum uniformity ratio
 - 2) Average maintained horizontal illuminances at grade and vertical illuminances where vertical surfaces are being illuminated such as building facades. Illuminances shall be illustrated in footcandles. Define re-lamping and cleaning cycles to illustrate light loss factors to account for lumen depreciation and reduced optical system performance of over time to arrive at maintained values of illumination.
 - a) Average footcandles, during operating and non-operating hours.
 - b) Maximum footcandles.
 - c) Minimum footcandles.
 - d) Average to minimum uniformity ratio.
 - e) Maximum to minimum uniformity ratio
 - 3) Computer-generated photometric grid showing maintained footcandle readings every 10 feet and the average maintained footcandles. Depending upon the design application, for both vertical and horizontal illumination levels. Illustrate the initial and maintained horizontal and vertical illuminances at 5 feet above grade at any adjacent residential property line.

D. Lighting Applications

- 1. Where used for roadways and parking lots and walkways or security purposes.
 - a. Average maintained illuminances shall not exceed IESNA recommendations.
 - b. Only outdoor enclosed light fixtures shielded from public view and having the performance characteristics of a cutoff light fixture shall be used.

Regular Meeting Minutes – September 13, 2010

- c. For parking lots, light poles that are visible to the public shall not exceed 20 feet in height (base plus pole).
 - d. For walkways and other pedestrian areas, light poles that are visible to the public shall not exceed 12 feet in height (base plus pole).
 - e. Freestanding lights shall be so located and protected to avoid being damaged by vehicles. Foundations supporting lighting poles installed less than four feet behind the curb shall not be less than 24 inches above the ground.
 - f. The style of the light and light standards shall be consistent with the architectural style of the principal building or surrounding area.
 - g. Floodlight-type fixtures attached to buildings shall be prohibited.
 - h. All wiring shall be laid underground.
2. Where used for private, commercial and industrial purposes such as in merchandise display areas, work areas, platforms, signs, architectural, landscape or sports or recreational facilities.
- a. All light fixtures shall be equipped with automatic timing devices and shall comply with the following:
 - b. Externally illuminated signs, including building identification or other similar illuminated signs, shall comply with the following:
 - 1) Top-mounted light fixtures shall have illumination levels plotted such that 100% of the beam angle used is not greater than the size of the externally illuminated sign, and are preferred over any other positioned light fixtures.
 - 2) When top-mounted light fixtures are not feasible for good cause shown, illumination from other positioned light fixtures shall continue to be restricted to the sign area. Visors or other directional control devices shall be used to eliminate any spill light. Furthermore, when any signage is viewed from the opposite side of that being illuminated, luminous portions of light fixtures, and stray light, shall not be visible.
 - 3) Detailed plans are to be provided to illustrate floodlight distribution patterns. Once properly installed, the fixtures are to be aimed, permanently affixed, and maintained in the approved position according to the terms of approval outlined in the approving resolution.
 - c. Outdoor light shall not be attached or mounted to public property (i.e., public buildings, utility poles, telephone poles, streetlights, road/street signs). Furthermore, these fixtures shall not tap or extend power from sources servicing public lighting and/or power devices. Temporary holiday lighting shall be exempt.
 - d. All outdoor lighting during non-operating hours of the business on site, not necessary for safety and security purposes, shall have reduced light levels, activated by motion-sensors, photocells, timers, or other lighting control devices, or turned off.
3. Where used for sports and recreational lighting.

Regular Meeting Minutes – September 13, 2010

- a. Design Considerations. Nighttime sports and recreational lighting is proliferating and controls must be placed to minimize the negative impact on the community environment and to minimize the utility power demand.
 - 1) Outdoor Lighting Systems. Outdoor lighting systems primarily consist of direct distribution floodlights aimed at the playing surface.
 - a) Light sources. Metal Halide (MH) High Intensity discharge (HID) is the preferred source. High Pressure Sodium (HPS) should be used only in conjunction with metal halide.
 - b) Luminaires. General purpose or heavy duty luminaires with full cutoff optical systems to provide superior visibility for the players and to reduce off-site impacts.
 - c) Poles. The location and height of poles have a major impact on lighting system effectiveness and quality and off-site impact. Contrary to public understanding, the lower the mounting height, the higher the aiming angle and the more light that is delivered off site. The higher the pole (with limits) the lower the aiming angle and less light is delivered off site.
 - d) Design factors. Outdoor lighting is generally visible far beyond facility boundaries and careful consideration should be given to:
 - i) Spill light encroaching on neighboring properties
 - ii) Light that contributes to skyglow
 - iii) Durability of equipment and wiring subject to continuous outdoor exposure
 - iv) Electrical power, voltage, and system selection
 - v) Controls for multiple sports and energy conservation
- b. Standards. All outdoor sports and recreational lighting shall comply with the following requirements:
 - 1) Only light fixtures shielded with internal and/or external shields shall be used. The upper limit of the defined beam should be no more than 80 degrees above nadir and no more than 5% of the luminaires used should violate this rule.
 - 2) Illumination levels shall not exceed those recommended in the IESNA Lighting Handbook, 9th Edition, as amended from time to time, and IESNA publication RP 6-01(Reaffirmed 2009), "Recommended Practice for Sports and Recreational Area Lighting", as amended from time to time.
 - 3) Where used for sports or recreational facilities, all lighting fixtures shall comply with the following:
 - a) For field sports such as football, soccer, baseball and track and field, a minimum pole height shall be 70 feet and a maximum pole height shall be 85 feet.
 - b) The minimum distance of the pole to any property line shall be twice the height of the pole. For example, an eighty-foot pole must be a minimum of 160 feet from any property line.
 - c) Trespass lighting shall not be more than 0.1 footcandle at any adjacent residential property line at grade.

Regular Meeting Minutes – September 13, 2010

- d) A natural landscape buffer shall be required to sufficiently screen the source of light and the lit object from any adjacent residences. The buffer areas shall consist of a planted berm with a mix of deciduous and coniferous plants sufficient to provide year-round screening and with plants at least 6 feet in height/ 2.5 DBH at time of planting.
- e) When not in use or under any circumstance not later than 10:00 p.m., all lighting shall be turned off.
- 4) Light fixtures properly installed and thereafter maintained shall be directed so that there will not be any direct glare source visible from any other property.
- c. Lighting calculations for recreational and sports lighting shall be provided that identify the following elements;
 - 1) The Class of Play for each playing area
 - 2) Initial horizontal and vertical illuminances for primary playing areas, secondary playing areas and boundary areas (where applicable). Illuminances shall be illustrated in footcandles (before depreciation).
 - a) Average footcandles, during operating and non-operating hours.
 - b) Maximum footcandles.
 - c) Minimum footcandles.
 - d) Average to minimum uniformity ratio.
 - e) Maximum to minimum uniformity ratio
 - 3) Average maintained horizontal and vertical illuminances for primary playing areas, secondary playing areas, and boundary areas (where applicable). Illuminances shall be illustrated in footcandles. Define re-lamping and cleaning cycles to illustrate light loss factors to account for lumen depreciation and reduced optical system performance of over time to arrive at maintained values of illumination.
 - a) Average footcandles, during operating and non-operating hours.
 - b) Maximum footcandles.
 - c) Minimum footcandles.
 - d) Average to minimum uniformity ratio.
 - e) Maximum to minimum uniformity ratio
 - 4) Illustrate recommended levels cited in the IESNA Lighting Handbook, 9th Edition and IESNA publication RP 6-01(Reaffirmed 2009), "Recommended Practice for Sports and Recreational Area Lighting".
 - a) Average footcandles, during operating and non-operating hours.
 - b) Maximum footcandles.

Regular Meeting Minutes – September 13, 2010

- c) Minimum footcandles.
 - d) Average to minimum uniformity ratio.
 - e) Maximum to minimum uniformity ratio.
- 5) Computer-generated photometric grid showing footcandle readings every 10 feet and the average footcandles. Depending upon the design application, for both vertical and horizontal illumination levels. Illustrate the initial and maintained horizontal and vertical illuminances at 5 feet above grade at any adjacent residential property line.
4. Where used for new single and two-family residential homes.
- a. All residential outdoor light fixtures shall comply with the requirements as specified below:
 - 1) Light distributions generated by light fixtures shall be confined to the property on which they are installed.
 - 2) Light fixtures installed within any setback area, including front, rear or side yard setbacks, shall minimize light spillage and glare upward and onto adjacent properties.
 - 3) Shall be properly installed and maintained.
 - 4) Holiday lights on residential properties shall be exempt from these standards.

SECTION 2: This Ordinance shall take effect as provided by law.

Mayor Holden opened up the public hearing on Ordinance 46-2010.

Tim Harrington, Cross Gates Road, expressed his concern that the proposed ordinance is micromanagement and unnecessary.

Mayor Holden closed the public hearing on Ordinance 46-2010.

Ms. Baillie moved that Ordinance 46-2010, which the Borough Clerk read by title, be adopted. Mr. Conley seconded the motion.

Following Council discussion, there was agreement that Ordinance 46-2010 be carried to the Council meeting of September 27, 2010, when lighting expert Robert Newell can be present to answer questions regarding the proposed ordinance.

**ORDINANCE 47-2010
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 5 OF
THE BOROUGH CODE CURRENTLY ENTITLED “ALLIANCE AGAINST
SUBSTANCE ABUSE”**

WHEREAS, the Borough Administrator has recommended amending Chapter 5 of the Borough Code entitled “Alliance Against Substance Abuse” to rename as “Alliance Addressing Substance Abuse”; and

Regular Meeting Minutes – September 13, 2010

WHEREAS, the Borough Council is in agreement with said recommendation.

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: Chapter 5 of the Borough Code currently entitled “Alliance Against Substance Abuse” is hereby amended as follows:

Chapter 5, Alliance Addressing Substance Abuse

§ 5-1. Establishment; purpose.

The Madison Alliance Addressing Substance Abuse is hereby established for the aforementioned purposes.

.....

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

SECTION 3: This Ordinance shall take effect as provided by law.

Mayor Holden opened up the public hearing on Ordinance 47-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Links moved that Ordinance 47-2010, which the Borough Clerk read by title, be adopted. Mr. Cerciello seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Holden declared Ordinance 47-2010 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

Ordinance 48-2010 was removed and the # retired

ORDINANCE 49-2010

ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 2-2009 TO ABOLISH POSITIONS OF TEEN CENTER DIRECTOR, TEEN CENTER ASSISTANT DIRECTOR AND WELFARE DIRECTOR

WHEREAS, the Borough Administrator has recommended abolishing the part-time, non-union positions of Teen Center Director, Teen Center Assistant Director, Teen Center Supervisor and Welfare Director; and

WHEREAS, the Borough Council has determined that a change is required in the salary ranges for non-union part-time employees to abolish the positions of

Regular Meeting Minutes – September 13, 2010

Teen Center Director, Teen Center Assistant Director, Teen Center Supervisor and Welfare Director, which positions are all vacant.

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

Section 1. Ordinance 2-2009 setting the salary ranges for non-union part-time employees is hereby amended to delete the salary ranges for the following positions:

POSITION	MINIMUM	MAXIMUM
Teen Center Supervisor	\$7.15/hr	\$9.85
Teen Center Asst. Director	\$9.00/hr	\$13.52
Teen Center Director	\$15,000.00/yr	\$24,309.00
Welfare Director	\$18,025.00/yr	\$50,957.00

Section 2. All other provisions of the Ordinance remain unchanged.

Section 3. This ordinance shall take effect as provided by law.

Mayor Holden opened up the public hearing on Ordinance 49-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 49-2010, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto

Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

Mayor Holden declared Ordinance 49-2010 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

Ordinance 50-2010 was removed and the # retired

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 September 27, 2010, in the 3rd Floor Meeting Room of Bayley-Ellard High School, 205 Madison Avenue off Danforth Road in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and

Regular Meeting Minutes – September 13, 2010

final adoption. Said ordinances will be published in the Madison Eagle, be posted at the main entrance to Bayley-Ellard High School and be made available to members of the public requesting same, as required by law.

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

**ORDINANCE 51-2010
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$30,000.00
FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR EMERGENCY
PURCHASE OF MATERIALS, EQUIPMENT AND SERVICES**

WHEREAS, the Electric Utility Superintendent has recommended that the Borough appropriate \$30,000.00 from the Electric Capital Improvement Fund for emergency purchasing of materials, equipment and services to repair damage at the Kings Road Substation; 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 \$30,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$30,000.00 from the General Capital Improvement Fund for emergency purchasing of materials, equipment and services to repair damage at the Kings Road Substation; 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 \$30,000.00 is hereby appropriated from the General Capital Improvement Fund for emergency purchasing of materials, equipment and services to repair damage at the Kings Road Substation.

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 51-2010, which the Borough Clerk read by title, be adopted. Mr. Links seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

**ORDINANCE 52-2010
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$10,000.00
FROM THE WATER CAPITAL IMPROVEMENT FUND FOR UPGRADES TO THE
WATER SYSTEM WATER WELLS**

Regular Meeting Minutes – September 13, 2010

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$10,000.00 from the Water Capital Improvement Fund for upgrades to the water system water wells; 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 \$10,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$10,000.00 from the General Capital Improvement Fund for upgrades to the water system water wells; 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 \$10,000.00 is hereby appropriated from the General Capital Improvement Fund for upgrades to the water system water wells.

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.

Dr. Esposito moved that Ordinance 52-2010, which the Borough Clerk read by title, be adopted. Mr. Links seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mrs. Tsukamoto moved adoption of Resolutions R 241-2010 through R 247-2010 excluding R 242-2010, and R 249-2010 through R 255-2010 listed on the Consent Agenda. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

R 241-2010 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING DONATION OF DISHWASHER FROM FRIENDS OF MADISON SENIOR CENTER

Regular Meeting Minutes – September 13, 2010

WHEREAS, the Friends of the Madison Senior Center have generously offered to donate a Whirlpool Dishwasher DU1300XTVQ to the Madison Senior Center; and

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

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 of the above described dishwasher.

BE IT FURTHER RESOLVED that the Borough of Madison expresses its gratitude to the Friends of the Madison Senior Center.

R 243-2010 RESOLUTION OF THE BOROUGH OF MADISON ADOPTING AN ATTENDANCE POLICY FOR APPOINTED AND ELECTED OFFICIALS

WHEREAS, the Borough Administrator has recommended that the Borough Council adopt an attendance policy for appointed and elected officials; and

WHEREAS, a copy of such proposed attendance policy is attached hereto; and

WHEREAS, the Council has determined to adopt such attendance policy which is in conformity with the requirements of the New Jersey statutes.

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 Attendance Policy for Elected and Appointed Officials is hereby adopted on behalf of the Borough of Madison.

R 244-2010 RESOLUTION OF THE BOROUGH OF MADISON ESTABLISHING A PER DIEM POOL OF CIVILIAN DISPATCHERS

WHEREAS, the Chief of Police has recommended that the Borough Council approve the establishment of a per diem pool of civilian dispatchers to be used when need arises due to such reasons as vacation, illness or emergencies of the regular dispatchers; and

WHEREAS, the Chief of Police has recommended a per diem rate of \$22.50 per hour for such dispatcher.

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 Chief of Police is authorized to establish a per diem pool of civilian dispatched to be utilized on an “as needed” basis as described herein and to be paid at the rate of \$22.50 per hour.

Regular Meeting Minutes – September 13, 2010

R 245-2010 ITEM REMOVED AND THE # RETIRED

R 246-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING HIGH BID THRESHOLD AMOUNT IN AN AMOUNT NOT TO EXCEED THE STATUTORY MAXIMUM BID THRESHOLD

WHEREAS, the Borough of Madison has previously established the office of Purchasing Agent for the Borough of Madison; and

WHEREAS, Elizabeth A. Crescibene, the Purchasing Agent for the Borough of Madison, holds a certificate from the Department of Community Affairs, Division of Local Government Services, certifying that she is a “Qualified Purchasing Agent”; and

WHEREAS, Governor Chris Christie has exercised his authority under N.J.S.A. 40A:11-3(c) to increase the bid threshold to \$26,000.00 on July 1, 2010; and

WHEREAS, the Borough of Madison has a Qualified Purchasing Agent, and therefore pursuant to N.J.S.A. 40A:11-3 the Borough of Madison may authorize a higher bid threshold in the amount of \$36,000.00 and a higher quotation threshold in the amount of \$5,400.00 except for contracts that fall under N.J.S.A. 27:2-1 dealing with “road contracts” which threshold for said road projects is currently \$17,200.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that pursuant to N.J.S.A. 40A:11-3 the bid threshold effective July 1, 2010 for the Borough of Madison shall be \$36,000.00 and the quotation threshold shall be \$5,400.00, except for road contracts that fall under N.J.S.A. 27:2-1 as noted above.

R 247-2010 RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION 149-2010 INCREASING AMOUNT

WHEREAS, Resolution 149-2010 awarded a contract to Finch Fuel Oil Company, Inc., of Kearny, New Jersey in an amount not to exceed \$34,600.00, for the purchase of ultra low sulfur diesel fuel; and

WHEREAS, the Superintendent of Public Works has recommended that the Borough amend Resolution 149-2010 to increase the award amount by \$20,000.00 to \$54,600.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an additional amount not to exceed \$20,000.00, 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:

Regular Meeting Minutes – September 13, 2010

1. Resolution 149-2010 is amended to increase the contract award amount by \$20,000.00 to \$54,600.00.

2. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, an amended purchase order and contract to Finch Fuel Oil Company, Inc., of Kearny, New Jersey, for ultra low sulfur diesel fuel at a total price not to exceed \$54,600.00, in a form acceptable to the Borough Attorney.

R 248-2010 *APPROVED EARLIER IN COUNCIL MEETING*

R 249-2010 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 250-2010 ITEM REMOVED AND THE # RETIRED

R 251-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING BUILDING INSPECTOR RESPONSIBILITIES

WHEREAS, the Construction Official has recommended that Robert Smith, currently an Electric Subcode Official for the Borough of Madison, also be recognized as a Building Inspector; and

WHEREAS, Robert Smith holds a valid New Jersey Building Inspector's license and therefore could assist the Borough as a Building Inspector at no additional expense to the Borough; and

WHEREAS, the Construction Official has made this recommendation consistent with the intent of R 70-2009.

Regular Meeting Minutes – September 13, 2010

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Robert Smith, the current Electric Subcode Official, is also recognized as a Building Inspector for the Borough of Madison to provide such services as needed.

R 252-2010 RESOLUTION OF THE BOROUGH OF MADISON SUPPORTING INTERSECTION IMPROVEMENTS AT LOANTAKA WAY AND SHUNPIKE ROAD

WHEREAS, the County of Morris has recommended improvements to the intersection of Loantaka Way and Shunpike Road; and

WHEREAS, the Borough Engineer has recommended that the Council authorize the issuance of a letter of support of the County of Morris plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Borough Engineer is hereby authorized to issue a letter of support of the plan recommended by the County of Morris for improvements to the intersection of Loantaka Way and Shunpike Road.

R 253-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY CARETTES INC. 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:

CARETTES INC.
I.D. No. 324-5-28510
R.A. No. 1167 – Off Premise
December 31, 2010

PTO KINGS ROAD SCHOOL
I.D. No. 274-5-18728
R.A. No. 1168 – On Premise
R.A. No. 1169 – On Premise
October 16, 2010

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

R 254-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING 26TH ANNUAL GIRALDA FARMS RUN ON SUNDAY, NOVEMBER 14, 2010

Regular Meeting Minutes – September 13, 2010

WHEREAS, the Rose City Runners Club has requested permission to use portions of Loantaka Way, Woodland Road, Treadwell Avenue, Dodge Drive and Madison Avenue in connection with the annual Giralda Farms Run; and

WHEREAS, the Police Chief recommends approval of this request; and

WHEREAS, the Rose City Runners Club has agreed to reimburse the Madison Police Department for all expenses incurred in connection with the monitoring of said race; and

WHEREAS, the Borough Council has reviewed said request and determined that it should be granted.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the Rose City Runners Club is hereby granted permission to use portions of Loantaka Way, Woodland Road, Treadwell Avenue, Dodge Drive and Madison Avenue in connection with the annual Giralda Farms Run to be conducted on Sunday, November 14, 2010, between the hours of 12:00 (noon) and 2:00 p.m. subject to the condition that the Rose City Runners Club reimburse the Madison Police Department for all expenses incurred in connection with the monitoring of said race.

R 255-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING TERMS OF AGREEMENT WITH NEW JERSEY TRANSIT

WHEREAS, NJ TRANSIT has contracted with Tec-Con Contractors, Inc. for the milling and paving of the handicapped-accessible spaces at the Madison Railroad Station; and

WHEREAS, the Borough of Madison has requested NJ TRANSIT to re-pave the entire parking lot; and

WHEREAS, the Borough of Madison is the lessor of the Madison Railroad Station parking lot; and

WHEREAS, the Borough of Madison will reimburse NJ TRANSIT for the re-paving of the portion of the parking lot not included in NJ TRANSIT's contract; and

WHEREAS, a Terms of Agreement sheet for the Madison Railroad Station Parking Area Re-Paving has been submitted by New Jersey Transit to the Borough of Madison; and

WHEREAS, the Council has determined to authorize entry into the Terms of Agreement; and

WHEREAS, the Terms of Agreement provides for New Jersey Transit to repave the entire parking area and the Borough of Madison will reimburse New

Regular Meeting Minutes – September 13, 2010

Jersey Transit in the amount of \$37,700.00 for milling and paving of the parking area, such funds to come from the Station Area Trust Fund Account.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Mayor is authorized to execute the Terms of Agreement for the Madison Railroad Station Parking Area Re-Paving subject to a formal agreement between New Jersey Transit and the Borough of Madison/Friends of Madison Train Station to be executed at a later date.

R 242-2010 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING JAMES BURNET TO THE POSITION OF ASSISTANT BUSINESS ADMINISTRATOR

WHEREAS, the Borough Administrator recommends the appointment of James Burnet to the full-time position of Assistant Business Administrator, effective immediately; and

WHEREAS, the Council concurs 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 James Burnet is hereby appointed to the full-time position of Assistant Business Administrator effective immediately.

BE IT FURTHER RESOLVED, that James Burnet be compensated at the annual salary of \$95,000.00.

Ms. Baillie moved adoption of Resolution R 242-2010. Mr. Conley seconded the motion. Mr. Cerciello explained he would vote no because the timing is not right. The motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto, Dr. Esposito, Mr. Links

Nays: Mr. Cerciello

INVITATION FOR DISCUSSION (2 of 2)

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

Alan Andreas, Greenwood Avenue, thanked Borough Construction and Building Department employees for their professionalism, noting that they deserve accolades.

Regular Meeting Minutes – September 13, 2010

Rosemarie Frank, Brooklake Road, inquired about the status of a proposed community garden in the Borough of Chatham in the PSE&G right-of-way along Brooklake Road.

Mrs. Tsukamoto provided a report on highlighted activity in the Engineering Department, noting that the Brooklake Road reconstruction project will begin soon and be completed in 2010. Woodland Road reconstruction, between Green Avenue and Garfield Road, should begin within 30 days and also be completed in 2010. The Lincoln Place reconstruction project is progressing with the southeast quadrant curbing set and the historic wall rebuilt. The drainage portion is expected to be completed this week.

Tim Harrington, Cross Gates Road, asked for additional clarification regarding the proposed lighting ordinance and noted that the Borough has done a good job on reconstruction projects.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mrs. Tsukamoto, seconded by Ms. Baillie 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	\$44,979.37
Health & Public Assistance	8,206.25
Public Works & Engineering	148,627.55
Community Affairs	681.67
Finance & Borough Clerk	1,261,596.39
Utilities	<u>290,770.67</u>
Total	<u>\$1,754,861.90</u>

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

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto

Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

NEW BUSINESS

Mayor Holden announced the following appointment and requested Council confirmation:

BOARD OF HEALTH

Ernest W. Schoellkopf, 317 Woodland Road, Alternate #2, unexpired two-year term through December 31, 2011

Ms. Baillie moved the appointment as recommended. Mr. Conley seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Regular Meeting Minutes – September 13, 2010

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

ADJOURN AND RECONVENE EXECUTIVE SESSION

There being no further business to come before the Council, the meeting was adjourned at 9:50 p.m. and the Executive Session immediately reconvened.

RECONVENE AND ADJOURN

The Regular Meeting reconvened at 10:55 p.m. and immediately adjourned.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved September 13, 2010 (EO)