

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

**October 24, 2011 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 24th day of October 2011. Mayor Holden called the meeting to order at 7 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

**STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT**

The Borough Clerk read the statement pursuant to the Open Public Meetings Act:

“In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by transmitting a copy of the meeting notice to the Madison Eagle and Morris County Daily Record, posting a copy on the bulletin board at the main entrance of the Hartley Dodge Memorial, and filing a copy in the office of the Clerk, all on January 6, 2011. This Notice was made available to members of the general public.”

**ROLL CALL**

The Borough Clerk called the roll and the following acknowledged their presence:

Mayor Mary-Anna Holden

Council Members:

Robert H. Conley  
Jeannie Tsukamoto  
Vincent A. Esposito  
Sebastian J. Cerciello  
Donald R. Links  
Robert G. Catalanello

Also Present:

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

**AGENDA REVIEW**

There was approval of the Regular and Executive Agenda.

**READING OF CLOSED SESSION RESOLUTION**

Dr. Esposito moved:

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

CONTRACT MATTERS (2)

ANIMAL CONTROL

REVALUATION OF REAL PROPERTY

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

PERSONNEL MATTERS (7)

OFFICE ASSISTANT, PART-TIME, TAX ASSESSOR'S OFFICE

SHBP NEW PLAN DESIGNS FOR 2012

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SEPARATION DISBURSEMENT  
METER READER, PART-TIME  
SUMMER INTERNS  
PERSONNEL ISSUE  
ELECTRIC UTILITY

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

Seconded: Mr. Conley  
Vote: Approved by voice vote

**RECONVENE IN COUNCIL CHAMBER**

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

**APPROVAL OF MINUTES-NONE**

**GREETINGS TO PUBLIC**

Mayor Holden made the following comments:

Mayor Holden invited Dennis A. Salko forward and read and presented the following Proclamation:

*Proclamation  
of the  
Borough of Madison  
Proclaiming November 2011  
as Pancreatic Cancer Awareness Month*

**WHEREAS**, in 2011 an estimated 44,030 people will be diagnosed with pancreatic cancer in the United States and over 37,660 will die from the disease;

**WHEREAS**, pancreatic cancer is one of the deadliest cancers and is the fourth leading cause of cancer death in the United States;

**WHEREAS**, when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis and 74 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years;

**WHEREAS**, of all the racial/ethnic groups in the United States, African Americans have the highest incidence rate of pancreatic cancer, between 34 percent and 70 percent higher than the other groups;

**WHEREAS**, approximately 1140 deaths will occur in New Jersey in 2011;

**WHEREAS**, there is no cure for pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years;

**WHEREAS**, the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only approximately 2 percent of the National

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Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and

**WHEREAS**, the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in the Borough of Madison and nationwide by focusing its efforts on public policy, research funding, patient services and public awareness and education related to developing effective treatments and a cure for pancreatic cancer;

**WHEREAS**, the Pancreatic Cancer Action Network and its affiliates in the Borough of Madison support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease and are committed to nothing less than a cure;

**WHEREAS**, the good health and well-being of the residents of the Borough of Madison are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments;

**NOW, THEREFORE, I**, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the governing body, declare the month of November as Pancreatic Cancer Awareness in the Borough of Madison.

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**Mary-Anna Holden, Mayor**

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### ***REPORTS OF COMMITTEES***

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

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

Mr. Conley reminded residents that November 8, 2011 is Election Day and mail in ballots are available on the Morris County Elections website, which must be mailed by the November 1<sup>st</sup> deadline. Mr. Conley announced that a land auction is set for November 10, 2011, at 10am in the Borough of Madison, Municipal Courtroom, 50 Kings Road, Madison. Three subdivided building lots in the R-3 Zone will be auctioned to the highest bidder and the traffic calming committee will meet this Thursday at 8 a.m.

#### **Public Safety**

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

October is fire prevention month and the Madison Fire Department is promoting fire prevention in schools, churches and with senior groups. This year's theme is "Protect Your Family from Fire", and Mrs. Tsukamoto reminds residents to make and practice an escape plan. On November 6<sup>th</sup>, when setting clocks for day light savings time, remember to change the batteries in your smoke detectors, as well. The Madison Police Department traffic unit is paying special attention to several areas and cracking down on cell phone usage. Mrs. Tsukamoto noted that the fine for driving while using a cell phone is \$132.00. This Wednesday, Governor Chris Christie will recognize special volunteers for their help during Hurricane Irene. Mayor Holden and Bob Landrigan, OEM Coordinator, will attend and three volunteers from Madison will be recognized. Lou DeRosa, who kept communication and generators working, Ed Cook, who volunteered as van driver taking residents to shelters, and Joseph Longo as Deputy OEM Coordinator. Mrs. Tsukamoto thanked the volunteers and OEM Coordinator Bob Landrigan for their efforts

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### **Utilities**

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

Dr. Esposito announced that the Borough is now officially in the PJM system for electric purchases needs, as of November 2, 2011.

### **Public Works and Engineering**

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

Leaf pick up will begin this week and information is available in this week's Madison Eagle. Paper leaf bags are available at Borough Hall. Mr. Cerciello asked Mr. Codey if there was any word from New Jersey Transit regarding repairs to trestles along Kings Road.

### **Health & Public Assistance**

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

Mr. Links thanked the members of the Library Board of Trustees for their attendance this evening's meeting.

### **Community Affairs**

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

Madison Utility customers can now participate in the State Energy Star program including free home energy audits as well as financial incentive and rebates. More information is available at [www.njcleanenergy.com](http://www.njcleanenergy.com). Flyers are available regarding leaf collection at the door. Division 1 Women's lacrosse is interested in possible renting the new fields for a camp this summer. With regards to the Field House, there have been significant donations including plans and specs from Architect Alan Andreas, the donation of an industrial grill, all tile, sinks and toilets for the bathrooms and the contractor will charge only for materials, with no additional cost for his work. A presentation will be made later in this meeting.

Mayor Holden announced her participation with members of the Jets Football organization, in the Play 60 Program, a program to encourage children to get out and play 60 minutes each day, which took place at the Madison Junior School. Five students were chosen to lead the Jets team onto the field during a game played against the Buffalo Bills. Also on Saturday the Mayor participated in the Great American Race with local students, given clues about local history in order to finish the race.

## **COMMUNICATIONS AND PETITIONS-none**

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

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

**Tim Harrington, Cross Gates Road**, inquired about resolutions listed for consideration on the consent agenda regarding the revaluation of real property, and State Health Benefit plans for Borough employees.

## **AGENDA DISCUSSIONS**

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### **10/24/2011-1 MADISON ATHLETIC FOUNDATION**

Brian Agnew, on behalf of the Madison Athletic Foundation provided a presentation regarding a proposed field house at the Madison Recreation Center synthetic turf fields. Mr. Agnew noted that 100% of funding will come from the MAF with volunteers donating materials and labor. Mr. Conley asked that the MAF present Council with a plan for the full funding of the project. Mr. Agnew suggested the MAF website for additional information. Mr. Agnew stated that the MAF has planned fund raising, including a super 50/50 raffle. Mr. Cerciello asked about the possibility of solar panels on the structure and a gas line to the field house. Mrs. Tsukamoto inquired about the lay out of the facility including the number of bathrooms. Mayor Holden noted that the presentation is for Council discussion of a field house and suggested that a motion to accept the donation of a field house be made. Mrs. Tsukamoto moved that the Borough move forward to accept the plan for a field house at the Recreation Center, Dr. Esposito second the motion and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Holden called forward Andrea Warest, of the Madison field hockey recreation teams to present to the Madison Athletic Foundation, a second year of user fees, to be donated to the synthetic turf field construction. Mayor Holden also announced the donation of \$2000.00 she received for throwing out the first pitch at Quest Diagnostics annual picnic.

### **10/24/2011-2 LIBRARY ASBESTOS REPORT**

Library Board of Trustees President Tom Binting, Treasurer Gary Ruckleshaus and Library Director Nancy Adamczyk addressed the Mayor and Council to presented information regarding the library asbestos abatement plan, including an update on work completed, an overall plan for future removal and a suggested capital plan. Mr. Binting noted that the Library building & grounds committee has been working to answer questions that will have an impact capital. Following discussion there was agreement to continue discussion as part of the 2012 municipal budget discussions.

### **10/24/2011-3 MUSEUM OF EARLY TRADES & CRAFTS TREE PLANTING**

There was consensus to list a resolution regarding the planting of a tree at the Museum of Early Trades and Crafts in honor of F. M. Kirby, with the assistance of the Department of Public Works.

Resolution R 236-2011 is listed on the Consent Agenda.

### **10/24/2011-4 ECOMMERCE SALES TAX**

John Morris of the Madison Chamber of Commerce explained a request of support for a resolution regarding reform to New Jersey sales tax laws. There was no objection to listing on the consent agenda.

Resolution R 241-2011 is listed on the Consent Agenda.

*ADDED TO THE AGENDA:*

### **10/24/2011-5 EMPLOYEE IDENTIFICATION**

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Mrs. Tsukamoto noted receipt of a complaint from a resident regarding lack of identification during a home inspection, and stated that this is an opportunity to improve the Borough's personnel policy regarding employee identification. Mrs. Tsukamoto suggested that identification be issued by the personnel officer to all employees and that all employees display identification both inside Borough Hall and while visiting resident. Mrs. Tsukamoto will submit an agenda recommendation for the next Council meeting.

**ADVERTISED HEARINGS-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.**

**Stephen Stocker, Park Avenue**, read a statement from the chair of the Environmental Commission expressing disappointment that proposed testing of ground water at the Madison Recreation Center synthetic turf fields would not be authorized.

**Tim Harrington, Cross Gates Road**, stated that a ditch at the public library has been weeded and noted that erosion substantial. Mr. Harrington noted that the sales tax question is a federal issue. Mr. Harrington stated that he would like to see more communication from the Board of Education.

**Betsy Ulman, Garfield Avenue**, asked about possible impact of additional storm water at the Madison Recreation Center site; do to proposed field house construction, and when a plan would be available for review by the Environmental Commission.

**Sandy Kolakowski, Park Avenue**, noted a limited number of studies of run off from turf fields showing a leaching of zinc and other contaminants, and asked why the Borough would not want to get a base line test before the fields are completed.

**Jane Reynolds, Green Avenue** asked what it would cost to testing the synthetic turf fields.

**Carman Pico, North Street**, asked about backyard pick up of garbage at a two family home.

**INTRODUCTION OF ORDINANCES**

The Clerk made the following statement:

Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of November 14, 2011 in the 2<sup>nd</sup> Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinances will be published in the Madison Eagle, be posted at the main entrance to the Borough offices and be made available to members of the public requesting same, as required by law.

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

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

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

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

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Chapter 128 of the Borough Code entitled “Newspaper Distribution Boxes” shall be amended as follows:

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

**§ 128-6. Inspection; fees.**

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

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

**§ 128-8. Additional requirements.**

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

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

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

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

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

**§ 128-13. Multiple Newsrack Zone.**

- A. There is hereby established a multiple newsrack zone consisting of the following streets:
  - 1. Lincoln Place
  - 2. Waverly Place
  - 3. Main Street from Community Place to Alexander Avenue.
  
- B. Purpose.
  - 1. To protect and enhance the streetscape in the downtown district.
  - 2. To provide safe and convenient access to lands in the downtown district.
  
- C. The zone need not be contiguous. Within the multiple newsrack area, the placement, installation and maintenance of newsracks shall be prohibited, except as authorized by the Borough of Madison for the placement, installation and maintenance of multiple newsracks. The Borough of Madison shall determine the areas that require such designation based upon the following considerations:
  - 1. The current number of newsracks within or near the proposed area so as to avoid undue concentration of newsracks.
  - 2. The impact on pedestrian, bicycle and vehicular traffic and accessibility to Public transportation.
  - 3. The inconsistency of individual newsracks with the character of the surrounding streetscape.
  - 4. The impact on and proximity to buildings used for residential purposes.
  - 5. At a particular area, give priority to Morris County publications.
  
- B. The Borough of Madison will have the authority on where the placements of multiple newsracks within the multiple newsrack area are to be located.
  
- C. The Borough of Madison will have the authority to determine the number of compartments for publications in the multiple newsrack zone.
  
- D. In determining which publications shall be permitted at a given multiple newsrack location, the Borough shall utilize the following criteria:
  - 1. Limit access of each publication to one compartment at each designated area whenever the number of publications sought to be distributed exceeds the

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number of compartments available. Publications containing legal notices and local (Morris County) news content, and published at least weekly may maintain up to two (2) compartments, provided each newsrack is individually licensed by the Borough.

2. At a particular area preference shall be given to publications containing legal notices and local (Morris County) news content, and published at least weekly.
3. At a particular area, preference shall be given to publications that had been contained in single newsracks that were replaced with multiple newsracks at that area.
4. When more than one application is filed simultaneously than may be accommodated at a specific multiple newsrack location, priority shall be determined by lottery.

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

Mrs. Tsukamoto moved that Ordinance 34-2011, 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: Mr. Conley, Mrs. Tsukamoto, Dr. Esposito,  
Mr. Cerciello, Mr. Links. Mr. Catalanello  
Nays: None

**CONSENT AGENDA RESOLUTIONS**

The Clerk made the following statement:

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

Dr. Esposito moved adoption of the Resolutions listed on the Consent Agenda. Mr. Conley seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Mayor Holden read Resolution R 237-2011, as amended.

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

R 232-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING  
ADVERTISEMENT FOR OFFICE ASSISTANT I, PART-TIME

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**WHEREAS**, Lynn Coppola has resigned her employment effective October 14, 2011; and

**WHEREAS**, the Purchasing/Personnel Officer has recommended that the Borough advertise for an Office Assistant I, Part-Time for the Building Department and Tax Assessor's Office; and

**WHEREAS**, the 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 Purchasing/Personnel Officer is authorized to advertise for an Office Assistant I, Part-Time for the Building Department and Tax Assessor's Office.

R 233-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING INTERLOCAL SERVICES AGREEMENT WITH THE TOWNSHIP OF MILLBURN AND THE TOWNSHIP OF LIVINGSTON FOR ANIMAL CONTROL SERVICES

**WHEREAS**, the Borough Administrator has recommended that an Interlocal Services Agreement be entered into with the Township of Millburn and the Township of Livingston to provide animal control services; and

**WHEREAS**, the Borough of Madison would be the recipient of said services and the Township of Millburn and the Township of Livingston would be the providers of said services, and the Borough of Madison shall pay to the Township of Millburn and the Township of Livingston the cost of the services, not to exceed \$20,000.00 per year, as described in the Interlocal Services Agreement; and

**WHEREAS**, the proposed Interlocal Services Agreement would be for a period of one year, commencing on January 1, 2012 and terminating on December 31, 2012, with a provision that either party may terminate its participation in the Agreement by giving the other party 60 days written notice in advance; and

**WHEREAS**, the Agreement will automatically renew for a second one year term unless terminated by either party; and

**WHEREAS**, the Borough Administrator has recommended terminating the existing animal control services contract with St. Hubert's effective December 31, 2011.

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

1. The Mayor is authorized to execute and the Borough Clerk is authorized to attest to an Interlocal Services Agreement with the Township of Millburn and the Township of Livingston as described herein in a final form approved by the Borough Attorney.

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2. The existing animal control services contract with St. Hubert's shall be terminated effective December 31, 2011.

R 234-2011 RESOLUTION OF THE BOROUGH OF MADISON AWARDING PROFESSIONAL SERVICES CONTRACT FOR PROPERTY REVALUATION TO CERTIFIED VALUATIONS, INC.

**WHEREAS**, the Borough Administrator has recommended that the Borough obtain professional services from Certified Valuations, Inc., for revaluation of real property in the Borough of Madison (hereinafter the "Contract"); and

**WHEREAS**, said services would constitute professional services for which a contract may be awarded without the need of competitive bidding pursuant to N.J.S.A. 40A:11-5; and

**WHEREAS**, the Borough Administrator has determined and certified in writing that the value of this acquisition will exceed \$17,500.00; and

**WHEREAS**, the Borough Administrator has recommended that the Borough Council award the Contract to Certified Valuations, Inc., in an amount not to exceed \$318,665.00, for revaluation of real property in the Borough of Madison; and

**WHEREAS**, Certified Valuations, Inc., must submit to the Borough Purchasing/Personnel Officer the required documents to satisfy the requirements of N.J.S.A. 19:44A-20.5, since this matter may be awarded without competitive bidding; and

**WHEREAS**, Certified Valuations, Inc., must complete and submit a Business Entity Disclosure Certification which certifies that Certified Valuations, Inc., has not made any reportable contributions to a political or candidate committee in the Borough of Madison in the previous one year, and that the contract will prohibit Certified Valuations, Inc., from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$318,665.00 for this purpose, which funds were appropriated by Ordinance 23-2011.

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

1. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from Certified Valuations, Inc., the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Certified Valuations, Inc., for revaluation of real property in the Borough of Madison in an amount not to

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exceed \$318,665.00, such contract to be in a form approved by the Borough Attorney.

2. When received, the Business Disclosure Entity Certification, Political Contribution Disclosure Form and the Determination of Value shall be placed on file with this resolution.

3. The Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough of Madison within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.

**R 235-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING MEDICAL AND PRESCRIPTION DRUG PLAN OFFERINGS UNDER THE STATE HEALTH BENEFIT PROGRAM OF THE STATE OF NEW JERSEY**

**WHEREAS**, Chapter 78, P.L. 2011 requires a Local Government employer participating in the New Jersey State Health Benefits Plan to offer employees a minimum of three (3) coverage levels options plus a high deductible health plan; and

**WHEREAS**, the Borough of Madison is choosing to satisfy the Chapter 78, P.L. 2011 prescribed minimum by offering the following four (4) plans for the Plan Year 2012 to its eligible employees/eligible dependents.

- NJ Direct 15
- NJ Direct 1525
- Aetna 2030
- CIGNAHD 4000

**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 shall offer the above four (4) New Jersey State Health Benefit Plans

offerings to eligible employees and their dependents.

2) The above four (4) New Jersey State Health Benefit Plan offerings will be the sole offerings for the 2012 Plan Year with these plan offerings to remain fixed and in effect until the earlier of the following:

- a. Change in New Jersey State Health Benefit Plan offerings
- b. Change in premiums such that the offerings that are in addition to the NJ Direct 15 carry with them higher premiums than the NJ Direct 15 plan.

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- c. Borough of Madison withdrawal from the New Jersey State Health Benefit Plan program
- d. Such other changes as may be mutually agreed through the collective bargaining process.
- e. Until the expiration of the 2012 Plan Year on December 31, 2012.

**R 236-2011 RESOLUTION OF THE BOROUGH OF MADISON GRANTING PERMISSION TO PLANT A TREE AND PUT A PLAQUE AT THE MUSEUM OF EARLY TRADES & CRAFTS**

**WHEREAS**, the Museum of Early Trades and Crafts has requested permission to plant a white dogwood tree on the grounds of the Museum in honor of F. M. Kirby with the assistance of the Department of Public Works; and

**WHEREAS** the Museum of Early Trades and Crafts has requested permission to place a plaque adjacent to the dogwood tree at a ceremony in spring 2012 in honor of F.M. Kirby; and

**WHEREAS**, the Council supports the planting of the tree and the placement of the plaque.

**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 Council hereby approves the planting of a a white dogwood tree on the grounds of the Museum with the assistance of the Department of Public Works and the placement of a plaque adjacent to the dogwood tree at a ceremony in spring 2012 in honor of F.M. Kirby.

**R 237-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING ADVERTISEMENT FOR THE POSITION OF METER READER, PART-TIME**

**WHEREAS**, Peter Mahon has resigned from his Meter Reader, Part-Time (P/T) position; and

**WHEREAS**, the Purchasing/Personnel Officer has recommended that the Borough advertise for two (2) Meter Readers, P/T, for the Electric Department and Water Department; and

**WHEREAS**, the 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 Purchasing/Personnel Officer is authorized to advertise for two (2) Meter Readers, P/T, for the Electric Department and Water Department.

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R 238-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY ST.VINCENT MARTYR CHURCH

**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:

**ST. VINCENT MARTYR CHURCH**

**I.D. No. 274-1-812**

**R.A. No. 1221 – Off Premise**

**R.A. No. 1222 – Off Premise**

**R.A. No. 1223 – On Premise**

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

R 239-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING ANNUAL MADISON CHRISTMAS COMMITTEE PARADE

**WHEREAS**, the Madison Christmas Committee has requested permission to hold their annual parade on Friday, November 25, 2011, beginning at 5:30 p.m. on a route from Prospect Street to Main Street to Green Village Road or as otherwise approved by the Police Department; and

**WHEREAS**, the Assistant Business Administrator recommends approval of this request.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris, and State of New Jersey, that the request of the Madison Christmas Committee to hold their annual parade in Madison on Friday, November 25, 2011, as described herein is hereby approved, subject to any safety requirements that are imposed by the Madison Police Department.

R 240-2011 RESOLUTION OF THE BOROUGH OF MADISON APPROVING 2011 TAXI LICENSE NO. 24 FOR MADISON SQUARE TRANSPORTATION, INC.

**WHEREAS**, in compliance with the provisions of Chapter 173 of the Borough Code, application for a additional Taxi License has been made by Madison Square Transportation, Inc.; and

**WHEREAS**, the above applicant has complied with all requirements of the State Law and above-mentioned Ordinance;

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**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Taxi License No. 24 be issued to Madison Square Transportation, Inc., effective upon Council approval and through December 31, 2011.

R 241-2011 RESOLUTION OF THE BOROUGH OF MADISON SUPPORTING REFORM TO NEW JERSEY SALES TAX LAWS

**WHEREAS**, a sale is a sale regardless of whether it occurs online or in a store, and

**WHEREAS** the State of New Jersey requires retailers with a physical presence in the State to collect and remit 7% sales tax, as required by law, and

**WHEREAS** the State of New Jersey's sales tax laws were written in a time before the modern internet age, and

**WHEREAS**, New Jersey has one of the highest internet connectivity rates of any state in the country, and

**WHEREAS**, internet retail spending grew by 367% in New Jersey since 2002, compared to 267% nationally, and

**WHEREAS** internet-only, out-of-state retailers aren't required to collect the 7% sales tax when selling to New Jersey consumers even though the tax is still owed, only the burden of paying the tax falls to an unknowing and unsuspecting consumer, and

**WHEREAS**, Rutgers University found that in 2008, the State of New Jersey collected less than 1% of all estimated sales tax owed to it by these unknowing consumers, and that the State lost \$170 million in this uncollected revenue in 2009, and stands to lose \$310 million by 2015, and

**WHEREAS**, internet-only, out-of-state retailers as a result have an unfair 7% price advantage loophole over brick-and-mortar retailers large and small in New Jersey, even though these in-state retailers employ New Jersey families, sustain New Jersey downtowns, and improve property values for New Jersey communities, and

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**WHEREAS**, the Alliance for Main Street Fairness is creating a statewide coalition of retailers, chambers of commerce, business organizations and elected officials to promote leveling the playing field, known as “E-Fairness,” so that internet retailers must collect the sales tax just as every brick-and-mortar store in New Jersey is required to do by law, and

**WHEREAS**, this coalition would work to raise awareness of this unfair tax loophole by asking businesses and business organizations to participate in press opportunities, write letters to the editor, or engage in grassroots activities like contacting elected officials, and to educate the press and the public about the negative impact it has on New Jersey businesses and jobs.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Madison asks for a state or federal remedy modernizing our sales tax laws so that Madison’s merchants can compete on a level playing field. We endorse the efforts of the Madison Area Chamber of Commerce, the Alliance for Main Street Fairness and [www.StandWithMainStreet.com](http://www.StandWithMainStreet.com).

R 242-2011 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE CHIEF FINANCIAL OFFICER TO SIGN AN AGREEMENT WITH HARRIS COMPUTER SYSTEMS AND COLLECTOR SOLUTIONS INC. FOR ONLINE PAYMENTS SYSTEM SERVICES

**WHEREAS**, the Borough of Madison requires a new online payment system for utility payments, and;

**WHEREAS**, the Borough Council has determined it is appropriate to authorize the Chief Financial Officer to sign an agreement with Harris Computer Systems of Niagara Falls, NY and Collector Solutions. Inc. of Pensacola, FL for online utility payment services.

**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 Chief Financial Officer is hereby authorized and directed on behalf of the Borough to sign agreements with Harris Computer Systems of Niagara Falls, NY and Collector Solutions. Inc. of Pensacola, FL.

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R 243-2011 RESOLUTION OF THE BOROUGH OF MADISON CONFIRMING THE RESUBDIVISION AND AUTHORIZING FILING OF DEEDS TO PERFECT SAME

**WHEREAS**, the Borough owns property known as Block 4312, Lots 14, 15 and 16 on Orchard Street; and

**WHEREAS**, the Borough obtained approval for resubdivision of said lots to make them more uniform in size by resolution of the Madison Planning Board adopted October 4, 2011; and

**WHEREAS**, the Council wishes to authorize the Mayor and Borough Clerk to execute deeds to be filed with the Morris County Clerk in order to perfect the resubdivision.

**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 resubdivision of Block 4312, Lots 14, 15 and 16 on Orchard Street as approved by the Madison Planning Board is hereby confirmed.
2. The Mayor and Borough Clerk are hereby authorized to execute deeds to be prepared by the Borough Attorney to perfect the resubdivision.
3. The Borough attorney is directed to file said deeds with the Clerk of Morris County.

R 244-2011 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

**WHEREAS**, the Borough of Madison has applied for and has been awarded a grant in the amount of \$85,166.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority a for the remedial investigation along with report preparation of the Orchard Street property;

**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 above referenced grant is hereby accepted and that the Mayor, Borough Administrator and the Borough Clerk are hereby authorized to execute grant documents as authorized representatives thereunder , as representatives for the Borough of Madison

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**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the New Jersey Economic Development Authority.

***UNFINISHED BUSINESS -NONE***

***APPROVAL OF VOUCHERS***

On motion by Dr. Esposito seconded by Mr. Conley and carried, the following vouchers of the Borough of Madison were approved for payment, and the supporting documentation of said vouchers was made part of the Supplemental Minute Book.

Public Safety	\$15,950.40
Health & Public Assistance	17,275.39
Public Works & Engineering	103,081.29
Community Affairs	790.70
Finance & Borough Clerk	27,415.93
Utilities	<u>1,290,421.37</u>
Total	<u>\$1,454,935.08</u>

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

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

Nays: None

***NEW BUSINESS -NONE***

***ADJOURN***

There being no further business to come before the Council, the meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved November 28, 2011 (EO)