

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

**February 26, 2007 - 7:00 p.m.**

**Call to Order**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 26th day of February 2007. Mayor Kerkeslager called the meeting to order at 7:00 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 publishing a copy of the meeting notice in 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 4, 2007. Copies of said Notice were made available to members of the general public."

**Roll Call**

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

Mayor Ellwood R. Kerkeslager

Council Members:

Mary-Anna Holden

Astri J. Baillie

Donald J. Bowen

Carmela Vitale

John M. Elias, arrived at 7:10 p.m.

Robert H. Conley

Also Present:

James R. Allison, Administrator

Joseph Mezzacca, Jr., Borough Attorney

Marilyn Schaefer, Borough Clerk

**AGENDA REVIEW**

There was approval of the Regular and Executive Agenda.

**Reading of Closed Session Resolution**

Mrs. Holden moved:

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

EXECUTIVE MINUTES (1)

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

CONTRACT MATTERS (7)

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

PERSONNEL MATTER (1)

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

LITIGATION MATTER (1)

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

Seconded: Mrs. Vitale

Vote: Approved by unanimous voice vote of members present

**Reconvene in Council Chamber**

Mayor Ellwood R. Kerkeslager reconvened the Regular Meeting at 7:50 p.m. in the Council Chamber with all members present. The Pledge of Allegiance was recited by all.

**APPROVAL OF MINUTES**

Mrs. Holden moved approval of the **Regular Meeting Minutes of February 12, 2007** with the following amendment:

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Mr. Mezzacca was recognized by the Chair and, in detail, gave background as to affordable housing obligations the Borough has under Mt. Laurel. ~~Under new COAH regulations which are being reviewed,~~ **formulated as required by the Court.** ~~it has not been~~ **Therefore, it cannot be** determined what the formula will be or what Madison's obligation will be.

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The motion was seconded by Ms. Baillie and carried by unanimous voice vote.

Mrs. Holden moved approval of the ***Executive Meeting Minutes of February 12, 2007***. The motion was seconded by Ms. Baillie and carried by unanimous voice vote.

***GREETINGS TO PUBLIC***

Mayor Kerkeslager announced that there will be a 15-minute break when light refreshments will be served in the entry hall at the conclusion of tonight's presentations.

**Proclamation**

Mayor Kerkeslager read and presented the following Proclamation to staff members of the Playwrights Theatre Proclaiming March 2007 as ***Madison Young Playwrights Month***.

**P r o c l a m a t i o n**  
**of the**  
**B o r o u g h o f M a d i s o n**  
***Proclaiming the month of March 2007 as***  
**Madison Young Playwrights Month**  
**at**  
**Playwrights Theatre**  
**Madison, New Jersey**

***Whereas***, Playwrights Theatre, founded in 1986, has nurtured playwriting skills for all ages, produced performances, and offered new plays to local and statewide audiences as a result of its dedication to prospective playwrights; and

***Whereas***, Playwrights Theatre brings a unique program to the students of the community through the expertise of trained teaching artists, and provides personal, one-on-one instruction that enhances and improves writing and communication skills while developing self-expression; and

***Whereas***, Playwrights Theatre, through its local initiative, the Madison Young Playwrights Program and Festival, will present a performance on Saturday afternoon, March 10, of elementary school plays; and

**Whereas**, Playwrights Theatre has successfully undertaken statewide initiatives through the New Jersey Writers Project, a co-sponsored program of the New Jersey State Council on the Arts/Department of State, reaching over 15,000 students annually throughout New Jersey; and

**Whereas**, Playwrights Theatre has continually received a positive response from students, teachers, and parents for its effectiveness in working with all students, many of whom have realized the benefits of self-discovery through playwriting. A number of Madison students have won statewide recognition in the New Jersey Young Playwrights Contest, while others have pursued careers in writing;

**NOW, THEREFORE**, I, Ellwood R. Kerkeslager, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim March 2007 as **MADISON YOUNG PLAYWRIGHTS MONTH**. In so doing, I extend very best wishes to Playwrights Theatre for continued growth and success as its local and statewide initiatives are fostered and cultivated through the art of creative writing and searching for the undiscovered writer. Further, I encourage the public's participation to attend performances and commend our young playwrights for their creativity and artistry.

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***Ellwood R. Kerkeslager, Mayor***

February 26, 2007

Mayor Kerkeslager read and presented the following Proclamation to several representatives of Dress for Success Morris County Proclaiming March 13, 2007 "**Send One Suit Day" Dress for Success Morris County**.

**P r o c l a m a t i o n**

**of the**

**B o r o u g h o f M a d i s o n**

***Proclaiming***

**"Send One Suit Day"**

**Dress for Success Morris County**

**March 13, 2007**

**WHEREAS**, Dress for Success Morris County was established in 1998 to advance low-income women's economic and social development and to encourage self-sufficiency through career development and employment retention by providing professional tools in networking, career building, and business attire; and

**WHEREAS**, this non-profit organization has enrolled more than 60 volunteers from Madison and the surrounding area, and has suited more than 2,000 women since its inception; and

**WHEREAS**, Dress for Success Morris County works with New Jersey social service agencies to provide economically disadvantaged women with opportunities to enhance their business status, one of which is to invite them to join the Professional Women's Group, an informational monthly meeting that includes topics such as the importance of financial literacy, career management, and dressing for success; and

**WHEREAS**, as one of 77 affiliates of the Dress for Success Worldwide, Dress for Success Morris County depends on clothing donations from individuals and corporations in order to supply women in need with a new beginning;

**NOW, THEREFORE**, I, Ellwood R. Kerkeslager, Mayor of the Borough of Madison, do hereby proclaim Tuesday, March 13, 2007 as **SEND ONE SUIT DAY** and I urge all citizens to support this effort by donating women's professional apparel to Dress for Success Morris County at the drop-off site, the Madison YMCA, 111 Kings Road in Madison. Further, I encourage clothing donations to Dress for Success Morris County throughout all seasons of the year.

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*Mayor Ellwood R. Kerkeslager*

February 26, 2007

**2. Medallions**

Mayor Kerkeslager honored two Madison Alliance Against Substance Abuse (MAASA) volunteers by presenting them with Medallions; the two volunteers have served at least five years and are no longer serving:

Lynn Sebbard  
MAASA

2001-2006

Diane Riley

MAASA

2001-2006

**3. Swearing in of new Auxiliary Police Officers by Municipal Court Judge Troxell**

Carmela Cook, Robert Landrigan, Joseph DeMarzo

Municipal Court Judge Gary Troxell administered the Oath of Office to each of the foregoing individuals who were then welcomed by all with a long round of applause as they each, in turn, shook the hands of the Mayor, each member of the Council, the Administrator, Borough Attorney and Borough Clerk.

**4. Presentation in honor of Administrator James R. Allison**

The ceremony began with Mayor Kerkeslager inviting Mr. Allison to the front of the Council table where the Mayor read a Proclamation in Mr. Allison's honor:

**Proclamation**

**of the**

**Borough of Madison**

**Presented to**

**James R. Allison**

**Whereas**, James Allison has served the Borough of Madison with distinction as the Borough Administrator for twenty-five years from 1982 through the present; and

**Whereas**, Mr. Allison arrived in Madison with notable experience as an Administrator in the Town of Dover, New Jersey; a Budget Director in Hamilton Township, New Jersey; a Management Analyst and a Principal Administrative Analyst in the City of Trenton, New Jersey; and a Management Intern in the City of Alexandria, Virginia; and

**Whereas**, Mr. Allison began his professional career prior to entering local government service as a teacher of Health and Physical Education, including wrestling; and

**Whereas**, Mr. Allison has worked effectively with numerous Madison-elected officials during his term, including six Mayors and 40 Council Members; and

**Whereas** Mr. Allison, during his Madison Borough Administrator career, has managed and worked with a multitude of Borough department heads and appointed professionals, including six Police Chiefs, six Engineers, four Fire Chiefs, four Clerks, four Public Works Directors, three Attorneys, three Finance Officers, three Electric Utility Superintendents, and two Health Officers; and,

**Whereas**, for twenty-five years, Mr. Allison has effectively managed the day-to-day operations of Madison's Borough Government, prepared and recommended the annual budget (12 of 25 budgets had no tax increase), guided twelve departments, all under the policies established by the Mayor and Council; and

**Whereas**, Mr. Allison, during his term, has carried an unusually broad range of responsibilities, several of which, such as our Electric Utility, Fiber Optic Network, Water Utility, and regional Health Department, are not found in most municipalities; and

**Whereas** Mr. Allison managed the Borough government and staff through the transition into full, effective use of digital technology by his involvement in the Madison RoseNet project from 1996 to the present; and

**Whereas**, Mr. Allison early on instituted departmental and employee goal setting and evaluation, and encouraged each individual to improve and develop to their full potential; and

**Whereas**, Mr. Allison was consistently leading or involved in the negotiation of all labor contracts between 1982 and the present, assuring that the Borough and the employees were fairly treated; and

**Whereas**, Mr. Allison has been active in both community and professional organizations throughout his professional career, serving Madison, his hometown of Dover, Morris County and the State of New Jersey; and

**Whereas**, in Mr. Allison's work for the Borough and in his volunteer activities for Madison he believed in setting a good personal example, for instance by taking less than one sick day every two years; by getting his hands dirty at May Day clean-up; by his leadership in meetings and in mulchings for the new Dodge Field Playground; and by **forcing** himself to sing at every possible moment in Rotary Club meetings, at Bottle Hill Day ceremonies, and for Borough employee holiday parties and birthdays.

**Now, therefore**, be it resolved that the governing body wishes to express its gratitude and appreciation to our Borough Administrator James R. Allison for his distinguished service to Madison. The Borough has greatly benefited from his leadership, management and hard work. The Borough is fortunate to have had James R. Allison serve for twenty five years as our Borough Administrator; and we, as Mayor and Council Members, have enjoyed the privilege of working with him. Our thanks and best wishes go with him in his future endeavors. Thank you for a job well done.

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***Ellwood R. Kerkeslager, Mayor***

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Mary-Anna Holden, Council Member Carmela Vitale, Council Member

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Astri J. Baillie, Council Member John M. Elias, Council President

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Donald J. Bowen, Council Member Robert H. Conley, Council Member

***February 26, 2007***

The Mayor and Council honored Mr. Allison by singing a song, "For He's A Jolly Good Fellow", after which Mr. Allison introduced his family members who were present: wife Susan, son Scott and Scott's wife Jeannette. A ceremonial Captain's chair was presented to Mr. Allison; the Chair contained the Seal of the Borough of Madison and Mr. Allison's name and years of service on a plaque at the rear of the chair.

Mr. Allison thanked everyone and commented that this evening of thanks was more than he possibly could have expected; he recognized and thanked Toni DeRosa, who was in the audience, for her role in organizing the event this evening.

Mayor Kerkeslager announced a 15-minute break with light refreshments in the hall.

***The meeting reconvened at 8:45 p.m. with all members present.***

## **REPORTS OF COMMITTEES**

### **Community Affairs**

Mrs. Holden, Chair of the Committee, reported on the following matters:

#### Parking and Redevelopment

On Thursday, March 1, 2007, Phillips, Preiss Shapiro Associates will be making their next installment report on suggestions for parking and redevelopment. It will be held at the Hartley Dodge Memorial at 7 p.m.

#### Poker Night

Friday, March 2, 2007, is the Chamber of Commerce Poker Night at the Elks Club. Registration for the tournament begins at 7 p.m.

#### May Day

There is a general call for volunteers for May Day, which is Saturday, May 5, 2007; please call the Downtown Manager, Janice Piccolo, to volunteer.

#### Tax Preparation

Tax Preparation continues at the Madison Civic Center hosted by the Senior Center in conjunction with AARP. Mrs. Holden cautioned not to wait until the last minute, but to sign up now for help in the preparation of income tax forms.

#### Battle of the Bell

Last week Mrs. Holden met with students from Drew University, Fairleigh Dickinson University and the College of St. Elizabeth to discuss how the Borough may be of assistance to their "Battle of the Bell",

which will include a knowledge championship and physical activity. They were in a quandary as to what to do if they have to have a deciding question, so they asked Council to come up with an idea or a question.

## **Utilities**

Ms. Baillie , Chair of the Committee, reported on the following matters:

### Livesey Property

The property known as theLivesey Kennels at 195 Kings Road, Madison, New Jersey, as of Thursday, February 15, 2007, became the property of the Borough to now be prepared as a pocket park for all to enjoy; Ms. Baillie commented that this is a terrific use of Green Acres funds, County funds and a bit of Madison's Open Space funds.

Ms. Baillie added her personal congratulations to Jim Allison for his 25 years of service:

"When I saw in the Proclamation surviving six Mayors and 40 Council Members, in and of itself is a major accomplishment, Jim. And I thank you for helping me with all my questions and 'greenness' five years ago when I first sat on Council. Now I know you had already heard it all before, but you were so patient, and so gracious, and Madison has been very, very lucky to have you. Your dedication to this community has been demonstrated by our AAA bond rating; by our very dependable services, as we witnessed today, our streets were well done; by our stable workforce; and our almost-reasonable taxes in comparison with most New Jersey communities; so I want to thank you and the best to you, your wife and family in your new adventures."

## **Health & Public Assistance**

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

## **Public Works and Engineering**

Mrs. Vitale, Chair of the Committee, reported on the following matters:

### Snow Report

Mrs. Vitale commented that Madison received three inches of snow. The men went out at 8 p.m. last night and finished at 10:30 a.m.; by that time, the whole town was done. They did an excellent job, and Mrs. Vitale thanked them all.

Mrs. Vitale also her personal thanks to Mr. Allison:

"I would also like to say, Jim, thank you for all of your dedicated service and I wish you and Susan best wishes for health and happiness in your retirement. I told Jim that if he needed any advice on how to retire, I would send Sal, who really knows how to do it. AsAstri said, it is very, very difficult when every year there is a new Council and every four years there is a new Mayor; and we all

have various personalities and enthusiasm for change, or whatever; thank you for your patience and enjoy it."

### **Finance and Borough Clerk**

Mr. Elias, Chair of the Committee, reported on the following matters:

Wednesday night the Council will be meeting to discuss Capital; Operating was discussed last Wednesday; Mr. Elias invited everyone to come and see and hear the preliminary discussions on what Council is doing as they move forward.

Mr. Elias also expressed his personal thanks to Mr. Allison:

"I too, if I may, Jim, express my appreciation, thanks and gratitude for your years of hard work; what may not have been conveyed adequately in that message was not merely the dedication you have shown as an employee, but what you demonstrated as a member of this community—your commitment to organizations like Rotary, your involvement with the playground—all speak volumes about you as a man; and as good an Administrator as you were, I think you are an even better man; and thank you for your friendship."

### **Public Safety**

Mr. Conley, Chair of the Committee, reported on the following matters:

#### Emergency Service Awards

On February 1<sup>st</sup>, Council Members Holden and Conley were in attendance for the presentation by American Legion Post 49 of Florham Park and Madison of its Annual Homeland Defense Awards to Emergency Service Personnel. One award was presented to the entire Madison Fire Department in recognition of its 125<sup>th</sup> Anniversary in 2006. The Morris County American Legion Auxiliary President presented a plaque saluting 125 years of selfless service; the award was accepted by Madison Fire Chief Doug Atchison.

Another award was presented to Captain John Trevena of the Madison Police Department; he was honored with a Homeland Defense Award as a forward-looking leader who knows how to build an organization, bolster moral, encourage volunteerism, and who exemplifies the spirit of the Legion and certainly the spirit of Madison and its future.

Mr. Conley congratulated both the Fire Department and Captain Trevena.

#### Snow Report

In other Police news, on February 14, 2007, Madison was hit with a storm and part of the town lost power; the Police Department was overwhelmed with phone calls just asking about it; the Police Department asks that residents not call the Police Department when power goes out; they do not have the information; they do know the power is out, but they won't have the details; they get tied up and are then unable to respond to 911 calls at the same time. In the future, they are working on an "auto-answer"

system that can handle a barrage of phone calls; as to the reverse 911 system, that system might be useful if the power is going to be out for an extended time.

As to senior citizens who are unable to remove or shovel snow on their sidewalks, they should call Lieutenant Mantone at 973.593.3004 to be placed on a list; we have volunteers as part of the State program, which is snow assistance for the elderly.

### Fire Department

Firefighters Bruce Barrios, Kevin Williams, Drew Atchison and Brian Allen recently completed a specialized vehicle rescue course; the advanced 16-hour course emphasizes special vehicle extrication techniques including anchoring systems, lifting vehicles for patient access and advanced stabilization using webbing and cribbing; firefighters also received the latest information on hidden dangers related to hybrid vehicles, airbag systems and other safety concerns.

Mr. Conley also pointed out the musical notes on his tie because he wanted to thank Mr. Allison:

"There are musical notes on my tie because I want to thank Jim for bringing music into our lives, whether it was here or at Rotary meetings. I have been at this table the shortest of everyone; I have worked with you as a Councilman for a little over a year and a half; but certainly the YMCA and Rotary have had great experiences working on projects together. I want to thank you, especially this past year and a half, as I really got to appreciate your strength of knowledge when I was Electric Utility Liaison last year—I saw your knowledge of the utility and your appreciation of the unique place that Madison has in owning a utility; I appreciate your day-to-day knowledge and also the heart you put into your job—that you truly care for the utility, the residents and our community; so Jim, thank you very much."

Mayor Kerkeslager led a round of applause in Mr. Allison's honor.

### **COMMUNICATIONS AND PETITIONS**

The Borough Clerk announced receipt of the following communications:

From Anthony Picillo on February 22, 2007, who attended the February 12, 2007 meeting and, after careful thinking, gave a solution for Council consideration that he hoped would work for both business owners and senior citizens—the idea is to build the senior housing with underground parking with at least forty spaces.

### **Agenda Discussions**

**02/26/07-1** review FIRE/POLICE BUILDING capital project;

HDM RENOVATIONS; REVIEW OF RELOCATION AND RENOVATIONS

Borough Engineer Robert Vogel commented that Gilbane and Holt Morgan Russell representatives were present to speak about some contractual issues in Executive Session; in terms of scope, the scope remains essentially unchanged; the cost is going to be verified through the passage of the resolution for

Change Order No. 5 this evening; Mr. Vogel further commented that the contractor maintains his perspective that he can be substantially complete by March 3<sup>rd</sup> and the construction manager maintains a perspective that it will be late May before that happens; progress continues and it is our hope that it can be brought to conclusion.

As to the Hartley Dodge renovations, Architect Bob Russell addressed the Council about the regular subcommittee meetings regarding the HDM renovations; some Council Members attend those meetings where a wide range of items are discussed as Holt Morgan Russell prepares the construction bid documents for this building; the status of those drawings at this point is 75% complete; there is another meeting Wednesday at 2 p.m.

Mr. Russell brought to the Council one of the discussions, which was a proposal regarding making the Council Chamber work better with a reconfiguration of the Council table and installation of a presentation screen. There was a long discussion about decisions needed on the HDM renovation and how they are/will be made and who is/should be present during the deliberations.

After a detailed discussion, Mrs. Holden moved approval of the proposed configuration and to send the recommendation back to the committee to work through the detail; MsBaillie seconded the motion. After continued discussion including other areas of the HDM and when they will be brought back, the motion passed with the following roll call vote recorded:

Yeas: Mrs. Holden, Ms.Baillie , Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: None

Abstain: Mr. Bowen

## **02/26/07-2 FLOOR PLAN PROPOSAL FOR HARTLEY DODGE MEMORIAL**

Mr. Russell commented that Borough Engineer Robert Vogel had to leave the meeting on personal business. Mr. Vogel will provide the Council with a memo and diagram by Agenda Recommendation.

### ***Invitation for Discussion by the Public***

Mayor Kerkeslager opened the meeting to the public for their opportunity to ask questions and make comments. MayorKerkeslager 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 five (5) minutes or less.

**Jim McCloskey, Dean Street** commented on the microphones not working and therefore the reports could not be heard. He congratulated Mr. Allison on his retirement and gave him some advice—Mr. McCloskey has been retired almost 10 years. He commented on the meeting where Council agreed to give an Option to purchase the old Board of Health building; he commented on the time line for preparation of the Council agenda in order to inform the public.

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

### ***Advertised Hearings***

The Clerk made the following statement

Ordinances scheduled for hearing tonight were submitted in writing at a Regular meeting of the Mayor and Council held on February 12, 2007, were introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

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

**ORDINANCE 3-2007**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING  
\$107,133.65 FOR WOODLAND ROAD EMERGENCY SEWER  
REPLACEMENT**

**WHEREAS**, the Borough Engineer has advised the Council that the sanitary sewer on Woodland Road required emergency replacement in order to protect the health and welfare of the public; and

**WHEREAS**, the Borough expended \$107,133.65 to replace the water main on an emergency basis, pursuant to N.J.S.A 40A:11-6; and

**WHEREAS**, the Borough Engineer has requested that the Borough appropriate \$107,133.65 from the General Capital Improvement Fund to pay for these emergency services; 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 \$107,133.65 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$107,133.65 from the General Capital Improvement Fund for the emergency replacement of the sanitary sewer on Woodland Road; 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 \$107,133.65 is hereby appropriated from the General Capital Improvement Fund for the emergency replacement of the sewer main on Woodland Road.

**SECTION 2:** The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

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

Mayor Kerkeslager opened the hearing on the above ordinance and asked if anyone wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 3-2007, which the Clerk read by title, be finally adopted. Mr. Elias

seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Holden, Ms. Baillie, Mr. Bowen  
Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: None

Mayor Kerkeslager declared Ordinance 3-2007 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

### **ORDINANCE 4-2007**

#### **ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$130,713.98 FROM THE GENERAL CAPITAL IMPROVEMENT FUND TO INSTALL NEW DATA 911 TERMINALS AND SYSTEM HARDWARE IN POLICE VEHICLES**

**WHEREAS**, the Chief of Police has recommended that the Borough appropriate \$130,713.98 from the General Capital Improvement Fund to install new Data 911 terminals and system hardware in police vehicles; 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 \$130,713.98 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$130,713.98 from the General Capital Improvement Fund to install new Data 911 terminals and system hardware in police vehicles; 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 \$130,713.98 is hereby appropriated from the General Capital Improvement Fund to install new Data 911 terminals and system hardware in police vehicles.

**SECTION 2:** The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

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

Mayor Kerkeslager opened the hearing on the above ordinance and asked if anyone wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 4-2007, which the Clerk read by title, be finally adopted. Mrs. Holden seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Holden, Ms. Baillie, Mr. Bowen  
Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: None

Mayor Kerkeslager declared Ordinance 4-2007 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

***Introduction of Ordinances***

The Clerk made the following statement:

The Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of **March 12, 2007**, in the Council Chamber of the Hartley Dodge Memorial, Kings Road in the Borough of Madison at 7:45 p.m., or as soon thereafter as practical, for further consideration and final adoption, will be published in the Madison Eagle, be posted at the main entrance to the Hartley Dodge Memorial and be made available to members of the public requesting same.

Mayor Kerkeslager called up Ordinances for first reading and asked the Clerk to read the ordinances by title.

**ORDINANCE 5-2007**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 94  
APPENDIX "A" SCHEDULE OF RATES FOR ELECTRIC UTILITY**

**WHEREAS**, the Chief Financial Officer of the Borough of Madison has recommended that the electric utility rates be increased due to increased costs; and

**WHEREAS**, the Borough Chief Financial Officer has recommended that Appendix A to Chapter 94 of the Borough Code, entitled "Borough of Madison Schedule of Rates for Electric Utility December 1993" be amended to reflect the following new rates:

Type	Customer Charge	Demand Charge	Energy Charge
Residential Service	\$3.12		0 to 600 kWh \$0.1236  601 kWh or higher \$0.1306
General Service	\$3.19		

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(non demand)			\$0.1339 per kWh
General Service (demand)	\$6.25	\$7.224 per kW	\$0.0935 per kWh
Mid Level General Service – Demand	\$18.72	\$8.531 per kW	\$0.0754 per kWh
Large General Service – Demand	\$18.72	\$8.179 per kW	\$0.0724 per kWh
Outdoor Area Light Service		<p>\$7.42 per 3,650 lumen mercury vapor lamp</p> <p>\$11.30 per 7,000 lumen mercury vapor lamp</p> <p>\$0.545 for each span of wire</p> <p>\$2.452 for each transformer</p> <p>\$0.709 for each pole</p>	
Off-Peak Water-Heating Service Rider	\$1.09		\$0.0713 per kWh
Standby Facilities Service Rider			\$0.818 per kWh

**WHEREAS**, the Borough Council, after due consideration has determined to proceed 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:** Appendix A to Chapter 94 of the Borough Code, entitled "Borough of Madison Schedule of Rates for Electric Utility December 1993" is hereby amended to revise the electric utility rates and classifications as set forth herein.

**SECTION 3:** All other rates and terms remain the same, except those changed herein.

**SECTION 4:** This Ordinance shall take effect as provided by law.

Mr. Elias moved that Ordinance 5-2007, which the Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Holden, Ms. Baillie, Mr. Bowen

Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: None

### **ORDINANCE 6-2007**

#### **ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER FOUR OF THE MADISON BOROUGH CODE ENTITLED "ADMINISTRATOR"**

**WHEREAS**, the Borough Attorney has recommended that the Borough Code Chapter Four entitled "Administrator" be amended to reflect the current statutory references; and

**WHEREAS**, the Borough Council has determined to amend said Chapter Four to revise the requirements for the position of Borough Administrator to broaden the scope of educational requirements that are acceptable.

**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 Four of the Borough Code entitled "Administrator" is hereby amended as follows:

#### **SECTION 1:**

##### **§ 4-2. Appointment; term of office; removal from office; qualifications.**

The Borough Administrator shall qualify, be appointed and serve a term of office in accordance herewith:

A. Appointment. The Borough Administrator shall be appointed pursuant to the provisions of N.J.S.A. 40A:9-136 et seq.

B. Term of office. The term of the Borough Administrator shall be for a four-year term with the next four year term commencing on January 2, 2008, with provisions for suspension or removal as set forth in Subsection C.

C. Removal.

(1) The Borough Administrator may be removed at any time by a 2/3 vote of the Borough Council. The

resolution of removal shall become effective three months after its adoption by the Borough Council. The Borough Council may provide that the resolution shall have immediate effect; provided, however, that the Borough Council shall cause to be paid to the Administrator forthwith any unpaid balance of his or her salary and his or her salary for the next three months following adoption of the resolution, unless the cause for such removal is the result of the conviction of said Administrator of an indictable offense of a subject matter relating to his or her employment.

(2) The Borough Administrator, upon receipt of a resolution of removal properly approved, may reply within 10 days of receipt and request a public hearing. A public hearing, if any, shall be held not earlier than 15 days nor later than 30 days after the request is received by the Borough Council. The findings of the hearing and the decision of removal shall be by written resolution approved by a 2/3 vote of the Borough Council.

(3) If the Borough Administrator is restored to his or her position he or she shall be entitled to any compensation lost by reason of such suspension. Also, if after once being formally appointed to a four-year term, he or she is not subsequently reappointed, the Borough of Madison shall pay his or her salary for three calendar months following the failure to reappoint.

D. Qualifications. The Borough Administrator shall be appointed on the basis of administrative qualification. A master's degree in public administration, or similar advanced degree, including other master's degrees, or law degree, with a minimum of five years of work experience in government is required. No elected member of the Borough Council or Mayor may receive such appointment during his or her term of office nor within one year after the expiration of said term.

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

Ms. Baillie moved that Ordinance 6-2007, which the Clerk read by title, be adopted. Mr. Bowen seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Holden, Ms. Baillie, Mr. Bowen

Mrs. Vitale, Mr. Elias, Mr. Conley

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.

Mr. Elias moved adoption of the Resolutions listed on the Consent Agenda. Mrs. Vitale seconded the motion. Mrs. Holden commented that an addition was made to the wording of R 61-2007; Mr. Mezzacca read into the record the amended wording of R 61-2007, RESOLUTION OF THE BOROUGH OF MADISON AWARDED CONTRACT TO ABSOLUTE FIRE PROTECTION COMPANY, INC FOR PURCHASE OF A NEW FIRE PUMPER FOR THE FIRE DEPARTMENT. The fifth "Whereas" reads as follows:

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$594,076.00 for this purpose, which funds were appropriated by Ordinance 42-2005 **and as may be available from the Fire Department Trust Fund.**

The Consent Agenda was approved as amended with the following roll call vote recorded:

Yeas: Mrs. Holden, Ms. Baillie,

Mr. Bowen, as to R 51-2007 through R 62-2007, and as to R 64-2007

Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: None

Abstain: Mr. Bowen, as to R 63-2007

 **R 51-2007**

**RESOLUTION OF THE BOROUGH OF MADISON AWARDING  
PROFESSIONAL SERVICES CONTRACT WITH ROBERT A. WARMINGTON,  
ESQUIRE, AS PUBLIC DEFENDER FOR THE BOROUGH OF MADISON  
THROUGH DECEMBER 31, 2007**

**WHEREAS**, the Borough of Madison desires to fill the position of Municipal Court Public Defender which position is currently vacant; and

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

**WHEREAS**, the Director of Finance has attested to the availability of funds for these professional services not to exceed the rate of \$85.00 per hour.

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

1. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional services contract with Robert A. Warmington, Esquire, as Municipal Court Public Defender, effective February 16, 2007, for the remainder of the 2007 calendar year at an hourly rate of \$85.00 per

hour. Said contract shall be in a form acceptable to the Borough Attorney.

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

**R 52-2007**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING FIRE & POLICE CONSTRUCTION CHANGE REQUEST NO. 5**

**WHEREAS**, a contract was awarded to Eastern Builders, Inc., for construction of the new Fire and Police Building by Resolution 187-2005; and

**WHEREAS**, the Borough Engineer has recommended approval of Change Order No. 5 to the contract reducing the amount by \$76,687.00, for a total revised contract amount of \$10,225,436.00 which addresses several issues, as set forth on the detailed list dated February 7, 2007, annexed hereto, which were negotiated by the Construction Manager and reviewed by the project Architect and the Borough Engineer; and

**WHEREAS**, the Director of Finance has attested to the availability of funds in a total amount not to exceed \$10,225,436.00 for the contract and change orders, which funds were appropriated by Ordinance 42-2005.

**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 and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute Change Order No. 5 to the Contract with Eastern Builders, Inc., to address the issues described above, for a total revised contract amount of \$10,225,436.00, said Change Orders to be in a form approved by the Borough Attorney.

**R 53-2007**

**RESOLUTION OF THE BOROUGH OF MADISON PROCLAIMING SATURDAY, OCTOBER 6, 2007 AS BOTTLE HILL DAY AND AUTHORIZING SIDEWALK SALES AND USE OF DODGE FIELD**

**WHEREAS**, the Mayor and Council of the Borough of Madison have supported the celebration of Bottle Hill Day for the last thirty-three years; and

**WHEREAS**, Bottle Hill was the name given the community formed in Madison prior to the American Revolution; and

**WHEREAS**, celebrations commemorating Bottle Hill have been an integral part of the history of Madison; and

**WHEREAS**, Bottle Hill Day provides an excellent opportunity for all members of Madison families to participate in a Borough recreational activity.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that October 6, 2007 is hereby proclaimed as **BOTTLE HILL DAY**.

**BE IT FURTHER RESOLVED**, that the following activities are hereby authorized between the hours of 10 a.m. and 5 p.m.:

- (1) Merchants contiguous to the sidewalks along the north and south sides of Main Street between Community Place and Greenwood Avenue, Central Avenue and Waverly Place be permitted to sell their merchandise on the sidewalks.
- (2) Vendors shall be allowed to sell their merchandise on both sides of Waverly Place and both sides of Central Avenue (from Main Street to Brittin Street), which shall be closed to motor vehicle traffic during the event.
- (3) Dodge Field shall be utilized for entertainment and/or vendors for sales and exhibits.

**R 54-2007**

**RESOLUTION OF THE BOROUGH OF MADISON DECLARING MAY DAY  
2007 TO BE HELD ON SATURDAY, MAY 5, 2007**

**WHEREAS**, the Downtown Development Commission has recommended to the Borough Council that the annual May Day event be held on Saturday, May 5, 2007 from 8:00 a.m. to 12 noon; and

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

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that May Day 2007 will be held on Saturday, May 5, 2007 from 8:00 a.m. to 12 noon.

**R 55- 2007**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE  
FARMERS' MARKET FOR 2007**

**WHEREAS**, the Downtown Development Commission has recommended to the Borough Council that the Farmers' Market be continued in the Borough of Madison to be held every Thursday beginning June

28, 2007 through Thursday, October 25, 2007; and

**WHEREAS**, the Downtown Development Commission will obtain the consent of the Board of Education to utilize one of the Madison High School parking lots for the Farmers' Market for the period beginning June 28, 2007 through and including August 30, 2007; and

**WHEREAS**, The Downtown Development Commission will obtain the consent of the Madison Community Pool Board of Trustees for the use of the parking lot adjacent to the Madison Pool for the period beginning September 6, 2007 through and including October 25, 2007; and

**WHEREAS**, the Borough Council recognizes that the Farmers' Market has been a welcome addition to the Borough in that it creates another community event which has been successfully run in the past; and

**WHEREAS**, the Borough Council finds that it is a benefit to the Borough of Madison and its citizens to allow the continued operation of the Farmers' Market; and

**WHEREAS**, the proposed sites, while located either completely or partially in residential zones, are at institutions where there is sufficient parking and open space for the conducting of the Farmers' Market in a safe manner;

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

1. A Farmers' Market is authorized to be conducted at a parking lot on the Madison High School premises from Thursday, June 28, 2007 through Thursday, August 30, 2007, with hours of operation from 2:00 p.m. to 7:00 p.m. each Thursday, subject to the terms and conditions of the Resolution passed by the Board of Education.
2. A Farmers' Market is authorized to be conducted at the parking lot of the Madison Community Pool from Thursday, September 6, 2007 through Thursday, October 25, 2007, with hours of operation from 2:00 p.m. to 7:00 p.m. each Thursday, subject to the terms of the written authorization of the Madison Community Pool Board of Trustees.
3. The Farmers' Market shall be conducted in accordance with the 1993 "Guidelines for Madison's Farmers' Market", as amended by the 1997 amendments, as well as the 2002 Madison Farmer's Market Regulations and By Laws, subject to the dates and times and other conditions set forth in this resolution. Farmers shall be allowed to sell agricultural products that are produced and sold on their farms, including eggs, pork, wheat flour and baked goods and the sale of field-grown and cut field flowers; however, the sale of potted plants, shrubbery or other landscaping products shall not be permitted.
4. The requirements of the Peddling and Soliciting Ordinance (Chapter 139 of the Madison Borough Code) shall not apply to the Farmers' Market as authorized by Chapter 139-13(c).
5. The requirements of the Sign Ordinance (Chapter 195 of the Madison Borough Code) shall not apply to the extent that the Farmers' Market shall be permitted to have signs as utilized in previous years for the day of the market only commencing from June 28, 2007 through October 25, 2007, at the following sites, or fewer, and the sign sizes and locations are subject to the approval of the Madison Police Department:

- (a) Main Street and Rosedale
- (b) Main Street and Greenwood
- (c) Main Street and Prospect
- (d) Main Street and Central
- (e) Kings Road and Prospect (on traffic island)
- (f) Kings Road and Green (on flag pole island)
- (g) Madison Avenue and Kings Road (traffic island by Grace Church)
- (h) Conduro Way (by James Park)
- (i) Park Avenue and Ridgedale
- (j) Central Avenue and Ridgedale

**R 56-2007**

**RESOLUTION OF THE BOROUGH OF MADISON APPROVING EXTENSION OF PILOT PARKING PROGRAM ON THE WEST END OF KINGS ROAD**

**WHEREAS**, the Council has determined to extend the suspension of the two-hour parking limit for vehicles with a current merchant parking permit on the west end of Kings Road from Tomm's Garage on the south side in a westerly direction and from the fence of the Green Village Road field on the north side in a westerly direction; and

**WHEREAS**, this suspension shall be for a period of six months, effective immediately; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that the two-hour parking limit is hereby suspended for vehicles with a current merchant parking permit on the west end of Kings Road from Tomm's Garage on the south side in a westerly direction and from the fence of the Green Village Road field on the north side in a westerly direction for a period of six months, effective immediately.

**R 57-2007**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF RECYCLING TONNAGE GRANT APPLICATION**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing the Borough of Madison to apply for such tonnage grants will memorialize the commitment of the Borough of Madison to recycling and affirms the assent of the Council of the Borough of Madison, to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Borough of Madison hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling, and hereby designates Douglas Smith, Recycling Coordinator of the Borough of Madison, as the individual authorized to ensure that said Application is properly filed.

## **R 58-2007**

### **RESOLUTION DESIGNATING THE PUBLIC POWER ASSOCIATION OF NEW JERSEY TO EVALUATE AND QUALIFY VENDORS**

**WHEREAS**, the Borough of Madison is a member of the Public Power Association of New Jersey (hereinafter referred to as PPANJ) with a duly appointed delegate to the PPANJ and,

**WHEREAS**, the Borough of Madison requires a new wholesale power supply contract to be effective January 1, 2008 to replace the present contract with PSEG Energy Resources & Trade that expires December 31, 2007 and,

**WHEREAS**, the Borough of Madison has joined with other members and has authorized the PPANJ to

issue a Request For Proposal (hereinafter referred to as RFP) on February 15, 2007 in order to secure said wholesale power supply contract and,

**WHEREAS**, the Procurement Model approved by the Director of the Division of Local Government Services of the New Jersey Department of Community Affairs in accordance with N.J.S.A 40A:11-5(6) requires that vendors who respond to said RFP be evaluated as prescribed under said Model and,

**WHEREAS**, the Borough of Madison desires to authorize PPANJ to conduct said evaluation on behalf of all members participating in the RFP,

**NOW THEREFORE BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey that the PPANJ is hereby designated to evaluate vendors on its behalf in accordance with the approved Procurement Model.

**R 59-2007**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING  
THE CHIEF FINANCIAL OFFICER TO SIGN A PURCHASED  
POWER ELECTRIC CONTRACT**

**WHEREAS**, the Borough of Madison requires a new wholesale purchased power supply contract to be effective January 1, 2008 to replace the present contract with PSEG Energy Resource & Trade that expires December 31, 2007 and,

**WHEREAS**, the Borough of Madison has authorized the Public Power Association of New Jersey to issue a Request for Proposal in order to secure said wholesale purchased power supply contract and,

**WHEREAS**, it is expected to evaluate and decide on a new purchased power supply contract on March 15, 2007 and,

**WHEREAS**, the Governing Body will not hold a meeting on March 15, 2007 to approve a new purchased power contract,

**NOW THEREFORE BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey that the Chief Financial Officer is authorized to execute a wholesale purchased power contract to replace the existing contract that expires on December 31, 2007.

**R 60-2007**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE**

**OF THREE POLICE VEHICLES UNDER STATE CONTRACT #A67129**

**WHEREAS**, the Borough of Madison desires to purchase three vehicles for the Police Department from an authorized vendor under State Contract number A67129; and

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12, et seq; and

**WHEREAS**, Warnock Fleet, 175 Route 10, East Hanover, New Jersey has been awarded New Jersey State contract number A67129; and

**WHEREAS**, the Chief of Police has recommended that the Borough Council utilize this contract for said vehicles in the total amount of \$72,933.12; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$72,933.12 for this purpose.

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

1. The purchase of three (3) police vehicles from Warnock Ford, at a total price not to exceed \$72,933.12 is hereby approved under the New Jersey State contract number A63961.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Warnock Ford for the purchase of three (3) police vehicles at a total price not to exceed \$72,933.12 in a form acceptable to the Borough Attorney.

Note: the last "Whereas" of resolution R 61-2007, was amended to read as indicated:

**R 61-2007**

**RESOLUTION OF THE BOROUGH OF MADISON AWARDED CONTRACT TO ABSOLUTE FIRE PROTECTION COMPANY, INC FOR PURCHASE OF A NEW FIRE PUMPER FOR THE FIRE DEPARTMENT**

**WHEREAS**, the Borough of Madison publicly advertised for a new fire pumper for the Fire Department in accordance with Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the sole bid on the Contract was submitted by Absolute Fire Protection Company, Inc. of South Plainfield, NJ in the amount of \$597,576.00 less a trade in of the 1981 MacPumper in the amount of \$3,500 for a net purchase price of \$594,076.00; and

**WHEREAS**, the Fire Chief recommended that this Contract should be awarded to Absolute Fire Protection Company, Inc. of South Plainfield, NJ, in the amount of \$597,576.00 less a trade in of the 1981 Mac Pumper in the amount of \$3,500 for a net purchase price of \$594,076.00; and

**WHEREAS**, the Borough Council has determined that this bid is fair and reasonable and that Absolute Fire Protection Company, Inc. of South Plainfield, NJ, should be awarded the contract based on its bid in the amount of \$597,576.00 less a trade in of the 1981 MacPumper in the amount of \$3,500 for a net purchase price of \$594,076.00; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$594,076.00 for this purpose, which funds were appropriated by Ordinance 42-2005and as may be available from the Fire Department Trust Fund.

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

1. The Contract is hereby awarded to Absolute Fire Protection Company, Inc. of South Plainfield, NJ, for a new fire pumper in the amount of \$597,576.00 less a trade in of the 1981 MacPumper in the amount of \$3,500 for a net purchase price of \$594,076.00.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the Contract with Absolute Fire Protection Company, Inc. of South Plainfield, NJ, Inc., in a form acceptable to the Borough Attorney.

**R 62-2007**

**RESOLUTION OF THE BOROUGH OF MADISON ASSIGNING CERTAIN DUTIES TO THE HOLDER OF THE POSITION "ADMINISTRATOR" IN THE BOROUGH OF MADISON**

**WHEREAS**, Administrator James R. Allison is retiring on February 28, 2007; and,

**WHEREAS**, certain official duties designated to Mr. Allison as Administrator at the January 1, 2007 Reorganization Meeting must be assigned to the individual appointed to the position of Administrator.

**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 following duties are assigned to the holder of the position "Administrator" in the Borough of Madison effective March 1, 2007:

Member of Community Development Revenue Sharing Committee

Administrator (Alternate) appointed by Mayor

In the absence of the Purchasing/Personnel Officer, the Administrator assumes the duties of the Public Agency Compliance Officer

In the absence of the Purchasing/Personnel Officer, the Administrator is hereby designated Purchasing Officer

In the absence of the Purchasing/Personnel Officer, the Administrator is hereby designated Public Agency Compliance Officer

**R 63-2007**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR APPRAISAL OF THE PROPERTY KNOWN AS BLOCK 1601, LOT 9, CENTRAL AVENUE, FORMERLY USED AS THE MADISON HEALTH BUILDING**

**WHEREAS**, the Borough Council wishes to obtain a professional real estate appraisal of the Borough property known as Block 1601, Lot 9, Central Avenue, formerly used as the Madison Health Building ; and

**WHEREAS**, said services are for 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 recommended that the Borough Council award the contract to Integra Realty Resources–Northern New Jersey, in an amount not to exceed \$3,500.00 based upon its proposal dated January 23, 2007; and

**WHEREAS**, the Director of Finance has attested that funds will be available from the General Capital Improvement Fund in an amount not to exceed \$3,500.00 for this purpose.

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

1. The Borough Attorney is hereby authorized to execute on behalf of the Borough a confirming letter setting forth the terms of a professional services contract with Integra Realty Resources–Northern New Jersey for professional appraisal services, to perform an appraisal of Borough property known as Block 1601, Lot 9, Central Avenue, formerly used as the Madison Health Building in an amount not to exceed the sum of \$3,500.00, based upon its proposal dated January 23, 2007.

3. The Borough Clerk is hereby directed to publish notice of 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 64-2007**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING  
INSTALLATION OF DATA 911 TERMINALS AND SYSTEM HARDWARE IN  
POLICE VEHICLES UNDER STATE CONTRACT #T1785**

**WHEREAS**, the Borough of Madison desires to have new Data 911 terminals and system hardware installed in police vehicles by an authorized vendor under State Contract number T1785; and

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12, et seq; and

**WHEREAS**, GTBM, Inc., 351 Paterson Avenue, East Rutherford, New Jersey has been awarded New Jersey State contract number T1785; and

**WHEREAS**, the Chief of Police has recommended that the Borough Council utilize this contract for said purpose in the total amount of \$130,713.98; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$130,713.98 for this purpose.

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

1. The installation of new Data 911 terminals and system hardware in police vehicles by GTBM, Inc., at a total price not to exceed \$130,713.98 is hereby approved under the New Jersey State contract number T1785.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to GTBM, Inc., for the installation of new Data 911 terminals and system hardware in police vehicles at a total price not to exceed \$130,713.98 in a form acceptable to the Borough Attorney.

**Unfinished Business** - none

**APPROVAL OF VOUCHERS**

On motion by Mr. Elias, seconded by Mrs. Vitale 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 \$14,558.85

Health & Public Assistance 1,206.39

Public Works & Engineering 144,641.91

Community Affairs 1,856.67

Finance & Borough Clerk 1,817,630.96

Utilities 652,644.84

Total \$2,632,539.62

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

Yeas: Mrs. Holden, Ms. Baillie, Mr. Bowen

Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: None

***New Business***

Mayor Kerkeslager announced the following appointment requesting Council confirmation:

ACTING ADMINISTRATOR OF THE BOROUGH OF MADISON

Raymond M. Codey

Effective March 1, 2007

Mrs. Holden moved the foregoing appointment. Ms. Baillie seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Holden, Ms. Baillie, Mr. Bowen  
Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: None

Mayor Kerkeslager requested that Mr. Mezzacca read by title and comment on the resolution setting the Acting Administrator's salary.

Mr. Mezzacca commented on the record that it is his understanding that there will be a letter confirming the terms of the appointing to the Administrator to be completed within the next several days for the Council to pass on. The resolution to be passed was read in full by Mr. Mezzacca:

**R 65-2007**

**RESOLUTION OF THE BOROUGH OF MADISON SETTING SALARY OF THE ACTING BOROUGH ADMINISTRATOR**

**WHEREAS**, the Mayor, with the advice and consent of the Borough Council, has appointed Raymond M. Codey to the position of Acting Borough Administrator effective March 1, 2007, and to be the Borough Administrator effective October 1, 2007, upon the full retirement of James R. Allison; and

**WHEREAS**, the Borough Council wishes to set the annual salary for the new Borough Administrator.

**NOW THEREFORE BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that the new Acting Borough Administrator Raymond MCodey shall be compensated at an annual salary of \$137,500.00 commencing March 1, 2007, which salary shall remain the same for Raymond M.Codey commencing October 1, 2007, when he will become the Borough Administrator.

Mr. Elias moved R 65-2007 as read. Ms.Baillie seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Holden, Ms.Baillie, Mr. Bowen  
Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: None

***Adjourn to executive session***

There being no further business to come before the Council, the meeting adjourned and the Executive Session immediately reconvened in the Committee Room.

***RECONVENE AND ADJOURN***

The Regular Meeting reconvened at 10:30 p.m. and immediately adjourned.

Respectfully submitted,

Marilyn Schaefer

Borough Clerk

February 26, 2007 Regular Meeting Minutes

Approved March 12, 2007 (MS)