

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

April 28, 2008 - 7 p.m.

Call to Order

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 28th day of April 2008. 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 4, 2008. Notice of this meeting was made available to members of the general public."

Roll Call

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

Mayor Mary-Anna Holden

Council Members:

Astri J. Baillie
Carmela Vitale

John M. Elias

Robert H. Conley

Jeannie Tsukamoto

Absent: Vincent A. Esposito, excused

Also Present:

Raymond M. Codey, Borough Administrator

Marilyn Schaefer, Borough Clerk

Joseph Mezzacca, Jr., Borough Attorney

AGENDA REVIEW

One Potential Litigation Matter and one Contract Matter were added to the Executive Agenda.

Reading of Closed Session Resolution

Mr. Conley moved:

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

EXECUTIVE SESSION MINUTES (1)

Executive Minutes of April 14, 2008

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

PERSONNEL MATTERS (4)

Madison Main Street Executive Director

Shared Services – Assessor

Planning & TCC

Establish Hiring List for Fire Department

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

CONTRACT MATTERS (3)

10 Maple Avenue

CHA Contract

53 Acres

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

POTENTIAL LITIGATION MATTER (1)

Fire & Police Building

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

Seconded: Mrs. Vitale

Vote: Voice vote approval of members present

Reconvene in Council Chamber

Mayor Holden reconvened the Regular Meeting at 8 p.m. in the Council Chamber with all members present except for Dr. Esposito, who was absent, excused. The Pledge of Allegiance was recited by all.

Oath of Office of Probationary Firefighter

Mayor Holden invited **Robert Dunne** forward to take his Oath of Office, having been appointed to the Position of Probationary Firefighter at the April 14, 2008 meeting by R 105-2008 effective today, April 28, 2008. The Public Safety Chair, Mrs. Vitale, was invited to step forward and read R 105-2008 in full.

R 105-2008

RESOLUTION OF THE MADISON BOROUGH COUNCIL APPOINTING ROBERT
DUNNE TO THE POSITION OF PROBATIONARY FIREFIGHTER

Mayor Holden invited Mr. Mezzacca forward to join Mrs. Vitale while Mr. Mezzacca administered the Oath of Office of Robert Dunne, after which there was a long round of applause for the new Firefighter.

Appointment of Probationary Police Officers

Mayor Holden invited **Paul Papamarkos** forward and the Public Safety Chair, Mrs. Vitale, was invited to read R 125-2008 in full.

R 125-2008

RESOLUTION OF THE BOROUGH OF MADISON APPOINTING PAUL PAPAMARKOS OF NORTH ARLINGTON TO THE POSITION OF PROBATIONARY POLICE OFFICER EFFECTIVE IMMEDIATELY

WHEREAS, the Madison Borough Chief of Police has recommended that Paul Papamarkos be appointed to the position of Probationary Police Officer in the Madison Police Department; and

WHEREAS, the Madison Borough Council, after due consideration, has determined to appoint Paul Papamarkos to the position of Probationary Police Officer in the Madison Police Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Paul Papamarkos is hereby appointed to the position of Probationary Police Officer in the Madison Police Department effective immediately, to be compensated in accordance with the Police Benevolent Association Collective Bargaining Agreement.

Mrs. Vitale moved approval of the aforementioned resolution. Mr. Elias seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

Mr. Mezzacca administered the Oath of Office of Paul Papamarkos, after which there was a long round of applause as Officer Papamarkos was given his badge.

Mayor Holden invited **Sean L. McCarthy** of Parsippany forward and the Public Safety Chair, Mrs. Vitale, was invited to read R 126-2008 in full:

R 126-2008

RESOLUTION OF THE BOROUGH OF MADISON APPOINTING SEAN L. MCCARTHY OF PARSIPPANY TO THE POSITION OF PROBATIONARY POLICE OFFICER EFFECTIVE IMMEDIATELY

WHEREAS, the Madison Borough Chief of Police has recommended that Sean L. McCarthy be appointed to the position of Probationary Police Officer in the Madison Police Department; and

WHEREAS, the Madison Borough Council, after due consideration, has determined to appoint Sean L. McCarthy to the position of Probationary Police Officer in the Madison Police Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Sean L. McCarthy is hereby appointed to the position of Probationary Police Officer in the Madison Police Department effective immediately, to be compensated in accordance with the Police Benevolent Association Collective Bargaining Agreement.

Mrs. Vitale moved approval of the aforementioned resolution. Mr. Elias seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

Mr. Mezzacca administered the Oath of Office of Sean L. McCarthy, after which there was a long round of applause as Officer McCarthy was given his badge.

Each newly appointed Borough official shook the hand of the Mayor and Council in turn and, after picture taking and many congratulations, the business of the meeting resumed.

GREETINGS TO PUBLIC

Mayor Holden made the following comments:

Proclamations:

Mayor Holden read and presented the following proclamation to Sheryl Smith and David Fiore:

(1) Proclaiming Saturday, May 10, 2008, as NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE DAY

(2) Proclaiming ARBOR DAY, May 3, 2008 - Proclamation presentation to take place on Arbor Day at 9 a.m.

Mayor Holden announced that this Saturday, May 3, 2008, is Arbor Day to be celebrated at 9 a.m. on the front steps of the Hartley Dodge Memorial building; in addition, this Saturday is also May Day, beginning at 8 a.m., with over 800 volunteers cleaning and mulching on this Borough-wide beautification day.

Mayor Holden commented on a discussion of changing the route of the Memorial Day Parade; that discussion was brought up last year and this year by the Patriotic Celebrations Committee; this year in particular the Ryan family of Madison, who sent six brothers and sisters into World War II, one of whom did not return, are being featured for this service; it was thought to be fitting to bring the parade back to the Hartley Dodge Memorial as this is the place where the buses left to go to war. Mayor Holden commented on some history of the parade and that, in 1996 when 14 trees and plaques were placed at James Park, the parade ended there; in previous years the parade had several different routes, as leaving from the Ambulance Corps and returning to the Hartley Dodge; most importantly, the reason why we have the parade is to honor the Veterans and war dead.

REPORTS OF COMMITTEES

Finance and Borough Clerk

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

In 2008 the Borough made the last principle and interest payment on 1988 debt of \$457,000.00, which was the Borough's debt for the wastewater plant financing.

Public Safety

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

There was a motor vehicle accident involving a car and a motorcycle in Florham Park, and the emergency response of the Madison Fire Department, where air bags were used to remove the vehicle from the injured party, provided a good example of why specialized equipment is needed when quick action and response is necessary.

Public Works and Engineering

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

Wood chips mulching of three of Madison's parks was successfully completed this past Saturday. Mr. Elias reminded residents that they may pick up wood chips at the Borough garage.

The Borough Engineer has an extremely aggressive road program this year and will report on a monthly basis. Residents will be receiving notification before work begins on their street.

Mr. Elias commented that the hearing on the Tree Ordinance will be carried to the May 12, 2008 meeting when it will be reintroduced with a hearing date of Wednesday, May 28, 2008. Council has not had an opportunity to review the ordinance with proposed amendments. The broad-brushed changes will be as follows: the most problematic part of the previous ordinance was the tree replacement provision; in the interest of getting closure on the ordinance and what warrants reintroduction of the ordinance at the May 12, 2008 meeting is that the tree replacement provision will be voluntary; it will not be a mandatory provision. Council and the Shade Tree Management Board have not had an opportunity to review the changed ordinance, but Mr. Elias wanted all to know that the Tree Ordinance hearing will be carried to the May 12, 2008 meeting when it will be reintroduced. Questions may be brought up during the public discussion; however, it may be beneficial to wait until the meeting of May 12 when the amended ordinance will be on the Agenda.

Utilities

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

Mr. Conley thanked the Mayor for a Proclamation in honor of Pearl Pratt, who is a 53-year resident of Madison who celebrated her 90th birthday on Friday, which Mayor Holden declared "Pearl Pratt Day" in Madison; at 90, she is also celebrating 25 years of volunteering by teaching water exercises at the YMCA three times a week.

Regarding competing fundraiser walks, Mr. Conley thanked the interested parties and thanked the organizations for their goals; having fundraisers when fundraisers occur back-to-back may be a problem for the success of each. The T.J. Martell Walk has always been the day after Bottle Hill Day; the details on the other walk, which organizers wanted to move to the downtown, need to be resolved, so Mr. Conley would not recommend its approval at this time.

Health & Public Assistance

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

The Health Department is receiving a \$10,000.00 grant from the Centers for Disease Control for pandemic flu preparedness planning.

In Dr. Esposito's absence, Mrs. Tsukamoto, reporting as Community Affairs Co-Chair, encouraged all residents to participate in May Day this Saturday, May 3, 2008, at 8 a.m.

Community Affairs

Dr. Esposito, Chair of the Committee, absent.

COMMUNICATIONS AND PETITIONS

The Borough Clerk reported on the following:

Received April 23, 2008, from Mary Kay Schneider regarding update of an enforcement issue on Green Village Road.

Received April 25, 2008, from James Schessler with suggestions for Tree Ordinance wording to prevent clear cutting of trees.

Received April 27, 2008, from Roger Granet asking Council to reconsider adopting the Tree Ordinance, thanked the Mayor and Council in general for their efforts, finds the proposal inherently illegal, violates constitutional and civil rights, exposes homeowners to robust potential liability.

Received April 27, 2008, from Valerie Granet, opposing the Tree Ordinance as it takes away her civil rights as a property owner for anyone to tell a homeowner what she can and cannot do.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Executive Minutes of April 14, 2008**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

Ms. Baillie moved approval of the **Regular Minutes of April 14, 2008** with the following amendments:

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.....

04/14/2008-12 appropriate \$8,000.00 from the General Capital Improvement Fund for purchase of Gumbuster Machine

Mr. Codey commented that this machine is to remove gum and other ~~debris~~ **stains** from public sidewalks; the machine has been ~~viewed~~ **observed in use** in other municipalities ~~where it is used~~. Going forward, the Downtown Development Commission (DDC) will pay for supplies needed, such as new brushes, and they would finance the payments for any extra help needed to operate the machine.

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04/14/2008-13 AMEND RESOLUTION R 77-2008 WHICH ESTABLISHED AN AD

HOC ADVISORY COMMITTEE FOR THE MADISON AREA RECREATION CENTER
TO REDUCE THE SIZE

Ms. Baillie commented that after discussion it was decided to reduce the size of the committee, which would include ~~a representative~~ **the Chair or designee** from each of the following standing committees: Open Space, Historic Preservation and Recreation Advisory Committee; Recreation Advisory Committee; Parks Advisory Committee; Shade Tree Management Board; Environmental Commission; at-large resident; a senior representative; two Council liaisons; and Ex-Officio the Mayor.

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

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

Nays: None

Absent: Dr. Esposito

INVITATION FOR DISCUSSION (1 of 2)

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

Sam Cerciello, Park Avenue, has set up a web blog where people can send in questions and comments to sammycsez@gmail.com. One email received from Patrick W. Luciano asked that Mr. Cerciello relay to the Mayor and Council the deplorable slum conditions that exist on the corner of Cook and Central Avenues; the property not only detracts from the central business district, but puts a stigma on the entire town. Mr. Codey responded that Borough officials are familiar with the issue; the Code Enforcement Officer went out last week to the site; there will be some activity relating to that site.

Mr. Cerciello is a Vietnam veteran and spoke about the Memorial Day parade's new parade route; he wants the parade to pass by CJ's Deli as in the past; he felt many people don't like the fact that the parade route is changed for this year. Mayor Holden felt this could be done if the fire truck can make the turn to that location; next year the route may be changed back to the old route. There is more opportunity to set up chairs at the Hartley Dodge plaza. Mayor Holden offered that perhaps the senior van could be used to transport people if needed.

Eugene Zipper, Greenwood Avenue, asked about Cablevision services to the Borough and whether they have been initiated yet. Mr. Codey commented that the new agreement between Cablevision and the Borough has not been finally approved by the State at this time; Cablevision will give the Borough 24 hours of programming on a dedicated channel; the Borough has not yet collected on that obligation.

Mr. Zipper continued asking for justification for the Borough needing a Tree Ordinance and felt he is missing that information. Why is a Tree Ordinance necessary; what episodes caused the need for the Tree Ordinance. Mr. Elias commented that the Borough did not want to get into the business of naming names; the Shade Tree Management Board (STMB), through an inventory of Borough trees, saw a decrease in hardwood trees in Madison and felt the same was happening on private property.

Jim McCloskey, Dean Street, felt there was no reason why the parade route on Memorial Day can't go to James Park then to Kings Road to Borough Hall; as to the STMB Tree Ordinance, he felt Americans are giving up their rights and that the Borough is continuing to erode his rights by introducing an ordinance like this.

Sam DeMarzo, Ridgedale Avenue, in a detailed statement, asked Council to show the proof of the need for a Tree Ordinance; then the average person will make a decision.

Valerie Granet, felt it is a right to cut or trim her trees; the proposed ordinance smacks as an abridgement of residents' rights in Madison.

Steve Whitehorn, Co-Chair of the Public Improvement Committee which is part of the Downtown Development Commission (DDC), spoke in support for the piece of equipment called a GumBuster, which not only removes gum from sidewalks, but removes graffiti from posts and benches; he felt this is a very worthwhile piece of equipment to have in place in the Department of Public Works. Unfortunately, the DDC did not have a quorum at their last meeting so they could not commit to a figure to donate toward the purchase; the DDC does feel this type of equipment is a very important one; he believed the DDC would approve \$2,000.00 toward the purchase.

L. Vuono, Pine Tree Terrace, commented in detail with concerns about the Gateway I and II ordinance and urged the Council not to vote for it and to reconsider the density and safety and the impact on property affected by the ordinance. Mr. Mezzacca commented that he only received Ms. Vuono's letter this afternoon; this has been a long process and this is the second reading of the ordinance at which time there will be a hearing when comments and questions may be made. Ms. Vuono asked if there are any changes proposed for the ordinance; Mr. Mezzacca commented that changes could be made during the hearing. Ms. Baillie commented that she will recommend final adoption of the ordinance after the hearing.

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

Agenda Discussions

04/28/2008-1 Appropriate \$300,000.00 from the Electric Capital Improvement Fund for the reconstruction of the underground electric distribution system at the Madison Commons

Electric Utility Superintendent Michael Piano requested an appropriation of \$300,000.00 from the Electric Capital Improvement Fund for reconstruction of the underground electric distribution system at the Madison Commons. Mr. Codey commented that a review of the Condominium documents indicates this is a responsibility of the Borough, not the Condo Association/Unit Owners. Mr. Piano stated that the underground electric distribution system at the Madison Commons needs to be rebuilt due to the age and deterioration of cables and equipment. The 25 year-old system originally was a poor design and was not properly installed. Multiple cable and equipment failures have caused numerous outages for the past 20 years. The most recent outage was repaired with a temporary cable installed through trees and needs to be removed as soon as possible for safety reasons. Mr. Piano has spoken with the Condo Board and they are aware of the work to be done.

Mr. Conley moved approval of Mr. Piano's request. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

An ordinance is listed for introduction later in the meeting.

04/28/2008-2 Appropriate \$60,000.00 from the Electric Capital Improvement Fund for the purchase of new style Pennglobe Victorian Fixtures for the Commercial district

Electric Utility Superintendent Michael Piano requested an appropriation of \$60,000.00 from the Electric Capital Improvement Fund for the purchase of new style Pennglobe Victorian fixtures for the Commercial District. This will

allow for the continued gradual replacement of the existing fixtures. The new style fixtures have been installed on the island at Waverly Place. The old style fixtures are no longer available and are gradually being phased out. The new style fixture was approved by the Electric Department, the DDC and the Historic Preservation Commission. There was discussion about doing Lincoln Place in the future so it may be integrated into the downtown; Mr. Piano will include a capital budget request for Lincoln Place next year. Mr. Codey commented that the funds were approved in the 2007 Capital Budget for the current request.

Mr. Conley moved approval of Mr. Piano's request. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

An ordinance is listed for introduction later in the meeting.

04/28/2008-3 Appropriate \$10,000.00 from the Electric Capital Improvement Fund for the purchase of a covered trailer and accessories to be used for all underground distribution equipment

Electric Utility Superintendent Michael Piano requested an appropriation of \$10,000.00 from the Electric Capital Improvement Fund for purchase of a covered trailer and accessories to be used for all underground distribution equipment. Currently there is a large amount of safety, testing and other equipment that is required to address areas of the underground distribution system. This equipment needs to be loaded and unloaded from the shop to pick-up trucks whenever underground work needs to be performed; this leads to considerable lost time.

Mr. Conley moved approval of Mr. Piano's request. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

An ordinance is listed for introduction later in the meeting.

Added to Agenda

04/28/2008-5 REJECT BID FOR ELECTRIC SUBSTATION PAINTING AND AUTHORIZE A REBID

Electric Utility Superintendent Michael Piano recommended rejecting the bid for electric substation painting and authorizing a rebid. One bid was received for the project; the specifications required the contractor to have a minimum of ten years' experience in this type of work and to provide a certified list of all similar projects worked on. The vendor did not demonstrate the necessary experience; therefore he is non-responsive and non-responsible.

Mr. Conley moved approval of Mr. Piano's recommendation. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

A resolution rejecting the bid and authorizing a rebid is listed on the Consent Agenda.

04/28/2008-4 Appropriate \$86,000.00 from the General Capital Improvement Fund for repair and resurfacing four tennis courts at Madison High School

Mr. Codey presented Recreation Director Douglas Smith's request for an appropriation of \$86,000.00 from the General Capital Improvement Fund to cover two-thirds of the cost of repair and resurfacing of four tennis courts at the Madison High School location. The Board of Education will be paying one-third of the cost of the project and will be the agency to go out to bid the project. The percentage for payment is based upon a written agreement between the Board of Education and the Borough of Madison, which was based upon the amount of use the school has compared to the use by the general public. Mr. Smith provided a letter to the Mayor and Council from Board of Education Business Administrator Chuck Milewski stating that the Board has set aside \$50,000.00 for the project effective July 1, 2008. The estimate came in at \$120,000.

Ms. Baillie moved approval of Mr. Smith's request as presented by Mr. Codey. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

An ordinance is listed for introduction later in the meeting.

Added to Agenda

04/28/2008-6 AMEND ORDINANCE 47-2007 IN THE WATER UTILITY CAPITAL FUND INCREASING THE APPROPRIATION BY \$47,000.00 FROM \$590,000.00 TO \$637,000 TO ACCOMMODATE THE CONTRACT AWARDED TO OMLAND ENGINEERING

Mr. Codey presented the recommendation submitted by Chief Financial Officer Robert Kalafut to appropriate an additional \$47,000.00 by amending Ordinance 47-2007 from appropriating \$590,000.00 to appropriating \$637,000.00. The additional funds will be provided from the Reserve for Water Filtration Account in the Water Utility Capital Fund to accommodate the contract awarded to Omland Engineering by R 116-2008 on April 14, 2008. Comments included that when this job was bid out, the inspection services were not included as part of the bid; this is an extension of the Borough moving forward on implementing projects in Madison; the engineering costs are competitive and are less than 10% of the total project cost. The engineering services are for the project which includes water main replacement for Myrtle Avenue, South Street, Dellwood Parkway South, Woodcliff Drive and Dean Street.

Mr. Conley moved approval of Mr. Kalafut's recommendation as presented by Mr. Codey. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

An ordinance is listed for introduction later in the meeting.

Added to Agenda

04/28/2008-7 APPROPRIATE A TOTAL OF \$820,000 OF WHICH \$300,000.00 IS FROM THE WATER UTILITY CAPITAL FUND BALANCE ACCOUNT AND \$520,000.00 IS FROM WATER UTILITY CAPITAL IMPROVEMENT FUND ACCOUNT FOR 2008 WATER MAIN REPLACEMENT PROJECTS COVERING THE MAIN REPLACEMENT OF MUNICIPAL ROADS INCLUDING POMEROY, BROOKLAKE, PINE TREE, DURWOOD, FLETCHER AND A PORTION OF NILES AVENUE

Mr. Codey presented Borough Engineer Robert Vogel's recommendation to appropriate a total of \$820,000.00, of which \$300,000.00 would be from the Water Utility Capital Fund Balance Account and \$520,000.00 would be from the Water Utility Capital Improvement Fund Account for 2008 Water Main Replacement projects covering the main replacement of municipal roads including Pomeroy Road, Brooklake Road, Pine Tree Terrace, Durwood Place, Fletcher Place and a portion of Niles Avenue, in accordance with the capital budget and long-range plan.

Mr. Conley moved approval of the recommendation. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

An ordinance is listed for introduction later in the meeting.

INVITATION FOR DISCUSSION (2 of 2)

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

Eugene Zipper, Greenwood Avenue, was mystified at the appropriation to resurface four tennis courts at the high school. Mr. Conley responded that the Board of Education and the Borough have an agreement based upon use and availability of the courts to the Borough. A committee has been put together to discuss shared services with the Board of Education.

Sam Cerciello, Park Avenue, asked about replacement of the Downtown Manager; Mayor Holden responded that the position will be discussed in Executive Session. Mr. Cerciello spoke about funds raised by the DDC and how it is spent, and wondered if they could buy the GumBuster machine to save the Borough the expense. Mrs. Tsukamoto commented that Dr. Esposito asked the DDC for a contribution of \$4,000.00 for the GumBuster machine, but the DDC did not have a quorum to vote on the request. He suggested that only one person be responsible for operating the machine.

Peter Miller, Niles Avenue, in detailed comments, asked the Council to disapprove the Gateway Ordinance being considered for final adoption. Mr. Miller asked what the land can be used for after adopting the new ordinance. Mr. Mezzacca suggested that Gateway Zone questions be addressed during the hearing on the Gateway Ordinance later in the meeting.

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

Advertised Hearings

The Borough Clerk stated that Ordinance 9-2008, which was introduced February 25, 2008, with a hearing scheduled for this meeting, will be carried to May 12, 2008; Ordinance 20-2008 was introduced by title and passed on first reading at a Regular Meeting of the Council held on March 24, 2008; the balance of the Ordinances were introduced by title and passed on first reading at a Regular Meeting of the Council held April 14, 2008; all were published in the Madison Eagle and copies made available to members of the public.

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

Introduced March 24, 2008

ORDINANCE 20-2008

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195, LAND DEVELOPMENT, OF THE MADISON BOROUGH CODE TO REZONE CERTAIN PROPERTIES AT THE EAST END OF MAIN STREET TO "GATEWAY ZONE : GATEWAY I AND II" FROM "CC COMMUNITY COMMERCIAL ZONE"

WHEREAS, the eastern-most area of Main Street occupies a prominent and strategic position as the entrance or gateway into the Borough of Madison, and

WHEREAS, this area is characterized by a wide mix of land uses that have developed over time, and

WHEREAS, there are non-conforming uses and non-conforming yards, areas and setbacks in this area, and

WHEREAS, there is an opportunity to redevelop certain properties that are presently underutilized, are inappropriate to a gateway area and/or can be reasonably reused through creative development and zoning techniques, good civic design and arrangement, and

WHEREAS, rezoning this area will implement the Borough Master Plan (1992) and Master Plan and Reexaminations (1999 and 2004), that identify a housing need for mature and senior citizen households at appropriate densities in locations accessible to major roadways, commercial services, and public facilities, and

WHEREAS, mature and senior citizen multi-family housing at these gateway locations will be compatible with adjacent uses and enhance proximate commercial uses, and

WHEREAS, rezoning will promote the purposes of the Municipal Land Use Law, specifically to guide the approximate use and development of land in the Borough of Madison that will promote the public health, safety, morals, and general welfare; promote the establishment of appropriate population densities and concentrations; provide sufficient space in appropriate locations for a variety of residential uses; promote a desirable visual environment through creative development techniques and good civic design and arrangements.

NOW THEREFORE, BE IT RESOLVED that the Borough Council adopts the following zoning amendments to the Land Development Ordinance:

Section 1. Section 195-7 Definitions is amended to include:

AGE RESTRICTED– Housing restricted to occupancy by a head-of-household age 55 or older. No person 18 years or younger shall permanently reside in the housing unit.

J. SENIOR CITIZEN – Housing restricted to occupancy by a head-of-household age 62 or older. No person 18 years or younger shall permanently reside in the housing unit.

Section 2. Section 195-32.13 Gateway Zone is added to the Land Development Ordinance as follows:

Purpose. The purpose of this zone is to provide reasonable age restricted and senior citizen multi-family housing and office uses and development standards for properties strategically located at the eastern gateway entrance to the Borough of Madison. The uses permitted are those that complement and are supportive of existing commercial uses in the remaining CC Community

Commercial zone and are compatible with abutting residential uses. The standards of this zone are intended to encourage superior building aesthetics and streetscape enhancement at a scale appropriate to this unique area and the Borough. To achieve these objectives, zoning standards are introduced to encourage property agglomeration and redevelopment that will promote implementation of the purposes of this zone and, the Borough Master Plan and Master Plan Reexamination.

Principal permitted uses:

Age-restricted multi-family dwellings.

Senior citizen multi-family dwellings.

Business, medical, professional, executive or administrative offices, and

(4) Institutional and public uses.

C. Accessory uses:

Uses that are customarily incidental and accessory to the principal use.

D. Gateway 1: Area, Height and Bulk Requirements:

Area minimum: 50,000 sq. ft.

Maximum height:

a. 2-1/2 stories or 35 feet for lots under 80,000 sq. ft.

b. 3 stories or 38 feet for lots greater than 80,000 sq. ft.

Setbacks:

c. For buildings 2-1/2 stories or less or under 35 ft. in height:

-Front yard: 40 feet.

-Side yard: 15 feet.

-Rear yard: 25 feet.

b. For buildings in excess of 2-1/2 stories or 35 feet in height.

-Front yard: 40 feet

-Rear and side yard: 25 feet

Maximum impervious coverage for age-restricted and senior citizen multi-family dwellings: 65%

Minimum number of buildings per tract or lot:

d. For lots greater than 80,000 sq. ft.: 2

e. For lots greater than 110,000 sq. ft.:
3

Maximum impervious cover for age-restricted and senior citizen multi-family dwellings: 65%

Maximum dwelling units per acre for age-restricted and senior multi-family dwellings:

f. For lots under 80,000 sq. ft.: 16 units per acre

g. For lots greater than 80,000 sq. ft.: 20 units per acre

h. For lots greater than 90,000 sq. ft.: 22 units per acre

Age-restricted and senior citizen multi-family off-street parking. As set forth in RSIS. Not less than half of required parking shall be underground parking. Underground parking two (2) feet above grade shall be a story.

Facade length to frontage ratio: the aggregate length of all building facades fronting a street shall not exceed 0.55 of the frontage width at the street right-of-way.

E. Gateway II: Area, Height and Bulk Requirements

Area minimum: 120,000 sq. ft.

Maximum height:

2-1/2 stories or 35 feet for lots under 130,000 sq. ft.

3 stories or 38 ft. for lots greater than 130,000 sq. ft.

Setbacks:

For buildings 2-1/2 stories or less or under 35 ft. in height:

-Front yard: 40 feet

-Side yard: 25 feet

-Rear yard: 25 feet

b. For buildings in excess of 2-1/2 stories or 35 feet.

- Front yard: 40 feet

-Rear and side yard: 25 ft.

Maximum impervious coverage for age-restricted and senior citizen multi-family dwellings: 65%

(5) Minimum number of buildings per tract or lot:

a. For lots under 130,000 sq. ft.: 3

b. For lots greater than 130,000 sq. ft.: 4

(6) Maximum impervious cover for age-restricted and senior citizen multi-family dwellings: 65%

Maximum dwelling units per acre for age-restricted and senior citizen multi-family dwellings:

a. For lots under 130,000 sq. ft.: 18 units per acre

b. For lots greater than 130,000 sq. ft.: 22 units per acre

(8) Age-restricted and senior citizen multifamily off-street parking. As set forth in RSIS. Not less than half of required parking shall be underground parking. Underground parking two (2) feet above grade lot shall be a story.

(9) Façade length to frontage ratio: The aggregate length of building facades fronting a street shall not exceed 0.55 of the frontage width at the street right-of-way.

Business, medical, professional, executive or administrative offices, institutional and public uses are governed by the following regulations and requirements:

(1) Minimum area: 30,000 sq. ft.

(2) Maximum height: 2-1/2 stories, 35 ft.

(3) Setbacks:

a. Front yard: 30 ft.

b Side yard: 25 ft.

c Rear yard: 25 ft.

(4) Maximum impervious coverage: 70%

(5) Maximum FAR: 0.35

The Zoning Map is amended to remove the following block and lots from the CC

Community Commercial Zone and place them in the Gateway I and Gateway II

Zones as follows:

Gateway I: Block 5202, Lots 1, 5, 6, 7, 7.01, 8 and 19.

Gateway II: Block 2302, Lots 1,2, 3, 22, 23

H. Supplemental requirements; design standards for gateway uses:

(1) Parking

a. No parking shall be permitted in the required front yard, nor between any parts of the building façade and the street right-of-way line.

b. Parking areas shall be screened from view of adjacent residential zones, existing residential uses and public roads by landscaping, fencing or a combination of these to create a buffer at least four feet in height. Landscaping shall contain a mix of deciduous and evergreen plantings sufficient to screen the view of vehicles in all seasons.

c. Parking areas located beneath a building shall be fully screened from public view by a mix of deciduous and evergreen plantings and be physically enclosed from view by extension of the front façade of the building to shield all such parking.

d. Parking areas should provide safe access to and from the vehicle for the driver and passengers

e. Access to parking beneath a building shall be by an elevator.

(2) Landscaping

A minimum five-foot landscaped buffer shall be required along each side yard and a seven-foot landscaped buffer shall be required along the rear property line. All pervious areas in the required front yard and/or between the front building façade and the street right-of-way shall be fully planted and maintained in lawn area or ground cover or landscaped with a mix of deciduous and evergreen shrubbery and trees. The landscape plan shall be prepared by a licensed landscape architect.

(3) Vehicular Access

Vehicular access to Main Street is limited to one ingress-egress point.

(4) Building arrangement and design:

i. When development consists of multiple structures, buildings should be

oriented around open space, courtyard or similar landscape amenity.

j. The selection of building design elements, such as materials, fenestration, color and texture, should be compatible with that in the Borough and neighborhood.

k. Streetscape design should include landscaping, street trees, pedestrian scale street lights, and similar features appropriate to a gateway location.

l. Site lighting should be harmonious with the building style and design.

m. The top third story, if any, shall be set back at least six feet, at all facades facing a property line., a distance from the second floor roof eave equal to its height above the second floor roof surface.

n. All building facades shall be treated as front facades.

(5) Development shall implement section 195-24 General Design Standards and 195-25

Specific Design Standards of the Borough Land Development Ordinance.

(6) Applicants for development in the Gateway Zones are encouraged to pursue creative design, LEED certifications and visual and aesthetic excellence.

Applicants for development in the Gateway Zones shall submit a concept plan for

planning board review prior to an application.

Section 3. All Ordinances or parts of Ordinances that are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 4. The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional or invalid by any Court, the remaining parts of this Ordinance will remain in full force and effect.

BE IT FURTHER ORDAINED that this Ordinance shall become effective after final passage, adoption and publication according to law.

Mayor Holden opened the hearing on the above ordinance and asked Ms. Baillie to speak before the public comments.

Ms. Baillie gave the background as to why the Gateway Ordinance was drawn up. That area is surrounded by residential streets, and a new ordinance was needed to guide development which would enhance the quality of life of the surrounding area. Mr. Mezzacca stated that existing uses on individual lots are grandfathered. A professional office use can continue the same use. If an office use wanted to sell or convert for retail, then a variance would be required.

Peter Miller, Niles Avenue, did not see any sense in changing the zoning. His worry is that the residential properties would be bought up and rezoned commercial. Mr. Mezzacca's comments included that this ordinance actually protects residential properties by excluding retail establishments; the proposed Gateway Zone tends to protect the residential properties by making it a transitional zone.

Hiram Jenkins, Brooklake Road, commented that the ordinance was presented in the mailing that came to him a couple of weeks ago--the letter itself says that the notice is regarding a pending land development ordinance; it contained a statement of purpose and a map, and came by certified mail and regular mail; there was talk tonight of the Master Plan, but Mr. Jenkins has not seen the Master Plan and was advised a copy is on line or in the office of the Clerk. As to why the Borough has non-conforming lots in a zone, Mr. Mezzacca suggested that the lots that have improvements on them may continue to be used that way; they became non-conforming due to zoning changes over the years. Mr. Jenkins took exception to the standard language used out of the land use law in developing this ordinance.

Council comments included that the development of this ordinance and putting it before the public on many occasions has been for the protection of Madison residents. Mr. Jenkins commented that he has not been able to open his front windows because of the noise, traffic and fumes along Brooklake Road; he asked how the Gateway would improve his quality of life. Council comments included that, referring to the Glen Willow proposal, the Council realized that proper zoning ordinances were not in place to exclude large retail operations on that site.

Joshua M. Greenfield, Attorney at Law, representing Martin Heller, a property owner in the proposed "Gateway I" Zone commented that Mr. Heller also owns other property in the area; Mr. Heller is not currently opposing the Gateway Zone ordinance, but believes the ordinance should be modified to allow certain retail services as permitted uses, such as financial institutions, insurance agencies, banks with drive-throughs, as these uses are consistent with the current uses in the zone. Mr. Mezzacca's comments included that the definitions in the ordinance could be made more specific as to retail trade as opposed to retail service; banks could be included in

the ordinance, but drive-through banks would be a non-conforming use; the Planning Board should probably give an answer on that. Ms. Baillie will bring this back to the Planning Board.

During the below discussion, a motion was adopted to extend the meeting past 11 p.m.

George Paras of Paras & Paras, speaking of 340 Main Street, confirmed that if the Gateway Zone is adopted, the site would be a non-conforming use; he realized this is a reaction to the intense proposal for the Mayflower site.

Jeff Roberts, Main Street, asked that residents be invited to be involved at the beginning of an ordinance change process; Mr. Mezzacca reaffirmed that for those owners of properties, continued use of what they have does not change; grandfathering is in the law. Mr. Roberts commented that property owners do not want to lose value because of this Gateway ordinance.

Glenn Pantel of Drinker, Biddle, representing the owner of the former Mayflower site, in a long and detailed statement, commented that the new owner recently closed title on the property; felt the ordinance proposed is too restrictive; the new owner was not informed by the previous owner of the ordinance proposal.

In closing the discussion with Mr. Pantel, Mayor and Council comments included that a concept proposal with what Mr. Pantel's client envisions for the site would be welcome; the Mayor and Council are more than willing to work with them.

Andy Byam, Main Street, spoke of going to meetings during the Glen Willow proposal; he has an insurance agency and manages many business accounts; he leaves it up to the Council to do what must be done, but hopes it comes out well for the professionals who are in the Gateway Zone now.

Since no other member of the public wished to be heard regarding Ordinance 20-2008, the public hearing was closed.

Ms. Baillie moved that Ordinance 20-2008, which the Borough 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: Ms. Baillie, Mrs. Vitale, Mr. Elias, Mr. Conley, Mrs. Tsukamoto

Nays: None

Absent: Dr. Esposito

Mayor Holden declared Ordinance 20-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

Introduced April 14, 2008

ORDINANCE 21-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$8,000.00 FROM THE FUND BALANCE ACCOUNT CONTAINED IN THE GENERAL CAPITAL FUND TO PURCHASE DOOR FOR SALT SHED

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$8,000.00 from the Fund Balance Account contained in the General Capital Fund to purchase a new door for the salt shed; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Fund Balance Account contained in the General Capital Fund in an amount not to exceed \$8,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$8,000.00 from the Fund Balance Account contained in the General Capital Fund to purchase a new door for the salt shed; 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 \$8,000.00 is hereby appropriated from the Fund Balance Account contained in the General Capital Fund to purchase a new door for the salt shed.

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

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

Mayor Holden opened 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. Elias moved that Ordinance 21-2008, which the Borough Clerk read by title, be finally adopted. Mrs. Tsukamoto seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

Mayor Holden declared Ordinance 21-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

Introduced April 14, 2008

ORDINANCE 22-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$25,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND TO PURCHASE A ONE-TON ROLLER

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$25,000.00 from the General Capital Improvement Fund to purchase a one-ton roller; 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 \$25,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$25,000.00 from the General Capital Improvement Fund to purchase a one-ton roller; 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 \$25,000.00 is hereby appropriated from the General Capital Improvement Fund to

purchase a one-ton roller.

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

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

Mayor Holden opened 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. Elias moved that Ordinance 22-2008, which the Borough Clerk read by title, be finally adopted. Mrs. Tsukamoto seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

Mayor Holden declared Ordinance 22-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

Introduced April 14, 2008

ORDINANCE 23-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$50,000.00 FROM THE FUND BALANCE ACCOUNT CONTAINED IN THE GENERAL CAPITAL FUND TO PURCHASE 5 SPREADERS AND ACCESSORIES

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$50,000.00 from the Fund Balance Account contained in the General Capital Fund to purchase five spreaders and accessories; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Fund Balance Account contained in the General Capital Fund in an amount not to exceed \$50,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$50,000.00 from the Fund Balance Account contained in the General Capital Fund to purchase five spreaders and accessories; 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 \$50,000.00 is hereby appropriated from the Fund Balance Account contained in the General Capital Fund to purchase five spreaders and accessories.

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

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

Mayor Holden opened 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. Elias moved that Ordinance 23-2008, which the Borough Clerk read by title, be finally adopted. Mrs. Tsukamoto seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

Mayor Holden declared Ordinance 23-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

Introduced April 14, 2008

ORDINANCE 24-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$150,000.00 FROM THE FUND BALANCE ACCOUNT CONTAINED IN THE GENERAL CAPITAL FUND TO PURCHASE A NEW CATCH BASIN CLEANER TRUCK & ACCESSORIES

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$150,000.00 from the Fund Balance Account contained in the General Capital Fund to purchase a new catch basin cleaner truck and accessories; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Fund Balance Account contained in the General Capital Fund in an amount not to exceed \$150,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$150,000.00 from the Fund Balance Account contained in the General Capital Fund to purchase a new catch basin cleaner truck and accessories; 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 \$150,000.00 is hereby appropriated from the Fund Balance Account contained in the General Capital Fund to purchase a new catch basin cleaner truck and accessories.

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

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

Mayor Holden opened 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. Elias moved that Ordinance 24-2008, which the Borough Clerk read by title, be finally adopted. Mrs. Tsukamoto seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

Mayor Holden declared Ordinance 24-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

Introduced April 14, 2008

ORDINANCE 25-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$30,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR COMPUTER UPGRADES AND REPLACEMENTS IN THE WATER SYSTEM WATER WELLS

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$30,000.00 from the Water Capital Improvement Fund for computer upgrades and replacements in the water system water wells; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Water Capital Improvement Fund in an amount not to exceed \$30,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$30,000.00 from the Water Capital Improvement Fund for computer upgrades and replacements in the water system water wells; and

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

SECTION 1: The amount of \$30,000.00 is hereby appropriated from the Water Capital Improvement Fund for computer upgrades and replacements in the water system water wells.

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

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

Mayor Holden 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 25-2008, which the Borough Clerk read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

Mayor Holden declared Ordinance 25-2008 adopted and finally passed and asked the Clerk to publish notice

thereof in the newspaper and file the ordinance in accordance with the law.

Introduced April 14, 2008

ORDINANCE 26-2008

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 36-2006
APPROPRIATING \$300,000.00 TO ADD FOUR MORE STREETS FOR MILLING
AND OVERLAY: LYNWOOD PLACE, CRESTWOOD DRIVE, ROSEWOOD DRIVE
AND COOK AVENUE**

WHEREAS, Ordinance 36-2006 of the Borough of Madison appropriated \$300,000.00 from the General Capital Improvement Fund for the 2006 milling and overlay projects of Bruns Street, Buckingham Drive, Canterbury Road, Norman Circle, and Oxford Lane; and

WHEREAS, Ordinance 76-2007 amended Ordinance 36-2006 to include Colonial Way, Olde Greenhouse Lane, and Danforth Road between Morris Place and Madison Avenue; and

WHEREAS, the Superintendent of Public Works has recommended that the Borough further amend Ordinance 36-2006 to authorize additional scope of work for the milling and overlay projects to include Lynwood Place, Crestwood Drive, Rosewood Drive and Cook Avenue; and

WHEREAS, the Superintendent of Public Works has also recommended that the capital budget be amended to include these projects, and the cost will be the current balance of Ordinance 36-2006; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund for this project in an amount not to exceed the current balance of Ordinance 36-2006; and

WHEREAS, the Borough Council has determined that the Borough should amend Ordinance 36-2006 to authorize additional scope of work for the milling and overlay projects to include Lynwood Place, Crestwood Drive, Rosewood Drive and Cook Avenue, without increasing the amount of the appropriation.

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: Ordinance 36-2006 is amended to authorize additional scope of work for the milling and overlay projects to include Lynwood Place, Crestwood Drive, Rosewood Drive and Cook Avenue.

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

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

Mayor Holden 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 26-2008, which the Borough Clerk read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

Mayor Holden declared Ordinance 26-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

Introduced April 14, 2008

ORDINANCE 27-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$10,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR EQUIPMENT INCLUDING RUBBER MATS FOR THE APPARATUS FLOOR, A FLOOR SCRUBBER, ADDITIONAL SHELVING AND VACUUMS FOR THE FIRE DEPARTMENT

WHEREAS, the Fire Chief has recommended that the Borough appropriate \$10,000.00 from the General Capital Improvement Fund for equipment including rubber mats for the apparatus floor, a floor scrubber, additional shelving and vacuums for the Fire Department; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$10,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$10,000.00 from the General Capital Improvement Fund for equipment including rubber mats for the apparatus floor, a floor scrubber, additional shelving and vacuums for the Fire Department; and

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

SECTION 1: The amount of \$10,000.00 is hereby appropriated from the General Capital Improvement Fund for equipment including rubber mats for the apparatus floor, a floor scrubber, additional shelving and vacuums for the Fire Department.

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

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

Mayor Holden opened 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 27-2008, which the Borough Clerk read by title, be finally adopted. Ms. Baillie seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

Mayor Holden declared Ordinance 27-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

Introduced April 14, 2008

ORDINANCE 28-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$6,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR OFFICE EQUIPMENT INCLUDING COPIER MACHINE, FAX MACHINE, PRINTER AND STORAGE UNIT WITH COUNTERTOP FOR THE MADISON FIRE DEPARTMENT

WHEREAS, the Fire Chief has recommended that the Borough appropriate \$6,000.00 from the General Capital Improvement Fund for office equipment including copier machine, fax machine, printer, and storage unit with countertop; 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 \$6,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$6,000.00 from the General Capital Improvement Fund for office equipment including copier machine, fax machine, printer, and storage unit with countertop; 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 \$6,000.00 is hereby appropriated from the General Capital Improvement Fund for office equipment including copier machine, fax machine, printer, and storage unit with countertop.

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

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

Mayor Holden opened 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 28-2008, which the Borough Clerk read by title, be finally adopted. Mr. Conley seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

Mayor Holden declared Ordinance 28-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

Introduced April 14, 2008

ORDINANCE 29-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$8,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF GUM BUSTER MACHINE AND ACCESSORIES

WHEREAS, the Borough Administrator has recommended that the Borough appropriate \$8,000.00 from the General Capital Improvement Fund for purchase of a GumBuster Gum Removal Machine and accessories; 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 \$8,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$8,000.00 from the General Capital Improvement Fund for purchase of a GumBuster Gum Removal Machine and accessories; 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 \$8,000.00 is hereby appropriated from the General Capital Improvement Fund for purchase of a GumBuster Gum Removal Machine and accessories.

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

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

Mayor Holden opened 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. Elias moved that Ordinance 29-2008, which the Borough Clerk read by title, be finally adopted. Mrs. Tsukamoto seconded the motion. There was agreement that a partnership with the DDC and/or the Chamber of Commerce will be pursued for \$4,000.00 toward this purchase, even if fundraisers must be pursued. At the conclusion of comments, the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

Mayor Holden declared Ordinance 29-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

Introduced April 14, 2008

ORDINANCE 30-2008

ORDINANCE OF THE BOROUGH OF MADISON TO EXCEED THE MUNICIPAL

**BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN
ACCORDANCE WITH N.J.S.A. 40A: 4-45.14 – CALENDAR YEAR 2008**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of the Borough of Madison in the County of Morris finds it advisable and necessary to increase its CY 2008 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Borough Council hereby determines that a 1% increase in the budget for said year, amounting to \$157,439.43 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Madison in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2008 budget year, the final appropriations of the Borough of Madison shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$551,038.00 and that the CY 2008 municipal budget for the Borough of Madison be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mayor Holden 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.

Ms. Baillie moved that Ordinance 30-2008, which the Borough 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: Ms. Baillie, Mrs. Vitale, Mr. Elias, Mr. Conley, Mrs. Tsukamoto

Nays: None

Absent: Dr. Esposito

Mayor Holden declared Ordinance 30-2008 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 Borough Clerk stated that Ordinances scheduled for first reading will have a hearing date set for May 12,

2008, will be published in the Madison Eagle and made available to members of the public requesting copies.

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

ORDINANCE 31-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$10,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND TO PURCHASE A NEW REPLACEMENT ANTENNA FOR THE RADIO AT MIDWOOD TANK

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$10,000.00 from the General Capital Improvement Fund to purchase a new replacement antenna for the radio at Midwood Tank; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$10,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$10,000.00 from the General Capital Improvement Fund to purchase a new replacement antenna for the radio at Midwood Tank; and

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

SECTION 1: The amount of \$10,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase a new replacement antenna for the radio at Midwood Tank.

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

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

Mr. Elias moved adoption of Ordinance 31-2008, which the Borough Clerk read by title. Mrs. Tsukamoto seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

ORDINANCE 32-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$20,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND TO PURCHASE PORTABLE GENERATORS AND ACCESSORIES

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$20,000.00 from the Water Capital Improvement Fund to purchase portable generators and accessories; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Water Capital Improvement Fund in an amount not to exceed \$20,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$20,000.00 from the Water Capital Improvement Fund to purchase portable generators and accessories; 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 \$20,000.00 is hereby appropriated from the Water Capital Improvement Fund to purchase portable generators and accessories.

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

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

Mr. Elias moved adoption of Ordinance 32-2008, which the Borough Clerk read by title. Mrs. Tsukamoto seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

ORDINANCE 33-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$20,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF A WATER LEAK DETECTOR FOR USE BY THE WATER DEPARTMENT

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$20,000.00 from the Water Capital Improvement Fund to purchase a Water Leak Detector for the Water Department; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Water Capital Improvement Fund in an amount not to exceed \$20,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$20,000.00 from the Water Capital Improvement Fund to purchase a Water Leak Detector for the Water Department; and

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

SECTION 1: The amount of \$20,000.00 is hereby appropriated from the Water Capital Improvement Fund to purchase a Water Leak Detector for the Water Department.

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

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

Mr. Elias moved adoption of Ordinance 33-2008, which the Borough Clerk read by title. Mrs. Tsukamoto seconded the motion. There was no Council discussion and the motion passed with the following roll call vote

recorded:

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

Nays: None

Absent: Dr. Esposito

ORDINANCE 34-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$15,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE RESURFACING IMPROVEMENTS TO THE DODGE FIELD AND LUCY D. ANTHONY BASKETBALL COURTS

WHEREAS, the Recreation Director has recommended that the Borough appropriate \$15,000.00 from the General Capital Improvement Fund for resurfacing improvements to the Dodge Field and Lucy D. Anthony basketball courts; 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 \$15,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$15,000.00 from the General Capital Improvement Fund for resurfacing improvements to the Dodge Field and Lucy D. Anthony basketball courts; 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 \$15,000.00 is hereby appropriated from the General Capital Improvement Fund for resurfacing improvements to the Dodge Field and Lucy D. Anthony basketball courts.

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

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

Mr. Elias moved adoption of Ordinance 34-2008, which the Borough Clerk read by title. Mrs. Tsukamoto seconded the motion. Council comments included remarks about funds for the tennis courts discussed by Mr. Zipper during the Invitation for Discussion. At the conclusion of comments, the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

ORDINANCE 35-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$30,000.00 FROM FIRE DEPARTMENT TRUST ACCOUNT FOR PURCHASE OF FIRE

DEPARTMENT VEHICLE

WHEREAS, the Fire Chief has recommended that the Borough appropriate \$30,000.00 from the Fire Department Trust Account to purchase a replacement vehicle for the Fire Department; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Fire Department Trust Account in an amount not to exceed \$30,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$30,000.00 from the Fire Department Trust Account to purchase a replacement vehicle for the Fire Department; and

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

SECTION 1: The amount of \$30,000.00 is hereby appropriated from the Fire Department Trust Account to purchase a replacement vehicle for the Fire Department.

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

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

Mrs. Vitale moved adoption of Ordinance 35-2008, which the Borough Clerk read by title. Mr. Conley seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

ORDINANCE 36-2008**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$60,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF NEW STYLE PENNGLOBE VICTORIAN FIXTURES FOR THE COMMERCIAL DISTRICT**

WHEREAS, the Electric Utility Superintendent has recommended that the Borough appropriate \$60,000.00 from the Electric Capital Improvement Fund to purchase new style Pennglobe Victorian fixtures for the commercial district; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Electric Capital Improvement Fund in an amount not to exceed \$60,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$60,000.00 from the Electric Capital Improvement Fund to purchase new style Pennglobe Victorian fixtures for the commercial district; 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 \$60,000.00 is hereby appropriated from the Electric Capital Improvement Fund to purchase new style Pennglobe Victorian fixtures for the commercial district.

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

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

Mr. Conley moved adoption of Ordinance 36-2008, which the Borough Clerk read by title. Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

ORDINANCE 37-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$300,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR THE RECONSTRUCTION OF THE UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM AT THE MADISON COMMONS

WHEREAS, the Electric Utility Superintendent has recommended that the Borough appropriate \$300,000.00 from the Electric Capital Improvement Fund for the reconstruction of the underground electric distribution system at the Madison Commons; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Electric Capital Improvement Fund in an amount not to exceed \$300,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$300,000.00 from the Electric Capital Improvement Fund for the reconstruction of the underground electric distribution system at the Madison Commons; 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 \$300,000.00 is hereby appropriated from the General Capital Improvement Fund for the reconstruction of the underground electric distribution system at the Madison Commons.

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

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

Mr. Conley moved adoption of Ordinance 37-2008, which the Borough Clerk read by title. Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

ORDINANCE 38-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$10,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF A COVERED TRAILER AND ACCESSORIES TO BE USED FOR ALL UNDERGROUND DISTRIBUTION EQUIPMENT

WHEREAS, the Electric Utility Superintendent has recommended that the Borough appropriate \$10,000.00 from the Electric Capital Improvement Fund to purchase a covered trailer and accessories for all underground distribution equipment; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Electric Capital Improvement Fund in an amount not to exceed \$10,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$10,000.00 from the Electric Capital Improvement Fund to purchase a covered trailer and accessories for all underground distribution equipment; and

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

SECTION 1: The amount of \$10,000.00 is hereby appropriated from the Electric Capital Improvement Fund to purchase a covered trailer and accessories for all underground distribution equipment.

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

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

Mr. Conley moved adoption of Ordinance 38-2008, which the Borough Clerk read by title. Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

ORDINANCE 39-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$300,000.00 FROM THE WATER UTILITY CAPITAL FUND BALANCE ACCOUNT AND \$520,000.00 FROM THE WATER UTILITY CAPITAL IMPROVEMENT FUND ACCOUNT FOR A TOTAL OF \$820,000.00 FOR WATER MAIN REPLACEMENT PROJECTS COVERING THE MAIN REPLACEMENT OF MUNICIPAL ROADS INCLUDING POMEROY, BROOKLAKE, PINE TREE, DURWOOD, FLETCHER AND A PORTION OF NILES AVENUE

WHEREAS, the Borough Engineer has recommended that the Borough appropriate a total of \$820,000.00 from the Water Utility Capital Funds for water main replacement on municipal roads including Pomeroy Road, Brooklake Road, Pine Tree Terrace, Durwood Place, Fletcher Place and a portion of Niles Ave; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Water Utility Capital Improvement Fund and Water Utility Capital Fund Balance accounts in a total amount not to exceed \$820,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$820,000.00 from the Water Utility Capital Improvement Fund and Water Utility Capital Fund Balance accounts for water main replacement on municipal roads including Pomeroy Road, Brooklake Road, Pine Tree Terrace, Durwood Place, Fletcher Place and a portion of Niles Ave; 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 \$300,000.00 is hereby appropriated from the Water Utility Capital Fund Balance Account for water main replacement on municipal roads including Pomeroy Road, Brooklake Road, Pine Tree Terrace, Durwood Place, Fletcher Place and a portion of Niles Ave.

SECTION 2: The amount of \$520,000.00 is hereby appropriated from the Water Utility Capital Improvement Fund Account for water main replacement on municipal roads including Pomeroy Road, Brooklake Road, Pine Tree Terrace, Durwood Place, Fletcher Place and a portion of Niles Ave.

SECTION 3: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

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

Mr. Conley moved adoption of Ordinance 39-2008, which the Borough Clerk read by title. Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

ORDINANCE 40-2008

ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 47-2007 TO INCREASE THE APPROPRIATION BY \$47,000.00 FROM \$590,000.00 TO \$637,000.00 FROM THE RESERVE FOR WATER FILTRATION ACCOUNT IN THE WATER UTILITY CAPITAL FUND TO ACCOMMODATE THE CONTRACT AWARDED TO OMLAND ENGINEERING

WHEREAS, Ordinance 47-2007 of the Borough of Madison appropriated \$590,000.00 from the Reserve for Water Filtration Account in the Water Utility Capital Fund for water main replacement of municipal roads including Myrtle Avenue, South Street, Dellwood Parkway South, Woodcliff Drive and Dean Street; and

WHEREAS, the Borough Engineer has recommended that the Borough amend Ordinance 47-2007 to appropriate an additional \$47,000.00 from the Reserve for Water Filtration Account in the Water Utility Capital Fund thereby increasing Ordinance 47-2007 to \$637,000.00 to accommodate the contract awarded to Omland Engineering by Resolution 116-2008; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Reserve for Water Filtration Account in the Water Utility Capital Fund in an amount not to exceed \$47,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should amend Ordinance 47-2007 to appropriate an additional \$47,000.00 from the Reserve for Water Filtration Account in the Water Utility Capital Fund thereby increasing Ordinance 47-2007 to \$637,000.00 to accommodate the contract awarded to Omland Engineering by Resolution 116-2008.

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: Ordinance 47-2007 is amended to appropriate an additional \$47,000.00 from the Reserve for Water Filtration Account in the Water Utility Capital Fund thereby increasing Ordinance 47-2007 to \$637,000.00 to accommodate the contract awarded to Omland Engineering by Resolution 116-2008.

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

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

Mr. Conley moved adoption of Ordinance 40-2008, which the Borough Clerk read by title. Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

ORDINANCE 41-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$31,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND TO PURCHASE WINDOW REPLACEMENTS AND A NEW GENERATOR FOR THE CIVIC CENTER

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$31,000.00 from the General Capital Improvement Fund to purchase window replacements and a new generator for the Civic Center; 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 \$31,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$31,000.00 from the General Capital Improvement Fund to purchase window replacements and a new generator for the Civic Center.

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 \$31,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase window replacements and a new generator for the Civic Center.

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

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

Mr. Elias moved adoption of Ordinance 41-2008, which the Borough Clerk read by title. Mrs. Tsukamoto seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

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. Conley moved approval of the resolutions listed on the Consent Agenda, except for R 129-2008. There was agreement to remove R 129-2008 from the Consent Agenda. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

R 127-2008

**RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES
LICENSE APPLICATION SUBMITTED BY PTO TOREY J. SABATINI SCHOOL**

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

PTO TOREY J. SABATINI SCHOOL

I.D. No. 274-5-33160

R.A. No. 1080 – On Premise

June 7, 2008

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

R 128-2008

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING T.J. MARTELL
FOUNDATION BENEFIT WALK ON SUNDAY, OCTOBER 5, 2008**

BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that the T.J. Martell Foundation for Leukemia, Cancer and AIDS Research is hereby granted permission to conduct a Walk-A-Thon on Sunday, October 5, 2008, beginning at 1:00 p.m., starting at the Madison YMCA and proceeding up Edgewood Road to Pomeroy Road to Prospect Street to Woodland Road to Linden Drive, through the Torey J. Sabatini School property, across Glenwild Road into Drew University, to Madison Avenue to Kings Road to Green Village Road to Main Street to Prospect Street to Kings Road and finishing at the Madison YMCA, which route has been approved by the Madison Borough Police Chief, and subject to any requirements of the Madison Police Department.

R 129-2008 was removed from the Agenda and the # retired.

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~~**R 129-2008**~~

~~**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING
NORTHERN NJ CHAPTER OF THE LEUKEMIA AND LYMPHOMA
SOCIETY "LIGHT THE NIGHT WALK" ON SATURDAY, SEPTEMBER
27, 2008**~~

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R 130-2008

**RESOLUTION OF THE BOROUGH OF MADISON GRANTING KALEIDOSCOPE OF
HOPE FOUNDATION PERMISSION TO TIE RIBBONS AROUND TREES ON THE
MAIN STREETS OF MADISON FROM SEPTEMBER 1, 2008 THROUGH
SEPTEMBER 30, 2008 IN SUPPORT OF THEIR "TURN THE TOWNS TEAL
CAMPAIGN" TO FIGHT OVARIAN CANCER**

WHEREAS, the Kaleidoscope of Hope Foundation has requested permission for ribbons to be tied on Borough street trees on the main streets of the Borough from September 1, 2008 to September 30, 2008 in support of their "Turn the Towns Teal Campaign" to fight ovarian cancer; and

WHEREAS, the Borough Council has determined to grant this request.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the request for ribbons to be tied on Borough street trees from September 1, 2008 to September 30, 2008 in support of the Kaleidoscope of Hope Foundation "Turn the Towns Teal Campaign" to fight ovarian cancer is hereby approved.

R 131-2008

**RESOLUTION OF THE BOROUGH OF MADISON REJECTING BID FOR ELECTRIC
SUBSTATION PAINTING AND AUTHORIZING REBID**

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

WHEREAS, the sole bid received was non-responsive because the vendor did not meet the minimum experience required in the bid specifications; and

WHEREAS, the Electric Utility Superintendent recommended that this bid be rejected; and.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris and State of New Jersey that the sole bid for painting the electric substation is hereby rejected for the reasons set forth herein and the Borough Administrator is authorized to solicit new bids.

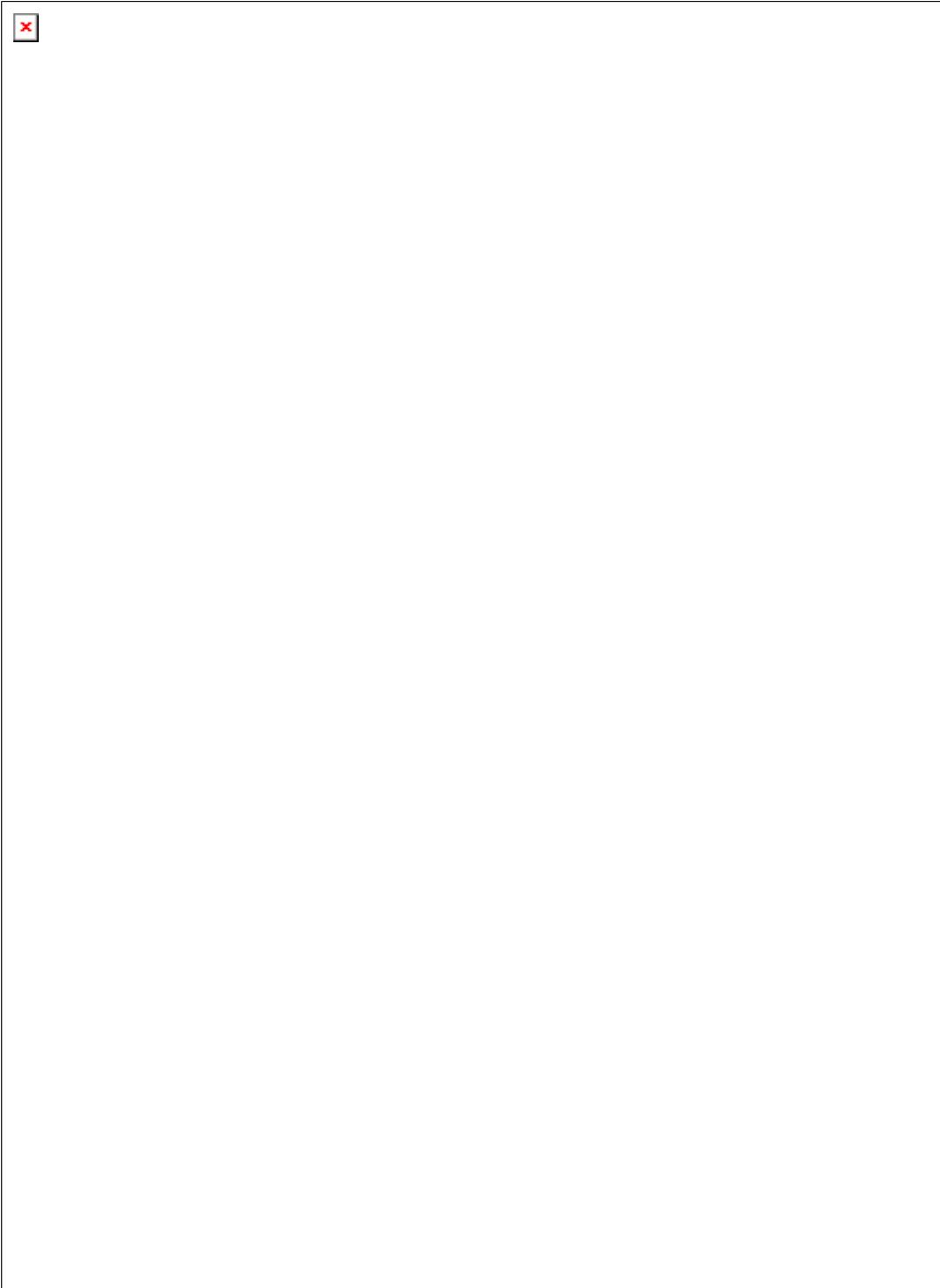
R 132-2008

**RESOLUTION OF THE BOROUGH OF MADISON APPROVING A PROBATIONARY
FIREFIGHTER LIST**

WHEREAS, the Fire Chief has recommended establishment of a hiring list of candidates to fill any future vacancies in the fire department, said list to remain in effect for twenty-four (24) months from the adoption of this Resolution; and

WHEREAS, the Borough Administrator has recommended that said hiring list be established.

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 Fire Department hiring list described herein is hereby established for a period of twenty-four (24) months from the date of adoption of this Resolution.



Unfinished Business - None

APPROVAL OF VOUCHERS

On motion by Mr. Conley, 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 \$18,048.87

Health & Public Assistance 7,442.09

Public Works & Engineering 43,898.26

Community Affairs 7,393.94

Finance & Borough Clerk 300,899.29

Utilities 1,235,860.66

Total \$1,613,543.11

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

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

Nays: None

Absent: Dr. Esposito

New Business

Mayor Holden announced the following appointments and requested Council confirmation:

DOWNTOWN DEVELOPMENT COMMISSION

At Large Alt. #2

Sam Mantone of West Lane for unexpired term John Forte through 12/31/2008

Owner/Merchant #2

Carmen Romano of Burnet Road for unexpired term Dr. Esposito (who is now Council Liaison) through 12/31/2009

Mrs. Tsukamoto moved approval of the foregoing appointments. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

Mayor Holden announced the following appointments and requested Council confirmation:

MAASA

Through December 31, 2010

Jeff Macko, Project Pride

Jim DeVivo, Playwrights Theater

Nicole Sherrin, Junior School Assistant Principal

Through December 31, 2008

Tom Murphy, unexpired term Barry Kroll

Kay O'Keefe, Senior Liaison

Mrs. Tsukamoto moved approval of the foregoing appointments. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Dr. Esposito

Adjournment

Items left for discussion on the Executive Agenda will be carried to the next meeting. There being no further business to come before the Council, the meeting was adjourned at 12 a.m. by unanimous voice vote.

Respectfully submitted,

Marilyn Schaefer

Borough Clerk

Approved May 12, 2008 (MS)