

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

July 27, 2009 - 7 p.m.

***CALL TO ORDER***

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 27<sup>th</sup> day of July 2009. Mayor Holden called the meeting to order at 7 p.m. in the Mayor's Office, Room #210 of Bayley-Ellard High School, 205 Madison Avenue, in the Borough of Madison.

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

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

“In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by transmitting a copy of the meeting notice to the Madison Eagle and Morris County Daily Record, posting a copy on the bulletin board at the main entrance of Bayley-Ellard High School, and filing a copy in the office of the Clerk, all on January 6, 2009. This Notice was made available to members of the general public.”

***ROLL CALL***

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

Mayor Mary-Anna Holden

**Council Members:**

Astri J. Baillie

John M. Elias

Robert H. Conley

Jeannie Tsukamoto

Vincent A. Esposito

Carmela Vitale

Also Present:

Elizabeth Osborne, Acting Borough Clerk

Joseph Mezzacca, Jr., Borough Attorney

Absent: Raymond M. Codey, Borough Administrator, excused

**AGENDA REVIEW**

There was approval of the Regular and Executive Agenda.

***READING OF CLOSED SESSION RESOLUTION***

Mrs. Tsukamoto moved:

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

MINUTES FOR APPROVAL (1)

Executive Session Minutes of July 13, 2009

CONTRACT MATTERS (5)

LEASE OF MAIL INSERTING MACHINE BID

NEW JERSEY TRANSIT AGREEMENT

HDM CONSTRUCTION SUPERVISOR

POMEROY ROAD

CIVIC CENTER ELEVATOR

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

PERSONNEL MATTER (1)

## RATE OF WAGE CHANGE FOR PART-TIME NON-UNION EMPLOYEE

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

## LITIGATION MATTERS (3)

MADISON VS STOP & SHOP

MADISON RECREATION CENTER – DRE

BAYLEY-ELLARD PHASE II ENVIRONMENTAL STUDY

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

Seconded: Ms. Baillie

Vote: Approved by voice vote

## ***RECONVENE IN COUNCIL CHAMBER***

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

## ***APPROVAL OF MINUTES***

Mrs. Tsukamoto moved approval of the *Special Meeting Minutes of July 9, 2009*, with the following correction:

Page 2 of 4 last sentence:

... customary practices **for bond payment schedules** for their clients.

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

Yeas: Mr. Elias, Mr. Conley, Mrs. Tsukamoto

Dr. Esposito, Mrs. Vitale

Nays: None

Abstain: Ms. Baillie

Ms. Baillie moved approval of the *Executive Minutes of July 13, 2009*. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

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

Dr. Esposito, Mrs. Vitale

Nays: None

Ms. Baillie moved approval of the *Regular Meeting Minutes of July 13, 2009*, with the following correction:

Page 11 of 15, Ord. 35-2009

Mrs. Tsukamoto moved that Ordinance 35-2009, which the Acting Clerk read by title, be adopted. **Mr. Conley** seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded

Yeas: Mr. Elias, Mr. Conley, Mrs. Tsukamoto

Dr. Esposito, Mrs. Vitale

Nays: None

**Abstain: Ms. Baillie**

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

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

Dr. Esposito, Mrs. Vitale

Nays: None

GREETINGS TO PUBLIC

Mayor Holden made the following comments:

Mayor Holden thanked the Madison Rotary Club and the Madison YMCA for the wonderful fiesta in celebration of Colombia Independence Day.

## REPORTS OF COMMITTEES

### **Public Safety**

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

The Police Department is seeking Police photographs and memorabilia; residents can bring items to the Police headquarters.

### **Utilities**

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

Summer humidity and violent weather caused a few trees to come down and temporary power outages. The Electric Utility was able to respond very quickly; this quick response is one of the benefits of having our own Electric Utility to restore service. He thanked the Electric Utility employees for a job very well done.

### **Public Works and Engineering**

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

Paving has been completed on Dellwood Drive and Dellwood Parkway. The Woodcliff Drive water main project is finished, and bids for improvements to South Street and Dodge Field will be opened on July 30th. Also the Green Avenue water main replacement and the landscaping project at the train station will soon be advertised. He visited Pomeroy Road and Brooklake Road with Borough Engineer Robert Vogel to assess conditions. Bob Vogel has put together an option for repairs that will be discussed at the next meeting.

### **Finance and Borough Clerk**

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

Mrs. Tsukamoto noted that the Borough is still waiting for Morris County to issue the 2009 certified tax levy and tax rate. Third quarter tax bills will be late; residents will have 25 days from the tax bill mailing date in which to make payment. A payment to the Board of Education in the amount of \$1,000,000.00 will be made July 28<sup>th</sup>.

### **Community Affairs**

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

The Downtown Concert Series to support the Museum of Early Trades & Crafts began this past Friday with six family-friendly concerts that will take place on the Museum's front lawn in the heart of downtown. The Series will run through October 9<sup>th</sup>. Green Village Road in front of the Museum will be closed, and local businesses will conduct sidewalk sales. Please join your neighbors this August 4<sup>th</sup> as the Madison Police will once again join in the National Night Out. PC Problems, located on Kings Road, is partnering with the Borough to collect used electronics, for recycling, during normal business hours.

### **Health & Public Assistance**

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

The Board of Health continues to stay on top of the Swine Flu outbreak, expected to increase in the fall season. The Health Department is conducting a Borough-wide census of all cats and dogs to ensure that they have up-to-date immunizations and current licenses, bringing in some revenue.

Mayor Holden thanked resident Jim Bruckner and other volunteers for their work on the fields at the Madison Junior School.

### ***COMMUNICATIONS AND PETITIONS*** - None

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

Mayor Holden opened the meeting to the public for their opportunity to ask questions and make comments on those items listed on the Agenda only. The Mayor asked that, upon recognition by

the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record.

*Don Links, Shadylawn Drive*, endorsed an ordinance for the purchase of a tractor attachment which will be introduced at this evening's meeting, commenting that it is a good investment.

*Tim Harrington, Cross Gates Road*, inquired about the cost of the repairs to the drainage channel in front of the Public Library, noting the conditions after a storm and was appreciative that the roadway conditions on Pomeroy are being addressed.

### **AGENDA DISCUSSIONS**

#### **07/27/2009-1 AUTHORIZE REPLACEMENT OF TAP-CHANGERS ON TRANSFORMER BANKS 1 & 2 AND INSTALL NITROGEN SYSTEM**

Mr. Elias moved to authorize the American Electrical Testing Company to perform replacement of tap-changers and the installation of nitrogen system on both transformer Banks 1 & 2 at the Kings Road Substation. Mr. Conley seconded the motion.

There was no objection to listing Resolution R 196-2009 on the Consent Agenda.

#### **07/27/2009-2 APPROPRIATION OF \$12,250.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR TRACTOR ATTACHMENT**

Superintendent of Public Works David Maines noted that there is the potential for shared services with the Board of Education regarding this purchase. The Council was in agreement with Mr. Maines' recommendation to appropriate \$12,250.00 from the General Capital Improvement Fund for the purchase of an attachment for the tractor to maintain the ball fields.

Ordinance 43-2009 is listed for introduction later in the meeting.

#### **07/27/2009-3 AWARD OF CONTRACT TO JEN ELECTRIC, INC. FOR SCHOOL ZONE SIGNAL IMPROVEMENTS IN THE AMOUNT OF \$86,190.00**

There was agreement with Borough Engineer Robert Vogel's recommendation to award to JEN Electric, Inc. of Springfield, NJ for equipment and services for School Zone blinker improvements.

Resolution R 201-2009 is listed on the Consent Agenda.

**07/27/2009-4** 25<sup>TH</sup> ANNUAL GIRALDA FARMS RUN TO BE HELD NOVEMBER 8, 2009

There was no objection to listing Resolution R 202-2009 on the Consent Agenda.

### ***ADVERTISED HEARINGS***

The Acting Clerk made the following statement:

Ordinances scheduled for hearing tonight were submitted in writing at a Regular Meeting of the Mayor and Council held on July 13, 2009, were introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

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

#### **ORDINANCE 30-2009**

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 190 OF THE  
MADISON BOROUGH CODE ENTITLED "WATER" TO INCLUDE WATER  
CONNECTION FEE

**WHEREAS**, the Chief Financial Officer has recommended that the Borough amend Chapter 190 of the Madison Borough Code entitled "Water" to include a water connection fee; and

**WHEREAS**, Nisivoccia and Company, LLP, Certified Public Accountants and consultant to the Borough, has performed a study of the capital costs and interest on debt service together with the number of equivalent users at December 31, 2008, and based on such study has

recommended a water connection fee in the amount of \$2,700.00 for new customers during 2009; and

**WHEREAS**, such water connection fee is authorized by N.J.S.A. 40A:31-11 entitled “County and Municipal Water Supply”.

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

**SECTION 1:** Chapter 190 of the Madison Borough Code, currently entitled “Connection required” is hereby amended to add a new Section 11.2 entitled “Connection fee” as follows:

§190-11.2 Connection fee

There shall be a water connection fee established in accordance with N.J.S.A. 40A:31-11 in addition to the fees for department services set forth in Section 190-33. The water connection fee for the remainder of 2009 shall be:

A. For single family dwelling units, \$2,700.00, and for multiple dwelling units, \$2,700.00 per unit.

B. In the case of any building or portion thereof to be used for industrial, commercial, educational or other than dwelling purposes, the Borough Engineer shall determine by accepted standards the number of units to be connected or added to an existing connection; where a unit equals an annual average daily flow of 248 gallons or fraction thereof: \$2,700.00 per unit.

This fee shall, pursuant to statute, be recalculated at the end of each budget year and may be reset by ordinance of the Borough Council after public hearing, on a yearly basis. The water connection fee shall be payable in full to the Borough of Madison at the time a building water

connection permit is issued for connection to the municipal water system by the Borough of Madison.

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

Mayor Holden opened up the public hearing on Ordinance 30-2009. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Elias moved that Ordinance 30-2009, which the Acting 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, Mr. Elias, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mrs. Vitale

Nays: None

Mayor Holden declared the aforementioned ordinance adopted and finally passed and asked the Acting Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

### **ORDINANCE 31-2009**

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 155 OF THE MADISON BOROUGH CODE ENTITLED "SEWER" TO INCLUDE SEWER CONNECTION FEE

WHEREAS, the Chief Financial Officer has recommended that the Borough amend Chapter 155 of the Madison Borough Code entitled "Sewer" to include a sewer connection fee; and

WHEREAS, Nisivoccia and Company, LLP, Certified Public Accountants and consultant to the Borough, has performed a study of the capital costs and interest on debt service together with the number of equivalent users at December 31, 2008, and based on such study has recommended a sewer connection fee in the amount of \$4,000.00 for new customers during 2009; and

**WHEREAS**, such sewer connection fee is authorized by N.J.S.A. 40A:26A-11 entitled “Municipal and County Sewerage Facilities”.

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

**SECTION 1:** Chapter 155, Section 4 of the Madison Borough Code, currently entitled “Connection expenses; responsibility for maintenance, repair and replacement of laterals” is hereby amended as follows:

§155-4 Connection fees; connection expenses; responsibility for maintenance, repair and replacement of laterals.

A. Sewer connection fees.

There shall be a basic connection fee established in accordance with N.J.S.A. 40A:26A-11. The fee for the remainder of 2009 shall be:

1. For single family dwelling units, \$4,000.00, and for multiple dwelling units, \$4,000.00 per unit.
2. In the case of any building or portion thereof to be used for industrial, commercial, educational or other than dwelling purposes, the Borough Engineer shall determine by accepted standards the number of units to be connected or added to an existing connection; where a unit equals an annual average daily flow of 265 gallons or fraction thereof: \$4,000.00 per unit.

This fee shall, pursuant to statute, be recalculated at the end of each budget year and may be reset by ordinance of the Borough Council after public hearing, on a yearly basis. The sewer connection fee is based upon the usage of a single dwelling unit or equivalent discharge. The sewer connection fee shall be payable in full to the Borough of Madison at the

time a building sewer permit is issued for connection to the public sanitary sewer by the Borough of Madison.

B. Sewer connection expenses; responsibility for maintenance, repair and replacement of laterals.

1. Whenever any of the work herein provided for is done, it shall be at the expense of the owner or owners of the land in front of or upon which the same is done.

2. Such owner or owners shall also be responsible for the maintenance, repair and replacement of any lateral installed upon premises owned by him or them, or other work done in connection therewith.

Mayor Holden opened up the public hearing on Ordinance 31-2009. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Elias moved that Ordinance 31-2009, which the Acting 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, Mr. Elias, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mrs. Vitale

Nays: None

Mayor Holden declared the aforementioned ordinance adopted and finally passed and asked the Acting Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 32-2009**

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING  
\$300,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND TO  
CONSTRUCT AN ELEVATOR AT THE MADISON CIVIC CENTER

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$300,000.00 from the General Capital Improvement Fund to construct an elevator at the Madison 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 \$300,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$300,000.00 from the General Capital Improvement Fund to construct an elevator at the Madison 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 \$300,000.00 is hereby appropriated from the General Capital Improvement Fund to construct an elevator at the Madison 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.

Mayor Holden opened up the public hearing on Ordinance 32-2009. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 32-2009, which the Acting 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, Mr. Elias, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mrs. Vitale

Nays: None

Mayor Holden declared the aforementioned ordinance adopted and finally passed and asked the Acting Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

### **ORDINANCE 33-2009**

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$14,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR BOROUGH CLERK OFFICE COPIER/SCANNER

**WHEREAS**, the Acting Borough Clerk has recommended that the Borough appropriate \$14,000.00 from the General Capital Improvement Fund for Borough Clerk Office copier/scanner; 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 \$14,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$14,000.00 from the General Capital Improvement Fund for Borough Clerk Office copier/scanner.

**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 \$14,000.00 is hereby appropriated from the General Capital Improvement Fund for Borough Clerk Office copier/scanner.

**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 up the public hearing on Ordinance 33-2009. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 33-2009, which the Acting 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, Mr. Elias, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mrs. Vitale

Nays: None

Mayor Holden declared the aforementioned ordinance adopted and finally passed and asked the Acting Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

### **ORDINANCE 34-2009**

#### **ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$86,190.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR SIGNAL IMPROVEMENTS AT KINGS ROAD SCHOOL, CENTRAL AVENUE SCHOOL, ST. VINCENT SCHOOL AND TOREY J. SABATINI SCHOOL**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$86,190.00 from the General Capital Improvement Fund for signal improvements at Kings Road School, Central Avenue School, St. Vincent School and Torey J. Sabatini School; 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 \$86,190.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$86,190.00 from the General Capital Improvement Fund for signal improvements at Kings Road School, Central Avenue School, St. Vincent School and Torey J. Sabatini School.

**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 \$86,190.00 is hereby appropriated from the General Capital Improvement Fund for signal improvements at Kings Road School, Central Avenue School, St. Vincent School and Torey J. Sabatini School.

**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 up the public hearing on Ordinance 34-2009. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 34-2009, which the Acting 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, Mr. Elias, Mr. Conley, Mrs. Tsukamoto

Dr. Esposito, Mrs. Vitale

Nays: None

Mayor Holden declared the aforementioned ordinance adopted and finally passed and asked the Acting Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 35-2009**

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$12,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR DRAINAGE REPAIRS AND IMPROVEMENTS TO THE MUSEUM OF EARLY TRADES & CRAFTS

**WHEREAS**, the Borough Administrator has recommended that the Borough appropriate \$12,000.00 from the General Capital Improvement Fund for drainage repairs and improvements to the Museum of Early Trades & Crafts; 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 \$12,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$12,000.00 from the General Capital Improvement Fund for drainage repairs and improvements to the Museum of Early Trades & Crafts.

**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 \$12,000.00 is hereby appropriated from the General Capital Improvement Fund for drainage repairs and improvements to the Museum of Early Trades & Crafts.

**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 up the public hearing on Ordinance 35-2009. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 35-2009, which the Acting 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: Mr. Elias, Mr. Conley, Mrs. Tsukamoto

Dr. Esposito, Mrs. Vitale

Nays: None

Abstain: Ms. Baillie

Mayor Holden declared the aforementioned ordinance adopted and finally passed and asked the Acting Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

### **ORDINANCE 36-2009**

#### **ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 2-2009 PERTAINING TO PART-TIME NON-UNION SALARIES AND OFFICES**

**WHEREAS**, certain changes are required in the salary ranges for non-union part-time employees;

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following part-time non-union salary range is hereby amended as follows:

Title	Minimum	Maximum
Office Assistant Part-time	\$7.15/hr	\$ 14.56/hr

Mayor Holden opened up the public hearing on Ordinance 36-2009. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 36-2009, which the Acting 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, Mr. Elias, Mr. Conley, Mrs. Tsukamoto

Dr. Esposito, Mrs. Vitale

Nays: None

Mayor Holden declared the aforementioned ordinance adopted and finally passed and asked the Acting Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

### **ORDINANCE 37-2009**

#### **ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$240,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR WATER MAIN REPLACEMENT ON GREEN AVENUE (SHUNPIKE RD TO MIDWOOD TERR)**

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$240,000.00 from the Water Capital Improvement Fund for water main replacement on Green Avenue (Shunpike to Midwood); 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 \$240,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$240,000.00 from the Water Capital Improvement Fund for water main replacement on Green Avenue (Shunpike to Midwood).

**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 \$240,000.00 is hereby appropriated from the Water Capital Improvement Fund for water main replacement on Green Avenue (Shunpike to Midwood).

**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 up the public hearing on Ordinance 37-2009. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 37-2009, which the Acting 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, Mr. Elias, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mrs. Vitale

Nays: None

Mayor Holden declared the aforementioned ordinance adopted and finally passed and asked the Acting Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

### **ORDINANCE 38-2009**

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$238,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR RECONSTRUCTION OF SOUTH STREET (ENTIRE LENGTH)

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$238,000.00 from the General Capital Improvement Fund for the reconstruction of South Street; 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 \$238,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$238,000.00 from the General Capital Improvement Fund for the reconstruction of South Street.

**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 \$238,000.00 is hereby appropriated from the General Capital Improvement Fund for the reconstruction of South Street.

**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 up the public hearing on Ordinance 38-2009. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 38-2009, which the Acting 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, Mr. Elias, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mrs. Vitale

Nays: None

Mayor Holden declared the aforementioned ordinance adopted and finally passed and asked the Acting Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

### **ORDINANCE 39-2009**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$130,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR PURCHASE OF A NEW REPLACEMENT SINGLE BUCKET TRUCK**

**WHEREAS**, the Electric Utility Superintendent has recommended that the Borough appropriate \$130,000.00 from the Electric Capital Improvement Fund for the purchase of a new replacement single bucket truck and related 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 \$130,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$130,000.00 from the Electric Capital Improvement Fund for the purchase of a new replacement single bucket truck and related equipment.

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

**SECTION 1:** The amount of \$130,000.00 is hereby appropriated from the Electric Capital Improvement Fund for the purchase of a new replacement single bucket truck and related 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.

Mayor Holden opened up the public hearing on Ordinance 39-2009. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Elias moved that Ordinance 39-2009, which the Acting 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, Mr. Elias, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mrs. Vitale

Nays: None

Mayor Holden declared the aforementioned ordinance adopted and finally passed and asked the Acting Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 40-2009**

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$75,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR PURCHASE AND INSTALLATION OF TWO NEW TAP CHANGERS AND TWO NITROGEN SYSTEMS ON TRANSFORMER BANKS 1 & 2 AT KINGS RD SUBSTATION

**WHEREAS**, the Electric Utility Superintendent has recommended that the Borough appropriate \$75,000.00 from the Electric Capital Improvement Fund for the purchase and installation of two tap changers and two nitrogen systems on transformer banks 1 and 2 at Kings Road substation; 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 \$75,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$75,000.00 from the Electric Capital Improvement Fund for the purchase and installation of two tap changers and two nitrogen systems on transformer banks 1 and 2 at Kings Road substation.

**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 \$75,000.00 is hereby appropriated from the Electric Capital Improvement Fund for the purchase and installation of two tap changers and two nitrogen systems on transformer banks 1 and 2 at Kings Road substation.

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

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

Mayor Holden opened up the public hearing on Ordinance 40-2009. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Elias moved that Ordinance 40-2009, which the Acting 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, Mr. Elias, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mrs. Vitale

Nays: None

Mayor Holden declared the aforementioned ordinance adopted and finally passed and asked the Acting Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

### **ORDINANCE 41-2009**

#### **ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$7,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR PURCHASE OF TWO HYDRAULIC LIFT TAILGATES FOR PICK-UP TRUCKS 136 & 137**

WHEREAS, the Electric Utility Superintendent has recommended that the Borough appropriate \$7,000.00 from the Electric Capital Improvement Fund for the purchase and installation of two hydraulic lift tailgates for pick-up trucks 136 and 137; 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 \$7,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$7,000.00 from the Electric Capital Improvement Fund for the purchase and installation of two hydraulic lift tailgates for pick-up trucks 136 and 137.

**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 \$7,000.00 is hereby appropriated from the Electric Capital Improvement Fund for the purchase and installation of two hydraulic lift tailgates for pick-up trucks 136 and 137.

**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 up the public hearing on Ordinance 41-2009. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Elias moved that Ordinance 41-2009, which the Acting 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, Mr. Elias, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mrs. Vitale

Nays: None

Mayor Holden declared the aforementioned ordinance adopted and finally passed and asked the Acting Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

### ***INTRODUCTION OF ORDINANCES***

The Acting Clerk made the following statement:

Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of August 10, 2009, in the 3<sup>rd</sup> Floor Meeting Room of Bayley-Ellard High School, 205 Madison Avenue off Danforth Road in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinances will be published in the Madison Eagle, be posted at the main entrance to Bayley-Ellard High School and be made available to members of the public requesting same, as required by law.

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

**ORDINANCE 42-2009**

**ORDINANCE OF THE BOROUGH OF MADISON ESTABLISHING A  
STANDING FINANCE COMMITTEE FOR JOINT MEETINGS WITH THE  
BOARD OF EDUCATION**

**WHEREAS**, the Borough Council deems it in the best interest of the public to establish a standing Finance Committee for periodic joint meetings with the Madison Board of Education or their designated committee for the purpose of discussing financial and related issues.

**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 Borough code shall be amended to reflect a new Chapter 47 entitled "Standing Finance Committee for Joint Meetings with the Madison Board of Education".

47-1. Establishment.

A Standing Finance Committee is hereby established to be known as "The Standing Finance Committee for Joint Meetings with the Board of Education" (hereinafter referred to as "Standing Committee"). The Standing Committee shall be advisory only.

47-2. Purpose.

A. To meet periodically on a monthly or other suitable basis with the Madison Board of Education for enhanced financial transparency between the Madison governing body and the Madison Board of Education and to discuss Board of Education financial matters including:

1. Budget.
2. Investments.
3. Debt service.
4. Any and all issues related to ongoing financial matters of the Board of Education.
5. For mutual understanding of proper financial planning between the Board of Education and the Borough Council.

B. To advise the Mayor and Council as to the financial matters concerning the Madison Board of Education.

C. To further the mutual communications between the Mayor and Council and the Board of Education for proper financial planning.

47-3. Membership.

The Standing Committee shall be comprised of the persons holding the following offices for each year:

- A. The Mayor or the Mayor's designee.
- B. The Council Liaison to Finance.
- C. The Council Alternate Liaison to Finance.
- D. The Chief Financial Officer of the Borough.
- E. The Borough Administrator

47-4. Term of Office.

A. The term of office for each member of the Standing Committee shall be one year, with the first term to run from adoption of this ordinance until December 31, 2009. Thereafter the term shall be one year, commencing on January 1 of each year. Provided further that if any member of the Standing Committee holds one of the positions listed in Section 47-3 above for less than one year, then the successor in their office shall serve for the remainder of that year.

B. The Mayor shall chair the Standing Committee or may designate another member to chair the Standing Committee on an annual basis. The Standing Committee shall select a member to serve as secretary to record minutes. The Chairperson shall call the initial meeting of the Standing Committee within forty-five (45) days of the adoption of this chapter. The Standing Committee shall report to the Mayor and Council at least quarterly.

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

Mrs. Tsukamoto moved that Ordinance 42-2009, which the Acting Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Elias, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mrs. Vitale  
Nays: None

**ORDINANCE 43-2009**

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING  
\$12,250.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR  
PURCHASE OF AN ATTACHMENT FOR TRACTOR

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$12,250.00 from the General Capital Improvement Fund for the purchase of an attachment for the tractor to maintain the ball fields; 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 \$12,250.00 for this purpose; and

**WHEREAS**, the Madison Board of Education has agreed to be a 50% partner and reimburse the Borough of Madison for their share, and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$12,250.00 from the General Capital Improvement Fund for the purchase of an attachment for the tractor to maintain the ball fields; 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 \$12,250.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of an attachment for the tractor to maintain the ball fields.

**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 that Ordinance 43-2009, which the Acting Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

### ***CONSENT AGENDA RESOLUTIONS***

**The Acting Clerk made the following statement:**

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

Mrs. Tsukamoto moved adoption of Resolutions R 195-2009 through R 202-2009 and Resolutions R 204-2009 and R 205-2009 on the Consent Agenda. Ms. Baillie seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Dr. Esposito, Mrs. Vitale

Nays: None

#### R 195-2009

#### RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION 45-2009 TO INCLUDE RATE OF WAGE CHANGE FOR PART-TIME NON-UNION EMPLOYEE

**WHEREAS**, Resolution 45-2009 established the salaries or rates of wages for part-time non-union personnel; and

**WHEREAS**, the Purchasing/Personnel Officer has recommended that the Borough amend Resolution 45-2009 to include a rate of wage change for Magdalena Martorana, who was inadvertently left off Resolution 45-2009.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Resolution 45-2009 is amended to include the rate of wage for Magdalena Martorana, Office Assistant, P/T in the Water & Electric Utility Administration Department, to be \$14.56 per hour effective June 18, 2009.

#### R 196-2009

RESOLUTION OF THE BOROUGH OF MADISON AWARDING PROFESSIONAL SERVICES CONTRACT TO AMERICAN ELECTRICAL TESTING COMPANY TO REPLACE TAP-CHANGERS INSTALL NITROGEN SYSTEM AT BOTH TRANSFORMER BANKS 1 & 2 AT KINGS ROAD SUBSTATION IN THE AMOUNT OF \$74,488.64

**WHEREAS**, the Electric Utility Superintendent has recommended that the Borough obtain professional engineering services from American Electrical Testing Company to replace tap-changers install nitrogen system at both transformer Banks 1 & 2 at Kings Road Substation; and

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

**WHEREAS**, the Electric Utility Superintendent has determined and certified in writing that the value of this acquisition will exceed \$74,488.64; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Council award the Contract to American Electrical Testing Company, in an amount not to exceed \$74,488.64; and

**WHEREAS**, American Electrical Testing Company, must submit to the Borough Purchasing Agent the required documents to satisfy the requirements of N.J.S.A. 19:44A-20.5, since this matter may be awarded without competitive bidding; and

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

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$74,488.64 for this purpose upon final adoption of Ordinance 40-2009.

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

1. Upon final adoption of Ordinance 40-2009 and ten days after receipt of the Business Entity Disclosure Certification and other required documents from American Electrical Testing Company, the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract with American Electrical Testing Company, for professional engineering services to replace tap-changers install nitrogen system at both transformer Banks 1 & 2 at Kings Road Substation in an amount not to exceed \$74,488.64, such contract to be in a form approved by the Borough Attorney.

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

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

R 197 - 2009

RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE  
APPLICATION SUBMITTED BY PTO MADISON JR. 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 MADISON JR. SCHOOL

I.D. No. 274-5-26391

R.A. No. 1120 – Off Premise

November 25, 2009

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

R 198 – 2009

RESOLUTION OF THE BOROUGH OF MADISON APPROVING APPLICATION TO AMEND RAFFLES LICENSE NO. 1091 SUBMITTED BY BPOE #1465 MADISON LODGE TO ADD 19 DRAWING DATES FROM SEPTEMBER 9 THROUGH SEPTEMBER 27, 2009

**WHEREAS**, this license is being amended because when License No. 1091 was issued to BPOE #1465 Madison Lodge in September 2008, their Registration was due to expire on September 8, 2009, the last date on which drawings could be held; and

**WHEREAS**, the renewed Registration through September 9, 2011, has now been issued by the Legalized Games of Chance Control Commission, thus allowing for this License Amendment;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Application to Amend Raffles License No. 1091 submitted by BPOE #1465 Madison Lodge, I.D. No. 274-6-34038, is hereby approved for the purpose of adding 19 drawing dates from September 9 through September 27, 2009, in order to complete the full year for this Instant Raffle Games.

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

R 199-2009

RESOLUTION OF THE BOROUGH OF MADISON AWARDDING BID FOR THE LEASE OF MAIL INSERT MACHINE

**WHEREAS**, the Borough of Madison publicly advertised for bids for a 51-month lease of a Pitney Bowes DI425 or equivalent machine for the Water and Electric Utility Administration (the “Contract”) in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

**WHEREAS**, three bids were received; and

**WHEREAS**, the apparent lowest bid was withdrawn by the bidder; and

**WHEREAS**, the second lowest qualified bid was submitted by Pitney Bowes in the amount of \$18,054.00; and

**WHEREAS**, the Purchasing/Personnel Officer has recommended that the Borough Council enter into a 51-month lease with Pitney Bowes in the amount of \$18,054.00; and

**WHEREAS**, the Director of Finance has attested that, subject to annual appropriations, funds will be available in an amount not to exceed \$18,054.00 for this purpose which funds are available from the Water and Electric Utility Administration Departments 2009 Operating Budget, Account # 313.

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

1. The contract for a 51-month lease of a Pitney Bowes DI425 or equivalent machine for the Water and Electric Utility Administration is hereby awarded to Pitney Bowes based upon its bid in the amount of \$18,054.00, subject to annual appropriations.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into a Lease with Pitney Bowes in accordance with the bid specifications and in a form acceptable to the Borough Attorney.

R 200-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING ENTRY INTO LEASE AGREEMENT WITH NEW JERSEY TRANSIT

**WHEREAS**, the Borough desires to enter into a Lease Agreement with New Jersey Transit in regard to leasing a portion of Block 2703, Lot 1, the New Jersey Transit premises at the Madison Railroad Station for the crescent parking lot and adjacent sidewalks and lawns, but not for any of the buildings, stairways, platform or tracks; and

**WHEREAS**, the Borough desires to enter into such Lease Agreement by which the Borough would collect the parking revenues and perform landscaping and snow removal with the revenues as well as fund other improvements or projects to the leased area of the property, or other projects related to improvement of the railroad station; and

**WHEREAS**, entry into such Lease will provide the ability and funding for continued grounds maintenance, landscaping and further beautification at the railroad station for the benefit of the public; and

**WHEREAS**, the Lease will provide that the Borough of Madison shall control the parking on the crescent parking lot of the premises and collect a fee per parking space that does not exceed \$5.00 per day; and the Borough of Madison will pay New Jersey Transit the sum of \$18,000.00 per year for said Lease; and

**WHEREAS**, the term of the agreement would be for a five year period, with a renewal option for 59 months; and

**WHEREAS**, the Borough has determined that it is in the best interest of the public to enter into such Lease.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the Mayor and the Acting Borough Clerk are authorized to sign a Lease Agreement with New Jersey Transit, including the terms and conditions set forth herein, and in a form acceptable to the Borough Attorney, which Lease will be effective August 1, 2009, for a five year term.

R 201-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF EQUIPMENT AND SERVICES FROM JEN ELECTRIC, INC. OF SPRINGFIELD, NEW JERSEY UNDER STATE AND COUNTY CONTRACT FOR SCHOOL ZONE SIGNAL IMPROVEMENTS

**WHEREAS**, the Borough of Madison desires to purchase equipment and services for School Zone blinker signal improvements at Kings Road School, Central Avenue School, St. Vincent School and Torey J. Sabatini from an authorized vendor under State and County Contracts; and

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

**WHEREAS**, JEN Electric, Inc., of Springfield, New Jersey has been awarded New Jersey State and Morris County Cooperative Bid Contracts; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Council utilize these contracts for School Zone blinker signal improvements at Kings Road School, Central Avenue School, St. Vincent School and Torey J. Sabatini in the total amount of \$86,190.00; and

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

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

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

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$86,190.00 for this purpose, upon final adoption of Ordinance 34-2009.

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

1. Upon final adoption of Ordinance 34-2009 and ten days after receipt of the Business Entity Disclosure Certification and other required documents from JEN Electric, Inc., the purchase of equipment and services for School Zone blinker signal improvements at Kings Road School, Central Avenue School, St. Vincent School and Torey J. Sabatini from JEN Electric, Inc., at a total price not to exceed \$86,190.00 is hereby approved under New Jersey State and Morris County Cooperative contracts.

2. Upon final adoption of Ordinance 34-2009 and ten days after receipt of the Business Entity Disclosure Certification and other required documents from JEN Electric, Inc., the Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to JEN Electric, Inc. for the purchase of equipment and services for School Zone blinker signal improvements at Kings Road School, Central Avenue School, St. Vincent School and Torey J. Sabatini at a total price not to exceed \$86,190.00, in a form acceptable to the Borough Attorney.

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

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

R 202-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING 25<sup>th</sup> ANNUAL  
GIRALDA FARMS RUN ON SUNDAY, NOVEMBER 8, 2009

R 203-2009 removed from Agenda and the # retired

R 204-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CREATION  
OF SPECIAL TRAIN STATION FUND ACCOUNT

R 205-2009 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING  
DONATIONS FROM THE FRIENDS OF THE MADISON TRAIN STATION ACCOUNT

*INVITATION FOR DISCUSSION (2 of 2)*

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

***Tim Harrington, Cross Gates Road***, asked if Ordinance 37-2009 includes paving of the roadway. Mayor Holden explained that the appropriation is only for the water main replacement; paving is scheduled for next year.

***Jerry Stevenson, Ardsleigh Drive***, stated how fortunate the Borough of Madison is to have Jim Burnet as the Main Street Executive Director to continue to promote Madison in these hard economic times, noting that Madison is doing as well as any town in Morris County.

***Tim Harrington, Cross Gates Road***, suggested that the Borough not use the same auditor as a consultant to eliminate any potential conflict.

***Sam Cerciello, Park Avenue***, complimented the new Borough Street Sweeper Vito Terranova for his diligent work.

***UNFINISHED BUSINESS*** - None

**APPROVAL OF VOUCHERS**

On motion by Mrs. Tsukamoto, seconded by Ms. Baillie and carried, the following vouchers of the Borough of Madison were approved for payment, and the supporting documentation of said vouchers was made part of the Supplemental Minute Book.

Public Safety	\$20,665.00
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Health & Public Assistance	4,083.18
Public Works & Engineering	109,607.64
Community Affairs	2,246.30
Finance & Borough Clerk	1,505,988.73
Utilities	<u>1,422,621.95</u>
Total	<u>\$3,065,212.80</u>

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

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

Nays: None

***NEW BUSINESS***

Mayor Holden announced the following appointment:

Housing Authority

***Barbara W. Valk***, Housing Authority Chair, through August 10, 2014

Mayor Holden requested Council confirmation of the following appointment:

Housing Authority

***Irving Valkys***, Housing Authority Vice-Chair, through August 10, 2014

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

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

Nays: None

***ADJOURN AND RECONVENE EXECUTIVE SESSION***

There being no further business to come before the Council, the meeting was adjourned at 9:00 p.m. and the Executive Session immediately reconvened.

***RECONVENE AND ADJOURN***

The Regular Meeting reconvened at 9:30 p.m. and immediately adjourned.

Respectfully submitted,

Elizabeth Osborne

Acting Borough Clerk

Approved August 10, 2009 (EO)