

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

April 9, 2007 - 6:00 p.m.

Call to Order

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 9th day of April 2007. Mayor Kerkeslager called the meeting to order at 6:00 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

Statement in Compliance with the Open Public Meetings Act

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

"In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by publishing a copy of the change in time of this meeting from 7 p.m. to 6 p.m. in the Madison Eagle on April 5, 2007, and in the Daily Record on March 31, 2007, 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 March 29, 2007. Copies of said Notice were made available to members of the general public."

Roll Call

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

Mayor Ellwood R. Kerkeslager

Council Members:

Mary-Anna Holden

Astri J. Baillie

Donald J. Bowen

Carmela Vitale

John M. Elias

Robert H. Conley

Also Present:

Raymond M. Codey, Acting Administrator

Joseph Mezzacca, Jr., Borough Attorney

Marilyn Schaefer, Borough Clerk

AGENDA REVIEW

One Contract Matter was added to the Executive Agenda.

Reading of Closed Session Resolution

Mr. Elias moved:

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

EXECUTIVE SESSION MINUTES (1)

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

CONTRACT MATTERS (6)

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

Seconded: Mrs. Vitale

Vote: Unanimous voice vote

Reconvene in Council Chamber

Mayor Ellwood R. Kerkeslager reconvened the Regular Meeting at 7:45 p.m. in the Council Chamber with all members present. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Mrs. Holden moved approval of the ***Regular Meeting Minutes of March 26, 2007***. Ms. Baillie seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Abstain: Mr. Elias

Ms. Baillie moved approval of the ***Executive Minutes of March 26, 2007***. Mrs. Holden seconded the motion, which passed by voice vote with Mr. Elias abstaining.

GREETINGS TO PUBLIC

Mayor Kerkeslager read the following Proclamation:

P r o c l a m a t i o n
of the
B o r o u g h o f M a d i s o n

Proclaiming

Child Abuse Prevention Month

April 2007

Whereas, all children deserve to be nurtured, protected and free of physical or emotional harm; and

Whereas, child abuse and neglect is a significant social problem that damages the lives of children physically, mentally and emotionally and inflicts immeasurable harm to our society as a whole; and

Whereas, The Borough of Madison is committed to building a continuum of child abuse prevention and intervention programs that are culturally competent, strength-based and family-centered, with a strong emphasis on primary child abuse prevention; and

Whereas, The Borough of Madison promotes and supports community-based programs designed to prevent injury, abuse or neglect of children, achieve positive outcomes for parenting behavior and family functioning and relationships, and empower and increase safety for domestic violence victims and their children; and

Whereas, all sectors of the community, including law enforcement, medical professionals, schools, courts, the media and private and public agencies have joined forces to promote public awareness and community involvement in prevention during the month of April and throughout the year;

Now, therefore, I, Ellwood R. Kerkeslager, Mayor of the Borough of Madison, do hereby proclaim April 2007 as **CHILD ABUSE PREVENTION MONTH** and urge all my fellow residents to become involved in efforts aimed at preventing our children from being abused and neglected.

Ellwood R. Kerkeslager, Mayor

April 9, 2007

Masonic Lodge members were invited to step forward. Mayor Kerkeslager read and presented the following Proclamation:

P r o c l a m a t i o n
of the
B o r o u g h o f M a d i s o n
Proclaiming
Madison Masonic Lodge #93 Day
April 9, 2007

Whereas, the Madison Lodge #93 has been awarded the Masonic Information Center's prestigious Mark Twain Masonic Awareness Award in recognition of its exemplary work in constructing a positive Masonic identity within the Lodge and throughout the local community; and

Whereas, Lodges nationwide participated in the 2006 Twain Award competition as part of a growing network of lodges that are working together, brother by brother, lodge by lodge, to achieve the goals expressed in *It's About Time: Moving Masonry into the 21st Century*; and

Whereas, The Mark Twain Award celebrates a new enthusiasm among Masonic lodges to reclaim a prominent place within the community and they are applauded for raising their own personal standards of performance; and

Whereas, the Masonic Lodge #93 has reached out into the Madison community to broaden and strengthen the identity of Freemasons, demonstrating a new commitment to self-improvement and education that is sweeping through lodges across the country;

Whereas, many of the Founding Fathers of our nation were Masons including George Washington, Benjamin Franklin and Paul Revere, and its current fraternity has grown to provide fellowship for over 1.5 million members;

Now, therefore, I, Ellwood R. Kerkeslager, Mayor of the Borough of Madison, do hereby proclaim April 9, 2007

as Madison Masonic Lodge #93 Day. I commend the Madison Masonic Lodge #93 as a recipient of the Mark Twain Award and for its dedication and commitment to the community.

Ellwood R. Kerkeslager, Mayor

April 9, 2007

Mayor Kerkeslager read and presented the following Proclamation to Morris Land Conservancy officers who were present along with representatives from Whole Foods Market:

P r o c l a m a t i o n
of the
B o r o u g h o f M a d i s o n
Proclaiming
Morris Land Conservancy/Whole Foods Day
April 18, 2007

WHEREAS, through 25 years of distinguished service Morris Land Conservancy has shown an unwavering dedication to preserving and permanently protecting open space, land and water resources throughout northern New Jersey through its Land Preservation, Stewardship, and Education programs; and

WHEREAS, Whole Foods Market, exemplifying its philosophy of community giving, commitment to responsible environmental stewardship, and dedication to the conservation of natural resources, has declared April 18 as Morris Land Conservancy Day at Whole Foods Markets in Madison, Montclair and West Orange, donating 5% of the day's net profits to Morris Land Conservancy's *Partners for Parks* program; and

WHEREAS, Morris Land Conservancy has developed the nationally recognized *Partners for Parks* program that has completed more than 300 projects to improve our parks with the help of nearly 6,000 volunteers from

corporations and civic groups, thereby creating valuable corporate and civic partnerships and raising awareness of the importance of these parks within the community; and

WHEREAS, Morris Land Conservancy has preserved over 11,000 acres of land and helped towns receive \$124 million in grants to purchase and protect land throughout northern New Jersey, thereby impacting over half of New Jersey's counties and benefiting millions of residents throughout the state; and

WHEREAS, Morris Land Conservancy developed an Open Space and Recreation Plan for the Borough of Madison enabling the Borough to secure funding from other government, private and nonprofit agencies, to preserve additional open space and parkland for our citizens; and

WHEREAS, Morris Land Conservancy contributed funding from its own Non-profit Green Acres Grant for the preservation of Summerhill Park Greenway, and recently completed the Livesey Park project; and has received numerous prestigious awards recognizing its outstanding achievements in the field of open space protection, preservation and stewardship; and

WHEREAS, Whole Food Market has been honored with the Environmental Protection Agency's 2006 Green Power Partner of the Year Award.

NOW, THEREFORE, I, Ellwood R. Kerkeslager, Mayor of the Borough of Madison, do hereby proclaim April 18, 2007 as **MORRIS LAND CONSERVANCY/WHOLE FOODS MARKET DAY** in the Borough of Madison. I commend Morris Land Conservancy for its invaluable leadership in the state and its exceptional contributions to municipalities throughout northern New Jersey; and I further applaud Whole Food Markets for its commitment to support local communities, practice sound environmental stewardship, conserve natural resources, and fulfill its responsibilities as global citizens.

Ellwood R. Kerkeslager, Mayor

April 9, 2007

REPORTS OF COMMITTEES

Community Affairs

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

Softball and Little League

Softball and Little League will be working cooperatively with Public Works to get the fields in shape; discussions are moving forward with recommendations to the Board of Education and the Borough based upon the 2005 recreational fields study.

Downtown Development Commission

There are plenty of activities to be involved in during May Day, the Borough-wide cleanup on Saturday, May 5, 2007.

Senior Citizens Spring Luncheon

April 19, 2007 has been announced as the date of the Senior Citizens Spring Luncheon at the Senior Center; this in thanks to the AARP tax preparation counselors who have been and will be preparing taxes until April 11, 2007. The Spring Luncheon cost is \$10.00.

Reverse Mortgages

On April 26, 2007, Michael Miller, who is a certified Counselor regarding reverse mortgages and how to tap the equity in residents' homes, will hold a session at the Senior Center.

Art Show and Sidewalk Sales, Free Concert at Drew

June 2, 2007 will be a day for local artists to participate in the Chamber of Commerce Art Show and Sidewalk Sales; the New Jersey Jazz Society will hold a free concert at Drew at 6 p.m. that day.

Utilities

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

Electric Department

The Electric Department crews have returned to working in the commercial district upgrading the underground system.

Health & Public Assistance

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

Public Works and Engineering

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

Shade Tree Management Board (STMB)

Mrs. Vitale announced that the New Jersey Forest Service has awarded Madison a \$25,000.00 grant under a 2006 Community Service Success Program; STMB will be able to work and educate people about community forestry programs; Mrs. Vitale congratulated the grant writers. On Wednesday there will be a Green Forum here in the 2nd Floor Planning Board Room at 7:00 p.m. with participation from the STMB membership, Friends of Madison Shade Trees, and Open Space; the public is invited; along the same lines, 105 trees are coming this week to be planted by the Department of Public Works (DPW); with all of the new laws and regulations, for every tree planted now, the DPW has to have a One Call. In addition, the DPW is working on fixing pavers along Central Avenue on the original section, which are in very poor repair; also, the DPW is working on lining the fields; Bayley-Ellard will be fully utilized for soccer, lacrosse and girls softball; the DPW is also starting to work on maintenance.

Finance and Borough Clerk

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

Mr. Elias commented as to the Phillips Preiss Shapiro Associates (PPSA) report; a recommendation should be made to the DDC in the next couple of weeks.

Public Safety

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

Mr. Conley commented on traffic calming; the committee had its first meeting of the year a few weeks ago and will be meeting on a regular basis to follow-up on the recommendations previously submitted; regarding today's agenda listing an appropriation of \$20,000.00 for a stalker message board, as opposed to the one the Borough currently has, this new stalker message board will be able to record the number of cars traveling over the speed limit, etc. Also, the Fire Department, working along with the Police Department, uncovered a scam last week; a company was claiming to be selling signage required by OSHA to businesses; the individuals were not affiliated with OSHA; if anyone did purchase signage, they are encouraged to contact Captain Ed Nunn of the Fire Department at 973.593.8494 or Detective James Haspel of the Police Department at 973.593.3014.

Mayor Kerkeslager took this opportunity to announce that Michael Fastiggi, a Madison High School senior, is being recommended for the Louis Bay II Municipal Leaders Scholarship this year. His essay was submitted to the Mayor's office and reviewed by a Committee of the Borough consisting of Mayor Kerkeslager, Acting Administrator Raymond Codey, Executive Assistant Toni DeRosa and Borough Clerk Marilyn Schaefer. The scholarship application and essay were then submitted to the New Jersey League of Municipalities with the Borough's support.

Announcements

Mayor Kerkeslager congratulated Acting Administrator Ray Codey who was instrumental in carrying out the wishes of the Council in purchasing new microphones for the Council table so the public can hear discussions more clearly.

Advertised Hearing on Cablevision of Morris' Application for Renewal of Municipal Consent to Construct and Operate a Cable Television System in the Borough of Madison

Mayor Kerkeslager opened up the hearing on Cablevision of Morris' Application for Renewal of Municipal Consent to operate in the Borough of Madison. A representative of Cablevision, Don Viapree, was invited to step forward to the microphone to speak and answer any questions from the public, but first Borough Attorney Joseph Mezzacca, Jr., was recognized by the Chair and commented that the Borough had given a franchise to Cablevision in the past; this is a required hearing before renewal of the franchise; Verizon has applied for and received a State-wide franchise; when Verizon has the ability to serve 60% or more of residents, it can appeal to the Board of Public Utilities to have Cablevision increase the franchise fee to that of State-wide franchise fees paid to the Borough; Cablevision is applying for a 10-year municipal franchise renewal.

Mr. Viapree commented that Cablevision would offer a senior discount of 10% to qualified individuals.

Eugene Zipper, Madison resident, asked if he would qualify for a senior discount. Mr. Viapree explained that guidelines for qualifying include that the individual be at least 62 years of age and meet income requirements, as required under the Pharmaceutical Assistance to the Aged and Disabled program (PAAD); Mr. Viapree offered to provide the income requirements to Mr. Codey. Mr. Zipper asked about the basic cable service and what it costs, and was advised that basic cable, which broadcasts networks, the public access channel and the educational access channel, costs about \$12 per month; Mr. Zipper commented that this basic service availability should be better explained to residents in a more public way. Council comments included an understanding, as the Borough is considering renewal of the franchise, that Cablevision provides to other municipalities service packages at no cost to the municipality; Mr. Viapree commented that the exact same is planned for Madison; Mr. Viapree explained that these free services would include the continuance of the free cable TV service and, as it is in other towns, the installation and free service of internet access to each school, parochial and public, and to the library; Cablevision intends to, within the new franchise, provide a grant to the Borough so that the Borough may upgrade its equipment; Cablevision also intends to speak about access programming; Mayor Kerkeslager commented, and Mr. Viapree confirmed, that Cablevision will provide a direct access dedicated channel for Madison only so that meetings of Council and Boards could be broadcast in real-time; Mrs. Judy Mullins, who is a member of the Board of Trustees of the Museum of Early Trades & Crafts, asked whether or not the Museum may be connected as described for other public buildings in the Borough; Mr. Mezzacca added that the Museum is a public building owned by the Borough; Mr. Viapree commented that this may be discussed during negotiations with the Borough. Mr. Zipper commented as to meetings being broadcast in real-time; Mr. Zipper felt that real-time is not much of an improvement because people might just as well go to the meeting; Mr. Zipper felt that when the meeting is broadcast at a time other than during the meeting itself, it affords residents a chance to review and clarify what they heard; Mr. Viapree commented that after the meeting is broadcast live, it is always repeated; when meetings are done by the town, they are done "gavel to gavel"; as to whether a town has control of any price increases by a cable provider, Mr. Zipper was informed that pricing is regulated by the Board of Public Utilities (BPU); franchise fees are also governed by the state.

Since no other member of the public wished to be heard concerning the Cablevision franchise renewal, the public hearing was closed.

Presentation by P. David Zimmerman, Professional Planner, "Consultant" for the Planning Board regarding Overlay Zone in Madison

Mayor Kerkeslager invited Mr. Zimmerman to the microphone; Mr. Zimmerman commented that Planning Board discussions began relative to a piece of property, Lincoln Mayflower, in the CC zone in

the far eastern part of Madison; recently there was interest on the part of a well-known developer to put up age-restricted housing; the Planning Board discussed what would be appropriate for that area and then asked Mr. Zimmerman to make a recommendation.

Mr. Zimmerman commented that he prepared a report in December recommending an overlay zone where the present CC zone would remain and a permitted use could be added for age-restricted use; the Planning Board, upon receipt of Mr. Zimmerman's report, came to an opinion that it would be appropriate to put the concept on Council's table and, if Council were in agreement, the Planning Board would prepare an ordinance for review and consideration for adoption; in furtherance of that process, Mr. Zimmerman and the Planning Board met with the Council about one month ago; there was a model prepared by a member of the Planning Board showing what could be placed on the property; tonight Mr. Zimmerman assumes the Mayor and Council are more formally considering this concept and, therefore, Mr. Zimmerman has made himself available.

Mr. Zimmerman's report recommends that Madison create an overlay zone for the eastern end of Madison that would allow that property to be redeveloped for age-restricted housing while providing appropriate setbacks, as this is a gateway piece of property; Mr. Zimmerman offered that in taking this recommendation under advisement, Council may want to consider that this property is currently zoned CC; given the 1.92 acres of the property, the zoning would permit a series of stores of 20,000 square feet in size; that is what is presently allowed by the CC zoning; Mr. Zimmerman commented that a better alternative use is age-restricted housing; the Master Plan Reexamination shows Madison is losing that population; the recommendation accommodates that need for housing; Mr. Zimmerman solicited Mayor and Council comments and questions. Mr. Mezzacca added a clarification that the overlay would take that block, basically the Mayflower property and neighboring property, and would be adding uses by the overlay zone; it could still be developed commercially; there were comments about increased density, height and setback; Mr. Zimmerman commented that all bulk and height standards in the CC zone are geared to lots where front setbacks are 15'; the minimum lot size in the CC zone is 7,000 square feet; one recommendation would be to change the front yard setback for the overlay zone; additionally, the CC zone provides for 2-1/2 stories; some adjustment for the height would have to be made to allow for underground parking, noting that it is important to make sure the height is correct for this gateway property; Mr. Zimmerman recommended that the top story be indented, with 1st and 2nd stories regular; Mr. Zimmerman would look for a building that is to scale and appropriate for the proposed use; the applicants proposed a height of 44 feet; Mr. Zimmerman would recommend a 35 to 36 foot range.

Council comments continued and included that retail space would increase the traffic there and that perhaps instead of having an overlay zone, the CC zone could be eliminated and age-restricted housing allowed; additional comments pertained to the property across the street; ownership can change, use can stay; have the Planning Board consider the Phillips Preiss Shapiro Associates (PPSA) report and keep the report in the mix when considering development in Madison; Mr. Zimmerman commented that the Planning Board is trying to be pro-active; part of the new ordinance will include design standards.

Mayor Kerkeslager commented that the Planning Board referred this for review and recommendation. Mr. Mezzacca discussed the procedure of recommending zoning changes; Ms. Baillie will put this subject on the next agenda to make a recommendation to the Planning Board.

Agenda Discussions

04/09/07-1 review FIRE/POLICE BUILDING capital project;

HDM RENOVATIONS; REVIEW OF RELOCATION AND RENOVATIONS; SPACE RELOCATION PLAN FOR ALL EMPLOYEES AT ALL LOCATIONS

Borough Engineer Robert Vogel was not present; after brief comments, it was decided that this discussion should be deferred until the next meeting; Messrs. Codey and Conley were asked to continue moving forward with relocation plans.

04/09/07-2 ADD A MINIMUM OF \$500,000.00 IN THE 2007 MUNICIPAL BUDGET FOR THE GENERAL CAPITAL FUND

Chief Financial Officer Robert Kalafut presented three agenda recommendations, the first of which requested approval to add a minimum of \$500,000.00 in the 2007 Capital Municipal Budget for future Capital Improvement Funding needs; the practice of transferring funds to the General Capital Improvement Fund was discontinued in 2003 and thus, for the years 2003, 2004, 2005 and 2006, zero funds were placed in the General Capital Improvement Fund.

Complicating this, after the year 2008, there is an extremely high probability that zero funds will be available from the Electric Utility since, most likely, the cost of purchased power will increase between 90% and 95%; Mr. Kalafut is seeking to restore placing \$500,000.00 in the Capital Budget--going from zero to \$500,000.00; it is Mr. Kalafut's opinion that beginning next year, with the implementation of a property tax levy cap as well as a spending cap, the Borough would not be able to get the \$500,000.00 in the budget because capital improvement increases are not an exemption from the cap; the Borough needs to insert it in the budget now.

The Borough has six different sources for capital—first is the Capital Improvement Fund; second is the Electric Utility transfers which most likely will be zero after next year; the third is bonding, which the Borough will be doing in October 2008 for the

Fire & Police building, the renovations of the Hartley Dodge Memorial building and the fire truck; the fourth source is County and State grants; the fifth is the Open Space Trust Fund; the sixth source is the sale of Borough assets.

Since the Electric Utility transfers are eliminated and Mr. Kalafut does not recommend bonding on a regular basis, placing \$500,000.00 in the Capital Improvement Fund is his recommendation; it was agreed to combine Mr. Kalafut's three discussions as continued below.

04/09/07-3 FUND THE 2007 AND 2008 ROADS PROGRAMS AND SEWER IMPROVEMENTS WITH BONDING

Chief Financial Officer Robert Kalafut addressed Council and recommended bonding the road and sewer programs for 2007 and 2008, and perhaps 2009. The Borough will have approximately \$7.5 million for general capital projects in 2007, 2008 and 2009; after that, the funds will be consumed since the Borough will not have Electric Utility transfers available; therefore, Mr. Kalafut recommended that the approximately \$1.5 million and \$1.6 million of road and sewer programs be bonded by packaging them in the October 2008 bond sale; what this will do is, coupled with the \$500,000.00 being introduced into the Capital Improvement Fund in 2007 and continued, sufficient capital funds will be available so Madison can pay as you go in 2007, 2008, 2009, 2010, 2011 and maybe 2012 depending upon Borough asset sales.

Mr. Kalafut commented that if Council acts on his agenda recommendations, there will be an interim capital pay-as-you-go funding plan for five or six years; in addition, it would give Mr. Kalafut more information over the next couple of years regarding purchased power contracts because the Borough is leaning toward a 17-month purchased power contract in order to avoid being locked in should the market happen to go lower; if the market goes higher, that is just the market; Mr. Kalafut will have more information after May 31, 2009, with a new purchased power contract;

Mr. Kalafut will return with numbers broken out for the road and sewer programs.

Mr. Bowen moved approval of Mr. Kalafut's recommendations; Ms. Baillie seconded the motion. Mr. Kalafut asked for a decision this evening as he wants to move forward on the 2007 budget; after discussion, Mr. Bowen amended his motion to include approval of all three of his recommendations; Ms. Baillie seconded the amended motion. Council discussion confirmed that Mr. Kalafut planned to introduce the Budget on May 14, 2007, and that the proposed budget will be discussed in detail at the next meeting.

Mr. Bowen amended his recommendation to move approval of the recommendation to add a minimum of \$500,000.00 to the Capital Budget for the General Capital Improvement Fund; Mrs. Holden seconded the amended motion, which passed with the following roll call vote recorded:

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

Nays: None

Mr. Bowen moved approval of bonding the road and sewer programs for 2007 and 2008; Ms. Baillie seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

04/09/07-4 APPROVAL TO INTRODUCE THE 2007 MUNICIPAL BUDGET AND AMOUNT TO BE RAISED BY TAXATION

Mr. Bowen moved approval of the 2007 Municipal Budget and tax levy; Ms. Baillie seconded the motion. After comments, Mr. Bowen amended his motion to approve moving forward with this to the extent possible pending our next meeting when there will be a detailed readout to the full satisfaction of the public. Ms. Baillie seconded the amended motion. Mr. Kalafut was asked to get the information presented tonight out to the public before the next meeting.

The Council will be discussing and making a decision on April 23. Mr. Kalafut commented that he has spoken many times with the Borough's auditor; the Borough introduces and adopts a temporary budget on January 1st; it is not amended and the Borough continues to spend against last year's budget, and the auditor is comfortable with it.

At the end of discussion, the following roll call vote was recorded:

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

Nays: None

04/09/07-5 APPROPRIATE \$55,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR PURCHASE OF PAD-MOUNT TRANSFORMER AND METERING/SWITCH CABINET FOR THE HARTLEY DODGE MEMORIAL BUILDING RE-CONSTRUCTION

Electric Utility Superintendent Michael Piano addressed the Mayor and Council, after which Ms. Baillie moved approval of Mr. Piano's recommendation to appropriate \$55,000.00 from the Electric Capital Improvement Fund for purchase of a pad-mount transformer and metering/switch cabinet for the Hartley Dodge Memorial building reconstruction. Mrs. Holden seconded the motion. With proposed renovations to the Hartley Dodge Memorial, the building will be requiring much larger electrical service; this funding is to purchase a new pad-mount transformer that will be situated outside the building along with metering and switchgear. This is being done in conjunction with the renovations; there is a lead-time with ordering equipment and, therefore, this must be moved forward.

At the conclusion of discussion, the motion passed with the following roll call vote recorded:

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

Nays: None

An ordinance is listed for introduction later in the meeting.

04/09/07-6 APPROPRIATE \$20,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF A NEW CABLE TRAILER

Ms. Baillie moved approval of Electric Utility Superintendent Michael Piano's recommendation to appropriate \$20,000.00 from the Electric Capital Improvement Fund for the purchase of a new cable trailer. Mrs. Holden seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

An ordinance is listed for introduction later in the meeting.

04/09/07-7 AUTHORIZE THE BOROUGH ENGINEER TO ENDORSE TREATMENT WORKS APPROVAL APPLICATION TO THE DEP FOR REXCORP REALTY

Borough Engineer Robert Vogel was not present at the meeting, but submitted a recommendation to the Mayor and Council. Ms. Baillie moved approval of Borough Engineer Robert Vogel's request, as

presented by Messrs. Codey and Mezzacca, to authorize the Borough Engineer to endorse the treatment works approval application to the NJDEP for Rexcorp Realty. Mrs. Holden seconded the motion.

Mrs. Vitale will take this information to the Joint Meeting as the Joint Meeting must also give its approval. At the conclusion of discussion, the following roll call vote was recorded:

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

Nays: None

A resolution is listed on the Consent Agenda.

Invitation for Discussion by the Public

Mayor Kerkeslager opened the meeting to the public for their opportunity to ask questions and make comments. Mayor Kerkeslager asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record. He/she shall limit his/her statement to five (5) minutes or less.

Jim McCloskey, Dean Street commented on newspaper articles as to what Madison needs, including that Madison needs fewer apartments and more green; as to making Madison the heart of the cultural center, recommended the Arts Council go to the School Board about using the Green Village Road School building; spoke about expenditures for the Hartley Dodge Memorial; the request from the Madison Athletic Foundation for Dodge field synthetic turf, that the high school has a synthetic turf field.

Paul Lozier, Chelsea Court, asked when does the public get something to look at and comment on before the deadline, and was advised that the goal is to have something available at the next Council meeting before introduction; spoke of the rationale used to put \$500,000 in the capital budget and proposed bonding, which will result in a tax increase; before there was a public discussion of the budget, he requested that, along with that budget package, the taxpayers should be advised as to how much money is in the utilities, operating fund and cash accounts, and that there be a cash flow forecast going forward; ask for money, but tell residents how much you have already.

Martin Barbato, Arlena Court, made points related to the budget; Mr. Barbato made a specific recommendation regarding the \$500,000 to be put into the Capital Improvement Fund; since the Borough's sources of revenue are above the line, he suggested that the Council consider a specific look at surplus in the Electric Utility Capital or the Water Utility Capital balances to fund the Capital Improvement Fund, which is an expense below the line; that would have the benefit of not increasing the taxes to be raised, but would use available cash; Mr. Barbato spoke of best use of available cash, and suggested using the cash already available for the \$1.5 million in road and sewer projects; then "tomorrow" when the Borough better understands about the Electric Utility surplus, if the Borough needs to bond, it may bond. Mr. Barbato made himself available in regard to his suggestions.

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

Advertised Hearings

The Clerk made the following statement

Ordinances scheduled for hearing tonight were submitted in writing at a Regular meeting of the Mayor and Council held on March 23, 2007, were introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

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

ORDINANCE 11-2007

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$8,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR NEW RADIOS AND RADIO EQUIPMENT FOR THE POLICE DEPARTMENT

WHEREAS, the Chief of Police has recommended that the Borough appropriate \$8,000.00 from the General Capital Improvement Fund for new radios and radio equipment for the Police 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 \$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 new radios and radio equipment for the Police 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 \$8,000.00 is hereby appropriated from the General Capital Improvement Fund for new radios and radio equipment for the Police 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 Kerkeslager opened the hearing on the above ordinance and asked if anyone wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 11-2007, which the Clerk read by title, be finally adopted. Mrs. Holden seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Kerkeslager declared Ordinance 11-2007 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 12-2007

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$15,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR NINE (9) FRX DEFIBRILLATORS

WHEREAS, the Chief of Police has recommended that the Borough appropriate \$15,000.00 from the General Capital Improvement Fund to purchase nine (9) FRX defibrillators; 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 to purchase nine (9) FRX defibrillators; 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 to purchase nine (9) FRX defibrillators.

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

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

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

Mr. Conley moved that Ordinance 12-2007, which the Clerk read by title, be finally adopted. Mrs. Holden seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: None

Mayor Kerkeslager declared Ordinance 12-2007 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 13-2007

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$15,000.00 FROM WATER CAPITAL IMPROVEMENT FUND FOR PURCHASE OF CAR FOR WATER METER READER

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$15,000.00 from the Water Capital Improvement Fund to purchase a car for the water meter reader; 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 \$15,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$15,000.00 from the Water Capital Improvement Fund to purchase a car for the water meter reader; 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 Water Capital Improvement Fund to purchase a car for the water meter reader.

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

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

Mayor Kerkeslager opened the hearing on the above ordinance and asked if anyone wished to be heard.

Don Brunner, Redmond Drive, asked if the water meter reader needs a new car right now and was advised that the cars that are being used are very old and costly to repair; the Borough is switching from using "hand-me-downs" from the Police Department to this purchase of an economical and efficient vehicle.

Since no other member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 13-2007, which the Clerk read by title, be finally adopted. Mr. Bowen seconded the motion and commented that the Borough has considered purchasing used vehicles and, after checking with other municipalities regarding best practices, the decision to purchase was made.

There was no further discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Kerkeslager declared Ordinance 13-2007 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 14-2007

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$15,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND TO PURCHASE A NEW VEHICLE FOR THE ELECTRIC METER READER

WHEREAS, the Electrical Utility Superintendent of has recommended that the Borough appropriate \$15,000.00 from the Electric Capital Improvement Fund to purchase a new vehicle for the electric meter reader; 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 \$15,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$15,000.00 from the Electric Capital Improvement Fund to purchase a new vehicle for the electric meter reader; 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 Electric Capital Improvement Fund to purchase a new vehicle for the electric meter reader.

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

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

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

Ms. Baillie moved that Ordinance 14-2007, which the Clerk read by title, be finally adopted. Mr. Bowen seconded the motion. Mayor Kerkeslager commented that the reasons are the same for this purchase as discussed for the previous ordinance. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: None

Mayor Kerkeslager declared Ordinance 14-2007 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 15-2007

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$15,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR ASBESTOS ABATEMENT FROM THE WATER & LIGHT PLANT

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$15,000.00 from the Water Capital Improvement Fund for asbestos abatement from the water & light plant; 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 \$15,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$15,000.00 from the Water Capital Improvement Fund for asbestos abatement from the water & light plant; 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 Water Capital Improvement Fund for asbestos abatement from the water & light plant.

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

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

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

Ms. Baillie moved that Ordinance 15-2007, which the Clerk read by title, be finally adopted. Mr. Bowen seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Kerkeslager declared Ordinance 15-2007 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 16-2007

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$50,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR
PUMP STATION MODERNIZATION WORK**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$50,000.00 from the General Capital Improvement Fund for pump station modernization work; 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 \$50,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$50,000.00 from the General Capital Improvement Fund for pump station modernization work; 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 General Capital Improvement Fund for pump station modernization work.

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

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

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

Mrs. Vitale moved that Ordinance 16-2007, which the Clerk read by title, be finally adopted. Mr. Elias seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Kerkeslager declared Ordinance 16-2007 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 17-2007

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$55,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR
WOODLAND ROAD DESIGN WORK**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$55,000.00 from the General Capital Improvement Fund for Woodland Road design work; 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 \$55,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$55,000.00 from the General Capital Improvement Fund for Woodland Road design work; 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 \$55,000.00 is hereby appropriated from the General Capital Improvement Fund for Woodland Road design work.

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

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

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

Mrs. Vitale moved that Ordinance 17-2007, which the Clerk read by title, be finally adopted. Mr. Elias seconded the motion. The design work will be used not only for the DEP permitting process, but also for the application for grant funding. There were no further Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Kerkeslager declared Ordinance 17-2007 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 18-2007

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$20,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR
PURCHASE OF A STALKER MESSAGE BOARD**

WHEREAS, the Chief of Police has recommended that the Borough appropriate \$20,000.00 from the General Capital Improvement Fund to purchase a stalker message board for the Police 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 \$20,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$20,000.00 from the General Capital Improvement Fund to purchase a stalker message board for the Police 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 General Capital Improvement Fund to purchase a stalker message board for the Police 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 Kerkeslager opened the hearing on the above ordinance and asked if anyone wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 18-2007, which the Clerk read by title, be finally adopted. Mrs. Holden seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Kerkeslager declared Ordinance 18-2007 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 19-2007

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE
40-2006 TO INCREASE THE APPROPRIATION FROM THE GENERAL
CAPITAL IMPROVEMENT FUND OF \$46,000.00 TO \$55,145.00, AN
INCREASE OF \$9,145.00 FOR CENTRAL AVENUE SEWER LINING**

WHEREAS, Ordinance 40-2006 of the Borough of Madison appropriated \$46,000.00 from the General Capital Improvement Fund for sanitary sewer main lining on Central Avenue; and

WHEREAS, the Borough Engineer has recommended that the Borough amend Ordinance 40-2006 to appropriate an additional \$9,145.00 from the General Capital Improvement Fund thereby increasing Ordinance 40-2006 to \$55,145.00 to provide for payment to Insituform Technologies, Inc. for the sanitary sewer main lining on Central Avenue so this project can be closed out; 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 \$9,145.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should amend Ordinance 40-2006 to appropriate an additional \$9,145.00 from the General Capital Improvement Fund thereby increasing Ordinance 40-2006 to \$55,145.00 to provide for payment to Insituform Technologies, Inc. for the sanitary sewer main lining on Central Avenue so this project can be closed out.

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 40-2006 is amended to appropriate \$9,145.00 from the General Capital Improvement Fund thereby increasing Ordinance 40-2006 to \$55,145.00 to provide for payment to Insituform Technologies, Inc. for the sanitary sewer main lining on Central Avenue so this project can be closed out.

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

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

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

Mrs. Vitale moved that Ordinance 19-2007, which the Clerk read by title, be finally adopted. Mr. Elias seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Kerkeslager declared Ordinance 19-2007 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 20-2007

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$15,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR
ASBESTOS ABATEMENT FROM THE WATER & LIGHT PLANT**

WHEREAS, the Electric Utility Superintendent has recommended that the Borough appropriate \$15,000.00 from the Electric Capital Improvement Fund for asbestos abatement from the water & light plant; 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 \$15,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$15,000.00 from the Electric Capital Improvement Fund for asbestos abatement from the water & light plant; 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 Electrical Capital Improvement Fund for asbestos abatement from the water & light plant.

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

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

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

Ms. Baillie moved that Ordinance 20-2007, which the Clerk read by title, be finally adopted. Mr. Bowen seconded the motion. There are two appropriations from separate funds for one capital improvement. There was no further Council comment and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Kerkeslager declared Ordinance 20-2007 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

Introduction of Ordinances

The Clerk made the following statement:

The Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of **April 23, 2007** in the Council Chamber of the Hartley Dodge Memorial, Kings Road in the Borough of Madison at 7:45 p.m., or as soon thereafter as practical, for further consideration and final adoption, will be published in the Madison Eagle, be posted at the main entrance to the Hartley Dodge Memorial and be made available to members of the public requesting same, as required by law.

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

ORDINANCE 21-2007

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$32,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR FIRE DEPARTMENT VEHICLE

WHEREAS, the Fire Chief has recommended that the Borough appropriate \$32,000.00 from the General Capital Improvement Fund to purchase a replacement vehicle; 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 \$32,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$32,000.00 from the General Capital Improvement Fund to purchase a replacement vehicle; 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 \$32,000.00 is hereby appropriated from the General Capital Improvement Fund purchase a replacement vehicle.

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 21-2007, which the Clerk read by title, be adopted. Mrs. Holden seconded the motion. There was acknowledgement that this is not being taken out of the special Fire Department Fund. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

ORDINANCE 22-2007

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$30,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE
PURCHASE OF TWO VEHICLES FOR THE HEALTH DEPARTMENT**

WHEREAS, the Health Officer has recommended that the Borough appropriate \$30,000.00 from the General Capital Improvement Fund to purchase two vehicles for the Health 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 \$30,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$30,000.00 from the General Capital Improvement Fund to purchase two vehicles for the Health 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 General Capital Improvement Fund to purchase two vehicles for the Health 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. Bowen moved that Ordinance 22-2007, which the Clerk read by title, be adopted. MsBaillie seconded the motion. Mr. Bowen advised that the policy on whether or not Borough vehicles are taken home by Health Department employees will be clarified at the upcoming Board of Health meeting. There was no further comment, and the motion failed with the following roll call vote recorded:

Yeas: Mr. Bowen

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

ORDINANCE 23-2007

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$55,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR
PURCHASE OF PAD-MOUNT TRANSFORMER AND METERING/SWITCH**

**CABINET FOR THE HARTLEY DODGE MEMORIAL BUILDING
RECONSTRUCTION**

WHEREAS, the Electric Utility Superintendent has recommended that the Borough appropriate \$55,000.00 from the Electric Capital Improvement Fund to purchase a pad-mount transformer and metering/switch cabinet for the Hartley Dodge Memorial building reconstruction; 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 \$55,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$55,000.00 from the Electric Capital Improvement Fund to purchase a pad-mount transformer and metering/switch cabinet for the Hartley Dodge Memorial building reconstruction; 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 \$55,000.00 is hereby appropriated from the Electric Capital Improvement Fund to purchase a pad-mount transformer and metering/switch cabinet for the Hartley Dodge Memorial building reconstruction.

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.

Ms. Baillie moved that Ordinance 23-2007, which the Clerk read by title, be adopted. Mr. Bowen seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

ORDINANCE 24-2007

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$20,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR
THE PURCHASE OF A NEW CABLE TRAILER**

WHEREAS, the Electric Utility Superintendent has recommended that the Borough appropriate \$20,000.00 from the Electric Capital Improvement Fund to purchase a new cable trailer; 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 \$20,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$20,000.00 from the Electric Capital Improvement Fund to purchase a new cable trailer; 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 Electric Capital Improvement Fund to purchase a new cable trailer.

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.

Ms. Baillie moved that Ordinance 24-2007, which the Clerk read by title, be adopted. Mr. Bowen seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Consent Agenda Resolutions

The Clerk made the following statement

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

Mr. Elias moved adoption of the Resolutions listed on the Consent Agenda consisting of R 79-2007 through and including R 88-2007. Mrs. Vitale seconded the motion. R 89-2007 was originally on the list, but was removed and will be considered for inclusion at the next meeting. There was no further comment and the motion passed with the following roll call vote recorded:

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

Nays: None

R 79-2007

RESOLUTION OF THE BOROUGH OF MADISON APPOINTING LEWIS CORNINE TO THE POSITION OF MECHANICAL FOREMAN FOR THE MECHANICAL SERVICE DEPARTMENT OF THE PUBLIC WORKS DEPARTMENT

WHEREAS, the Superintendent of Public Works has recommended hiring LewisCornine for the position of Mechanical Foreman in the Mechanical Service Department of the Public Works Department; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that LewisCornine is hereby appointed to the position of Mechanical Foreman in the Mechanical Service Department of the Public Works Department, effective March 27, 2007, to be compensated in accordance with the current applicable Collective Bargaining Agreement.

R 80-2007

**RESOLUTION OF THE BOROUGH OF MADISON APPOINTING KRIS
MACDOUGALL TO THE POSITION OF MECHANIC FOR THE MECHANICAL
SERVICE DEPARTMENT OF THE PUBLIC WORKS DEPARTMENT**

WHEREAS, the Superintendent of Public Works has recommended hiring KrisMacDougall for the position of Mechanic in the Mechanical Service Department of the Public Works Department; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that KrisMacDougall is hereby appointed to the position of Mechanic in the Mechanical Service Department of the Public Works Department, effective March 27, 2007, to be compensated in accordance with the current applicable Collective Bargaining Agreement.

R 81-2007

**RESOLUTION OF THE BOROUGH OF MADISON ESTABLISHING AN AD
HOC ADVISORY COMMITTEE FOR THE LIVESEY PROPERTY**

WHEREAS, the Borough of Madison has recently purchased property located at 195 Kings Road,

formerly occupied by the Livesey Kennels, and referred to herein as the 'Livesey Property"; and

WHEREAS, the Madison Open Space, Recreation and Historic Preservation Advisory Committee (hereinafter "Open Space Committee") has recommended that the Mayor and Council appoint an ad hoc advisory committee to prepare a detailed plan and recommend to the Mayor and Council what is needed to turn the property into a "pocket park" including such items as fencing, trails, additional planting, picnic tables and/or benches, methods of access, etc.; and

WHEREAS, the Mayor and Council are in agreement with such recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris and State of New Jersey that there is hereby formed the Livesey Park Ad Hoc Advisory Committee, which shall be comprised of the following members:

One member from the Open Space Committee

One member from the Environmental Commission

One member from the Parks Committee

One member from the Garden Club of Madison

One member from the Kings Road School

Peter Livesey of Madison

Council Liaison to the Open Space Committee

for the purpose of providing recommendations to the governing body as to the development of the Livesey Property as a "pocket park" as described herein.

R 82-2007

RESOLUTION OF THE BOROUGH OF MADISON APPROVING FOURTH ANNUAL MADISON HIGH SCHOOL EDUCATIONAL FOUNDATION 5K RUN ON SUNDAY, MAY 6, 2007

WHEREAS, the Madison High School Educational Foundation has requested to hold a "5K run" in Madison on Sunday, May 6, 2007; and

WHEREAS, the run will begin at 10:00 a.m. from the Madison High School on Ridgedale Avenue to Central Avenue to Walnut Street to Ridgedale Avenue and end at 12:00 a.m., on the Madison High School Grounds; and

WHEREAS, Police Chief Chirico recommends approval of 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 of the Madison High School Educational Foundation to hold a A5K run@ in Madison on Sunday, May 6, 2007, as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department.

R 83-2007

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE
BOROUGH ENGINEER TO ENDORSE TREATMENT WORKS APPROVAL
APPLICATION TO THE NJ DEPARTMENT OF ENVIRONMENTAL
PROTECTION FOR REXCORP REALTY AT BLOCK 3202 LOT 1**

WHEREAS, the Borough Engineer has recommended that the Council authorize him to execute consent forms for the New Jersey Department of Environmental Protection (hereinafter NJDEP") in order to obtain permits authorizing the extension of the sanitary sewer service and treatment works approvals to the proposed RexCorp Realty development on Block 3202, Lot 1 at Dodge Drive (parcel is S.W. corner of Madison and Loantaka); and

WHEREAS, the site and subdivision proposals were previously approved by the Planning Board on July 29, 2003, and the Madison-Chatham Joint Meeting executed a resolution authorizing an endorsement of the NJDEP T.W.A.-1 Application on April 20, 1999, which will expire on June 19, 2007; and

WHEREAS, RexCorp has advised the Borough and the Madison-Chatham Joint Meeting that as the current owner of the premises, it intends to apply to the NJDEP for a one year extension of the permit to provide adequate time to commence construction of the sanitary sewer infrastructure.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris and State of New Jersey that the Borough Engineer is hereby authorized to execute the NJDEP sewer extension permit application on behalf of the Borough for installation of sanitary sewer lines on Block 3202, Lot 1, Giralda Farms, at the request of RexCorp Realty.

R 84-2007

**RESOLUTION OF THE BOROUGH OF MADISON APPOINTING MARY
SALERNO OF MADISON TO THE POSITION OF SCHOOL CROSSING
GUARD**

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Mary Salerno of Madison is hereby appointed to the position of school crossing guard, effective immediately.

BE IT FURTHER RESOLVED, by the Council of the Borough of Madison, that she be compensated in accordance with the Borough Resolution establishing the salaries for part-time, school crossing guards.

R 85 - 2007

RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF TAXI/LIVERY DRIVER 'S PERMITS FOR 2007

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Taxi/Livery Driver's Permit renewals be approved for the year 2007:

LICENSE NO. NAME

1 Robert Kubach 2 Michael Lekas

3 Carmine Fornaro

4 Tom O'Connor

R 86 – 2007

RESOLUTION OF THE BOROUGH OF MADISON RENEWING AMUSEMENT DEVICE LICENSES FOR 2007 FOR CLEARVIEW CINEMAS AND PLAZA LANES

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Amusement Device License renewals be approved for the year 2007:

LUIS RAMOS

Location: Clearview Madison Cinema 4

14 Lincoln Place, Madison, N.J.

MICHAEL RICCONE

Location: Plaza Lanes

53 Madison Plaza, Madison, N.J.

BE IT FURTHER RESOLVED, that these Licenses will permit operation of four amusement machines at the Clearview Madison Cinema 4 and seven amusement machines at Plaza Lanes.

R 87 - 2007

RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF TAXI OWNER'S LICENSES FOR E PLUS TRANSPORTATION INC. FOR 2007

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Taxi Owner's License renewals be approved for the year 2007:

LICENSE NO. NAME Vehicle

1, 2, 3, 4, George J.Enslin, t/a 9 Taxis

5, 6, 7, 8, E Plus Transportation Inc.

9

R 88 - 2007

RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF LIVERY OWNERS' LICENSES FOR MADISON LIMOUSINE, PRECISE LIMOUSINE TRANSPORT SERVICE, LLC, MADISON TRANSPORTATION INC., TOMED AND ROSE CITY LIMO, INC FOR 2007

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Livery Owners' License renewals be approved for the year 2007:

LICENSE NO. NAME Vehicle

10, 11, 12, Michael Lekas, t/a 10 Liveries

13, 14, 15, Madison Limousine

16, 17, 18,

19

20, 21, 22, Carmine C. Fornaro, t/a 8 Liveries

23, 24, 25, Precise Limousine Transport

26, 27 Service, LLC

28 Robert Kubach t/a 1 Livery

Madison Transportation Inc.

29 Tom O'Connor t/a 1 Livery

Tomed

30, 31, 32, Ann Marie Davies & 4 Liveries

33 Samuel Mantone t/a

Rose City Limo, Inc.

***Unfinished Business* - None**

APPROVAL OF VOUCHERS

On motion by Mrs. Vitale, seconded by Mrs. Holden 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 \$17,941.64

Health & Public Assistance 1,530.23

Public Works & Engineering 151,036.80

Community Affairs 2,723.79

Finance & Borough Clerk 207,375.42

Utilities 620,712.89

Total \$1,001,320.77

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

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

Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: None

New Business

Mayor Kerkeslager commented on receiving resident comments in the past month as to wanting more payment options offered for utility payments, tax payments, etc. The quick answer from the Chief Financial Officer is usually that there are extra fees involved if the Borough accepts credit card payments. Mayor Kerkeslager recommended that Council look into that; Mr. Elias will follow up. Mr. Mezzacca commented that the Court accepts credit card payments; there is a user fee.

ADJOURN AND RECONVENE EXECUTIVE SESSION

The Regular Meeting adjourned and the Executive Session immediately reconvened in the Committee Room at 10:15 p.m.

RECONVENE AND ADJOURN

The Regular Meeting reconvened in the Committee Room and immediately adjourned at 11:15 p.m.

Respectfully submitted,

Marilyn Schaefer

Borough Clerk

Approved April 23, 2007 (MS)