

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

April 23, 2007 - 7:00 p.m.

Call to Order

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 23^d day of April 2007. Mayor Kerkeslager called the meeting to order at 7:00 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

Statement in Compliance with the Open Public Meetings Act

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

"In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by publishing a copy of the meeting notice in the Madison Eagle and Morris County Daily Record, posting a copy on the bulletin board at the main entrance of the Hartley Dodge Memorial, and filing a copy in the office of the Clerk, all on January 4, 2007. Copies of said Notice were made available to members of the general public."

Roll Call

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

Mayor Ellwood R. Kerkeslager

Council Members:

Mary-Anna Holden
Astri J. Baillie
Donald J. Bowen
Carmela Vitale

John M. Elias

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 Agenda. A correction was made to R 99-2007, third "Whereas", to read "Administrator has recommended" rather than "Superintendent of the Public Works Department has recommended....."

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.

PERSONNEL MATTER (1)

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

CONTRACT MATTERS (3)

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 7:50 p.m. in the Council Chamber with all members present. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Mrs. Vitale moved approval of the Regular Meeting Minutes of April 9, 2007 with the following amendment to page 7:

Announcements

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

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

Ms. Baillie moved approval of the **Executive Minutes of April 9, 2007**. Mrs. Vitale seconded the motion, which passed by unanimous voice vote.

GREETINGS TO PUBLIC

Airport News

Mayor Kerkeslager commented that, as many already know, there is a proposal at the Morristown Airport to expand and create a new hanger in the wetlands and floodplains around the airport; Mayor Kerkeslager was happy to report that the airport itself has initiated an alternative plan which would appear to be significantly more favorable in saving the wetlands and floodplains that were going to be affected.

Mayors Against Illegal Guns

Mayor Kerkeslager commented that he has signed on to the Coalition of Mayors Against Illegal Guns' statement of principles, which is dedicated to combating illegal guns and urging the repeal of the "Tiahrt Amendment", which restricts the access of cities and law enforcement to gun trace data.

Proclamations

Mayor Kerkeslager announced the following Proclamation and read a summary thereof:

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

National Safe Kids Week

April 28 – May 6, 2007

Whereas, unintentional injury is the number one killer of children 14 and under; and

Whereas, each year, more than 5,000 children 14 and under die from unintentional injuries; and

Whereas, emergency rooms experience nearly 2.4 million visits from children 14 and under each summer; and

Whereas, 90 percent of these injuries and deaths are preventable; and

Whereas, 41 percent of these deaths occur during "trauma season," the months of May, June, July and August; and

Whereas, the risk areas that show the greatest seasonal surge in deaths and injuries between May and August compared to the rest of the year are biking, drowning, pedestrian, motor vehicle occupants and falls; and

Whereas, Safe Kids Worldwide and Safe Kids New Jersey, led by the New Jersey State Safety Council promote childhood injury prevention by uniting diverse groups into local and state coalitions, developing innovative educational tools and strategies, initiating public policy changes, promoting new technology and raising awareness through the media; and

Whereas, Safe Kids Worldwide, with the support of founding sponsor Johnson & Johnson, launches Safe Kids Week 2007, "Make it a Safe Kids Summer," which focuses on five of the deadliest warm-weather risk areas of motor vehicles, drownings, pedestrian, biking and fall; and

Whereas, Safe Kids New Jersey has planned special childhood injury prevention activities and community-based events for Safe Kids Week 2007 in an effort to educate families about summer safety.

Now, therefore, I, Ellwood R. Kerkeslager, Mayor of the Borough of Madison do hereby proclaim April 28 – May 6, 2007 as National Safe Kids Week and call upon all the residents of this town to join with me in supporting the efforts and activities of Safe Kids New Jersey to prevent childhood injury.

Ellwood R. Kerkeslager

April 23, 2007

Mayor Kerkeslager read and presented the following Proclamation to two members of the American Association of University Women, who thanked the Mayor and Council for this honor and expressed their happiness to be active in the community in the wonderful town of Madison:

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
American Association of University Women Day
May 7, 2007

Whereas, The American Association of University Women (AAUW), proudly celebrating its 125th anniversary, was established November 28 1881, is one of the oldest existing organizations dedicated to promoting equity for all women and girls, and has grown to more than 100,000 members, 1,300 branches and 550 college/university institution partners nationwide; and

Whereas, by fostering public debate on critical social issues such as education, civil rights and workplace equity, the AAUW continues to open doors for women across the country and has established scholarships; taken action in gender equity; and supported personal and professional growth, community leadership and friendship; and

Whereas, in support of its programmatic theme, "Education as the Gateway to Women's Economic Security," the Association offers nearly \$4 million in fellowships and grants each year to graduate women through its Educational Foundation, and further promotes excellence in academia for women through improving schools, communities and fields of work for the benefit of all; and

Whereas, The AAUW's Madison Branch advances the organization's 125 year legacy in our community and provides three to four grants on an annual basis to Mature Women living in the area;

Now, therefore, I, Ellwood R. Kerkeslager, Mayor of the Borough of Madison, do hereby proclaim May 7, 2007 as **AMERICAN ASSOCIATION OF UNIVERSITY WOMEN DAY** in Madison, New Jersey, and I

thank the national organization for 125 years of outstanding leadership and the local branch for over 75 years of community support.

Ellwood R. Kerkeslager, Mayor

April 23, 2007

Mayor Kerkeslager read and presented the following Proclamation to Chair Nancy Bruce, who commented that this is the 22nd year that Madison has been named a "Tree City" and the 23rd year of Madison celebrating Arbor Day, which celebration will take place on May Day at the front entrance to the Hartley Dodge Memorial building:

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
Arbor Day
May 5, 2007

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees are a source of joy and spiritual renewal; and

WHEREAS, through the efforts of the Shade Tree Management Board, the Borough of Madison has been recognized as a Tree City U.S.A. by The National Arbor Day Foundation for twenty-two (22) consecutive years;

NOW, THEREFORE, I, Ellwood R. Kerkeslager, Mayor of the Borough of Madison, do hereby proclaim Saturday, May 5, 2007 as **ARBOR DAY**, and I urge all citizens to support efforts to care for our trees and woodlands and, further, I encourage all citizens to plant trees to promote the well being of present and future generations.

Mayor Ellwood R. Kerkeslager

April 23, 2007

Mayor Kerkeslager read and presented the following Proclamation to Borough Clerk Marilyn Schaefer:

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

Municipal Clerks Week

April 29 – May 5, 2007

Whereas, Marilyn Schaefer, Municipal Clerk of the Borough of Madison, serves the governing body and residents by handling the day-to-day operations as custodian of the municipal seal and of all records; oversees the issuance of licenses and permits; and serves as chief administrative officer in all elections and in registration of voters within the municipality; and

Whereas, through the history of the Office of the Municipal Clerk, it is recognized that it is a time-honored and vital part of local government that exists throughout the world, and the position of Municipal Clerk is among the longest standing of public servants; and

Whereas, under the direction of Marilyn Schaefer, Madison's Office of the Borough Clerk provides a communication link between the citizens, the local governing bodies and agencies of government at other levels, and serves as the information center on functions of local government and community; and

Whereas, Marilyn Schaefer provides dedicated service to the Borough of Madison as demonstrated through her strong work ethic, efficiency and willingness to go above and beyond whenever the need arises and through her many accomplishments, she maintains her nucleus of Borough Hall with professionalism; and

Whereas, Marilyn Schaefer not only provides employees with support in thoroughly researching necessary background information for specific projects but also genuinely adds spirit to the department by quietly and personally delivering a holiday gift package, often at Halloween, Christmas or Easter time.

Now, therefore, I, Ellwood R. Kerkeslager, Mayor of the Borough of Madison, do recognize the week of April 29 through May 5, 2007 as Municipal Clerks Week, and further extend appreciation to our Borough Clerk, Marilyn Schaefer, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Ellwood R. Kerkeslager, Mayor

April 23, 2007

Mayor Kerkeslager read and presented the following Proclamation to six representatives of the Relay for Life, who commented that this is the 1st Annual Relay for Life event; the representatives each in turn thanked the Mayor and Council for bringing Relay for Life to Madison; when the event organizers decided to host this event, they called on all of their friends to come forward June 2nd to June 23rd to join in their mission to make a difference supporting neighbors and making this one of the first of many wonderful relays:

P r o c l a m a t i o n
of the
B o r o u g h o f M a d i s o n
Proclaiming
The American Cancer Society
May Day For Relay
May 1, 2007

Whereas, The Borough of Madison wishes to recognize the American Cancer Society as a community leader and partner for its commitment to the health and wellness of the residents of Madison; and,

Whereas, The American Cancer Society's health and wellness initiatives, including their Active For Life program and their participation in the Mayor's Wellness Campaign, will bring programs to the community which will improve the quality of life of Madison residents; and,

Whereas, The American Cancer Society has brought Relay For Life to Madison to raise awareness of the need for community mobilization to support patients and families affected by cancer and support its programs for research, advocacy, education and patient services; and,

Whereas, Madison's annual Relay For Life will be held June 22, 2007 at 6:00 p.m. through June 23, 2007 at 7:00 a.m. at Madison High School; and,

Whereas, An estimated 49,370 New Jersey residents are diagnosed with cancer each year, including 530 in Morris County, and an estimated 17,140 New Jersey residents do not survive, 210 of whom live in Morris County.

Now, therefore, I, Ellwood R. Kerkeslager, Mayor of the Borough of Madison, do hereby proclaim, May 1, 2007 as

The American Cancer Society

May Day For Relay

In doing so, I urge all residents to participate in the upcoming Madison Relay For Life, a miraculous community event, and I recognize all Team Members, Team Captains, Event Organizers and the American Cancer Society for their continuous dedication, team spirit and hard work.

Ellwood R. Kerkeslager, Mayor

April 23, 2007

Mayor Kerkeslager commented that Ms. H. Carroll Bennett is retiring after 23 years as principal of St. Vincent Martyr School, and the following Proclamation will be presented at her reception Friday evening:

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

H. Carroll Bennett Day

April 27, 2007

Whereas, Ms. H. Carroll Bennett is honored by students, parents, colleagues and community for her 23 years of service as principal of Saint Vincent Martyr School; and

Whereas, Ms. Bennett began to lay the groundwork for St. Vincent Martyr School in 1984 when she began to lead an enrollment of 177 students that has grown to more than 400 students; and

Whereas, Ms. Bennett came to Madison with genuine devotion and dedication to Saint Vincent Martyr Grammar School to improve the curriculum, advance its academic standing, and through her faith and perseverance, she endeavored to maintain values and traditions that have been part of the school's heritage for decades; and

Whereas, Ms. Bennett had the foresight to readily accept the invitation from the Borough of Madison to have Saint Vincent Martyr School become part of RoseNet, Madison's community network project to link all schools and government buildings that brought resources and students together through the field of technology; and

Whereas, throughout Ms. Bennett's tenure, academic excellence and growth were continual, and it was confirmed in 2005 when Saint Vincent Martyr School won national attention in receiving the *No Child Left Behind Blue Ribbon* school award, an accomplishment that was the result of Ms. Bennett's acceptance of challenges in working closely with her staff and her students; and

Whereas, Saint Vincent Martyr School, with increased enrollment, is presently anticipating an addition to accommodate grades 7 and 8, an accomplishment due to Ms. Bennett's foresight and direction, at a time when many Catholic schools are experiencing lower attendance or possibility of closure;

Now, therefore, I, Ellwood R. Kerkeslager, Mayor of the Borough of Madison, do hereby proclaim April 27, 2007 as **H. Carroll Bennett Day**, and I commend Ms. Bennett for her leadership at Saint Vincent Martyr School and her dedication to children and education that was conveyed through a gentle smile and a strong faith.

Ellwood R. Kerkeslager, Mayor

April 27, 2007

Mayor Kerkeslager commented that the following Proclamation is to be presented at the Post Office in honor of the letter carriers who collect food during this Food Drive; the presentation at the Post Office was requested in order for more of the carriers to be present:

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

of the

Borough of Madison

Proclaiming Saturday, May 12, 2007 as

NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE DAY

WHEREAS, an estimated 35 million people go hungry every day in America, including more than 12 million children, a reality that is being tackled by the U. S. letter carriers through their initiation of the largest one-day food drive in the nation: **The National Association of Letter Carriers (NALC) Food Drive**, which is held annually on the second Saturday in May; and

WHEREAS, in 2006, the NALC Food Drive provided 70.5 million pounds of food for the needy, including a one million pound donation of canned food from Campbell Soup; together, the NALC and Campbell Soup, will cosponsor the printing of more than 100 million postcard flyers for delivery to residents to encourage the general public to contribute non-perishable foods to this drive; and

WHEREAS, the NALC Food Drive is the outgrowth of a tradition of community service exhibited by the letter carriers' union, whether through collecting funds for a charity such as the Muscular Dystrophy Association, watching over the elderly through the Carrier Alert Program, or assisting the American Red Cross during time of disaster; and

WHEREAS, the NALC Food Drive is supported by the U. S. Postal Service, local United Ways throughout America, and the AFL-CIO Community Services network, and is presently seeking local support from all communities and the news media to encourage donations which, in turn, are taken to local food banks, pantries and shelters; specifically, in this area, the Interfaith Food Pantry will be the recipient of these contributions;

NOW, THEREFORE, I, Ellwood R. Kerkeslager, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim Saturday, May 12, 2007 as **NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE DAY**, and I call upon the people of Madison to join the more than 10,000 cities and towns across America in leaving non-perishable food items, at their mailboxes or in post offices, in an effort of goodness and compassion in reaching out to feed the hungry. Further, I commend the National Association of Letter Carriers for initiating this humanitarian project that will directly benefit those in need.

Ellwood R. Kerkeslager, Mayor

April 23, 2007

Recognitions

Mayor Kerkeslager made the following presentations on behalf of the Downtown Development Commission (DDC) May Day Committee; the following Recognition Plaques for 2007 Leading the Way Awards were given to the below named individuals who have made great efforts to keep public spaces neat, clean and green; over 700 individuals show up to volunteer on May Day. Mayor Kerkeslager asked Mara Johnson to step forward; Ms. Johnson has had a tremendous impact on this program and is training the current Chair:

Recipient		RECOGNITION
May Day Committee	Mara Johnson	Chairwoman 2002-2006.
Madison Little League	Ernie Cicconi	Youth sport game suspension for May Day, thereby allowing volunteers and their families to participate in May Day without conflict with Madison Little League activities.
Frasso Landscaping	Gerry Frasso	For all the work and manpower to help out on May Day, and for doing so regularly for years, Mr. Frasso was thanked by everyone for donating professional time and professional equipment for May Day; Mr. Frasso was not present; the DDC Manager will get the award to Mr. Frasso.
Madison Honda	David Lee	Private property beautification award; Madison Honda put in a lot of effort to upgrade the building and grounds at their

		location, and the outcome was good for Madison.

REPORTS OF COMMITTEES

Community Affairs

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

May Day

Mrs. Holden commented that the Mayor and Council will be meeting at the copper beech tree across the street, and T-shirts will be given out at that time.

Downtown Development Commission

The PPSA final report made on April 18, 2007, should be in Council packages on Friday; while initial comments and recommendations are always welcome, theDDC is asking the Parking and Redevelopment Committee to break down the report in time-line fashion as to long-term versus short-term; the report will be parsed for appropriate groups, such as the Council, Planning Board and DDC, to consider what is actionable or, on the other hand, not achievable for Madison; what is clear out of this report is being pro-active and setting guidelines, zoning laws, etc.; keeping Madison as an easy place to do business and be properly developed in a friendly manner; developers or applicants should not have to face an onerous process, but one of streamlined communication; to be pro-active and to implement recommendations in the report, the respective boards must be aggressive—only by setting solutions for Madison’s future can development be directed; public input is paramount. As theDDC continues to report, Mrs. Holden will bring those reports back to Council.

Annual Transportation Conference

Mrs. Holden commented on her time at the Annual Transportation Conference; there are transportation elements which should be added to Madison’s Master Plan; grant opportunities will be available shortly; there is proposed legislation regarding crosswalks which addresses stopping versus merely yielding; speaking about the Transportation Trust Fund, Mrs. Holden mentioned that there has been no increase in the gas tax for 15 years; New Jersey has the third lowest gas tax in the United States.

Utilities

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

Livesey Park Advisory Committee

Ms. Baillie announced the names of the volunteers for theLivesey Park Advisory Committee:

Peter Livesey, Kings Road resident

Lois Wolkowitz, Parks Advisory Committee and Garden Club of Madison

Heidi Wing, Kings Road School (President of PTO)

John Kennedy, Environmental Commission

Peter Flemming, Open Space Advisory Committee

Friends of Madison Shade Trees – yet to be announced

Astri Baillie, Liaison

Electric Department

Ms. Baillie also reported that an accident on Friday night on Kings Road, which knocked out electricity and telephones for a number of residents, concluded with Madison's Electric Department being back on line within two hours; Verizon took 24 hours to return phone service; Ms. Baillie thanked the Electric Department crew for a great job. In other Electric Department news, the department energized the new First Morris Bank on Main Street. Ms. Baillie also thanked Fire Chief Atchison and his department for aid to residents during the tremendous rains last Sunday and Monday.

Health & Public Assistance

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

Virus

Mr. Bowen commented that the recent virus outbreak, which affected Fairleigh Dickinson University and the high school earlier this month, has largely dissipated; Mr. Bowen encouraged vigilance with frequent washing of hands.

Public Works and Engineering

Mrs. Vitale, Chair of the Committee, no report.

Finance and Borough Clerk

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

Public Safety

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

Local Matters

Mr. Conley commented on the recent heavy rains which caused flooding conditions in areas of Madison;

at the height of the storm there were three crews out in different sections of town aiding residents; regarding the accident on Kings Road, the road was closed down for several hours; it was a very serious motor vehicle accident; a truck hit a utility pole, rolled over and caught on fire; the officers arriving at the scene found the vehicle fully engulfed in flames; the driver was taken to the hospital for treatment and put under arrest for driving while drunk.

Detour Matter

Mr. Conley spoke of a memorandum received April 12, 2007, from Madison Police Chief Chirico regarding the construction of a new service road within the complex of the Exxon property during which traffic will be diverted from the Park Avenue entrances to the Ridgedale Avenue entrance in Florham Park; it is estimated that approximately 1,600 vehicles enter the facility on a given day; the diversion of traffic would commence on April 20 and end on April 29; it is believed that 800 vehicles would enter the Ridgedale Avenue entrance via Columbia Turnpike to Ridgedale Avenue in Florham Park. The remaining vehicles will enter the Ridgedale Avenue, Florham Park entrance traveling along Park Avenue to Ridgedale Avenue in Madison. The contractor will cover overtime costs for police presence.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

Received April 2, 2007 from the State of New Jersey Highlands Water Protection and Planning Council asking whether the Borough of Madison may be interested in pursuing a grant opportunity being developed by the Highlands Water Protection and Planning Council, who are looking to develop a voluntary Transfer of Development Rights (TDR) program.

Received request to retain playset in easement area from resident at 4 Twombly Lane. The request will be given to the Borough Engineer.

PRESENTATIONS/SCHEDULED HEARINGS

LIBRARY LONG RANGE PLANS

Janet Molstad, Trustee and President of the Library Board, thanked the Mayor and Council for this opportunity to present their plans, and introduced the other Trustees who were present: Bob Coultas, Farley Moran, Patricia Miller, Thomas Binting and Mark Sheeleigh, the Buildings and Grounds Committee Chair. Mr. Sheeleigh commented on what the Library provides through books and media, and their endeavor to provide an exciting home for learning for residents through their programs; Mr. Sheeleigh gave a PowerPoint Presentation in order to clarify the need for increased parking, swale improvements and exterior lighting, as well as to outline the future needs of the Public Library.

Ordinance 26-2007, prepared for introduction later in the meeting, was discussed; the ordinance will be introduced to appropriate funds for the following expenditures totaling \$118,000.00: \$8,500 for assessment of HVAC, \$10,000.00 bathroom repairs, \$6,000.00 new book stack, \$3,000.00 interior signage, \$4,000.00 reupholstering chairs, \$51,500.00 drainage ditch stabilization design work, and \$35,000.00 parking lot realignment at the Madison Public Library.

HEARING ON SOIL MOVING PERMIT

Matt Frank, Senior Vice President of Development and Design of RexCorp, along with another representative of RexCorp, were introduced by Borough Engineer Robert Vogel; Mr. Frank gave details of the soil moving permit request for the proposed RexCorp Realty Development by "Giralda Farms Phase 1 SPE LLC" on Block 3202 Lot 1 at Dodge Drive (parcel is S.W. corner of Madison Avenue and Loantaka Way).

Mayor Kerkeslager opened the hearing to the public and asked if any member of the public wished to be heard. Since no member of the public wished to be heard, the public hearing was closed. Mayor Kerkeslager solicited Council comments.

The applicant will provide further information as to the path trucks will use and the destination for soil being removed; should the Borough be interested, soil may be given to the Borough. At the conclusion of discussion, it was noted that a resolution is prepared for the Consent Agenda granting the soil moving permit. It was agreed to go forward with the resolution on the Consent Agenda with the following roll call vote recorded:

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

Nays: None

2007 BUDGET

In a detailed presentation, Chief Financial Officer Robert Kakafut discussed and presented proposed budget strategies with overhead views projected on a screen for the public. After Council discussion, Mr. Bowen moved to prepare the budget as presented; Mr. Elias seconded the motion. As agreed to by the Council, Mayor Kerkeslager solicited public comment.

Martin Barbato, Alma Court remarked that his comments are not meant to stop the introduction of the proposed budget; he reiterated from an earlier meeting his suggestions for a cash management policy that the Borough use currently available funds first and only use bonding and tax increases after Borough sources have been exhausted; he again offered to meet with officials to discuss his ideas further.

Paul Lozier, Chelsea Court added to the remarks of Mr. Barbato and commented that he appreciated that Mr. Kalafut explained his proposal; if the cost of electric power is going up, Mr. Lozier did not agree that the Borough undergo a major change in the way the Borough is financed by subsidizing electric rates in order to smooth rate increases so residents are not subject to rate shocks; he commented this is not a very good use of funds and asked the Borough to rethink that.

Since no other member of the public wished to be heard regarding the 2007 budget discussions, the invitation for discussion was closed.

Mayor Kerkeslager solicited Council discussion before calling for a vote on the motion on the floor. After comments, the following roll call vote was recorded directing Mr. Kalafut to prepare the budget as discussed:

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

Nays: None

The proposed budget will be prepared for introduction at the May 14, 2007 meeting, with a public hearing set for June 11, 2007, at which time and place all interested parties will have an opportunity to be heard, and the budget may be considered for final adoption.

HDM Preview

Architect Bob Russell of Holt Morgan and Russell presented an overview of the renovations to the Hartley Dodge Memorial building and provided samples of certain proposed materials; a Public Information Meeting is scheduled for May 9, 2007, at 7 p.m. in the Firemen's Social Room, to which the public is invited to hear and see the proposals put forward by Mr. Russell. The Clerk will take care of adequate notice to the public.

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 expressed his displeasure that the Agenda for this meeting of the Council was too long to be completed before 11 p.m. and that it was not planned properly.

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

Vote to Extend Meeting

Mr. Bowen moved to extend the meeting beyond 11 p.m. Mrs. Holden seconded the motion, which passed with Mr. Elias voting against the motion.

Vote to Suspend Work Session Discussions

Mrs. Holden moved to suspend the Work Session and consider the Ordinances and Consent Agenda. Ms. Baillie seconded the motion, which passed by unanimous voice vote.

The following discussions were not heard and will be carried to the May 14, 2007 Agenda:

04/23/07-1 review FIRE/POLICE BUILDING capital project (RAV);

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

04/23/07-2 ZIMMERMAN REPORT (AB)

04/23/07-4 INCREASE FEE FOR DUPLICATE TAX BILLS TO \$5.00 (Tax Collector)

04/09/07-5 CHARGE \$20.00 WHEN A CHECK ISSUED FOR PAYMENT OF TAXES IS RETURNED FROM THE BANK (Tax Collector)

04/23/07-10 APPROPRIATE \$104,500.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR A STORAGE AREA NETWORK, DESKTOP COMPUTERS AND LICENSES **Ordinance removed from Agenda**

The following agenda discussions were suspended by unanimous Council consent, and were acted upon favorably after being individually considered during Ordinance hearings and introductions, and Consent Agenda considerations:

04/09/07-3 APPROPRIATE \$20,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR COMPLIANCE PROJECTS ASSOCIATED WITH THE NJDEP MUNICIPAL STORMWATER PERMIT PROGRAM

Ordinance listed for Introduction

04/09/07-6 AWARD FAIR AND OPEN CONTRACT TO SOS INTEGRATED BUSINESS SOLUTIONS OF OCEAN, NEW JERSEY FOR DOCUMENT SCANNING & INDEXING SERVICES AND ALTERNATIVES

Resolution on Consent Agenda

04/09/07-7 Appropriate A TOTAL OF \$105,200.00 FROM THE GENERAL FUND BALANCE: \$18,000 for roof repair at butler building ; \$10,000 to purchase sewer pumps; \$40,000 for Ford F-350 truck ; \$15,000 to purchase claw for loader; \$22,200 to design addition for Sewer Department at Borough Garage

Ordinance listed for Introduction

04/09/07-8 REJECT SOLE BID FOR PURCHASE OF LAMP POSTS, AUTHORIZE REBID

Resolution on Consent Agenda

04/09/07-9 AWARD CONTRACT TO PROMEDIA UNDER STATE CONTRACT #A81225 IN THE AMOUNT OF \$147,659.00 FOR NETWORK SECURITY UPGRADE

Resolution on Consent Agenda

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 April 9, 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 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.

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 21-2007, which the Clerk read by title, be finally adopted. Mrs. Holden seconded the motion. There was no Council discussion and the motion passed by unanimous voice vote.

Mayor Kerkeslager declared Ordinance 21-2007 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

Note: Ordinance 22-2007 appropriating funds for Health Department vehicles failed upon first reading and the Ordinance # was retired.

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.

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 23-2007, which the Clerk read by title, be finally adopted. Mr. Bowen seconded the motion. There was no Council discussion and the motion passed by unanimous voice vote.

Mayor Kerkeslager declared Ordinance 23-2007 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 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.

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 24-2007, which the Clerk read by title, be finally adopted. Mr. Bowen seconded the motion. There was no Council discussion and the motion passed by unanimous voice vote.

Mayor Kerkeslager declared Ordinance 24-2007 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:

Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of May 14, 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. Said ordinances 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 said ordinance by title:

ORDINANCE 25-2007

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING

\$105,200.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF SEWER PUMPS, PURCHASE OF FORD F-350 TRUCK FOR ROAD DEPARTMENT, PURCHASE OF CLAW FOR LOADER, REPAIR OF BUTLER BUILDING ROOF, AND DESIGN OF ADDITION FOR SEWER DEPARTMENT AT THE BOROUGH GARAGE

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$10,000.00 from the General Capital Improvement Fund to purchase sewer pumps; and

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$40,000.00 from the General Capital Improvement Fund to purchase a Ford F-350 truck for the Road Department; and

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$15,000.00 from the General Capital Improvement Fund to purchase a claw attachment for the loader for leaf collection; and

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$18,000.00 from the General Capital Improvement Fund for repair of the roof at the Butler building; and

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$22,200.00 from the General Capital Improvement Fund to design an addition for the Sewer Department at the Borough Garage; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in a total amount not to exceed \$105,200.00 for these purposes; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$105,200.00 from the General Capital Improvement Fund for the purposes described herein; and

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

SECTION 1: The amount of \$10,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase sewer pumps.

SECTION 2: The amount of \$40,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase a Ford F-350 truck for the Road Department.

SECTION 3: The amount of \$15,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase a claw attachment for the loader for leaf collection.

SECTION 4: The amount of \$18,000.00 is hereby appropriated from the General Capital Improvement Fund for repair of the roof at the Butler building.

SECTION 5: The amount of \$22,200.00 is hereby appropriated from the General Capital Improvement Fund to design an addition for the Sewer Department at the Borough Garage.

SECTION 6: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 7: This Ordinance shall take effect as provided by law.

Mrs. Vitale moved that Ordinance 25-2007, which the Clerk read by title, be adopted. MsBaillie 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 26-2007

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$118,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR ASSESSMENT OF HVAC, BATHROOM REPAIRS, NEW BOOK STACK, INTERIOR SIGNAGE, REUPHOLSTERING CHAIRS, DRAINAGE DITCH STABILIZATION DESIGN WORK, AND PARKING LOT REALIGNMENT AT THE MADISON PUBLIC LIBRARY

WHEREAS, the Library Director has recommended that the Borough appropriate \$118,000.00 from the General Capital Improvement Fund for assessment of HVAC (\$8,500.00), bathroom repairs (\$10,000.00), new book stack (\$6,000.00), interior signage (\$3,000.00), reupholstering chairs (\$4,000.00), drainage ditch stabilization design work (\$51,500.00), and parking lot realignment at the Madison Public Library (\$35,000.00); 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 \$118,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$118,000.00 from the General Capital Improvement Fund for assessment of HVAC (\$8,500.00), bathroom repairs (\$10,000.00), new book stack (\$6,000.00), interior signage (\$3,000.00), reupholstering chairs (\$4,000.00), drainage ditch stabilization design work (\$51,500.00), and parking lot realignment at the Madison Public Library (\$35,000.00); 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 \$118,000.00 is hereby appropriated from the General Capital Improvement Fund for assessment of HVAC (\$8,500.00), bathroom repairs (\$10,000.00), new book stack (\$6,000.00), interior signage (\$3,000.00), reupholstering chairs (\$4,000.00), drainage ditch stabilization design work

(\$51,500.00), and parking lot realignment at the Madison Public Library (\$35,000.00); and

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

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

Mrs. Holden moved that Ordinance 26-2007, which the Clerk read by title, be amended to include a breakdown as to individual items of expenditures, and adopted as amended. Ms. Baillie seconded the motion. The Borough Attorney announced the individual expenditures as follows: of the \$118,000.00, there will be \$8,500.00 for assessment of HVAC, \$10,000.00 for bathroom repairs, \$6,000.00 for new book stack, \$3,000.00 for interior signage, \$4,000.00 for reupholstering chairs, \$51,500.00 for drainage ditch stabilization design work, and \$35,000.00 for parking lot realignment at the Madison Public Library. There was no further discussion and the motion passed by unanimous voice vote.

ORDINANCE 27-2007

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$20,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND TO PROCEED WITH COMPLIANCE PROJECTS ASSOCIATED WITH THE NJDEP MUNICIPAL STORMWATER PERMIT PROGRAM

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$20,000.00 from the General Capital Improvement Fund to proceed with compliance projects associated with the NJDEP Municipal Stormwater Permit Program; 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 proceed with compliance projects associated with the NJDEP Municipal Stormwater Permit Program; 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 proceed with compliance projects associated with the NJDEP Municipal Stormwater Permit Program.

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

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

Mrs. Vitale moved that Ordinance 27-2007, which the Clerk read by title, be adopted. Mrs. Holden

seconded the motion. There was no Council discussion and the motion passed by unanimous voice vote.

ORDINANCE 28-2007 (NOT INTRODUCED)

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$104,500.00 FROM THE 2006 GENERAL CAPITAL IMPROVEMENT FUND
FOR PURCHASE OF STORAGE AREA NETWORK, THIRTY DESKTOP
COMPUTERS, AND SOFTWARE LICENSE COMPLIANCE**

There was unanimous voice consensus to hold off introduction of the above ordinance until the meeting of May 14, 2007.

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 Consent Agenda consisting of R 89-2007 through and including R 100-2007; Mrs. Vitale seconded the motion. There was a discussion of R 99-2007 awarding contract to Promedia under State Contract; it was agreed to go forward with adoption. Mr. Mezzacca spoke about R 100-2007 awarding under competitive contracting to SOS Integrated Business Solutions for document scanning and indexing services and alternatives, and commented that there was an evaluation report which was made public and, in Mr. Mezzacca's opinion, the Borough has fully complied with the requirements of the law to award this contract. There was no further discussion and the motion passed by unanimous voice vote.

R 89-2007

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A TWO
YEAR EXTENSION OF THE LEASE AGREEMENT BETWEEN THE MADISON
POOL CORPORATION AND THE BOROUGH OF MADISON.**

WHEREAS, the Borough of Madison and the Madison Pool Corporation entered into a Lease Extension Agreement originally dated November 18, 1968 and subsequently amended for constructing, operating and maintaining a community swimming pool; and

WHEREAS, said Lease Agreement will expire on May 31, 2007; and

WHEREAS, the Madison Pool Corporation has requested a long-term extension of the Lease renewal; and

WHEREAS, the Borough Council has determined it is in the best interest of the Borough to extend the current lease for a two-year period ending May 31, 2009 with the Madison Pool Corporation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris and State of New Jersey that Mayor and Borough Clerk are hereby authorized and directed to enter an amendment to the Lease Agreement with the Madison Pool Corporation extending the present Lease through May 31, 2009 on the same terms and conditions.

R 90 – 2007

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

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

PTO TOREY J. SABATINI SCHOOL

I.D. No. 274-5-33160

R.A. No. 1048 – On Premises

June 2, 2007

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

R 91 - 2007

**RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF
TAXI/LIVERY DRIVER'S PERMIT 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 renewal be approved for the year 2007:

LICENSE NO. NAME

5 John J. Patrisco, Jr.

r 92-2007

resoluton of the borough of madison approving raffles license application submitted by new jersey jazz society to conduct an on-premises 50/50 raffles game on saturday and sunday, june 9, and 10, 2007

WHEREAS, N.J.S.A. 5:8-1 *et seq.* and N.J.A.C. 13:47-1.1 *et seq.* prohibit the conducting of games of chance on Sunday unless specifically authorized by a duly adopted municipal ordinance; and

WHEREAS, on March 8, 1982, the Council of the Borough of Madison adopted Ordinance No. 5-82 to allow the Council, by resolution, to permit qualified organizations to conduct games of chance on Sunday; and

WHEREAS, the New Jersey Legalized Games of Chance Control Commission has issued Registration Identification No. 393-5-36807 to the New Jersey Jazz Society; and

WHEREAS, an Application for Raffles License, together with all necessary documents and fees, has been submitted to the Madison Borough Clerk's Office by the New Jersey Jazz Society to conduct an On-Premises 50/50 Raffles Game on Saturday and Sunday, June 9 and 10, 2007, at Drew University, Madison Avenue, Madison;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the afore-mentioned Application for Raffles License, R.A. No. 1047, to be held as listed above, be and the same is hereby approved.

BE IT FURTHER RESOLVED that a certified copy of this

Resolution be forwarded to the Legalized Games of Chance Control Commission.

R 93-2007

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

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

WHEREAS, the Borough of Madison has authorized the Public Power Association of New Jersey to conduct an auction in order to secure said wholesale purchased power supply contract; and

WHEREAS, the firm of Betts & Holt will evaluate and recommend a new purchased power supply contract on May 9, 2007; and

WHEREAS, the Governing Body will not hold a meeting on May 9, 2007 to approve a new purchased power contract.

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 Chief Financial Officer is authorized to execute a wholesale purchased power contract to replace the existing contract that expires on December 31, 2007.

R 94-2007

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SOIL MOVING PERMIT AT BLOCK 3202, LOT 1, FOUR GIRALDA FARMS, INTERSECTION OF MADISON AVENUE AND LOANTAKA WAY

WHEREAS, Giralda Farms Phase 1 SPE LLC is the owner of property located at Block 3202, Lot 1, in the Borough of Madison and has applied for a soil moving permit in accordance with the requirements of Section 195-45 of the Madison Borough Land Development Ordinance in order to move approximately 104,573 cubic yards of indigenous soil in connection with construction of a new office building and underground parking garage; and

WHEREAS, the project will require the removal of 104,573 cubic yards of indigenous soil from the site and conservation measures will be provided; and

WHEREAS, the applicant will clearly define the destination for fill material, routes taken, hours of trucking, stabilization measures, soil erosion compliance and the posting of performance/restoration bonds to protect the municipality from hazards associated with incomplete work; and

WHEREAS, the Borough Engineer has determined that there will be no negative impact on the adjacent property owners; and

WHEREAS, the Borough Engineer has recommended the Borough Council authorize the issuance of the soil moving permit subject to approval by the Borough Engineering Department of the timing and method.

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 authorized to issue a soil moving permit as described herein to Giralda Farms Phase 1 SPE LLC at Block 3202, Lot 1, for the purposes set forth herein on such terms and conditions as required by the Madison Land Development Ordinance and the Borough Engineering Department.

R 95-2007

RESOLUTION OF THE BOROUGH OF MADISON REJECTING SOLE BID FOR PURCHASE OF LAMP POSTS AND AUTHORIZING REBID

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

WHEREAS, the Borough received one bid; and

WHEREAS, the only bid received which bid package was missing the bidder's business registration certificate, which is a mandatory requirement under N.J.S.A. 40A:11-23.2(f); and

WHEREAS, the Purchasing Office recommends that the bid received for the purchase of lamp posts be rejected for failure to comply with mandatory statutory requirements and that it be re-bid.

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

R 96-2007

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RELEASE OF PERFORMANCE BOND AND GUARANTEE FOR THE LOCATION OF PNC BANK AT 240 MAIN STREET, TAX MAP BLOCK 2206 LOT 2

WHEREAS, the Borough Engineer has recommended that the Performance Bond of \$170,150.00 and Performance Guaranty of \$15,470.00 be released to PNC Bank, Inc., in connection with site improvements located at 240 Main Street, Block 2206, Lot 2; and

WHEREAS, the Borough Engineer advises that all site work has been completed.

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 Performance Bond and Performance Guaranty described herein be released to PNC Bank, Inc.

R 97-2007

RESOLUTION OF THE BOROUGH OF MADISON AWARDED CONTRACT TO SPATIAL DATA LOGIC INC. IN THE AMOUNT OF \$15,000.00 FOR THE SAFE HOMES INITIATIVE AND FOR EXPANSION OF THE GIS OPERATIONS PLATFORM TO INCLUDE THE HEALTH AND FIRE DEPARTMENTS

WHEREAS, the Borough of Madison solicited quotes for computer software for use with the Safe Homes initiative and for expansion of the GIS operations platform to include the health and fire departments (the "Contract") in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-6.1, et seq.; and

WHEREAS, the Borough Engineer has recommended that the Contract should be awarded to Spatial

Data Logic, Inc., in the amount of \$15,000.00; and

WHEREAS, The Borough Council has determined to award said contract to Spatial Data Logic, Inc., and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$15,000.00 for this purpose, which funds were appropriated by Ordinance 43-2006.

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

1. The Contract is hereby awarded to Spatial Data Logic, Inc., of Somerset, NJ based upon its quote in the amount of \$15,000.00 for computer software for use with the Safe Homes initiative and for expansion of the GIS operations platform to include the health and fire departments.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the Contract Spatial Data Logic, Inc., of Somerset, NJ in a form acceptable to the Borough Attorney.

R 98-2007

RESOLUTION OF THE BOROUGH OF MADISON AWARDING NON-FAIR AND OPEN CONTRACT TO CERTIFIED SPEEDOMETER FOR PURCHASE OF A MESSAGE BOARD/STALKER

WHEREAS, the Borough of Madison has a need to acquire a message board/stalker as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Purchasing/Personnel Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Certified Speedometer Service, Inc. has submitted a proposal dated February 23, 2007 indicating they will provide the message board/stalker for \$19,550.00; and

WHEREAS, Certified Speedometer Service, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Certified Speedometer Service, Inc. has not made any reportable contributions to a political or candidate committee in the Borough of Madison in the previous one year, and that the contract will prohibit Certified Speedometer Service, 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 \$19,550.00 for this purpose.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris and State of New Jersey that the Mayor and Borough Clerk are authorized to enter into a contract

with Certified Speedometer Service, Inc. as described herein.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification, Political Contribution Disclosure Form and the Determination of Value be placed on file with this resolution.

R 99-2007

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF NETWORK SECURITY UPGRADE FROM PROMEDIA TECHNOLOGY SERVICES, INC., OF LITTLE FALLS, NEW JERSEY UNDER STATE CONTRACT #A81225 IN THE AMOUNT OF \$147,659.00

WHEREAS, the Borough of Madison desires to purchase a network security upgrade from an authorized vendor under State Contract #A81225; 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, Promedia Technology Services, Inc., 535 US Highway 46 East, Little Falls, New Jersey has been awarded New Jersey State contract number A81225; and

WHEREAS, the Administrator has recommended that the Borough Council utilize this contract for a network security upgrade in the amount of \$147,659.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$147,659.00 for this purpose.

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

1. The purchase of a network security upgrade from Promedia Technology Services, Inc., at a total price not to exceed \$147,659.00 is hereby approved under the New Jersey State contract number A81225.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Promedia Technology Services, Inc., for the purchase of a network security upgrade at a total price not to exceed \$147,659.00, in a form acceptable to the Borough Attorney.

R 100-2007

RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO SOS INTEGRATED BUSINESS SOLUTIONS OF OCEAN, NEW JERSEY FOR DOCUMENT SCANNING & INDEXING SERVICES AND ALTERNATIVES IN AN AMOUNT NOT TO EXCEED \$73,822.00

WHEREAS, the Borough Clerk has recommended that the Borough purchase document indexing and scanning services and alternatives (hereinafter "the Contract"); and

WHEREAS, said services may be obtained by the use of the competitive contracting process pursuant to N.J.S.A. 40A:11-4.1k; and

WHEREAS, the Division of Local Government Services, Department of Community Affairs, issued a letter to the Madison Purchasing Officer approving the Borough of Madison's request to use competitive contracting for this particular contract; and

WHEREAS, the Borough of Madison by its Purchasing Officer, and Borough Administrator, have complied with the competitive contracting requirements of N.J.S.A. 40A:11-4.1 et seq. and N.J.A.C. 5:34-4.1 et seq.; and

WHEREAS, all proposals received were evaluated and a report issued in conformity with the requirements of N.J.S.A. 40A:11-4.5d; and

WHEREAS, the report has been made available to the public at least forty-eight (48) hours prior to when such report was made available to the governing body; and

WHEREAS, the report recommended awarding a contract to SOS Integrated Business Solutions of Ocean, New Jersey in an amount not to exceed \$73,822.00; and

WHEREAS, the Director of Finance has attested that funds will be available from the General Capital Improvement Fund in an amount not to exceed \$73,822.00 for this purpose, which funds were appropriated by Ordinance 45-2005.

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:

The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a contract with SOS Integrated Business Solutions of Ocean, New Jersey, for document scanning and indexing services and alternatives in an amount not to exceed \$73,822.00, based upon its proposal, such contract to be in a form approved by the Borough Attorney and in accordance with N.J.S.A. 40A:11-14.

The report prepared pursuant to N.J.S.A. 40A:11-5 shall become part of the public record and shall reflect the final action of the governing body.

The Borough Clerk is hereby directed to publish notice of the adoption of this resolution and a summary of the Contract in the official newspaper of the Borough of Madison within ten (10) days of its adoption by the governing body in accordance with N.J.S.A. 40A:11-5g.

Unfinished Business - None

APPROVAL OF VOUCHERS

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

Public Safety \$12,211.57

Health & Public Assistance 3,161.14

Public Works & Engineering 121,560.48

Community Affairs 1,428.46

Finance & Borough Clerk 202,270.99

Utilities 62,567.56

Total \$403,200.20

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 - None

Adjournment

There being no further business to come before the Council, the meeting was adjourned at 11:30 p.m. by unanimous voice vote.

Respectfully submitted,

Marilyn Schaefer

Borough Clerk

Approved May 14, 2007 (MS)