

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

**June 25, 2007 – 7 p.m.**

**Call to Order**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 25<sup>th</sup> day of June 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:

Astri J. Baillie  
Donald J. Bowen  
Carmela Vitale

John M. Elias

Absent: Mary-Anna Holden, excused

Robert H. Conley, excused

Also Present:

Raymond M. Codey, Acting Administrator

Joseph Mezzacca, Jr., Borough Attorney

Marilyn Schaefer, Borough Clerk

**AGENDA REVIEW**

Two Personnel Matters were removed from the Executive Agenda; discussions regarding the milling and paving project and contract award thereof were removed from the agenda and will be listed on the July 9, 2007 agenda; Ordinance 43-2007 (bonding the milling and paving project) was removed from the agenda; R 157-2007 amending capital budget, was automatically removed from the agenda since the bond ordinance was not introduced; R 160-2007 awarding contract for milling and overlay projects was removed from the agenda; R 162-2007 appointing to the position of Network Administrator was removed from the 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.

**PERSONNEL MATTERS (3)**

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

**CONTRACT MATTERS (7)**

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

**POTENTIAL LITIGATION MATTER (1)**

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

Seconded: Ms. Baillie

Vote: Unanimous voice vote of members present

**Reconvene in Council Chamber**

Mayor Ellwood R. Kerkeslager reconvened the Regular Meeting at 7:50 p.m. in the Council Chamber with all members present except Mrs. Holden and Mr. Conley, who were excused. The Pledge of Allegiance was recited by all.

**APPROVAL OF MINUTES**

Ms. Baillie moved approval of the **Regular Meeting Minutes of June 11, 2007**. Mr. Bowen seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Mrs. Holden, Mr. Conley

Ms. Baillie moved approval of the ***Executive Minutes of June 11, 2007***. Mr. Bowen seconded the motion, which passed by voice vote of members present.

## **REPORTS OF COMMITTEES**

### **Community Affairs**

Mrs. Holden, Chair of the Committee, absent.

### **Utilities**

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

The Livesey Park Advisory Committee will meet this Wednesday to begin discussions on how to make the property a passive pocket park.

The Planning Board, at tomorrow's meeting, will continue to review Drew University's application for a six-story dormitory.

The Morris Land Conservancy, with the help of many in the Borough, is finalizing the draft of Madison's grant application to Morris County for the 53 acres the Borough is purchasing from Rock-Florham (referred to as the Exxon property); there will be a public hearing on the grant application on July 23, 2007 during the Regular Meeting of the Council.

### **Health & Public Assistance**

Mr. Bowen, Chair of the Committee, had no report, but observed that on the news tonight Mayor Kerkeslager was speaking about the arts in Madison, and the Borough was very favorably discussed on the news channel. Mayor Kerkeslager commented that in Trenton at the War Memorial this morning there was a conference on arts and the economy, and Madison, Red Bank, Princeton Borough and several other towns were asked to make presentations.

### **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, absent.

## **GREETINGS TO PUBLIC**

Mayor Kerkeslager made the following comments:

Relay for Life

This past Friday and Saturday, Madison held its first "Relay for Life"; there are eighteen towns in this area which hold "Relay for Life", and there are thousands across the United States. The fundamental purpose is to support cancer survivors, to recognize them and their caregivers, and to raise funds for research; Madison exceeded its goals—there was a bigger crowd than expected; there were 37 teams and the goal was to raise over \$60,000.00, and at last count it was at \$75,000.00; everyone was pleased.

Mayor Kerkeslager invited Mrs. Vitale's comments on the Relay for Life event. Mrs. Vitale reported an awesome experience; her team had two tents, and Mrs. Vitale lasted until 12:45 a.m.; she went back again at 5:30 a.m. for the closing ceremonies; viewing the survivors do their walk was inspiring—hundreds and hundreds of individuals walking; at approximately 9:30 p.m., all the lights went off and luminaries spelled out "hope" and "dream" and "believe"; the whole walking track was lined on both sides with luminaries! Individuals paid \$10.00 to support this worthy cause; Mrs. Vitale encouraged everyone to join the Relay next year.

Marigliano, Italy

Mayor Kerkeslager reported on his trip earlier this month, on June 2, 2007, to Madison's sister city, Marigliano, Italy. The Mayor of Marigliano, Mayor Felice Esposito Corcione, had invited Mayor Kerkeslager to a ceremony similar to Madison's reception given him at Borough Hall last year when he came to Madison. There was a public meeting--their city hall is two-to-three times as large as Madison's borough hall; the town population is about 31,000. Every seat was filled with standing room only three-to-five feet deep in the aisles; it was a wonderful ceremony. Mayor Kerkeslager presented the key to the City of Marigliano to Ray Codey on behalf of Madison, and he presented three plaques from three different levels of the Police in Italy to Police Chief Chirico. Mayor Kerkeslager, in speaking about the ceremony, mentioned that Marigliano has 30 Council Members; Mayor Kerkeslager explained the hierarchy of the Marigliano police system and commented that one of Madison's former residents, Frank Iossa, was a State Police member in Italy in the criminal division.

**COMMUNICATIONS AND PETITIONS**

The Borough Clerk announced receipt of the following communications:

Received from Board of Education with respect to the Green Village Road School – press release regarding the future of the Green Village Road School reporting their two-track approach to disposing of the building, which has been distributed to Mayor & Council, Administrator and Chief Financial Officer.

Received from Mr. Sirna reporting unsatisfactory conditions at the Samson Avenue train overpass, such as metal wall needing repainting or replacement and unsafe street and sidewalks. – distributed to Mayor & Council, Administrator, Engineer and Public Works.

***Invitation for Discussion by the Public (1 of 2)***

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

**Joseph Healy, Douglas Avenue**, commented that nothing has ever been done in his area and he has lived there for over 30 years; he referred to a letter that Mr. NeiCavazza and he wrote to the Mayor and Council on April 15, 2007, and another letter dated April 29, 2006, sent by Mr. Healy's wife, to which neither letter received a response; he wants to know the status of the road work in his area. Mrs. Vitale was recognized by the Chair and commented on her conversation with Mr. Healy; Mrs. Vitale did speak to Borough Engineer Robert Vogel a few days after receiving Mr. Healy's letter; the drainage problem there is considerable; Mrs. Vitale commented that the Borough will start moving on it.

**Sam Cerciello, Park Avenue**, commented at length including that this is his last meeting for the summer; after everyone spoke on the budget at the last meeting, wondered why the Council went ahead and passed it instead of putting it off until another meeting; wanted to talk about next year's budget; felt services in Madison are the best; recommended that Council give money raises not percent raises. As to where the fire and police project stands, Mr. Mezzacca responded that the surety is finishing up its investigation and Architect Robert Russell is now reviewing the rolling completion list to see what is deemed complete and incomplete in order for the surety to come up with a plan.

**Eugene Zipper, Greenwood Avenue**, attended a meeting of the Downtown Development Commission (DDC) where Mayor Kerkeslager spoke of a parking authority; Mr. Zipper worried about that; merchants have the most to gain if the parking problems are solved; he felt that the property owners could contribute to solving this problem; he was against a parking authority as they tend to take over responsibilities and are not elected officials. Mayor Kerkeslager commented that what was suggested at the DDC meeting was the Borough should think about a parking authority or a parking utility, etc. and think about what they do as a point of information; the DDC planned to have the Summit Parking Utility at the last meeting, but they could not make it. DDC meetings are open to the public.

### **Agenda Discussions**

#### **Removed from Agenda**

**06/25/07-1** INTRODUCE BOND ORDINANCE REGARDING MILLING AND PAVING

#### **Removed from Agenda**

**06/25/07-6(4)** AWARD CONTRACT FOR 2007 MILL & OVERLAY PROJECTS UNDER COUNTY CO-OP FOR DEAN, JOHN, DWYER, HOWARD, MYRTLE, BURNET AND CHATEAU THIERRY

#### **Removed from Agenda**

**06/25/07-7** PARKING AND REDEVELOPMENT STUDY

**Removed from Agenda**

**06/25/07-8 BATTING CAGES**

**06/25/07-2 Joint Meeting/Sewer legislation**

Mr. Mezzacca commented as to the draft ordinance prepared by the Madison-Chatham Joint Meeting's Environmental Attorney; the draft Mr. Mezzacca received needs to be updated with comments received from the Board of Health and additional comments are to come from Borough Engineer Robert Vogel; the final draft will include any additional input Mr. Mezzacca has; it will be brought back to the Council for consideration once the final draft is ready. There was Council consensus to move this forward.

**06/25/07-3 COMMUNITY STEWARDSHIP INCENTIVE PROGRAM – accept \$25,000 grant award, authorize signature(s) on grant agreement**

Ms. Baillie moved approval of the Shade Tree Management Boards request to accept the \$25,000.00 grant award and authorizing signature on the grant agreement. Mrs. Vitale seconded the motion, which passed by voice vote of members present.

A resolution is listed on the Consent Agenda.

**06/25/07-4 REQUEST FOR SIGNATURES AND APPROVAL OF GRANT AGREEMENT BETWEEN BOROUGH OF MADISON AND NEW JERSEY HISTORIC TRUST IN THE AMOUNT OF \$660,719.00**

Mrs. Vitale moved approval of the signatures on the grant agreement with the New Jersey Historic Trust in the amount of \$660,719.00. Ms. Baillie seconded the motion, which passed by voice vote of members present. Mayor Kerkeslager thanked Mrs. Vitale for all her work as part of the effort to get this grant.

A resolution is listed on the Consent Agenda.

**06/25/07-5 AWARD FURNITURE FOR THE NEW FIRE & POLICE BUILDING UNDER STATE CONTRACT**

Mrs. Vitale moved approval of the above award. Ms. Baillie seconded the motion. Comments included that the Borough will defer delivery of the furniture for as long as possible, but that the contract pricing is only good through June 30, 2007. There was no further discussion and the motion passed by voice vote of members present.

A resolution is listed on the Consent Agenda.

**06/25/07-6(1) APPROPRIATE \$590,000 FOR WATER MAIN REPLACEMENT**

After Mr. Codey presented Borough Engineer Robert Vogel's agenda recommendation, Mrs. Vitale moved approval to appropriate funds for water main replacement. Ms. Baillie seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Mrs. Holden, Mr. Conley

Funding for the above will be listed on the July 9, 2007 Agenda.

**06/25/07-6(2) AUTHORIZE \$450,000 FOR SEWER MAIN LINING**

Mr. Codey presented Borough Engineer Robert Vogel's agenda recommendation; after a brief discussion, Mr. Bowen moved approval to authorize funding of \$450,000 for sewer main lining. Ms. Baillie seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Mrs. Holden, Mr. Conley

Funding for the above will be listed on the July 9, 2007 Agenda.

**06/25/07-6(3) PROPOSAL BY VERIZON TO LOCATE GENERATOR ABOVE GROUND AT THE MADISON WATER TANK LOCATION IN ORDER TO SUPPORT ITS OWN COMMUNICATIONS FACILITIES**

Mr. Mezzacca commented that he spoke to Borough Engineer Robert Vogel and reviewed the documentation regarding Verizon's proposal to locate a generator above ground at the Madison Water Tank; Verizon was the first carrier at that location and, at that time, the Council required that their equipment be located underground; further underground location of additional carriers was not feasible, so a building was erected at the water tower to house the other carrier's equipment.

After Council consideration, there was consensus that the Borough (1) ask Verizon to share space available inside the storage facility at the site or (2) add onto the building so the equipment may be inside the building. It was concluded that more answers were needed; the public should be notified; the Board of Health should investigate what, if any, noise would emanate from the proposed generator. There was consensus that an above-ground generator is not acceptable.

Ms. Baillie moved that Borough Engineer Robert Vogel be directed to advise Verizon as to (1) and (2) above. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Mrs. Holden, Mr. Conley

Mr. Codey will advise the Borough Engineer accordingly.

**06/25/07-9** ACCEPT DONATION OF THREE NEW MATCHING HISTORIC BENCHES FOR THE CENTRAL BUSINESS DISTRICT ON CENTRAL AVENUE

Mr. Elias moved acceptance of the donation of three new matching historic benches for the central business district on Central Avenue. Mr. Bowen seconded the motion.

There was Council discussion including that placement options be left to the wishes of the Superintendent of Public Works and the Borough Engineer, and that the decision as to placement be taken to the Downtown Development Commission for their concurrence. At the conclusion of discussion, the motion passed by voice vote of members present.

A resolution will be listed on the July 9, 2007 Consent Agenda.

***Added to Agenda***

**06/25/07-6(5)** AUTHORIZE ADMINISTRATOR TO SIGN AN APPLICATION FOR VERIZON TO INSTALL AND MAINTAIN A PRIMARY RATE INTERFACE SERVICE CONNECTION FOR TELEPHONE BASED COMMUNICATIONS AT THE FIRE & POLICE BUILDING

Mr. Bowen moved approval of authorizing the Administrator to sign an application for Verizon to install and maintain a primary rate interface service connection for telephone based communications at the Fire & Police building; this is a five-year contract. Mrs. Vitale seconded the motion, which passed by voice vote of members present.

A resolution is listed on the Consent Agenda.

***Added to Agenda***

**06/25/07-10** HIRE ENVIRONMENTAL EXPERT - FLORHAM PARK PROPERTY

After comments and recommendation of Mayor Kerkeslager, Mr. Bowen moved approval of authorizing a professional services contract with PK Environmental to perform an assessment of property at Lot 5, Block 1401 on the tax map of Florham Park. Ms. Baillie seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Mrs. Holden, Mr. Conley

A resolution is listed on the Consent Agenda.

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

Mayor opened the meeting to the public for their opportunity to ask questions and make comments. Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record.

**He/she shall limit his/her statement to five (5) minutes or less.**

**Sam Cerciello, Park Avenue**, commented in detail including that no one in Madison is proud of the Fire & Police building and that the building has nothing to do with the character of Madison; offered to have professional friends of his go to the building to give an opinion as to what needs to be done; pointed out defects in the building. In response to what the Borough is doing to move toward finishing the building, Mr. Mezzacca reiterated the steps that have been taken with the surety company to bring the building to completion.

***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 Wednesday, May 30, 2007, were introduced by title and passed on first reading, were published in the Madison Eagle on June 7, 2007, and made available to members of the general public requesting same.

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

**ORDINANCE 37-2007**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING  
\$57,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR  
ALARM MONITORING SYSTEM**

**WHEREAS**, the Chief of Police has recommended that the Borough appropriate \$57,000.00 from the General Capital Improvement Fund to purchase an alarm monitoring system; 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 \$57,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$57,000.00 from the General Capital Improvement Fund to purchase an alarm monitoring system; 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 \$57,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase an alarm monitoring system.

**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 37-2007, 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: Ms. Baillie, Mr. Bowen, Mrs. Vitale, Mr. Elias

Nays: None

Absent: Mrs. Holden, Mr. Conley

Mayor Kerkeslager declared Ordinance 37-2007 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 38-2007**

#### **ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 41-2004 WHICH APPROPRIATED \$180,000.00 TO COMPLETE THE SPRING GARDEN BROOK PROJECT TO INCREASE THE APPROPRIATION AN ADDITIONAL \$20,000.00 FOR A TOTAL APPROPRIATION OF \$200,000.00**

**WHEREAS**, Ordinance 41-2004 of the Borough of Madison appropriated \$180,000.00 from the General Capital Improvement Fund for the Spring Garden Brook Stabilization project; and

**WHEREAS**, the Borough Engineer has recommended that the Borough amend Ordinance 41-2004 to appropriate an additional \$20,000.00 from the 2006 Capital Budget thereby increasing Ordinance 41-2004 to \$200,000.00 to complete the project; and

**WHEREAS**, the Director of Finance has attested to the availability of the funds in the 2006 Capital Budget in an amount not to exceed \$20,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should amend Ordinance 41-2004 to appropriate an additional \$20,000.00 from the 2006 Capital Budget thereby increasing Ordinance 41-2004 to \$200,000.00 to complete the project.

**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 41-2004 is amended to appropriate an additional \$20,000.00 from the 2006 Capital Budget thereby increasing Ordinance 41-2004 to \$200,000.00 to complete the project.

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 38-2007, 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: Ms. Baillie, Mr. Bowen, Mrs. Vitale, Mr. Elias

Nays: None

Absent: Mrs. Holden, Mr. Conley

Mayor Kerkeslager declared Ordinance 38-2007 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 39-2007**

#### **ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$40,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR DESIGN OF DRAINAGE IMPROVEMENTS ON GREEN VILLAGE ROAD**

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$40,000.00 from the General Capital Improvement Fund to design drainage improvements along Green Village Road; 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 \$40,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$40,000.00 from the General Capital Improvement Fund to design drainage improvements along Green Village Road; and

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Madison, in the County of

Morris and State of New Jersey, as follows:

**SECTION 1:** The amount of \$40,000.00 is hereby appropriated from the General Capital Improvement Fund to design drainage improvements along Green Village Road.

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

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

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

Mrs. Vitale moved that Ordinance 39-2007, 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: Ms. Baillie, Mr. Bowen, Mrs. Vitale, Mr. Elias

Nays: None

Absent: Mrs. Holden, Mr. Conley

Mayor Kerkeslager declared Ordinance 39-2007 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 40-2007**

#### **ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$38,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR FLOW MONITORING STUDY OF NORTH STREET SERVICE AREA**

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$38,000.00 from the General Capital Improvement Fund to perform a sewage flow monitoring study of the North Street service area; 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 \$38,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$38,000.00 from the General Capital Improvement Fund to perform a sewage flow monitoring study of the North Street service area; 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 \$38,000.00 is hereby appropriated from the General Capital Improvement Fund to perform a sewage flow monitoring study of the North Street service area.

**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 40-2007, 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: Ms. Baillie, Mr. Bowen, Mrs. Vitale, Mr. Elias

Nays: None

Absent: Mrs. Holden, Mr. Conley

Mayor Kerkeslager declared Ordinance 40-2007 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 41-2007**

#### **ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 59 SECTION 59-15 OF THE BOROUGH CODE ENTITLED "FEES" REGARDING DOG AND CAT LICENSES TO INCREASE FEES**

**WHEREAS**, the Madison Board of Health has recommended amendments to the Borough Code to increase certain fees for dog and cat licenses beginning with the January 2008 licensing term.

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

**SECTION 1:** Chapter 59 of the Code of the Borough of Madison, Section 15 thereof entitled **Fees** is hereby amended as follows to increase certain fees for dog and cat licenses beginning with the January 2008 licensing term:

...

**Type of Fee**

Dog and Cat Licenses and Registration Tags – Annual

Neutered \$ 15.00

All others \$ 18.00

Late Charge for Dog or Cat License and Registration Tag

effective February 1<sup>st</sup> \$ 10.00

.....

**SECTION 2:** This ordinance shall take effect immediately and upon final passage and publication as required 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. Bowen moved that Ordinance 41-2007, which the Clerk read by title, be finally adopted. MsBaillie seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mrs. Holden, Mr. Conley

Mayor Kerkeslager declared Ordinance 41-2007 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 42-2007**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING  
\$100,000.00 FOR THE PREPARATION AND PAINTING OF THE KINGS  
ROAD & JAMES PARK SUBSTATIONS**

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 42-2007, 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: Ms. Baillie , Mr. Bowen, Mrs. Vitale, Mr. Elias

Nays: None

Absent: Mrs. Holden, Mr. Conley

Mayor Kerkeslager declared Ordinance 42-2007 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**BOND ORDINANCE 43-2007 regarding milling and paving was withdrawn earlier in the meeting and the number retired.**

***Introduction of Ordinances***

The Clerk made the following statement

Ordinance 44-2007 scheduled for introduction and first reading tonight will have a hearing during the meeting of July 9, 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 as practical thereafter, for further consideration and final adoption, will be published in the Madison Eagle, posted on the bulletin board at the main entrance to the Hartley Dodge Memorial and made available to members of the public requesting same, as required by law.

Mayor Kerkeslager called up Ordinance 44-2007 for first reading and asked the Clerk to read said ordinance by title:

**ORDINANCE 44-2007**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING OR DINANCE  
1-2007 TO ESTABLISH SALARY RANGE FOR NETWORK ADMINISTRATOR**

**WHEREAS**, the Borough Council has determined that a change is required in the salary ranges for non-union full-time employees to add the position of full-time Network Administrator.

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

Section 1. Ordinance 1-2007 setting the salary ranges for non-union full-time employees is hereby amended to add the salary range for the position of full-time Network Administrator:

TITLE	MINIMUM	MARKET VALUE	MAXIMUM
Network Administrator	\$60,000	\$65,000	\$70,000

Section 2. All other provisions of the Ordinance remain unchanged.

Section 3. This ordinance shall take effect as provided by law.

Mrs. Vitale moved that Ordinance 44-2007, 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: Ms. Baillie , Mr. Bowen, Mrs. Vitale, Mr. Elias

Nays: None

Absent: Mrs. Holden, Mr. Conley

***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.Mezzacca asked the Clerk to read R 163-2007 by title, since it was added to the Consent Agenda during Agenda review. The Clerk read R 163-2007 by title, and it was included in the Consent Agenda:

Mr. Elias moved adoption of the Resolutions listed on the Consent Agenda consisting of R 150-2007 through and including R 156-2007; R 158-2007, R 159-2007, R 161-2007 and R 163-2007. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Mrs. Holden, Mr. Conley

**R 150-2007**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF FORD F-350 TRUCK FOR THE ROAD DEPARTMENT UNDER STATE CONTRACT**

**WHEREAS**, the Borough of Madison desires to purchase a Ford F-350truck for the Road Department from an authorized vendor under State Contract #A67609; 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**, Motors Fleet, P.O. Box 638, Red Bank, New Jersey has been awarded New Jersey State contract number A67609; and

**WHEREAS**, the Superintendent of the Public Works Department has recommended that the Borough Council utilize this contract for a Ford F-350 in the amount of \$24,153.70, less a trade-in of the old Road Department truck for \$785.00, for a net cost of \$23,368.70; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$23,368.70 for this purpose, which funds were appropriated by Ordinance 9-2007.

**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 Ford F-350 truck from Motors Fleet, at a total price not to exceed \$23,368.70 plus a trade in of the old Road Department truck at a value of \$785.00 is hereby approved under the New Jersey State contract number A67609.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Motors Fleet for the purchase of a Ford F-350 truck at a total price not to exceed \$23,368.70 plus a trade in of the old Road Department truck at a value of \$785.00, in a form acceptable to the Borough Attorney.

**R 151-2007**

**RESOLUTION OF THE BOROUGH OF MADISON CONFIRMING  
APPOINTMENT OF ELIZABETH O'CONNELL TO THE POSITION OF INTERN  
IN THE DEPARTMENT OF ADMINISTRATION**

**WHEREAS**, the Borough Clerk has recommended appointment of Elizabeth OConnell to the position of Summer Intern in the Department of Administration; and

**WHEREAS**, the Borough Council agrees with this 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 Elizabeth OConnell is hereby appointed to the position of Summer Intern in the Department of Administration effective June 13, 2007 at the rate of pay of \$9.00 per hour.

**R 152-2007**

**RESOLUTION OF THE BOROUGH OF MADISON CONFIRMING  
APPOINTMENT OF JILLIAN MEEK TO THE POSITION OF YOUTH DRAMA  
DIRECTOR, BRITTANY BOLGER TO THE POSITION OF YOUTH DRAMA  
DIRECTOR AND JENNIFER MARTIN TO THE POSITION OF PLAYGROUND  
SUPERVISOR IN THE SUMMER RECREATION PROGRAMS**

**WHEREAS**, the Borough Recreation Director has recommended appointment of the following Summer Recreation Personnel:

**Name Position Rate of Pay**

Jillian Meek Youth Drama Director \$10.00 per hour

Brittany Bolger Youth Drama Director \$10.00 per hour

Jennifer Martin Playground Supervisor \$ 9.00 per hour

And;

**WHEREAS**, the Borough Council agrees with this 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 the following Summer Recreation Personnel are hereby appointed to the following positions at the following rate of pay effective June 25, 2007.

**Name Position Rate of Pay**

Jillian Meek Youth Drama Director \$10.00 per hour

Brittany Bolger Youth Drama Director \$10.00 per hour

Jennifer Martin Playground Supervisor \$ 9.00 per hour

**R 153-2007**

**RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION DIVISION OF PARKS AND FORESTRY NJ FOREST SERVICE COMMUNITY STEWARDSHIP INCENTIVE PROGRAM (CSIP) GRANT AWARD IN THE AMOUNT OF \$25,000.00 AND AUTHORIZING SIGNATURE ON GRANT AGREEMENT WITH NEW JERSEY FOREST SERVICE**

**WHEREAS**, the Borough of Madison desires to further the public interest by obtaining a Community Stewardship Incentive Program Grant from the State of New Jersey in the amount of approximately \$25,000.00 to among other things, support on-going implementation of Madison's Community Forestry Management Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Ellwood R. Kerkeslager or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$25,000.00 and not more than \$25,000.00, and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

**BE IT FURTHER RESOLVED** that the Mayor and Council of the Borough of Madison authorize and hereby agree to match 25% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. Seventy-six percent (76%) of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

**BE IT FURTHER RESOLVED** that the Borough of Madison agrees to comply with all applicable federal, State and municipal laws, rules and regulations in its performance pursuant to the agreement.

**R 154-2007**

**RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING NEW JERSEY HISTORIC TRUST GRANT AWARD IN THE AMOUNT OF \$660,719.00 AND AUTHORIZING SIGNATURE ON TRUST AGREEMENT WITH GARDEN STATE HISTORIC PRESERVATION TRUST FUND ADMINISTERED BY THE NEW JERSEY HISTORIC TRUST FOR HARTLEY DODGE MEMORIAL PROJECT NUMBER 2006.2035**

**WHEREAS**, the Governing Body of the Borough of Madison received notice from the New Jersey Historic Trust of its eligibility to receive a Garden State Historic Preservation Trust Fund Level II Grant, in the amount of \$660,719.00; and

**WHEREAS**, the purpose of the grant is for administrative adaptive reuse, external roof and gutter rehabilitation and Americans with Disabilities Act (ADA) compliance to allow the Hartley Dodge Memorial to continue functioning as the Madison Town Hall; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris,

State of New Jersey that the Governing Body does hereby accept the grant of \$660,719.00 for administrative adaptive reuse, external roof and gutter rehabilitation and Americans with Disabilities Act (ADA) compliance to allow the Hartley Dodge Memorial to continue functioning as the Madison Town Hall.

**BE IT FURTHER RESOLVED**, that the Mayor and Chief Financial Officer are hereby authorized and directed on behalf of the Borough to enter into a Grant Agreement with the New Jersey Historic Trust on behalf of the Borough of Madison in a form acceptable to the Borough Attorney, and upon execution of said Agreement, the Borough of Madison does accept the Terms and Conditions specified in the Agreement in connection with this grant.

**R 155-2007**

**RESOLUTION OF THE BOROUGH OF MADISON AWARING CONTRACT FOR FURNISHINGS RELATED TO FIRE & POLICE BUILDING IN THE AMOUNT OF \$228,909.20 UNDER STATE CONTRACTS THROUGH BFI OF CRANBURY, NJ FOR THE FOLLOWING VENDORS: BFI, KIMBALL INTERNATIONAL/NATIONAL, ALLSTEEL, INC., KRUEGER INTERNATIONAL, HARTER AND HERMAN MILLER**

**WHEREAS**, the Borough of Madison desires to purchase furnishings for the Fire and Police Building from an authorized vendor under State Contracts #A56332, #A56331, #A56338, #A57053, #A56336 and #A56315; 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**, BFI, 5 Cedar Brook Drive, Cranbury, New Jersey has provided quotes for said furnishings under various state contracts with certain vendors supplying certain furnishings as follows:

State contract number	Name of Company	Amount
A 56315	BFI	\$18,444.91
A 56315	BFI	\$1,830.40
A 56331	Kimball International/National	\$2,295.54
A 56332	AllSteel, Inc.	\$48,887.30
A 56336	Krueger International	\$26,691.14

A 56338	Harter	\$32,885.05
A 57053	Herman Miller	\$67,360.30
A 57053	Herman Miller	\$30,514.56

**WHEREAS**, the Borough Engineer has recommended that the Borough Council utilize these contracts for furnishings for the Fire and Police Building, for a total cost of \$228,909.20; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$228,909.20 for this purpose, which funds were appropriated by Ordinance 42-2005.

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

1. The purchase of furnishing for the Fire and Police Building from BFI, at a total price not to exceed \$228,909.20 is hereby approved to the vendors listed above through BFI under the New Jersey State contract numbers #A56332, #A56331, #A56338, #A57053, #A56336 and #A56315.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute purchase orders and contracts to BFI and the vendors listed above for the purchase of furnishings for the Fire and Police Building at a total price not to exceed \$228,909.20, in a form acceptable to the Borough Attorney.

**R 156-2007**

**RESOLUTION OF THE BOROUGH OF MADISON APPOINTING FREDERIC RIVERA TO THE POSITION OF TRUCK DRIVER II IN THE PARKS DEPARTMENT**

**WHEREAS**, the Superintendent of Public Works has recommended the appointment of Frederic Rivera to the position of Truck Driver II in the Parks Department at the salary of \$37,244.00 as stipulated in the agreement between the Teamsters Union and the Borough of Madison; and

**WHEREAS**, thirty-five applicants applied for the position; and

**WHEREAS**, the Superintendent of Public Works has certified that Frederic Rivera was the most qualified applicant.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that Frederic Rivera is hereby appointed to the position of Truck Driver II in the Parks Department, effective July 2, 2007.

**BE IT FURTHER RESOLVED** that Frederic Rivera shall be compensated at the yearly salary of \$37,244.00 in accordance with the terms of the Collective Bargaining Agreement between the Teamsters Union and the Borough of Madison.

Removed from Agenda, as a result of Ordinance 43-2007's removal from Agenda: R 157-2007 amending 2007 Capital Budget

**R 158-2007**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH PK ENVIRONMENTAL TO PERFORM AN ASSESSMENT OF PROPERTY AT LOT 5, BLOCK 1401 ON THE TAX MAP OF FLORHAM PARK**

**WHEREAS**, the Borough Administrator has recommended the Borough retain the services of an environmental engineering firm to prepare an environmental site assessment of property located at Block 1401, Lot 5 on the tax map of Florham Park, known as the Rock-Florham property (hereinafter the "Contract"); and

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

**WHEREAS**, the Borough Administrator has recommended that the Borough Council award the contract to PK Environmental, in an amount not to exceed \$5,000.00 based upon its proposal dated June 15, 2007; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$5,000.00 for this purpose from the Open Space Trust Fund.

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

1. The Mayor and Borough Clerk are hereby authorized to execute on behalf of the Borough a professional services contract with PK Environmental, for professional engineering services, to prepare an environmental site assessment of property located at at Block 1401, Lot 5 on the tax map of Florham Park, known as the Rock-Florham property in an amount not to exceed the sum of \$5,000.00, based upon its proposal dated June 15, 2007, which contract shall be in a form acceptable to the Borough Attorney.
2. The Borough Clerk is hereby directed to publish notice of adoption of this resolution in the official newspaper of the Borough of Madison within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.

**R 159-2007**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING ADMINISTRATOR TO SIGN AN APPLICATION FOR VERIZON TO INSTALL AND MAINTAIN A PRIMARY RATE INTERFACE SERVICE CONNECTION**

**FOR TELEPHONE BASED COMMUNICATIONS AT THE FIRE & POLICE BUILDING**

**WHEREAS**, the Borough Engineer has recommended that the Borough file an application with Verizon to install and maintain a Primary Rate Interface service connection for telephone based communications at the Fire & Police Building; and

**WHEREAS**, the application would provide for such installation and maintenance for a period of five (5) years for a total cost of \$74,400.00; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$74,400.00 for this purpose from Ordinance 42-2005.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison in the County of Morris and State of New Jersey that the Borough Administrator is authorized to execute an application to Verizon to install and maintain a Primary Rate Interface service connection for telephone based communications at the Fire & Police Building for a term of five (5) years as described herein, in a form acceptable to the Borough Attorney.

Removed from Agenda: R 160-2007 awarding contract for 2007 Mill and Overlay

**R 161-2007**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RENEWAL OF CONTRACT FOR DAILY COMPUTER NETWORKING/MAINTENANCE SERVICES TO CORPORATE COMPUTER SERVICES, INC.**

**WHEREAS**, the Borough of Madison previously awarded a daily computer networking and maintenance services contract for Madison Borough for a one year period (the "Contract") to Corporate Computer Services, Inc., at a rate of \$30.00 per hour, in an amount not to exceed \$70,000.00, by Resolution 153-2006; and

**WHEREAS**, the terms of the Contract permit a renewal for an additional two years under the same terms; and

**WHEREAS**, the Borough Administrator has recommended that the Borough of Madison renew the Contract with Corporate Computer Services, Inc.; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$70,000.00 annually 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:

The contract for daily computer networking and maintenance services Corporate Computer Services is hereby renewed for a two year term (with a sixty (60) day termination clause) commencing July 10, 2007, at a rate of \$30.00 per hour, in an amount not to exceed \$70,000.00 annually.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Corporate Computer Services, Inc., in a form acceptable to the Borough Attorney.

Removed from Agenda: R 162-2007 appointing Network Administrator.

**R 163-2007**

**resolution of the borough of madison renewING liquor license for MADISON  
LODGE BPO ELKS #1465 in the borough of madison for the 2007-2008  
license term**

**BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following application for renewal of Liquor License for the 2007 - 2008 license term be, and hereby is approved:

**CLUB LICENSES - FEE: \$150.00; July 1, 2007 through June 30, 2008**

1417-31-020-001

MADISON LODGE BPO ELKS #1465

T/A Madison Lodge B.P.O. Elks #1465

192 Main Street

Madison, NJ 07940

**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 \$90,661.30

Health & Public Assistance 3,474.36

Public Works & Engineering 63,751.88

Community Affairs 2,409.59

Finance & Borough Clerk 92,097.94

Utilities 618,773.98

Total \$871,169.05

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

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

Nays: None

Absent: Mrs. Holden, Mr. Conley

***New Business***

gOVERNING bODY APPOINTMENT to madison housing authority board of commissioners

Mrs. Vitale moved reappointment of Jacqueline Love as Commissioner of the Madison Housing Authority effective August 11, 2007, for a five-year term through August 10, 2012. Mr. Elias seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Mrs. Holden, Mr. Conley

***Adjourn regular meeting and reconvene executive session***

There being no further business to come before the Council, the meeting was adjourned at 9:20 p.m. by unanimous voice vote, and the Executive Session immediately reconvened in the Committee Room.

Respectfully submitted,

Marilyn Schaefer

Borough Clerk

Approved July 9, 2007