

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

July 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 July 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

John M. Elias

Robert H. Conley

Absent: Carmela Vitale, excused

Also Present:

Joseph Mezzacca, Jr., Borough Attorney

Marilyn Schaefer, Borough Clerk

Absent: Raymond M. Codey, Acting Administrator, excused

AGENDA REVIEW

One Contract Matter E6 and two Personnel Matters E4 and E9 were removed from the Executive Agenda. Two Contract Matters and one Potential Litigation Matter were added to the Executive Agenda. One discussion #11 regarding parking fees was added to Part 2 with a resolution listed on

the Consent 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 (3)

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

POTENTIAL LITIGATION MATTERS (2)

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

Seconded: Mrs. Holden

Vote: Unanimous voice vote of members present

Reconvene in Council Chamber

Mayor Ellwood R. Kerkeslager reconvened the Regular Meeting at 7:55 p.m. in the Council Chamber with all members present except for Mrs. Vitale, who was absent and excused. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Regular Meeting Minutes of July 9, 2007**, with the following amendments:

Page 7, discussion #4

Ms. Baillie **noted that there were several recommendations which the Council can discuss and act on.** Ms. Baillie was asked to write up the past recommendations and submit them for discussion at the next meeting.

Mr. Elias seconded the motion, which passed by voice vote of members present.

Ms. Baillie moved approval of the **Executive Minutes of July 9, 2007**. Mr. Conley seconded the motion, which passed by voice vote of members present.

GREETINGS TO PUBLIC

Mayor Kerkeslager made the following comments:

On Sunday, July 22, 2007, there was the first of what will be an Annual Colombia Independence Day celebration and fundraiser; there are many Madison residents who are of Colombian descent; the mayor of the area where many of them are from was here with the previous mayor and organizers; almost all of Madison residents from Colombia are from a small area in Colombia known as Filandia. The celebration received strong support from the Rotary Club, which put funds and manpower behind it; Mayor Kerkeslager also recognized and thanked Barry Kroll of the YMCA who provided the facilities and Council Member Bob Conley for working through the day on this celebration; Mrs. Holden was at the event, and Mayor Kerkeslager commented that he spent the whole day there; it was like a big family picnic from babies through teenagers and adults; the number of attendees far exceeded expectations and numbered between 400 and 500. The fundraiser also exceeded expectations; the money raised is intended to go to a school for young children who are unable to stay in school because they can't afford it and would otherwise have to work; the school is organized and operated by the woman who is running for mayor of Filandia; the Rotary Club, with the funds raised, is going to work with the Rotary Club in Colombia. Mayor Kerkeslager thanked all the people who worked on the event, including Sgt. Dennis Lam, who did an outstanding job of community policing—he was there and showed children and adults how his motorcycle worked and how all the police paraphernalia worked, and they were thrilled! Rocco Iossa opened up his restaurant so the Colombian chefs could do all the cooking, which was a very generous thing for Mr. Iossa to do.

REPORTS OF COMMITTEES

Community Affairs

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

Mrs. Holden gave a short report on the Colombia Independence Day celebration in Spanish and expressed her hope to have a bigger celebration next year.

Parking and Redevelopment Committee of the Downtown Development Commission (DDC)

The Committee met with a group for a software demonstration, which may prove to be useful in DDC projects.

Missing Trees

Mrs. Holden spoke of an artist concerned with the Garden State's need of greening; her work consists of three-dimensional drawings which are cutouts shaped like trees; Mrs. Holden would like to install one of these temporarily at the Museum of Early Trades & Crafts.

Coyote Sighting

Mrs. Holden reported a coyote sighting on Grove Street at 11 a.m. and wished to make residents aware that these are not pets and not to feed a coyote; Mrs. Holden commented that residents should clear brush or dense weeds from their yards.

Utilities

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

Electric Department

The Electric Department crews have recently reconfigured the primary voltage electric services to

both the Madison High School and Junior School for their renovation work, and they began installation of new secondary cable on Kensington Road. The Advisory Committee members for the Livesey Pocket Park met with the demolition contractor and pointed out the trees and resources on the property to preserve during the demolition. The demolition project should begin next week and will be done this summer while school is out. The Committee will be drawing up some recommendations for presentation to the Council.

Health & Public Assistance

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

Public Works and Engineering

Mrs. Vitale, Chair of the Committee, absent.

Finance and Borough Clerk

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

Public Safety

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

Colombia Independence Day Celebration

Referring to yesterday's event at the YMCA, Mr. Conley commented that the YMCA was honored to be part it; Mr. Conley also complimented the volunteers behind it; there was an army of people helping out.

National Night Out

Two weeks from tomorrow, Tuesday, August 7, 2007, is National Night Out; for further information, individuals may call the Police Department. It is a time to head out and enjoy the night—it is a stand against crime.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

1) Received 7/10/2007 from the State of New Jersey - The NJ Department of Agriculture regrets to inform Madison that defoliation caused by the gypsy moth has been detected in your municipality. If the Mayor and Council wish to have the Department conduct gypsy moth egg mass surveys in Madison, please contact our office. There is no charge for these inspections, however Madison would be required to supply three copies of your municipal map to the inspector for the survey. The request form must be returned to the NJ Department of Agriculture by August 27, 2007, to be eligible to participate.

On motion by Ms. Baillie, seconded by Mr. Bowen and carried by voice vote of members present, the Borough expressed the wish to have the Department of Agriculture conduct gypsy moth egg mass surveys in Madison. The Borough Clerk will notify the State using the State form.

2) Received 7/20/2007 from the New Jersey Legislature, 2nd District, notifying that new cable installations by Verizon may not carry local access channels and asking that the Borough consult with the Borough's municipal attorney and the BPU to determine if any action should be taken to expedite the process of providing local access.

There was agreement with Mayor Kerkeslager's suggestion that Ray Codey be asked to ascertain answers to this public access question.

3) Received 7/17/2007 from the Madison Masonic Lodge, Main Street in Madison, advising the Borough Clerk that the Masonic Lodge will not be able to accommodate the Borough by allowing the use of its facility as a polling place for School, Primary and General Elections in 2008; this November's General Election will be the last time the Masonic Lodge will be used as a polling place.

The Borough Clerk will advise the Mayor and Council as to progress in securing an alternate location for 2008 voting.

Invitation for Discussion by the Public (1 OF 2)

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 three (3) minutes or less.

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

PUBLIC HEARINGS

(1) OPEN SPACE APPLICATION

HEARING AND RESOLUTION IN SUPPORT OF THE BOROUGH'S APPLICATION TO THE MORRIS COUNTY OPEN SPACE TRUST FUND FOR GRANT FUNDS TO HELP PURCHASE 28.5 ACRES LOCATED IN BLOCK 1401, LOT 5 IN FLORHAM PARK FROM ROCK-FLORHAM LLC

Notice of this hearing was published in the Madison Eagle and Daily Record on Thursday, July 5, 2007.

Mayor Kerkeslager opened the hearing to the public and asked Ms. Baillie to begin.

Ms. Baillie commented that the Borough is applying to the Morris County Open Space Trust Fund for a grant to help purchase 28.5 acres of land located in Block 1401, Lot 5 in Florham Park owned by Rock-Florham LLC. This hearing tonight is a requirement of the grant process to allow the residents of Madison an opportunity to ask questions.

Giving some history, Ms. Baillie commented that in 2003 Donald Bowen and Ms. Baillie recommended to then Mayor Jack Dunne and the Council that the residents of Madison be asked to support a referendum to establish an open space, recreation and historic preservation fund; that was approved overwhelmingly by Madison residents. At that time, the Mayor and Council wanted a funding mechanism in place for the possible purchase of property in Florham Park, known as the Exxon/Mobil property, for active and passive recreation and aquifer recharge protection. Since then,

this Mayor and Council worked together to make this purchase possible. Tonight Ms. Baillie is asking the Council to support the grant application to the Morris County Open Space Trust Fund. Madison is purchasing 28.5 acres for \$7,000,000.00 this year. The total land purchase is actually 53 acres; however, the Borough is going to do the land transaction over a two-year period. The remaining 24.5 acres will be held by the Morris Land Conservancy and purchased by Madison the following year. The Borough is asking for \$3 million from the Morris County Open Space Trust Fund. The remaining \$4 million will come from a variety of sources, including Green Acres and Madison's own Open Space Trust Fund. This purchase is so important for many reasons; it provides sorely needed recreation for our community; new hiking and biking trails will be provided; a portion of the land will remain undisturbed, which will help protect streams, waterways, wetlands and the water recharge for our water supply. The Borough has made other important purchases since the inception of the Madison Open Space Trust Fund, but Ms. Baillie believed that this application prepared by Jennifer McCulloch of the Morris Land Conservancy, who will be heard from shortly, says it all—this acquisition is the single most important open space purchase in the history of Madison's open space program and is the main reason the Borough developed the open space plan.

Ms. Baillie turned the meeting over to Jennifer McCulloch of the Morris Land Conservancy, a land preservation specialist; the Conservancy is a non-profit land trust based in Boonton, New Jersey, that works with communities in New Jersey to help them preserve their open spaces, farmland and historic landscapes. The Conservancy has been working with the Borough since 2003; Ms. McCulloch commented that she is here tonight to lend the Conservancy's support to Madison's application to the Morris County Open Space Trust Fund. This grant application will allow the Borough to apply for a matching project fund, which leverages the money in Madison's Open Space Trust Fund. The property that Ms. Baillie referred to is 53 acres in Florham Park with access on Ridgedale Avenue and is next to the Madison High School campus; it was commonly known as the Exxon/Mobil property. Going forward, the property will be referred to as the "Madison Community Recreation Center (MCRC)". This land will be annexed to Madison. The acquisition will take place in phases, and this will allow Madison to purchase the remaining acreage and apply for additional grant funding in subsequent years. The purchase of this land addresses two very critical issues in Madison. The first is the need for active recreation fields, and the second is the protection of the aquifer which supplies 100% of Madison's drinking water. Additionally, this acquisition will prevent the development of 428,000 square feet, which is almost 10 acres, of office space; the ensuing traffic from a development of that size would negatively impact the culture and quality of life in Madison, without a doubt. This land will support the creation of multiple playing fields for a variety of sports, and, as Ms. Baillie said, there will be walking and biking paths. The application is due July 27; in addition to getting public comment on this application, this is also the Borough's chance to financially commit to matching the County funds provided for the project. The Conservancy is really excited about this grant application, which has been years and years in the making. There should be a decision from Morris County by the end of December.

Mayor Kerkeslager asked if any member of the public wished to be heard.

Carl A. Hess III, Park Avenue supports the acquisition of open space; Mr. Hess asked if the acquisition of 53 acres depends on the de-annexing to Florham Park of the 8.75 acre parcel which abuts the front of his property on Park Avenue; asked if the acquisition was a "done deal"; asked about funding for the development of the fields. Mayor Kerkeslager explained that the 8.75 acres, although within Madison's borders, does not belong to Madison; Florham Park's annexing the 8.75 acres is part of the agreement where Madison will purchase 53 acres; the Borough is asking Florham Park to allow the Borough to annex the 53 acres to Madison plus 10 acres by the high school which the Board of Education already owns in Florham Park. The developers and Florham Park have asked that the annexations occur at the same time.

Mr. Mezzacca commented that the 8.75 acres being de-annexed to Florham Park was part of the

agreement for us obtaining and annexing 53 acres from Florham Park; that was desired by the developer who owned the property; so under the proposed agreement, the 8.75 acres will be used only for residential purposes; tonight we are adopting a resolution consenting to de-annex the 8.75 acres conditional that Florham Park execute the settlement agreement; there was Council comment that presently the 8.75 acres in Madison is zoned as commercial, and the zoning upon annexation by Florham Park would be less intense residential; Mr. Hess was advised that the joint traffic study has not yet been concluded.

Eugene Zipper, Greenwood Avenue, speaking about the 8.75 acres now in Madison and belonging to the developer, asked about the taxes Madison would be giving up when the property is annexed by Florham Park; Mr. Zipper was advised that of the 63 acres (10 acres belong to the Board of Education), 53 acres pay taxes to Florham Park; Mr. Mezzacca commented that there was a hearing before the Planning Board where this question was covered and the impact on Madison of the de-annexation was investigated; Mr. Zipper was advised that he made a good point, and Ms. Baillie will get back to Mr. Zipper on his question of the amount of taxes the Borough will be "giving up" when the 8.75 acres is annexed to Florham Park.

Jim McCloskey, Dean Street, spoke at length in support of the Borough's purchase of 53 acres for open space and recreation, commenting on Madison's need for sports fields by the youth in the area.

Christine Hepburn, Glenwild Road, Chair of Madison's Open Space Committee, spoke in support of Madison's purchase of the 53 acres and commented that it is not just recreation that will benefit, but the aquifer; the purchase is perhaps the best groundwater recharge area; nature paths will be created.

Dan Dunham, Garfield Avenue, member of Madison's Open Space Committee, strongly supported the acquisition and commented that this is one of the best things Madison has done in the past five years; is enormously important to an overbuilt community like Madison and was a once-in-a-lifetime opportunity that we can't let pass by; Mr. Dunham is also the Chair of the Recreation Advisory Committee; the Committee is populated by volunteers associated with each of the major sports in town; the number of sports and use of the fields has proliferated; there are approximately 2,700 children playing sports in Madison on what are basically seven Borough-owned fields; the Borough also has access to Board of Education fields, and there has been a cooperative relationship; but even with access to the Board of Education fields, the Borough does not have nearly enough fields to support the demand for sports participation in this town; the acquisition will answer all of our needs and will go a great distance in improving the sports activities available to our children.

There were no other members of the public who wished to be heard concerning the

Borough's application to the Morris County Open Space Trust Fund, so the public hearing was closed.

Ms. Baillie moved support of a resolution authorizing the application to the Morris County Open Space Trust Fund. Mrs. Holden seconded the motion. Council comments included that it is a gorgeous piece of property and that the Borough has no specific plans as to the number of fields or how the acreage will be planned; walking trails for adults are envisioned; the Council is not only voting on the purchase of the property, but is creating a partnership that would not have been possible without the Open Space Trust Fund; in years to come, the purchase will protect our aquifer and provide an asset for active recreation; it will also protect residents' quality of life; all who worked to make this purchase possible were thanked.

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

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

Nays: None

Absent: Mrs. Vitale

A resolution is listed on the Consent Agenda.

(2) SOIL MOVING PERMIT

Affidavit of Mailing and Service in regard to the Application of Drew University Soil Moving Permit, Block 3001, Lot 1, Madison Avenue, was delivered to the Office of the Clerk at least two days prior to the date of this Council Meeting, along with the Property Owners' List and return receipts evidencing mailing.

Glenn Geiger, Esq., was present representing Drew's soil moving permit application. Mayor Kerkeslager opened up the hearing to the public and asked if anyone wished to be heard on the application. Mr. Geiger commented that reasonably lengthy public hearings have been held in the Planning Board process, and Planning Board approval for the new residence hall project at Drew University was obtained. The Planning Board acted back on June 26, 2007; with the construction of the residence hall, there will be some soil movement; there will be a net export of 2,182 square feet; therefore, in accordance with Borough ordinance, the applicant had to apply for the soil moving permit, which has been done; notice of the hearing has been provided; the applicant has agreed to route both construction traffic and soil moving operations through the route presently used by emergency vehicles on the campus out to Madison Avenue for use on County and State roads; they will not be using the Glenwild gate for any construction or soil moving traffic.

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

Mr. Elias moved approval of the soil moving application. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Mrs. Vitale

A resolution is listed on the Consent Agenda.

07/23/07-9 DREW UNIVERSITY RE RUGBY FIELD

Mayor Kerkeslager brought this discussion forward in case Mr. Geiger, representing Drew in regard to the soil moving permit, would have any input; Mr. Geiger commented that he was at this meeting for the soil moving permit application for Drew University and had no input in the Dorothy Young Center rugby field matter. Borough Engineer Robert Vogel's comments included that he received several calls from Drew University verifying that they were within the parameters established by Borough ordinance as to the rugby field soil moving; at this point it ceases to be an issue as a detention system has been installed at the Dorothy Young Center field site at Drew University and soil is back in place and grass growing.

Agenda Discussions

07/23/07-1 REJECT BID AND AUTHORIZE REBID – 750 KVA 3-PHASE PAD MOUNT DISTRIBUTION TRANSFORMER

Electric Utility Superintendent Michael Piano presented his request. Ms. Baillie moved approval of the recommendation to reject bid and authorize rebid for 750 KVA 3-Phase Pad Mount Distribution transformer. Mrs. Holden seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Mrs. Vitale

A resolution is listed on the Consent Agenda.

07/23/07-2 APPROPRIATE \$8,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR COMPUTER HARDWARE FOR THE MADISON PUBLIC LIBRARY

Mrs. Holden moved approval of Library Director Nancy Adamczyk's written request to appropriate \$8,000.00 from the General Capital Improvement Fund for computer hardware for the Madison Public Library. Ms. Baillie seconded the motion, which passed by voice vote of members present.

An ordinance is listed for introduction later in the meeting.

07/23/07-3 APPROPRIATE \$60,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR THE EXCAVATION AND INSTALLATION OF UNDERGROUND CONDUIT FOR THE NEW FEEDER CIRCUIT TO THE RECKSON BUILDING AT GIRALDA FARMS

Electric Utility Superintendent Michael Piano presented his request. Mr. Bowen moved approval of Mr. Piano's request to appropriate \$60,000.00 from the Electric Capital Improvement Fund for the excavation and installation of an underground conduit for the new feeder circuit to the Reckson building at Giralda Farms. Ms. Baillie seconded the motion, which passed by voice vote of members present.

An ordinance is listed for introduction later in the meeting.

Added to Agenda

07/23/07-12 STATUS REPORT ON FIRE & POLICE BUILDING

Architect Bob Russell of Holt Morgan Russell (HMR) was recognized by the Chair and reported that he has been working along with the HMR design team, and they have been through the building extensively quantifying the areas that need correction; the documentation by HMR has been completed; the surety has proceeded with some critical immediate work in the area of heating, ventilation and air conditioning corrections as well as fire detection; HMR has some issues with the masonry on the exterior of the building; the surety was at the site with HMR today; the contractor is on site to do some of the investigative work; clearly, not much progress was made today due to the heavy rains; the equipment is at the site and they will be back working at 7:30 a.m. tomorrow morning

to deal with that; the emergency generator is set to be commissioned or load-tested on Wednesday morning; that is a critical issue; third party work is proceeding, which work is not part of the original construction contract.

Mr. Mezzacca commented that he has been in touch with the surety; tomorrow morning, probing of the brick will begin; the surety will submit a take-over agreement to the Borough; they are taking over the entire contract; Mr. Russell commented that to examine the roof, scaffolding will be erected in front of the building and a lift will be in the street on Prospect Street and Kings Road in the next couple of days; traffic will be diverted.

07/23/07-4 AWARD CONTRACT FOR VACUUM STREET SWEEPER TO U.S. MUNICIPAL SUPPLY, HUNTINGTON, PA IN THE AMOUNT OF \$175,600.00

Mr. Mezzacca presented the recommendation of Superintendent of Public Works David Maines and supported Mr. Maines' request to award a contract for a vacuum street sweeper to U.S. Municipal Supply of Huntington, PA, in the amount of \$175,600.00. Mrs. Holden moved approval of the recommendation. Mr. Elias seconded the motion. Funds are available from Ordinance 10-2007. There was no further discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mrs. Vitale

A resolution of award is listed on the Consent Agenda.

07/23/07-5 ANNEXATION OF 8.75 ACRES OF THE BOROUGH OF MADISON PROPERTY KNOWN AS BLOCK 401, LOT 1 BY FLORHAM PARK – MADISON PLANNING BOARD RECOMMENDED TO THE GOVERNING BODY THE ANNEXATION BY RESOLUTION OF THE BOARD ON JUNE 12, 2007

Mr. Bowen moved approval of adopting a resolution approving annexation of 8.75 acres of Block 401, Lot 1 by Florham Park. Mrs. Holden seconded the motion. At its regular meeting held on Tuesday, June 12, 2007, the Planning Board reviewed the request and, by resolution, recommended to the Governing Body the above annexation. There was no further discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mrs. Vitale

A resolution approving said annexation is listed on the Consent Agenda.

07/23/07-6 PPSA SHORT-TERM ISSUES FOR THE COUNCIL

There was a brief discussion of the PPSA report at the last Council meeting. Ms. Baillie identified six issues that may be appropriate for Council review:

Create shared parking opportunities (ask DDC and Chamber for input). What

is the status of the Goldman negotiations for shared parking?

Ensure that only Madison residents are receiving permits. Is this an action item for the police?

Discuss the question of whether parking ticket revenue should be directed to a downtown improvement fund. What is being done with the money now? Ask Police Department.

Consider back-in/head-out angle parking. Ask the Police Department for their input.

Reopen discussion with the Board of Education regarding the use of Central Avenue School property for a parking lot.

Consider a joint parking facility with NJ Transit; we should discuss the feasibility of making this a regional issue and project; we might want to raise the issue with the municipalities of Florham Park, Harding, Chatham Borough and Chatham Township.

There was agreement to assign #2, #3 and #4 to Mr. Conley, who will work with the Police Department; #1 to Mr. Mezzacca, who will report back in executive session what the parameters are; #5 to Mayor Kerkeslager, who is currently in discussions with the Board of Education; #6 to Mrs. Holden, who will work together with Mr. Conley.

07/23/07-7 APPROPRIATE \$58,000.00 FROM THE FIRE DEPARTMENT TRUST FUND FOR PURCHASE OF FIRE DEPARTMENT VEHICLE

Mrs. Holden moved approval of Fire Chief Douglas Atchison's recommendation to appropriate \$58,000.00 from the Fire Department trust account to purchase a Fire Department multi-purpose utility vehicle. Mr. Conley seconded the motion. The vehicle will be utilized for hazardous materials equipment, generators and pumps, and will become the tow vehicle for the trench collapse rescue trailer; the vehicle will also be equipped with a plow for snow removal from the front apron and the parking areas on the side and rear of the new Fire & Police building. There was no further discussion and the motion passed by voice vote of members present.

An ordinance appropriating the funds will be listed for introduction on the August 13, 2007 agenda.

07/23/07-8 APPROPRIATION FOR 2007 ROAD RECONSTRUCTION PROJECTS

Ms. Baillie moved approval of Borough Engineer Robert Vogel's recommendation to authorize funding of projects in the amount of \$1,142,000 by Bond Ordinance for 2007 road reconstruction projects. Mr. Elias seconded the motion. The projects are to include: Green Avenue \$525,000, of which \$175,000 will be funded via reimbursement by the NJ DOT Municipal Aid grant; Drew Place drainage \$30,000; Dellwood \$200,000; Midwood \$220,000; and Chapel \$167,000, of which \$80,000 will be funded via reimbursement by a Morris County Community Development Block Grant. Net project costs are \$887,000. Mr. Vogel noted that three streets were added back into the program upon recommendation of the Chief Financial Officer to bond the entire program. Borough Engineer Robert Vogel commented that he will schedule a hearing for residents of the three streets so as to handle any questions as to the work contemplated for their streets.

Mrs. Holden commented that this is the kind of project that is part of a long-range plan, and she will

vote in support of bonding in this case. There was no further discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mrs. Vitale

Bond Counsel will be asked to draw up an ordinance for introduction at the August 13, 2007 meeting.

07/23/07-10 Joint Meeting/Sewer legislation

Mr. Mezzacca will bring this matter back to the Council at a future meeting.

Added to Agenda

07/23/07-11 ESTABLISHING PARKING FEES (UNCHANGED) FOR MERCHANT, TENANT AND RESIDENT COMMUTER PERMITS FOR THE YEAR 2008

Mr. Elias moved approval of the Chief of Police's recommendation to establish parking fees for 2008, leaving the rates unchanged from last year. Mrs. Holden seconded the motion. There was detailed discussion including that perhaps rates should be raised in the future in a gradual manner to avoid a jolt, as happened last year with the commuter fee; make sure the rates keep pace in the future; work on freeing up shopper parking spaces; create a system where merchants and tenants receive fee parking outside the central business district. At the conclusion of discussion, the motion passed by voice vote of members present.

A resolution is listed on the Consent Agenda.

Invitation for Discussion by the Public (2 OF 2)

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 three (3) minutes or less.

Jim McCloskey, Dean Street commented on fields needed for the recreation programs; girls have become very involved in sports; twenty-five years ago they were not; there were, however, some girls involved; for example, the Elks had a girl playing baseball for two years; that was the beginning of girls getting involved in sports in Madison.

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 July 9, 2007, were introduced by title and passed on first reading, were published in the Madison Eagle on July 12, 2007 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:

[Ord 45-2007.pdf](#)



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. Elias moved that Ordinance 45-2007, 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:

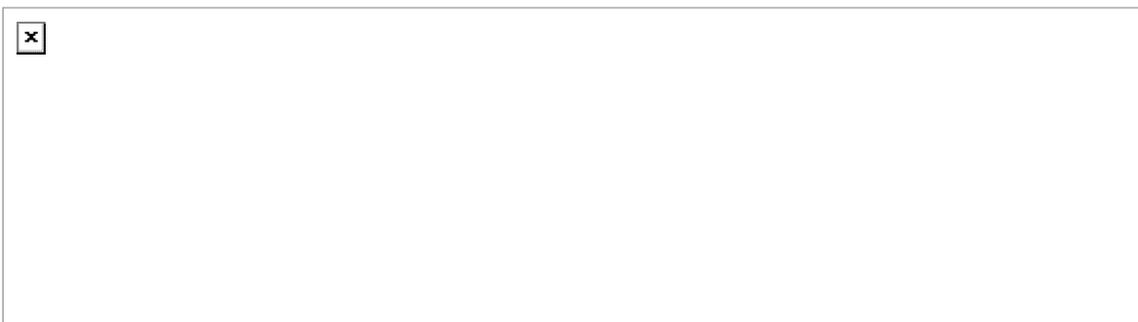
Yeas: Ms. Baillie , Mr. Bowen, Mr. Elias, Mr. Conley

Nays: Mrs. Holden

Absent: Mrs. Vitale

Mayor Kerkeslager declared Ordinance 45-2007 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

[Ord 46-2007bond ordinance.pdf](#)



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. Elias moved that Ordinance 46-2007, which the Clerk read by title, be finally adopted. MsBaillie seconded the motion. Mrs. Holden voted against adoption of this bond ordinance, as with the previous ordinance, commenting the Borough has cash, and should be paying cash, for these projects. There was no further discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie , Mr. Bowen, Mr. Elias, Mr. Conley

Nays: Mrs. Holden

Absent: Mrs. Vitale

Mayor Kerkeslager declared Ordinance 46-2007 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 47-2007

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$590,000.00 FROM THE RESERVE FOR FILTRATION SYSTEM IN THE WATER UTILITY FOR WATER MAIN REPLACEMENT OF MUNICIPAL ROADS INCLUDING MYRTLE AVENUE, SOUTH STREET, DELLWOOD PARKWAY SOUTH, WOODCLIFF DRIVE AND DEAN STREET

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$590,000.00 from the Reserve for Filtration System in the Water Utility for water main replacement of municipal roads including Myrtle Avenue, South Street, Dellwood Parkway South, Woodcliff Drive and Dean Street; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Reserve for Filtration System in the Water Utility in an amount not to exceed \$590,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$590,000.00 from the Reserve for Filtration System in the Water Utility for water main replacement of municipal roads including Myrtle Avenue, South Street, Dellwood Parkway South, Woodcliff Drive and Dean Street; 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 \$590,000.00 is hereby appropriated from the Reserve for Filtration System in the Water Utility for water main replacement of municipal roads including Myrtle Avenue, South Street, Dellwood Parkway South, Woodcliff Drive and Dean Street.

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

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

Mayor 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. Elias moved that Ordinance 47-2007, which was 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: Mrs. Holden, Ms.Baillie , Mr. Bowen, Mr. Elias, Mr. Conley

Nays: None

Absent: Mrs. Vitale

Mayor Kerkeslager declared Ordinance 47-2007 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 48-2007

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$108,094.10 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE WOODLAND ROAD EMERGENCY SEWER REPLACEMENT PROJECT

WHEREAS, the Borough Engineer has advised the Council that the sanitary sewer on Woodland Road required emergency replacement in order to protect the health and welfare of the public; and

WHEREAS, the Borough expended \$108,094.10 to replace the sanitary sewer on an emergency basis, pursuant to N.J.S.A 40A:11-6; and

WHEREAS, the Borough Engineer has requested that the Borough appropriate \$108,094.10 from the General Capital Improvement Fund to pay for these emergency services; 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 \$108,094.10 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$108,094.10 from the General Capital Improvement Fund for the emergency replacement of the sanitary sewer on Woodland 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 \$108,094.10 is hereby appropriated from the General Capital Improvement Fund for the emergency replacement of the sewer main on Woodland 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.

Mr. Elias moved that Ordinance 48-2007, which was 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: Mrs. Holden, Ms.Baillie , Mr. Bowen, Mr. Elias, Mr. Conley

Nays: None

Absent: Mrs. Vitale

Mayor Kerkeslager declared Ordinance 48-2007 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 being introduced at this meeting will have a public hearing on August 13, 2007, during the Regular Meeting of the Mayor and Council in the 2nd Floor Council Chamber of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison at a meeting scheduled to begin at 7:45 p.m. or as soon as practical thereafter, at which time and place all interested parties will have an opportunity to be heard; said ordinances will be published in the Madison Eagle, be posted on the Bulletin Board at the main entrance to the Hartley Dodge Memorial and be made available to members of the public who request same.

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

ORDINANCE 49-2007

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$60,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR THE EXCAVATION AND INSTALLATION OF UNDERGROUND CONDUIT FOR THE NEW FEEDER CIRCUIT TO THE RECKSON BUILDING AT GIRALDA FARMS

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$60,000.00 from the Electric Capital Improvement Fund for the excavation and installation of an underground conduit for the new feeder circuit to theReckson building at Giralda Farms; and

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

WHEREAS, the Borough Council has determined that the Borough should appropriate \$60,000.00

from the Electric Capital Improvement Fund for the excavation and installation of an underground conduit for the new feeder circuit to the Reckson building at Giralda Farms; and

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

SECTION 1: The amount of \$60,000.00 is hereby appropriated from the Electric Capital Improvement Fund for the excavation and installation of an underground conduit for the new feeder circuit to the Reckson building at Giralda Farms.

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

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

Ms. Baillie moved that Ordinance 49-2007, which the Borough Clerk read by title, be adopted. Mr. Bowen seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mrs. Vitale

ORDINANCE 50-2007

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$8,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF COMPUTER HARDWARE FOR THE MADISON PUBLIC LIBRARY

WHEREAS, the Library Director has recommended that the Borough appropriate \$8,000.00 from the General Capital Improvement Fund for the purchase of computer hardware for the Madison Public Library; and

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

WHEREAS, the Borough Council has determined that the Borough should appropriate \$8,000.00 from the General Capital Improvement Fund for the purchase of computer hardware for the Madison Public Library; and

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

Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$8,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of computer hardware for the Madison Public Library.

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

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

Mr. Elias moved that Ordinance 50-2007, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mrs. Vitale

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 Resolutions R 175-2007 through and including R 187-2007 listed on the Consent Agenda. Mr. Bowen seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Mrs. Vitale

R 175-2007

RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO SAUBER MANUFACTURING VIA NON-FAIR AND OPEN PROCESS FOR PURCHASE OF NEW CABLE TRAILER IN AN AMOUNT NOT TO EXCEED \$18,086.00

WHEREAS, the Electric Utility Supervisor has recommended that the Borough purchase a cable trailer for the Electric Department as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Electric Utility Superintendent has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

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

WHEREAS, Sauber Manufacturing Co. has submitted a proposal dated March 27, 2007 indicating they will provide a cable trailer for \$18,086.00; and

WHEREAS, Sauber Manufacturing Co. has completed and submitted a Business Entity Disclosure Certification which certifies that Sauber Manufacturing Co. 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 Sauber Manufacturing Co. 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 \$18,086.00 for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that the Mayor and Borough Clerk are authorized to enter into a contract with Sauber Manufacturing Co. as described herein in a form acceptable to the Borough Attorney.

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 176-2007

**RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT
TO ASA ARCHITECTURAL DESIGN VIA NON-FAIR AND OPEN
PROCESS FOR ADDITION AT THE DEPARTMENT OF PUBLIC WORKS
FOR THE SEWER DEPARTMENT IN AN AMOUNT NOT TO EXCEED
\$20,625.00**

WHEREAS, the Superintendent of Public Works has recommended that the Borough obtain architectural design services for the addition at the Department of Public Works for the Sewer Department as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, the Superintendent of Public Works has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

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

WHEREAS, ASA Architectural Design, LLC has submitted a proposal dated July 21, 2006 indicating they will provide the design services for \$20,625.00; and

WHEREAS, ASA Architectural Design, LLC, has submitted to the Borough Purchasing Agent, the required documents to satisfy the requirements of N.J.S.A. 19:44A-20.5, since this matter may be awarded without competitive bidding; and

WHEREAS, ASA Architectural Design, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that ASA Architectural Design, LLC 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 ASA Architectural Design, LLC 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 \$20,625.00 for this purpose.

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that the Mayor and Borough Clerk are authorized to enter into a professional services contract with ASA Architectural Design, LLC for architectural design services for the addition at the Department of Public Works for the Sewer Department in an amount not to exceed \$20,625.00, such contract to be in a form approved by the Borough Attorney.

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 177-2007

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING MORRIS LAND CONSERVANCY TO SUBMIT AN APPLICATION ON BEHALF OF THE BOROUGH OF MADISON FOR FUNDING UNDER THE YEAR 2007 TO THE MORRIS COUNTY OPEN SPACE TRUST FUND FOR LAND ACQUISITION FUNDS TO PURCHASE A PORTION OF BLOCK 1401, LOT 5 CONSISTING OF APPROXIMATELY 28.5 ACRES IN FLORHAM PARK FROM ITS CURRENT OWNERS ROCK-FLORHAM, LLC

WHEREAS, the Borough of Madison has negotiated for the purchase of a portion of Block 1401, Lot 5 in the Borough of Florham Park, consisting of approximately 53 acres of which the Borough of Madison seeks to purchase 28.5 acres in the year 2007; and

WHEREAS, the governing body wishes to authorize the Morris Land Conservancy to submit an application on behalf of the Borough of Madison for funding under the year 2007 to the Morris County Open Space Trust Fund for land acquisition of 28.5 acres from Rock-Florham, LLC, which is part of Block 1401, Lot 5 in the Borough of Florham Park.

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 Morris Land Conservancy is hereby authorized to submit an application on behalf of the Borough of Madison for funding under the year 2007 to the Morris County Open Space Trust Fund for land acquisition of 28.5 acres which is a portion of Block 1401, Lot 5 in the Borough of Florham Park, said property being currently owned by Rock-Florham, LLC.

R 178-2007

RESOLUTION OF THE BOROUGH OF MADISON ISSUING A SOIL MOVING PERMIT FOR THE DREW DORMITORY DEVELOPMENT BY THE UNIVERSITY ON BLOCK 3001, LOT 1

WHEREAS, Drew University is the owner of property located at Block 3001, 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 2,182 cubic yards of indigenous soil in connection with construction of a new dormitory; and

WHEREAS, the project will require the removal of 2,182 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 Drew University at Block 3001, 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 179-2007

RESOLUTION OF THE BOROUGH OF MADISON REJECTING SOLE BID FOR PHASE PAD MOUNT DISTRIBUTION TRANSFORMER AND AUTHORIZING REBID

WHEREAS, the Borough of Madison publicly advertised for bids for purchase of a 750KVA 3-phase pad mount distribution transformer in accordance with Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Borough received one bid from Howard Industries, Inc. of Laurel, Mississippi, 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 Officer recommended that this bid 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 bid from Howard Industries, Inc. of Laurel, Mississippi, for purchase of a 750 KVA 3-phase pad mount distribution transformer is hereby rejected for the reasons set forth herein and the Borough Administrator is authorized to solicit new bids.

R 180-2007

RESOLUTION OF THE BOROUGH OF MADISON RESCINDING RESOLUTION 150-2007 AWARDED PURCHASE OF A FORD F-350 TRUCK UNDER STATE CONTRACT

WHEREAS, the Borough Council adopted Resolution 150-2007 on June 25, 2007, authorizing the purchase of a Ford F-350 truck for the Road Department from an authorized vendor under State

contract; and

WHEREAS, the Purchasing Agent of the Borough of Madison has determined that the Ford F-350 truck sought for the Road Department is not available under State contract, but is available under the Morris County Cooperative Pricing Council; and

WHEREAS, the Purchasing Agent recommends rescinding Resolution 150-2007, so that a purchase may be made through the Morris County Cooperative Pricing Council for the Ford F-350 truck for the Road Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Resolution 150-2007 is hereby rescinded for all the reasons set forth herein, and the Purchasing Agent is authorized to proceed with purchase of said truck through the Morris County Cooperative Pricing Council.

R 181-2007

RESOLUTION OF THE BOROUGH OF MADISON CANCELLING AND REFUNDING PROPERTY TAXES FOR 2007 IN THE AMOUNT OF \$26.03 FOR BLOCK 709, LOT 11 BASED ON A DISABLED VETERAN TAX EXEMPTION

WHEREAS, the owner of Block 709, Lot 11 of the taxing district of the Borough of Madison is a citizen and resident of the State of New Jersey, who served in the United States military in time of war; and

WHEREAS, the owner of Block 709, Lot 11 of the taxing district of the Borough of Madison has been honorably discharged from the United States military and has been found by the United States Department of Veterans Affairs to have a 100% service-connected, permanent disability; and

WHEREAS, N.J.S.A. 54:4-3.30 provides that the dwelling house of any citizen of this State, who is honorably discharged from active military service in time of war and is declared to be 100% permanently disabled by the United States Veterans Administration or its successor, shall be exempt from property taxation; and

WHEREAS, the Borough Tax Collector has recommended that property taxes in the amount of \$26.03 for the period of June 15 to June 30, 2007 for Block 709, Lot 11 be cancelled and refunded as the owner of the property qualifies for a tax exemption as a totally disabled veteran pursuant to N.J.S.A. 54:4-3.30; and

WHEREAS, the Borough Tax Assessor has determined that the property owner is eligible for the tax exemption beginning June 15, 2007, pursuant to N.J.S.A. 54:4-3.30.

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 property taxes for Block 709, Lot 11 for June 15, 2007, through June 30, 2007, are cancelled and shall be refunded because the owner of the property is a disabled veteran who satisfies the requirements of N.J.S.A. 54:4-3.30.

R 182 – 2007

RESOLUTION OF THE BOROUGH OF MADISON APPROVING APPLICATION TO AMEND RAFFLES LICENSE NO. 1027 SUBMITTED BY BPOE #1465 MADISON LODGE TO ADD 19 DRAWING DATES FROM SEPTEMBER 9 THROUGH SEPTEMBER 27, 2007

WHEREAS, this license is being amended because when License No. 1027 was issued to BPOE #1465 Madison Lodge in September 2006, their Registration was due to expire on September 8, 2007, the last date on which drawings could be held; and

WHEREAS, the renewed Registration through September 8, 2009, has now been issued by the Legalized Games of Chance Control Commission, thus allowing for this License Amendment;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Application to Amend Raffles License No. 1027 submitted by BPOE #1465 Madison Lodge, I.D. No. 274-6-34038, is hereby approved for the purpose of adding 19 drawing dates from September 9 through September 27, 2007, in order to complete the full year for this Instant Raffle Games.

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

R 183 - 2007

RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY PTO MADISON HS AND PTO MADISON JR. SCHOOL

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

PTSO MADISON HS

I.D. No. 274-5-33795

R.A. No. 1055 – Off Premises

R.A. No. 1056 – On Premises

October 25, 2007

PTO MADISON JR. SCHOOL

I.D. No. 274-5-26391

R.A. No. 1057 – Off Premises

November 21, 2007

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

R 184-2007

**RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARDING
CONTRACT FOR VACUUM STREET SWEEPER TO U.S. MUNICIPAL
SUPPLY IN THE AMOUNT OF \$175,600.00**

WHEREAS, the Borough of Madison publicly advertised for bids for the purchase of a vacuum street sweeper (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the lowest qualified bid was submitted by U.S. Municipal Supply of Huntington, PA in the amount of \$183,600.00, less a trade-in of the old sweeper for \$8,000.00, for a net cost of \$175,600.00; and

WHEREAS, the Superintendent of Public Works has recommended that the Borough Council award the contract to U.S. Municipal Supply of Huntington, PA in the amount of \$183,600.00, less a trade-in of the old sweeper for \$8,000.00, for a net cost of \$175,600.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$175,600.00 for this purpose which funds were appropriated by Ordinance 10-2007.

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 contract for the purchase of a vacuum street sweeper is hereby awarded to U.S. Municipal Supply of Huntington, PA based upon its bid in the amount of \$183,600.00, less a trade-in of the old sweeper for \$8,000.00, for a net cost of \$175,600.00.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with U.S. Municipal Supply of Huntington, PA in a form acceptable to the Borough Attorney.

R 185-2007

RESOLUTION OF THE BOROUGH OF MADISON APPOINTING RALPH GRANKE TO THE POSITION OF CHIEF LINEMAN

WHEREAS, the Electric Utility Superintendent has recommended hiring Ralph Granke for the position of Chief Lineman in the Electric Utility Department; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Ralph Granke is hereby appointed to the position of Chief Lineman in the Electric Utility Department, effective August 1, 2007, to be compensated in accordance with the current Collective Bargaining Agreement for Electric Utility Department Employees.

R 186-2007

RESOLUTION OF THE BOROUGH OF MADISON REAPPOINTING MUNICIPAL COURT JUDGE GARY F. TROXELL

WHEREAS, the Borough Administrator has recommended that Judge Gary F. Troxell be reappointed to the position of Municipal Court Judge; and

WHEREAS, Judge Gary F. Troxell is serving as the Municipal Court Judge and his current term will

expire August 10, 2007.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that Judge Gary F.Troxell is hereby reappointed to the position of Municipal Court Judge for a three-year term from August 11, 2007, through August 10, 2010.

R 187-2007

**RESOLUTION OF THE BOROUGH OF MADISON ESTABLISHING
PARKING PERMIT FEES FOR THE YEAR 2008**

WHEREAS, the Police Chief has recommended the Borough adopt a resolution to set parking permit fees for resident commuter, merchant and tenant permits for the year 2008; and

WHEREAS, Section 134-10 B(5) of the Borough Code provides that such permit fees shall be established each year by resolution of the Borough Council upon the recommendation of the Police Chief; and

WHEREAS, the recommended fee for each permit is unchanged from 2007 at \$400.00 for resident commuters, \$200.00 for merchants and \$200.00 for tenants; and

WHEREAS, the Borough Council has reviewed said request and determined that it should be granted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the parking permit fees set forth in section 134-10 B of the Borough Code are hereby set for the year 2008 as follows:

Resident Commuter	\$400.00
Merchant	\$200.00
Tenant	\$200.00

At the recommendation of the Borough Attorney, the Borough Clerk read R 188-2007 by title, which requires two-thirds vote of the full membership of the governing body for adoption:

R 188-2007

RESOLUTION OF THE BOROUGH OF MADISON CONSENTING TO

ANNEXATION BY THE BOROUGH OF FLORHAM PARK OF 8.75 ACRES KNOWN AS BLOCK 401, LOT 1 ON THE CURRENT TAX MAP OF THE BOROUGH OF MADISON AND OWNED BY ROCK-GW, LLC PURSUANT TO A PETITION FILED WITH THE BOROUGH OF MADISON BY THE LANDOWNER AND AS RECOMMENDED BY THE MADISON PLANNING BOARD

WHEREAS, Rock-GW, LLC has filed a petition with the Borough of Madison seeking approval to have the Borough of Florham Park annex 8.75 acres known as Block 401, Lot 1 in the Borough of Madison and owned by Rock-GW, LLC, which request is in accordance with an agreement between the Borough of Madison, the Borough of Florham Park, Rock-GW, LLC, and Rock-Florham, LLC that will allow Madison to purchase 53 acres from Rock-Florham, LLC in the Borough of Florham Park and annex said 53 acres into the Borough of Madison; and

WHEREAS, the 8.75 acres located in the Borough of Madison and owned by RockGW, LLC is part of the overall tract known as the former Exxon site, which is substantially located within the Borough of Florham Park; and

WHEREAS, the Madison Planning Board considered the request for de-annexation by Madison of Block 401, Lot 1, and annexation by Florham Park of said premises, and by Resolution adopted June 12, 2007, presented a report to the governing body of the Borough of Madison in accordance with N.J.S.A. 40A:7-12 regarding the impact upon the Borough of Madison by such de-annexation and recommended that the Mayor and Council authorize the de-annexation of the 8.75 acres in connection with the agreement to also allow Madison to purchase and annex 53 acres which is currently located in Florham Park adjacent to the border of Madison.

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 Council of the Borough of Madison consents to the petition of Rock-GW, LLC, for the de-annexation of Block 401, Lot 1 located in the Borough of Madison consisting of approximately 8.75 acres and annexation by Florham Park of said property, subject to and contingent upon the certain agreement between the Borough of Madison, the Borough of Florham Park, Rock-GW, LLC, and Rock-Florham, LLC entitled "Agreement to Resolve Differences Concerning Planned Unit Development" being fully executed by all four parties.

Mr. Bowen moved approval of R 188-2007, which the Borough Clerk read by title. Mr. Elias seconded the motion. Mr. Mezzacca commented that this resolution is contingent upon the certain agreement among the Borough of Madison, the Borough of Florham Park, RockGW, LLC, and Rock-Florham, LLC entitled "Agreement to Resolve Differences Concerning Planned Unit Development" being fully executed by all four parties. There was no further discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mrs. Vitale

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mr. Bowen, seconded by Mr. Elias 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 \$24,467.94

Health & Public Assistance 1,045.18

Public Works & Engineering 155,115.77

Community Affairs 11,069.66

Finance & Borough Clerk 290,702.27

Utilities 83,756.60

Total \$566,157.42

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

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

Nays: None

Absent: Mrs. Vitale

New Business

Mr. Conley asked if the letter of support agreed to by Council at an earlier meeting has been sent, under signature of the Mayor, to the Department of the Interior to name the Great Swamp new visitor center the "Helen C. Fenske Visitor Center". All agreed that if the letter has not gone out yet, it will be sent.

ADJOURN REGULAR MEETING AND RECONVENE EXECUTIVE SESSION

The Regular Meeting adjourned and the Executive Session immediately reconvened in the Committee Room at 9:50 p.m.

RECONVENE AND Adjourn

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

Respectfully submitted,

Marilyn Schaefer

Borough Clerk

Approved August 13, 2007 (MS)