

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

**November 26, 2007 - 6 p.m.**

**Call to Order**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 26<sup>th</sup> day of November 2007. Mayor Kerkeslager called the meeting to order at 6:00 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

**Statement in Compliance with the Open Public Meetings Act**

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

"In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by publishing a copy of the 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. Notice of change in time to 6 p.m. was given by publishing, posting and filing as required by law. Copies of said Notice were made available to members of the general public."

**Roll Call**

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

Mayor Ellwood R. Kerkeslager

Council Members:

Mary-Anna Holden

Astri J. Baillie

Donald J. Bowen

Carmela Vitale

John M. Elias, arrived at 6:02 p.m.

Robert H. Conley

Also Present:

Raymond M. Codey, Borough Administrator

Joseph Mezzacca, Jr., Borough Attorney

Marilyn Schaefer, Borough Clerk

**AGENDA REVIEW**

There was approval of the Regular and Executive Agenda.

**Reading of Closed Session Resolution**

Mrs. Holden 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 (4)

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

CONTRACT MATTERS (8)

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

Seconded: Mrs. Vitale

Vote: Unanimous voice vote of members present

**Reconvene in Council Chamber**

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

**APPROVAL OF MINUTES**

Mrs. Holden moved approval of the Executive Minutes of September 24, 2007 as amended. Mrs. Vitale seconded the motion, which passed by unanimous voice vote.

**GREETINGS TO PUBLIC**

Mayor Kerkeslager made the following comments:

New Jersey Healthy Town

volunteer representatives from the Mayor's Wellness Campaign, who helped direct Madisonians on a healthy path, were honored by Mayor Kerkeslager and invited to step

forward; Judy Doyle, representing "New Jersey Healthy Town", was asked to speak after which she presented Madison with a flag for being named a New Jersey Healthy Town.

### Employee of the Month

Tom Knudsen of the Madison Public Library has been selected as the Employee of the Month for November. The Selection Committee commended him for the many projects he completed in various areas of the Library that were over and above the normal scope of his responsibility, many of which provided a substantial savings to the Borough.

### Length of Service Commendation

Patrolman Michael Minni was recently commended for having served 20 years with the Madison Police Department.

## **REPORTS OF COMMITTEES**

### **Community Affairs**

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

The Recreation Advisory Committee meeting which was scheduled for this Wednesday has been rescheduled, and Mrs. Holden asked that members contact Doug Smith to verify the new meeting date; the Senior Citizens will be holding their Holiday Party on December 12, 2007, from 1 p.m. to 3 p.m. at the Civic Center. On a personal note, Mrs. Holden thanked the voters for their vote of confidence and for putting their trust in her; Mrs. Holden ran against two very formidable opponents, and it is always very difficult when you are running against your friends for office; Mrs. Holden looks forward to continuing the collegial atmosphere on Council next year.

### **Utilities**

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

Madison received a grant for \$6 million for the Madison Community Recreation Center, and Ms. Baillie thanked everyone involved in securing the grant. Regarding the Utilities, Madison did have a utility rate increase of 9%; to put that in perspective, the Park Ridge Electric Department had a rate increase effective December 1, 2007, of 61%; Madison is doing a good job.

### **Health & Public Assistance**

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

### **Public Works and Engineering**

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

### **Finance and Borough Clerk**

Mr. Elias, Chair of the Committee, no report, but congratulated Mrs. Holden, Jeannie Tsukamoto and Ms. Baillie on their election. He gave honorable mention to, and thanked, the other candidates, Mrs. Tiritilli, Mr. Cerciello and Mr. Esposito.

### **Public Safety**

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

Members of the Fire Department recently completed training sessions learning about response to aircraft emergencies. The Madison Fire Department firefighters are part of a mutual aid effort responding to Morristown Municipal Airport emergencies or when a plane may be experiencing mechanical problems while approaching a runway. After the training sessions were completed, an exercise drill was held on November 3<sup>rd</sup> at the airport.

### **COMMUNICATIONS AND PETITIONS**

The Borough Clerk announced receipt of the following communications:

Letter received November 13, 2007 from Robert A. Bianchi, Esq., Morris County Prosecutor, requesting that this letter of gratitude be placed on the public record at this meeting of the governing body. The letter commented that on October 20, 2007, the Morris County Prosecutor's Office Narcotic Task Force concluded Operation Re-Direct, which investigation resulted in the arrests of over 100 defendants along with the seizure of over sixty vehicles. On behalf of himself, First Assistant Prosecutor Thomas A. Zelante, Deputy First Assistant Prosecutor Joseph Connor, Executive Assistant Prosecutor Robert Lane, Deputy Chief William Schievella and his entire investigative staff, he expressed their sincere thanks to the Borough for allowing Sergeant Dennis Lam, Patrolmen Chris Keller, Edward Mitchko, Kevin Boone, Joe Longo, Kenneth Shannon, Craig Perrelli and John Miscia to be part of the operation.

Communication received October 24, 2007 from Margy Capecelatro with suggestions about a parking garage location between the new fire station and Curves.

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

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

**Sam Piccolo, Central Avenue**, in a long statement, complimented Mr. Elias regarding his thoughts on turfing fields in a residential neighborhood; was against turfing Dodge Field; reminded the Mayor and Council of their protests against lighting Cougar Field; commented about the speakers producing high decibel readings at Dodge Field.

**Jean Reynolds, Greenwood Avenue**, spoke against artificial turf at Dodge Field and felt the introduction of chemicals in the turf is not good for the children playing on that field; she promoted natural green fields as a benefit for residents; artificial turf is a detriment to users and residents; grass and trees promote well being in children.

**Jim McCloskey, Dean Street**, congratulated Mrs. Holden on her election as Mayor and gave his favorable opinion on the professional Department Heads and Administrator running Madison; complimented Mr. Elias on the way he ran his campaign and how well he explained to everyone the finances of Madison.

**Helen Crosier, Valley Road**, thanked the Administrator for the consideration given to her comments and for getting to a final resolution regarding her tree problem presented at the October 10<sup>th</sup> meeting.

### **Agenda Discussions**

**11/26/07-1(A)** APPROPRIATE \$20,000 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR EMERGENCY WORK REGARDING MAINTAINING ADEQUATE FLOW THROUGH STORM DRAIN CULVERT AT REAR OF PRIVATE PROPERTIES ON THE NORTH SIDE OF ELMER STREET

Mr. Bowen moved approval to list the above-described ordinance for introduction later in the meeting. Mrs. Vitale seconded the motion, which passed by voice vote.

An ordinance appropriating \$20,000.00 for the above-mentioned purpose is listed for introduction later in the meeting.

**11/26/07-1(B)** AWARD EMERGENCY CONSTRUCTION CONTRACT TO CHATHAM MAIN CO. IN AN AMOUNT NOT TO EXCEED \$20,000 FOR EMERGENCY CONSTRUCTION REGARDING STORM DRAINAGE CULVERT AT REAR OF PRIVATE PROPERTIES ON THE NORTH SIDE OF ELMER STREET

Mr. Bowen moved approval of Borough Engineer Robert Vogel's recommendation for funding of the emergency work on the storm drainage culvert. Mr. Conley seconded the motion, which passed by voice vote. For the record, Mr. Mezzacca commented that this expenditure was for emergency work on the Elmer Street culvert.

A resolution is listed on the Consent Agenda authorizing payment to Chatham Main Co. in an amount not to exceed \$20,000.00 for the emergency work.

**11/26/07-2** APPROPRIATE \$58,800 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR design services and improved storm drainage structures (and alternate) to existing culvert at rear of properties on the north side of Elmer Street

Mr. Conley moved approval of Borough Engineer Robert Vogel's recommendation for design and assessment services and improved storm drainage structures (and alternate) to existing culvert at the rear of properties on the north side of Elmer Street. Ms. Baillie seconded the motion, which passed by voice vote.

An ordinance appropriating the requested funds is listed for introduction later in the meeting.

**11/26/07-3** award contract to T&M associates in an amount not to exceed \$58,800 for professional design and improved storm drainage structures (and alternate) to existing culvert at rear of properties on the north side of elmer street

Mr. Bowen moved approval of Mr. Vogel's recommendation to award a contract to T&M Associates in an amount not to exceed \$58,800.00 for professional design and improved storm drainage structures (and alternate) to existing culvert at rear of properties on the north side of Elmer Street. Mr. Conley seconded the motion, which passed by voice vote.

A resolution so awarding is listed on the Consent Agenda.

**11/26/07-4** APPROVAL OF EXPENDITURE OF \$5,958.00 FOR THE INSTALLATION OF FENCING AT LIVESEY PARK

Mr. Bowen moved approval of Ms. Baillie's recommendation for approval of an expenditure of \$5,958.00 for the installation of fencing at Livesey Park. Ms. Baillie seconded the motion. Comments included that Mr. Bowen felt that the expenditure of funds for this purpose should come out of the General Capital Improvement Fund for the upgrade of parks rather than from the Open Space Fund, which he felt should be reserved for acquisition of open space. At the conclusion of discussion, the motion passed with Mr. Bowen opposed.

A resolution so approving the expenditure will be listed on the December 10, 2007 Consent Agenda.

**11/26/07-5** INCREASE DELINQUENCY INTEREST RATE CHARGE ON WATER AND ELECTRIC ACCOUNTS IN ARREARS IN EXCESS OF \$1,500.00

Mr. Bowen moved approval of Chief Financial Officer Robert Kalafut's recommendation to increase the delinquency interest rate charge on water and electric accounts in arrears in excess of \$1,500.00. Ms. Baillie seconded the motion.

Comments included that there are some very large accounts that routinely go 60 days or more in arrears for the favorable "float". Mr. Mezzacca commented that the proposed ordinance reduces delinquency time from 60 days to 30 days. At the conclusion of comments, the motion passed by voice vote.

An ordinance is listed for introduction later in the meeting.

#### **11/26/07-6 2007 BUDGET TRANSFERS**

Mr. Elias moved approval of the annual budget transfers recommended by Chief Financial Officer Robert Kalafut. Mr. Conley seconded the motion, which passed by voice vote.

A resolution so approving is listed on the Consent Agenda.

**11/26/07-7** award contract TO Cit-e-net, LLC IN THE AMOUNT OF \$3,150.00 for Internet-based municipal web site application services IN ORDER TO enable Electronic payment of taxes and municipal charges

Mrs. Vitale moved approval of Administrator Codey's recommendation to allow payment of taxes and municipal charges through a web-based application. Mr. Bowen seconded the motion. Comments included that the next tax payment may be able to be paid through this new system. There was no further discussion and the motion passed by voice vote.

A resolution so awarding is listed on the Consent Agenda.

**11/26/07-8** AWARD CONTRACT TO FAIGON ELECTRICAL CONTRACTORS IN THE AMOUNT OF \$33,000.00 TO EXCAVATE AND INSTALL UNDERGROUND CONDUITS FOR THE NEW FEEDER CIRCUIT TO THE RECKSON BUILDING AT GIRALDA FARMS

Mr. Bowen moved approval of Electric Utility Superintendent Michael Piano's recommendation to award a contract as above described. Ms. Baillie seconded the motion, which passed by voice vote.

A resolution so awarding is listed on the Consent Agenda.

**11/26/07-9** ACCEPT BID AND AWARD CONTRACT TO ROSENBAUER GENERAL FOR FIRE DEPARTMENT 105' AERIAL TRUCK

Mr. Conley moved approval of Fire Chief Atchison's recommendation to award a contract to Rosenbauer General for the Fire Department 105' aerial truck in an amount not to exceed \$916,079.00, funding from Ordinance 42-2005. Ms. Baillie seconded the

motion. Discussion included that the Fire Department is replacing their existing aerial truck which is a 1981 truck; the new aerial truck takes about two years to manufacture; the truck will allow the Fire Department to gain 30' in elevation, going from a 75' aerial truck to a 105' aerial truck. This is one of the few aerial trucks on the market that has single-axle, so the department can get into tight places in Madison. This truck will give the Madison Fire Department the flexibility it needs. Within this proposal is about \$85,000.00 worth of equipment. At the conclusion of discussion, the motion passed by voice vote.

A resolution so awarding is listed on the Consent Agenda.

**11/26/07-10(A) REJECT BID FOR PADMOUNT TRANSFORMER FOR THE HDM BUILDING AND AUTHORIZE REBID**

Mr. Bowen moved approval of Electric Utility Superintendent Michael Piano's recommendation to reject the above bid and authorize rebid. Ms. Baillie seconded the motion, which passed by voice vote.

A resolution so authorizing is listed on the Consent Agenda.

**11/26/07-10(B) award bids for annual electric department materials**

Mr. Bowen moved approval of Electric Utility Superintendent Michael Piano's recommendation to award the bid for the annual Electric Department materials.

Ms. Baillie seconded the motion, which passed by voice vote.

A resolution so awarding is listed on the Consent Agenda.

**11/26/07-11 CANCEL ORDINANCE 69-2007 AND ORDINANCE 70-2007 REGARDING MORRIS COUNTY IMPROVEMENT AUTHORITY BONDING**

Ms. Baillie moved approval of Chief Financial Officer Robert Kalafut's recommendation canceling Ordinance 69-2007 and Ordinance 70-2007 regarding Morris County Improvement Authority bonding. Mr. Elias seconded the motion. Mr. Codey explained that the Auditor recommended canceling these ordinances financing the purchase of the 53 acres of the former Exxon-Mobil property because the Borough is not accomplishing the purchase before the end of this year. At the conclusion of discussion, the motion passed by voice vote.

A resolution canceling the ordinances as recommended is listed on the Consent Agenda.

**11/26/07-12** review and recommend a change in the borough code 195-12 regarding fees paid for zoning reviews and professional service escrows

Mr. Bowen moved approval of Mr. Vogel's recommendation for discussion of fees paid for zoning reviews and professional service escrows. Mrs. Vitale seconded the motion. Comments from Borough Engineer Robert Vogel and Administrator Codey included how the new fee proposals were arrived at and why, including the increasing occurrence of shortfalls in escrow fees collected; they are all developer fees. This is the first increase since 1999.

At the conclusion of discussion, there was consensus that the Borough Engineer should return with more data.

**11/26/07-13(1)** AWARD CONTRACT TO PURCHASE A GENERATOR FOR NORTH STREET SEWER PUMP STATION TO R&J CONTROL INC IN AN AMOUNT NOT TO EXCEED \$29,444.32

Mrs. Vitale moved approval of Superintendent of Public Works David Maines' proposal to award a contract to purchase a generator for the North Street sewer pump station to R&J Control Inc. in an amount not to exceed \$29,444.32. Mrs. Vitale seconded the motion, which passed by voice vote.

A resolution so awarding is listed on the Consent Agenda.

**11/26/07-13(2)** AMEND PURPOSE OF ORDINANCE 9-2007 TO INCLUDE A PLOW FOR THE PICK-UP TRUCK

Mrs. Vitale moved approval of Superintendent of Public Works David Maines' proposal as described. Ms. Baillie seconded the motion, which passed by voice vote.

An ordinance is listed for introduction later in the meeting.

**11/26/07-13(3)** AMEND PURPOSE OF ORDINANCES 7-2007 AND 67-2007 TO INCLUDE INSTALLATION AND ACCESSORIES FOR THE NORTH STREET SEWER PUMP STATION

Ms. Baillie moved approval of Superintendent of Public Works David Maines' recommendation to amend Ordinance 67-2007 as described. Mrs. Vitale seconded the motion, which passed by voice vote.

An ordinance so amending is listed for introduction later in the meeting.

**11/26/07-14** PRESENTATION ON ARTIFICIAL TURF FIELDS

Mrs. Holden commented in detail on the possibility of installing artificial turf at Dodge Field and looking at Dodge Field as the first step, to realign it, to fix it—to correct the lighting problem there, and to eventually be able to take and move the evening activities to the 53 acres. Mrs. Holden commented as to the use of artificial turf and the grooming and testing of turf fields to keep their resiliency to prevent injury.

A powerpoint presentation was given and represented the work of the Recreation Advisory Committee, which looked at field overuse, down time and other issues at Dodge Field in considering turfing; Council comments followed and included an option for a second field beyond Dodge Field.

Mr. Elias had submitted an agenda recommendation on this subject. Council comments included that in the last six weeks Madison is much closer to acquiring the 53 acres; a series of goals were mentioned as needing addressing—whether Madison wants to commit resources to turfing fields which are in residential neighborhoods if there is a viable option to shift that use to a non-residential site; there was general agreement that there are too few fields in Madison and, as a result, they are overused and fall into disrepair; in terms of the Pit and the access road, it divides the 53 acres—it gives about 10 acres on this side of the road which could be a Madison exclusive property shared by Madison and the Board of Education; the other side could be a regional complex where Madison would reach out to neighboring communities with sharing arrangements; dedicated fields for each sport, quality of life for residents in Madison, limited resources, pooling resources with the Board of Education and turfing at the Pit were discussed; dialogue among three entities was encouraged--the Borough, Board of Education, Madison Athletic Association--concerning funding, maintaining, developing and improving existing fields.

Additional Council comments continued including that the possible discount on immediate purchase of turf fields should be a guiding force not a driving force; working on current and potential scheduling was a productive process; people who live around potential facilities being improved will be notified for public input; go out for bid on all three projects; discussion continued on having a professional company prepare a bid package; knowing that the 53 acres is going to become a reality, the County gave Madison a list of companies which do consulting work.

Mr. Conley moved that the Borough hire a consultant to prepare bids for Dodge Field, Memorial Park and the Pit for purposes of turfing. Mrs. Holden seconded the motion.

Mr. Bowen did not support this motion, as he felt the 53 acres needs to be part of the larger strategic plan. As to when the Borough is likely to acquire the 53 acres, Mr. Mezzacca gave his best estimate as by mid-2008, not much sooner; timing at this point is not in Madison's hands. Further Council comments included leaning toward turfing the Pit and not Dodge Field or Memorial Park; continuing with the programming work that was done at Dodge Field; having a public meeting when bids are received, soliciting public input, and moving forward; the Pit is the most ideal spot for turfing.

After detailed discussion, the following roll call vote was recorded:

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

Nays: Mr. Bowen, Mrs. Vitale

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

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

***Sam Piccolo, Central Avenue***, agreed with statements against turfing fields in residential areas; there was no mention of the impact of speakers and the effect on neighbors; Mr. Piccolo asked Council to remember their protests regarding Cougar Field as they relate to Dodge Field; think of the residential neighborhood; Dodge Field is a community field, not a special interest group field; think of the increase in use on the neighborhood; do not turf Dodge Field.

***Lisa Ellis, Brittin Street***, was pleased to hear comments regarding a more aggressive partnership with the Board of Education; felt the turfing of the high school football field was a very good investment; safety at Dodge Field is appalling; the Pit needs to be part of the big picture; the Board of Education has the will to partner with the Borough, but does not think the Board of Education will have the resources.

***Jim McCloskey, Dean Street***, spoke about an individual who came before the Council at the last meeting and was demanding, arrogant, insulting, and abused the Council; Mr. McCloskey felt the individual should have been stopped.

***Vito Luppino, Niles Avenue***, is worried that if turfing does not go through for the existing fields, how will the fields be made playable now; asked to have the drainage and grassy areas fixed; the field is so bad that it has become a major project.

Council comments included that there is a commitment to maintain the infrastructure of the community, which includes recreation fields; regardless of what is done with Dodge Field, there is a recognition of what must be accomplished there for safety's sake and to maintain the field; use of the fields has multiplied over the years with different programs being introduced.

***Helen Crosier, Valley Road***, would like to see a swatch of this new kind of turf being proposed; asked that information be made available to the public so they may understand; commenting from the October 10<sup>th</sup> meeting, whatever decisions are made should be made within the budget for the most benefit to people living in this town; pointed out how 22 modest cape cod homes sold in a very short time because they

could not withstand the tax increase at that time; there is a tipping point in certain neighborhoods; spoke of balancing all considerations.

**Donald Brunner, Redmond Drive**, was advised that the ability to authorize automatic deductions from checking accounts to pay taxes is being implemented by the Finance Department; was advised that maximum permitted front yard fence height is 4'; this was sent back to the Planning Board because feedback was that 3' maximum was not a good height, but rather 4'.

***Advertised Hearings***

The Clerk made the following statement:

Ordinances 71-2007 scheduled for hearing tonight was submitted in writing, was introduced by title and passed on first reading at a Regular Meeting of the Mayor and Council held on October 10, 2007; Ordinances 72-2007 through 76-2007 were also introduced on October 10, 2007 in the same manner, and the hearings on those ordinances were carried from the October 22, 2007 meeting to this meeting; all were 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 general public requesting same.

Mayor Kerkeslager called up ordinances scheduled for hearing and asked the Borough Clerk to read said ordinances by title:

**ORDINANCE 71-2007**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195, LAND DEVELOPMENT, OF THE MADISON BOROUGH CODE REGARDING THE REGULATION OF FENCES AND WALLS**

The Borough Clerk announced the following amendments being proposed:

Amendments to page 2:

.....

**SECTION 1, SECTION 2**. That Section 195-25.5 of the Borough Code concerning fences and wall is to be replaced in its entirety **entirety** by the following:

.....

Amendments to page 3:

.....

**SECTION 2. SECTION 3.** All ordinances or parts thereof which are inconsistent or in conflict with the provisions of this ordinance or any part thereof are hereby repealed to the extent of said inconsistency or conflict.

**SECTION 3. SECTION 4.** This ordinance shall take effect as provided by law.

.....

Amendment to Schedule A, a diagram of the fencing combined two areas which were the same.

Ms. Baillie moved the above amendments to Ordinance 71-2007. Mr. Bowen seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

**ORDINANCE 71-2007**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195, LAND DEVELOPMENT, OF THE MADISON BOROUGH CODE REGARDING THE REGULATION OF FENCES AND WALLS**

**WHEREAS**, over the course of several meetings, the Madison Planning Board reviewed the provisions of the Land Development Ordinance which regulate the installation of fences and walls in the Borough and has recommended that the Borough Council consider certain amendments to those regulations to advance safety and aesthetic purposes; and

**WHEREAS**, the Madison Planning Board has determined that the recommended changes to the fence and wall regulations are substantially consistent with the 2002 Master Plan which in part sought to preserve the residential character of the Borough; and

**WHEREAS**, the Borough Council has determined to make such recommended amendments.

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

**SECTION 1.** That Section 195-7 of the Borough Code is amended to modify the definitions of fence and wall by adding a second sentence to each definition and by adding a new definition of retaining wall as follows: [New wording is underlined.]

#### **§ 195-7. Definitions**

FENCE - A structure made of posts or stakes, joined together by boards, wire or rails, serving as an enclosure, a barrier or as a boundary. The height of a fence shall be measured from the ground surface at the base of the fence to the highest part of the structure above the base except that posts shall be permitted to extend up to 6 inches above the height limit. An open fence shall be considered a structure having voids comprising 45% or more of the fence façade area. Typical open fence styles include post and rail, chain link, spaced picket, and ornamental rigid metal. All other fences and walls shall be considered solid fences. Typical solid fence styles include stockade, board-on-board, and solid picket.

WALL - A solid, vertical structure of wood, masonry or other material serving to enclose, divide, retain or protect an area. The height of a wall shall be measured from the ground surface at the base of the wall to the highest part of the structure above the base including any fence placed on top of a wall. All walls shall be considered solid fences.

WALL, RETAINING – A type of wall that is constructed between lands of different elevation to stabilize the land surfaces. The height of a retaining wall shall be measured from the lowest ground surface at the base of the wall to the highest part of the structure above the base including any fence placed on top of a wall. Where a series of retaining walls are located on the same slope, the wall height shall be calculated as the sum of the wall heights in the series of walls.

**SECTION 2.** That Section 195-25.5 of the Borough Code concerning fences and wall is to be replaced in its entirety by the following:

#### **§ 195-25.5. Fences and walls including retaining walls**

Fences or walls in excess of 18 inches in height shall be considered as structures accessory to a principal permitted use and shall be permitted in accordance with the standards set forth below:

A. Maximum height and location in residential zones.

All fences and walls in residential zones shall comply with the standards in Schedule A – Fence And Wall Diagram.

B. General regulations for fences and walls including retaining walls.

(1) No fence or wall shall be constructed or installed so as to constitute a hazard to traffic or safety.

(2) No fence or wall in a residential zone shall be greater than six feet in height except in the case of tennis court and similar sports court facilities.

(3) In all nonresidential zones no fence shall exceed 6 feet in height. On properties with nonresidential uses which abut residential uses, any open fencing shall be buffered with evergreen landscaping.

(4) Except for locations within sight triangles, hedges and other landscaping shall be exempt from the height limitations of this subsection, but shall not be located so as to constitute a hazard to traffic or safety.

(5) The face or finished side of a fence or wall shall face the adjacent property or street.

(6) No fence or wall shall be constructed with barbed wire, metal spikes or other such dangerous material or constructed in such manner as to be dangerous to animals or humans.

(7) No fence or wall shall be constructed without the issuance of a zoning permit or a building permit.

(9) All fences and walls shall be contained within the property lines of the parcel containing the principal use.

10) Retaining walls over 18 inches in height shall be set back from any property line by at least 2 feet or setback a distance equal to the height of the retaining wall or retaining wall series, whichever is greater.

D. Swimming pool fences. Every private swimming pool shall have a fence enclosure which complies with the New Jersey Uniform Construction Code.

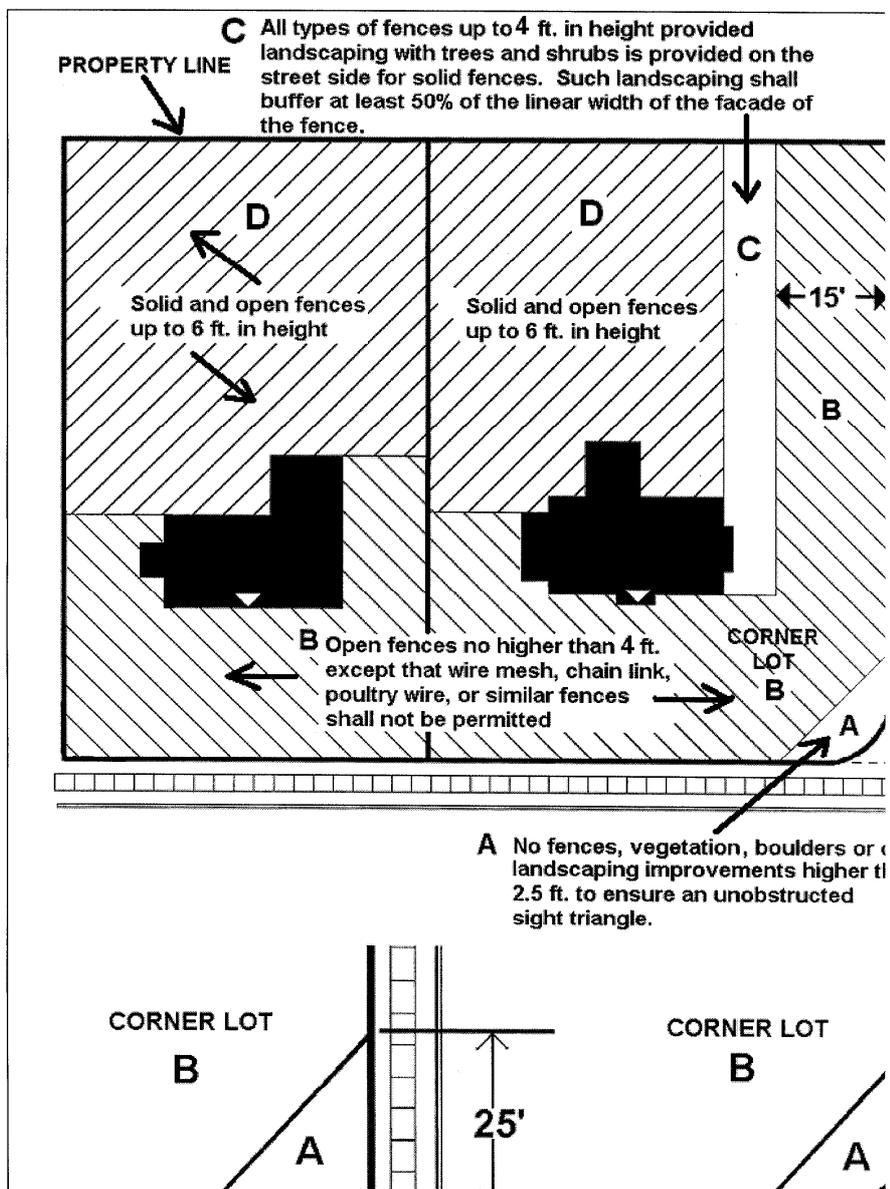
E. Retaining walls. Any retaining wall 48 inches or greater in height or a series of retaining walls along the same ground slope which together total 48 inches or greater in height shall require a building permit.

**SECTION 3.** All ordinances or parts thereof which are inconsistent or in conflict with the provisions of this ordinance or any part thereof are hereby repealed to the extent of said inconsistency or conflict.

**SECTION 4.** This ordinance shall take effect as provided by law.

## **SCHEDULE A – FENCE AND WALL DIAGRAM**

SCHEDULE A - FENCE AND WALL DIAGRAM



Mayor Kerkeslager opened the hearing on the above ordinance as amended 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 71-2007, which was read by title and amended, be finally adopted as amended. Mr. Bowen seconded the motion. Mr. Mezzacca commented that the aforementioned amendments were not significant and that the ordinance may be finally adopted as amended. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Kerkeslager declared Ordinance 71-2007, as amended, 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 72-2007**

### **ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 15-2007 TO INCREASE APPROPRIATION FROM \$15,000.00 TO \$25,000.00 FOR ASBESTOS ABATEMENT FROM THE WATER & LIGHT PLANT**

**WHEREAS**, Ordinance 15-2007 of the Borough of Madison appropriated \$15,000.00 from the Water Capital Improvement Fund for asbestos abatement from the water & light plant; and

**WHEREAS**, the Superintendent of Public Works has recommended that the Borough amend Ordinance 15-2007 to appropriate an additional \$10,000.00 from the Water Capital Improvement Fund thereby increasing Ordinance 15-2007 to \$25,000.00 for asbestos abatement from the water & light plant; and

**WHEREAS**, the Director of Finance has attested to the availability of the funds in the Water Capital Improvement Fund in an amount not to exceed \$10,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should amend Ordinance 15-2007 to appropriate an additional \$10,000.00 from the Water Capital Improvement Fund thereby increasing Ordinance 15-2007 to \$25,000.00 for asbestos abatement from the water & light plant.

**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 15-2007 is amended to appropriate an additional \$10,000.00 from the Water Capital Improvement Fund thereby increasing Ordinance 15-2007 to \$25,000.00 for asbestos abatement from the water & light plant.

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

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

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

Ms. Baillie moved that Ordinance 72-2007, which the Borough Clerk read by title, be finally adopted. Mr. Bowen seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Kerkeslager declared Ordinance 72-2007 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 73-2007**

#### **ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 20-2007 TO INCREASE APPROPRIATION FROM \$15,000.00 TO \$25,000.00 FOR ASBESTOS ABATEMENT FROM THE WATER & LIGHT PLANT**

WHEREAS, Ordinance 20-2007 of the Borough of Madison appropriated \$15,000.00 from the Electric Capital Improvement Fund for asbestos abatement from the water & light plant; and

WHEREAS, the Electric Utility Superintendent has recommended that the Borough amend Ordinance 20-2007 to appropriate an additional \$10,000.00 from the Electric Capital Improvement Fund thereby increasing Ordinance 20-2007 to \$25,000.00 for asbestos abatement from the water & light plant; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Electric Capital Improvement Fund in an amount not to exceed \$10,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should amend Ordinance 20-2007 to appropriate an additional \$10,000.00 from the Electric Capital Improvement Fund thereby increasing Ordinance 20-2007 to \$25,000.00 for asbestos abatement from the water & light plant.

**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 20-2007 is amended to appropriate an additional \$10,000.00 from the Electric Capital Improvement Fund thereby increasing Ordinance 20-2007 to \$25,000.00 for asbestos abatement from the water & light plant.

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

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

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

Ms. Baillie moved that Ordinance 73-2007, which the Borough Clerk read by title, be finally adopted. Mr. Bowen seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

**Nays:** None

Mayor Kerkeslager declared Ordinance 73-2007 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 74-2007**

### **ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$10,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND TO PURCHASE TWO 20 YARD LOCKABLE DUMPSTERS**

**WHEREAS**, the Electric Utility Superintendent has recommended that the Borough appropriate \$10,000.00 from the Electric Capital Improvement Fund to purchase two (2) 20-yard lockable dumpsters for the storage of scrap cable and metals; 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 \$10,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$10,000.00 from the Electric Capital Improvement Fund to purchase two (2) 20-yard lockable dumpsters for the storage of scrap cable and metals; and

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

**SECTION 1:** The amount of \$10,000.00 is hereby appropriated from the Electric Capital Improvement Fund to purchase two (2) 20-yard lockable dumpsters for the storage of scrap cable and metals.

**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 74-2007, which the Borough Clerk read by title, be finally adopted. Mr. Bowen seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

**Nays:** None

Mayor Kerkeslager declared Ordinance 74-2007 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 75-2007**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$5,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND TO PURCHASE A 20 CUBIC YARD LOCKING DUMPSTER FOR THE WATER DEPARTMENT**

**WHEREAS**, the Superintendent of Public Works has recommended that the Borough appropriate \$5,000.00 from the Water Capital Improvement Fund to purchase a 20 cubic yard locking dumpster for the Water Department; and

**WHEREAS**, the Director of Finance has attested to the availability of the funds in the Water Capital Improvement Fund in an amount not to exceed \$5,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$5,000.00 from the Water Capital Improvement Fund to purchase a 20 cubic yard locking dumpster for the Water Department; and

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

**SECTION 1:** The amount of \$5,000.00 is hereby appropriated from the Water Capital Improvement Fund to purchase a 20 cubic yard locking dumpster for the Water Department.

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

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

Mayor Kerkeslager opened the hearing on the above ordinance and asked if anyone wished to be heard. Mrs. Crosier questioned why the public agenda read General Capital Improvement Fund rather than Water Capital Improvement Fund; the Borough Clerk clarified that the correct title is "Water" Capital, per the Borough Administrator. Since no other member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 75-2007, which the Borough Clerk read by title, be finally adopted. Mr. Bowen seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

**Nays:** None

Mayor Kerkeslager declared Ordinance 75-2007 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 76-2007**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 36-2006 TO AUTHORIZE ADDITIONAL SCOPE OF WORK FOR MILL & OVERLAY PROJECTS TO INCLUDE COLONIAL WAY, OLDE GREENHOUSE LANE AND PART OF DANFORTH ROAD (BETWEEN MORRIS PLACE AND MADISON AVENUE) TO BE AWARDED UNDER COUNTY COOP TO SCIFANO CONSTRUCTION**

**WHEREAS**, Ordinance 36-2006 of the Borough of Madison appropriated \$300,000.00 from the General Capital Improvement Fund for the 2006 milling and overlay projects of Bruns Street, Buckingham Drive, Canterbury Road, Norman Circle, and Oxford Lane; and

**WHEREAS**, the Borough Engineer has recommended that the Borough amend Ordinance 36-2006 to authorize additional scope of work for the milling and overlay projects to include Colonial Way, Olde Greenhouse Lane, and Danforth Road between Morris Place and Madison Avenue; and

**WHEREAS**, the Borough Engineer has also recommended that the capital budget be amended to include these projects, and the cost will be \$150,000.00 or the current balance of Ordinance 36-2006, whichever is less; and

**WHEREAS**, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund for this project in an amount not to exceed \$150,000.00 or the current balance of Ordinance 36-2006, whichever is less; and

**WHEREAS**, the Borough Council has determined that the Borough should amend Ordinance 36-2006 to authorize additional scope of work for the milling and overlay projects to include Colonial Way, Olde Greenhouse Lane, and Danforth Road between Morris Place and Madison Avenue, without increasing the amount of the appropriation.

**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 36-2006 is amended to authorize additional scope of work for the milling and overlay projects to include Colonial Way, Olde Greenhouse Lane, and Danforth Road between Morris Place and Madison Avenue.

**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 76-2007, which the Borough Clerk read by title, be finally adopted. Mr. Elias seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Kerkeslager declared Ordinance 76-2007 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 hearing during a Regular Meeting of the Council scheduled to begin at 7:45 p.m. or as soon as practical thereafter on December 10, 2007, when interested parties will have an opportunity to be heard; each ordinance will be published, posted and made available to members of the public.

Mayor Kerkeslager called up ordinances for introduction and asked the Borough Clerk to read said ordinances by title:

### **ORDINANCE 77-2007**

### **ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 155 OF THE BOROUGH CODE ENTITLED "SEWERS"**

**WHEREAS**, the Borough Administrator has recommended that the sewer use charge for tax-exempt properties be increased by nine (9%) percent to reflect the increased costs associated with such charges; and

**WHEREAS**, the Borough Council has determined that there is a need to approve such increase.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Chapter 155 of the Borough Code entitled "Sewers" shall be amended as follows:

**SECTION 1:**

§155-12 Sewer Use Charge

A. . . . .

B. The sewer use charge shall be billed at a rate of \$0.0438 per cubic foot of water consumed...

**SECTION 2:** All other provisions of the Ordinance not inconsistent herewith shall remain the same.

**SECTION 3:** This Ordinance shall be effective as of January 1, 2008.

Mrs. Vitale moved that Ordinance 77-2007, 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, Mrs. Vitale, Mr. Elias

Nays: None

Abstain: Mr. Conley

**ORDINANCE 78-2007**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$20,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR EMERGENCY WORK ON STORM DRAIN CULVERT AT REAR OF PRIVATE PROPERTIES ON THE NORTH SIDE OF ELMER STREET**

**WHEREAS,** the Borough Engineer has advised the Council that the storm drainage culvert at the rear of private properties on the north side of Elmer Street required emergency construction work in order to protect the health and welfare of the public; and

**WHEREAS,** the Borough expended \$20,000.00 to replace the water main on an emergency basis, pursuant to N.J.S.A 40A:11-6; and

**WHEREAS**, the Borough Engineer has requested that the Borough appropriate \$20,000.00 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 \$20,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$20,000 from the General Capital Improvement Fund for the emergency construction work on the storm drainage culvert at the rear of private properties on the north side of Elmer 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 \$20,000.00 is hereby appropriated from the General Capital Improvement Fund for the emergency construction work on the storm drainage culvert at the rear of private properties on the north side of Elmer 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.

Mrs. Vitale moved that Ordinance 78-2007, 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  
Mrs. Vitale, Mr. Elias, Mr. Conley

**Nays:** None

### **ORDINANCE 79-2007**

#### **ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$58,800.00 FOR DESIGN SERVICES AND IMPROVED STORM DRAINAGE STRUCTURES TO EXISTING CULVERT AT REAR OF PROPERTIES ON THE NORTH SIDE OF ELMER STREET**

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$58,800.00 from the General Capital Improvement Fund for design services and

permitting of improved storm drainage structures to existing culvert at the rear of properties on the north side of Elmer Street; and

**WHEREAS**, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$58,800.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$58,800.00 from the General Capital Improvement Fund for design services and permitting of improved storm drainage structures to existing culvert at the rear of properties on the north side of Elmer 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 \$58,800.00 is hereby appropriated from the General Capital Improvement Fund for design services and permitting of improved storm drainage structures to existing culvert at the rear of properties on the north side of Elmer 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.

Mrs. Vitale moved that Ordinance 79-2007, 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  
Mrs. Vitale, Mr. Elias, Mr. Conley

**Nays:** None

### **ORDINANCE 80-2007**

#### **ORDINANCE OF THE BOROUGH OF MADISON AMENDING THE PURPOSE OF ORDINANCE 9-2007 TO INCLUDE PURCHASE OF SNOWPLOW**

**WHEREAS**, Ordinance 9-2007 of the Borough of Madison appropriated \$40,000.00 from the General Capital Improvement Fund for one pickup truck for use by the Public Works Department; and

**WHEREAS**, the Superintendent of Public Works has recommended that the Borough amend the purpose of Ordinance 9-2007 to include a snowplow for the pickup truck; and

**WHEREAS**, no additional funds are needed for this amended purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should amend the purpose of Ordinance 9-2007 to include a snowplow for the pickup truck.

**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 9-2007 is amended to include a snowplow for the pickup truck for use by the Public Works Department.

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

Mrs. Vitale moved that Ordinance 80-2007, which the Borough Clerk read by title, be adopted. Mr. Elias seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

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## **ORDINANCE 81-2007**

### **ORDINANCE OF THE BOROUGH OF MADISON INCREASING DELINQUENCY INTEREST RATE FROM 8% TO 18% FOR AMOUNTS OVER \$1,500.00 AND OVER 30 DAYS DELINQUENT**

**WHEREAS**, the Borough Administrator has recommended that the rules and regulations of the Electric Utility and the rules and regulations of the Water Utility be amended pursuant to section 94-2, Appendix B, and section 190-3 of the Borough Code to set forth a revised billing policy; and

**WHEREAS**, the Borough Council agrees with these recommendations.

**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 rules and regulations of the Electric Utility, section 94-2, Appendix B of the Borough Code, and the rules and regulations of the Water Utility, Section 190-3 of the Borough Code, are each amended to provide for the following billing policy:

**PAYMENT OF WATER AND ELECTRIC BILLS**

**All bills and charges for water and electric service are due when rendered and must be paid within thirty days of the billing date.**

**When an account has aged 30 days it becomes delinquent and a delinquent notice shall be sent.**

**If the delinquent customer is a tenant the property owner shall be sent a copy of the delinquent notice with a reminder that the property owner is ultimately responsible for the payment of the bill.**

**If a bill is unpaid thirty days after the date shown on the delinquent notice, service is discontinued and an eight percent (8%) annual interest charge is added to account balance for amounts less than \$1,500.00. For any amount over \$1,500.00 the interest rate shall be eighteen (18%) percent annual interest charge.**

**If service is discontinued for non-payment of a bill, there will be a charge of \$25.00 for restoring service.**

**The Chief Financial officer may defer the shutoff date and negotiate a partial payment plan if it is in the best interest of the Borough of Madison or State or federal law requires the service to continue. The partial payment plan shall not extend beyond one year and can only be written for a monthly amount over and above the current bill. A copy of the fully signed deferred payment plan shall be forwarded to the Borough Administrator and Borough Attorney.**

**If the plan is made with a tenant, the property owner shall also sign the payment plan.**

**SECTION 2:** This Ordinance shall be effective as of January 1, 2008.

Mrs. Vitale moved that Ordinance 81-2007, which the Borough Clerk read by title, be adopted. Mr. Elias seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

## **ORDINANCE 82-2007**

### **ORDINANCE OF THE BOROUGH OF MADISON AMENDING THE PURPOSE OF ORDINANCE 7-2007 AND 67-2007 TO INCLUDE INSTALLATION AND ACCESSORIES**

**WHEREAS**, Ordinance 7-2007 of the Borough of Madison appropriated \$30,000.00 from the General Capital Improvement Fund to build a generator building at the North Street pump station; and

**WHEREAS**, Ordinance 67-2007 amended Ordinance 7-2007 to appropriate an additional \$20,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 7-2007 to \$50,000.00 to purchase a new generator with an enclosure attached; and

**WHEREAS**, the Superintendent of Public Works has recommended that the Borough amend the purpose of Ordinances 7-2007 and 67-2007 to include installation and accessories for the North Street Sewer Pump Station; and

**WHEREAS**, no additional funds are needed for this amended purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should amend the purpose of Ordinances 7-2007 and 67-2007 to include installation and accessories for the North Street Sewer Pump Station.

**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:** Ordinances 7-2007 and 67-2007 are amended to include installation and accessories for the North Street Sewer Pump Station.

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

Mrs. Vitale moved that Ordinance 82-2007, which the Borough Clerk read by title, be adopted. Mr. Elias seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

***Consent Agenda Resolutions***

The Clerk made the following statement:

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

Mr. Elias moved adoption of the Resolutions listed on the Consent Agenda consisting of R 254-2007 through and including R 278-2007. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

**R 254-2007**

**RESOLUTION OF THE BOROUGH OF MADISON APPROVING DEVELOPER FEE AGREEMENT WITH JOSEPH AND FLORENCE DEMARZO FOR 11-15 WILMER STREET PROJECT, BLOCK 2901, LOTS 16 & 17**

**WHEREAS**, Joseph and Florence DeMarzo are the owners of property designated as Block 2901 Lots 16 & 17 as shown on the tax map of the Borough of Madison, which property is located at 11-15 Wilmer Street; and

**WHEREAS**, Joseph and Florence DeMarzo has applied to the Madison Zoning Board of Adjustment for development approval to allow construction of a new apartment building on the premises; and

**WHEREAS**, Joseph and Florence DeMarzo wishes to enter into an agreement regarding its responsibility for the payment of an affordable housing fee to the Borough of Madison as a result of this construction; and

**WHEREAS**, the Borough Attorney has recommended that the agreement to resolve issues be entered into concerning Joseph and Florence DeMarzo and the Borough 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 Mayor is authorized to execute an agreement between the Borough of Madison and Joseph and Florence DeMarzo to resolve the affordable housing fee payment to the Borough of Madison as discussed in executive session in a form approved by the Madison Borough Attorney.

**R 255-2007**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SIGNATURE ON SHARED PARKING AGREEMENT WITH THE BOARD OF EDUCATION FOR USE OF CENTRAL AVENUE SCHOOL PARKING LOT, AND WITH PROVIDENT SAVINGS BANK FOR USE OF THE PROVIDENT SAVINGS BANK PARKING LOT FOR AFTER HOURS NON-COMMERCIAL PARKING OF MOTOR VEHICLES**

**WHEREAS**, the Borough Council has previously determined that it would be beneficial to arrange a shared parking agreement for use of parking lots owned by the Madison Board of Education located at 50 Central Avenue as well as a parking lot owned by Provident Bank located at 98 Main Street; and

**WHEREAS**, the Borough Administrator has negotiated an agreement with the Board of Education for use of the parking lot at 50 Central Avenue to allow parking of motor vehicles from Monday through Friday from 5:00 p.m. to 12:00 midnight, and on Saturday and Sunday from 8:00 a.m. to 12:00 midnight, with no overnight parking allowed; and

**WHEREAS**, the Borough Administrator has negotiated an agreement with Provident Bank to allow parking of motor vehicles from Monday to Friday from 7:00 p.m. to 12:00 midnight, Saturday from 2:00 p.m. to 12:00 midnight, and Sunday from 11:00 a.m. to 12:00 midnight, with no overnight parking allowed.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that the Mayor and Borough Clerk are authorized to enter into an agreement for said shared parking to be consistent with the information set forth herein, and in a form to be approved by the Borough Attorney.

**R 256-2007**

**RESOLUTION OF THE BOROUGH OF MADISON APPOINTING FRANCES CARUSO TO THE POSITION OF CROSSING GUARD**

**BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Frances Caruso of East Hanover is hereby appointed to the position of school crossing guard, effective immediately.

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

**R 257-2007**

**RESOLUTION OF THE BOROUGH OF MADISON AWARDED CONTRACT TO T&M ASSOCIATES IN AN AMOUNT NOT TO EXCEED \$58,800.00 FOR ENGINEERING AND SURVEYING SERVICES FOR THE PROPOSED RECONSTRUCTION OF EXISTING CONCRETE BOX CULVERT ALONG REAR YARDS OF THE PROPERTIES BETWEEN CENTRAL AVENUE AND GREENWOOD AVENUE, CHAPEL STREET AND ELMER STREET**

**WHEREAS**, the Borough Engineer has recommended that a contract be awarded for design and permitting of improved storm drainage structures to the existing culvert at the rear of properties on the north side of Elmer Street (hereinafter the "Contract"); 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 Purchasing Agent has determined and certified in writing that the value of this acquisition will exceed \$17,500.00; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Council award the Contract to T&M Associates in an amount not to exceed \$58,800.00, for design and permitting of improved storm drainage structures to the existing culvert at the rear of properties on the north side of Elmer Street; and

**WHEREAS**, T&M Associates 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**, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M Associates 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 T&M Associates 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 \$58,800.00 for this purpose, upon final adoption of Ordinance 79-2007.

**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:

Upon final adoption of Ordinance 79-2007, the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with T&M Associates for design and permitting of improved storm drainage structures to the existing culvert at the rear of properties on the north side of Elmer Street in an amount not to exceed \$58,800.00, such contract to be in a form approved by the Borough Attorney.

The Business Disclosure Entity Certification, Political Contribution Disclosure Form and Determination of Value be placed on file with this resolution.

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

#### **R 258-2007**

#### **RESOLUTION OF THE MADISON BOROUGH COUNCIL ACCEPTING DRAINAGE EASEMENTS SHOWN ACROSS BLOCK 4305, LOT 12 (20 GIBBONS PLACE) IN THE BOROUGH OF MADISON OWNED BY PARISI BUILDERS, INC**

**WHEREAS**, Wayne Parisi, owner of property located at Block 4305, Lot 12, commonly known as 20 Gibbons Place in the Borough of Madison applied to the Madison Planning Board for subdivision approval;

**WHEREAS**, Wayne Parisi has submitted to the Borough Planning Board a "Final Plat Subdivision" of Lot 12 in Block 4305 prepared by Monmouth Design Associates to perfect the subdivision;

**WHEREAS**, the Borough Engineer has advised that the Planning Board recommended accepting drainage easements shown on the Final Plat Subdivision by the Borough of Madison.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough accepts the drainage easements as shown on "Final Plat Subdivision" of Lot 12 in Block 4305 prepared by Monmouth Design Associates which was approved by the Planning Board and signed by the Planning Board Chair and Secretary on September 25, 2007 and the Mayor and Borough Clerk are authorized to execute an easement agreement as may be required and approved by the Borough Attorney.

**R 259-2007**

**RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARDING CONTRACT FOR PURCHASE OF NEW UNUSED GENERATOR AND AUTOMATIC TRANSFER SWITCH TO R&J CONTROL, INC OF DOVER, NJ IN THE AMOUNT OF \$29,444.32**

**WHEREAS**, the Borough of Madison publicly advertised for bids for the purchase of a new unused generator and automatic transfer switch (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 R&J Control, Inc. of Dover, New Jersey in the amount of \$29,444.32; and

**WHEREAS**, the Superintendent of Public Works has recommended that the Borough Council award the contract to R&J Control, Inc. in the amount of \$29,444.32; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$29,444.32 for this purpose which funds were appropriated by Ordinance 7-2007

**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 new unused generator and automatic transfer switch is hereby awarded to R&J Control, Inc. based upon its bid in the amount of \$29,444.32.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with R&J Control, Inc. in a form acceptable to the Borough Attorney.

**R 260-2007**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING GRANT APPLICATION FOR 2007-2008 TRANSPORTATION DEMAND MANAGEMENT (TDM) MUNICIPAL INITIATIVES GRANT PROGRAM**

**WHEREAS**, the Borough Administrator recommends that the Borough apply to the 2007-2008 Transportation Demand Management (TDM) Municipal Initiatives Grant Program for a grant to explore the establishment of a jitney service to connect Drew University, Fairleigh Dickinson University, St. Elizabeth's, Hamilton Park, etc. with the Madison commercial district, and

**WHEREAS**, the Borough Council has determined it is appropriate to apply to the 2007-2008 Transportation Demand Management (TDM) Municipal Initiatives Grant Program for said grant.

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

1. The Borough shall apply to the 2007-2008 Transportation Demand Management (TDM) Municipal Initiatives Grant Program for a grant to explore the establishment of a jitney service to connect Drew University, Fairleigh Dickinson University, St. Elizabeth's, Hamilton Park, etc. with the Madison commercial district.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the attached application to the 2007-2008 Transportation Demand Management (TDM) Municipal Initiatives Grant Program on behalf of the Borough of Madison.

#### **R 261-2007**

### **RESOLUTION OF THE MADISON BOROUGH COUNCIL AUTHORIZING EXECUTION OF A THREE (3) YEAR NON EXCLUSIVE AGREEMENT WITH PROPERTYROOM.COM TO PERFORM THE SALE OF MADISON SURPLUS PROPERTY AND PROPERTY FOUND/RECOVERED BY THE MADISON POLICE DEPARTMENT**

**WHEREAS**, the Borough of Madison periodically has surplus property and property found and/or recovered by the Madison Police Department that remains unclaimed (hereinafter surplus and unclaimed property); and

**WHEREAS**, the Borough of Madison periodically sells such surplus and unclaimed property pursuant to N.J.S.A. 40 A:14-157; and

**WHEREAS**, the Purchasing/Personnel Officer of the Borough of Madison has recommended that the Borough utilize the services of PropertyRoom.com for internet sales of the surplus and unclaimed property as permitted by N.J.S.A. 40A:14-157; and

**WHEREAS**, Borough of Madison has applied for and obtained waivers of sale of personal property to utilize the services of PropertyRoom.com from the New Jersey

Department of Community Affairs, Division of Local Government Services pursuant to the local unit electronic technology pilot program and study act, PL 2001, c.30; and

**WHEREAS**, the Purchasing/Personnel Officer has recommended the use PropertyRoom.com on a non-exclusive basis and has recommended to the Borough enter into a three (3) year non-exclusive agreement with propertyroom.com to perform services for the Borough of Madison to conduct online sale of the surplus and unclaimed property.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Borough

Clerk authorized to execute an non-exclusive agreement for a three (3) year terms with PropertyRoom.com., Inc. of Mission Viejo, California, to conduct online auction services to disclose of the surplus and unclaimed property pursuant to N.J.S.A.40A:14-157 to be compensated by the percentages set forth in the agreement out of the sale proceeds collected, said agreement to be in a form as approved by the Borough Attorney

#### **R 262-2007**

### **RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE**

**WHEREAS**, the Borough of Madison has determined that the items listed in schedule A, attached to this resolution, are property no longer needed for public use; and

**WHEREAS**, the State of New Jersey permits the sale of surplus property no longer needed for public use through the use on an online auction services, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30.; and

**WHEREAS**, the Borough of Madison has the property listed in schedule A, attached to this resolution, and desires to sell this property online;

**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 Purchasing/Personnel Officer, Elizabeth Crescibene, is hereby authorized to post an offer to sell the items listed on schedule A and additional surplus items as they become available, on an auction website as follows:

Online auction site: [www.propertyroom.com](http://www.propertyroom.com)

Length of Auction: On-going; additional items will be added as the need arises

Auction fees: To be paid through proceeds of the sale

Method of Payment: See [www.propertyroom.com](http://www.propertyroom.com) for their acceptable payment methods

Shipping: To be paid by the winning bidder

Minimum Bid: \$5.00

#### **R 263-2007**

#### **RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPROVAL FOR ANNUAL GIRALDA FARMS RUN HELD ON SUNDAY, NOVEMBER 11, 2007**

**WHEREAS**, the Rose City Runners Club has requested permission to use portions of Loantaka Way, Woodland Road, Treadwell Avenue, Dodge Drive and Madison Avenue in connection with the annual Giralda Farms Run; and

**WHEREAS**, the Police Chief recommends approval of this request; and

**WHEREAS**, the Rose City Runners Club has agreed to reimburse the Madison Police Department for all expenses incurred in connection with the monitoring of said race; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the Borough of Madison, in the County of Morris, State of New Jersey hereby confirm permission and approval for the Rose City Runners Club to use portions of Loantaka Way, Woodland Road, Treadwell Avenue, Dodge Drive and Madison Avenue in connection with the annual Giralda Farms Run which was held on Sunday, November 11, 2007, subject to the condition that the Rose City Runners Club reimburse the Madison Police Department for all expenses incurred in connection with the monitoring of said race.

#### **R 264-2007**

#### **RESOLUTION OF THE BOROUGH OF MADISON APPROVING 2007 LIVERY OWNER'S LICENSE NO 35 FOR MADISON LIMOUSINE**

**WHEREAS**, in compliance with the provisions of Chapter 173 of the Borough Code, application for a Livery License has been made by Michael Lekas, t/a Madison Limousine; and

**WHEREAS**, the above applicant has complied with all requirements of the State Law and above-mentioned Ordinance;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Livery License No. 35 be issued to Michael Lekas, t/a Madison Limousine, effective upon Council approval and through December 31, 2007.

**R 265-2007**

**RESOLUTION OF THE BOROUGH OF MADISON APPROVING TRANSFER OF 2007 TAXI OWNER'S LICENSE FOR E PLUS TRANSPORTATION INC.**

**WHEREAS**, any license issued for any taxicab or livery may be transferred in accordance with the provisions of Chapter 173 of the Borough of Madison Code after approval of the Council and upon the payment to the Borough of a transfer fee of \$10.00 for each vehicle for which the license is to be transferred; and,

**WHEREAS**, prior to the approval or disapproval by the Council of the transfer of the license to permit the operation of such substituted vehicle, the owner may operate such substituted vehicle or cause the same to be operated, subject to the other provisions of Chapter 173; and

**WHEREAS**, E Plus Transportation, Inc. has made application to transfer Taxi Owner's License No. 5 and, at the same time, has provided proof of insurance and paid the appropriate transfer fee;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey, to approve the license transfer request from E Plus Transportation, Inc.

**R 266-2007**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING 2007 BUDGET TRANSFERS**



<u>ELECTRIC UTILITY</u>				
Electric Field	\$30,000	Additional Funding for	Electric Administration	\$30,000
Other Expenses		equipment and supplies	Purchased Power	
		due to price escalation and	Other Expenses	
		higher material usage		
Total Electric Utility	\$30,000			\$30,000

**R 267-2007**

**RESOLUTION OF THE BOROUGH OF MADISON APPOINTING THERESA DEVECCHI TO THE POSITION OF ACTING EXECUTIVE ASSISTANT TO MAYOR AND ADMINISTRATOR**

**WHEREAS**, Toni DeRosa has announced her retirement as Executive Assistant to the Mayor and Administrator to take effect on December 14, 2007; and

**WHEREAS**, the Borough Administrator recommends the appointment of Theresa DeVecchi to the position of Acting Executive Assistant to the Mayor and Administrator, effective December 1, 2007; and

**WHEREAS**, the Borough Administrator recommends the appointment of Theresa DeVecchi to the position of Executive Assistant to the Mayor and Administrator, effective March 1, 2008; and

**WHEREAS**, the 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 Theresa DeVecchi is hereby appointed to the position of Acting Executive Assistant to the Mayor and Administrator, effective December 1, 2007, and appointed to the position of Executive Assistant to the Mayor and Administrator, effective March 1, 2008.

**R 268-2007**

**RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARDING CONTRACT TO ROSENBAUER-GENERAL SAFETY EQUIPMENT LLC OF WYOMING MN FOR PURCHASE OF A NEW FIRE DEPARTMENT 105' REAR MOUNT AERIAL TRUCK WITH RESCUE BASKET IN AN AMOUNT NOT TO EXCEED \$916,079.00**

**WHEREAS**, the Borough of Madison publicly advertised for bids for the purchase of a 105' rear mount aerial truck with rescue basket (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 Rosenbauer-General Safety Equipment LLC of Wyoming, Minnesota in the amount of \$923,579.00 less a trade in of the 1981 75' aerial truck in the amount of \$7,500.00 for a net purchase price of \$916,079.00; and

**WHEREAS**, the Fire Chief has recommended that the Borough Council award the contract to Rosenbauer-General Safety Equipment LLC in the amount of \$923,579.00 less a trade in of the 1981 75' aerial truck in the amount of \$7,500.00 for a net purchase price of \$916,079.00; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$916,079.00 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 contract for the purchase of a 105' rear mount aerial truck with rescue basket is hereby awarded to Rosenbauer-General Safety Equipment LLC based upon its bid in the amount of \$923,579.00 less a trade in of the 1981 75' aerial truck in the amount of \$7,500.00 for a net purchase price of \$916,079.00.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Rosenbauer-General Safety Equipment LLC in a form acceptable to the Borough Attorney.

**R 269-2007**

**RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARDING CONTRACT TO FAIGON ELECTRICAL CONTRACTORS IN THE AMOUNT OF \$33,000.00 TO EXCAVATE AND INSTALL UNDERGROUND CONDUITS FOR THE NEW FEEDER CIRCUIT TO THE RECKSON BUILDING AT GIRALDA FARMS**

**WHEREAS**, the Borough of Madison publicly advertised for bids for excavation and installation of underground conduits for the new feeder circuit to the Reckson building at Giralda Farms (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 Faigon Electrical Contractors in the amount of \$33,000.00; and

**WHEREAS**, the Electric Utility Superintendent has recommended that the Borough Council award the contract to Faigon Electrical Contractors in the amount of \$33,000.00; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$33,000.00 for this purpose which funds were appropriated by Ordinance 49-2007.

**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 excavation and installation of underground conduits for the new feeder circuit to the Reckson building at Giralda Farms is hereby awarded to Faigon Electrical Contractors based upon its bid in the amount of \$33,000.00.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Faigon Electrical Contractors in a form acceptable to the Borough Attorney.

#### **R 270-2007**

### **RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO CIT-E-NET FOR INTERNET-BASED MUNICIPAL WEB SITE APPLICATION SERVICES**

**WHEREAS**, the Borough of Madison solicited quotes for internet-based municipal web site application services for electronic payment of taxes and municipal charges (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-6.1, et seq.; and

**WHEREAS**, the Borough Administrator has recommended that the Contract should be awarded to Cit-e-Net, LLC, in the amount of \$3,150.00; and

**WHEREAS**, The Borough Council has determined to award said contract to Cit-e-Net, LLC; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$3,150.00 for this purpose.

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

1. The Contract is hereby awarded to Cit-e-Net, LLC of Little Falls, NJ based upon its quote in the amount of \$3,150.00 for internet-based municipal web site application services for electronic payment of taxes and municipal charges.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the Contract with Cit-e-Net, LLC of Little Falls, NJ in a form acceptable to the Borough Attorney.

**R 271-2007**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PAYMENT IN THE AMOUNT OF \$20,000.00 TO CHATHAM MAIN CO. FOR STORM DRAINAGE CULVERT CONSTRUCTION WORK COMPLETED ON AN EMERGENCY BASIS AT THE REAR OF PRIVATE PROPERTIES ON THE NORTH SIDE OF ELMER STREET**

**WHEREAS**, the Borough Engineer has advised the Council that the storm drainage culvert at the rear of private properties on the north side of Elmer Street required emergency replacement in order to protect the health and welfare of the public; and

**WHEREAS**, the Borough expended \$20,000.00 to replace the water main on an emergency basis, pursuant to N.J.S.A 40A:11-6, and

**WHEREAS**, the Borough Engineer engaged the services of Chatham Main Co. to perform the emergency work; and

**WHEREAS**, the Borough Engineer has requested that the Borough authorize payment to Chatham Main Co. in the amount of \$20,000.00 for such work which payment is authorized pursuant to N.J.S.A 40A:11-6(b); and

**WHEREAS**, the Borough Council has determined to authorize payment in the amount of \$20,000.00 for the emergency services performed; and

**WHEREAS**, the Director of Finance has attested that funds will be available in the amount of \$20,000.00 for this purpose upon final adoption of Ordinance 78-2007.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that payment in the amount of \$20,000.00 is authorized to be made to Chatham Main Co. for the emergency services it performed as described herein, upon final adoption of Ordinance 78-2007.

**R 272-2007**

**RESOLUTION OF THE BOROUGH OF MADISON REJECTING BID FOR PAD MOUNT TRANSFORMER FOR THE HARTLEY DODGE MEMORIAL BUILDING AND AUTHORIZING REBID**

**WHEREAS**, the Borough of Madison publicly advertised for bids for purchase of a 750 KVA 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 HD Supply Utilities, Ltd., of Berlin, Pennsylvania, which bid package was unresponsive in documentation which is a mandatory requirement under N.J.S.A. 40A:11-23.2(f); and

**WHEREAS**, the Borough Administrator 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 HD Supply Utilities, Ltd., of Berlin, Pennsylvania, 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 273-2007**

**RESOLUTION OF THE BOROUGH OF MADISON APPOINTING ROBERT W. SMITH TO THE POSITION OF ELECTRICAL SUBCODE OFFICIAL/ ELECTRICAL INSPECTOR, PART TIME**

**WHEREAS**, Robert O'Donnell, the Electrical Subcode Official/Electrical Inspector, has resigned effective October 22, 2007; and

**WHEREAS**, the Purchasing/Personnel Officer has recommended that Robert W. Smith be appointed to the part-time position of Electrical Subcode Official and Electrical Inspector for the Borough of Madison; and

**WHEREAS**, the Council concurs with this recommendation.

**NOW THEREFORE BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that Robert W. Smith of Rockaway, New Jersey, is hereby appointed to the position of part-time Electrical Subcode Official and Electrical Inspector, effective November 27, 2007, but subject to a satisfactory background check within sixty (60) days; and

**BE IT FURTHER RESOLVED**, that Robert W. Smith be compensated at the annual salary of \$30,000.00.

**R 274-2007**

**RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARDING ELECTRIC MATERIALS BID TO TURTLE & HUGHES IN THE AMOUNT OF \$36,739.10, SUNSHINE LIGHTING IN THE AMOUNT OF \$963.00, SUMMIT ELECTRIC SUPPLY IN THE AMOUNT OF \$5,550.50, AND SPECTRUM SUPPLY IN THE AMOUNT OF \$25,141.74**

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

**WHEREAS**, five bids were received for various electric materials for the Electric Department; and

**WHEREAS**, one of the bids received was missing mandatory documentation and the bid must be rejected pursuant to N.J.S.A. 40A:11-23.2; and

**WHEREAS**, four qualified bids were received from Turtle & Hughes, Inc., of Bridgewater, New Jersey, Lighting Supplies, Inc., dba Sunshine Lighting of Brooklyn, NY, Summit Electric Supply Co. of Summit, New Jersey, and Spectrum Power Products, LLC of Bath, Pennsylvania; and

**WHEREAS**, the Electric Utility Supervisor has recommended that the Borough Council award a contract for certain electric materials to Turtle & Hughes, Inc., for the Electric Department in an amount not to exceed \$36,739.10 and a contract for certain electric materials to Lighting Supplies, Inc., dba Sunshine Lighting in an amount not to exceed \$963.00 and a contract for certain electric materials to Summit Electric Supply Co. in an amount not to exceed \$5,550.50 and a contract for certain electric materials to Spectrum Power Products, LLC in an amount not to exceed \$25,141.74; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$68,394.34 for this purpose.

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

1. The contract for the purchase of certain electric materials for the Electric Department is hereby awarded to each of the following: Turtle & Hughes, Inc. in an amount not to exceed \$36,739.10; Lighting Supplies, Inc., dba Sunshine Lighting in an amount not to exceed \$963.00; Summit Electric Supply Co. in an amount not to exceed \$5,550.50; and Spectrum Power Products, LLC in an amount not to exceed \$25,141.74.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into contracts with Turtle & Hughes, Inc., Lighting Supplies, Inc., dba Sunshine Lighting, Summit Electric Supply Co., and Spectrum Power Products, LLC in a form acceptable to the Borough Attorney.

**R 275-2007**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SIGNATURE ON GRANT AGREEMENT FOR 2007 MORRIS COUNTY OPEN SPACE TRUST FUND GRANT "MADISON COMMUNITY RECREATION CENTER"**

**WHEREAS**, the Borough of Madison has been awarded a 2007 Morris County Open Space Trust Fund Grant entitled "Madison Community Recreation Center" from the County of Morris in the amount of \$6,000,000.00 for acquisition of land; and

**WHEREAS**, the Borough Administrator has recommended that said grant be accepted and the grant agreement be executed.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Mayor and Borough Clerk are authorized to execute a grant agreement between the Borough of Madison and the County of Morris for a 2007 Morris County Open Space Trust Fund Grant entitled "Madison Community Recreation Center" in the amount of \$6,000,000.00 for acquisition of land, in a form approved by the Borough Attorney.

**R 276-2007**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SIGNATURE ON AMENDMENTS TO AGREEMENT TO RESOLVE DIFFERENCES**

**WHEREAS**, the Borough of Madison and the Borough of Florham Park, as well as Rock-GW, LLC and Rock-Florham, LLC, previously entered into an agreement entitled "Agreement to Resolve Differences Regarding Planned Unit Development" to resolve issues between the parties concerning the rezoning of a portion of the Exxon tract on Park Avenue in Florham Park and related issues; and

**WHEREAS**, Rock-GW and the Borough of Florham Park have had further discussions regarding certain changes to the said ordinance; and

**WHEREAS**, Rock-GW has asked the parties to enter into a letter amendment entitled "First Amendment to the Agreement to Resolve Differences Concerning Planned Unit Development" (hereinafter referred to as "Letter Amendment") to set forth certain changes in the dates set forth in the original Agreement to Resolve Differences due to the passage of time, and to set forth certain other changes to the zoning ordinances as set forth in the Letter Agreement; and

**WHEREAS**, the Borough Council has determined that these changes do not significantly impair the intent and purpose of the original Agreement to Resolve Differences; and

**WHEREAS**, the Council has determined that it is proper to execute the Letter Agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that the Mayor and Borough Clerk are hereby authorized to execute the Letter Agreement subject to approval of form by the Borough Attorney.

#### **R 277-2007**

### **RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACT FOR PROFESSIONAL APPRAISAL SERVICES TO INTEGRA REALTY RESOURCES FOR APPRAISAL OF BOROUGH-OWNED REAL PROPERTY AT 22 ORCHARD STREET**

**WHEREAS**, the Borough Council wishes to obtain a professional real estate appraisal of the Borough property known as Block 4312, Lots 14, 15 and 16, 22 Orchard Street; 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 Integra Realty Resources–Northern New Jersey, in an amount not to exceed \$3,500.00 based upon its proposal dated October 25, 2007; and

**WHEREAS**, the Director of Finance has attested that funds will be available from the General Capital Improvement Fund in an amount not to exceed \$3,500.00 for this purpose.

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

1. The Borough Attorney is hereby authorized to execute on behalf of the Borough a confirming letter setting forth the terms of a professional services contract with Integra Realty Resources–Northern New Jersey for professional appraisal services, to perform an appraisal of Borough property known as Block 4312, Lots 14, 15 and 16, 22 Orchard Street in an amount not to exceed the sum of \$3,500.00, based upon its proposal dated October 25, 2007.

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 278-2007**

**RESOLUTION OF THE BOROUGH OF MADISON CANCELLING ORDINANCE 69-2007 AND ORDINANCE 70-2007**

**WHEREAS**, Ordinances 69-2007 and 70-2007 were adopted in connection with issuance of Morris County Improvement Authority Lease Revenue Bonds to be utilized in financing the acquisition of land for open space; and

**WHEREAS**, the New Jersey Local Finance Board, in consultation with the Morris County Improvement Authority, determined that the financial structure of the lease transaction would not meet the CAP requirements and therefore would not be approved; and

**WHEREAS**, the Chief Financial Officer of the Borough of Madison recommended that the Borough adopt a resolution canceling Ordinances 69-2007 and 70-2007.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that Ordinances 69-2007 and 70-2007 are hereby cancelled for the reasons set forth herein.

***Unfinished Business*** – None

***APPROVAL OF VOUCHERS***

On motion by Mr. Bowen, 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 \$33,621.17

Health & Public Assistance 11,985.25

Public Works & Engineering 340,453.38

Community Affairs 25,432.53

Finance & Borough Clerk 985,730.16

Utilities 720,531.38

Total \$2,117,753.87

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

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

Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: None

***New Business*** - None

***Adjournment***

There was consensus that items not reached on the Executive Agenda will be carried to the meeting of December 10, 2007. There being no further business to come before the Council at the Regular Meeting, the meeting was adjourned at 11 p.m. by unanimous voice vote.

Respectfully submitted,

Marilyn Schaefer

Borough Clerk

Adopted and approved January 14, 2008 (MS)