

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

December 10, 2007 – 7 p.m.

Call to Order

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 10th day of December, 2007. Mayor Kerkeslager called the meeting to order at 7:00 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

Statement in Compliance with the Open Public Meetings Act

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

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

Roll Call

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

Mayor Ellwood R. Kerkeslager

Council Members:

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

John M. Elias

Robert H. Conley

Also Present:

Joseph Mezzacca, Jr., Borough Attorney

Marilyn Schaefer, Borough Clerk

Raymond M. Codey, Borough Administrator

AGENDA REVIEW

Two Contract Matters, one Personnel Matter, one Litigation Matter and one Potential Litigation Matter were added to the Executive Agenda.

Reading of Closed Session Resolution

Mr. Elias moved:

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

EXECUTIVE SESSION MINUTES (1)

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

PERSONNEL MATTERS (3)

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.

LITIGATION MATTERS (2)

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

POTENTIAL LITIGATION MATTER (1)

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

Seconded: Mrs. Vitale

Vote: Unanimous voice vote

Reconvene in Council Chamber

Mayor Ellwood R. Kerkeslager reconvened the Regular Meeting at 7:50 p.m. in the Council Chamber with all members present. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Regular Meeting Minutes of October 22, 2007** with the following amendments:

Page 9 of 17, discussion #3C spelling correction:

.....~~Scifano~~ **Schifano** Construction.....

Page 11 of 17, during Invitation for Discussion:

.....

Darrell Lane Wing, Cross Gates (did not sign in), head coach for Madison Football.....

Page 12 of 17 during Invitation for Discussion:

.....

Rich Meyer, Olde Greenhouse Lane, volunteered the past two years to do field setup for soccer, so **he** has been on the fields 40 out of the last 104 weeks.....

The spelling of **turfing** with one "f" will be corrected where it appears in the minutes.

Mr. Bowen seconded the motion, which passed by voice vote with Mrs. Holden abstaining.

Ms. Baillie moved approval of the **Executive Minutes of October 22, 2007**. Mr. Conley seconded the motion, which passed by voice vote with Mrs. Holden abstaining.

Ms. Baillie moved approval of the **Executive Minutes of November 26, 2007**. Mrs. Vitale seconded the motion, which passed by voice vote.

GREETINGS TO PUBLIC

Mayor Kerkeslager made the following comments:

Mayor Kerkeslager explained that the music playing this evening when people arrived in the Council Chamber was a recording of a performance at Lincoln Center by Yuqing Damon Meng, a Junior at Madison High School, the recipient in 2007 of first place awards in piano competitions across the United States. The young pianist, who was present with his parents, was invited forward and was presented with the following Proclamation, which Mayor Kerkeslager read in full, enumerating Yuqing Meng's many achievements at such a young age, after which there was a warm round of applause:

Borough of Madison

Proclaiming

Yuqing Meng Day

December 10, 2007

Whereas, Yuqing Damon Meng, a Junior at Madison High School, was the proud recipient of the 2007 Davidson Fellow in Music award from the Davidson Institute, "to recognize, nurture and support profoundly intelligent young people and provide opportunities for them to develop their talents to make a positive difference"; and,

Whereas, Yuqing Meng also was the recipient in 2007 of first place awards in piano competitions across the United States, including:

Oberlin International Piano Competition – Oberlin, Ohio

Blount-Slawson Young Artist Competition – Montgomery, Alabama

Kingsville International Scionti Piano Competition – Kingsville, Texas

Juilliard Pre-College Senior Piano Competition – New York, NY; and

Whereas, Yuqing Meng was selected to be the pianist for performance in 2007 in the Festival de San Miguel de Allende, Mexico, and in 2008 with the Pan Asia Symphony Orchestra in Hong Kong, the China Broadcast Symphony Orchestra in Beijing, and soloist with the Orlando Philharmonic Orchestra in Orlando, Florida; and,

Whereas, Yuqing Meng received numerous other awards and performance recognitions, including, in 2007, the Jack Kent Cooke Young Artist Award and the opportunity to perform on NPR's "From the Top" program; and,

Whereas, Yuqing Meng, now a 17 year-old young man from Madison, began playing the piano at age four in his birthplace of Shanghai, entered the Juilliard School Pre-College Division in New York at seven as one of the youngest candidates ever accepted there, and has considered it

his duty and privilege to contribute to the art of classical music by introducing it to younger generations with his unique portfolio "Reviving Classical Music Through Individualism"; and,

Whereas, Yuqing is rapidly becoming well-known around the United States and around the world; he is also helping Madison become more well-known by his custom of being introduced at his performances as Yuqing Meng of Madison, New Jersey; and,

Whereas, Yuqing Meng is rapidly advancing in his profession and is also developing as a young man with numerous other facets – he is an avid reader of biographies and the classics, he enjoys traveling and civics, he enjoys debating and public speaking, he is a member of the Madison High School Honor Society, the French language Honor Society, the Physics Team that won the NJ Physics Olympics competition, the Science Team that took second place in the NJ Science Olympics; he represented Madison High School at the Rutgers and the Harvard Model Congress Conferences; he is a Madison community volunteer, donating his time and talents to school musical events and donating a significant part of his recent prize winnings to Madison Arts;

Now, therefore, I Ellwood R. Kerkeslager, Mayor of the Borough of Madison, join in commending and congratulating Yuqing Meng for his many outstanding achievements in classical music and his innovations in introducing classical music to younger generations; I commend him for his service to his peers, to Madison High School and to the Borough of Madison. In so doing, I proclaim December 10, 2007 as **Yuqing Meng Day** and I extend best wishes to Yuqing for success in his promising future.

Ellwood R. Kerkeslager, Mayor

REPORTS OF COMMITTEES

Community Affairs

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

Acoustical tile has been installed on the upper floor of the Civic Center. The Board of Health is getting a lot of use out of that space now for different wellness programs. It has made a tremendous difference in the ability to use that space now and in the future.

The Chamber of Commerce is encouraging businesses to remain open on Thursday nights downtown; there are some planned activities on Thursday evenings to draw

business and shopping into the downtown—Mrs. Holden urged everyone to do holiday shopping in Madison.

Also, this Wednesday from 1 p.m. to 3 p.m., the Senior Citizens will be having their Holiday Open House at the Civic Center—all are invited to drop in.

Utilities

Ms. Baillie, Chair of the Committee, no report.

Health & Public Assistance

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

Public Works and Engineering

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

The Department of Public Works has been very busy; two playgrounds have been installed, one at Lucy D and the other at Delbarton; all of the old equipment was taken out and new playground equipment was installed; the fence at Dodge Field, which was knocked down in an accident, has been put back up this past weekend. This department has been working six days a week, ten hours a day, on leaf pickup. They have gone around the town three times. The original date for the last leaf pickup, because of the late fall, has been extended from December 17th to the week of December 24th. The department also finished paving Colonial Way, the upper part of Danforth Road and Olde Greenhouse Lane.

Finance and Borough Clerk

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

Public Safety

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

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communication:

A communication was received from Bud Holzman with a request from this World War II veteran to provide a donation to support the World War II Memorial for New Jersey; Mayor Kerkeslager gave this budget expenditure request to Administrator Codey for consideration in the 2008 budget.

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.**

herby Ronde, 12 Maple Avenue, who voiced concern about 10 Maple Avenue; the house at 10 Maple continues to deteriorate; the town put plastic on the roof at that location; there is water coming into the house; he believed that the house should be maintained in the fashion which the Council would expect a resident of the town to maintain their own house.

Eugene Zipper, Greenwood Avenue, asked that the public have available all the paperwork provided to the Mayor and Council in order to be privy to all the information the Council has in order to make a decision; the Council passes legislation and yet the public really does not have the full sense of what is going on. Mr. Mezzacca explained that deliberative documents, pre-decision, are excluded from release.

Sam Cerciello, Park Avenue, spoke about the new Fire & Police facility being built on Prospect Street at Kings Road and, in a detailed statement, asked how the mistakes happened in the construction and who is responsible and that it should not happen again. Mr. Mezzacca and Mr. Codey gave a history of what has been done to rectify the problems. The current contract provides for March 21, 2008, as the substantial completion date, with the transition to the new building by the first week in April 2008.

Jim McCloskey, Dean Street, agreed with Mr. Zipper that the information does not get out to the public fast enough to understand the decisions the Council is making; in a long statement against turfing Dodge Field, Mr. McCloskey commented that Madison will go to court to fight Chatham Borough on the lighting of Cougar Field issue, while at the same time impose on Madison's own citizens; he spoke of the 53 acres Madison will acquire for open space and recreation.

Jerry Stevenson, Ardsleigh Drive, felt the same way about Dodge Field as he does about Cougar Field—they both should be developed with restrictions.

W. J. Armbuster, Trail Place, asking for help, spoke about the few remaining trees left by her Spring Garden Brook property. Mrs. Vitale will handle this with the Shade Tree Management Board.

Sam DeMarzo, Ridgedale Avenue, spoke about the "courtesy" meeting with local builders and the Shade Tree Management Board; after looking at the 15-page Draft Private Tree Ordinance, commented that it is still objectionable to him and that in the

past there was a large public outcry against it. The issues which need to be addressed are not going away by having this document in place.

The Borough Clerk commented that the Draft Private Tree Ordinance was posted today on RoseNet with a link from the Shade Tree Management Board's web site.

Sam Cerciello, Park Avenue, asked how the seat will be filled when Mrs. Holden is sworn in as Mayor in 2008 and her Council seat is vacated.

Mr. Mezzacca responded that by State Statute when a Council seat is vacated, depending where it is in the term of that person, the Statute sets forth a process to fill the vacancy; in this case, the Statute says that the party of the individual whose seat is vacated, in this case Republican, the Republican Committee will pick three people as potential replacements; Council will then vote on who of the three candidates will take the seat; that individual will hold the position until the seat is filled at the General Election in November; therefore, candidates must get on the ballot in the June Primary Election.

Eugene Zipper, Greenwood Avenue, voice considerable opposition against the private tree ordinance, which he considers to be a severe intrusion on his rights as a property owner. He pays a lot of taxes and he pays on time; he has about 80 trees on his property and he does not like the idea of anyone coming on his property and telling him that he can or cannot take down his trees.

Agenda Discussions

12/10/07-1 STMB Arbor tree inventory presentation

Mayor Kerkeslager announced a presentation by a firm that has done a very significant project for the Shade Tree Management Board (STMB)—an inventory of all the public trees in Madison; the presentation was introduced by Gene Cracovia of the STMB, and Jeff Lehman of Arbor Pro presented the findings, size and conditions of Madison's trees. The presentation will be available on RoseNet.

This is funded entirely by the State of New Jersey.

12/10/07-2 2007 CORRECTIVE ACTION PLAN

Chief Financial Officer Robert Kalafut went over the Corrective Action Plan, which will be sent to the State and the Borough Auditor. There was consensus to approve the Corrective Action Plan.

A resolution approving the Corrective Action Plan is listed on the Consent Agenda.

12/10/07-3 PRELIMINARY prEVIEW OF 2008 APPROPRIATIONS AND REVENUES

Chief Financial Officer Robert Kalafut commented and gave a long and detailed preview of the 2008 budget appropriations and revenues. There was a detailed discussion about 2008 versus 2007; having this discussion now is part of the process leading toward introduction of the budget in a timely manner.

12/10/07-4 APPROVE FMST GRANT APPLICATION

Mr. Codey commented that the Friends of Madison Shade Trees are applying for a \$75,000.00 Home Depot Foundation and the United States Conference of Mayors Awards of Excellence for Community Trees grant, which requires a letter of support from the Borough. Mrs. Holden moved approval of a letter of support for the grant application. Mr. Elias seconded the motion, which passed by voice vote.

A letter of support will be mailed by Mayor Kerkeslager.

12/10/07-5 discuss collection of water department connection fees

Borough Engineer Robert Vogel discussed the collection of Water Department connection fees. He recommended introduction of an ordinance setting connection fees and Water Department tapping fees to cover Madison's costs of operations.

There was a detailed discussion. Mr. Vogel asked if the Borough wanted to dedicate additional legal, financial and perhaps a third party engineer to the task of finishing the details on this connection fee being discussed to create this ordinance for water rates. Mr. Elias moved Mr. Vogel's recommendation. Ms. Baillie seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

These expenses will be put in the Engineering 2008 budget request.

Added to Agenda

12/10/07-6 REJECT ALL BIDS FOR CHAPEL STREET RECONSTRUCTION

Mrs. Holden moved the recommendation of Mr. Mezzacca to reject all bids for the Chapel Street reconstruction. Ms. Baillie seconded the motion, which passed by voice vote.

A resolution is listed on the Consent Agenda.

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.**

Donald Brunner, Redmond Drive, was advised that outgoing Mayor Kerkeslager and outgoing Council Member Bowen will be honored at the Reorganization Meeting, along with recognition given to hard-working volunteers who are leaving service to the Borough. The meeting is set for January 2, 2008, at 7 p.m.

Jim McCloskey, Dean Street, said that this has been a great Council; they worked hard, are volunteers, put in many hours going over budgets and everything else that they do; he recognized that the job involves a difficult and long process that the Mayor and Council goes through, and he thanked the Mayor and Council for their service; he thanked everyone for listening to him and wished each and every one a very Merry Christmas and Happy New Year.

Laura Ripans, 12 Maple Avenue, had questions about 10 Maple Avenue and is concerned about the condition of the house; they look at the house every day and see the condition of it; pieces of the roof are falling on her property; she is constantly picking up pieces; it is a town asset and she felt the town should maintain its assets; she asked what the plans are at 10 Maple Avenue. Mrs. Ripans was advised that no specific plans have been made for the property; Mr. Codey will follow up to stabilize the 10 Maple Avenue house condition.

Advertised Hearings

The Clerk made the following statement:

Ordinances scheduled for hearing tonight were submitted in writing, were introduced by title and passed on first reading at a Regular meeting of the Mayor and Council held on November 26 , 2007, 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 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. 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

Nays: None

Abstain: Mr. Conley

Mayor Kerkeslager declared the above ordinance 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 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. 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 the above ordinance 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 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. 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 the above ordinance 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 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. Mrs. Holden pointed out that Section 1 in the last paragraph of the Ordinance should read Ordinance 9-2007 rather than Ordinance 40-2006; Mr. Mezzacca confirmed that this is a typographical error and read the corrected wording; the title was correct and the balance of the ordinance is correct. There was no further discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Kerkeslager declared the above ordinance 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 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.

Mr. Elias moved that Ordinance 81-2007, which the Borough Clerk read by title, be adopted. Mrs. Vitale 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 the above ordinance 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 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

Mayor Kerkeslager declared the above ordinance 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 - 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 approval of the Consent Agenda. 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 279-2007

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING FMST GRANT APPLICATION TO HOME DEPOT AND THE NATIONAL MAYOR'S COUNCIL FOR "COMPLETION OF KINGS ROAD, MADISON, NJ MUNICIPAL CORRIDOR ENHANCEMENT PROGRAM" IN THE AMOUNT OF \$75,000.00

WHEREAS, the Friends of the Madison Shade Trees (hereinafter "FMST") wish to apply for a grant from The Home Depot Foundation and The United States Conference of Mayors Awards of Excellence for Community Trees (hereinafter "Tree Grant") for custodial stewardship of Madison's suburban tree canopy; and

WHEREAS, the Shade Tree Management Board has recommended that the Borough Council support the FMST in their efforts to secure a Tree Grant from The Home Depot Foundation and The United States Conference of Mayors Awards of Excellence for Community Trees.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Borough of Madison hereby endorses and supports FMST's application to obtain a Tree Grant from The Home Depot Foundation and The United States Conference of Mayors Awards of Excellence for Community Trees.

R 280-2007 was Removed from Agenda and the # Retired

R 281-2007

RESOLUTION OF THE BOROUGH OF MADISON REJECTING BIDS FOR CHAPEL STREET RECONSTRUCTION AND AUTHORIZING REBID

WHEREAS, the Borough of Madison publicly advertised for bids for construction services for Chapel Street reconstruction in accordance with Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Borough received twelve bids, the three lowest bids were retained for review and the remaining nine bids had their security refunded on November 28, 2007 pursuant to N.J.S.A. 40A:11-24; and

WHEREAS, the remaining three bids all failed to comply with N.J.S.A. 40A:11-16 to set forth the identification of required subcontractors, including the plumbing subcontractor, and supporting documentation, which were clearly required by the bid documents and by the statute; and

WHEREAS, the Borough Engineer recommended the rejection of all three bids with permission to re-bid the project.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris and State of New Jersey that all bids received for construction services for Chapel Street reconstruction are hereby rejected for the reasons set forth herein and the Borough Administrator is authorized to re-bid the project.

R 282-2007

RESOLUTION OF THE BOROUGH OF MADISON APPOINTING GIUSEPPE D'AVINO OF MADISON TO THE POSITION OF SCHOOL CROSSING GUARD EFFECTIVE IMMEDIATELY

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Giuseppe D'Avino of Madison is hereby appointed to the position of School Crossing Guard, effective immediately.

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

R 283-2007

RESOLUTION OF THE BOROUGH OF MADISON SETTING COMPENSATION OF BOROUGH ADMINISTRATOR

WHEREAS, Raymond M. Codey was appointed to the position of Borough Administrator effective October 1, 2007, upon the full retirement of James R. Allison; and

WHEREAS, the Borough Council wishes to increase the annual salary for the new Borough Administrator.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that Borough Administrator Raymond M. Codey shall be compensated at an annual salary of \$142,500.00 retroactive to October 1, 2007.

R 284-2007

RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO GM FENCE IN THE AMOUNT OF \$5,958.00 FOR FENCING AT LIVESEY PARK

WHEREAS, the Contract for the purchase of Livesey Park requires that a fence be installed between Livesey Park and the home of Peter Livesey; and

WHEREAS, the Livesey Park Committee has recommended to the Council that a chain link security fence be installed to the rear of the property; and

WHEREAS, the Borough of Madison solicited quotes for the installation of two fences at Livesey Park (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-6.1, et seq.; and

WHEREAS, the Superintendent of Public Works has recommended that the Contract should be awarded to GM Fence, of East Hanover, New Jersey, in the amount of \$5,958.00; and

WHEREAS, The Borough Council has determined to award said contract to GM Fence; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$5,958.00 for this purpose, from the Open Space Trust Fund.

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

1. The Contract is hereby awarded to GM Fence, of East Hanover, New Jersey based upon its quote in the amount of \$5,958.00 for installation of two fences at Livesey Park.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the Contract with GM Fence, of East Hanover, New Jersey in a form acceptable to the Borough Attorney.

R 285-2007

**RESOLUTION OF THE BOROUGH OF MADISON COUNCIL APPROVING
CORRECTIVE ACTION PLAN REPORT**

WHEREAS, the 2006 Audit Report prepared by the Municipal Auditor contained three (3) recommendations to be remedied, and;

WHEREAS, the Chief Financial Officer has prepared a Corrective Action Plan which the Borough Council has reviewed and approved.

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 Corrective Action Plan attached hereto is hereby approved.

BOROUGH OF MADISON

COUNTY OF MORRIS

DATE OF AUDIT REPORT – JUNE 15, 2007

RECEIVED ON JUNE 21, 2007 FOR THE FISCAL YEAR ENDED DECEMBER 31,
2006

Finding Number 1: The payroll agency account balances be reviewed and the appropriate adjustments or transfers be made to eliminate unnecessary balances carried forward from prior years and to cover insufficient funds in certain categories.

Analysis: Several sub accounts contained balances from prior years that need to be reconciled and adjusted.

Corrective Action: The Chief Financial Officer discussed this issue with our auditor and the Financial Assistant responsible for payroll. The Chief Financial Officer directed the Financial Assistant I to make four (4) transfers in the payroll agency account. Three transfers were out of this account into the municipal current fund. These transfers were in the amount of \$49,088.41 to miscellaneous revenue not anticipated. The fourth transfer was into the payroll agency account in the amount of \$8,800.00 from the Public Employees Retirement account. These transfers were discussed with our auditor, Michael Mooney and he is satisfied with these actions.

Implementation Date: September 17, 2007

BOROUGH OF MADISON

COUNTY OF MORRIS

DATE OF AUDIT REPORT – JUNE 15, 2007

RECEIVED ON JUNE 21, 2007 FOR THE FISCAL YEAR ENDED DECEMBER 31, 2006

Finding Number 2: All municipal court disbursements be remitted by the 15th of the month following receipt.

Analysis: The auditor found that during three (3) months in 2006 that court disbursements were made after the 15th of the month. These disbursements are to be made to the Borough of Madison, County of Morris and the State of New Jersey.

Corrective Action: During July 2007, the acting Borough Administrator, Chief Financial Officer and Court Administrator met to discuss this finding. The Court Administrator agreed to make these payments on time each month. (There was one incident in October that the payments were not made until October 17th which was caused by the merger of First Morris Bank with The Provident Bank). Otherwise all payments to date are punctual.

Implementation Date: August 1, 2007

BOROUGH OF MADISON

COUNTY OF MORRIS

DATE OF AUDIT REPORT – JUNE 15, 2007

RECEIVED ON JUNE 21, 2007 FOR THE FISCAL YEAR ENDED DECEMBER 31, 2006

Finding Number 3: The Borough obtain surety bond coverage for all Municipal Court personnel.

Analysis: The new Court Administrator was initially denied bond coverage by the Borough surety company. The reasons were not made available to the Chief Financial Officer.

Corrective Action: This issue was finally resolved and a public official bond was issued in March 2007 by the Selective Insurance Company of America. Attached is a copy of Bond No. B 1035167.

Implementation Date: March 29, 2007

R 286-2007

RESOLUTION OF THE BOROUGH OF MADISON APPOINTING PATRICIA MACALUSO TO THE POSITION OF SENIOR OFFICE ASSISTANT IN THE OFFICE OF THE BOROUGH CLERK

WHEREAS, the Borough Clerk has recommended appointing Patricia Macaluso to the position of Senior Office Assistant in the Office of the Borough Clerk effective January 2, 2008; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Patricia Macaluso is hereby appointed to the position of Senior Office Assistant in the Office of the Borough Clerk, effective

January 2, 2008, to be compensated at the annual salary of \$34,000.00 pending receipt of satisfactory background check results.

Unfinished Business

Mr. Elias was recognized by the Chair and commented that there will be a formal and larger audience on January 2, 2008, but he felt he would be remiss personally if he did not take a moment tonight to extend his thanks to Mayor Kerkeslager and to Mr. Bowen for their years of service, which proved to be always interesting challenges; he extended his appreciation of their time spent with Council and with him personally; he thanked them for their service and friendship, and he wished the best for the Christmas Season and throughout the New Year.

Mr. Bowen was recognized by the Chair and commented that we have a great town here and a great crew of employees and volunteers and are richly blessed, and he felt himself very blessed to have worked with all of the Borough officials; he commented that he learned a great deal; he wished everyone well in the future years and he knows the town is in good hands.

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 \$23,266.95

Health & Public Assistance 3,545.72

Public Works & Engineering 220,599.36

Community Affairs 5,488.99

Finance & Borough Clerk 858,165.00

Utilities 76,133.36

Total \$1,187,199.38

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

Adjourn and reconvene executive session

There being no further business to come before the Council, the meeting was adjourned and immediately reconvened at 10:45 p.m. by unanimous voice vote.

RECONVENE AND ADJOURN

The Regular Meeting reconvened at 12:40 a.m. and immediately adjourned.

Respectfully submitted,

Marilyn Schaefer

Borough Clerk

Adopted and approved January 14, 2008 (MS)