

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

Wednesday, October 15, 2008 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on Wednesday, the 15th day of October 2008. Mayor Holden called the meeting to order at 7 p.m. in the Chase Auditorium of the Madison Public Library.

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 transmitting a copy of the meeting notice to 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, 2008. Notice of change in location to the Chase Auditorium of the Madison Public Library was provided on September 16, 2008, in the same manner. Notice of this meeting was made available to members of the general public."

ROLL CALL

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

Mayor Mary-Anna Holden

Council Members:

Astri J. Baillie
Carmela Vitale
John M. Elias
Robert H. Conley
Jeannie Tsukamoto
Vincent A. Esposito

Also Present:

Raymond M. Codey, Borough Administrator
Marilyn Schaefer, Borough Clerk
Joseph Mezzacca, Jr., Borough Attorney

AGENDA REVIEW

One Potential Litigation Matter and two Contract Matters were added to the Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Mr. Conley moved:

EXECUTIVE SESSION MINUTES (1)

Executive Minutes of 09/08/2008

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

PERSONNEL MATTERS (3)

Project Pride Director

Director of Technology

Salary Range for Director of Technology

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

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CONTRACT MATTERS (8)

Appoint T&M Associates as Fields Consultant
Appoint Omland Engineering Certified Zoning Officer
Temporary Storage of Modular Housing Units on Municipal Property
Online Bill Paying of Water and Electric Bills by Cit-e-Net
Rosen Group Contract
Auction of 22 Orchard Street Property
HDM Renovations
Second Amendment to Developer's Agreement
Date of public disclosure 60 days after conclusion, if disclosure required.

POTENTIAL LITIGATION MATTER (1)

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

LITIGATION MATTER (1)

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

Seconded: Mrs. Vitale
Vote: Approved by unanimous voice vote

RECONVENE IN COUNCIL CHAMBER

Mayor Holden reconvened the Regular Meeting at 8 p.m. in the Chase Auditorium of the Madison Public Library with all members present. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the ***Executive Minutes of September 8, 2008***. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Mr. Elias, Mr. Conley, Mrs. Tsukamoto, Dr. Esposito
Nays: None
Abstain: Ms. Baillie

Ms. Baillie moved approval of the ***Regular Meeting Minutes of September 8, 2008***. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Mr. Elias, Mr. Conley, Mrs. Tsukamoto, Dr. Esposito
Nays: None
Abstain: Ms. Baillie

GREETINGS TO PUBLIC

Mayor Holden made the following comments:

Employee of the Month for October:

Dan Buckelew for his work completing drafting/design for Engineering, pulling together the plans for 2007 and 2008 Water Main Replacements as well as the 2007 and 2008 Road Reconstruction projects.

Employee Anniversaries:

25th Anniversary, Francis E. Wulff, Madison Police Department

20th Anniversary, Carol Bradshaw, Tax Collector's Office

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20th Anniversary, Michael Giordano, DPW

The Coordinator for Emergency Management, Chip Smith, tendered his resignation to Acting Police Chief Trevena, as he is moving out of the area.

Proclamation:

Proclamation

of the

Borough of Madison

Honoring

The 135th Anniversary of the Madison Area YMCA

WHEREAS, the Madison Area YMCA founded in 1873 is one of the oldest continuously operated YMCAs in the United States; and

WHEREAS, the original facility, located on Main Street, housed a “Reading Room” serving 10,000 patrons a year until the Borough's James Library opened in 1899; and

WHEREAS, during World War I, the Madison Area YMCA became a drop-in service center for soldiers and sailors; and

WHEREAS, the Madison Area YMCA serving Madison, The Chathams, Florham Park, Convent Station, East Hanover, Gillette, Green Village, New Vernon, Millington and Stirling has over 13,000 members; and

WHEREAS, this organization strives to meet the needs of people of all faiths, races, abilities, ages and incomes and serves its charitable mission by providing membership for all including financial assistance for any community members unable to afford Y membership; and

WHEREAS, the Madison Area YMCA partners with over 30 community programs such as special needs population groups, local universities and the Mayor’s Wellness Initiative; and

WHEREAS, the YMCA purchased the Lucy D. Anthony School in 1988 and opened the F. M. Kirby Children’s Center providing daily child care for over 350 children; and

WHEREAS, the Teen programs help youth develop self-esteem and positive values including good citizenship and a strong work ethic; and teens comprise 25% of the YMCA’s part-time staff; and

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WHEREAS, the Senior programs stress fitness, opportunities for volunteerism and socialization, such as the weekly service drop-in center provided in collaboration with the Borough of Madison; and

WHEREAS, The Madison Area YMCA builds strong kids, strong families and strong communities by instilling the core values of caring, honesty, respect and responsibility in all of its programs;

NOW, THEREFORE, BE IT RESOLVED, that I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the governing body, through this Proclamation, extend our best wishes to the Madison Area YMCA on their 135th Anniversary.

Mary-Anna Holden, Mayor
October 15, 2008

REPORTS OF COMMITTEES

Finance and Borough Clerk

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

Triple A Rating

Two weeks ago, Madison Borough, in a day-long meeting with Standard and Poors, presented Madison's very solid financial picture emphasizing our conservative fiscal policies and our financial planning for now and in the future. We were rewarded with a triple-A rating, an honor only a few New Jersey municipalities receive. On a day described by those in the bond business as one of the worst they had seen in the last thirty years, Madison went out to bond for the \$26 million of projects to which the Mayor and Council had committed.

Many municipalities in New Jersey were denied access to the bond market last week, but that was not the case for Madison. Madison's financial picture was very attractive, and there were four bids for our bond. Madison received a very good interest rate of 4.88%. To put that number in perspective, the Borough last bonded in 1991 and the rate was 6.25%. The last bonding cycle will end next year, and we are now taking on appropriate debt to fund projects that will serve generations to come. We have accomplished the following:

- (1) 21st century public safety complex.
- (2) Long overdue renovations to the Hartley Dodge Memorial (HDM) to make it handicap accessible and energy efficient. The Borough will be creating a state-of-the-art court room complying with County standards, which will serve Madison and neighboring towns.
- (3) Two fire trucks with life spans of 25-30 years.
- (4) Roads, sewer and water line replacement. At the time of the budget hearings last winter, this Council unanimously agreed to support the Borough's twenty-year road program which had been deferred.

These are appropriate bonding projects approved unanimously by this Council.

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53 Acre Update

Madison is requesting additional grant money from the County Open Space Trust Fund. The Borough has this opportunity because we are still in the process of purchasing the property. Right now, the property is not ours, and we can go to the County to request additional funding. While the Borough waits to take possession of this property by the end of this year, we have been working very diligently on this project.

(1) The Council interviewed engineering firms; the Mayor and Council are recommending that T&M be hired and once the Borough closes on the 53 acres with Gale Rockefeller, we will sign a contract with T&M to begin work. The Borough officials are not going to sign a contract with T&M until the Borough has finalized the purchase of the land - that is being fiscally prudent.

(2) The Mayor, the Borough Administrator and Ms. Baillie have met with the neighboring towns, the Park Commission and the Madison Area YMCA to gain their support. All have sent letters of support.

(3) The Council approved the establishment of a 53 Acre Advisory Committee to help the Council move this project forward once we close on the property. The Committee, chaired by Dan Dunham and composed of stakeholders from the Recreation Committee, the Environmental Commission, the Open Space Committee, the Parks Committee, Seniors, and the Shade Tree Management Board (STMB), helped develop a conceptual plan which the Borough needed for its presentation to the County for the grant request. This Advisory Committee will be working along side the engineering company the Borough has selected to advise the Council on the best way to develop the 53 acres.

Public Safety

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

Fire Department

October is Fire Prevention Month. This year's theme is Prevent Home Fires. Firefighters will be spending the majority of the month meeting with Madison's senior groups, school aged children grades K through 8, as well as preschoolers and civic groups. The focus is on the main causes of home fires, which are cooking, candles, heating equipment and electrical equipment failures and malfunctions, and smoking; misuse of any of these items can contribute to the cause of a residential fire. For more information, the public may visit the National Fire Protection Association's website "firepreventionweek.org" or call the Madison Fire Department at (973) 593-3021 and an on-duty firefighter will be glad to assist. In addition, the Fire Department has expanded its smoke detector and carbon monoxide installation to include any residential homeowner or tenant. If a resident does not have a working smoke detector or carbon monoxide detector, all the resident has to do is call and set up a convenient time for an on-duty firefighter to come to the resident's home and install the necessary detectors at no cost. This is the time of year when everyone is reminded—when you change the clock, you change the batteries in your detectors.

On October 2 and 3, 2008, the Fire Department conducted a two-day, sixteen-hour refresher course in confined space rescue drill using the "manhole" that was built into the main floor of the new fire station. It was designed to simulate a confined

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space rescue operation. The Fire Department is the designated rescue team for the Madison Electric and Sewer Departments, and is also the technical rescue team for the Black Meadows Mutual Aid Association.

Police Department

Acting Chief John Trevena and Police Officer Lisa Esposito have announced that they are starting a new community outreach program with the goal of increasing positive perceptions of the Police Department in the community by following up with the more serious callers. After certain service calls, they will be sending out a card with a handwritten note.

Public Works and Engineering

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

Leaf pickup will start in November, with the schedules being published in the newspaper; residents may go to the Department of Public Works (DPW) garage to pick up leaf bags and must bring proof of residence with them. Work continues on maintaining Madison's playing fields, which are in high use.

Mr. Elias received a progress report from Borough Engineer Robert Vogel that was not read in full, but he wanted to share with the public as below:

Progress Report from Borough Engineer Robert Vogel to October 15 included:

- 1) The MCHUD-funded CHAPEL ST reconstruction project is complete. Reivax Construction (\$195k bid) has performed installation of water main, improving both water quality and fire fighting capacity along this street including a three-valve interconnection to Central Avenue (County Road 608) to improve water system control and emergency responses. Four additional drainage catch basins were constructed improving surface water collection. Granite block curb and pavements were reconstructed. PSE&G also replaced the Gas main at the same time. Final payment and change orders need to be processed, with the final payment request for \$80,000 to the County of Morris.
- 2) The Phase 1 Water Main Replacements are 95% complete (\$584,970 awarded to Interstate Contracting includes Dellwood (460 ft of pipe), Dean (1250 ft), South (1400 ft), Myrtle (2150 ft), Woodcliff (1200 ft)), and the Contractor has committed to return to level trenches and topsoil and seed any remaining areas of disturbance. Interstate Contracting has performed installation, pressure test and bacteriological tests on new water main, and services are now all active. A final payment and change order needs to be processed.
- 3) GREEN AVE Reconstruction is 50% complete (Kings to Woodland - State Aid) Jenicar Builders (\$418k bid) has completed curb and sidewalk improvements between Woodland and Hillside for both sides of road, and has completed Hillside to Vinton on the east side with approximately 50% of the west side, and Vinton to Hartley Dodge on the east side. The Contractor expects to complete all sidewalk and curb within the next week, potentially milling the project by the end of next week in preparation for final pavement and striping. The water department has been upgrading water service connections on Green Ave, Hillside residents have requested additional striping, and the Presbyterian Church has requested areas behind the curb be restored with topsoil and seed. A progress payment has been requested and submittals to the

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State are required to obtain payment of \$175,000 matching funds allocated for the project.

4) Phase 2 Water Main Replacements were awarded to Matina Construction (\$590k bid) and the contract is 50% complete (POMEROY, BROOKLAKE). Brooklake Road water main replacement is 95% complete including installation, pressure test and bacteriological tests on all new water main, and new services are now all active. A crossing of the State Highway was completed in two nights, greatly expanding capacity and control of the eastern portion of the Madison Water system. A metering chamber was installed on the Florham Park boundary, which will assist in monitoring any future emergency water transfers. The contractor has committed to repave/re-level areas requiring attention. A progress payment has been requested. The contractor has indicated it is likely all mains within his contract will be complete within two weeks and before the end of the month.

5) Madison Tank Painting bid was awarded to Allied Painting (\$217,501 bid) and the contract is 95% complete. The repainting of both interior and exterior tanks surfaces was completed over the last six weeks after some additional appurtenances were installed such as new ladder attachments, access hatches, gaskets and vent caps. Masonry at the tank base was re-pointed and refinished. A final payment has been requested. The tank is being filled today for final water quality testing and will likely be put in service next week after test results return.

6) Mill & Overlay projects are 100% complete by Schifano Construction (\$556k pre-bid) and included: Noe (2000 ft), Cook (1300 ft), Rosewood (800 ft), Lynwood (350 ft), Crestwood (1150 ft), Delbarton (1050 ft), Dean (1200 ft), Lewis (1050 ft), Hillview (1200 ft), Knollwood (2200 ft), Valley (2300 ft), Locust (650 ft), Lorraine (1200 ft), Troy (400 ft), Myrtle (2000 ft), Avon (900 ft), Stafford (1000 ft), Carteret (700 ft), Coursen (750 ft + 300 ft), Woodland (part 3300 ft), North (part 1100 ft), Arlena (300 ft). Total 2008 Mill & Overlay 27,200 ft (5.15 Mi).

7) Sanitary Sewer Main Lining project has been awarded to En Tech Corp (\$791,786 bid), who has initiated pipe cleaning work in the North Street service area. The contractor has delivered individual notices to residents explaining lining activities and expects those lining activities to commence before the end of the week. The contractor has asked that residents be aware of when the lining vehicles are on their streets, and that temporary odors and minor blockages may be expected over the course of no more than one day while crews progress with work. At no time will lining crews attempt to overextend the lining process beyond 600 feet or an amount which can reasonably be accomplished in one daytime work day. If any odors occur during the lining process, please do not hesitate to contact the Borough and open windows to remove such odors. The curing products in the pipe liners will volatilize at times during the two hour curing process, after which no chemical odors are expected to be released. Temporary bypass pumps will be available at all times if diversions are necessary.

8) 2007-8 Road Reconstruction Program has been awarded to Cifelli & Son (\$2,019,071 award dated Sept. 22, 2008) and has not been initiated. Cifelli has indicated his crews can be available for utility work within two weeks. Unfortunately, paving and concrete work generally stops in mid November, and a weather-related judgment call must be

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made as to what work can be reasonably stabilized without undue or extended inconvenience on residents. It is likely a significant portion of the contracted work will be best accomplished by extending the contract deadlines into Spring 2009. Dellwood (3000 ft), Loveland (1050 ft), Midwood (2350 ft), Prospect (500 ft stub), Orchard (600 ft), Douglas (250 ft), Rachael (150 ft), James (400 ft), Strickland (500 ft), Drew (750 ft), Douglas (600 ft), Station (1800 ft), Woodcliff (1200 ft) with a total reconstruction of 16,350 ft (3.1 mi).

9) Madison Golf Course Drew Place outfall (\$30k - CMX Assoc complete)
The project design was complete and bid, but no access agreements could be reached and therefore it is suspended. A related project to extend 68 foot of pipe to connect to the Chatham Township drainage system at Valley Estates behind properties on Rachael Avenue is the subject of several estimates and/or a change order by the utility contractors available at present.

10) North Street Pump Station maintenance work has been proposed by R&R Pump and Control Services for pump piping and valving systems. They have also installed automated pump alternation systems this summer. Pennoni Associates has produced draft plans for the location to allow for a public bid of all improvements. A separate set of recommendations for pump station and sewer area improvements is due by the end of the month. These improvements will likely include new pad mount transformers, inflow pumps, updated piping and valving etc.

11) Phase 2 Flow Monitoring work is complete by T&M Associates, and several intermediate rainfall events have been recorded. The information has been forwarded to Pennoni Associates, and a summary of the final report will be distributed shortly.

12) Elmer Street culvert plans and specs were received from T&M Assoc. This project can be bid once easements and access agreements are secured by the Borough.

13) Green Village drainage improvements design is nearing completion by T&M, and final plans have been forwarded to the County of Morris so that a cost share can be finally established prior to bid. Certain cost reduction options have been requested.

14) Omland has a draft of Woodland Road design complete, which was shown at an informal public hearing to discuss sidewalks. The State has been reviewing the funding request, and we expect a formal response by November on the Municipal Aid proposal.

15) Pennoni Associates is producing a final set of construction documents for design work on Green Ave South, which should similarly be discussed at an informal public hearing.

16) Rosen elevator proposal for design and several options for the elevator system at Civic Center will be presented prior to the Council meeting.

Projects for design in-house and to be outsourced are being developed for 2009 at this time.

Utilities

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

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Electric Utility

The painting of the substations has progressed due to the nice weather; the Kings Road substation is complete and the James Park substation is about 80% complete. This will not only make the substations look better, but it is preserving Madison's very valuable investment.

Traffic Calming

A year ago the Borough purchased a "Speed Stalker", which not only lets motorists know at what speed they are traveling, but it also records how many motorists are breaking the speed limit; up until now, the Borough has not been able to retrieve that data from the Speed Stalker; by the end of this week, the Borough will be able to retrieve that information, and the Speed Stalker will be moved to "hot" spots in Madison, such as Greenwood, Niles and Rosedale. Also, at the last Traffic Calming Committee meeting, after yet another accident at Greenwood and Brittin, the Committee will be recommending that a full traffic signal be installed at that location instead of the outdated blinking light.

A meeting will be set up with Hillside Avenue residents to discuss options of traffic calming with them, and possibly tie it in with the striping of Green Avenue.

Filling in while Mr. Elias was on vacation, Mr. Conley went with the Borough Engineer to Rachel Avenue, a site with drainage issues. The Borough Engineer believes the drainage issue can be resolved, and a solution will be proposed to the Council.

Mayor Holden commented that the reason the data could not be retrieved from the Speed Stalker was that the instructions came in French!

Health & Public Assistance

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

Community Affairs

Dr. Esposito, Chair of the Committee, made the following comments:

Bottle Hill Day

October 4, 2008 was Bottle Hill Day in Madison; it was a very successful event notwithstanding the early showers; by noontime it cleared up to beautiful blue skies. The event was attended by 15,000 to 18,000 people—possibly more; the Downtown Development Committee (DDC) is reviewing some of the numbers. This year the DDC tried to involve more of the Main Street commercial area in the celebration by extending the events to the east end as well as to the west end of Main Street. Dr. Esposito thanked the DDC as sponsor of the event, as well as all the other sponsors involved; Main Street Executive Director Jim Burnet helped tremendously; Dr. Esposito also thanked the Madison Police Department and the DPW.

Farmers' Market

The Farmers' Market was moved to Waverly Place on September 25, 2008, to free up the Bayley-Ellard lot during the moving of Borough Hall offices to the space at Bayley-Ellard High School. Both the farmers and attendees reported good responses to surveys as to satisfaction of that location. 78% of attendees were Madison residents, and roughly 69% reported preference for Waverly Place as the market location. Dr. Esposito thanked the DDC for sponsoring the Farmers' Market

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and also thanked the Madison Auxiliary Police, who were on duty that day to offer cheerful assistance where needed.

Pancake Breakfast

A pancake breakfast will be held at the Elks' Club from 8 a.m. to 12 Noon on Sunday, October 26, 2008, to benefit the High School and Junior Football Programs. The cost is \$6.00 per person. All are invited to attend.

Thursday Morning Club

The Thursday Morning Club is holding their fall fundraising event, Casino Night, on Saturday, October 25, 2008, at the Bayley-Ellard High School gymnasium. Everyone is invited to attend.

New Businesses in Madison

A clothing store has opened up across from the Museum. A book store, "Sages Pages", has tripled its size by moving to the Madison Plaza. Opening up soon next to Quick-Chek is the "Five Guys" famous burgers and fries.

Project Community Pride Presentation to the Mayor and Council

Mayor Holden invited forward Interim Director Brigitte Kelly, Program Specialist Lara Shaljian and Licensed Social Worker Carla Brady. Ms. Kelly commented on the services offered by Project Community Pride, which serves Madison, Florham Park and Chatham Borough at their 28 Walnut Street location. They are committed to strengthening families through therapeutic intervention, psycho education and advocacy. They wished the Mayor and Council to get to know their staff, spoke about the services they offer and the importance of community programs. The Mayor and Council thanked the Project Community Pride personnel for their good work.

COMMUNICATIONS AND PETITIONS

The Mayor announced receipt of the following communications:

Received 10/09/2008 a petition from 14 residents of Hillside Avenue, reporting safety issues on Hillside Avenue and requesting painting of traffic lines. Mr. Conley is handling this issue.

Mayor Holden reported being contacted about a continuous water leak at the corner of Division Avenue and Kings Road; the problem is scheduled to be corrected this week.

Mayor Holden reported that the Speed Stalker is being deployed to Brooklake Road this week.

INVITATION FOR DISCUSSION (1 of 2)

The Mayor opened the meeting to the public for their opportunity to ask questions and make comments on Agenda items only. Regarding Ordinance 66-2008 scheduled for hearing, Mayor Holden commented that the ordinance was not sent back to the Council from the Planning Board, so the ordinance hearing will be carried to the November 10, 2008 meeting.

Mr. Mezzacca was recognized by the Chair and commented on Ordinance 66-2008, which amends the Land Development Ordinance regarding lighting. As Mayor Holden said, the ordinance has not been referred back to the Council from the

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Planning Board, so in effect, there is no ordinance for hearing, and the hearing will be carried to the November 10, 2008 meeting.

Mayor Holden assured that this ordinance is one of several ordinances correcting and updating the Land Use legislation and has nothing to do with the Cougar Field lighting issue.

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.**

Jeff Sarrett, Rachael Avenue, asked about the status of the auction of 22 Orchard Street.

Mr. Mezzacca was recognized by the Chair and commented that the terms of the contract of sale will include that the property must be cleaned up within a certain amount of time; the property will be sold “as is”; the tests and environmental results will be given to bidders; the property is being sold subject to the existing zoning, which is single family dwelling; a fence will be put up around the property after its purchase—those are some of the restrictions.

The auction will likely be in mid-December 2008.

Marcy Sasso, Strickland Place, in a detailed statement, spoke about the 22 Orchard Street property; spoke of her concern for what is in the ground; wanted to hear from the Madison Health Department as to soil samples; wanted to hear from the environmental firm that did a study of the property. Ms. Sasso was advised that the auction of this property will be on the next agenda.

Jeff Dunne, Yarmouth Road in Chatham, in a detailed statement, spoke about Cougar Field and was in support of the proposed lighting at that location; he wished to confirm that Chatham residents will continue to assess their options to address the need for increased field utilization in their town, address the concerns of the Cougar Field neighbors, and address the concerns of the 3,700 children in Chatham, and asked that the Mayor and Council, Field neighbors and Chatham residents sit down again to reach a resolution of the issues. Mr. Mezzacca was recognized by the Chair and reminded all that this issue is in litigation and he cannot comment.

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

AGENDA DISCUSSIONS

10/15/2008-1 FIRE DEPARTMENT – THERMAL IMAGING CAMERAS, APPROPRIATE \$17,600 FROM THE FIRE DEPARTMENT TRUST ACCOUNT
Mrs. Vitale moved Fire Chief Atchison’s recommendation. Mr. Conley seconded the motion. Chief Atchison commented that the cameras are replacing 10-year-old units, which are specialized devices enabling firefighters to see. The source of the funds comes from code enforcement.

There was no further discussion, and all were in agreement that Ordinance 67-2008 be listed for introduction later in the meeting.

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10/15/2008-2 RECOMMENDATION FROM ELECTRIC UTILITY STUDY COMMITTEE ON THE REGULATION RELATED TO THE INSTALLATION AND MAINTENANCE UNDERGROUND SERVICE

Mr. Conley moved the discussion. Mr. Elias seconded the motion. If a resident has underground service to his/her home, as the Borough ordinance now stands, the resident is responsible for maintenance of that service from the transformer to his/her home. If a resident has overhead service, it is covered up to his/her home. The recommendation of the Electric Utility Study Committee is to keep the ordinance as it stands; however, Mr. Conley will be writing a recommendation for the next Council meeting which will suggest that the resident still be responsible for service from the house to the transformer, but the resident will be reimbursed for the cost of the equivalent overhead wiring.

10/15/2008-3 RESCIND AWARD (R 220-2008) FOR ELECTRICAL SERVICES TO ROSE CITY ELECTRIC AND AUTHORIZE REBID

Mrs. Vitale moved the discussion. Mr. Conley seconded the motion. There was no discussion; there was agreement to list Resolution R 265-2008 on the Consent Agenda.

10/15/2008-4 AUTHORIZE AGREEMENT TO STORE AND USE "GATOR" VEHICLE AT PUBLIC SAFETY COMPLEX

Mrs. Vitale moved the discussion. Mr. Conley seconded the motion. Fire Chief Atchison explained how the vehicle will be used during the winter for snow removal and, at the same time, provide a storage place for the firefighter who owns the vehicle and uses it only in the summer. The vehicle will be registered and insured by the owner.

There was no objection that Mr. Mezzacca will move forward and draw up an agreement, and a resolution so approving the request will be listed on the next agenda.

ADVERTISED HEARINGS

The Clerk made the following statement:

The ordinances set for public hearing were introduced by title and passed on first reading at a regular meeting of the Council held on September 22, 2008, were published in the Madison Eagle, and copies were made available to members of the public requesting same.

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

ORDINANCE 64-2008

ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$25,000.00 FROM THE GENERAL CAPITAL
IMPROVEMENT FUND TO PURCHASE FIRE DEPARTMENT
PROTECTIVE CLOTHING

WHEREAS, the Fire Chief has recommended that the Borough appropriate \$25,000.00 from the General Capital Improvement Fund to purchase Fire Department Protective Clothing – Turn-out Gear; and

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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 \$25,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$25,000.00 from the General Capital Improvement Fund to purchase Fire Department Protective Clothing – Turn-out Gear; 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 \$25,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase Fire Department Protective Clothing – Turn-out Gear.

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 Holden opened up the public hearing on Ordinance 64-2008. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 64-2008, which the Borough Clerk read by title, be finally adopted. Mr. Conley seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias
Mr. Conley, Mrs. Tsukamoto, Dr. Esposito
Nays: None

Mayor Holden declared the aforementioned 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 65–2008

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 ENTITLED “LAND DEVELOPMENT ORDINANCE” OF THE MADISON BOROUGH CODE ARTICLE I, SECTION 195-7 TO REPLACE CURRENT DEFINITION OF “BUILDING COVERAGE” AND TO AMEND ARTICLE V, § 195-30.1. F. TO ADD AN EXEMPTION REGARDING PROJECTIONS AND ENCROACHMENTS

WHEREAS, the Planning Board has held discussions over the past few months and received input from the Zoning Board of Adjustment via their Annual Reports regarding changes to Madison Land Development Ordinance Chapter 195; and

WHEREAS, the Planning Board has recommended to the Borough Council to amend Article I § 195-7. Definitions to replace the current definition of “Building Coverage”; and

WHEREAS, the Planning Board has recommended to the Borough Council to amend Article V, § 195-30.1. F. to add an exemption regarding projections and encroachments

WHEREAS, the Council concurs with the Planning Board recommendations.

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

SECTION 1. **Article I § 195-7.** Definitions. of the Madison Borough Code Land Development Ordinance is hereby amended to replace the current definition of “Building Coverage” with the following new definition:

.....

BUILDING COVERAGE: The horizontal plane projection of all covered or roofed areas of a structure on a lot, whether permanent or temporary, including cantilevered areas and similar projections, but excluding roof eaves, roof overhangs, bay or bow windows, and chimneys projecting a maximum of two feet from the structure, divided by the lot area, expressed as a percentage. See Figure 2 (*Note to Codifer include existing figure 2*).

.....

SECTION 2 **Article V § 195-30.1. F.** Projections and encroachments.

Is hereby amended to add the following exemption:

.....

Article V, § 195-30.1. F. (11). Front entry roofs with a maximum depth of five (5) and a half feet and a maximum width of eight (8) feet shall be exempt from front yard setback requirements in residential zones, provided that the distance between the proposed front entry roof and the front property line is at least 75% of the required applicable front yard setback.

.....

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 the law.

Mayor Holden opened up the public hearing on Ordinance 65-2008. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 65-2008, 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: Ms. Baillie, Mrs. Vitale, Mr. Elias
Mr. Conley, Mrs. Tsukamoto, Dr. Esposito
Nays: None

Mayor Holden declared the aforementioned 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 66–2008

ORDINANCE OF THE BOROUGH OF MADISON AMENDING
CHAPTER 195 ENTITLED “LAND DEVELOPMENT ORDINANCE”
OF THE MADISON BOROUGH CODE ARTICLE IV § 195-25.6.
LIGHTING.

WHEREAS, the Planning Board has proposed the following changes to the Land Development Ordinance of the Borough of Madison lighting standards which would replace (4) of Article IV § 195-25.6.B as follows:

.....

(4) Where used for sports or recreational facilities, all lighting fixtures shall comply with the following:

- (a) For field sports such as football, soccer, baseball and track and field, the maximum pole height for lighting such facilities shall be 70 feet.
- (b) The minimum distance of any pole to any property line shall be at least 160 feet.
- (c) There shall be no trespass lighting on any adjacent residential property line at grade.
- (d) A combination of architectural fencing, berming and dense plantings with a mix of deciduous and coniferous trees and shrubs shall be required to sufficiently screen the source of the light, as well as the lit field and any lit ancillary uses, from any adjacent residential properties.

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- (e) When not in use and under any circumstances, all lighting shall be fully turned off no later than 9:30 p.m.

.....

WHEREAS, the Council concurs with the Planning Board recommendations.

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

SECTION 1. Article IV § 195-25.6.B(4) is hereby replaced as follows:

(4) Where used for sports or recreational facilities, all lighting fixtures shall comply with the following:

- (a) For field sports such as football, soccer, baseball and track and field, the maximum pole height for lighting such facilities shall be 70 feet.
- (b) The minimum distance of any pole to any property line shall be at least 160 feet.
- (c) There shall be no trespass lighting on any adjacent residential property line at grade.
- (d) A combination of architectural fencing, berming and dense plantings with a mix of deciduous and coniferous trees and shrubs shall be required to sufficiently screen the source of the light, as well as the lit field and any lit ancillary uses, from any adjacent residential properties.
- (e) When not in use and under any circumstances, all lighting shall be fully turned off no later than 9:30pm.

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

Ms. Baillie moved that Ordinance 66-2008, which the Borough Clerk read by title, **be carried to the meeting of November 10, 2008 at 8 p.m.** Mr. Elias seconded the motion. This ordinance hearing is being carried as the ordinance has not been referred back to the Council from the

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Planning Board. There was no further discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias
Mr. Conley, Mrs. Tsukamoto, Dr. Esposito
Nays: None

Mayor Holden declared the aforementioned ordinance hearing carried to the Regular Public Meeting scheduled for November 10, 2008, at 8 p.m.

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

Ordinances scheduled for first reading will have a hearing date set for November 10, 2008, will be published in the Madison Eagle, posted on the Bulletin Board and made available to members of the public requesting copies.

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

ORDINANCE 67-2008

**ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$17,600.00 FROM THE FIRE DEPARTMENT
TRUST ACCOUNT FOR TWO NEW THERMAL IMAGING
CAMERAS**

WHEREAS, the Fire Chief has recommended that the Borough appropriate \$17,600.00 from the Fire Department Trust Account to replace old thermal imagers with two new thermal imagers ; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Fire Department Trust Account in an amount not to exceed \$17,600.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$17,600.00 from the Fire Department Trust Account to replace old thermal imagers with two new thermal imagers; 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 \$17,600.00 is hereby appropriated from the Fire Department Trust Account to replace the old thermal imagers with two new thermal imagers.

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.

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Mrs. Vitale moved that Ordinance 67-2008, which was read by title, be adopted. Mr. Conley seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias
Mr. Conley, Mrs. Tsukamoto, Dr. Esposito
Nays: None

ORDINANCE 68 - 2008

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING
ORDINANCE 5-2008 SETTING SALARY RANGES FOR NON-UNION
FULL-TIME EMPLOYEES TO INCLUDE SALARY RANGE FOR
“DIRECTOR OF TECHNOLOGY”**

WHEREAS, the Borough Council has determined to amend Ordinance 5-2008 setting salary ranges for non-union full-time employees to include salary range for “Director of Technology”.

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

Section 1. Ordinance 5-2008 setting the salary ranges for non-union full-time employees is hereby amended to include the following salary range:

TITLE	MINIMUM	MARKET VALUE	MAXIMUM
Director of Technology	\$68,000.00	\$80,000.00	\$92,000.00

Section 2. This ordinance shall take effect as provided by law.

Ms. Baillie moved that Ordinance 68-2008, which was 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: Ms. Baillie, Mrs. Vitale, Mr. Elias
Mr. Conley, Mrs. Tsukamoto, Dr. Esposito
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.

Ms. Baillie moved adoption of the Resolutions listed on the Consent Agenda. Mr. Elias seconded the motion. There was no discussion, and the motion passed with the following roll call vote recorded:

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Yeas: Ms. Baillie, Mrs. Vitale
Mr. Elias, as to R 263-2008 to R 267-2008 and R 269-2008 to R 273-2008
Mr. Conley, Mrs. Tsukamoto, Dr. Esposito
Nays: Mr. Elias, as to R 268-2008

R 263-2008

**RESOLUTION OF THE BOROUGH OF MADISON
AUTHORIZING CONTRACT WITH T&M ASSOCIATES
FOR PROFESSIONAL SERVICES FOR ROSEDALE
FIELD AND DODGE FIELD IMPROVEMENTS**

WHEREAS, the Borough Engineer has recommended that the Borough obtain professional services from T&M Associates, Inc. for design of improvements to Rosedale Field and Dodge Field; 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 Borough Engineer 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, Inc., in an amount not to exceed \$34,000.00; and

WHEREAS, T&M Associates, Inc. must submit 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, Inc. must complete and submit a Business Entity Disclosure Certification which certifies that T&M Associates, Inc. has not made any reportable contributions to a political or candidate committee in the Borough of Madison in the previous one year, and that the contract will prohibit T&M Associates, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$34,000.00 for this purpose from the Engineering Operating Budget.

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:

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1. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from T&M Associates, Inc., the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract with T&M Associates, Inc. for professional services for design of improvements to Rosedale Field and Dodge Field in an amount not to exceed \$34,000.00, such contract to be in a form approved by the Borough Attorney.
2. When received, the Business Entity Disclosure Certification, Political Contribution Disclosure Form and the Determination of Value shall be placed on file with this resolution.
3. 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 264-2008

**RESOLUTION OF THE BOROUGH OF MADISON
AUTHORIZING SUBMITTAL OF A LETTER OF INTEREST
AND SUBSEQUENT GRANT APPLICATION TO THE TRI-
STATE TRANSPORTATION CAMPAIGN**

WHEREAS, the Tri-State Transportation Campaign has issued a Request for Proposals for Transit-Centered Development initiatives; and

WHEREAS, the Borough Administrator has recommended to the Borough Council that a Letter of Interest and subsequent grant application be submitted to the Tri-State Transportation Campaign; and

WHEREAS, the recommendation has been considered at the Regular Public Meeting of the Borough Council on October 15, 2008.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris and State of New Jersey, that the Borough Administrator is hereby authorized to submit a Letter of Interest and subsequent grant application to the Tri-State Transportation Campaign, and the Mayor is authorized to sign said application.

R 265-2008

**RESOLUTION OF THE BOROUGH OF MADISON
RESCINDING RESOLUTION R 220-2008 AWARDED BID FOR
ELECTRICAL SERVICES TO ROSE CITY ELECTRIC AND
AUTHORIZING REBID**

WHEREAS, Resolution 220-2008 authorized the Mayor and Borough Clerk to execute a contract for electric services with Rose City Electric based upon its bid in the amount of \$65.50 per hour for regular time, \$141.00 per hour for overtime and \$131.00 per hour for weekends and holidays; and

WHEREAS, pursuant to an interpretation of the Prevailing Wage Act by the New Jersey Department of Labor, Rose City Electric indicated they would not be able to honor a retroactive contract adjustment; and

WHEREAS, the remaining two apparent low bidders were nonresponsive due to failure to meet the bid specifications; and

WHEREAS, the Mayor and Council have determined that Resolution 220-2008 should be rescinded and that the contract should not be entered into with Rose City Electric, but rather that the needed services should be rebid for the 2009 calendar year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Resolution 220-2008 is hereby rescinded and the Borough Administrator is authorized to solicit new bids.

R 266-2008

**RESOLUTION OF THE BOROUGH OF MADISON
AUTHORIZING THE MADISON FIRE DEPARTMENT TO
DONATE SURPLUS FIRE HOSE TO MORRIS COUNTY
FIRE ACADEMY**

WHEREAS, the Borough of Madison has recently purchased new five-inch diameter fire hose for the Fire Department; and

WHEREAS, the Borough has a surplus of three-inch diameter fire hose; and

WHEREAS, the Fire Chief has recommended donating the surplus three-inch diameter fire hose to the Morris County Fire Academy; and

WHEREAS, the Borough Council has concluded that it would be in the best interest of the taxpayers to donate the surplus three-inch diameter fire hose to the Morris County Fire Academy.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris in the State of New Jersey that the surplus three-inch diameter fire hose be donated to the Morris County Fire Academy.

R 267-2008

**RESOLUTION OF THE BOROUGH OF MADISON
AUTHORIZING TEMPORARY STORAGE OF MODULAR
HOUSING UNITS ON BOROUGH PROPERTY FROM
OCTOBER 28, 2008 THROUGH NOVEMBER 3, 2008**

WHEREAS, David Chiarolanio has requested permission to use a portion of the parking lots at the Madison Community Pool located on Rosedale Avenue in Madison from October 28, 2008 through November 3, 2008 to temporarily park delivery vehicles containing modular housing units to be utilized in an existing construction project at 10-12 Elmer Street, Tax Block 1081 – Lots 7 & 8; and

WHEREAS, the Borough Administrator has recommended approval of such temporary storage; and

WHEREAS, David Chiarolanio has indicated that he will arrange for private security during the use of the parking lots.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that David Chiarolanio is permitted to use the parking lot at the Madison Community Pool located on Rosedale Avenue in Madison from October 28, 2008 through November 3, 2008, provided that an appropriate insurance certificate naming the Borough of Madison as additional insured with the minimum amount of liability insurance of \$1,000,000.00 is issued by an insurance company acceptable to the Borough of Madison, and further provided that the Borough of Madison is indemnified and held harmless from any and all claims or injury that may occur, and to be done subject to such requirements as may be imposed by the Madison Police Department and Fire Department, and that an indemnification agreement subject to the approval of the Madison Borough Attorney be entered into by David Chiarolanio.

R 268-2008

**RESOLUTION OF THE BOROUGH OF MADISON
AUTHORIZING HALLOWEEN PARADE WITHIN THE
BOROUGH OF MADISON TO BE HELD ON SATURDAY,
NOVEMBER 1, 2008**

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WHEREAS, the Madison Recreation Department and Madison Chamber of Commerce have requested permission to hold their annual Halloween Parade on Saturday, November 1, 2008; and

WHEREAS, the parade will begin at 1:30 p.m., and proceed on a route approved by the Madison Borough Police Chief, said route beginning at the Green Village Road School field to Green Village Road to Main Street turning onto Waverly place and finishing at the Hartley Dodge Memorial Building; and

WHEREAS, the Recreation Director recommends approval of this request.

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 request of the Madison Recreation Department and Madison Chamber of Commerce to hold their annual Halloween parade in Madison on Saturday, November 1, 2008, as described herein is hereby approved, subject to any safety requirements that are imposed by the Madison Police Department.

R 269-2008

**RESOLUTION OF THE BOROUGH OF MADISON
APPOINTING FRANK RUSSO OF OMLAND ENGINEERING TO
THE POSITION OF ZONING OFFICER**

WHEREAS, the Borough Administrator has recommended that Frank Russo of Omland Engineering be appointed to the position of Zoning Officer for the Borough of Madison for the remainder of 2008.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that Frank Russo of Omland Engineering is hereby appointed to the position of Zoning Officer for the balance of 2008, to be compensated pursuant to the attached rate schedule.



ENGINEERING ASSOCIATES, INC.

STANLEY T. OMLAND, P.E., P.P.
WILLIAM H. HAMILTON, P.P., A.I.C.P., C.L.A.
ERIC L. KELLER, P.E., P.P.
CHARLES THOMAS, JR., P.E., P.P.

KEVIN P. BOLLINGER, P.L.S.
JENNIFER GADWALLADER, C.L.A.
WAYNE A. CORSEY P.E., P.P.
DOMINIC D'ANDREA, P.L.S.
DAVID B. DIXON, P.L.S., P.P.
ANTHONY FACCHINO, P.E., P.P.
MARISA POLICASTRO, P.E.
FRANK RUSSO, III, P.E., P.P.
RANDALL L. VOINIER, P.E.
JAMES R. WOODS, P.E.

PROPOSED 2009 RATE SCHEDULE

FOR THE

BOROUGH OF MADISON

Principal	\$140.00
Project Engineer	\$105.00
Certified Landscape Architect	\$120.00
Staff Engineer	\$ 90.00
Engineering Technician	\$ 75.00
Senior CADD Designer	\$ 90.00
Inspector	\$ 90.00
Senior Inspector	\$105.00
Professional Land Surveyor	\$125.00
Survey Technician	\$ 85.00
3-Man Field Crew	\$145.00
2-Man Field Crew	\$125.00
Technical Typist	\$ 50.00

54 HORSEHILL ROAD
CEDAR KNOLLS, NJ 07927
www.omland.com

PHONE: 973-359-8400
FAX: 973-359-8455
writer's email: somland@omland.com

R 270-2008

RESOLUTION OF THE BOROUGH OF MADISON GRANTING THE NEW JERSEY AFFILIATE OF "SUSAN G. KOMEN FOR THE CURE TIE A RIBBON CAMPAIGN" PERMISSION TO TIE RIBBONS AROUND TREES ON THE MAIN STREETS OF MADISON FROM OCTOBER 16, 2008, THROUGH OCTOBER

31, 2008, IN SUPPORT OF THEIR HOT PINK RIBBON CAMPAIGN TO FIGHT BREAST CANCER AND RAISE AWARENESS DURING BREAST CANCER AWARENESS MONTH

WHEREAS, the North Jersey Affiliate of “Susan G. Komen for the Cure Tie a Ribbon Campaign” has requested permission to tie hot pink ribbons on Borough street trees on the main streets of the Borough from October 16, 2008, to October 31, 2008, in support of their “Susan G. Komen for the Cure Tie a Ribbon Campaign” to fight breast cancer and raise awareness during “Breast Cancer Awareness Month;” and

WHEREAS, the Borough Council has determined to grant this request.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the request for ribbons to be tied on Borough street trees from October 16, 2008, to October 31, 2008, in support of the North Jersey Affiliate of “Susan G. Komen for the Cure Tie a Ribbon Campaign” to fight breast cancer and raise awareness during “Breast Cancer Awareness Month” is hereby approved.

R 271 - 2008

RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY PTSO MADISON HS

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

**PTSO MADISON HS
I.D. No. 274-5-33795
R.A. No. 1096 – On Premise
November 25, 2008**

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

R 272-2008

RESOLUTION OF THE MADISON BOROUGH COUNCIL AUTHORIZING SECOND AMENDMENT TO DEVELOPER'S AGREEMENT BETWEEN THE BOROUGH OF MADISON AND GIRALDA FARMS PHASE I SPE LLC SUCCESSOR TO

**RECKSON OPERATING PARTNERSHIP, L.P. FOR PREMISES
AT LOT 1, BLOCK 3202**

WHEREAS, Giralda Farms Phase I SPE LLC, successor to Reckson Operating Partnership, L.P. (“Reckson”), is the owner of certain property in the Borough of Madison designated as Lot 1, Block 3202 on the current Tax Map of the Borough; and

WHEREAS, Reckson has obtained from the Madison Planning Board preliminary and final site plan approval for construction of an office building by Resolution of the Madison Planning Board adopted July 28, 1998 which approval has been extended as provided by law and a request for an approval of a further extension is currently being considered by the Madison Planning Board; and

WHEREAS, Reckson and the Borough of Madison entered into a Developer’s Agreement dated September 2, 1999 and an Amendment to the Developer’s Agreement on May 16, 2007; and

WHEREAS, the Madison Planning Board has conducted hearings on a request for an extension of the prior approval, and the applicant and the Borough have agreed that due to recent changes in the law, an Amendment to the Developer’s Agreement should be entered into between Giralda Farms Phase I SPE LLC, successor to Reckson, and the Borough of Madison; and

WHEREAS, the Madison Borough Administrator has recommended that the attached Second Amendment to the Developer’s Agreement be entered into.

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 Second Amendment to the Developer’s Agreement between Giralda Farms Phase I SPE LLC and the Borough of Madison regarding the proposed development on Lot 1, Block 3202 is hereby approved.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into such agreement on behalf of the Borough of Madison in a form acceptable to the Borough Attorney for recording in the Morris County’s Clerk’s Office after it is fully executed.

R 273-2008

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CLOSING OF EAST SIDE OF WAVERLY PLACE ON ~~OCTOBER 20, 2008~~ FROM 7:30 A.M. TO 8:00 A.M. IN CONNECTION WITH “BIKE TO SCHOOL DAY” The Bike to School Day was changed from October 20, 2008 to October 28, 2008; this resolution will be amended with the new date at the next meeting.

R 273-2008

**RESOLUTION OF THE BOROUGH OF MADISON
AUTHORIZING CLOSING OF EAST SIDE OF WAVERLY
PLACE ON OCTOBER 20, 2008 FROM 7:30 A.M. TO 8:00 A.M.
IN CONNECTION WITH “BIKE TO SCHOOL DAY”**

WHEREAS, Salvatore Piccolo has requested permission to have the east side of Waverly Place closed from approximately 7:30 a.m. to 8:00 a.m. on October 20, 2008, as part of “Bike to School Day”; and

WHEREAS, “Bike to School Day” will be done in conjunction with students from the Madison Junior School with the assistance of the Madison Police Department to escort the bicycle riders from Waverly Place to the Madison Junior School; and

WHEREAS, Madison Acting Chief of Police John Trevena has recommended the closing of the east side of Waverly Place for the “Bike to School Day”.

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 Madison Police Department is authorized to close the east side of Waverly Place from 7:30 a.m. to 8:00 a.m. on October 20, 2008 in conjunction with “Bike to School Day”, which shall be conducted subject to the safety requirements of the Madison Police Department.

INVITATION FOR DISCUSSION (2 of 2)

Mayor Holden 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.**

Joel Boroff, Chatham, spoke about Cougar Field lighting, and Ordinance 66-2008; felt that zero spillage of light would be impossible. Mr. Mezzacca asked that Council not make comments as to Cougar Field as that is in litigation.

Steve Adamo, Barnsdale Road, in detailed comments, spoke of quality of life and thanked the Mayor and Council for their efforts against Cougar Field lighting; felt that to the extent that new lighting projects for recreation fields can be stopped, they should be stopped.

Rich Ford, Chatham Board of Education President and Chatham resident, asked that the Madison Borough Council let the legal process run its course; he asked that no further action be taken on Ordinance 66-2008 until the Cougar Field matter is resolved. Mr. Codey briefly asked that Mr. Ford take part in a meeting about noise issues scheduled for next Tuesday with Mr. O’Neill from the School District of Chatham. Madison’s noise ordinance has been consistently violated, and the Borough cannot stand by and let this happen.

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Resident of 304 Lafayette Avenue in Chatham, spoke of being present during the noise testing by Mr. Theese and felt the violation was minor.

Rich Ford, spoke about noise measurements and disagreed with the measurements.

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

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mr. Conley, 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	\$28,654.66
Health & Public Assistance	25,752.37
Public Works & Engineering	196,718.60
Community Affairs	1,098.58
Finance & Borough Clerk	299,142.83
Utilities	<u>3,307,651.81</u>
Total	<u>\$3,859,018.85</u>

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

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias
Mr. Conley, Mrs. Tsukamoto, Dr. Esposito
Nays: None

NEW BUSINESS

There was discussion that the Borough made plans to have meetings in the Chase Auditorium before Bayley-Ellard became available. There was agreement to have the next Council meeting at Bayley-Ellard and, if all goes well, to continue the Council meetings at that location.

ADJOURN AND RECONVENE EXECUTIVE SESSION

There being no further business to come before the Council, the meeting was adjourned and the Executive Session immediately reconvened at 9:55 p.m.

RECONVENE REGULAR MEETING AND ADJOURN

The Regular Meeting reconvened at 10:35 p.m. and immediately adjourned.

Respectfully submitted,

Marilyn Schaefer
Borough Clerk
Approved November 10, 2008 (MS)