

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

November 10, 2008 - 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 November 2008. Mayor Holden called the meeting to order at 7 p.m. in Room #320 of Bayley-Ellard High School, 205 Madison Avenue, 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 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 Borough Hall, and filing a copy in the office of the Clerk, all on January 4, 2008. Notice of change in location of this meeting was provided in the same manner, all on October 16, 2008. 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, arrived at 7:08 p.m.

Also Present:

Raymond M. Codey, Borough Administrator

Marilyn Schaefer, Borough Clerk

Joseph Mezzacca, Jr., Borough Attorney

AGENDA REVIEW

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

READING OF CLOSED SESSION RESOLUTION

Mr. Conley moved:

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

EXECUTIVE SESSION MINUTES (1)

Executive Minutes of October 15, 2008

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

CONTRACT MATTERS (4)

S-TECH COMPUTING CONTRACT

Regular Meeting Minutes – November 10, 2008

FIRST OCCUPATIONAL RECYCLING & WASTE INC.
T&M ASSOCIATES FOR 53 ACRES
BOARD OF HEALTH

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

POTENTIAL LITIGATION MATTERS (2)
COAH
LIGHTING ORDINANCE – COUGAR FIELD

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

LITIGATION MATTER (1)
FIRE & POLICE BUILDING

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

Seconded: Mrs. Vitale

Vote: Unanimous voice vote

RECONVENE IN COUNCIL CHAMBER

Mayor Holden reconvened the Regular Meeting at 8 p.m. in Room #320 of Bayley-Ellard High School with all members present. The Pledge of Allegiance was recited by all.

Oath of Office of Dr. Vincent A. Esposito Administered by Borough Attorney Joseph Mezzacca, Jr.

Mayor Holden invited Dr. Vincent A. Esposito and his family forward.

Dr. Esposito was reelected to his Council seat at the November 4, 2008 General Election for the unexpired term from November 5, 2008 through December 31, 2009. Dr. Esposito was privately sworn in on November 5, 2008 by Mayor Holden, and now, gathered with his family, was publicly sworn in. Dr. Esposito's Oath of Office was administered by Borough Attorney Joseph Mezzacca, Jr. There was a round of applause as Dr. Esposito took his Council seat.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Executive Minutes of October 15, 2008**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias
Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Ms. Baillie moved approval of the **Regular Meeting Minutes of October 15, 2008**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias
Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

GREETINGS TO PUBLIC

Mayor Holden made the following comments:
Dedication of World War II Memorial

Regular Meeting Minutes – November 10, 2008

There will be a ceremony at the State House Plaza at 2 p.m. tomorrow for the dedication of the World War II Memorial, to which the public is invited.

Employee of the Month for November is David Maines for his work completing field coordination and inspection of milling and overlay operations with the Morris County Cooperative Bid contractor in order to completely resurface twenty (20) roads in the Borough. This work required many long days while the contractor was in the Borough.

25th Anniversary - Ruth Tisi on November 7, 2008.

Basketball Game at Drew University

The Jersey Express will again play its home games at Drew University beginning Saturday, November 15, 2008, at 7 p.m. where they will play against the Westchester Phantoms. At \$10 per ticket, the Jersey Express hopes affordable basketball games draw more fans to see this minor league professional basketball team.

The Morris County Improvement Authority

Through a new countywide program, all municipalities and public school districts may install renewable energy sources such as wind devices or solar panels for a reduced cost. Partnering with the county under this program will make it more cost-effective for a town or school district to "go green," according to county officials.

The initiative, introduced by the Morris County Improvement Authority and county Freeholders, will be financed with bonds guaranteed by the county. The county will hire an energy consultant to determine where renewable energy devices are feasible. The Improvement Authority would absorb all debt service payments, which would be funded through the resale of the electricity generated by the alternative energy sources.

The Improvement Authority will hold two information sessions on this initiative on December 11. The first, for school districts, will be held at 8:30 a.m. at the Morris County Library. The second, for municipalities, will be held at 6 p.m. in the Freeholders' public meeting room in Morristown.

Treasures Found

Treasures were found when removing the cornerstone of the old 1903 Firehouse on Central Avenue. All materials unearthed from the time capsule at that location are being preserved by the Madison Historical Society at the local history center of the Madison Public Library using proper preservation methods and hopefully will be available for the public to view in the very near future. It is the intention that when the building removal is completed, the footprint of the building as well as the former parking area will temporarily be used for shopper parking.

REPORTS OF COMMITTEES

Finance and Borough Clerk

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

Ms. Baillie thanked Borough Clerk Marilyn Schaefer, Deputy Clerk Patricia Graham and Senior Office Assistant Patty Macaluso for contributing to a very smooth election process on November 4, 2008. Ms. Baillie congratulated Dr. Esposito and Bob Conley on their reelection to the Council. Ms. Baillie also took this opportunity to thank the many volunteers who serve on Madison's Boards and Committees and help to make Madison a special place. In particular, Ms. Baillie thanked the Shade

Regular Meeting Minutes – November 10, 2008

Tree Management Board for their many hours of volunteer work and apologized to them for the criticism they received for their research into a private tree ordinance.

Public Safety

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

Mrs. Vitale added her congratulations to Bob Conley and Dr. Esposito upon their election to the Council.

Public Works and Engineering

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

Leaf Collection

By the end of this week, the Public Works crew will have completed its leaf pickup work on the north side of Madison; Route 124 is the dividing line; the crew will then begin with the south side. If residents missed the pickup or wish to take their own leaves to the Borough garage, they must come to the Borough garage, show proof of residence, and receive bags to bag their leaves which may then be brought back to the garage.

Road Programs

Traffic calming measures are taken into account during the road programs undertaken in the Borough to make roads safer. The water main replacement program is about 95% complete; sanitary sewer work is about 30% complete.

Mr. Elias then offered his congratulations to Bob Conley, Vincent Esposito, and also to Dan Dunham and Jerry Stevenson. Either Mr. Dunham or Mr. Stevenson will be joining the Council upon certification of the election results.

Utilities

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

Mr. Conley thanked the voters of Madison for giving him the opportunity to serve for another three years. Mr. Conley added his congratulations to Dr. Esposito on his election to the Council. For those voters who wonder if their votes count, the Borough is waiting for the certification of the vote count with eight votes separating the two candidates.

The Electric Department has completed installation of new feeder cables at the Madison Commons and only minor cosmetic work remains.

Health & Public Assistance

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

Mrs. Tsukamoto offered her congratulations to Bob Conley and Vincent Esposito upon their election.

As to the Health Department report, there will be a free male cancer screening on December 8, 2008, at the Health Department located in the Madison Civic Center at 28 Walnut Street. Also, shingles vaccine is available at the Madison Health Department. Residents interested should contact the Health Department.

Community Affairs

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

Dr. Esposito thanked the voters of Madison for giving him their vote of confidence at the General Election allowing him to be part of the Governing Body of the Borough in order to serve the public in Madison. Dr. Esposito congratulated Bob Conley on his win allowing him to continue his quest to make Madison the best it can be. Dr.

Regular Meeting Minutes – November 10, 2008

Esposito took this opportunity to thank the Council for giving him his first opportunity by appointing him back in January for the initial unexpired Council term of Mrs. Holden upon her being elected Mayor.

As to Community Affairs announcements, on Friday, November 28, 2008, from 8 a.m. to 4 p.m., the Boy Scout Venture Crew Troop #77 will be sponsoring a 2nd annual blood drive to be held at the Patriot's Path Headquarters on Columbia Turnpike in Florham Park. Additional information may be found on their website. Appointments and walk-ins are always appreciated.

The seniors are sponsoring another trip on December 2, 2008, to Longwood Gardens' Christmas where visitors may experience an enchanted winter wonderland, its conservatory replete with brilliant poinsettias, clematis and festive garlanded trees, listen to the magnificent pipe organ and watch professional ice skaters at the outdoor rink. Information may be found on the senior center website.

Madison will be lit up as well with white lights on Waverly Place. Dr. Esposito gave special mention to Honor Tree Service for graciously donating their time of over seven days of labor to install these lights.

In conjunction with the Christmas Parade is the Christmas Walk. This has been going on for over 20 years and is similar to a downtown open house where most of the merchants and businesses will be open to customers and offering hot cider, cookies and special sales along with warm hospitality. The Christmas Walk will be a collaborative effort with the Chamber of Commerce, the Downtown Development Commission (DDC), the Christmas Committee and MACA. The Walk will go from 4 p.m. to 8 p.m., with the Parade beginning at 5:30 p.m. the day after Thanksgiving.

Tomorrow on the 11th day, at the 11th hour of the 11th month, we will be celebrating Armistice Day, which is now known as Veterans Day. It will be our 90th Anniversary of this event and honors those who have fought in past wars and those fighting in present wars; it also honors our Homeland Security, which includes our Police, Fire and Emergency Services personnel. The event will begin at 10:50 a.m. at Condurso Park, which is the lower portion of James Park.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

Pat Rowe, Pine Avenue, reported a lack of adequate curbing on his street and that the road is pulling apart at the center line.

Jeffrey Sarrett of Rachael Avenue, in connection with the matter of the foreclosed property at 22 Orchard Street, lodged a complaint regarding the structure situated at the rear property line of 22 Lathrop Avenue. The structure rests on the property line bordering the foreclosed property (Lot 16 on the Tax Map). A plywood door on the structure opens onto Orchard Street. The structure is dilapidated and structurally unsound.

INVITATION FOR DISCUSSION (1 of 2)

Mayor Holden opened the meeting to the public for their opportunity to ask questions and make comments on any discussion items on the agenda or resolutions. There will be another invitation for discussion later in the meeting for any other subjects. 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

Regular Meeting Minutes – November 10, 2008

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.**

James Shindle, Longview Avenue, made a statement about the overnight parking ordinance; at least five tenants are renting the house at 50 Longview Avenue. They park cars in the driveway and at least two to five cars park on the street. Mr. Shindle had his driveway paved in 2007. He was granted a three-day exemption to park on the street. He was questioned and finally his request was accepted. Having too many tenants in a residential home should be no excuse to park overnight on the street. Mrs. Vitale was asked to take this problem to the Police Department.

Sam Cerciello, Park Avenue, asked about the discussion regarding the Electric Utility's proposed rate increase. He felt there should be a determination to cut expenses in Madison, and he has a lot of good ideas he would like to share. He asked about Borough Hall renovations and any progress on that project.

Mr. Codey commented that the Trustees of the Hartley Dodge Memorial have advanced funds and are proceeding with selective demolition work at the site. The goal is to try to remove the guesswork, which will result in better bids on the project. Four bidders have been prequalified for their work on historic buildings.

AGENDA DISCUSSIONS

11/10/2008-1 ELECTRIC UTILITY RATE INCREASE

In a detailed statement, Chief Financial Officer Robert Kalafut presented the need for the rate increase. Mr. Codey explained how the Electric Utility is run offering quality service at a fair price, and the necessity of raising rates 24.5% on January 1, 2009. Mr. Conley offered to have the Electric Utility Study Committee hold an information meeting in this regard, which was agreeable to all.

An ordinance will be listed for introduction on the November 24, 2008 agenda.

11/10/2008-2 APPROPRIATE \$98,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR MADISON PUBLIC LIBRARY PROJECTS

Library Trustee Mark Sheeleigh and Library Director Nancy Adamczyk addressed the Mayor and Council with their request to appropriate funds for Library projects. There was agreement to list an ordinance for introduction later in the meeting.

11/10/2008-3 APPROPRIATE \$285,600 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR INSTALLATION OF ELEVATOR AT THE MADISON CIVIC CENTER

It was determined that this will be talked about in the context of 2009 Capital Projects. In the meantime, there was agreement that the Rosen Group should move forward with drawing up the specifications for the Elevator Only, which was one alternative presented by the Rosen Group and acceptable to the Council. Mrs. Vitale will follow up with the Rosen Group in this regard.

Ordinance 71-2008 was removed from the Agenda.

11/10/2008-4 Combined with #5 below, authorizing purchase and appropriating funds therefore.

Regular Meeting Minutes – November 10, 2008

11/10/2008-5 INTRODUCE BOND ORDINANCE AUTHORIZING PURCHASE AND APPROPRIATING FUNDS FOR 53 ACRES

Mr. Mezzacca commented that the Bond Ordinance drawn up by Bond Counsel authorizes the purchase and funding.

Bond Ordinance 73-2008 is listed for introduction later in the meeting.

Added to Agenda

11/10/2008-6(1)&(2) (1) EMERGENCY APPROPRIATION OF \$12,500.00 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR THE PURCHASE AND INSTALLATION OF A NEW STEAM BOILER FOR THE WATER & LIGHT PLANT
(2) EMERGENCY APPROPRIATION OF \$12,500.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR THE PURCHASE AND INSTALLATION OF A NEW STEAM BOILER FOR THE WATER & LIGHT PLANT

This emergency appropriation for the Water & Light Plant is to restore heat at that site. The cost will be shared equally by the Water Utility and Electric Utility.

Ordinance 72-2008 appropriating from the Water Capital Improvement Fund is listed for introduction later in the meeting; Ordinance 74-2008 appropriating from the Electric Capital Improvement Fund is listed for introduction later in the meeting.

Added to Agenda

11/10/2008-7 RESOLUTION AWARDED PROFESSIONAL SERVICE CONTRACT FOR DESIGN OF PROSPECT STREET AND KINGS ROAD SIGNALIZATION IMPROVEMENTS TO BOSWELL ENGINEERING IN THE AMOUNT OF \$19,500

Borough Engineer Robert Vogel commented on the signalization improvements needed for Prospect Street and Kings Road, which will deal with issues at the Fire & Police Building.

There was agreement to list Resolution R 296-2008 on the Consent Agenda.

Added to Agenda

11/10/2008-8 RESOLUTION AWARDED PROFESSIONAL SERVICE CONTRACT FOR DESIGN OF BRITTIN STREET AND GREENWOOD AVENUE SIGNALIZATION IMPROVEMENTS TO BOSWELL ENGINEERING

Borough Engineer Robert Vogel commented on the design of Brittin Street and Greenwood Avenue signalization improvements, which responds to a request by the Traffic Calming Committee and recent accident data accumulated since the installation of additional traffic calming and signage at the intersection.

There was agreement to list Resolution R 297-2008 on the Consent Agenda.

Added to Agenda

11/10/2008-9 REVISION OF ORDINANCE SETTING POLICY ON UNDERGROUND ELECTRIC SERVICE.

Mr. Conley will bring this back at a future meeting with a recommendation as to a reimbursement amount to be budgeted in a revised ordinance.

Added to Agenda

11/10/2008-10 DDC REQUEST FOR APPROVAL OF SIGNAGE

Mayor Holden commented that NJ DOT needs a resolution of the Council so that the DDC might be able to erect new parking signs prior to the Holiday Shopping Season. The DDC is paying for the new signage, which costs about \$6,000.00.

Regular Meeting Minutes – November 10, 2008

There was agreement to list R 299-2008 on the Consent Agenda.

ADVERTISED HEARINGS

The Clerk made the following statement:

Ordinance 66-2008 was introduced by title and passed on first reading at a Regular Meeting of the Council held September 22, 2008; Ordinance 67-2008 and Ordinance 68-2008 were introduced by title and passed on first reading on October 15, 2008; Ordinance 69-2008 was introduced by title and passed on first reading on October 27, 2008. All were published in the Madison Eagle and made available to members of the public.

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**

Ms. Baillie moved that Ordinance 66-20078 be tabled. Mr. Elias seconded the motion, which 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 announced that Ordinance 66-2008 is tabled.

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:

Regular Meeting Minutes – November 10, 2008

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.

Mayor Holden opened up the public hearing on Ordinance 67-2008. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 67-2008, 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 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.

Mayor Holden opened up the public hearing on Ordinance 68-2008.

Sam Cerciello, Park Avenue, questioned the title of the position and why the Borough is spending more, and felt the Borough should be cutting spending. Mr. Codey explained the

Regular Meeting Minutes – November 10, 2008

value of the position to the Borough and that the Borough is paying \$40,000.00 to \$50,000.00 under the market for that position.

Jerry O'Donnell, Central Avenue, supported the salary for this position and reported that the Borough is getting a bargain.

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

Ms. Baillie moved that Ordinance 68-2008, which the Borough Clerk read by title, be finally adopted. Mr. Elias seconded the motion. Ms. Baillie supported the position Mr. O'Donnell took and that is why she is supporting this ordinance. There was no further 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 69-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$13,500.00 FROM THE ~~WATER~~ GENERAL CAPITAL IMPROVEMENT FUND FOR MODIFICATIONS AND IMPROVEMENTS TO THE MADISON STORM SEWER SYSTEM IN THE AREA OF RACHAEL AVENUE

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$13,500.00 from the General Capital Improvement Fund for modifications and improvements to the Madison storm sewer system in the area of Rachael Avenue; 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 \$13,500.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$13,500.00 from the General Capital Improvement Fund for modifications and improvements to the Madison storm sewer system in the area of Rachael Avenue; 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 \$13,500.00 is hereby appropriated from the General Capital Improvement Fund for modifications and improvements to the Madison storm sewer system in the area of Rachael Avenue.

Regular Meeting Minutes – November 10, 2008

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.

The Borough Clerk read the Ordinance by title with the corrected funding source of "General" rather than "Water" as it was originally introduced. Mr. Mezzacca commented that the amendment is not substantial and the Council may consider the ordinance for final adoption. There was agreement by acclamation to change the funding source as indicated.

Mayor Holden opened up the public hearing on Ordinance 69-2008 as amended.

Jerry O'Donnell, Central Avenue, asked about the electric rate increase. Mr. Codey gave the history on how the Borough gets contracts for electricity. Mayor Holden explained that the hearing is on Ordinance 69-2008, and any other questions will be invited later in the meeting.

Since no other member of the public wished to be heard on Ordinance 69-2008, the public hearing was closed.

Mr. Elias moved that Ordinance 69-2008, which the Borough Clerk read by title, be finally adopted. Dr. Esposito 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.

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

Ordinances scheduled for first reading will have a hearing date set for November 24, 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, noting that Ordinance 71-2008 has been removed from the Agenda, and asked the Borough Clerk to read said ordinances by title:

ORDINANCE 70-2008

**ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$98,000.00 FROM THE GENERAL CAPITAL
IMPROVEMENT FUND FOR SWALE CONSTRUCTION,
PURCHASE OF COMPUTER EQUIPMENT, SIDEWALK
PAVING AND EXTERIOR RAMP CONSTRUCTION FOR THE
MADISON PUBLIC LIBRARY**

WHEREAS, the Library Director has recommended that the Borough appropriate \$98,000.00 from the General Capital Improvement Fund for swale

Regular Meeting Minutes – November 10, 2008

construction (\$75,000.00), purchase of computer equipment (\$8,000.00) and sidewalk paving and exterior ramp construction (\$15,000.00); 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 \$98,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$98,000.00 from the General Capital Improvement Fund for swale construction (\$75,000.00), purchase of computer equipment (\$8,000.00) and sidewalk paving and exterior ramp construction (\$15,000.00).

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 \$98,000.00 is hereby appropriated from the General Capital Improvement Fund for swale construction (\$75,000.00), purchase of computer equipment (\$8,000.00) and sidewalk paving and exterior ramp construction (\$15,000.00) at the Madison Public Library.

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

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

Ms. Baillie moved that Ordinance 70-2008, 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: Ms. Baillie, Mrs. Vitale, Mr. Elias
Mr. Conley, Mrs. Tsukamoto, Dr. Esposito
Nays: None

Removed from Agenda and the # retired:

ORDINANCE 71-2008

**~~ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$285,600.00 FROM THE GENERAL
CAPITAL IMPROVEMENT FUND FOR INSTALLATION OF
ELEVATOR AT THE MADISON CIVIC CENTER~~**

ORDINANCE 72-2008

**ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$12,500.00 FROM THE WATER CAPITAL
IMPROVEMENT FUND FOR PURCHASE AND INSTALLATION
OF A NEW STEAM BOILER FOR THE WATER & LIGHT
PLANT ON AN EMERGENCY BASIS**

Regular Meeting Minutes – November 10, 2008

WHEREAS, the Superintendent of Public Works has advised the Council that the steam boiler in the Water & Light Plant required emergency replacement in order to protect the health and welfare of the public; and

WHEREAS, the Borough expended \$25,000.00 to replace the steam boiler on an emergency basis, pursuant to N.J.S.A 40A:11-6; and

WHEREAS, the Superintendent of Public Works has requested that the Borough appropriate \$12,500.00 from the Water 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 Water Capital Improvement Fund in an amount not to exceed \$12,500.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$12,500.00 from the Water Capital Improvement Fund for the emergency replacement of the steam boiler at the Water & Light Plant; and

WHEREAS, a companion Ordinance 74-2008 is also being introduced to authorize appropriation of \$12,500.00 from the Electric Capital Improvement Fund.

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 \$12,500.00 is hereby appropriated from the Water Capital Improvement Fund for the emergency replacement of the steam boiler at the Water & Light Plant.

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

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

Mr. Conley moved that Ordinance 72-2008, 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: Ms. Baillie, Mrs. Vitale, Mr. Elias
Mr. Conley, Mrs. Tsukamoto, Dr. Esposito
Nays: None

ORDINANCE 73-2008

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR OPEN SPACE PRESERVATION AND RECREATION PURPOSES BY AND FOR THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, NEW JERSEY, TO APPROPRIATE THE SUM OF \$12,800,000 TO PAY THE COST THEREOF, TO MAKE A DOWN

Regular Meeting Minutes – November 10, 2008

PAYMENT, TO APPROPRIATE A COUNTY GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Section 1. The Borough of Madison, in the County of Morris, New Jersey (the "Borough") is hereby authorized to acquire approximately 53 acres of real property for open space preservation and recreation purposes by and for the Borough. Said improvement shall include real estate transaction expenses and all work, materials and appurtenances necessary and suitable therefor. The property to be acquired is designated as a portion of Block 1401, Lot 5 on the Tax Assessment Map of the Borough of Florham Park. The Borough of Madison intends to annex said property after its acquisition.

Section 2. The sum of \$12,800,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 of this ordinance (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized, the down payment appropriated and the \$6,000,000 grant from the Morris County Open Space Preservation Trust Fund (the "County Grant") appropriated by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Regular Meeting Minutes – November 10, 2008

Section 3. It is hereby determined and stated that (1) the making of such improvement is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes, as amended; the ALocal Bond Law@), and (3) the estimated cost of said purpose is \$13,050,000 (consisting of the \$12,800,000 hereby appropriated and the \$250,000 previously appropriated from the Borough's Open Space and Recreation Trust Fund for the deposit for the real estate purchase pursuant to Ordinance No. 4-2008 adopted by the Borough Council of the Borough on January 28, 2008), and (4) \$6,000,000 of said sum is to be provided by the County Grant hereinafter appropriated to finance said purpose, and (5) \$800,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (6) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$6,000,000, and (7) the cost of such purpose hereby financed includes the aggregate amount of \$50,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that the sum of \$6,000,000 received or to be received as the County Grant is hereby appropriated to the payment of the cost of such purpose.

Section 5. It is hereby determined and stated that the aggregate sum of \$800,000 (consisting of (A)

Regular Meeting Minutes – November 10, 2008

\$50,000 in the Borough of Madison Open Space and Recreation Trust Fund and (B) \$750,000 in the General Capital Improvement Fund) is now available to serve as the down payment on said purpose. The sum of \$800,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 6. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$6,000,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 7. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$6,000,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 8. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more

Regular Meeting Minutes – November 10, 2008

than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 9. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 10. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$6,000,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. Any funds received from private parties, the County of Morris, the State of New Jersey or any of their agencies or any funds received from the

Regular Meeting Minutes – November 10, 2008

United States of America or any of its agencies in aid of such purpose (other than the County Grant hereinbefore appropriated which shall be applied to the cost of such purpose, but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 12. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 13. The Borough intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the

Regular Meeting Minutes – November 10, 2008

Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Ms. Baillie read and moved adoption of above **Ordinance 73-2008**:

BE IT RESOLVED that ORDINANCE 73-2008 entitled:

"BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR OPEN SPACE PRESERVATION AND RECREATION PURPOSES BY AND FOR THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, NEW JERSEY, TO APPROPRIATE THE SUM OF \$12,800,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE A COUNTY GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS."

is hereby introduced by title and does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 24th day of November, 2008, at 8:00 P.M., or as soon thereafter as the matter can be reached, at the meeting place of the Borough Council in the Temporary Municipal Offices, Bayley Ellard High School, 205 Madison Avenue, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Regular Meeting Minutes – November 10, 2008

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

ORDINANCE 74-2008

**ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$12,500.00 FROM THE ELECTRIC CAPITAL
IMPROVEMENT FUND FOR PURCHASE AND INSTALLATION
OF A NEW STEAM BOILER FOR THE WATER & LIGHT
PLANT ON AN EMERGENCY BASIS**

WHEREAS, the Electric Utility Superintendent has advised the Council that the steam boiler in the Water & Light Plant required emergency replacement in order to protect the health and welfare of the public; and

WHEREAS, the Borough expended \$25,000.00 to replace the steam boiler on an emergency basis, pursuant to N.J.S.A 40A:11-6; and

WHEREAS, the Electric Utility Superintendent has requested that the Borough appropriate \$12,500.00 from the Electric 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 Electric Capital Improvement Fund in an amount not to exceed \$12,500.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$12,500.00 from the Electric Capital Improvement Fund for the emergency replacement of the steam boiler at the Water & Light Plant; and

WHEREAS, a companion Ordinance 75-2008 is also being introduced to authorize appropriation of \$12,500.00 from the Water Capital Improvement Fund.

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 \$12,500.00 is hereby appropriated from the Electric Capital Improvement Fund for the emergency replacement of the steam boiler at the Water & Light Plant.

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

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

Regular Meeting Minutes – November 10, 2008

Mr. Conley moved that Ordinance 74-2008, 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: 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.

Mr. Conley moved adoption of the Resolutions listed on the Consent Agenda. Mrs. Vitale seconded the motion.

Council discussion included that as to R 294-2008, the Council will follow up with guidelines and user fees.

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

R 292-2008

**RESOLUTION OF THE BOROUGH OF MADISON
AWARDING CONTRACT TO MATINA & SON IN THE
AMOUNT OF \$13,500.00 FOR MODIFICATIONS TO THE
MADISON STORM SEWER SYSTEM IN THE AREA OF
RACHAEL AVENUE**

WHEREAS, the Borough of Madison solicited quotes for modifications and improvements to the Madison storm sewer system in the area of Rachael Avenue (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-6.1, et seq.; and

WHEREAS, the Borough Engineer has recommended that the Contract should be awarded to Matina & Son, Inc., in the amount of \$13,500.00; and

WHEREAS, The Borough Council has determined to award said contract to Matina & Son, Inc.; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$13,500.00 for this purpose, upon final adoption of Ordinance 69-2008.

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:

Regular Meeting Minutes – November 10, 2008

1. Upon final adoption of Ordinance 69-2008, the Contract is hereby awarded to Matina & Son, Inc., of Hackensack, NJ based upon its quote in the amount of \$13,500.00 for modifications and improvements to the Madison storm sewer system in the area of Rachael Avenue.

2. Upon final adoption of Ordinance 69-2008, the Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the Contract with Matina & Son, Inc., of Hackensack, NJ in a form acceptable to the Borough Attorney.

R 293-2008

RESOLUTION OF THE BOROUGH OF MADISON AWARDING FIVE-YEAR CONTRACT FOR PICKUP OF RECYCLABLES BY THE FIRST OCCUPATIONAL RECYCLING & WASTE INC. COMMENCING JANUARY 1, 2009

WHEREAS, the Borough Recycling Coordinator has recommended that the Borough renew its contract with First Occupational Center of New Jersey for the pickup of both paper and co-mingled recyclable materials for a period of five years, commencing on January 1, 2009, at a cost not to exceed the amounts set forth in the proposal from First Occupational Recycling and Waste, Inc. dated September 17, 2008; and

WHEREAS, said services would involve the removal of recyclable materials for which a contract may be awarded without the need of competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(S); and

WHEREAS, the Borough Council has determined to enter into the contract with First Occupational Center of New Jersey for the pickup of both paper and co-mingled recyclable materials.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a contract with First Occupational Center of New Jersey as described above at a cost not to exceed the amounts set forth in the proposal from First Occupational Recycling and Waste, Inc. dated September 17, 2008 in a form acceptable to the Borough Attorney.

R 294-2008

RESOLUTION OF THE BOROUGH OF MADISON AWARDING EXTRAORDINARY UNSPECIFIABLE SERVICE CONTRACT

**TO S-TECH COMPUTING IN THE AMOUNT OF \$27,500.00
FOR COMPLETE REVISION OF THE BOROUGH WEBSITE
AND BUSINESS LISTINGS**

WHEREAS, the Borough Network Administrator has recommended complete revision of the Borough government website as well as redesign of the Rosenet homepage and other web services such as common data services, including content management administrative features, web syndication, calendar system and other features; and

WHEREAS, the Network Administrator has recommended awarding a contract for extraordinary and unspecifiable service in regard to custom redesign of the Borough website as well as that for local businesses and not-for-profit organizations; and

WHEREAS, the Network Administrator recommends awarding a contract to S-Tech Computing in the amount of \$27,500.00 for such extraordinary and unspecifiable services; and

WHEREAS, the Borough Administrator has certified that this award may be made without receipt of formal bids as an extraordinary and unspecifiable service pursuant to N.J.S.A. 40A:11-5(1)(a)(ii); and

WHEREAS, the Director of Finance has certified that funds are available in an amount not to exceed \$27,500.00 for this purpose from the Operating Budget; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. requires that a resolution authorizing an award of a contract for professional and/or extraordinary and unspecifiable services and/or copyrighted materials without competitive bids be publically advertised.

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

1. The Mayor and Borough Clerk are authorized to enter into an agreement with S-Tech Computing of Mount Laurel, New Jersey, in an amount not to exceed \$27,500.00 for the custom design and programming described in a proposal submitted by S-Tech Computing regarding redesign and revision of various aspects of the Rosenet website including the Borough government site and local business and not-for-profit sites.

2. This contract is made without competitive bidding as an extraordinary and unspecifiable service under the provisions of the Local Public Contracts Law because of the qualitative nature of the services.

Regular Meeting Minutes – November 10, 2008

3. The form of agreement is subject to approval by the Borough Attorney.

R 295-2008

**RESOLUTION OF THE BOROUGH OF MADISON
AUTHORIZING CONTRACT WITH T&M ASSOCIATES FOR
DESIGN CONSULTING SERVICES FOR DEVELOPMENT
OF MADISON RECREATION CENTER NOT TO EXCEED
\$97,200.00**

WHEREAS, the Borough Engineer has recommended that the Borough obtain professional services from T&M Associates, Inc. for design consulting services for development of the Madison Recreation Center; 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 \$97,200.00, contingent on the Borough closing title to the 53 acres known as Lot 5.2, Block 1401 in the Borough of Florham Park; 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 \$97,200.00 for this purpose from the Open Space, Recreation and Historic Preservation Trust Fund Account.

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:

Regular Meeting Minutes – November 10, 2008

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 design consulting services for development of the Madison Recreation Center in an amount not to exceed \$97,200.00, which contract will be contingent on the Borough closing title to the 53 acres known as Lot 5.2, Block 1401 in the Borough of Florham Park, 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 296-2008

**RESOLUTION OF THE BOROUGH OF MADISON
AUTHORIZING CONTRACT WITH BOSWELL ENGINEERING
FOR DESIGN OF SIGNALIZATION IMPROVEMENTS TO THE
INTERSECTION OF PROSPECT STREET AND KINGS ROAD**

WHEREAS, the Borough Engineer has recommended that the Borough obtain professional services from Boswell Engineering for design of signalization improvements to the intersection of Prospect Street and Kings Road; 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 Boswell Engineering, in an amount not to exceed \$19,500.00; and

WHEREAS, Boswell Engineering 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

Regular Meeting Minutes – November 10, 2008

WHEREAS, Boswell Engineering must complete and submit a Business Entity Disclosure Certification which certifies that Boswell Engineering 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 Boswell Engineering 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 \$19,500.00 for this purpose Water Utility Field Operations Budget Account #215 Professional Services.

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:

4. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from Boswell Engineering, the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract with Boswell Engineering for professional services for design of signalization improvements to the intersection of Prospect Street and Kings Road in an amount not to exceed \$19,500.00, such contract to be in a form approved by the Borough Attorney.

5. When received, the Business Entity Disclosure Certification, Political Contribution Disclosure Form and the Determination of Value shall be placed on file with this resolution.

6. 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 297-2008

**RESOLUTION OF THE BOROUGH OF MADISON
AUTHORIZING CONTRACT WITH BOSWELL
ENGINEERING FOR DESIGN OF SIGNALIZATION
IMPROVEMENTS TO THE INTERSECTION OF BRITTIN
STREET AND GREENWOOD AVENUE**

WHEREAS, the Borough Engineer has recommended that the Borough obtain professional services from Boswell Engineering for design of signalization improvements to the intersection of Brittin Street and Greenwood Avenue; 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

Regular Meeting Minutes – November 10, 2008

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 Boswell Engineering, in an amount not to exceed \$19,500.00; and

WHEREAS, Boswell Engineering 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, Boswell Engineering must complete and submit a Business Entity Disclosure Certification which certifies that Boswell Engineering 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 Boswell Engineering 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 \$19,500.00 for this purpose from 8-01-20-165-215 (Engr Oper Prof).

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:

7. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from Boswell Engineering, the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract with Boswell Engineering for professional services for design of signalization improvements to the intersection of Brittin Street and Greenwood Avenue in an amount not to exceed \$19,500.00, such contract to be in a form approved by the Borough Attorney.

8. When received, the Business Entity Disclosure Certification, Political Contribution Disclosure Form and the Determination of Value shall be placed on file with this resolution.

9. 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 298-2008

**RESOLUTION OF THE BOROUGH OF MADISON
AUTHORIZING CLOSING OF MADISON AVENUE AT KINGS**

Regular Meeting Minutes – November 10, 2008

ROAD AND MAIN STREET/PARK AVENUE FROM GREEN VILLAGE ROAD TO RIDGEDALE AVENUE FOR VETERANS DAY CEREMONY AT CONDURSO PARK ON NOVEMBER 11, 2008 FROM 10:50 A.M. TO 11:30 A.M.

WHEREAS, Bruce Bergman on behalf of Frank Patterson Post 43 has requested permission to have Madison Avenue from its junction at Kings Road and Main Street/Park Avenue from Green Village Road to Ridgedale Avenue closed from approximately 10:50 a.m. to 11:30 a.m. on November 11, 2008, in connection with a Veterans Day ceremony at Concurso Park; and

WHEREAS, Madison Acting Chief of Police John Trevena has recommended the closing of Madison Avenue at Kings Road and Main Street/Park Avenue for the Veterans Day ceremony.

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 Madison Avenue from its junction at Kings Road and Main Street/Park Avenue from Green Village Road to Ridgedale Avenue from 10:50 a.m. to 11:30 a.m. on November 11, 2008 in conjunction with a Veterans Day ceremony at Concurso Park, which shall be conducted subject to the safety requirements of the Madison Police Department.

R 299-2008

RESOLUTION OF THE COUNCIL OF THE BOROUGH OF MADISON IN SUPPORT OF A REQUEST TO THE N.J. DEPARTMENT OF TRANSPORTATION TO INSTALL SHOPPER PARKING SIGNS IN THE DOWNTOWN BUSINESS DISTRICT

WHEREAS, the Parking Committee of the Madison Downtown Development Commission (DDC) has recommended the installation of thematic, shopper-parking directional signage in the Madison downtown business district; and

WHEREAS, the color and design of said signage has been approved and recommended by the DDC, as a whole, and the Madison Historic Preservation Commission; and

WHEREAS, the cost of manufacture and installation of such signage will be borne by the DDC; and

WHEREAS, the Parking Committee of the DDC wishes to co-locate said directional signs on the traffic light armatures along State Highway Route 124 at Greenwood Avenue, Prospect Street, Central Avenue, Waverly Place, and Green Village Road, both directions (eastbound and westbound); and

Regular Meeting Minutes – November 10, 2008

WHEREAS, the Bureau of Traffic Engineering and Investigations requests an affirmative letter of support for this endeavor from the municipality, for its consideration.

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that it supports a request to the N.J. Department of Transportation to allow the installation of shopper-parking directional signage in the Downtown Business District along State Highway Route 124 at Greenwood Avenue, Prospect Street, Central Avenue, Waverly Place, and Green Village Road, both directions (eastbound and westbound), from the traffic light armatures currently located at these intersections.

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.

Eugene Zipper, Greenwood Avenue, commented that when Chief Financial Officer Robert Kalafut spoke about the Electric Utility rate increase being proposed, the public was not invited to comment at that time. He felt the appropriate time for the public to comment would be when the discussion actually took place. Mr. Zipper was advised that Mr. Conley will arrange a public information meeting in that regard. Mr. Zipper spoke about surplus generated and used to keep taxes down.

Sam Cerciello, Park Avenue, had a number of questions and suggestions, including that the Board of Education should become a tenant at Borough Hall when the Hartley Dodge Memorial is renovated; the post office building should be painted; the Borough should create a dog park at the 53 acres.

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	\$31,019.43
Health & Public Assistance	4,943.16
Public Works & Engineering	157,833.97
Community Affairs	1,643.55
Finance & Borough Clerk	10,648,845.29
Utilities	<u>192,371.89</u>
Total	<u>\$11,036,657.29</u>

Regular Meeting Minutes – November 10, 2008

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 - None

ADJOURN AND RECONVENE EXECUTIVE SESSION

The Regular Meeting adjourned at 10:30 p.m. and the Executive Session immediately reconvened.

RECONVENE AND ADJOURN

The Regular Meeting reconvened and immediately adjourned at 11 p.m.

Respectfully submitted,

Marilyn Schaefer
Borough Clerk
Approved November 24, 2008 (MS)