

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

**June 22, 2009 - 7 p.m.**

***CALL TO ORDER***

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 22<sup>nd</sup> day of June 2009. Mayor Holden called the meeting to order at 7 p.m. in the Mayor's Office, Room #210 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 Bayley-Ellard High School, and filing a copy in the office of the Clerk, all on January 6, 2009. This Notice 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

John M. Elias

Jeannie Tsukamoto

Vincent A. Esposito

Absent: Robert H. Conley, excused

Carmela Vitale, excused

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Also Present:

Raymond M. Codey, Borough Administrator

Marilyn Schaefer, Borough Clerk

Elizabeth Osborne, Acting Borough Clerk

Joseph Mezzacca, Jr., Borough Attorney

AGENDA REVIEW

Two Litigation Matters were added to the Executive Agenda.

*READING OF CLOSED SESSION RESOLUTION*

Mrs. Tsukamoto moved:

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

MINUTES (1)

JUNE 8, 2009 EXECUTIVE

CONTRACT MATTERS (3)

JOINT COURT

GREEN VILLAGE RD. AND ELMER ST.

JENICAR BUILDERS

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

PERSONNEL MATTERS (2)

ASSISTANT TO THE SENIOR CENTER DIRECTOR

SIDEWALK SWEEPER

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

LITIGATION MATTERS (2)

COMBE LANDFILL NORTH

BEHS

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

Seconded: Ms. Baillie

Vote: Approved by voice vote of members present

**RECONVENE IN COUNCIL CHAMBER**

Mayor Holden reconvened the Regular Meeting at 8:13 p.m. in the 3<sup>rd</sup> Floor Meeting Room of Bayley-Ellard with all members present except for Mr. Conley and Mrs. Vitale, who were excused. The Pledge of Allegiance was recited by all.

**APPROVAL OF MINUTES**

Ms. Baillie moved approval of the **Executive Minutes of June 8, 2009**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Abstain: None

Absent: Mr. Conley, Mrs. Vitale

Ms. Baillie moved approval of the **Regular Meeting Minutes of June 8, 2009**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Abstain: None

Absent: Mr. Conley, Mrs. Vitale

**GREETINGS TO PUBLIC**

Mayor Holden made the following comments:

Mayor Holden noted that there will be a change in the order of agenda discussions due to the Municipal Budget Hearing.

## **REPORTS OF COMMITTEES**

### **Public Safety**

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

Ms. Baillie thanked the Police and Fire Departments of Madison and surrounding communities for their mutual aid involving an incident Saturday night downtown. Ms. Baillie reported that the matter is under investigation.

### **Utilities**

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

Reporting for Mr. Conley, estimates have been received for the school safety blinkers needed at Kings Road School, Central Avenue School, St. Vincent School and Torey J. Sabatini School. The Madison Health Department continues to monitor the swine flu situation and continues to keep residents advised.

### **Public Works and Engineering**

Mr. Conley, Chair of the Committee, absent.

### **Finance and Borough Clerk**

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

### **Community Affairs**

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

Dr. Esposito reminded residents of the start of the annual Farmers' Market located along the easterly end of Waverly Place on Thursdays beginning June 25, 2009.

### **Health & Public Assistance**

Mrs. Vitale, Chair of the Committee, absent.

**BUDGET HEARING**

Mayor Holden read the following Resolution by title:

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**R 163-2009 RESOLUTION OF THE BOROUGH OF MADISON ADOPTING THE  
2009 BUDGET AND TAX RESOLUTION**

[<Insert Budget Here>](#)

Mayor Holden invited public comment on the 2009 Budget and Tax Resolution.

**Thomas Bintinger, Green Avenue**, expressed support, on behalf of the Library Trustees, for the Municipal Budget and, in detailed comments, noted that it is a budget within which the Library can work.

**Nancy Adamczyk, Library Director**, commented in detail as to reductions to the Public Library budget, noting that the Library continues to have reduced hours. Mrs. Adamczyk acknowledged and thanked the Mayor and Council for the credit for water and electric to the Public Library. Mrs. Adamczyk invited all to the summer reading program commencement scheduled for Saturday, June 20, 2009, at the Public Library.

**Eugene Zipper, Greenwood Avenue**, asked for clarification on the water and electric charges to the Public Library. Mr. Zipper was advised that no Borough-owned building will be charged for water and electric. Mr. Zipper questioned removal of these charges, which may reflect the actual cost to run the Library. Mr. Codey commented that previously the charge went into the tax rate; under this method, the tax-exempt users will pay a higher percentage of the utility bill costs. ~~in lieu of paying property taxes.~~

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

Mrs. Tsukamoto moved that Resolution R 163-2009, which Mayor Holden read by title, be finally adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Abstain: None

Absent: Mr. Conley, Mrs. Vitale

Mayor Holden declared the 2009 Budget and Tax Resolution adopted and passed, and ordered the Borough Clerk to publish and post according to law.

### ***COMMUNICATIONS AND PETITIONS***

The Borough Clerk announced receipt of the following communication:

Letter dated June 16, 2009, from Suzanne R. Monkemeier of the Madison High School Science Department, thanking Officer Wayne Reed for his involvement as a guest speaker which helped make the Forensic Science course more informative and interactive.

Mayor Holden invited Auditor Dave Evans forward to discuss proposed water and sewer connection fees and the 2008 Audit, and said there will be an opportunity for public comment.

### ***AGENDA DISCUSSIONS***

#### ***06/22/2009-2***

2(1) WATER CONNECTION FEES

2(2) SEWER CONNECTION FEES

2(3) 2008 AUDIT

Municipal Auditor David Evans addressed proposed water and sewer connection fees in a detailed statement; Mr. Evans explained the aggregate amount of the cumulative Capital debt service costs to operate each system and **were used to determine** a per user share for any new connection. Mr. Evans recommended that the proposed fees be updated on an annual basis. Mayor Holden commented that an ordinance setting the new fees will be introduced at a future meeting.

Mayor Holden asked if any member of the public wished to be heard concerning the water and sewer connection fees. Since no member of the public wished to be heard at this time, the invitation for discussion was closed.

Mr. Evans noted the delivery of the 2008 Audit to the Borough of Madison, including comments and recommendations regarding segregation of duties and a corrective action

plan; these submittals are customary with an Annual Audit. Mr. Evans noted the requirement of the Council to certify that the recommendations and corrective action plan have been reviewed. This will be accomplished at the next meeting, allowing the Mayor and Council time to review.

Mayor Holden solicited public comment.

Don Links, Shadylawn Drive, inquired as to the amount of cash the Borough has on hand and was advised that approximately \$40 million is invested in interest bearing instruments, of which more than \$25 million is encumbered as of April 2009.

**Eugene Zipper, Greenwood Avenue**, spoke about how surplus funds are invested. Mr. Kalafut briefly spoke of the Borough's Cash Management Plan.

**Sam Cerciello, Park Avenue**, spoke about cash on hand reflected in the 2008 Audit.

Since no other member of the public wished to be heard at this time, the invitation for public comment was closed.

There was consensus to approve the recommendation of Chief Financial Officer Robert Kalafut to establish the fee for a new water connection at \$4,000.00 and the fee for a new sewer connection at \$2,700.00.

Ordinances establishing fees will be listed on a future agenda. A resolution will be listed on the next Consent Agenda regarding the 2008 Audit.

**06/22/2009-3**

3(1) BOND ORDINANCE REGARDING JOINT MEETING

3(2) RESOLUTION REGARDING BOND ORDINANCE FOR JOINT MEETING

3(3) RESOLUTION AMENDING 2009 BUDGET

Mr. Kalafut was recognized by the Chair and explained that the proposed ordinance will fund the cost of improvements to the Madison-Chatham Joint Meeting's Molitor Water Pollution Control Facility in the amount of \$2,161,500.00, noting that ~~all or~~ a portion of the cost ~~could~~ may be offset by grant funds. Comments included that the project is being accelerated because grant funds may be available. The Borough is not obligated to proceed if we do not receive a grant from the State.

A resolution making application to the Local Finance Board is required for approval to proceed with the bond ordinance, as well as a resolution to amend the Capital Budget.

Mayor Holden solicited public comment on the above discussions.

***Eugene Zipper, Greenwood Avenue***, inquired if the grant funds were part of the Federal Stimulus funds; he was advised that they are.

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

The Council was in agreement to list Ordinance 28-2009 for introduction later in the meeting and to list R 164-2009 and R 169-2009 on the Consent Agenda.

***06/22/2009-4 BOARD OF EDUCATION***

Mr. Kalafut noted that the Madison Board of Education has asked the Borough for accelerated school tax payments. Mr. Kalafut explained that the Board of Education's accelerated payment schedule can be accommodated in the short term, but it will require that the Borough use surplus and disrupt investment strategies for the Borough.

There were questions about the Board of Education's cash flow figures, which must be clarified.

Following discussion, Mr. Kalafut was authorized to draft a letter of response to the Board of Education's letter dated June 19, 2009. There was consensus that the Council needs to sit down and have a discussion with the Board of Education.

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

Mayor Holden opened the meeting to the public for their opportunity to ask questions and make comments on those items listed on the Agenda only. 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.**

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**Eugene Zipper, Greenwood Avenue**, asked about the Board of Education situation.

**Pat Rowe, Board of Education**, commented that the State no longer allows the Board of Education to hold more than \$650,000.00 in reserves; he agreed to a meeting between the Board of Education and the Council.

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

**06/22/2009-5** MUTUAL AID AGREEMENT- PUBLIC POWER ASSOCIATION OF NJ  
Mr. Codey noted that what is proposed is a volunteer agreement to help support other municipalities in the Public Power Association of New Jersey in the event of an emergency. Charges are negotiable, and any arrangement would be brought to the Governing Body for approval.

There was consensus to list Resolution R168-2009 on the Consent Agenda.

**06/22/2009-6** Discussion #6 was removed from the Agenda and the # was retired.

**06/22/2009-7** RESOLUTION IN SUPPORT OF MUNICIPAL AID APPLICATION  
FY2010 TO RECONSTRUCT PORTION OF WOODLAND ROAD FROM GREEN  
AVENUE TO GARFIELD AVENUE

There was consensus to approve Borough Engineer Robert Vogel's recommendation to approve a Municipal Aid Application in the amount of \$250,000.00 to reconstruct a portion of Woodland Road from Green Avenue to Garfield Avenue. A public hearing would be the next phase.

Resolution R 170-2009 is listed on the Consent Agenda.

**06/22/2009-8** SOMERSET COUNTY COOPERATIVE PRICING SYSTEM, #2-SOCCP

Council was in agreement to join the Somerset County Cooperative Pricing System as recommended by Purchasing Officer Elizabeth Crescibene. This is in addition to Madison's membership in the Morris County Cooperative Pricing System.

Resolution R 172-2009 is listed on the Consent Agenda.

**06/22/2009-9** RELEASE OF PERFORMANCE BOND AND PART OF CASH GUARANTEE – STOP & SHOP

Council was in agreement with Mr. Mezzacca's recommendation to release the performance bond and part of the cash guarantee for the development by Stop & Shop Supermarket Co. LLC. , retaining \$25,000.00 until some outstanding issues are answered.

Resolution R 176-2009 is listed on the Consent Agenda.

**06/22/2009-10** REJECT BID FOR CO-LOCATION BY WIRELESS TELEPHONE CARRIERS

There was agreement with Mr. Codey's recommendation to reject the bid and authorize rebid for co-location by Wireless Telephone Carriers.

Resolution R 177-2009 is listed on the Consent Agenda.

**06/22/2009-11** APPROVAL OF TEMPORARY SIGN FOR MORRIS COUNTY 4H CLUB

There was no objection to approving the request of Zoning Officer Frank Russo to issue a temporary sign permit for the 4H Fair, which takes place July 24, 25 and 26 at Chubb Park in Chester. The signs will be placed at the intersections of Shunpike and Loantaka

Way, Loantaka Way and Madison Avenue, and Rt. 24 at the Chatham line. The signs will be removed after the Fair.

A resolution will be listed on the next Consent Agenda.

**06/22/2009-1 APPROPRIATION FOR DODGE FIELD (\$95,000.00)**

Ms. Baillie moved the above discussion. Mr. Elias seconded the motion. There was detailed discussion after which there was consensus to appropriate funds for the base bid plus the alternate, and to list Ordinance 29-2009 for introduction later in the meeting in order that the project may be put out to bid.

***ADVERTISED HEARINGS***

The Borough Clerk made the following statement:

Ordinances scheduled for hearing were introduced by title and passed on first reading at a Regular Meeting of the Council held on Wednesday, May 27, 2009; all were posted and filed according to law, and copies were made available to the general public requesting same.

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

ORDINANCE 25-2009

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$15,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR EMERGENCY REPAIRS TO THE DEPARTMENT OF PUBLIC WORKS GARAGE ROOF MAIN TRUSS SUPPORTS

**WHEREAS**, the Borough Engineer has advised the Council that the DPW garage roof main truss supports require emergency repairs; and

**WHEREAS**, the Borough expended \$15,000.00 to repair the DPW garage roof main truss supports on an emergency basis, pursuant to N.J.S.A 40A:11-6; and

**WHEREAS**, the Borough Engineer has requested that the Borough appropriate \$15, 000.00 from the General Capital Improvement Fund to pay for these emergency services; and

**WHEREAS**, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$15,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$15,000.00 from the General Capital Improvement Fund for the emergency repair of the DPW garage roof main truss supports; 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 \$15,000.00 is hereby appropriated from the General Capital Improvement Fund for the emergency repair of the DPW garage roof main truss supports.

**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 25-2009. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Elias moved that Ordinance 25-2009, which the Clerk read by title, be finally adopted. Ms. Baillie seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Abstain: None

Absent: Mr. Conley, Mrs. Vitale

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 26-2009

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$48,500.00 FOR EMERGENCY SEWER MAIN PROBLEM ON PARK AVENUE

**WHEREAS**, the Borough Engineer has advised the Council that the sewer main on Park Avenue needed emergency repairs; and

**WHEREAS**, the Borough expended \$48,500.00 to repair the sewer main on an emergency basis, pursuant to N.J.S.A 40A:11-6; and

**WHEREAS**, the Borough Engineer has requested that the Borough appropriate \$48,500.00 from the General Capital Improvement Fund to pay for these emergency services; and

**WHEREAS**, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$48,500.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$48,500.00 from the General Capital Improvement Fund for the emergency repair to the sewer main on Park 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 \$48,500.00 is hereby appropriated from the General Capital Improvement Fund for the emergency repair of the sewer main on Park Avenue.

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

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

Mayor Holden opened up the public hearing on Ordinance 26-2009. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Elias moved that Ordinance 26-2009, which the Clerk read by title, be finally adopted. Ms. Baillie seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Abstain: None

Absent: Mr. Conley, Mrs. Vitale

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 27-2009

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 34  
OF THE BOROUGH CODE ENTITLED "POLICE DEPARTMENT" TO  
REORGANIZE THE COMPOSITION OF THE POLICE DEPARTMENT**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 34  
OF THE BOROUGH CODE ENTITLED "POLICE DEPARTMENT" TO  
REORGANIZE THE COMPOSITION OF THE POLICE DEPARTMENT**

Mayor Holden commented that the hearing on Ordinance 27-2009 will take place after which it will be carried to the next meeting. Mayor Holden then opened the hearing on Ordinance 27-2009 and asked if anyone wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that the hearing on Ordinance 27-2009 be carried forward to the meeting of July 13, 2009, at which time there will be consideration for final adoption. Dr. Esposito seconded the motion. There was no Council discussion, and the motion to carry forward was passed with the following roll call vote recorded:

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

Nays: None

Abstain: None

Absent: Mr. Conley, Mrs. Vitale

Mayor Holden announced that the Ordinance 27-2009 hearing and consideration for final adoption will be carried to the July 13, 2009 Regular Meeting.

### ***INTRODUCTION OF ORDINANCES***

The Borough Clerk made the following statement:

Ordinances scheduled for first reading have a hearing date set for July 13, 2009; all 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 Borough Clerk to read said ordinances by title:

#### ORDINANCE 28-2009

BOND ORDINANCE TO AUTHORIZE THE FUNDING OF A PORTION OF THE COST OF THE IMPROVEMENT OF THE MADISON-CHATHAM JOINT MEETING'S MOLITOR WATER POLLUTION CONTROL FACILITY BY AND FOR THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,161,500 TO PAY THE COST THEREOF, 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.

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WHEREAS, the Borough of Madison, in the County of Morris, State of New Jersey, and the Borough of Chatham, in the County of Morris, State of New Jersey, jointly operate a sanitary sewerage treatment system as members of the Madison-Chatham Joint Meeting (the "Joint Meeting"), with each municipality being financially responsible for a proportionate share of the system's costs - Madison's share being 65.5% and Chatham's being 34.5%; and

WHEREAS, the Borough Council of the Borough of Madison has determined that it is necessary to authorize and provide for financing various improvements to the Molitor Water Pollution Control Facility located in the Borough of Chatham and owned and operated by the Joint Meeting; and

WHEREAS, the Borough will fund \$2,161,500 of the total estimated project costs of \$3,300,000 (with Chatham funding the \$1,138,500 balance), which costs shall include all work, materials and appurtenances necessary and suitable therefor; and

WHEREAS, the Joint Meeting has heretofore filed a loan application for the financing of allowable costs of the aforesaid project with the New Jersey Environmental Infrastructure Trust Financing Program (the "State Program"); and

WHEREAS, the Borough Council of the Borough of Madison has heretofore adopted a resolution making application to the Local Finance Board in the Division of Local Government Services of the New Jersey Department of Community Affairs for approval of the Borough's request for financing its portion of allowable costs of said project from the State Program pursuant to N.J.S.A. 58:11B-9(a), for an exemption from the down payment requirement for this bond ordinance pursuant to N.J.S.A. 40A:2-7(d) and N.J.S.A. 40A:2-11(c) and for a waiver of the maturity schedule requirement for bonds issued by the Borough pursuant to the State Program pursuant to N.J.S.A. 40A:2-26(e); NOW, THEREFORE,

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

Section 1. The Borough of Madison, in the County of Morris, State of New Jersey (the "Borough"), is hereby authorized to fund its proportionate share of the costs of various improvements to the Madison-Chatham Joint Meeting's Molitor Water Pollution Control Facility located in the Borough of Chatham consisting of: replacing the cover on primary digester No. 1; cleaning of primary digester No. 1 and the secondary digester; the installation of draft tube mixers on primary digester No. 1; demolition of the existing (currently abandoned) underground concrete digester tank; installation of an isolation valve on control chamber No. 1; the installation of a chemical feed system for phosphorous removal; replacement of the sludge piping in the digester building; and all related improvements and work, materials and appurtenances necessary and suitable therefor, all as shown on and in accordance with the plans and specifications prepared or to be prepared by the Madison-Chatham Joint Meeting Engineer.

Section 2. The sum of \$2,161,500 is hereby appropriated to the payment of the Borough's share of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of the Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of the Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the total estimated cost of said purpose is \$2,161,500, and (4) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$2,161,500, and (5) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$329,000, 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. To finance said purpose, bonds of the Borough of an aggregate principal amount not exceeding \$2,161,500 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 5. To finance said purpose, bond anticipation notes of the Borough of an aggregate principal amount not exceeding \$2,161,500 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 6. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more 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 the limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute 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 7. 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 8. 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 the Borough, and that such statement so filed shows that the gross debt of the Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$2,161,500 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 9. 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 United States of America or any of its agencies in aid of such purpose (except any funds received as loans from the State Program, which shall be applied to the payment of the cost of such purpose or to the payment of any outstanding bond anticipation notes, but shall not reduce the amount of bonds authorized for such purpose), 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 10. 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 11. The Borough intends to issue bonds or notes to finance the costs of the improvements described in Section 1 of this ordinance. If the Borough or the Joint Meeting incur such costs prior to the issuance of such bonds or notes, the Borough expects 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 ordinance.

Section 12. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal

of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the 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 13. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Mrs. Tsukamoto made the following motion and moved approval. Mr. Elias seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Abstain: None

Absent: Mr. Conley, Mrs. Vitale

BE IT RESOLVED that Bond Ordinance 28-2009, which the Borough Clerk read by title, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 13th day of July, 2009, 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.

**ORDINANCE 29-2009**

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$95,000.00  
FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR DODGE FIELD  
IMPROVEMENTS

**WHEREAS**, the Borough Administrator has recommended that the Borough appropriate \$95,000.00 from the General Capital Improvement Fund for Dodge Field improvements; 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 \$95,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$95,000.00 from the General Capital Improvement Fund for Dodge Field improvements.

**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 \$95,000.00 is hereby appropriated from the General Capital Improvement Fund for Dodge Field improvements.

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

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

Mr. Elias moved that Ordinance 29-2009, which the Acting Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Abstain: None

Absent: Mr. Conley, Mrs. Vitale

The following Resolution was considered separately:

-

\* \* \* \* \*

Council Member Tsukamoto introduced and moved the adoption of the following resolution and Council Member Baillie seconded the motion:

**R 164-2009**

RESOLUTION OF THE BOROUGH COUNCIL OF THE  
BOROUGH OF MADISON, IN THE COUNTY OF MORRIS,  
NEW JERSEY, MAKING APPLICATION TO THE LOCAL  
FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-  
7(d), N.J.S.A. 40A:2-11(c), N.J.S.A. 40A:2-  
26(e) AND N.J.S.A. 58:11B-  
9(a)

WHEREAS, the Borough Council of the Borough of Madison desires to make application to the Local Finance Board for its review and/or approval of (A) a proposed bond ordinance (without a down payment) authorizing the funding of Madison's share of improvements to the Madison-Chatham Joint Meeting sewer plant, (B) the Borough of Madison's participation in the New Jersey Environmental Infrastructure Trust Financing Program (the "State Program"), and (C) a maturity schedule for a proposed bond issue for loans from the State Program with principal amounts of annual installments that deviate from the requirements of N.J.S.A. 40A:2-26(b); and

WHEREAS, the Borough Council of the Borough of Madison believes:

(a) the limitations as to principal amounts of annual installments set forth in N.J.S.A. 40A:2-26(b) will adversely affect the financial position of the local unit;

(b) it is in the public interest to accomplish such purpose;

(c) said purpose or improvements are for the health, welfare and convenience or betterment of the inhabitants of the local unit or units;

(d) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and

(e) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

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

Section 1. The application to the Local Finance Board is hereby approved, and Rogut McCarthy LLC, Bond Counsel, and Nisivoccia & Company LLP, Borough Auditors, along with other representatives of the Borough of Madison, are hereby authorized to prepare such application and to represent the Borough of Madison in matters pertaining thereto.

Section 2. The Borough Clerk of the Borough of Madison is hereby directed to prepare and file a copy of this resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statutes.

There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Abstain: None

Absent: Mr. Conley, Mrs. Vitale

***CONSENT AGENDA RESOLUTIONS***

The Clerk made the following statement:

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

Mrs. Tsukamoto moved adoption of the Resolutions listed on the Consent Agenda consisting of R 165-2009 to R 177-2009. Ms. Baillie seconded the motion. Regarding R 165-2009, this is an annual race and the request came in too late for the last meeting's agenda. There was no further Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Abstain: None

Absent: Mr. Conley, Mrs. Vitale

R 165-2009

**RESOLUTION OF THE BOROUGH OF MADISON RATIFYING  
GIRLS ON THE RUN OF NJ 5K RUN TO BE HELD ON  
SATURDAY, JUNE 13, 2009**

**WHEREAS**, Girls on the Run of NJ requested permission to hold a “5K run” in Madison on Saturday, June 13, 2009 at 6:30 a.m., at the Memorial Park parking lot and the skating rink field area on the route approved by the Madison Borough Police Chief; and

**WHEREAS**, Police Chief Trevena recommended approval of this request.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, hereby affirms permission and approval for Girls on the Run of NJ to hold a “5K run” in Madison on Saturday, June 13, 2009, as described herein, subject to any safety requirements imposed by the Madison Police Department.

**R 166 - 2009**

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**RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES  
LICENSE APPLICATIONS SUBMITTED BY PTSO MADISON HS TO BE HELD  
AT MADISON HIGH SCHOOL**

**BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following applications for Raffles Licenses, which raffles are to be held at Madison High School, be and the same are hereby approved:

**PTSO MADISON HS**

**I.D. No. 274-5-33795**

**R.A. No. 1116 – On Premise**

**September 18, October 3,**

**October 16 and October 24, 2009**

**PTSO MADISON HS**

**I.D. No. 274-5-33795**

**R.A. No. 1117 – Off Premise**

**R.A. No. 1118 – On Premise**

**October 22, 2009**

**BE IT FURTHER RESOLVED** that a certified copy of this

Resolution be forwarded to the Legalized Games of Chance Control Commission.

**167-2009**

**RESOLUTION OF THE BOROUGH OF MADISON RENEWING LIQUOR  
LICENSES IN THE BOROUGH OF MADISON FOR THE 2009-2010 LICENSE  
TERM**

**BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following applications for renewal of Liquor Licenses for the 2009 - 2010 license term be, and hereby are, approved:

**CLUB LICENSES - FEE: \$150.00; July 1, 2009 through June 30, 2010**

License #1417-31-022-001

North Stars Athletic Club, Inc.

North Star Athletic Club

95 North Street

Madison, NJ 07940

CONSUMPTION LICENSES – FEE \$1,989.00; July 1, 2009 through June 30, 2010

License #1417-33-015-004

Prospect Tavern Beef & Ale Liability Co.

Prospect Tavern Beef & Ale Liability Co.

14 Prospect Street

Madison, NJ 07940

License #1417-33-010-004

L'Allegria Restaurant Corp.

L'Allegria Restaurant Corp.

9-11 Prospect Street

Madison, NJ 07940

License #1417-33-011-008

Genesis Restaurant Group

Main Streets Café

54 Main Street

Madison, NJ 07940

License #1417-33-024-008

Plaza Lanes. Inc.

Plaza Lanes, Inc.

53 Madison Avenue

Madison, NJ 07940

DISTRIBUTION LICENSES - FEE: \$1,491.00; July 1, 2009 through June 30, 2010

License #1417-44-006-004

ANV Madison, LLC

Main Street Wine Cellar

300 Main Street Unit 7A

Madison, NJ 07940

**R 168-2009**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING  
ENTRY INTO MUTUAL AID AGREEMENT WITH ALL OTHER  
MEMBERS OF THE PUBLIC POWER ASSOCIATION OF NEW  
JERSEY**

**WHEREAS**, the Borough Administrator has recommended that the Borough enter into a mutual aid agreement with the ten members of the Public Power Association of New Jersey ("PPANJ"); and

**WHEREAS**, the Chief Financial Officer has recommended that the Council authorize the execution of the attached mutual aid agreement by Robert Kalafut on behalf of the Borough of Madison; and

**WHEREAS**, the Council has determined that such mutual aid agreement would be beneficial to the Borough.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison in the County of Morris and State of New Jersey that the Council hereby authorizes entry into the mutual aid agreement with all other members of the PPANJ, and Robert Kalafut, Chief Financial Officer, is authorized to execute the Public Power Association of New Jersey Mutual Aid Agreement of Member Signatories on behalf of the Borough of Madison, which may be attested by the Borough Clerk.

R 169-2009 RESOLUTION OF THE BOROUGH OF MADISON AMENDING THE  
2009 CAPITAL BUDGET

RESOLUTION OF THE BOROUGH OF MADISON AMENDING THE 2009 CAPITAL BUDGET

WHEREAS, the Capital Budget of the Borough of Madison was passed on June 22, 2009, and

WHEREAS, it has been determined that said Capital Budget must be amended due to a change in municipal priorities,

NOW, THEREFORE BE IT RESOLVED that the following amendments to the Capital Budget of the Borough of Madison are hereby authorized.

Capital Budget (Current Year Action)  
2009

Local Unit: **BOROUGH OF MADISON**

PROJECT TITLE	ESTIMATED TOTAL COST	AMOUNTS RESERVED IN PRIOR YEARS	PLANNED FUNDING SERVICES FOR CURRENT YEAR - 2009				Debt Authorized
			5a 2009 Budget Appropriations	5b Capital Im- provement Fund	5c Capital Surplus	5d Grants in Aid Other Funds	
Improvements to Madison-Chatham Joint Meeting	2,161,500						2,161,500
<b>TOTALS - ALL MUNICIPAL PROJECTS</b>	<b>14,900,500</b>			<b>3,622,000</b>		<b>2,800,000</b>	<b>8,478,500</b>

6 YEAR CAPITAL PROGRAM 2009 - 2014  
 Anticipated Project Schedule and Funding Requirements

PROJECT TITLE	ESTIMATED TOTAL COST	ESTIMATED COMPLETION TIME	FUNDING AMOUNTS PER BUDGET YEAR						
			5a 2009	5b 2010	5c 2011	5d 2012	5e 2013	5f 2014	
Improvements to Madison-Chatham Joint Meeting	2,161,500		2,161,500						
<b>TOTALS - ALL MUNICIPAL PROJECTS</b>	<b>21,400,500</b>		<b>14,900,500</b>	<b>1,300,000</b>	<b>1,300,000</b>	<b>1,300,000</b>	<b>1,300,000</b>	<b>1,300,000</b>	<b>1,300,000</b>

Local Unit: BOROUGH OF MADISON



RESOLUTION OF THE BOROUGH OF MADISON IN SUPPORT OF  
MUNICIPAL AID APPLICATION FY2010 TO RECONSTRUCT PORTION OF  
WOODLAND ROAD (FROM GREEN AVENUE TO GARFIELD AVENUE)

**WHEREAS**, the Borough Engineer has recommended that the Borough submit a 2010 Municipal Aid Application to the New Jersey Department of Transportation for reconstruction of a portion of Woodland Road from Green Avenue to Garfield Avenue; and

**WHEREAS**, the Woodland Road Reconstruction Project will comprise reconstruction of a heavily used collector road; estimated to cost \$571,463.75 and for which funding in the amount of \$250,000.00 is being requested from the State of New Jersey Municipal Aid 2010 program, and

**WHEREAS**, the Borough Engineer has determined that the reconstruction is urgently needed due to current road conditions and need for curb and drainage structure.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that the Council formally approves the grant application for the above stated purpose.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2010-Madison Borough-00654 to the New Jersey Department of Transportation on behalf of the Borough of Madison.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Madison and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

R 171-2009

RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT  
OF SUMMER RECREATION PERSONNEL

**WHEREAS**, the Borough Recreation Director has recommended appointment of the following Summer Recreation Personnel:

<b>Name</b>	<b>Position</b>	<b>Rate of Pay</b>
Jaclyn Altieri	Summer Musical Director	\$4,000 - program
Heather Sehart	Summer Musical Director	\$4,000 - program
Alexa Romanelli	Nature Program Director	\$1,400.00per program
Daniel Phillips Jr.	Playground Supervisor	\$8.50 per hour
Margaret Monkemeier	Playground Supervisor	\$8.50 per hour

And;

**WHEREAS**, the Borough Council agrees with this recommendation.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the following Summer Recreation Personnel are hereby appointed to the following positions at the following rate of pay effective June 22, 2009.

<b>Name</b>	<b>Position</b>	<b>Rate of Pay</b>
Jaclyn Altieri	Summer Musical Director	\$4,000 - program
Heather Sehart	Summer Musical Director	\$4,000 - program
Alexa Romanelli	Nature Program Director	\$1,400.00per program
Daniel Phillips Jr.	Playground Supervisor	\$8.50 per hour
Margaret Monkemeier	Playground Supervisor	\$8.50 per hour

R 172-2009

**RESOLUTION OF THE BOROUGH OF MADISON  
AUTHORIZING MEMBERSHIP IN THE SOMERSET COUNTY  
COOPERATIVE PRICING SYSTEM, #2-SOCCP**

**WHEREAS**, the Borough of Madison desires to become a member of the Somerset County Cooperative Pricing System, #2-SOCCP, effective June 23, 2009, and, that such membership shall be for the period ending December 31, 2013, and each renewal, thereafter of the system, unless the Borough of Madison elects to formally withdraw from the system; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Mayor and Borough Clerk are hereby authorized to execute the attached agreement for such membership.

R 173-2009

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING  
USE OF COLE PARK FOR KIWANIS CLUB MULTI FAMILY  
GARAGE SALES**

**WHEREAS**, the Kiwanis Club has requested permission to use Cole Park, on Saturday, July 11, 2009, for a "Multi-Family Garage Sales" event; and

**WHEREAS**, the Recreation Director has recommended that such permission be granted; and

**WHEREAS**, upon Council approval for use of Cole Park, the Kiwanis Club shall complete and submit a Special Event Permit Application to the Borough as well as submitting a Certificate of Liability Insurance naming the Borough of Madison as an additional insured; and

**WHEREAS**, the Borough Council agrees with this recommendation.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Kiwanis Club is hereby given permission to hold a "Multi-Family Garage Sales" event at Cole Park, on Saturday, July 11, 2009, subject to complying with the above noted conditions, and further subject to such safety requirements as may be directed by the Madison Police Department and/or Fire Department.

R 174-2009

RESOLUTION OF THE BOROUGH OF MADISON APPOINTING VITO  
TERRANOVA TO THE POSITION OF SIDEWALK SWEEPER

**WHEREAS**, the Main Street Executive Director recommends the appointment of Vito Terranova to the part-time position of Sidewalk Sweeper effective June 29, 2009; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that Vito Terranova is hereby appointed to the part-time position of Sidewalk Sweeper effective June 29, 2009; and

**BE IT FURTHER RESOLVED**, that Vito Terranova be compensated at the hourly rate of \$10.00 per hour.

R 175-2009

RESOLUTION OF THE BOROUGH OF MADISON APPOINTING ASSISTANT  
TO SENIOR CENTER DIRECTOR

**WHEREAS**, the Senior Center Director recommends the appointment of Maureen Morvey to the position of Assistant to the Senior Center Director; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that Maureen Morvey is hereby appointed to the position of Assistant to the Senior Center Director upon receipt of satisfactory results of the background check; and

**BE IT FURTHER RESOLVED**, that Maureen Morvey be compensated at the hourly rate of \$14.00 per hour for fifteen (15) hours per week.

**R 176-2009**

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RELEASE OF PERFORMANCE BOND AND PARTIAL RELEASE OF PERFORMANCE GUARANTEE FOR THE DEVELOPMENT BY STOP & SHOP SUPERMARKET COMPANY, LLC ON BLOCK 2601, LOTS 4, 9 AND 10 (ALSO KNOWN AS 133 MAIN STREET AND 10-14 PROSPECT STREET)

**WHEREAS**, the Borough Engineer has submitted to Stop & Shop Supermarket Company, LLC, a list of uncompleted items in regard to site improvements located at 133 Main Street and 10-14 Prospect Street, Block 2601, Lots 4, 9 and 10, with an estimate of \$25,000.00 for said items to be completed; and

**WHEREAS**, the Borough Engineer has recommended that the Performance Bond of \$362,507.00 be released to Stop & Shop Supermarket Company, LLC in connection with the site improvements located at 133 Main Street and 10-14 Prospect Street, Block 2601, Lots 4, 9 and 10; and

**WHEREAS**, the Borough Engineer has recommended that \$25,000.00 of the Performance Guaranty be held by the Borough of Madison until satisfactory completion of the list of uncompleted items, and that the balance of the Performance Guaranty of \$7,552.00 be released to Stop & Shop Supermarket Company, LLC, in connection with site improvements located at 133 Main Street and 10-14 Prospect Street, Block 2601, Lots 4, 9 and 10; and

**WHEREAS**, the Borough Engineer advises that sufficient site work, except for the list of uncompleted items, has been completed to authorize the release of the Performance Bond and a portion of the Performance Guaranty as set forth herein.

**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 Performance Bond of \$362,507.00 be released to Stop & Shop Supermarket Company, LLC, and that \$7,552.00 of the Performance Guaranty be released to Stop & Shop Supermarket Company, LLC, with the Borough retaining \$25,000.00 of the Performance Guaranty until all site improvements are completed to the satisfaction of the Borough Engineer.

**R 177-2009**

**RESOLUTION OF THE BOROUGH OF MADISON REJECTING BID FOR CO-LOCATION BY WIRELESS TELEPHONE CARRIERS AT THE KINGS ROAD COMMUNICATIONS FACILITY AND AUTHORIZE REBID**

**WHEREAS**, the Borough of Madison publicly advertised for bids for co-location by wireless telephone carriers at the Kings Road Communications in accordance with Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, one bid was received from MetroPCS New York of Hawthorne New York, which bid package failed to contain a proper Consent of Surety form, which is a mandatory rejection, as well as other deficiencies; and

**WHEREAS**, the Purchasing/Personnel Officer has recommended that the sole bid be rejected for failure to comply with mandatory statutory requirements and that the project be re-bid.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison in the County of Morris and State of New Jersey that all bids for co-location by wireless telephone carriers at the Kings Road Communications are hereby rejected for the reasons set forth herein and the Borough Administrator is authorized to solicit new bids.

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

Mayor Holden opened the meeting to the public for their opportunity to ask questions and make comments on any subject. 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.**

-

***Don Brunner, Redmond Drive***, made an inquiry concerning Mrs. Vitale's health. Mayor Holden explained that Mrs. Vitale was excused from tonight's meeting and is being kept **kept** up-to-date on Council matters.

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 Mrs. Tsukamoto, seconded by Ms. Baillie 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	\$10,781.36
Health & Public Assistance	3,684.99
Public Works & Engineering	118,221.15
Community Affairs	1,378.96
Finance & Borough Clerk	424,980.47
Utilities	<u>85,415.04</u>
Total	<u>\$644,461.97</u>

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

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

Nays: None

Abstain: None

Absent: Mr. Conley, Mrs. Vitale

**NEW BUSINESS** - None

**ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 9:38 p.m.

Respectfully submitted,

Elizabeth Osborne

Acting Borough Clerk

Approved July 13, 2009 (EO)