

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

September 28, 2009 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 28th day of September 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 Acting 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 Acting Borough Clerk called the roll and the following acknowledged their presence:

Mayor Mary-Anna Holden

Council Members:

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

Also Present:

Raymond M. Codey, Borough Administrator
Elizabeth Osborne, Acting Borough Clerk
Joseph Mezzacca, Jr., Borough Attorney

AGENDA REVIEW

One Contract Matter and 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:

EXECUTIVE SESSION MINUTES (1)
Executive Session Minutes of September 14, 2009

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

CONTRACT MATTERS (5)
HDM CHANGE ORDER
LABOR NEGOTIATIONS
GREEN VILLAGE ROAD STORM SEWER PROJECT
MADISON TRAIN STATION LANDSCAPING IMPROVEMENTS
CHATHAM DAY SCHOOL.

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

PERSONNEL MATTERS (3)
CLERK PART-TIME TAX COLLECTOR'S OFFICE
ROADS DEPARTMENT
POLICE DEPARTMENT

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

LITIGATION MATTERS (3)
JACOB HENRY PERKINS FUND DISBURSEMENT
TORT CLAIM
STOP & SHOP

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

Seconded: Ms. Baillie
Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

Mayor Holden reconvened the Regular Meeting at 8:15 p.m. in the 3rd Floor Meeting Room of Bayley-Ellard with all members present. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the ***Executive Minutes of September 14, 2009***. Mrs. Tsukamoto seconded the motion, which passed by voice vote.

Ms. Baillie moved approval of the ***Regular Meeting Minutes of September 14, 2009***, with the following amendment:

Page 4 under Invitation for Discussion:

...programs for middle school students **attending Saint Vincent Martyr School.**

Mrs. Tsukamoto seconded the motion, which passed by voice vote.

GREETINGS TO PUBLIC

Proclaiming October 2009 as National Breast Cancer Awareness Month

Mayor Holden and Mrs. Vitale presented Jeanne Harootunian, a volunteer with the Tie A Ribbon™ campaign, with the Proclamation.

*Proclamation
of the
Borough of Madison*

Proclaiming
NATIONAL BREAST CANCER AWARENESS MONTH
OCTOBER 2009

WHEREAS, the Borough of Madison values the health of all of its citizens; and

WHEREAS, the Borough of Madison supports awareness of certain diseases, such as Breast Cancer, which affects the lives of its citizens; and

WHEREAS, October is National Breast Cancer Awareness Month; and

WHEREAS, the *Tie A Ribbon*[™] campaign, sponsored by Susan G. Komen for the Cure® North Jersey Affiliate, promotes such awareness as well as remembrance for those who have been touched by this disease; and

WHEREAS, the goal of the Affiliate is to raise awareness and reach the citizens of Madison; and

WHEREAS, the Borough of Madison, through the efforts of the Affiliate, will proudly join in the *Tie A Ribbon*[™] campaign in the downtown business district.

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim that *October is National Breast Cancer Awareness Month* to be marked by the tying of pink ribbons in the downtown business district for the period of October 1, 2009 through October 31, 2009 for the **2009 TIE A RIBBON**[™] CAMPAIGN.

Mary-Anna Holden, Mayor

September 28, 2009

REPORTS OF COMMITTEES

Public Safety

Ms. Baillie, Chair of the Committee, made the following comments:
Ms. Baillie stated that the Madison Fire Department is assisting the Madison Volunteer Ambulance Corps to ensure coverage due to a shortage of volunteers.
Ms. Baillie reminded residents that the Madison PBA and the Madison FMBA will have a fireworks display at Madison High School on Friday evening, October 2nd.

Utilities

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

Public Works and Engineering

Mr. Conley, Chair of the Committee, made the following comments:
Mr. Conley provided an update on several construction projects, noting that the road improvement project awarded to Cifelli & Son General Construction of Nutley for work to the southern portion of Douglas Avenue between Orchard Street and Rachael Avenue is down to punch list items and sign improvements. The South Street reconstruction project that was awarded to 4-Clean Up, Inc., of North Bergen should begin within two weeks. The Pomeroy Road reconstruction bids will be opened on October 1st, and the Green Avenue water main replacement work has begun. Also, sewer lining continues, and the pump station bid packages have been

received. The Hartley Dodge Memorial project is nearly 17% complete. Drainage improvements at the Museum of Early Trades & Crafts have been completed, and the Dodge Field improvements will begin next week.

Finance and Borough Clerk

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

Community Affairs

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

Dr. Esposito announced that the Madison Rotary Club will sponsor a community-wide recycling event on Saturday, October 10th, from 1-5 p.m. in the parking lot of the Provident Bank on Main Street, with proceeds going to community projects. The last Farmers' Market of the season will be held Thursday, October 1st, but the farmers will return for Autumn Harvest Festival on October 22nd at the Plaza Shopping Center. Bottle Hill Day is scheduled for Saturday, October 3rd. On October 4th, there will be a 3-mile Walk-A-Thon for the T.J. Martell Foundation beginning at 12 noon at the Madison YMCA. The last in a series of music concerts sponsored by the Museum of Early Trades & Crafts will be held Friday, October 9, featuring Jerry Vezza. The Madison Chamber of Commerce will sponsor Restaurant Week October 4th through the 11th. New directional parking signs have been installed downtown, sponsored by the Downtown Development Commission. Dodge Field improvements will begin next week. Dr. Esposito congratulated Councilwoman Jeanne Tsukamoto, who was honored by the American Red Cross for her many years with the organization.

Health & Public Assistance

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

Mrs. Vitale announced that the Madison Health Department is applying for the 2010 State Health Services Grant Application to the New Jersey Department of Health to expand programs for the A-H1N1 influenza virus, a federally funded grant in the amount of \$110,786.00. The Health Department is applying on behalf of Madison and the other five municipalities that receive services from the Madison Health Department.

Mayor Holden announced that the Dining to Donate program to support the Friends of the Madison Public Library will be sponsored by Five Guys Burgers and Fries from 5–9 p.m. on Tuesday, September 29, 2009. The annual car show sponsored by the Madison Chamber of Commerce and the Madison PBA will be held on October 3, 2009, Bottle Hill Day.

COMMUNICATIONS AND PETITIONS - None

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.**

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

AGENDA DISCUSSIONS

09/28/2009-1 AWARD CONTRACT TO NATIONAL FENCE CO. FOR INSTALLATION OF FENCE AT MADISON RECREATION CENTER IN THE AMOUNT OF \$64,300.00

Mr. Codey explained that the apparent low bidder was disqualified for not providing mandatory bid documents and, therefore, the bid will be awarded to the next lowest responsive bidder, National Fence Systems, in the amount of \$64,300.00. Funding is being provided through the Open Space Trust Fund for the property known as the Madison Recreation Center as part of the purchase agreement.

Resolution R 236-2009 is listed on Consent Agenda.

09/28/2009-2 APPROVE REVISED VIDEO DISPLAY SOLUTIONS FOR THE COURT/MULTI-PURPOSE MEETING ROOM AT HDM

Jim Sanderson, Director of Technology, provided a sketch up of the courtroom at the Hartley Dodge Memorial. The initially proposed display system has been discontinued. Mr. Sanderson provided three alternative solutions: the first choice could be a cart to mount a display screen with touch screen capability; secondly, a screen could be mounted directly on the wall behind the dais; or a third option, a screen mounting of a second display on the ceiling, with a reasonably unobstructed view due to lighting fixtures already in place in the courtroom. Following discussion, there was consensus to go with Mr. Sanderson's recommendation of the third option of a ceiling mount display screen solution.

09/28/2009-3 AWARD CONTRACT TO BETTS & HOLT TO ASSIST IN APPLYING FOR SMART GRID INVESTMENT GRANT IN AN AMOUNT NOT TO EXCEED \$20,000.00

Mr. Codey explained that the federal grant is a 50% matching funds grant to purchase and install remote meter readers for electric utilities, which will help to reduce manpower.

Resolution R 244-2009 is listed on Consent Agenda.

09/28/2009-4 THE "GREEN ACRES, WATER SUPPLY AND FLOODPLAIN PROTECTION, AND FARMLAND AND HISTORIC PRESERVATION BOND ACT OF 2009"

Ms. Baillie provided an explanation of the efforts of Green Acres that can only continue with voter support of the November ballot question. The Council has been asked by The Land Conservancy of New Jersey to approve a resolution in support of the ballot question. Madison has benefited greatly from this funding. Ms. Baillie explained that funding helps tourism and the environment, and hopes that the residents of Madison will support the ballot question.

Resolution R 242-2009 is listed on Consent Agenda.

09/28/2009-5 AWARD CONTRACT TO ROSEN GROUP FOR CONSTRUCTION OVERSIGHT OF THE ELEVATOR CONSTRUCTION AT CIVIC CENTER IN THE AMOUNT OF \$7,000.00

There was no objection to Borough Engineer Robert Vogel's recommendation to award to Rosen Group a contract for construction oversight services for the elevator improvements at the Madison Civic Center in the amount of \$7,000.00.

Resolution R 245-2009 is listed on Consent Agenda.

09/28/2009-6 AWARD CONTRACT TO EN-TECH CORP DBA FOR FINAL CHANGE ORDER TO COMPLETE SANITARY SEWER PIPE REPAIRS, LINING AND MANHOLE LINING IN THE AMOUNT OF \$145,010.00

There was consensus to list on the Consent Agenda a resolution authorizing the award of the final change order to En-Tech Corporation in the amount of \$145,010.00 for sanitary sewer main lining as recommended by Borough Engineer Robert Vogel and Administrator Ray Codey.

Resolution R 246-2009 is listed on Consent Agenda.

09/28/2009-7 AWARD CONTRACT TO DENNIS HARRINGTON FOR CONSTRUCTION OVERSIGHT OF THE DODGE FIELD IMPROVEMENTS IN THE AMOUNT OF \$7,500.00

There was agreement with Borough Engineer Robert Vogel's recommendation to award to Dennis Harrington a contract for construction oversight of the Dodge Field improvements in the amount of \$7,500.00.

Resolution R 247-2009 is listed on Consent Agenda.

09/28/2009-8 AWARD CONTRACT TO DENNIS HARRINGTON FOR CONSTRUCTION OVERSIGHT OF THE GREEN AVENUE WATER MAIN IN THE AMOUNT OF \$10,000.00

There was agreement with Borough Engineer Robert Vogel's recommendation to award to Dennis Harrington a contract for construction oversight of the Green Avenue water main project in the amount of \$10,000.00.

Resolution R 248-2009 is listed on Consent Agenda.

09/28/2009-9 AWARD CONTRACT TO BRUCE JOHN DAVIES ASSOCIATES FOR CONSTRUCTION OVERSIGHT AT THE MADISON TRAIN STATION IMPROVEMENTS PROJECT IN THE AMOUNT OF \$17,300.00

There was no objection to Mr. Vogel's recommendation to award a contract to Davies Associates for construction oversight of the Madison Train Station landscaping improvements project in the amount of \$17,300.00.

Resolution R 249-2009 is listed on Consent Agenda.

ADVERTISED HEARINGS

The Acting Clerk made the following statement:

The ordinance scheduled for hearing tonight was submitted in writing at a Regular Meeting of the Mayor and Council held on September 14, 2009, was introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

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

ORDINANCE 46-2009

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$510,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR RECONSTRUCTION OF POMEROY ROAD

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$510,000.00 from the General Capital Improvement Fund for the Pomeroy Road Reconstruction project; 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 \$510,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$510,000.00 from the General Capital Improvement Fund for the Pomeroy Road Reconstruction project; 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 \$510,000.00 is hereby appropriated from the General Capital Improvement Fund for the Pomeroy Road Reconstruction project.

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 46-2009. Since no member of the public wished to be heard, the public hearing was closed. Mr. Conley moved that Ordinance 46-2009, which the Acting Borough Clerk read by title, be finally 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, Mr. Elias, Mr. Conley
Mrs. Tsukamoto, Dr. Esposito, Mrs. Vitale
Nays: None

Mayor Holden declared the aforementioned ordinance adopted and finally passed and asked the Acting Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

INTRODUCTION OF ORDINANCES - NONE

CONSENT AGENDA RESOLUTIONS

The Acting 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. 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, Mr. Conley
Mrs. Tsukamoto, Dr. Esposito, Mrs. Vitale
Nays: None

R 236-2009

**RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARDING
CONTRACT FOR FENCING OF MADISON RECREATION CENTER TO
NATIONAL FENCE SYSTEMS IN THE AMOUNT OF \$64,300.00**

WHEREAS, the Borough of Madison publicly advertised for bids for the purchase and installation of ornamental fencing for the Madison Recreation Center (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, eleven bids were received for the purchase and installation of ornamental fencing for the Madison Recreation Center; and

WHEREAS, the apparent lowest bid received from Anew Fence was missing mandatory documentation and the bid therefore is deemed non-responsive pursuant to N.J.S.A. 40A:11-23.2(e); and

WHEREAS, the lowest qualified bid was submitted by National Fence Systems in the amount of \$64,300.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the contract to National Fence Systems in the amount of \$64,300.00; and

WHEREAS, the Director of Finance has attested that funds are available in an amount not to exceed \$64,300.00 for this purpose in the Open Space Trust Fund.

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

1. The contract for the purchase and installation of ornamental fencing for the Madison Recreation Center is hereby awarded to National Fence Systems based upon its bid in the amount of \$64,300.00.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with National Fence Systems in a form acceptable to the Borough Attorney.

R 237-2009

**RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARDING
CONTRACT TO CROSSROAD CONSTRUCTION CORP FOR GREEN VILLAGE
ROAD STORM SEWER PROJECT IN THE AMOUNT OF \$647,705.00**

WHEREAS, the Borough of Madison publicly advertised for bids for drainage improvements to the Green Village Road storm sewer (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the lowest qualified bid was submitted by Crossroad Construction Corp in the amount of \$647,705.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the contract to Crossroad Construction Corp in the amount of \$647,705.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$647,705.00 for this purpose which funds were appropriated by Ordinance 49-2008 Storm Sewer Improvement Program in the amount of \$1,615,000.00.

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

1. The contract for drainage improvements to the Green Village Road storm sewer is hereby awarded to Crossroad Construction Corp based upon its bid in the amount of \$647,705.00.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Crossroad Construction Corp in a form acceptable to the Borough Attorney.

R 238-2009

RESOLUTION OF THE BOROUGH OF MADISON APPROVING CHANGE ORDER #4 FOR THE HDM

WHEREAS, a contract for the rehabilitation of the Hartley Dodge Memorial, in an amount not to exceed \$6,317,000 was awarded to Merrell & Garaguso, Inc., by Resolution 124-2009; and

WHEREAS, Change Orders #1, #2, and #3 have previously been approved for a total additional amount of \$215,206.00; and

WHEREAS, the Borough Administrator has recommended approval of a Change Order #4 to the contract to install an assisted opener for the front door, relocate pipes found in the walls, add a water main valve and revise the second floor space for Finance and Engineering, in an additional amount of \$114,440.00 bringing the contract total to \$6,646,646.00; and

WHEREAS, the Director of Finance has attested to the availability of funds in an amount not to exceed \$114,440.00 for this purpose, which funds were appropriated by Ordinance 58-2008.

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 change order request from Merrell & Garaguso, Inc., in the total amount not to exceed \$114,440.00 for the rehabilitation of the Hartley Dodge Memorial is authorized.

R 239-2009

RESOLUTION OF THE BOROUGH OF MADISON APPOINTING HESTER WHARTON TO THE POSITION OF PART-TIME CLERK IN THE TAX COLLECTORS OFFICE

WHEREAS, the Tax Collector recommends the appointment of Hester Wharton to the position of Part Time Clerk in the Tax Collector's office, effective October 1, 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 Hester Wharton is hereby appointed to the position of Part Time Clerk in the Tax Collector's office, effective October 1, 2009; and

BE IT FURTHER RESOLVED, that Hester Wharton will be compensated at the hourly rate of \$14.00 per hour.

R 240-2009

RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY MUSEUM OF EARLY TRADES & CRAFTS, PTO KINGS ROAD SCHOOL, THURSDAY MORNING CLUB AND ROTARY CLUB MADISON

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, to be held as listed below, be and the same are hereby approved:

MUSEUM OF EARLY TRADES & CRAFTS
I.D. No. 274-5-31208
R.A. No. 1126 - On Premise - November 14, 2009

PTO KINGS ROAD SCHOOL
I.D. No. 274-5-18728
R.A. No. 1127 – On Premise - October 24, 2009
R.A. No. 1128 – On Premise - October 24, 2009

THURSDAY MORNING CLUB
I.D. No. 274-8-12803
R.A. No. 1129 – On Premise - November 20 & 21, 2009
R.A. No. 1130 – On Premise - November 20 & 21, 2009

ROTARY CLUB MADISON
I.D. No. 274-8-20538
R.A. No. 1131 – Off Premise - December 17, 2009

BE IT FURTHER RESOLVED that a certified copy of this

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

R 241-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING FINAL PAYMENT AND CHANGE ORDER REQUEST FROM JENICAR BUILDERS CONTRACTORS CO., INC. IN THE AMOUNT OF \$80,058.92 BRINGING TOTAL AUTHORIZED PAYMENT TO \$497,214.72 FOR THE GREEN AVENUE RECONSTRUCTION PROJECT

WHEREAS, a contract for the Green Avenue Reconstruction project, in an amount not to exceed \$417,155.80 was awarded to Jenicar Builders Contractors Co., Inc. of Kearny, New Jersey, by Resolution 90-2008; and

WHEREAS, the Borough Engineer has recommended approval of a change order to the contract for changes including police additions, pavement additions, concrete/curb additions and miscellaneous finish that were encountered during the construction, in an additional amount of \$80,058.92 bringing the authorized contract total to \$497,214.72; and

WHEREAS, the Borough Engineer has advised the project has been completed and has recommended approval of final payment including the change order to Jenicar Builders Contractors Co., Inc. of Kearny, New Jersey in an amount not to exceed \$80,058.92; and

WHEREAS, the Borough Engineer has recommended that a pavement escrow of \$8,000.00 be withheld from said payment; and

WHEREAS, the Director of Finance has attested to the availability of funds in an amount not to exceed \$80,058.92 for this purpose, which funds were appropriated by Ordinance 51-2007 as amended by Ordinance 60-2008 in the final amount of \$1,492,000.00.

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 final payment and change order request from Jenicar Builders Contractors Co., Inc. of Kearny, New Jersey, in the total amount not to exceed \$80,058.92, less \$8,000.00 to be held in a pavement escrow, resulting in a payment of \$72,058.92 at this time for the Green Avenue Reconstruction project is authorized.

R 242-2009

RESOLUTION OF THE BOROUGH OF MADISON ENDORSING THE “GREEN ACRES, WATER SUPPLY AND FLOODPLAIN PROTECTION AND FARMLAND, AND HISTORIC PRESERVATION BOND ACT OF 2009”

WHEREAS, continued investment in open space, farmland and historic preservation is vitally important to the state, as it enhances New Jersey’s economy and health, safeguards its remaining natural, agricultural, recreational and cultural resources and preserves its character; and

WHEREAS, New Jersey continues to face incredible pressure from development, losing 50 acres of open space daily to new development projects; and

WHEREAS, protecting open spaces and improving community parks throughout the State, including urban areas supports New Jersey and local economics by stabilizing local property taxes and revitalizing communities; and

WHEREAS, the Garden State Preservation Trust, the financing authority for the Green Acres, Farmland Preservation, and Historic Preservation programs is virtually depleted; and

WHEREAS, on November 3, 2009, the voters of New Jersey will be asked to approve the Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009 which authorizes the state to issue \$400 million in bonds to fund New Jersey’s preservation programs; and

WHEREAS, passage of the Bond Act, which will equate to \$10 per household per year, is desperately needed to fund the continued protection of New

Jersey's natural areas and cultural sites while a long-term funding solution for the Garden State Preservation Trust is determined and secured; and

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

1. We support the passage of the Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009.

2. We encourage the voters of New Jersey to vote yes on the Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009, on November 3, 2009.

3. The Municipal Clerk is hereby authorized to provide a copy of this Resolution to the following:

The Honorable Jon Corzine, Office of the Governor, PO Box 001, Trenton, NJ 08625

Senator Thomas H. Kean, Jr., 57 Union Place, Suite 310, Summit, NJ 07901

Assemblyman Jon M. Bramnick, 57 Union Place, Suite 310, Summit, NJ 07901

Assemblywoman Nancy F. Munoz, 57 Union Place, Suite 310, Summit, NJ 07901

Keep It Green c/o Audubon Society, 142 W. State Street, Trenton, NJ 08608

The Land Conservancy of New Jersey, 19 Boonton Ave, Boonton, NJ 07005

Madison Eagle

Daily Record

Star Ledger

Independent Press

R 243-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING DISBURSEMENT FROM THE JACOB HENRY PERKINS TRUST TO A MADISON SENIOR CITIZEN TO RESTORE HEAT TO HER LIVING QUARTERS

WHEREAS, the Borough Administrator has recommended a grant of \$5,000.00 from the Jacob Henry Perkins Trust (hereafter Perkins Trust) be given to Ms. C, a Borough resident, to restore the heat to her living quarters; and

WHEREAS, the Borough Administrator has advised the Borough Council that Ms. C meets the criteria for a Perkins Trust grant; and

WHEREAS, the Borough Council has determined to approve the request for a Perkins Trust grant in the amount of \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that a grant is hereby approved from the Perkins Trust in the amount of \$5,000.00, for the benefit of Ms. C, to restore the heat to her living quarters.

RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO BETTS & HOLT TO ASSIST IN APPLYING FOR A GRANT UNDER THE SMART GRID INVESTMENT GRANT

WHEREAS, the Chief Financial Officer has recommended that the Borough obtain professional services from Betts & Holt, LLP, for assistance in applying for a grant under the Smart Grid Investment Grant program to be applied towards the purchase of remote read electric meters and operating system; 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 Chief Financial Officer has determined and certified in writing that the value of this acquisition may exceed \$17,500.00; and

WHEREAS, the Chief Financial Officer has recommended that the Borough Council award the Contract to Betts & Holt, LLP, in an amount not to exceed \$20,000.00, for assistance in applying for a grant under the Smart Grid Investment Grant program; and

WHEREAS, Betts & Holt, LLP, must submit to the Borough Purchasing/Personnel Officer 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, Betts & Holt, LLP, must complete and submit a Business Entity Disclosure Certification which certifies that Betts & Holt, LLP, 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 Betts & Holt, LLP, 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 \$20,000.00 for this purpose, which funds will be appropriated in the Electric Utility Administration Department operating budget in account # 215.

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. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from Betts & Holt, LLP, the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract with Betts & Holt, LLP, for assistance in applying for a grant under the

Smart Grid Investment Grant program, in an amount not to exceed \$20,000.00, such contract to be in a form approved by the Borough Attorney.

2. When received, the Business Disclosure Entity 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 245-2009

RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO ROSEN GROUP FOR CONSTRUCTION OVERSIGHT OF THE ELEVATOR CONSTRUCTION AT CIVIC CENTER IN THE AMOUNT OF \$7,000.00

WHEREAS, the Borough Engineer has recommended that the Borough obtain professional services from Rosen Group of Summit, New Jersey, for construction oversight for the Madison Civic Center improvements (hereinafter the "Contract"); and

WHEREAS, said services would constitute professional services for which a contract may be awarded without the need of competitive bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Borough Engineer has determined and certified in writing that the value of this acquisition will not exceed \$17,500.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the Contract to Rosen Group in an amount not to exceed \$7,000.00, for construction oversight for the Madison Civic Center improvements; and

WHEREAS, Rosen Group must submit to the Borough Purchasing/Personnel Officer 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, Rosen Group must complete and submit a Business Entity Disclosure Certification which certifies that Rosen Group 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 Rosen Group 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 \$7,000.00 for this purpose, which funds were appropriated by Ordinance 32-2009.

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. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from Rosen Group, the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Rosen Group for construction oversight for the Madison Civic Center improvements in an amount not to exceed \$7,000.00, such contract to be in a form approved by the Borough Attorney.

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

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

R 246-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING FINAL CHANGE ORDER REQUEST FROM EN-TECH CORPORATION FOR SANITARY SEWER MAIN LINING REPLACEMENT IN THE AMOUNT OF \$145,010.00

WHEREAS, a contract for sanitary sewer main lining in an amount not to exceed \$791,786.00 was awarded to En-Tech Corporation of Closter, New Jersey, by Resolution 237-2008 as amended by Resolution 255-2008; and

WHEREAS, the Borough Engineer has recommended approval of a change order to the contract for changes regarding additions requested by the Borough, in an additional amount of \$145,010.00 bringing the contract total to \$936,796.00; and

WHEREAS, the Borough Engineer has recommended approval of the final change order to En-Tech Corporation of Closter, New Jersey in an amount not to exceed \$145,010.00; and

WHEREAS, the Director of Finance has attested to the availability of funds in an amount not to exceed \$145,010.00 for this purpose, which funds were appropriated by Ordinances 46-2007 and 50-2008.

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 final change order request from En-Tech Corporation of Closter, New Jersey, in an amount not to exceed \$145,010.00 for sanitary sewer main lining is authorized.

R 247-2009

RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO DENNIS HARRINGTON FOR CONSTRUCTION OVERSIGHT OF THE DODGE FIELD IMPROVEMENTS IN THE AMOUNT OF \$7,500.00

WHEREAS, the Borough Engineer has recommended that the Borough obtain professional services from Dennis Harrington, P.E., for construction oversight services for the Dodge Field improvements (hereinafter the "Contract"); and

WHEREAS, said services would constitute professional services for which a contract may be awarded without the need of competitive bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Borough Engineer has determined and certified in writing that the value of this acquisition will not exceed \$17,500.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the Contract to Dennis Harrington, P.E. in an amount not to exceed \$7,500.00, for construction oversight services for the Dodge Field improvements; and

WHEREAS, Dennis Harrington, P.E., must submit to the Borough Purchasing/Personnel Officer 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, Dennis Harrington, P.E., must complete and submit a Business Entity Disclosure Certification which certifies that Dennis Harrington 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 Dennis Harrington 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 \$7,500.00 for this purpose, which funds were appropriated by Ordinance 29-2009.

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 – September 28, 2009

1. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from Dennis Harrington, P.E., the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Dennis Harrington, P.E., for construction oversight services for the Dodge Field improvements in an amount not to exceed \$7,500.00, such contract to be in a form approved by the Borough Attorney.

2. When received, the Business Disclosure Entity 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 248-2009

RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO DENNIS HARRINGTON FOR CONSTRUCTION OVERSIGHT OF THE GREEN AVENUE WATER MAIN IN THE AMOUNT OF \$10,000.00

WHEREAS, the Borough Engineer has recommended that the Borough obtain professional services from Dennis Harrington, P.E., for construction oversight services for the Green Avenue water main (hereinafter the “Contract”); and

WHEREAS, said services would constitute professional services for which a contract may be awarded without the need of competitive bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Borough Engineer has determined and certified in writing that the value of this acquisition will not exceed \$17,500.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the Contract to Dennis Harrington, P.E. in an amount not to exceed \$10,000.00, for construction oversight services for the Green Avenue water main; and

WHEREAS, Dennis Harrington, P.E., must submit to the Borough Purchasing/Personnel Officer 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 – September 28, 2009

WHEREAS, Dennis Harrington, P.E., must complete and submit a Business Entity Disclosure Certification which certifies that Dennis Harrington 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 Dennis Harrington 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 \$10,000.00 for this purpose, which funds were appropriated by Ordinance 37-2009.

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. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from Dennis Harrington, P.E., the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Dennis Harrington, P.E., for construction oversight services for the Green Avenue water main in an amount not to exceed \$10,000.00, such contract to be in a form approved by the Borough Attorney.

2. When received, the Business Disclosure Entity 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 249-2009

RESOLUTION OF THE BOROUGH OF MADISON AWARDED CONTRACT TO DAVIES ASSOCIATES LANDSCAPE ARCHITECTS, LLC FOR CONSTRUCTION OVERSIGHT AT THE MADISON TRAIN STATION IMPROVEMENTS PROJECT

WHEREAS, the Borough Engineer has recommended that the Borough obtain professional services from Davies Associates Landscape Architects, LLC, for design, bid and construction oversight services for the Madison Train Station landscaping improvements (hereinafter the “Contract”); and

Regular Meeting Minutes – September 28, 2009

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 not exceed \$17,500.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the Contract to Davies Associates Landscape Architects, LLC, in an amount not to exceed \$17,300.00, for design, bid and construction oversight services for the Madison Train Station landscaping improvements; and

WHEREAS, Davies Associates Landscape Architects, LLC, must submit to the Borough Purchasing/Personnel Officer 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, Davies Associates Landscape Architects, LLC, must complete and submit a Business Entity Disclosure Certification which certifies that Davies Associates Landscape Architects, LLC 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 Davies Associates Landscape Architects, LLC 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 \$17,300.00 for this purpose, which funds were appropriated by Ordinance 42-2006.

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. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from Davies Associates Landscape Architects, LLC, the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Davies Associates Landscape Architects, LLC, for construction oversight services for design, bid and construction oversight services for the Madison Train Station landscaping improvements in an amount not to exceed \$17,300.00, such contract to be in a form approved by the Borough Attorney.

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

Regular Meeting Minutes – September 28, 2009

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 250-2009

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF GRANT APPLICATION TO N.J. DEPARTMENT OF HEALTH

WHEREAS, the Borough Administrator has recommended that the Borough authorize the Chief Financial Officer to submit a 2010 State Health Services Grant Application to the New Jersey Department of Health to expand programs for the A-H1N1 influenza virus; and

WHEREAS, the Borough Council has determined it is appropriate to authorize the Chief Financial Officer to sign a 2010 State Health Services Grant Application to the New Jersey Department of Health to expand programs for the A-H1N1 influenza virus.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris in the State of New Jersey that the Chief Financial Officer is hereby authorized and directed on behalf of the Borough to sign and execute an application funding request for the 2010 State Health Services Grant 10-930-BT-L-1 for \$110,786.00 in order to respond to the ongoing and emerging outbreaks of the novel Influenza A-H1N1 virus.

R 251-2009

RESOLUTION OF THE BOROUGH OF MADISON GRANTING THE NEW JERSEY AFFILIATE OF “SUSAN G. KOMEN FOR THE CURE TIE A RIBBON CAMPAIGN” PERMISSION TO TIE RIBBONS AROUND TREES ON THE MAIN STREETS OF MADISON FROM OCTOBER 1, 2009, THROUGH OCTOBER 31, 2009, IN SUPPORT OF THEIR HOT PINK RIBBON CAMPAIGN TO FIGHT BREAST CANCER AND RAISE AWARENESS DURING BREAST CANCER AWARENESS MONTH

WHEREAS, the North Jersey Affiliate of “Susan G. Komen for the Cure Tie a Ribbon Campaign” has requested permission to tie hot pink ribbons on Borough street trees on the main streets of the Borough from October 1, 2009, to October 31,

Regular Meeting Minutes – September 28, 2009

2009, in support of their “Susan G. Komen for the Cure Tie a Ribbon Campaign” to fight breast cancer and raise awareness during “Breast Cancer Awareness Month;” and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the request for ribbons to be tied on Borough street trees from October 1, 2009, to October 31, 2009, in support of the North Jersey Affiliate of “Susan G. Komen for the Cure Tie a Ribbon Campaign” to fight breast cancer and raise awareness during “Breast Cancer Awareness Month” is hereby approved.

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.**

Since no 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	\$21,010.69
Health & Public Assistance	7,027.56
Public Works & Engineering	108,588.35
Community Affairs	4,203.11
Finance & Borough Clerk	1,315,665.01
Utilities	<u>1,801,839.23</u>
Total	<u>\$3,258,333.95</u>

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

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

Regular Meeting Minutes – September 28, 2009

NEW BUSINESS - None

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Elizabeth Osborne
Acting Borough Clerk
Approved October 14, 2009 (EO)