

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

February 25, 2008 - 6 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 25th day of February 2008. Mayor Holden called the meeting to order at 6:00 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

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

“In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by transmitting a copy of the meeting notice to the Madison Eagle and Morris County Daily Record, posting a copy on the bulletin board at the main entrance of the Hartley Dodge Memorial, and filing a copy in the office of the Clerk, all on January 4, 2008. Notice of Change in time of this meeting was provided in the same manner, all on February 15, 2008, and were made available to members of the general public.”

ROLL CALL

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

Mayor Mary-Anna Holden

Council Members:

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

Also Present:

Raymond M. Codey, Borough Administrator
Joseph Mezzacca, Jr., Borough Attorney, for the Executive Meeting
Marilyn Schaefer, Borough Clerk

AGENDA REVIEW

One Contract Matter and one Litigation Matter were added to the Executive Session; it was noted that a resolution authorizing submittal of a Declaration of Intent and Grant Application to the Morris County Historic Preservation Trust Fund 2008 Grant Program is listed on the Consent Agenda.

READING OF CLOSED SESSION RESOLUTION

Mr. Conley moved:

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

EXECUTIVE SESSION MINUTES (1)

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

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CONTRACT MATTERS (9)

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

Hartley Dodge Renovation
Easement Agreement for Waverly Green Compactor
Extension of Sanitary Sewer Service Re Proposed Rexcorp Realty Development
Contract for Flow Monitoring Study within North Street Pump Station Service Area
COAH Draft Development Agreement for Pine Acres, Beaumont
Water Main Award
Fields Consultant Contract
Hearing Officer Contract
Added: Golf Course Easement

PERSONNEL MATTER (1)

Date of public disclosure 90 days after conclusion, if disclosure required.
Salary increase for non-union full-time and non-union part-time employees

LITIGATION MATTER (1)

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

Seconded: Mrs. Vitale
Vote: Unanimous voice vote

RECONVENE IN COUNCIL CHAMBER

Mayor Holden reconvened the Regular Meeting at 8 p.m. in the Council Chamber with all members present. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Executive Minutes of January 28, 2008**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Executive Minutes of February 11, 2008**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Regular Meeting Minutes of January 28, 2008**, with the following amendments to page 2 of 20:

VOTE TO FILL COUNCIL VACANCY

Mr. Mezzacca was recognized by the Chair and commented on the process to fill the Council vacancy created by Mrs. Holden being elected and sworn in as Mayor of the Borough of Madison. The Council seat will be filled by adoption of a motion of the Council to fill the Council seat through the November 4, 2008 General Election. The balance of the unexpired term through December 31, 2009, will be filled at the General

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Election in November. The names of the candidates submitted by the Madison Republican Committee were noted:

Vincent A. Esposito, 5 Buckingham Drive
Ed Rebholz, 351 Woodland Road
Gary Ruckelshaus, 6 Fox Chase Road

Council President Robert Conley was recognized by the Chair and made the following statement:

“I would like to say a few words, and then I will make a motion. This is the fourth time in six years that the Council has been given the task to fill a vacancy; of the four, this is the first when the nominees are coming from the minority party; the three other times, the party was the majority that was suggesting names; as a Council we don’t take this task lightly; as Mr. Mezzacca noted, the process started off with the Republican Committee, that is 28 people representing the 14 Election Districts in Madison, who went through a thorough process to select three bona fide candidates. Tonight we will be selecting from two former Council Members, one a former Mayor, also a former candidate for Council; all three will give a different perspective to the Council. Speaking for myself, it is not an easy decision, especially when you consider that I would normally be casting a vote from behind a closed curtain. We will do this as we do in all we undertake, in the best interests of Madison. As we look at the candidates, we want to open up the nomination, for someone who will give a new independent voice to this Council; with that in mind, I move the nomination of Vincent Esposito of 5 Buckingham Drive.”

Mr. Conley nominated Vincent A. Esposito and moved that Dr. Esposito fill the Council term through the General Election of November 4, 2008. Ms. Baillie seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Page 6, last paragraph of Ms. Baillie’s Committee Report will be corrected as follows:

Ms. Baillie announced that the Garden Club of Madison has given the Borough a \$750.00 grant for Livesey Park’s center **sensory** garden.

Mrs. Vitale seconded the motion to approve the January 28, 2008 minutes with the aforementioned amendments. There was no further discussion and the motion passed with the following roll call vote recorded:

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

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Ms. Baillie moved approval of the ***Regular Meeting Minutes of February 11, 2008***. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

GREETINGS TO PUBLIC

Mayor Holden made the following comments:

Mayor Holden greeted the public and commented that in the interest of full disclosure and as much transparency as possible, tonight's Executive discussions contained nine Contract Matters; only four of them were covered, and the Council must reconvene the Executive Session after this public portion of the meeting.

Mayor Holden commented that many of those present are here for discussion of the tree ordinance; Mayor Holden asked that during the first "Invitation for Discussion", all tree ordinance comments and questions be held for a separate comment period to be held before and after the Council discussion of the tree ordinance.

REPORTS OF COMMITTEES

Finance and Borough Clerk

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

Public Safety

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

On February 13, 2008, the Fire Department was busy pumping out basements due to the heavy rain; about 10 residents and businesses needed the Fire Department due to water issues. Yesterday the Fire Department dispatched the engine company to Morris Township to stand by; while standing by, the crew was activated to respond to a motor vehicle accident at the intersection of Ridgedale and Hanover Avenues.

On November 2, 2007, Governor Corzine signed into law legislation making the use of wireless handheld telephones or electronic communication devices by the operator of a moving motor vehicle a primary offense. The fine is \$100.00 with no points assessed to the driver. This law takes effect on March 1, 2008. Madison Police will begin enforcing this law on March 1, 2008.

Public Works and Engineering

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

The first snowstorm of any size occurred this past Friday; the Public Works Department did their usual good job.

From the Parks Advisory Committee, they are gauging the interest in a dog park. If any member of the public has any interest in participating in a survey, please get in touch with Mr. Elias.

Utilities

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

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Health & Public Assistance

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

Community Affairs

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

The Senior Center is sponsoring a trip to see “Steel Magnolias” at the Paper Mill Playhouse on Thursday, March 6, 2008. This trip is open to everyone for this afternoon matinee. For availability, call the Senior Center at 973-593-3094.

Yesterday the Madison Community House and the Thursday Morning Club held an open house and community kick-off for the renovation and construction of the new gym and Rose Room at the Community House; anyone interested in further information should contact the Thursday Morning Club at the Madison Community House.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

Received February 15, 2008, from the DeMarzo family of Ridgedale Avenue, in a detailed letter, spoke out against a proposed tree ordinance that will jeopardize property owners’ rights to keep their yards as they choose.

Received February 25, 2008, from Thomas B. Lewis of Cross Gates Road, recommending that the draft tree ordinance be adopted as the first step of a long-range plan including suggestions such as replacement of removed trees being increased to three trees for each tree removed.

Received February 25, 2008, from Larry Taber, supporting the proposed tree ordinance with questions, such as do the homeowners and tree people know about the ordinance.

Received February 25, 2008, from Ed Teagan of Niles Avenue, about water running onto his property and into his basement.

INVITATION FOR DISCUSSION (1 of 2)

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

The Mayor asked that any comments relating to the tree ordinance be held so they may be addressed at one time. Mayor Holden 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.

Sam Cerciello, Park Avenue, spoke about the joint traffic study as a result of the Jets facility and felt Madison’s share of the cost, \$30,000, is too much. Mr. Cerciello was advised that although it does seem to be a large amount of the cost, Madison is studying traffic generated from outside its borders; this will benefit Madison as part of our Master Plan.

Mr. Cerciello spoke about Madison’s construction management contractor for the Fire & Police building and how things went wrong; asked about the benefit of a joint traffic study; spoke about what he saw reported in the newspaper regarding Gilbane, who is the construction manager for the Borough on the Fire & Police

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building; asked about the renovation of the Hartley Dodge Memorial and why we are using the same architect and construction manager. Mr. Mezzacca commented that the Council acts in the best interests of the Borough based upon the information they have. Mr. Cerciello asked for a meeting with the Mayor, Administrator and Ms. Baillie next week to volunteer information on the 53 acres.

Since no other member of the public wished to be heard, the invitation for discussion was closed. Mayor Holden commented that the Council will begin with agenda discussion #2 and hold off discussion of the tree ordinance until later in the meeting.

AGENDA DISCUSSIONS

02/28/2008-2 PARKING LOT SIGNS – PERMISSION FROM DOT TO HANG SIGNS; HPC REVIEW

Mayor Holden spoke about new signage to be created by the Great American Sign Company and asked for permission to approach the DOT to hang signage to “point” people to parking; the signage would hang on existing street signage on Route 124, which would eliminate clutter, pointing to parking on either side off Route 124.

Mr. Elias moved approval of Mayor Holden’s request to contact DOT to attach signage to existing armature. Ms. Baillie seconded the motion. The design and location thereof will be brought back to the Council. There was no further discussion and the motion passed by voice vote.

02/28/2008-3 THE PIT; THE 53 ACRES; AND THE ESTABLISHMENT OF AN AD HOC ADVISORY COMMITTEE FOR THE DEVELOPMENT OF A MASTER PLAN FOR THE PIT AND FOR THE 53 ACRES

Ms. Baillie commented in detail including that all Council Members seemed to be focusing on turfing the Pit; Ms. Baillie asked that Council reach consensus on the matter that the Pit is where the turf should be installed and that an Ad Hoc Advisory Committee be formed for the development of a master plan for the Pit and for the 53 acres; it was recommended that the Ad Hoc Advisory Committee consist of a resident or residents, a member of the Environmental Commission, the Chair of the Shade Tree Management Board, the Madison High School Athletic Director, a member of the Open Space Advisory Committee, a softball representative, the Recreation Advisory Committee Chair, baseball, soccer, lacrosse and senior citizen representatives, and Parks Representative; Council Liaisons recommended were Vincent A. Esposito and Bob Conley; Ms. Baillie would be the backup for the Open Space Representative; Mayor Holden would be on the Ad Hoc Advisory Committee.

Ms. Baillie moved approval that the Pit be Council’s focus for turfing as part of a master plan for the 53 acres and that Council engage a consultant who will focus on the Pit as part of a master plan and that an Ad Hoc Advisory Committee be formed. Mr. Conley seconded the motion. Council comments followed, including a question of eliminating feasibility studies of Memorial Park and Dodge Field and if it will save time and money because the process would be streamlined; the allocation of Borough funds for fields was discussed; as part of the Capital Budget process, the original proposal was for \$1 million in funding; when that was revisited by the Governing Body during the budget discussions, the contribution from the Borough toward turfing was put at \$500,000 for a number of reasons including a potential discount of 25% toward the cost of turfing the field if a certain product is acceptable to and used by the Borough; the Recreation Advisory Committee also proposed a user fee with the understanding that the user fee would be higher for those outside the Borough who will participate in the programs but not in the infrastructure

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investment; the Borough will seek funding partners such as the Board of Education and Giralda Farms in terms of naming rights; a portion of the \$1 million (approximately \$200,000) was allocated to fixing Dodge Field; also, the Borough has \$200,000 allocated for the master plan consultant.

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

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

A resolution appointing the Ad Hoc Advisory Committee will be listed on a future Agenda.

02/28/2008-4 RATE INCREASES FOR WATER AND ELECTRIC UTILITY USERS
Chief Financial Officer Robert Kalafut, in a detailed explanation, gave background on past purchased power contracts, Madison's past strategies, the effect on Madison's electric rates, and the reasons for his proposed 9% rate increase effective April 1, 2008; rate increases in other towns range from 40% to over 100%. During the year 2008, Mr. Kalafut will have better information as to future rate increases he may recommend.

Mrs. Vitale moved approval of a 9% electric rate increase as recommended by Chief Financial Officer Robert Kalafut. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

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

An ordinance is listed for introduction later in the meeting.

As to water utility rate increases, Chief Financial Officer Robert Kalafut commented that the last rate increase was in 2004; the increase prior to that was May 1, 1989; so, in 18 years, the Borough had one rate increase. The Council approved \$870,000 this year in water main replacements; also the Borough is transferring \$300,000 from the Water Utility Surplus to the Municipal Budget to reduce property taxes. The Water Utility is basically operating on a break-even basis, and Mr. Kalafut commented he needed a rate increase so the Borough can generate at least \$250,000 for planned infrastructure improvements. As to rate comparisons with other towns, a recent survey returned figures showing Madison 40% to 80% below other municipalities.

Mr. Conley moved to accept a 9% increase in water utility rates as recommended by Chief Financial Officer Robert Kalafut. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

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Added to Agenda

02/28/2008-5 ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 ENTITLED “LAND DEVELOPMENT ORDINANCE” OF THE MADISON BOROUGH CODE TO AMEND THE ZONING MAP OF THE BOROUGH TO UPDATE THE MAP AND TO INCLUDE THE HISTORIC PRESERVATION DISTRICT AREAS

Ms. Baillie moved to include the Bottle Hill Historic District and the Madison Civic Commercial Historic District on the Borough Zoning Map and that the Historic Preservation Ordinance be amended to include the Bottle Hill Historic District. Mrs. Vitale seconded the motion, which passed by voice vote.

An ordinance is listed for introduction later in the meeting. The amendment to the Historic Preservation Ordinance will be listed for introduction on the next meeting agenda.

INVITATION FOR DISCUSSION (2 of 2)

At this time, Mayor Holden opened up the meeting to the public for their opportunity to ask questions and make comments; each will be allowed three minutes to speak; in particular, Mrs. Holden invited those members of the public who wished to comment on the proposed tree ordinance to come to the lectern, announce his/her name and address, and write the same on the sheet provided. After public comments, Council discussion will be solicited, and public comments will again be invited.

02/28/2008-1 TREE ORDINANCE

Sam Mantone, West Lane, wondered if the Borough has a 4th amendment issue with this ordinance, if someone chooses not to adhere to this new ordinance, with an official coming onto private property saying you broke the law. Mr. Mezzacca commented that as long as you have standards, it is just the permitting process; if you do not get the permits to remove trees, you can be stopped.

Dave Epstein, Knollwood Avenue, wondered if there are any 5th or 14th amendment issues with this proposed ordinance, or issues as to inverse condemnation. Mr. Mezzacca commented it is just a permitting process and is fairly common in many towns and is to preserve a resource.

Sam DeMarzo, Ridgedale Avenue, circulated a statement he prepared for the Council; stated that the ordinance does not conform to a State court ruling indicating a town cannot assess a fine on a per tree basis for the offense of not getting a permit. Mr. Mezzacca will look into this before the hearing of March 24, 2008.

Jocelyn Colquhoun, Barnsdale Road, in how many instances would destruction of 50% of the trees be required, and how many “significant” trees would require permits to allow removal. Mr. Mezzacca commented that there are no specific statistics to be given, but there have been instances of clear-cutting of trees in Madison; this ordinance would prevent that adverse environmental impact.

Mayor Holden opened the discussion to Council comments.

Mr. Elias was recognized by the Chair and made some general comments about the ordinance; Mr. Elias is the Liaison to the Shade Tree Management Board (STMB) this year; Mr. Elias had serious concerns with the original ordinance put forward about 18 months ago; he commended the STMB for taking back the concerns of the public and Council and reworking the ordinance; the ordinance here tonight is very different than what was here before; one question often asked is why does Madison

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need a tree ordinance—one reason of great importance is prevention of soil erosion and soil preservation; in the interest of balancing property rights and the public good, this ordinance is proposed; a second reason of great importance is character; residents always speak about preserving the character of Madison and how the Borough can take steps to preserve it; trees give character and a warmth to this community; types of trees planted in Madison are considered; the third reason Madison may need a tree ordinance is because hardwoods are being replaced by ornamentals; once they are gone, they are gone forever; first, this ordinance is based upon an honor system; no inventory of private trees on each property has been done; property owners are being asked to adhere to a standard; smaller than 6', trees may be taken down without regard to number of trees; 50% of trees between 6 to 18 inches may be taken down annually; this ordinance is much milder than elsewhere; Madison is working as a community; this ordinance streamlines the process and protects developers by providing guidance on removal of trees; now a property owner will be protected against criticism by getting permits to remove trees; this ordinance will protect and preserve Madison as our hometown. Mr. Elias spoke in detail about the regulatory process and fees and preserving Madison's trees.

Since no other Council Member wished to be heard, Mayor Holden solicited public comment.

Gene Cracovia, Barnsdale Road and Chair of the STMB, thanked Borough personnel who have spent lots of time in reviewing this ordinance; thanked the Mayor and Council for considering the ordinance; would like to post the history of the tree ordinance proposal on the Borough web, which shows STMB assessment of how the STMB got here; the current tree ordinance is simplified and consolidates administration of the ordinance into the existing process of the construction personnel; the ordinance allows for use of a professional or independent arborist; the ordinance has a one-to-one replacement schedule; Mr. Cracovia shared two exhibits--what a 6" tree trunk would look like--anything below that, the STMB does not get involved; the STMB cares about healthy trees larger than 18"; key element is use of a professional arborist in making a decision about tree removal; if a tree needs to be removed because of construction, it should be removed and a professional should make that decision; most costs will be covered by construction escrow accounts; there is a minimum \$25.00 fee; expenses for the arborist not recovered by fees is in the STMB budget, which dollar value is well below \$10,000; the STMB believes this is a right step to take up the challenge of protecting trees.

Fran Mantone, Woodland Road, asked about the \$10,000 Mr. Cracovia mentioned was in the budget for the arborist.

Steve McCann, Greenwood Avenue, wanted to verify that a permit is necessary if a resident or builder wants to take down more than 50% of the trees, whether for new construction or not. Mr. McCann was advised that if any tree is 19" or larger, a permit is necessary; was advised that hardwood trees are planted in the Borough right-of-way as part of the Borough replanting program.

Sam Mantone, West Lane, was advised that if a healthy tree above 18" is removed and not replaced, it would cost \$500 per tree.

Michael Keller, Stonehedge Lane, was advised that the Borough of Madison is exempt from the proposed tree ordinance, but that the Borough has a Borough tree ordinance which is comparable. Was very concerned about the deer problem in

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Madison; he estimated he goes through about \$1,200 in tree damage each year from deer.

Sam Mantone, West Lane, pointed out that there is no appeal process if the town does not respond within the time frame in the ordinance; he felt Madison looks the way it does because people do care; this ordinance is not necessary; asked that Madison leave the property the way it is.

Chris Schorr, Shadylawn Drive, has lived here since 1970; because Madison did not have this ordinance, Bayley Ellard cut down many trees to create playing fields--the area contains the last remaining aquifer in Madison; after putting in the playing fields, they cut trees to put in a road, which is illegal; Ms. Schorr hoped that if you see this as an attack on your personal rights, remember that because there was no ordinance, there are no trees over at Bayley Ellard--the trees are gone. Ms. Schorr wished that the proposed ordinance was stronger.

Dave Epstein, Knollwood Avenue, under this ordinance, my right to enjoy my neighbor's tree is more important than their right to remove it; bureaucracy--we now have an arborist--a sheriff; we have a permit, costs; invasion of property rights; lastly costs--people do challenge an ordinance; is an arborist the right person to make this decision; a sheriff is going to determine whether the tree stays or not; the last issue is property rights; it is not a safe practice to say that one person's tree on their own property can be governed by the town.

Sam Romano, West Lane, a lifelong resident of Madison, felt that Madison residents care about their town and asked that the Mayor and Council continue to let residents make their own decisions about their property.

Chris Kellogg, Walnut Street, felt that building is heavily regulated in Madison; the zoning regulations we face are not that old; he thought it would be helpful to think of trees larger than 18" as large "structures" in Madison; zoning regulations regulate buildings; the really big trees are not going to be around if allowed to be cut down; you want your great grandchildren to appreciate what a large forested community can provide; Mr. Kellogg hoped the Council will vote in favor of this ordinance.

Christine Hepburn, Glenwild Road, in detailed comments, voiced her support for this tree ordinance; while there is strong opposition in this room, it should be put in context of many more who are very supportive of it.

Jim Brueckner, Highland Avenue, is a part-time logger; his family owned 500 acres in the Catskills, so he felt he can speak from some experience about trees; he expressed concern for safety; the average homeowner facing dead or dying tree removal may put it off due to removal costs; he is not in favor of this tree ordinance; he mentioned that a serious disease is attacking ash trees and may be in Madison. Mr. Elias commented that no permit is needed to remove a dead or diseased tree; there is no provision in the ordinance that a property owner must remove a dead or dying tree.

Gene Cracovia, Chair, STMB, asked for information on the infestation of the ash tree so he can send it to the State.

Jim Brueckner, Highland Avenue, was advised about the designation of a Landmark tree, which is a step a property owner takes directly.

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There were additional comments from Mr. Cracovia, Mr. Elias and Mayor Holden to give examples of when a permit is needed and when it is not needed. Replacement of trees or paying \$500 to the tree fund was discussed. Mr. Cracovia reported that 75% of the time when individuals want to take a healthy tree down, it will not solve the problem they are looking to solve.

Terri DeMarzo, Ridgedale Avenue, was advised that if a tree is being removed to increase sunshine, the arborist cannot prevent it, but if it is significant, it must be replaced or a replacement fee must be paid.

Joe DeMarzo, Ridgedale Avenue, spoke about significant trees as those over 18"; asked if property sold with a "Landmark" tree carries over to the new landowner. Mr. Mezzacca commented that designating a "Landmark" tree is only done voluntarily by the property owner; if it is a conservation easement, it goes with the property.

Joe DeMarzo, Ridgedale Avenue, prepared a statement which he handed out to the Mayor and Council; spoke about having major problems with the ordinance; there is no empirical evidence to show the need for the ordinance and subsequent government intervention. He was advised that the Borough is engaged with balancing the common good with individual rights. Was disappointed in that he felt this ordinance needs to be cleaned up a lot more; asked for feedback on his prepared statement.

Mike Kopas, representing Drew University, is a Certified tree expert and Arborist, and is a representative of the STMB, in a long statement, explained that the ordinance process started over two years ago; this ordinance is doable not only for the tree huggers, but also the residents. Drew University has no problem with this ordinance.

Sam Cerciello, Park Avenue, suggested that the question be moved and voted upon as it has been talked about enough.

Mayor Holden explained that this has been the Work Session, and John Elias is the Council Liaison to the Shade Tree Management Board. When the ordinance is introduced, Council Members get their chance to comment on the ordinance; Council Members and the public get another chance to speak at the public hearing. The intention is to introduce the tree ordinance at this meeting with a hearing date set for March 24, 2008. One of the reasons why Mr. Elias brought this forward is he felt the Shade Tree Management Board should have a forum to get an up or down vote.

Mr. Elias moved the ordinance be introduced this evening. Ms. Baillie seconded the motion. Council comments included that part of the ordinance dealing with an appeal to the Governing Body will be amended; public comments will be reviewed between now and the hearing of March 24, 2008; praise was given to the volunteers of Madison; consideration of Council comments should be taken before the ordinance is introduced. There was no further discussion and the motion passed with the following roll call vote recorded:

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

Nays: Mrs. Tsukamoto, Dr. Esposito

A motion was adopted to extend the meeting past 11 p.m.

ORDINANCES FOR PUBLIC HEARING

The Clerk made the following statement:

Ordinances scheduled for hearing tonight were submitted in writing at a Regular meeting of the Mayor and Council held on February 11, 2008, were 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 Ordinance 8-2008 for second reading and asked the Clerk to read the ordinance by title:

ORDINANCE 8 -2008

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 147 OF THE BOROUGH CODE ENTITLED "PUBLIC RECORDS AND DOCUMENTS, FEES FOR" TO ADD FEES FOR CONSTRUCTION BID DOCUMENTS WITH A VALUE OVER \$100,000.00

WHEREAS, the Borough Engineer has recommended that the Borough Code be amended to reflect a fee of \$50.00 for construction bid documents on matters that exceed \$100,000.00 in value and a fee of \$100.00 for construction bid documents on matters that exceed \$1,000,000.00 in value to recover costs to the Borough in producing construction bid documents; and

WHEREAS, the Borough Council has determined to amend Chapter 147 of the Borough Code in accordance with said recommendation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that Chapter 147 of the Borough Code Entitled "Public Records And Documents, Fees For" is amended to include the following:

SECTION 1: Section 147-5. Fees for Construction Bid Documents

A fee shall be charged for each construction bid package issued by the Borough of Madison as follows:

- A. For Construction Bid Documents in one construction bid package on matters certified by the Borough Engineer or the Purchasing Agent to have a value in excess of \$100,000.00 and up to and including a value of \$1,000,000.00 – Fee of \$50.00
- B. For Construction Bid Documents in one construction bid package on matters certified by the Borough Engineer or the Purchasing Agent to have a value in excess of \$1,000,000.00 or more - Fee of \$100.00
- C. There shall be no additional charge for subsequent amendments to the construction bid package issued by the Borough of Madison.

SECTION 2: This ordinance shall take effect as provided by law.

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WHEREAS, the Borough Engineer has recommended that the Borough Code be amended to reflect a fee of \$50.00 for construction bid documents on matters that exceed \$100,000.00 in value and a fee of \$100.00 for construction bid documents on matters that exceed \$1,000,000.00 in value to recover costs to the Borough in producing construction bid documents; and

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SECTION 1: Section 147-5. Fees for Construction Bid Documents

A fee shall be charged for each construction bid package issued by the Borough of Madison as follows:

- D. For Construction Bid Documents in one construction bid package on matters certified by the Borough Engineer or the Purchasing Agent to have a value in excess of \$100,000.00 and up to and including a value of \$1,000,000.00 – Fee of \$50.00
- E. For Construction Bid Documents in one construction bid package on matters certified by the Borough Engineer or the Purchasing Agent to have a value in excess of \$1,000,000.00 or more - Fee of \$100.00
- F. There shall be no additional charge for subsequent amendments to the construction bid package issued by the Borough of Madison.

SECTION 2: This ordinance shall take effect as provided by law.

Mayor Holden opened the hearing on the above ordinance 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 Ordinance 8-2008, which the Borough Clerk read by title, be finally adopted. Mr. Elias seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Holden declared Ordinance 8-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCES FOR INTRODUCTION

Mayor Holden called up Ordinances listed for first reading and asked that said ordinances be read by title:

ORDINANCE 9-2008

ORDINANCE OF THE BOROUGH OF MADISON AMENDING THE CODE OF THE BOROUGH OF MADISON TO ADD A NEW CHAPTER 178 ENTITLED “PRESERVATION, PROTECTION, MAINTENANCE AND REMOVAL OF NONBOROUGH TREES”

WHEREAS, the Governing Body of the Borough of Madison has determined that the preservation, maintenance and controlled removal of certain trees is essential to the health, safety, economy and general welfare of the Borough.

NOW, THEREFORE, be it ordained by the Governing Body of the Borough of Madison, County of Morris, State of New Jersey, as follows:

SECTION 1: The Code of the Borough of Madison is hereby amended to add a new Chapter 178, which shall read as follows:

“Chapter 178, Preservation, Protection, Maintenance and Removal of Nonborough Trees”

§178-1. Purpose.__It is recognized that there is a strong relationship among the integrity of the Borough’s water resources, development on steep slopes, tree removal, soil disturbance, storm water management and the general use of the land resources; and a correlation between increased air pollution and high density residential, commercial or industrial uses. Therefore, the Borough finds that the appropriate management of these resources is an important health, safety and general welfare concern.

§178-2. Definitions.

The following words and expressions used in this Chapter shall have the following meanings, unless the context clearly indicates a different meaning:

BOROUGH TREE – A tree located on land owned by the Borough or which is located on a street, highway, public place, right-of-way, Borough easement, park or parkway or within the sidewalk lines.

CONSTRUCTION DISTURBANCE LINE - Construction Disturbance Line is that line on the property beyond which the natural grade and existing vegetation will not be disturbed by a construction project. It shall be indicated on a plan by a dashed line and shall include not only area around each structure's foundation but also clearing and grading required for driveway, power, water, sewer, communications, and other installations.

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DRIPLINE- a line connecting the tips of the outermost branches of a tree projected vertically onto the ground.

LANDMARK TREE – Any tree designated and identified as such by the Shade Tree Management Board (STMB) of the Borough of Madison pursuant to the standards set forth in the General Code for the Borough of Madison Chapter 45-1.

NONBOROUGH TREE – Any tree other than a Borough tree as heretofore defined.

PROFESSIONAL ARBORIST – shall have the following qualifications:

1. Bachelor's degree in forestry, arboriculture or horticulture from an accredited college or university, or
2. Certification as a "Certified Tree Expert" (CTE) by the State of New Jersey, or
3. International Society of Arboriculture (ISA) Certified Arborist, and
4. A minimum of ten (10) years experience in the planting, care and maintenance of trees.

REPLACEMENT TREE - A nursery grown certified tree, properly balled, and marked with a durable label indicating genus, species and variety, and satisfying the standards for nursery stock and installation thereof, set forth by the American Association of Nurserymen and guaranteed for two growing seasons.

SIGNIFICANT TREE - Any tree, measured 4 ½ feet above the grade, with a circumference of 57 inches (a diameter of 18 inches) or greater, or any tree designated by the Shade Tree Management Board as a Landmark Tree and such other trees or species of tree as STMB may, from time to time designate as a Significant Tree.

TREE - Any deciduous or coniferous species which reaches a typical mature height of 12 feet or more and has a circumference, measured 4 ½ feet above the grade, of 19 inches (6 inches in diameter) or greater, up to a circumference of 57 inches (18 inches in diameter).

§178-3. Establishment of Consulting Municipal Arborist.

A "Consulting Municipal Arborist", shall be appointed by the Mayor and confirmed by the Council with the advice of the Shade Tree Management Board on an annual basis, with an agreed upon fee schedule. The

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Consulting Municipal Arborist shall be paid for any services authorized on behalf of the Borough in accordance with an annual fee schedule established with the Borough of Madison. The Consulting Municipal Arborist shall perform services for a property owner or developer in Madison upon request of the property owner or developer for the same rates set forth in the annual fee schedule, which shall be paid by the property owner or developer.

178-4. Responsibilities of the Consulting Municipal Arborist.

- A. The Consulting Municipal Arborist or his designee shall be charged with site inspections, and providing advice to the Construction Official regarding administration and enforcement of the tree removal and protection requirements of this Chapter.
- B. The Construction Official or his or her designee shall be charged with site inspections, administration and enforcement of the tree removal and protection requirements of this Chapter.

§178-5. Removal Restrictions

Subject to the exemptions set forth herein, no person shall remove, or cause to be removed, any tree which requires a permit pursuant to Section 178-6 hereof, upon any lands within the Borough, unless the cutting or removal is accomplished in accordance with the provisions of this Chapter.

§178-6. Tree Removal Permits.

- A. Permit Required. A tree removal permit is required for any of the following:
 - (1) Any removal or destruction of more than 50% of standing nonborough trees on a lot; or
 - (2) Any removal or destruction of any significant tree; or
 - (3) When any individual lot grading plan is submitted to the Construction Department for review, the Construction Official with the advice of either a professional Arborist as defined herein, hired by the property owner or developer or the Consulting Municipal Arborist shall determine whether a tree removal permit is required.
- B. The Construction Official shall deny the permit if the application does not comply with this ordinance.

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C. Permit Application. Applications for a permit shall be made to the Construction Official on forms provided for this purpose and shall contain the following information:

- (1) The name and address of the owner of the property from which the trees are to be removed.
- (2) The name and address of the Applicant. Where the applicant is not the property owner, written consent of the property owner is required.
- (3) A plan of the property that shall contain the following information:
 - (a) An indication of all trees to be removed, specifically by an assigned number, the species and circumference of each tree with a circumference of nineteen (19) inches or over.
 - (b) An indication of all trees to remain and proposed replacement trees, if any, including their size and species specifically by an assigned number.
 - (c) Tree or trees to be removed shall be indicated on site with an orange flagging tape.
 - (d) Any other information which may reasonably be required to enable the application to be properly evaluated including, but not limited to, a description of the purpose for which this application is to be made; e.g. scenic improvements, hardship, danger to adjacent properties, removal of diseased or damaged trees, transplanting or removal in a growing condition to other locations, installation of utilities, drainage of surface water, or other pertinent information.

D. Additional Requirements for Construction Projects.

- (1) Where the removal of a significant tree, and/or more than 50% of the standing non-borough trees on a lot (as defined in Section 178-2 hereof) is proposed for the construction of any building, driveway, recreation area or any structure for which a building permit is required, no building permit shall be issued until the Applicant has obtained a tree permit required under this Chapter.
- (2) The plan of the property submitted with the permit application shall indicate the construction disturbance line.
- (3) The plan shall indicate any or all trenches for underground public utilities.

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- (4) During construction the tree protection measures set forth in Appendix A shall be complied with.

E. Applications for Development

- (1) All applications to the Planning Board or Board of Adjustment for development under the Madison Land Development Ordinance, shall contain a tree removal permit plan which, at the option of the applicant, shall:

- (a) be prepared by a professional Arborist; or

- (b) be prepared by the Consulting Municipal Arborist (at the applicant's cost) upon filing of the Tree Removal Permit Application with the filing fee required pursuant to section 178-6(l);

- (2) The Planning Board or Board of Adjustment at their discretion may obtain the advice of the Consulting Municipal Arborist on any application, even where the applicant had the plan prepared by a professional Arborist.]

- (3) The tree removal permit plan shall be a completeness item on the checklists for variances, minor and major subdivisions and site plan applications.

- (4) The professional Arborist or the Consulting Municipal Arborist shall review said plan and the development plans and provide a written report to the appropriate Board and the Construction Official as to whether a tree removal permit should be granted by the Construction Official in connection with the application. The Consulting Municipal Arborist shall be considered a professional whose charges shall be paid from the Technical Review escrow for each application pursuant to section 195 -12 (B) of the Madison Land Development Ordinance.

(Note to File: It was acknowledged that two of the following paragraphs were inadvertently designated as "F". This will be corrected before further consideration of the ordinance by the Council)

F. Other Permit Considerations.

- (1) All reasonable efforts shall be made to preserve Landmark Trees and Significant Trees including, but not limited to, relocation of planned and/or proposed infrastructure, driveways, and buildings. Removal of Landmark Trees shall require the specific written

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recommendation of the Consulting Municipal Arborist and approval of the Shade Tree Management Board. Removal of Significant Trees shall require the specific written recommendation of the Consulting Municipal Arborist.

- (2) The Construction Official, upon the advice of the Consulting Municipal Arborist, may require a tree to be removed if the safety or health of the tree is so compromised that its survival is unlikely.
- (3) The Construction Official shall deny any permit inconsistent with this Ordinance.

F. Exemptions from Ordinance.

- (1) A permit is not required for removal of any Borough tree directed to be removed by the Borough of Madison.
- (2) A permit is not required for any tree or trees certified in writing by the Consulting Municipal Arborist to be dead, dying, hazardous, storm damaged and /or infested.
- (3) A permit is not required for any tree or trees directed to be removed by the State of New Jersey.

G. Standards.

- (1) Upon receipt of a permit application for removal of trees that require a permit pursuant to this Chapter, the Construction Official and/or his/her designee, shall inspect the site on which are located the tree or trees sought to be cut or removed. The Construction Official, with the written advice of the applicant's professional Arborist or the Consulting Municipal Arborist, as the case may be, shall consider the following factors, among others, in deciding whether to issue such permit:
 - (a) Whether the proposed cutting or removal would impair the growth and development of the remaining trees on the applicant's property or adjacent property.
 - (b) Whether the proposed cutting or removal would change existing drainage patterns, and/or allow soil erosion or increase dust.
 - (c) Whether the proposed removal would constitute a horticulturally advantageous thinning of an existing overgrown area.

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- (d) Whether the area where such tree or trees are located will be occupied by a building or structure, a driveway or recreation area, a roadway, a drainage right-of-way, or a sewer line, or whether such area is within twelve (12') feet of any of the foregoing.
 - (e) Whether existing conditions or proposed changes in the topography of the area where such tree or trees are located have depressed land configuration or fill of land which shall be deemed injurious to the trees or other trees located nearby so as to require welling, construction of an aerification system, or tree removal or replacement.
 - (f) Whether the presence of the tree or trees is likely to cause hardship or will endanger the public or an adjoining property owner by reason of its being diseased or dead or for some other reason within the intent of this Chapter.
 - (g) Whether the tree or trees are damaging a structure.
 - (h) Whether the root system has become invasive to the extent that no other solution remains.
 - (i) Whether it is a significant tree or a landmark tree as defined in Shade Tree Management Board Ordinance, Chapter 45 of the Madison Borough Code.
 - (j) Where the location of the tree interferes with the enjoyment of an outdoor pool.
- H. Conflicts with Other Laws. Notwithstanding anything in this chapter to the contrary, no tree removal shall be permitted where prohibited by any other municipal, state or federal statute, ordinance or regulation.
- I. Fees.
- (1) With the application for a tree removal permit, the Applicant shall pay the Borough a fee as set annually by Resolution of the Governing Body. The initial application fee, to remain in effect until changed by the Governing Body resolution is \$25.00.
 - (2) The Construction Official shall waive the permit application fee if the tree or trees to be removed are determined by the Consulting Municipal Arborist to be dead, dying, hazardous, storm damaged, infested and/or directed to be removed by the State of New Jersey.
- J. Scheduling Requirements.

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- (1) The Construction Official or his or her designee shall respond to the Applicant within fifteen (15) business days of the permit application being filed.
- (2) The Applicant must notify the Construction Official when the following events have taken place:
 - (a) Trees to be removed have been flagged.
 - (b) All tree removals are completed.
 - (c) For construction projects:
 - (i) If existing trees are within the construction zone, after required tree protection measures have been installed.
 - (ii) If demolition, after demolition, prior to start of construction.
 - a) If excavation of building structures, after excavation, prior to construction.
 - b) If trenching is required, after mark-out of all trenches.
 - c) Final grade is established.

K. Permit Time Limit. All tree removal permits shall be limited to one (1) year from date of issuance. If the approved tree removal has not occurred within one (1) year, a new permit must be applied for and is subject to the payment of new fees. If, however, the Applicant diligently pursues other governmental approval, or if approved development is ongoing, the permit may be renewed for up to one year.

§178-7. [Intentionally left blank]

§178-8. Tree Replacement Fund Established. A Tree Replacement Fund shall be established by the Borough to receive replacement tree contributions. The purpose of said fund is to pay the cost of replacement of trees by the Borough of Madison. Appropriations from the Tree Replacement Fund shall be authorized by the Governing Body.

§178-9. Replacement Trees.

A. For each tree removed, one (1) tree of 3-3 ½" diameter shall be replaced. All replacement trees shall be planted on site. However, if the site in question cannot physically accommodate the total amount of replacement

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trees, then the Applicant shall contribute an amount equal to the calculated monetary value of unreplaced trees to the Tree Replacement Fund.

Note: Tree Replacement dollar amounts will be proposed by the STMB and approved annually by resolution of the Borough Council of Madison. Until changed by Resolution of the Borough Council the tree replacement fee shall be \$500.00 per tree.

B. Replacement trees, or approved equivalent, shall be trees approved by the Construction Official with the advice of the Consulting Municipal Arborist:

C. Hardwood trees removed shall be replaced with new hardwood trees.

§178-10. Criteria for Tree Removal Without Replacement Trees. Tree removals, which meet the following criteria, are exempt from tree replacement restrictions or payment into the Tree Replacement Fund.

A. Any tree removed from an area of property to be dedicated as public improvement, e.g. drainage facilities and public roadways, shall be exempt from the replacement provisions of this chapter, except that where private roadways, parking areas or open space are proposed, all trees are subject to replacement in accordance with this chapter.

B. The Construction Official, with the advice the Consulting Municipal Arborist, shall approve the removal of a tree, except a Landmark Tree, without requiring replacement trees or payment into the Tree Replacement Fund, if the following criteria apply:

(1) The tree is located on a parcel for which preliminary or final subdivision or site plan approval was obtained prior to the adoption of the Ordinance and it cannot be relocated on the site because of its age, type or size; or

(2) The tree is dead, diseased, damaged, injured, in danger of falling, interferes with existing utility service, creates an unsafe condition, or its continued presence conflicts with any other Ordinances or regulations, or has been directed to be removed by the State of New Jersey.

C. No Landmark Tree shall be removed, unless the Municipal Arborist has obtained the approval of the Shade Tree Management Board.

§178-11. Enforcement. The requirements of this Chapter shall be enforced by the Construction Official, who shall inspect or require adequate inspection

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of all sites upon which there is an application for tree removal. The Construction Official shall oversee all applicable tree removal or destruction and soil removal incidental thereto. Upon ascertaining a violation of this chapter, the Construction Official shall issue a notice of violation to be heard in the Municipal Court as provided in this Article. In addition to other remedies, the zoning officer, construction official, or other proper municipal official, may institute a stop work order or pursue any appropriate legal action to prevent a continuing violation of the terms of this chapter.

§178-12. Violations and Penalties. Any person, violating or causing to be violated any of the provision of this chapter, shall be subject to a fine of not less than \$100 and not more than \$2,000 and shall replace each tree destroyed or removed in violation of this Article in accordance with the tree replacement provision of this chapter. Each tree destroyed or removed in violation of this Chapter shall be considered a separate offense.

§178-13. Appeals. Any applicant or permit holder or any person otherwise aggrieved under this chapter, may appeal to the Governing Body any decision of the Construction Official under this Chapter by filing written notice with the Borough Clerk within ten (10) days of said decision. The Governing Body shall act upon the same no later than thirty (30) days after the notice has been filed, unless the applicant requests, and the Governing Body consents to extend the time for such action. If the Governing Body fails to act within thirty (30) days after the notice has been filed, the decision of the Construction Official shall be deemed affirmed.

SECTION 2: SEVERABILITY. If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 3: EFFECTIVE DATE. This chapter shall take effect as provided by law.

Appendix A

Tree Protection During Construction. All trees to be preserved are to be protected during construction using the following criteria:

- A. The limit of protection shall be the dripline unless otherwise approved by the Construction Official with the advice of the Consulting Municipal Arborist.
- B. Tree protection barriers shall be installed by the Applicant and approved by the Construction Official before a permit is issued and shall remain and be

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maintained until all construction and grading are completed and final inspection has taken place.

C. The protective barriers shall be independently supported fencing firmly secured and not supported by any trees and shall be a minimum of three (3) feet high.

D. In the tree protection areas, it shall be prohibited to:

- (1) Store any building material.
- (2) Store any fill of soil.
- (3) Store or park any equipment.
- (4) Use as a work area.
- (5) Attach any signs, wires, or other attachments to any tree.
- (6) Exception: Tree removal equipment is permitted, but only during operations for tree removal.

E. The provisions of section 195-44 et. seq. of the Borough Code, Soil Erosion and Sediment Control, shall be adhered to where applicable.

Mr. Elias moved that Ordinance 9-2008, which the 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, Mrs. Vitale, Mr. Elias, Mr. Conley

Nays: Mrs. Tsukamoto, Dr. Esposito

Mayor Holden declared Ordinance 9-2008 adopted on first reading and set the hearing date of **March 24, 2008** for second reading and consideration for final passage.

ORDINANCE 10-2008

**ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 94 APPENDIX "A" SCHEDULE OF
RATES FOR ELECTRIC UTILITY**

WHEREAS, the Chief Financial Officer of the Borough of Madison has recommended that the electric utility rates be increased due to increased costs; and

WHEREAS, the Borough Chief Financial Officer has recommended that Appendix A to Chapter 94 of the Borough Code, entitled "Borough of Madison Schedule of Rates for Electric Utility December 1993" be amended to reflect the following new rates:

Type	Customer Charge	Demand Charge	Energy Charge
Residential Service	\$3.40		0 to 600 kWh \$0.1347 601 kWh or higher \$0.1424
General Service (non demand)	\$3.47		\$0.1460 per kWh

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General Service (demand)	\$6.81	\$7.874 per kW	\$0.1019 per kWh
Mid Level General Service – Demand	\$20.40	\$9.299 per kW	\$0.0822 per kWh
Large General Service – Demand	\$20.40	\$8.915 per kW	\$0.0789 per kWh
Outdoor Area Light Service		\$8.09 per 3,650 lumen mercury vapor lamp \$12.32 per 7,000 lumen mercury vapor lamp \$0.594 for each span of wire \$2.673 for each transformer \$0.773 for each pole	
Off-Peak Water-Heating Service Rider	\$1.19		\$0.0777 per kWh
Standby Facilities Service Rider			\$0.892 per kWh

WHEREAS, the Borough Council, after due consideration has determined to proceed with said recommendation.

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: Appendix A to Chapter 94 of the Borough Code, entitled “Borough of Madison Schedule of Rates for Electric Utility December 1993” is hereby amended to revise the electric utility rates and classifications as set forth herein.

SECTION 3: All other rates and terms remain the same, except those changed herein.

SECTION 4: This Ordinance shall take effect as provided by law.

Mr. Conley moved that Ordinance 10-2008, which the Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

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Mayor Holden declared Ordinance 10-2008 adopted on first reading and set the hearing date of **March 24, 2008** for second reading and consideration for final passage.

ORDINANCE 11-2008

**ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 190 OF THE MADISON BOROUGH
CODE ENTITLED “WATER” TO AUTHORIZE THE
REVISION OF THE BOROUGH OF MADISON’S WATER
RATES AND SERVICE FEES**

WHEREAS, the Chief Financial Officer of the Borough of Madison has recommended that the water utility rates be increased due to increased costs and to be more competitive with other water utility companies; and

WHEREAS, the Chief Financial Officer has recommended that Section 190-32 A of the Borough Code regarding Water Rates for Metered Service be amended to read as follows:

190-32 A. All water furnished in any quarter annual period shall be priced at the following rates:

Rates per 100 Cubic Feet

0 to 1,000 (\$1.75 or \$0.0175 per cubic foot)
1,001 to 3,000 (\$1.85 or \$0.0185 per cubic foot)
3,001 and higher (\$2.02 or \$0.0202 per cubic foot)

subject to the minimum quarterly charge required in Subsection B below.

WHEREAS, Borough Chief Financial Officer has further recommended that Section 190-32 B of the Borough Code be amended to delete references to a ½ inch meter and to further reflect the following new rates:

Meter Size (inches)	For Any Amount of Water Furnished Not in Excess of (Cubic Feet)	Minimum Charge (per quarter)
5/8	805	\$14.09
¾	805	\$14.09
1	2,010	\$36.19
1½	4,021	\$75.12

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2	6,433	\$123.85
3	7,343	\$142.23
4	11,801	\$232.28
6 and greater	22,286	\$444.08

WHEREAS, the Borough Council, after due consideration has determined to proceed with said recommendation.

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: Section 190-32 of the Borough Code entitled “Water Rates for Metered Service” is hereby amended to revise the water utility rates as set forth herein.

SECTION 2: All other rates and terms remain the same, except those changed herein.

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

Mr. Conley moved that Ordinance 11-2008, which the Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Mayor Holden declared Ordinance 11-2008 adopted on first reading and set the hearing date for **March 24, 2008** for second reading and consideration for final passage.

ORDINANCE 12-2008

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING
ORDINANCE 40-2007 APPROPRIATING \$38,000.00 TO
APPROPRIATE AN ADDITIONAL \$39,100.00 FOR A TOTAL
APPROPRIATION OF \$77,100.00 FROM THE GENERAL CAPITAL
IMPROVEMENT FUND FOR FLOW MONITORING STUDY OF
NORTH STREET SERVICE AREA**

WHEREAS, Ordinance 40-2007 of the Borough of Madison appropriated \$38,000.00 from the General Capital Improvement Fund for a sewage flow monitoring study of the North Street service area; and

WHEREAS, the Borough Engineer has recommended that the Borough amend Ordinance 40-2007 to appropriate an additional \$39,100.00 from the

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General Capital Improvement Fund thereby increasing Ordinance 40-2007 to \$77,100.00 for additional sewage flow monitoring; 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 \$39,100.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should amend Ordinance 40-2007 to appropriate an additional \$39,100.00 from the General Capital Improvement Fund thereby increasing Ordinance 40-2007 to \$77,100.00 for a sewage flow monitoring study of the North Street service area.

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

SECTION 1: Ordinance 40-2007 is amended to appropriate an additional \$39,100.00 from the General Capital Improvement Fund thereby increasing Ordinance 40-2007 to \$77,100.00 for a sewage flow monitoring study of the North Street service area.

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 12-2008, which the Borough Clerk read by title, be adopted. Dr. Esposito seconded the motion.

Dennis Harrington and Rose Santos of T&M Associates were present. If sufficient rainfall occurs, the meters may be removed sooner than planned to save money; downloaded data is forthcoming weekly to facilitate decision making; before the meters are installed, they will look at the 14-day forecast; they will work with the rental company to put off meter rental until rain is in the forecast; Mr. Mezzacca can put that language in the contract.

At the conclusion of discussion, the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Holden declared Ordinance 12-2008 adopted on first reading and set the hearing date for **March 10, 2008** for second reading and consideration for final passage.

ORDINANCE 13-2008

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING
ORDINANCE 39-2007 APPROPRIATING \$40,000.00 TO
APPROPRIATE AN ADDITIONAL AMOUNT OF \$23,000.00**

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FOR A TOTAL APPROPRIATION OF \$63,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR DESIGN OF DRAINAGE IMPROVEMENTS ON GREEN VILLAGE ROAD

WHEREAS, Ordinance 39-2007 of the Borough of Madison appropriated \$40,000.00 from the General Capital Improvement Fund for design of drainage improvements on Green Village Road; and

WHEREAS, the Borough Engineer has recommended that the Borough amend Ordinance 39-2007 to appropriate an additional \$23,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 39-2007 to \$63,000.00 for design of drainage improvements on Green Village Road; 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 \$23,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should amend Ordinance 39-2007 to appropriate an additional \$23,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 39-2007 to \$63,000.00 for design of drainage improvements on Green Village Road.

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

SECTION 1: Ordinance 39-2007 is amended to appropriate an additional \$23,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 39-2007 to \$63,000.00 for design of drainage improvements on Green Village Road.

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 13-2008, which the Borough Clerk read by title, be adopted. Dr. Esposito seconded the motion. After Council comments including that there is Morris County involvement in this project, the motion passed with the following roll call vote recorded:

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

Nays: None

Mayor Holden declared Ordinance 13-2008 adopted on first reading and set the hearing date for **March 10, 2008** for second reading and consideration for final passage.

ORDINANCE NO. 14-2008

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 ENTITLED “LAND DEVELOPMENT ORDINANCE” OF THE MADISON BOROUGH CODE TO AMEND THE ZONING MAP OF THE BOROUGH TO UPDATE THE MAP AND TO INCLUDE THE HISTORIC PRESERVATION DISTRICT AREAS

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend the Zoning Map of the Madison Land Development Ordinance to update the Map and to include the Historic District Areas on the map.

WHEREAS, the Madison Borough Planning Board has reviewed the Master Plan Re-examination Report adopted December 7, 2004 and the Zoning Ordinance and Zoning Map of the Borough of Madison and recommends that the Borough Council consider adopting an updated Zoning map to fulfill one of the recommendations of the 2004 Re-examination report to include the Historic Districts on the Zoning Map; and

WHEREAS, the Board recommends the adoption of the new Zoning Map to the Borough Council and finds that it is not inconsistent with the Master Plan; and

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

SECTION 1. Chapter 195 of the Madison Borough Code entitled “Land Development Ordinance” is hereby amended so that the existing Zoning Map attached to the Land Development Ordinance is hereby amended to be the attached map prepared by T&M Associates, dated January 29, 2008.

SECTION 2. The Madison Borough Code Section 195-29.1 entitled “Zoning Map” is hereby deemed to refer to the attached zoning map prepared by T & M Associates dated January 29, 2008 with the Historic Districts, the Bottle Hill Historic District and the Madison Civic Commercial Historic District, shown on the Map in accordance with the Madison Historic District Preservation Ordinance, Chapter 112 of the Borough Code.

SECTION 3. All ordinances or parts thereof which are inconsistent or in conflict with the provisions of this ordinance or any part thereof are hereby repealed to the extent of said inconsistency or conflict.

SECTION 4. SEVERABILITY If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 5. This Ordinance shall take effect as provided by the law.

Ms. Baillie moved that Ordinance 14-2008, which the Borough Clerk read by title, be adopted. Mr. Elias seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

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Mr. Conley, Mrs. Tsukamoto, Dr. Esposito
Nays: None

Mayor Holden declared Ordinance 14-2008 adopted on first reading and set the hearing date for **March 24, 2008** for second reading and consideration for final passage. Ordinance 14-2008 will be referred back to the Planning Board for comments.

CONSENT AGENDA RESOLUTIONS

The Clerk made the following statement:

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

Mr. Conley moved adoption of the Resolutions listed on the Consent Agenda. Mrs. Vitale seconded the motion. Comments included that R 63-2008 was changed to include the names of the streets.

Mayor Holden recognized a member of the public who wished to be heard. The attorney representing Pine Acres wanted to make sure no changes have been made to the Agreement. Mr. Mezzacca advised that Resolution R 67-2008 listed on the Consent Agenda authorizes signature on the Developer's Agreement, which Agreement must be in a form acceptable to the Borough Attorney; certain amendments have to be made before it is ready to be signed, but Mr. Mezzacca will follow up on this.

At the conclusion of discussion, the motion passed with the following roll call vote recorded:

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

R 57 - 2008

**RESOLUTION OF THE BOROUGH OF MADISON APPROVING
RAFFLES LICENSE APPLICATION SUBMITTED BY PTO KINGS
ROAD SCHOOL**

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

**PTO KINGS ROAD SCHOOL
I.D. No. 274-5-18728
R.A. No. 1072 – On Premise
April 5, 2008**

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

R 58 – 2008

**RESOLUTION OF THE BOROUGH OF MADISON RENEWING
THEATER LICENSE FOR MADISON 4 FOR 2008**

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Theater License renewal be approved for the year 2008:

Company Name: CLEARVIEW CINEMAS

Name of Theater: MADISON 4

**Location of Theater: 14 LINCOLN PLACE
MADISON, NEW JERSEY**

R 59 – 2008

**RESOLUTION OF THE BOROUGH OF MADISON RENEWING
BOWLING ALLEY LICENSE FOR PLAZA LANES FOR 2008**

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Bowling Alley License renewal be approved for the year 2008:

Company Name: PLAZA LANES INC.

Name of Bowling Alley: PLAZA LANES

**Location of Bowling Alley: 53 Madison Plaza
Madison, New Jersey**

R 60 – 2008

**RESOLUTION OF THE BOROUGH OF MADISON
RENEWING AMUSEMENT DEVICE LICENSES FOR 2008
FOR CLEARVIEW CINEMAS AND PLAZA LANES**

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Amusement Device License renewals be approved for the year 2008:

LUIS RAMOS

Location: Clearview Madison Cinema 4

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14 Lincoln Place, Madison, N.J.

MICHAEL F. RICCONE

Location: Plaza Lanes

53 Madison Plaza, Madison, N.J.

BE IT FURTHER RESOLVED, that these Licenses will permit operation of four amusement machines at the Clearview Madison Cinema 4 and five amusement machines at Plaza Lanes.

R 61-2008

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE 2008 AWARD OF A PROFESSIONAL SERVICES CONTRACT FOR PERSONNEL/LABOR RELATIONS ATTORNEY

WHEREAS, the Borough of Madison has a need to obtain the following Professional Services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5:

Contractor:	Scarinci & Hollenbeck, LLC
Services	Personnel/Labor Relations Attorney
Fee:	\$130/hr as set forth in the contract

And,

WHEREAS, the Borough Administrator of the Borough of Madison has determined that the value of the Professional Services listed herein may exceed \$17,500; and

WHEREAS, the anticipated term of said contract is one year and may be extended as approved by this governing body; and

WHEREAS, the Professional Services provider has agreed to provide the services for the fee as described in the contract; and

WHEREAS, the Professional Services provider has completed and submitted a Business Entity Disclosure Certification where required by N.J.S.A. 19:44A-1, et seq., which certifies that said provider has not made any reportable contributions to a political or candidate committee in the Borough of Madison, County of Morris, State of New Jersey in the previous one year, and that the

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contract will prohibit said Professional Services provider from making any reportable contributions through the term of the contract, and

WHEREAS, in accordance with N.J.A.C. 5:30-5.4, the Chief Financial Officer has certified as to the availability of funds for said contract.

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

1. The Mayor is hereby authorized to execute a contract for the professional services listed herein, the cost of such professional service agreement not to exceed the amount certified by the Chief Financial Officer.
2. The Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.
3. The resolution and contract are on file and available for public inspection in the office of the Municipal Clerk during regular business hours Monday through Friday.

R 62-2008

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING GRANT AGREEMENT BETWEEN THE BOROUGH OF MADISON AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION – GRANT IDENTIFIER: WQ05-407

WHEREAS, the Governing Body of the Borough of Madison in the County of Morris and State of New Jersey (Grantee) desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$12,029.00 to fund stormwater activities as described in the Scope of Services.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Madison in the County of Morris and State of New Jersey that Raymond Codey or the successor to the office of Administrator is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State and (c) to execute any amendments thereto; and

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BE IT FURTHER RESOLVED that the Grantee agrees to comply with all applicable federal, State and municipal laws, rules and regulations in its performance pursuant to the agreement.

R 63-2008

**RESOLUTION OF THE MADISON BOROUGH COUNCIL
AWARDING CONTRACT FOR WATER MAIN REPLACEMENT
TO INTERSTATE CONTRACTING & EXCAVATING LLC OF
NEWARK, NJ IN AN AMOUNT NOT TO EXCEED \$584,970.00**

WHEREAS, the Borough of Madison publicly advertised for bids for water main replacement on Myrtle Avenue, South Street, Dellwood Parkway South, Woodcliff Drive and Dean Street between Station Road and Dwyer Street (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 Interstate Contracting & Excavating, LLC of Newark, New Jersey in the amount of \$584,970.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the contract to Interstate Contracting & Excavating, LLC in the amount of \$584,970.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$584,970.00 for this purpose which funds were appropriated by Ordinance 47-2007.

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 water main replacement on Myrtle Avenue, South Street, Dellwood Parkway South, Woodcliff Drive and Dean Street between Station Road and Dwyer Street is hereby awarded to Interstate Contracting & Excavating, LLC based upon its bid in the amount of \$584,970.00.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Interstate Contracting & Excavating, LLC in a form acceptable to the Borough Attorney.

R 64-2008

**RESOLUTION OF THE BOROUGH OF MADISON AMENDING
RESOLUTION R 64-2008 AUTHORIZING PROFESSIONAL SERVICES
CONTRACT WITH JBL ELECTRIC, INC. TO ASSIST THE MADISON
ELECTRIC UTILITY**

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WHEREAS, the Borough of Madison has a need to obtain the following Professional Services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5:

Contractor:	JBL ELECTRIC, INC.
Services:	Electrical Contractors to Assist the Electric Utility
Fee:	\$93.67/hr to \$116.20/hr <u>et seq.</u> , as set forth in the contract

And,

WHEREAS, the Borough Administrator of the Borough of Madison has determined that the value of the Professional Services listed herein may exceed \$17,500; and

WHEREAS, the anticipated term of said contract is one year and may be extended as approved by this governing body; and

WHEREAS, the Professional Services provider has agreed to provide the services for the fee as described in the contract; and

WHEREAS, the Professional Services provider has completed and submitted a Business Entity Disclosure Certification where required by N.J.S.A. 19:44A-1, et seq., which certifies that said provider has not made any reportable contributions to a political or candidate committee in the Borough of Madison, County of Morris, State of New Jersey in the previous one year, and that the contract will prohibit said Professional Services provider from making any reportable contributions through the term of the contract, and

WHEREAS, in accordance with N.J.A.C. 5:30-5.4, the Chief Financial Officer has certified as to the availability of funds for said contract.

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

1. The Mayor is hereby authorized to execute a contract for the professional services listed herein, the cost of such professional service

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agreement not to exceed the amount certified by the Chief Financial Officer.

2. The Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.
3. The resolution and contract are on file and available for public inspection in the office of the Municipal Clerk during regular business hours Monday through Friday.

R 65-2008

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PROFESSIONAL SERVICES AGREEMENT FOR LABOR HEARING OFFICER

WHEREAS, the Borough of Madison is in need of a labor hearing officer; and

WHEREAS, the Madison Borough Attorney has recommended the Borough approve a professional services contract with Richard A. Gantner, Esq., of Nee, Beacham & Gantner, 722 Courtyard Drive, Hillsborough, New Jersey, as a labor hearing officer for a pending matter; and

WHEREAS, Richard A. Gantner, Esq., will be compensated at a rate of \$150.00 per hour and not to exceed \$7,500.00; and

WHEREAS, said services 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 Director of Finance has attested to the availability of funds in an amount not to exceed \$150.00 per hour for this purpose; and

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

1. The Mayor and Borough Clerk are authorized to execute a professional services agreement with Richard A. Gantner, Esq., as described herein, and on terms acceptable to the Borough Attorney.

2. 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 66-2008

**RESOLUTION OF THE BOROUGH OF MADISON
AUTHORIZING SUBMITTAL OF DECLARATION OF INTENT
AND GRANT APPLICATION TO THE MORRIS COUNTY
HISTORIC PRESERVATION TRUST FUND 2008 GRANT
PROGRAM**

WHEREAS, the Borough Administrator recommends that the Borough authorize the Mayor to submit a Declaration of Intent to apply to the Morris County Historic Preservation Trust Fund 2008 Grant Program in connection with renovations to the Hartley Dodge Memorial building (deadline for submittal of Declaration of Intent is February 29, 2008); and

WHEREAS, the Borough Administrator recommends that the Borough authorize the Mayor and Borough Clerk to submit a Grant Application to the Morris County Historic Preservation Trust Fund 2008 Grant Program in connection with renovations to the Hartley Dodge Memorial building (grant application deadline March 28, 2008); and

WHEREAS, the Borough Council has determined it is appropriate to authorize the Mayor to sign a Declaration of Intent and to authorize the Mayor and Clerk to sign a Grant Application to the Morris County Historic Preservation Trust Fund 2008 Grant Program in connection with renovations to the Hartley Dodge Memorial building.

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

1. The Borough hereby authorizes the Mayor to sign a Declaration of Intent to submit a Grant Application to the Morris County Historic Preservation Trust Fund 2008 Grant Program in connection with renovations to the Hartley Dodge Memorial building (deadline February 29, 2008).
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to sign and submit the Grant Application to the Morris County Historic Preservation Trust Fund 2008 Grant Program in connection with renovations to the Hartley Dodge Memorial building (application deadline March 28, 2008).

**RESOLUTION OF THE BOROUGH OF MADISON
AUTHORIZING DEVELOPER'S AGREEMENT BETWEEN
THE BOROUGH OF MADISON AND PINE ACRES
CONVALESCENT CENTER, INC., FOR PREMISES AT
BLOCK 1301, LOTS 10 AND 11.**

WHEREAS, Pine Acres Convalescent Center, Inc., is the owner of certain property in the Borough of Madison designated as Block 1301, Lots 10 and 11, on the current Tax Map of the Borough, with a street address of 51 Madison Avenue; and

WHEREAS, Pine Acres Convalescent Center, Inc., has obtained from the Madison Zoning Board of Adjustment certain variances, Conditional Use Approval and Preliminary and Final Site Plan approvals for the above Property by Resolution adopted January 10, 2008; and

WHEREAS, the Resolution adopted by the Madison Zoning Board of Adjustment required that a Developer's Agreement to be entered into between Pine Acres Convalescent Center, Inc., and the Borough of Madison; and

WHEREAS, the Madison Borough Engineer has recommended that the Developer's Agreement be entered into.

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

1. The Developer's Agreement between Pine Acres Convalescent Center, Inc., and the Borough of Madison regarding the proposed development on Block 1301, Lots 10 and 11, is hereby approved.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into such agreement on behalf of the Borough of Madison in a form acceptable to the Borough Attorney for recording in the Morris County's Clerk's Office after it is fully executed.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mr. Conley, seconded by Mrs. Vitale and carried, the following vouchers of the Borough of Madison were approved for payment, and the supporting documentation of said vouchers was made part of the Supplemental Minute Book.

Public Safety	\$22,813.19
Health & Public Assistance	2,507.00
Public Works & Engineering	158,826.92
Community Affairs	10,672.00

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Finance & Borough Clerk	185,295.16
Utilities	<u>671,576.40</u>
Total	<u>\$1,051,690.67</u>

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

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

Nays: None

NEW BUSINESS

Mayor Holden announced the following appointment to the Local Emergency Planning Council for the unexpired term of Bill List through December 31, 2008:

Bob Landrigan
MVAC
1 Cedar Avenue
Madison, NJ 07940
(H) 973-377-1198
(C) 973-277-8338

Mr. Conley moved the foregoing appointment. Mr. Elias seconded the motion, which passed by voice vote.

ADJOURN AND RECONVENE EXECUTIVE SESSION

The Regular Meeting adjourned and the Executive Session immediately reconvened in the Committee Room at 11:30 p.m.

RECONVENE AND ADJOURN

The Regular Meeting reconvened in the Committee Room and immediately adjourned at 12 a.m.

Respectfully submitted,

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