

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

March 10, 2008 – 7:10 p.m.

Call to Order

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 10th day of March 2008. Mayor Holden called the meeting to order at 7:10 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. Copies of said Notice 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:

Carmela Vitale

Robert H. Conley

Vincent A. Esposito

Absent: Astri J. Baillie, excused

John M. Elias, excused

Jeannie Tsukamoto, excused

Also Present:

Raymond M. Codey, Borough Administrator

Marilyn Schaefer, Borough Clerk

Joseph Mezzacca, Jr., Borough Attorney

AGENDA REVIEW

Two Potential Litigation Matters were added to the Executive Agenda.

Reading of Closed Session Resolution

Mr. Conley moved:

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

EXECUTIVE SESSION MINUTES (1)

Executive Minutes of February 25, 2008

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

CONTRACT MATTERS (2)

Kings Road Substation Tower

Janitorial Services Bid

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

POTENTIAL LITIGATION MATTERS (2)

Tree Ordinance

Rainbow Advertising

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

Seconded: Mrs. Vitale

Vote: Unanimous voice vote of members present

Reconvene in Council Chamber

Mayor Holden reconvened the Regular Meeting at 8 p.m. in the Council Chamber with Council Members Vitale, Conley and Esposito present. The Pledge of Allegiance was recited by all.

PROCLAMATION

Leaders of the Playwrights Theatre were present as well as 17 finalists and their parents. Mrs. Holden invited the Playwrights Theatre members to step forward, and read and presented the following Proclamation in their honor. Each finalist present was given a chance to speak of the project he/she was working on:

P r o c l a m a t i o n
of the
B o r o u g h o f M a d i s o n
Proclaiming the month of March 2008 as
Madison Young Playwrights Month
at
Playwrights Theatre
Madison, New Jersey

Whereas, Playwrights Theatre, founded in 1986, has nurtured playwriting skills for all ages, produced performances, and offered new plays to local and statewide audiences as a result of its dedication to prospective playwrights; and

Whereas, Playwrights Theatre brings a unique program to the students of the community through the expertise of trained teaching artists, and provides personal, one-on-one instruction that enhances and improves writing and communication skills while developing self-expression; and

Whereas, Playwrights Theatre, through its local initiative, the Madison Young Playwrights Program and Festival, will present a performance on Saturday afternoon, March 29, of elementary school plays; and

Whereas, Playwrights Theatre has successfully undertaken statewide initiatives through the New Jersey Writers Project, a co-sponsored program of the New Jersey State Council on the Arts/Department of State, reaching over 15,000 students annually throughout New Jersey; and

Whereas, Playwrights Theatre has continually received a positive response from students, teachers, and parents for its effectiveness in working with all students, many of whom have realized the benefits of self-discovery through playwriting. A number of Madison students have won statewide recognition in the New Jersey Young Playwrights Contest, while others have pursued careers in writing;

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim March 2008 as **MADISON YOUNG PLAYWRIGHTS MONTH**. In so doing, I extend very best wishes to Playwrights Theatre for continued growth and success as its local and statewide initiatives are fostered and cultivated through the art of creative writing and searching for the undiscovered writer. Further, I encourage the public's participation to attend performances and commend our young playwrights for their creativity and artistry.

Mary-Anna Holden

APPROVAL OF MINUTES

Mrs. Vitale moved approval of the **Executive Minutes of February 25, 2008**. Mr. Conley seconded the motion, which passed by voice vote of members present.

Mrs. Vitale moved approval of the **Regular Meeting Minutes of February 25, 2008**. Mr. Conley seconded the motion, which passed by voice vote of members present.

GREETINGS TO PUBLIC

Mayor Holden made the following comments:

Employee of the Month

Frances Boardman of the Health Department has been selected as Employee of the Month for March. She was selected for her help in preparing the Mayor's Wellness Campaign "Madison Walk Book" and work regarding reimbursement for the flu vaccines as well as her steady, reliable and consistent service to the Borough above and beyond her job description.

REPORTS OF COMMITTEES

Finance and Borough Clerk

Ms. Baillie, Chair of the Committee, absent.

Public Safety

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

Mrs. Vitale spoke about a letter received regarding a Fire Safety Course given by Fire Captain Ed Nunn and Firefighter Bruce Barrios teaching a group of 17 au pairs from Cultural Care Au Pair in Madison who provide families with childcare. This was a learning experience across many levels about how to prevent fires.

Public Works and Engineering

Mr. Elias, Chair of the Committee, absent.

Utilities

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

This weekend's weather wreaked havoc on electricity systems throughout the state; there was a major electric outage in Madison Commons when, on Friday afternoon, a major underground feeder failed; power was back on by Saturday evening. The winds picked up and the Electric Department personnel were busy restoring power during heavy rains and wind which caused trees to come down; they were restoring power throughout Madison caused by the heavy rain and wind through Sunday night. Mr. Conley commended Madison's crew who put in many hours of overtime maintaining power as much as possible throughout the storm event.

Health & Public Assistance

Mrs. Tsukamoto, Chair of the Committee, absent.

Community Affairs

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

The Department of Public Works was out in Madison picking up branches and downed trees; one tree came down on a house; Dr. Esposito asked for residents to be patient as the Department of Public Works comes around Madison to pick up debris from the storm.

Regarding Community Affairs, the Senior Center is sponsoring tax preparation on Wednesday afternoons; residents may call for an appointment between now and April 9, 2008.

COMMUNICATIONS AND PETITIONS

Mayor Holden said the Borough has received several emails and letters pro and con the tree ordinance. Mr. Mezzacca was asked to comment on the ordinance and offered that all of the comments received are being taken seriously; Mr. Mezzacca is proceeding to look through case law and will come back to the Council with a recommendation after that process is completed as to what changes should be made to the ordinance.

Mayor Holden also commented that a letter was received from Joshua Roth of Glenwild Road regarding a drainage problem at his property; Borough Engineer Robert Vogel has responded.

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, 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.**

Joshua Roth, Glenwild Road, in a detailed statement, spoke about the ongoing drainage problem at his property, which remains unresolved after many years; this concluded with Mr. Roth asking for a timetable. Mr. Codey will work on a schedule to resolve the problem; Mr. Roth will be in touch with Mr. Codey.

Pat DeBiasse, Park Avenue, asked about the tree ordinance; Mr. Mezzacca commented that the tree ordinance was introduced and is scheduled for hearing at the March 24th meeting; however there has been a great deal of input, and Mr. Mezzacca is in the process of putting together advice for the Council; in all likelihood, the ordinance may be postponed.

Mr. DeBiasse also spoke about his property being included as part of the Bottle Hill Historic District.

Sam Cerciello, Park Avenue, wants regular meetings with the Mayor, Astri Baillie and Mr. Codey to discuss Madison issues and how he can help; he wishes to be in the inner circle. Mr. Cerciello commented on the Gilbane contract and did not understand why Gilbane did not have the authority to stop the job at the Fire & Police building; he asked that the contract with Gilbane be tightened up in the future. Mr. Cerciello spoke about Janice Piccolo leaving the Borough as Downtown Manager and taking a full-time position in Chatham Borough, and that many people are disappointed that she is gone from the Borough.

Sam DeMarzo, Ridgedale Avenue, conveyed that he is still outraged about this tree ordinance and how it is written; that the concept being promoted will become some sort of tax burden; the bottom line is it will cost residents; Mr. DeMarzo asked the Council to consider stopping this plan and coming up with an alternate that may work for everyone—write something that everyone can live with—the ordinance is unacceptable the way it is.

Agenda Discussions

03/10/2008-1 RECYCLING ORDINANCE "SOLID WASTE"

Recycling Coordinator Douglas Smith spoke about the proposed recycling ordinance. After a detailed discussion, there was consensus that more ways of communicating with the public must be found; there was consensus to hold off introduction of the ordinance to allow time to compare the old solid waste ordinance and the new ordinance language; Mr. Mezzacca will provide a "document compare" for Council. Mayor Holden will contact the County to let them know that the ordinance will be listed for introduction at the March 24, 2008 meeting to allow time for Council review.

Ordinance 16-2008 was removed from the list of ordinances for introduction, and the ordinance number was retired.

03/10/2008-2 APPROPRIATE \$7,400.00 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR BINS, FILES, REFRIGERATION, SOFTWARE, FREIGHT, DELIVERY, INSTALLATION AND A ONE-YEAR WARRANTY FOR USE IN THE EVIDENCE AND RECORDS ROOM IN THE NEW FIRE & POLICE HEADQUARTERS. TWO QUOTES HAVE BEEN ACQUIRED.

Mrs. Vitale moved approval of Police Chief Chirico's recommendation to appropriate \$7,400.00 from the General Capital Improvement Fund for the above purposes. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Mr. Conley, Dr. Esposito

Nays: None

Absent: Ms. Baillie, Mr. Elias, Mrs. Tsukamoto

An ordinance is listed for introduction later in the meeting.

03/10/2008-3 APPROPRIATE \$3,500.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR A NEW MAILBOX SYSTEM FOR THE NEW FIRE & POLICE HEADQUARTERS. TWO QUOTES HAVE BEEN ACQUIRED.

Mrs. Vitale moved approval of Police Chief Chirico's recommendation to appropriate \$3,500.00 from the General Capital Improvement Fund for the above purposes. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Mr. Conley, Dr. Esposito

Nays: None

Absent: Ms. Baillie, Mr. Elias, Mrs. Tsukamoto

An ordinance is listed for introduction later in the meeting.

INVITATION FOR DISCUSSION (2 of 2)

Mayor Holden opened the meeting to the public for their opportunity to ask questions and make comments. The Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record. **He/she shall limit his/her statement to three (3) minutes or less.**

Sam Cerciello, Park Avenue, asked about the Board of Education meeting tomorrow night and was advised that Board of Education President Lisa Ellis of Brittin Street was present and may speak on the issue.

Lisa Ellis, Brittin Street, Board of Education President, commented about the Board of Education meeting tomorrow at 7:30 p.m.; the meeting is solely to hear presentations from the two nonprofit organizations which have submitted proposals for use of the Green Village Road School; the Board will move into the first presentation alphabetically; the Board can ask questions; the second presentation will take place, and the Board can ask questions; then public comment will be solicited; all residents are urged to attend; there will be no action taken at the meeting. The Green Village Road School property will be put out to public bid with the bids due back May 1, 2008. It is ultimately the decision of the Board of Education, after listening to public comment, as to the disposition of the property.

Advertised Hearings

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

ORDINANCE NO. 7- 2008

ORDINANCE OF THE COUNCIL OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 ENTITLED "LAND DEVELOPMENT ORDINANCE" OF THE BOROUGH OF MADISON CODE TO ESTABLISH A MINIMUM BUILDING HEIGHT OF TWO STORIES AND MAXIMUM BUILDING HEIGHT OF 3 STORIES AND 45 FEET IN THE CBD-1 AND CBD-2 ZONES

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend the Borough Land Development Ordinance to require a building form in the CBD-1 and CBD-2 Zones which reflects the established pattern of buildings which is considered to be predominantly of two or more stories but less than four stories.

WHEREAS, the Madison Borough Planning Board has recommended that the Land Development Ordinance be amended to encourage the continuation of building forms in the CBD-1 and CBD-2 Zones which reflect the existing historic pattern of buildings; such buildings being primarily of two or more stories in height but less than four stories and constructed close to the front property line thereby creating a corridor which fosters pedestrian storefront interest; and,

WHEREAS, the Planning Consultant to the Board, Peter G. Steck, has recommended an amendment to the CBD-1 and CBD-2 zones bulk standards to require a minimum building height of two stories and maximum building height of three-

stories and 45 feet in the CBD-1 and CBD-2 zones; and

WHEREAS, the Madison Planning Board has concluded that an ordinance prohibiting new one-story buildings in the CBD-1 and CBD-2 Zones as a bulk zoning standard and limiting building heights to four-stories and 45 feet is substantially consistent with the 1992 Master Plan goal of encouraging the preservation of historic buildings and the downtown historic district and with the objective of strengthening the downtown shopping.

WHEREAS, the Borough Council has considered the recommendations of both the Planning Consultant and the Madison Planning Board, and has determined that the recommendation of the Planning Consultant of an amendment to the CBD-1 and CBD-2 zones bulk standards to require a minimum building height of two stories and maximum building height of three-stories and 45 feet in the CBD-1 and CBD-2 zones is substantially consistent with the 1992 Master Plan goal of encouraging the existing scale of the downtown, the preservation of the historic buildings and the downtown historic district and is most appropriate for the zones and best reflects the preservation of the historic buildings and the downtown historic district.

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, that Chapter 195 of the Borough Code entitled "Land Development Ordinance" is amended as follows:

SECTION 1. Schedule I, concerning Height, Yard and Bulk Requirements shall be amended by inserting a "3" in the "Maximum Stories" column and a superscript "p" to the 3 story entry in the "Maximum Stories" column and inserting a 45 foot entry in the "Height, Feet" column corresponding to the CBD-1 Central Business row (and by reference to the CBD-2 Central Business row) to read as follows:

Zone	Maximum Stories	Height Feet
CBD-1 Central Business	3 ^p	45

SECTION 2. The listing of notes referring to and following Schedule I, concerning Height, Yard and Bulk Requirements shall be amended by the addition of a new note "p" to read as follows:

p. The minimum building height shall be 2 stories, except that where a building on an interior lot is located between buildings, each having two or more stories in height, a vertical façade extension depicting a second story as viewed from the street shall be considered as complying with this minimum height provision. Relief from this minimum story height requirement shall be considered a variance under N.J.S.A.40:55D-70.c.

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. 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 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.

Mrs. Vitale moved that the hearing on Ordinance 7-2008 **be carried to March 24, 2008**, when the full Council is scheduled to be present. Mr. Conley seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Mr. Conley, Dr. Esposito

Nays: None

Absent: Ms. Baillie, Mr. Elias, Mrs. Tsukamoto

Note to file:

Ordinance 8-2008—Fee for Construction bid documents—finally adopted 2/25/2008

Ordinance 9-2008—Tree Ordinance – introduced 2/25/2008, hearing 3/24/2008

Ordinance 10-2008—Increase Electric Utility rates—introduced 2/25/2008, hearing 3/24/2008

Ordinance 11-2008—Increase Water Utility Rates—introduced 2/25/2008, hearing 3/24/2008

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 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.

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.

Dr. Esposito moved that Ordinance 12-2008, which the Borough Clerk read by title, be finally adopted. Mr. Conley seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Mr. Conley, Dr. Esposito

Nays: None

Absent: Ms. Baillie, Mr. Elias, Mrs. Tsukamoto

Mayor Holden declared Ordinance 12-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

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 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.

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.

Dr. Esposito moved that Ordinance 13-2008, which was read by title, be finally adopted. Mr. Conley seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Mr. Conley, Dr. Esposito

Nays: None

Absent: Ms. Baillie, Mr. Elias, Mrs. Tsukamoto

Mayor Holden declared Ordinance 13-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law

Note: Ordinance 14-2008—to amend the Zoning Map to include the Historic Preservation District areas (Introduced 2/25/2008, hearing 3/24/2008)

Introduction of Ordinances

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

ORDINANCE 15-2008

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 112 OF THE BOROUGH CODE ENTITLED "HISTORIC DISTRICT PRESERVATION" TO ADD THE BOTTLE HILL HISTORIC DISTRICT

WHEREAS, the Madison Planning Board has recommended that the Borough Council amend the Zoning Map of the Borough to include the Bottle Hill Historic District, which amendment is set forth in Ordinance 14-2008; and

WHEREAS, the Borough Council has determined to amend Chapter 112 of the Borough Code entitled "Historic District Preservation" to designate the Bottle Hill Historic District in said chapter.

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 112 of the Borough Code entitled "Historic District Preservation" shall be amended as follows:

SECTION 1: Section 112-4 D entitled "Designation of districts" is hereby amended to read as follows:

§ 112-4 D.

Designation of districts. The following historic districts are delineated and described in the Master Plan and are each hereby a designated historic district for purposes of this chapter:

- (1) (a) Madison Civic Commercial Historic District. The designated historic district is set forth on the Zoning Map of the Borough of Madison which is incorporated herein by reference.
- (b) The Bottle Hill Historic District. The designated historic district is set forth on the Zoning Map of the Borough of Madison which is incorporated herein by reference.
- (2) Additional districts. Any additional designated districts and sites and/or any changes in the designation of historic districts and historic sites shall be effectuated by amendment of this chapter in accordance with procedures provided for under Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the procedures set forth herein.

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

Mrs. Vitale moved that Ordinance 15-2008, which the Borough Clerk read by title, be adopted. Mr. Conley seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Mr. Conley, Dr. Esposito

Nays: None

Absent: Ms. Baillie, Mr. Elias, Mrs. Tsukamoto

Mayor Holden declared Ordinance 15-2008 adopted on first reading and set the hearing date of **March 24, 2008** for second reading and consideration for final passage.

Ordinance 16-2008 regarding solid waste and recyclables was removed from the agenda and the # retired.

ORDINANCE 17-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$7,400.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR BINS, FILES, REFRIGERATION, SOFTWARE, FREIGHT, DELIVERY, INSTALLATION AND A ONE-YEAR WARRANTY FOR USE IN THE EVIDENCE AND RECORDS ROOM IN THE NEW FIRE & POLICE HEADQUARTERS

WHEREAS, the Chief of Police has recommended that the Borough appropriate \$7,400.00 from the General Capital Improvement Fund to purchase bins, files, refrigeration, software, freight, delivery, installation and a one-year warranty for use in the evidence and records room in the new Fire & Police headquarters; 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 \$7,400.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$7,400.00 from the General Capital Improvement Fund to purchase bins, files, refrigeration, software, freight, delivery, installation and a one-year warranty for use in the evidence and records room in the new Fire & Police headquarters; 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 \$7,400.00 is hereby appropriated from the General Capital Improvement Fund to purchase bins, files, refrigeration, software, freight, delivery, installation and a one-year warranty for use in the evidence and records room in the new Fire & Police headquarters.

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.

Mrs. Vitale moved that Ordinance 17-2008, which the Borough Clerk read by title, be adopted. Mr. Conley seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Mr. Conley, Dr. Esposito

Nays: None

Absent: Ms. Baillie, Mr. Elias, Mrs. Tsukamoto

Mayor Holden declared Ordinance 17-2008 adopted on first reading and set the hearing date of **March 24, 2008** for second reading and consideration for final passage.

ORDINANCE 18-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$3,500.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR A NEW MAILBOX SYSTEM FOR THE NEW FIRE & POLICE HEADQUARTERS

WHEREAS, the Chief of Police has recommended that the Borough appropriate \$3,500.00 from the General Capital Improvement Fund to purchase a new mailbox system for the new Fire & Police headquarters; 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 \$3,500.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$3,500.00 from the General Capital Improvement Fund to purchase a new mailbox system for the new Fire & Police headquarters; 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 \$3,500.00 is hereby appropriated from the General Capital Improvement Fund to purchase a new mailbox system for the new Fire & Police headquarters.

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.

Mrs. Vitale moved that Ordinance 18-2008, which the Borough Clerk read by title, be adopted. Mr. Conley seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Mr. Conley, Dr. Esposito

Nays: None

Absent: Ms. Baillie, Mr. Elias, Mrs. Tsukamoto

Mayor Holden declared Ordinance 18-2008 adopted on first reading and set the hearing date of **March 24, 2008** for second reading and consideration for final passage.

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 Consent Agenda. Mrs. Vitale seconded the motion. There was discussion of R 76-2008. Comments included that this Agreement is contingent upon Mr. Whitehorn's agreement with the other businesses at that location; Mr. Mezzacca will amend wording in the proposed Agreement to provide for screening of the dumpster using wording to that effect. There was no further discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Mr. Conley, Dr. Esposito

Nays: None

Absent: Ms. Baillie, Mr. Elias, Mrs. Tsukamoto

R 68-2008

RESOLUTION OF THE BOROUGH OF MADISON APPROVING "THE WYETH 5K RUN WITH PRIDE" RACE TO BENEFIT PROJECT COMMUNITY PRIDE, WEDNESDAY, MAY 21, 2008 AT 6:30 P.M.

WHEREAS, Wyeth has requested to hold a A5K run@ in Madison on Wednesday, May 21, 2008; and

WHEREAS, the run will begin at 6:30 p.m., on the grounds of Giralda Farms; and

WHEREAS, Police Chief Chirico recommends approval of this request.

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NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the request of Wyeth to hold a "5K run" in Madison on Wednesday, May 21, 2008, as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department.

R 69-2008

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING ANNUAL LITTLE LEAGUE PARADE ON SATURDAY, APRIL 5, 2008

WHEREAS, The Madison Little League has requested permission to hold its annual Little League parade on Saturday, April 5, 2008 to officially start their 2008 season; and

WHEREAS, the parade will begin at 12:00 Noon, and proceed on a route approved by the Madison Borough Police Chief, said route beginning at the intersection of Wilmer Street and Green Village Road, and it will continue down Green Village Road to Main Street, continuing east on Main Street and turn left onto Central Avenue, continuing down Central Avenue where it will conclude at Dodge Field where there will be a brief ceremony at the conclusion of the parade; and

WHEREAS, Police Chief Chirico recommends approval of 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 of the Madison Little League to hold its annual Little League parade in Madison on Saturday, April 5, 2008, as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department.

R 70-2008**RESOLUTION OF THE BOROUGH OF MADISON RATIFYING AUTHORIZATION OF THE BOROUGH ENGINEER TO ENDORSE TREATMENT WORKS APPROVAL APPLICATION TO THE NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR REXCORP/GIRALDA FARMS PHASE 2 SPE, LLC**

WHEREAS, the Borough Engineer has recommended that the Council authorize him to execute consent forms for the New Jersey Department of Environmental Protection (hereinafter "NJDEP") in order to obtain permits authorizing the extension of the sanitary sewer service and treatment works approvals to the proposed development at Giralda Farms properties to be located on Block 142 Lot 1 of the Tax Map of the Township of Chatham, by RexCorp/Giralda Farms Phase 2 SPE, LLC; and

WHEREAS, the Application for Treatment Works Approval entitled "Giralda Farms Pump Station and Force Main" was completed by the firm of Keyspan/Paulus, Sokolowski and Sartor, LLC of Warren, N.J. dated November 2007; and

WHEREAS, RexCorp has advised the Borough of Madison that a portion of the proposed force main is located within its jurisdictional boundaries and will be subject to applicable road opening permits and inspections.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey that authorization is hereby ratified for the Borough Engineer to execute the NJDEP sewer extension permit application on behalf of the Borough for installation of sanitary sewer force main lines at the request of RexCorp/Giralda Farms Phase 2 SPE, LLC.

R 71-2008**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**

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
et seq., as
set forth in
the
contract

And,

WHEREAS, the Borough Administrator has recommended amending Resolution 64-2008 to correct the fee range.

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:

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.

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.

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 72-2008

RESOLUTION OF THE BOROUGH OF MADISON APPOINTING CHRISTOPHER W. BARGET AND FRANCIS E. WULFF III AS AUXILIARY POLICE OFFICERS FOR THE BOROUGH OF MADISON

WHEREAS, the Chief of Police has recommended that Christopher W. Barget and Francis E. Wulff, III, be appointed as Auxiliary Police Officers; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Christopher W. Barget and Francis E. Wulff, III, are appointed as Auxiliary Police Officers, effective immediately.

R 73-2008

RESOLUTION OF THE BOROUGH OF MADISON SETTING SALARIES FOR FULL-TIME NON-UNION PERSONNEL

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following persons be compensated at the annual salary or rate of wages, the same being within the minimum and maximum limitations established by Ordinance 5-2008 retroactive to January 1, 2008.

POSITION AND NAME	<u>2007 BASE SALARY</u>	<u>2008 BASE SALARY</u>
Atchison, Douglas, Fire Chief	\$132,763.00	\$138,074.00
Brennan, Marybeth, Confidential Secretary	46,101.00	47,945.00
Chirico, Vincent, Chief of Police	130,391.00	135,607.00
Codey, Raymond M., Borough Administrator	142,500.00	148,200.00
Crescibene, Elizabeth, Purchasing/Personnel Officer	60,515.00	68,987.00
DeRosa, Antoinette, Executive Assistant	60,780.00	63,211.00
DeVecchi, Theresa, Acting Executive Assistant	51,663.00	54,246.00
Graham, Patricia, Deputy Borough Clerk	51,808.00	53,880.00
Kalafut, Robert, Chief Financial Officer	121,153.00	125,999.00
Maines, David, Superintendent of Public Works	103,266.00	107,397.00
Manion, Kristy, Confidential Secretary	46,206.00	48,054.00
Phillips, Connie, Office Manager	53,572.00	55,715.00
Piano, Michael, Electric Utility Superintendent	105,398.00	109,614.00
Sanderson, James, Network Administrator	65,000.00	67,600.00
Schaefer, Marilyn, Borough Clerk	82,610.00	90,000.00
Vogel, Robert, Municipal Engineer	115,070.00	119,673.00

BE IT FURTHER RESOLVED that these salaries are contingent upon and subject to the adoption of Ordinance 5-2008.

R 74-2008

Resolution of the borough of Madison setting salaries for part-time non-union personnel

BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris and State of New Jersey that the following annual salary or rate of wages be granted to employees filling the following part-time positions, retroactive to January 1, 2008, the same being within the minimum and maximum limitations established by Ordinance 6-2008.

NAME	POSITION	2008	*No adjustment
	Police Matrons*	\$15.00*	BE IT FURTHER RESOLVED that these salaries are contingent upon and
	School Crossing Guards (effective 9/01/08)	\$16.31	
Baratto, Mary Lisa	Tax Assessor	\$30,462	
Burgette, Melvin	Van Driver	\$13.45	

Ciampi, Roxanne	Clerk, Part-time, Tax Collector's Office (effective January 15, 2008)	\$12.00	subject to the adoption of Ordinance 6-2008. R 75-2008 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY PTO MADISON JR. SCHOOL <u>BE IT RESOLVED</u> 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:
Coppola, Lynn	Office Assistant I, Part-Time	\$18.72	
Durney, Linda	Welfare Director	\$48,997	
Bias, Christopher	Teen Center Part-Time Assistant Director		
	(effective 9/07/2008)	\$13.00	
Kalas, Raymond P.	Teen Center Director	\$23,374.00	
Lardieri, Anthony	Part-Time Plumbing Subcode Official/Inspector	\$32,448.00	
Mantone, Paul	Sidewalk Sweeper	\$12.45	
Piccolo, Janice	Downtown Development Manager	\$35,124	
Reynolds, William	Ass't to Senior Citizens Director	\$13.48	
Riccio, Lou	Municipal Housing Liaison	\$1.00/yr	
Rommel, Elaine	Community Service Officer	\$16.46	
Smith, Robert	Electrical Subcode Official and Electrical Inspector (effective 12/26/2008)	\$31,200.00	
Shaljian, MSW, Lara	Family Therapist	\$30.41	
Snyder, Judith	Van Driver	\$12.43	
Taylor, Leonard	Code Enforcement Official	\$32,589	
Theese, John	Acting Housing Officer (effective 2/04/2008)	\$1/yr	
Troxell, Gary	Municipal Magistrate	\$34,897	

PTO MADISON JR. SCHOOL

I.D. No. 274-5-26391

R.A. No. 1073 – On Premises

May 10, 2008

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

R 76-2008

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING LICENSE AGREEMENT FOR USE OF A TRASH COMPACTOR ON THE WAVERLY GREEN PARKING LOT

WHEREAS, the merchants who abut the Waverly Green parking lot have requested an agreement be entered into for placement of a trash compactor in a small area of the Waverly Green lot owned by the Borough of Madison; and

WHEREAS, SELK, LLC, owner of property at 29 Main Street, has agreed to be lead merchant in such agreement with the Borough and in an agreement with the other merchants who abut the Waverly Green parking lot; and

WHEREAS, pursuant to such agreement, most of the existing dumpsters in the Waverly Green lot would be removed; and

WHEREAS, the Borough would utilize approximately two parking spaces for the compactor but would obtain more than two parking spaces in other areas of Waverly Green as a result of the removal of the dumpsters; and

WHEREAS, such proposal would be beneficial to the public interest, including providing a more aesthetic parking area.

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 license agreement with SELK, LLC, as lead merchant, to allow placement of a trash compactor to be leased at the expense of the participating merchants is hereby authorized to be executed by the Mayor and Borough Clerk, which agreement shall be revocable by the Borough and which shall provide for removal of a majority of the dumpsters from the Waverly Green parking lot as well as provision for two or more parking spaces to replace the parking spaces utilized by the trash compactor, in a form acceptable to the Borough Attorney, subject to any requirements of the municipality including the municipal police, fire, and public works departments, and further providing for indemnification to the property owner of 53 Main Street for access to electric, water and sewer at said premises for use with the trash compactor.

R 77-2008

RESOLUTION OF THE BOROUGH OF MADISON ESTABLISHING AN AD HOC ADVISORY COMMITTEE FOR THE DEVELOPMENT OF A MASTER PLAN FOR "THE PIT" AND FOR THE ENTIRE 53 ACRES

WHEREAS, the Borough of Madison has contracted to purchase 53 acres of property located in the Borough of Florham Park known and designated as a portion of Lot 5 in Block 1401 on the current tax map of the Borough of Florham Park which will be annexed into Madison; and

WHEREAS, the Madison Open Space, Recreation and Historic Preservation Advisory Committee (hereinafter "Open Space Committee") has recommended that the Mayor appoint with Council approval an ad hoc advisory committee to recommend the development of a mini-master plan for the property currently leased by the Board of Education, commonly known as "The Pit," and an overall master plan for the entire 53 acres to the Mayor and Council for acceptance; and

WHEREAS, the Mayor and Council are in agreement with such 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 there is hereby formed the Madison Recreation Center Development Ad Hoc Advisory Committee, which shall be comprised of the following membership: two residents; an Environmental Commission member; Shade Tree Management Board chair; Madison High School Athletic Director; an Open Space Committee representative; Recreation Committee chair; one representative each from Softball, Little League, Soccer, Junior Football, Lacrosse, Track and Biking; two senior citizen representatives; two Council liaisons and the Mayor; for the purpose of recommending the development of a mini-master plan for the "Pit" and an overall master plan for the entire 53 acres.

R 78-2008

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING HOLT MORGAN

**RUSSELL TO PROCEED WITH FURTHER DESIGN WORK FOR RENOVATION OF THE
HARTLEY DODGE MEMORIAL**

WHEREAS, the Borough Council has considered various presentations at public meetings by Holt Morgan Russell, Architects, ("HMR") regarding the renovation and upgrading of the Hartley Dodge Memorial facility; and

WHEREAS, the Council has determined to authorize Holt Morgan Russell to proceed with design work regarding the Hartley Dodge Memorial ("HDM") described by HMR as the Core Project to include the Municipal Court, Americans with Disability Act Accessibility and Fire and Safety with a bid alternate for the East Wing of the HDM.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that Holt Morgan Russell is authorized to proceed with further design work for the Hartley Dodge Memorial facility as described herein.

R 79-2008

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF TWO
(2) POLICE VEHICLES FROM THE 2008 PROPOSED BUDGET UNDER STATE
CONTRACT #A70462/T0098 WITH WINNER FORD OF CHERRY HILL, NJ**

WHEREAS, the Borough of Madison desires to purchase two vehicles for the Police Department from an authorized vendor under State Contract #A70462/T0098; and

WHEREAS, the purchase of goods and services through State agency by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12, et seq; and

WHEREAS, Winner Ford, 250 Haddonfield Berlin Road, Cherry Hill, New Jersey has been awarded New Jersey State contract number A70462; and

WHEREAS, the Chief of Police has recommended that the Borough Council utilize this contract for two police vehicles in the amount of \$20,967.00 each; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$41,934.00 for this purpose.

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 purchase of two police vehicles from Winner Ford, at a total price not to exceed \$41,934.00 is hereby approved under the New Jersey State contract number A70462.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Winner Ford for the purchase of two police vehicles at a total price not to exceed \$41,934.00, in a form acceptable to the Borough Attorney.

R 80-2008

**RESOLUTION OF THE BOROUGH OF MADISON APPROVING 2008 MEMORIAL DAY
PARADE**

WHEREAS, The Madison Veterans Committee has requested permission to hold a Memorial Day Parade and Ceremony on Monday, May 26, 2008; and

WHEREAS, the parade will begin at 9:30 a.m., and proceed on a route approved by the Madison Borough Police Chief, said route beginning at the Madison Volunteer Ambulance Corp. parking lot on Prospect Street and ending in front of the Hartley Dodge Memorial where there will be a ceremony at the conclusion of the parade; and

WHEREAS, Police Chief Chirico recommends approval of 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 of the Madison Veterans Committee to hold Memorial Day Parade and Ceremony on Monday, May 26, 2008, as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department and Madison Fire Department.

R 81 - 2008

RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF LIVERY OWNERS' LICENSES FOR MADISON LIMOUSINE, MADISON LIVERY, MADISON TRANSPORTATION INC., PRECISE LIMOUSINE TRANSPORT SERVICE LLC AND TOMED FOR 2008

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

LICENSE NO.	NAME	Vehicle
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11	Michael Lekas, t/a Madison Limousine	11 Liveries
12	John Mastrobuono, t/a Madison Livery	1 Livery
13	Robert Kubach t/a Madison Transportation Inc.	1 Livery
14, 15, 16, 17, 18, 19, 20	Carmine C. Fornaro, t/a Precise Limousine Transport Service, LLC	7 Liveries
21	Tom O'Connor t/a Tomed	1 Livery

R 82 - 2008

RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF LIVERY DRIVER'S PERMITS FOR 2008

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Livery Driver's Permit renewals be approved for the year 2008:

LICENSE NO.	NAME
1	Carmine Fornaro
2	Robert Kubach
3	Michael Lekas
4	John Mastrobuono
5	Tom O'Connor

R 83-2008

RESOLUTION OF THE BOROUGH OF MADISON REJECTING TREE TRIMMING BIDS AND AUTHORIZING REBID

WHEREAS, the Borough of Madison publicly advertised for bids for 2008-2009 tree trimming in accordance with Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, all bids received substantially exceed the cost estimates for the project; and

WHEREAS, the Superintendent of Public Works recommended that this bid be rejected, pursuant to N.J.S.A. 40A:11-13.2(a); and.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris and State of New Jersey that all bids for 2008-2009 tree trimming are hereby rejected for the reasons set forth herein and the Borough Administrator is authorized to solicit new bids.

R 84-2008

RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARDING BID FOR JANITORIAL SERVICES TO EXCELLENT BUILDING SERVICES FROM APRIL 1, 2008 THROUGH DECEMBER 31, 2008

WHEREAS, the Borough of Madison publicly advertised for bids for janitorial services from April 1, 2008 through December 31, 2008 at the Civic Center and the Water & Electric Utility (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 Excellent Building Services in the amount of \$10,575.00; and

WHEREAS, the Superintendent of Public Works has recommended that the Borough Council award the contract to Excellent Building Services in the amount of \$10,575.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$10,575.00 for this purpose from the Operating Budget.

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

1. The contract for janitorial services from April 1, 2008 through December 31, 2008 at the Civic Center and the Water & Electric Utility is hereby awarded to Excellent Building Services based upon its bid in the amount of \$10,575.00.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Excellent Building Services in a form acceptable to the Borough Attorney.

R 85-2008

RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO JOHNSTON COMMUNICATIONS VOICE & DATA UNDER STATE CONTRACT #A42287/T1316 FOR ELECTRICAL INFRASTRUCTURE IN THE BAYLEY-ELLARD BUILDING IN THE AMOUNT OF \$23,730.00

WHEREAS, the Borough of Madison desires to purchase installation of cables and electrical wiring in the Bayley-Ellard building from an authorized vendor under State Contract #53308; and

WHEREAS, the purchase of goods and services through State agency by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12, et seq.; and

WHEREAS, Johnston Communications Voice and Data, P.O. Box 390, Kearny, New Jersey has been awarded New Jersey State contract number A42287/T1316; and

WHEREAS, the Network Administrator has recommended that the Borough Council utilize this contract for installation of cables and electrical wiring in the amount of \$23,730.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$23,730.00 for this purpose.

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 purchase of installation of cables and electrical wiring from Johnston Communications Voice and Data, at a total price not to exceed \$23,730.00 is hereby approved under the New Jersey State contract number A42287/T1316.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Johnston Communications Voice and Data for installation of cables and electrical wiring at a total price not to exceed \$23,730.00, in a form acceptable to the Borough Attorney.

R 86-2008

**RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION 142-2007
AWARDING PROFESSIONAL SERVICES CONTRACT TO T&M ASSOCIATES IN THE
ADDED AMOUNT OF \$45,100.00 FOR A TOTAL OF \$77,100.00 FOR FLOW
MONITORING STUDY WITHIN THE NORTH STREET PUMP STATION SERVICE AREA**

WHEREAS, the Borough Engineer has recommended that the Borough amend Resolution 142-2007 to increase the award amount by \$45,100.00 to \$77,100.00 for a flow monitoring study within the North Street Pump Station service area; and

WHEREAS, the Director of Finance has attested that funds will be available in a total amount not to exceed \$77,100.00 for this purpose, which funds were appropriated by Ordinance 40-2007 and Ordinance 12-2008.

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

1. Upon final adoption of Ordinance 12-2008, Resolution 142-2007 is amended to increase the award amount by \$45,100.00 to \$77,100.00 for a flow monitoring study within the North Street Pump Station service area.
2. The professional services contract shall provide that T&M Associates will review weather predictions to attempt to get the best weather pattern for the testing.
3. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with T&M Associates of Middletown, New Jersey for a flow monitoring study within the North Street Pump Station service area in an amount not to exceed \$77,100.00, such contract to be in a form approved by the Borough Attorney.

R 87-2008

**RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION 141-2007
AWARDING PROFESSIONAL SERVICES CONTRACT TO T&M ASSOCIATES IN THE
ADDED AMOUNT OF \$25,800.00 FOR A TOTAL OF \$62,800.00 FOR DESIGN OF
DRAINAGE IMPROVEMENTS TO GREEN VILLAGE ROAD**

WHEREAS, the Borough Engineer has recommended that the Borough amend Resolution 141-2007 to increase the award amount by \$25,800.00 to \$62,800.00 for design of drainage improvements to Green Village Road; and

WHEREAS, the Director of Finance has attested that funds will be available in a total amount not to exceed \$62,800.00 for this purpose, which funds were appropriated by Ordinance 39-2007 and Ordinance 13-2008.

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

1. Upon final adoption of Ordinance 13-2008, Resolution 141-2007 is amended to increase the award amount by \$25,800.00 to \$62,800.00 for design of drainage improvements to Green Village Road.
2. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with T&M Associates of Middletown, New Jersey for design of drainage improvements to Green Village Road in an amount not to exceed \$62,800.00, such contract to be in a form approved by the Borough Attorney.

Unfinished Business - None

APPROVAL OF VOUCHERS

On motion by Mrs. Vitale, seconded by Mr. Conley and carried by voice vote of members present, 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 \$9,908.98

Health & Public Assistance 4,164.18

Public Works & Engineering 159,073.39

Community Affairs 3,694.71

Finance & Borough Clerk 505,763.17

Utilities 1,269,962.57

Total \$1,952,567.00

New Business - None

Adjournment

There being no further business to come before the Council, the meeting was adjourned at 9:40 p.m. by voice vote.

Respectfully submitted,

Marilyn Schaefer

Borough Clerk

Approved March 24, 2008 (MS)