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

**July 14, 2008 - 6 p.m.**

**Call to Order**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 14<sup>th</sup> day of July 2008. Mayor Holden called the meeting to order at 6 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 by transmitting a copy of the notice as above, all on July 10, 2008. Notice of this meeting was made available to members of the general public."

**Roll Call**

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

Mayor Mary-Anna Holden

Council Members:

Astri J. Baillie  
Carmela Vitale

John M. Elias

Robert H. Conley

Jeannie Tsukamoto

Vincent A. Esposito

Also Present:

Raymond M. Codey, Borough Administrator

Marilyn Schaefer, Borough Clerk

Joseph Mezzacca, Jr., Borough Attorney

**AGENDA REVIEW**

One Contract Matter and one Litigation Matter were added to the Executive Agenda.

**Reading of Closed Session Resolution**

Mr. Conley moved that the meeting be adjourned to an Executive Session to discuss the following matters:

EXECUTIVE SESSION MINUTES (1)

Executive Minutes of 06/23/2008

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

CONTRACT MATTERS (6)

22 ORCHARD STREET

SELECTIVE DEMOLITION BID DOCUMENTS

HMR FEES FOR HDM RENOVATION

LIBERTY MUTUAL

FOUR TOWNS UPDATE ON SHARED USE OF MADISON RECREATION CENTER

FIELDS CONSULTANT

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

PERSONNEL MATTERS (5)

SUPERVISOR EVALULATION FORM

INCREMENTS FOR NON-UNION FULL-TIME

APPOINTMENT OF INTERN

POTENTIAL RESIGNATION

APPRENTICE LINEMAN POSITION

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

LITIGATION MATTER (1)

COUGAR FIELD

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.

***Advertised Public Hearing on 2008 Morris County Open Space Trust Fund Grant Application***

Mayor Holden opened the hearing on the 2008 Morris County Open Space Trust Fund Grant Application.

**Ms. Baillie** was recognized by the Chair and commented on the Borough's proposed 2008 Morris County Open Space Trust Fund Grant Application. The Borough is submitting this application to secure additional funding toward the purchase of 53 acres of land known as the Madison Recreation Center contiguous to Madison High School; Ms. Baillie commented on the documentation necessary for this application, including a resolution of the Council authorizing the grant application (R 142-2008 was adopted May 28, 2008).

**Megan Haidet, Land Preservation Specialist with the Morris Land Conservancy**, was recognized by the Chair. The Morris Land Conservancy is a non-profit land trust based in Boonton, New Jersey, and has been working as the Borough's Open Space Advisor since 2003; Ms. Haidet was present to lend the Conservancy's support to Madison's application for acquisition of funding from the Morris County Open Space Trust Fund. This grant application will allow the Borough to apply for matching funds from the County, thus leveraging the money in the Borough's Open Space Trust Fund; the Borough is looking to purchase 53 acres in Florham Park which is accessed off Ridgedale Avenue next to the Madison High School campus; the property is commonly known as the Exxon Mobil property, but going forward will be referred to as the Madison Recreation Center (MRC); once the purchase by the Borough is completed, the land will be annexed to Madison. The purchase of this land addresses two critical issues in Madison—first, the need for active recreation fields and second, the protection of the buried valley aquifer, which provides 100% of Madison's drinking water. Additionally, this acquisition will prevent the development of approximately 428,000 square feet, or almost 10 acres, of office space; ensuing traffic from such development would negatively impact the culture and quality of life in Madison. This purchase of land will support the creation of multiple playing fields for a variety of sports; the remaining open space, which contains mature forests and wetlands, would remain in its natural state to be open for public walking, biking and picnic areas.

The application is due July 25, 2008, and this hearing is part of the requirements for the application. The purpose of this hearing, as Ms. Baillie mentioned, is to discuss the application and to submit a resolution indicating the Borough's commitment to and support of this grant request. The Conservancy is very excited about this grant application and the project that it will help fund. By bringing in funding partners like Morris County for conservation projects, the Borough can help stretch municipal dollars from Madison's Open Space Trust Fund. A decision from the County is expected by the end of November. Ms. Haidet thanked the Mayor and Council for helping the Conservancy write this grant on the Borough's behalf.

**Ms. Baillie** was recognized by the Chair and commented that the Borough received \$6,000,000 from the Morris County Open Space Trust Fund in 2007, one of the largest grants awarded by the Morris County Open Space Trust Fund; the Borough is asking for the same amount with this 2008 application; Ms. Baillie commented on the work of the Madison Recreation Center Ad Hoc Advisory Committee; they have provided a vision for the pit area adjacent to the High School, which will meet the needs of Madison's children playing sports; it will support multiple playing areas; Borough officials also met with its neighbors--Florham Park, Chatham Borough, Chatham Township and Harding Township; Borough officials have also met with the Morris County Park Commission, which is committed to building a path and bikeway from the Morris County Traction Line Recreation Trail through the developer's property to the 53 acres; Madison's neighboring towns have expressed interest, and Borough officials are in the process of receiving letters of commitment from the neighboring towns to join in building a Community Recreation Center.

Mayor Holden opened up the hearing on the 2008 Morris County Open Space Trust Fund Grant Application, which is due July 25, 2008, and asked if anyone wished to be heard concerning said grant application.

**Chris Hepburn**, resident and member of the Madison Historic Preservation Commission, spoke in support of this application and wished to publicly thank Council Member Astri Baillie, Mayor Mary-Anna Holden and Administrator Raymond M. Codey for all of the hours they have spent on this grant application and for working with surrounding municipalities to get their support.

**Sam Cerciello**, resident, spoke of many residents who are interested in the plans for the 53 acres and who want to be part of the discussion on how the 53 acres will be used; Mr. Cerciello was advised that the Borough received a \$6 million grant in 2007 and is applying for an additional \$6 million grant in 2008; Mr. Cerciello asked what would happen if the Borough does not receive the additional \$6 million grant and was advised that the Borough is committed to purchasing the property; without the grant, the Borough would not be able to implement plans for the Madison Recreation Center as quickly. Mr. Cerciello was also advised that the 53 acres is one of the last areas in Morris County to be saved from commercial development and as such is a good candidate for grant funding. The process to purchase the property has been in the works for at least three years; discussion of how the 53 acres will be used is in the dialogue stage.

**Dan Dunham, Garfield Avenue**, Chairman of the Madison Recreation Center Ad Hoc Advisory Committee, which is a committee formed of Recreation members and Environmental Commission members among others; he felt quite encouraged as to the consensus on how to use the 53 acres--use as active recreation, use as passive recreation, and open space preserved areas; when the Committee's suggestions are solidified, he recommended a public meeting to exchange ideas with interested parties.

**Eugene Zipper, Greenwood Road**, spoke about the Green Village Road School property, which includes baseball fields; since the two fields represent approximately \$2 million in value, he would like to see the School Board sell the entire property and have the current activities at the GVR fields moved to the 53 acres. Mr. Zipper commented on the difficulties he sees the Board of Education having with disposition of the GVR School property. Mr. Zipper was advised that there are ongoing discussions between Madison and the Board of Education.

Since no other member of the public wished to be heard, the Public Hearing on the 2008 Morris County Open Space Grant Application was closed.

Ms. Baillie was recognized by the Chair and moved affirmation of the Borough's support of this Grant Application. Mr. Conley seconded the motion. 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

**APPROVAL OF MINUTES**

Ms. Baillie moved approval of the **Executive Minutes of June 23, 2008**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Abstain: Mr. Elias, Mr. Conley

Ms. Baillie moved approval of the **Regular Meeting Minutes of June 23, 2008** with the following amendments:

Page 5 of 13, last paragraph, which carries over to page 6:

.....

Mr. Mezzacca said this proposal for Cougar Field lights requires full Planning Board review by the Madison Planning Board and the Chatham **Township** Planning Board **as well as the Chatham Borough Planning Board**, not just the "courtesy" review referred to by Mr. Boroff; Madison will defend its jurisdiction under the law.

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.....

~~Ms. Baillie~~ **Ms. Tsukamoto** moved that Ordinance 52-2008, which the Borough Clerk read by title, be adopted.....

Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Abstain: Mr. Elias, Mr. Conley

### ***GREETINGS TO PUBLIC***

Mayor Holden made the following comments:

Employee of the Month: The Employee of the Month is Christine Shesler for her promotion of wellness in the Madison community and most recently for Borough employees through various programs, as well as her work with the Mayor's Wellness Campaign, which helped Madison receive the "Healthy Town" designation.

Anniversary: Sgt. Peter Iossa - 20<sup>th</sup> Anniversary with the Borough on July 18<sup>th</sup>.

Farmers' Market: Mayor Holden thanked Administrator Ray Codey for being a great sport and stepping out there in costume near the Bayley-Ellard site to promote the Farmers' Market.

Miles for Madison: Mayor Holden also thanked Scout Venture Crew 77, a division of the Boy Scouts, which organized Miles for Madison under the auspices of Dr. John W. Kennedy, Dr. George Van Orden and Thomas Haralampoudis of the Environmental Commission and of Madison's Health Department. They had a very successful recycling day at the Elks Lodge site where over 600 items were collected and over 200 people attended during a five hour collection; it took two trucks to cart away the items for recycling and the project raised approximately \$1,200, which will help Madison High School with the Special Olympics.

### ***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:

Mrs. Vitale commented that the Freeholders awarded Madison \$150,000.00 in a grant funding for renovation of the Hartley Dodge Memorial; Mrs. Vitale thanked Mr. Codey for helping and thanked Architect Bob Russell, who pleaded Madison's case for the award along with Mrs. Vitale. Mrs. Vitale commented on the Fire Department drill at Morristown Airport where firefighters were offered an opportunity to learn and practice on new equipment at the airport; during the drill there was an accident to which the Madison firefighters responded.

Mayor Holden thanked Mrs. Vitale for all her work on the successful grant application.

#### **Public Works and Engineering**

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

Mr. Elias commented on the successful and very aggressive mill and overlay projects occurring on Madison roads and gave compliments to Borough Engineer Bob Vogel and Superintendent of Public Works David Maines; the goal is to try to get the projects done by the end of October; residents will be kept posted.

The Borough received a donation of bike racks; the recommendation of the Parks Advisory Committee was to

place the racks at three sites—Summerhill Park on the Ridgedale Avenue side, Lucy D. Anthony Fields (Myrtle Avenue) and Memorial Park near the shelter; they suggested that the Downtown Development Commission place more bike racks in the downtown area.

Historic Preservation Commissioner Janet Foster has resigned from the Commission after serving since 1997 and was thanked for her tireless service; that leaves an unexpired Class A term through December 31, 2010, to be filled by appointment of the Mayor.

### **Utilities**

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

Mr. Conley advised that work on the transformer and feeder lines is progressing; electricity outages were kept to a minimum.

Mr. Conley attended the dedication of the Sam Gordon Park in front of Stop-n-Shop and shared some thoughts about two main things Mr. Gordon had influence on in the past—he was the founder of the Chamber of Commerce and its first president; he was adamant about Madison keeping its Electric Utility and not selling it off and for his vision of what is now known as Memorial Park. Mr. Conley encouraged residents to stop by the Sam Gordon Park.

### **Health & Public Assistance**

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

### **Community Affairs**

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

Dr. Esposito encouraged attendance at the Farmers' Market on Thursdays at Bayley-Ellard from 2 p.m. to 7 p.m. Madison has received two awards from the New Jersey Clean Communities Program, which encourages the care and maintenance of public lands, especially by volunteers; the Public Lands Cleanup Award was given to the Downtown Development Commission and the Volunteer Award was given to Madison Main Street Executive Director Jim Burnet for organizing May Day in Madison.

### **COMMUNICATIONS AND PETITIONS - None**

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

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

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

### **Agenda Discussions**

#### **07/14/2008-1 YOUTH CONCERT REQUEST**

Mr. Codey commented on a public event request from the Madison Arts & Cultural Alliance (MACA). Mr. Codey mentioned that if the Borough co-sponsors the event, the 60-day time frame for submitting a request would be waived, the Borough's insurance would cover the event and the application fee would be waived; notwithstanding co-sponsorship, the event organizers must hire one police officer at no cost to the Borough to monitor the event;

the event would end at 6 p.m. to allow time to clear up the site in daylight.

With MACA's support and the support of the Kiwanis Club of Madison, Ms. Evangeline Lee requested holding a Youth Music Concert at Bayley-Ellard on Saturday, August 16, 2008, from 4 p.m. to 6 p.m. Deborah Farrar Starker was in attendance on Ms. Lee's behalf and on behalf of MACA and presented the request. Weather permitting, the concert is to be performed outside in the field area; if outside, the group will need to provide their own generator for power in the field area. The group will also need to pay for one police officer; a decision needs to be made whether the Borough of Madison will co-sponsor the event so that the group would not need to acquire insurance for the event and not have to pay an application fee.

Mr. Mezzacca commented that if the Borough co-sponsors the event, Borough insurance covers it; Council comments included getting a certificate of insurance from the event organizers. Mrs. Starker said that MACA included a certificate of insurance naming the Borough as additional insured; Mrs. Starker was asked to have the Diocese of Paterson included as additional insured; she will go back to MACA with the request.

Mr. Codey recommended that the group be permitted to use the facility and be co-sponsored by the Borough; Mr. Codey also recommended that Recreation Director Doug Smith work with the group to facilitate the necessary arrangements for the program.

Mrs. Tsukamoto moved approval of the event with the Borough co-sponsoring. Mrs. Vitale seconded the motion. 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

Resolution R 186-2008 is listed on the Consent Agenda

#### **07/14/2008-2 MR. JOHN BODNAR'S REQUEST FOR ACCESS AGREEMENT**

The applicants, Mr. & Mrs. John Bodnar, along with their attorney, Eugene Alexander, their architect, Alan Andreas, and their engineer, Fred Meola, presented a request for an access agreement to the Bodnar's property at 13 Madison Avenue (sometimes referred to as 11 Madison Avenue); the property houses an historic building in need of repair; in exchange for an access agreement over the existing road to the James Park substation, the Borough would have use of a parking lot to be created at the rear of Mr. Bodnar's property; the parking lot could be used by the public during non-business hours and on weekends. The plans are to rehab the property for use as a personal office (financial planning); this property is adjacent to James Park. The idea would allow the public access to parking when visiting the park.

Mr. Mezzacca was recognized by the Chair and commented for the benefit of the public that Mr. Bodnar could build his own access driveway at the property, but elements of the house would have to be taken down and that would change the streetscape, which is what Mr. Bodnar wants to preserve. The Bodnars are requesting access over an existing roadway which, if approved, would be improved, and they are offering nine additional parking spaces to be created out of parkland if acceptable to Green Acres.

Mr. Mezzacca's recommendation to the Council is that any access agreement has a corresponding agreement to preserve the historical element.

Mr. Mezzacca further commented that the Council would have to indicate to Mr. Bodnar and the Planning Board that they are amenable to such an arrangement, and then have the applicant go to the Planning Board and return to the Council. The arrangement would be to give an access agreement in exchange for an historic façade preservation at the site and acceptance of the parking lot on Borough property if the Borough deems that and has consent from Green Acres. The particulars can be explored at the Planning Board.

Mr. Conley moved approval of Mr. Mezzacca's recommendation. Ms. Baillie seconded the motion. After

discussion including that Mr. Bodnar be sure to speak with Electric Utility Superintendent Michael Piano about the proposal, 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

To effectuate the above motion of the Council, the Borough Attorney was asked to draft a letter to Mr. Bodnar and the Planning Board.

**07/14/2008-3** CONTRACT TO ROSEN GROUP FOR SPACE STUDY OF CIVIC *06/23/2008-1* CENTER; AMEND R 160-2008 RESOLUTION OF THE BOROUGH OF MADISON AWARDED PROFESSIONAL SERVICES CONTRACT TO ROSEN GROUP OF MADISON, NJ FOR ARCHITECTURAL SERVICES REGARDING ELEVATOR DESIGN AT THE CIVIC CENTER IN THE AMOUNT OF \$23,800.00 TO INCLUDE SPACE UTILIZATION STUDY FOR AN ADDITIONAL AWARD AMOUNT OF \$6,200.00 FOR A TOTAL AWARD OF \$30,000.00

Mr. Codey commented on Borough Engineer Robert Vogel's recommendation; the scope of the original award to install an elevator changed to embrace a full space utilization study by the Rosen Group for the elevator installation at the Civic Center; the additional work is not covered under the Rosen Group's original proposal; the Borough will be on budget if the original contract is amended to increase the award to the Rosen Group to \$30,000.00 to include the space utilization study.

There was Council agreement to list on the Consent Agenda Resolution R 191-2008 amending R 160-2008 to include the space utilization study.

**07/14/2008-4** RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING \$225,000 njdot Municipal Aid Application for woodland road reconstruction

Mr. Codey commented that an application was forwarded to NJDOT via the System for Administering Grants Electronically (SAGE) and requires a supporting resolution in the form prescribed within 30 days of the submission deadline. Important excerpts from the application were submitted to the Mayor and Council by Borough Engineer Robert Vogel. Before the work would start, there would be a neighborhood public meeting on the scope of work.

Mrs. Vitale moved approval of the above recommendation. Mr. Conley seconded the motion, which passed by voice vote.

Resolution R 179-2008 is listed on the Consent Agenda.

**07/14/2008-5** RESOLUTION OF THE BOROUGH OF MADISON AWARDED CONTRACT TO JOSEPH DOHERTY ROOFING CO., INC. FOR ROOF REPAIRS IN THE AMOUNT OF \$19,051.00

Mr. Conley commented on Superintendent of Public Works David Maines' request to award a contract to Joseph Doherty Roofing Co., Inc., for roof repairs at Bayley- Ellard in the total amount of \$19,051.00. Funds are from Ordinance 42-2005, and the work should make the roof watertight. The resolution title will include "for Bayley- Ellard"

There was Council agreement to list Resolution R 180-2008 on the Consent Agenda.

**07/14/2008-6** RESOLUTION OF THE BOROUGH OF MADISON DONATING 1980 ROLL-PAC ONE-TON ROLLER TO THE MADISON BOARD OF EDUCATION

Mr. Codey commented on Superintendent of Public Works David Maines' request to donate the 1980 Roll-Pac

one-ton roller to the Madison school system; to formalize this ownership transfer to the Board of Education for \$1.00, a resolution of the Council is necessary.

Council was in agreement to list Resolution R 181-2008 on the Consent Agenda.

**07/14/2008-7**

**RESOLUTION OF THE BOROUGH OF MADISON AWARDED MADISON WATER TANK PAINTING AND REPAIR CONTRACT TO ALLIED PAINTING, INC. IN THE AMOUNT OF \$217,501.00**

Mr. Codey commented on Borough Engineer Robert Vogel's request to award a contract to Allied Tank Painting, Inc., in the amount of \$217,501.00 for water tank painting and repair, work to be accomplished in the August – November time frame with cooperation from the four wireless carriers remaining on the tank. It has been twenty years since the last paint job. The painting will be for the interior and exterior.

Council was in agreement to list Resolution R 182-2008 on the Consent Agenda.

**07/14/2008-8 AMENDING ORDINANCE 32-2008 TO APPROPRIATE \$20,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND RATHER THAN FROM THE WATER CAPITAL IMPROVEMENT FUND TO PURCHASE PORTABLE GENERATORS AND ACCESSORIES**

Mr. Codey commented that this recommendation is from Chief Financial Officer Robert Kalafut to change the funding source by amending Ordinance 32-2008 to appropriate funds from the General Capital Improvement Fund rather than from the Water Capital Improvement Fund to purchase portable generators and accessories.

Mr. Elias moved approval of the above recommendation. 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

Ordinance 53-2008 is listed for introduction later in the meeting.

**07/14/2008-9 DETERMINE DATE/TIME FOR REORGANIZATION MEETING 2009**

Mayor Holden commented that Council should make a determination as to the Reorganization Meeting for 2009 so the Library Director can make up the calendar for the Chase Room.

Ms. Baillie moved holding the Reorganization Meeting on January 1, 2009, at Noon. Mr. Elias seconded the motion, which passed by voice vote.

A resolution will be listed on a future Consent Agenda; Library Director Nancy Adamczyk will be notified.

**07/14/2008-10 SUNSET LAKE DRAINAGE IMPROVEMENTS (CHATHAM TOWNSHIP)**

Mr. Codey commented during a meeting on another subject; the Township of Chatham felt there had been a preexisting informal agreement to pay one-third of the cost (Chatham Township, the State and Madison) for drainage improvements completed at Sunset Lake. Mr. Mezzacca commented that it was his understanding that there was some credible basis on this claim, and there were some meetings to try to sort this out; water coming down the hill does end up in Sunset Lake and contributes silt at that location. It will be made clear that this is a payment on a prior commitment, and Madison will have no further obligation at Sunset Lake.

Ms. Baillie moved approval of Mr. Codey's recommendation to approve \$12,325.00 reimbursement to the Township of Chatham for drainage improvements completed at Sunset Lake with the understanding that this will release Madison from future obligations as to future drainage issues at that location. The motion was seconded by Mr. Conley and carried by voice vote.

Resolution R 184-2008 is listed on the Consent Agenda.

**07/14/2008-11 REJECT ALL BIDS FOR ELECTRIC SUBSTATION PAINTING (which was a REBID) --  
AUTHORIZE NEGOTIATION OF CONTRACT**

Electric Utility Superintendent Michael Piano recommended rejecting all bids for electric substation painting (which was a rebid) and authorizing negotiation of a contract. There was Council agreement to approve Mr. Piano's recommendation.

Resolution R 190-2008 is listed on the Consent Agenda.

**07/14/2008-12 AMEND ORDINANCE 42-2007 FROM \$100,000.00 TO \$180,000.00 APPROPRIATION FROM  
ELECTRIC CAPITAL IMPROVEMENT FUND**

Electric Utility Superintendent Michael Piano requested amending the appropriation from Ordinance 42-2007 from \$100,000.00 to \$180,000.00 for preparation and painting of both substations.

There was Council agreement to list Ordinance 55-2008 for introduction later in the meeting.

**07/14/2008-13 AMEND FUNDING IN ORDINANCE 39-2008 BY ADDITIONAL \$78,000.00 FOR A TOTAL OF  
\$898,000 (FROM \$820,000) TO BE ABLE TO AWARD A \$276,608.25 CONTRACT TO JOHN GARCIA  
CONSTRUCTION OF CLIFTON NJ FOR 2008 WATER MAIN REPLACEMENT BID ALTERNATE AND MATINA  
IN THE AMOUNT OF \$590,000.00**

Mr. Codey commented that this is work the Borough should accomplish upon Council agreement. Mr. Elias moved approval of Borough Engineer Robert Vogel's recommendation for additional funding of \$78,000.00 from the Water Utility Capital Improvement Fund for 2008 Water Main Replacement Bid Alternates. Mrs. Vitale seconded the motion. Mrs. Tsukamoto was advised that after receipt of bids, it was determined that sufficient funding is available to award the alternate bid in addition to the base bid; these additional funds need to be appropriated by amending the previous ordinance. At the conclusion of discussion, the motion passed by voice consent.

Ordinance 54-2008 is listed for introduction later in the meeting.

**07/14/2008-14 AWARD INSPECTION SERVICES CONTRACT FOR MADISON WATER TANK PAINTING AND  
REPAIR IN THE AMOUNT OF \$30,400.00 TO PROJECT SERVICES, INC. FROM HUGHESVILLE, PA.  
(PROFESSIONAL SERVICES, NEED PAY-TO-PLAY FORMS) (Note - Funds from Ord. 54-2005)**

Mr. Codey commented on Borough Engineer Robert Vogel's recommendation to award the water tank construction inspection contract for both interior and exterior painting and repair work. The primary role of the inspector is to inspect the interior of the tank, and it is extremely important to make sure it is done properly.

There was Council consensus to list Resolution R 189-2008 on the Consent Agenda.

**07/14/2008-15**

**(A) INCREASE SCOPE OF BOND ORDINANCE 48-2008 TO ADD CERTAIN ROADS FOR REPAVING  
PROJECTS IN CALENDAR YEAR 2008**

Mr. Codey commented on Borough Engineer Robert Vogel's recommendation to adopt a resolution increasing the scope of work in Bond Ordinance 48-2008 to include additional roads; no additional funds are requested. The

goal is to get this project done one year ahead of time and striped before school resumes in the fall.

There was Council consensus to list Resolution R 188-2008 on the Consent Agenda.

### **(B) COOPERATIVE BID CONTRACT AWARD FOR 2008 MILL & OVERLAY PROJECTS**

There was agreement that the increased scope of work approved upon adoption of R 188-2008 will allow the award of a contract to Schifano Construction Corp. through the Morris County Cooperative Purchasing contract. No resolution is needed. This was listed on the agenda so Council would be aware of the projects.

**07/14/2008-16** award contract to John Garcia construction of Clifton, nj for 2008 water main replacement bid alternates in the amount of \$276,608.25

Mr. Codey commented on Borough Engineer Robert Vogel's recommendation to award a contract to John Garcia Construction of Clifton, New Jersey, for 2008 Water Main Replacement Bid Alternates in the amount of \$276,608.25.

Resolution R 192-2008 is listed on the Consent Agenda and will be effective upon final adoption of Ordinance 54-2008.

### ***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.***

***Jim McCloskey, Dean Street***, was unhappy with all the Farmers' Market signs throughout Madison seven days a week. He recommended they be put out the day of the market and taken away at the close of the day. The one he finds most offensive is the large sign at the entrance to Bayley-Ellard off Danforth Road. Mr. McCloskey felt the market area is too confined at Bayley-Ellard.

Dr. Esposito was recognized by the Chair and explained that people need to be directed to the new site of the Farmers' Market and that is part of the reason for so many signs. Dr. Esposito will take Mr. McCloskey's comments back to the Downtown Development Commission (DDC).

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

### ***Advertised Hearings***

The Clerk made the following statement:

Ordinances scheduled for hearing were introduced by title and passed on first reading at a regular meeting of the Council held June 23, 2008, were published in the Madison Eagle, and copies were made available to members of the public requesting same.

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

#### ORDINANCE 47-2008

BOND ORDINANCE TO AUTHORIZE THE 2008 ROAD RECONSTRUCTION PROGRAM IN, BY AND FOR THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, NEW JERSEY, TO APPROPRIATE THE SUM OF \$895,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Section 1. The Borough of Madison, in the County of Morris, New Jersey (the "Borough") is hereby authorized to reconstruct or resurface the roadway and undertake curb, sidewalk, drainage and utility improvements, where necessary, at the following locations (entire lengths unless otherwise noted) in, by and for the Borough, as the 2008 Road Reconstruction Program:

Douglas Avenue (from Orchard Street to Drew Place)

Drew Place

James Place

Orchard Street (from Lathrop Avenue to Douglas Avenue)

Strickland Place

Station Road (from Main Street to John Avenue)

Woodcliff Drive

Green Avenue (from Woodland Road to  
Shunpike Road -

Design Phase)

Loveland Street

Depending upon the contract price and other exigent circumstances, and upon approval by resolution of the Borough Council, there may be additions to or deletions from the aforesaid list. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor. It is hereby determined and stated that such roads to be improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 2. The sum of \$895,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 of this ordinance (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) the making of such improvement is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law, and (3) the estimated cost of said purpose is \$895,000, and (4) \$95,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$800,000, and (6) the cost of such

purpose, as hereinbefore stated, includes the aggregate amount of \$30,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$95,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purpose. The sum of \$95,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$800,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$800,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$800,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United

States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 12. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Mayor Holden opened up the public hearing on Ordinance 47-2008. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 47-2008, 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 the aforementioned ordinance adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

#### ORDINANCE 48-2008

BOND ORDINANCE TO AUTHORIZE THE 2008 ROAD MILLING AND OVERLAY PROGRAM IN, BY AND FOR THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, NEW JERSEY, TO APPROPRIATE THE SUM OF \$680,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Section 1. The Borough of Madison, in the County of Morris, New Jersey (the "Borough") is hereby authorized to undertake the 2008 Road Milling and Overlay Program at the following locations (entire lengths unless otherwise noted) in, by and for the Borough:

Knollwood Avenue

Lewis Road

Locust Street

Valley Road

Woodland Road (from Loantaka Way to Green Avenue)

Delbarton Drive

Depending upon the contract price and other exigent circumstances, and upon approval by resolution of the Borough Council, there may be additions to or deletions from the aforesaid list. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor. It is hereby determined and stated that such roads to be improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 2. The sum of \$680,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 of this ordinance (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) the making of such improvement is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law, and (3) the estimated cost of said purpose is \$680,000, and (4) \$80,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$600,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$25,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$80,000,

appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purpose. The sum of \$80,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$600,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$600,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$600,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions

promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 12. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Mayor Holden opened up the public hearing on Ordinance 48-2008. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 48-2008, 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 the aforementioned ordinance adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

#### ORDINANCE 49-2008

BOND ORDINANCE TO AUTHORIZE THE 2008 STORM SEWER IMPROVEMENT PROGRAM IN, BY AND FOR THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,615,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Section 1. The Borough of Madison, in the County of Morris, New Jersey (the "Borough") is hereby authorized to undertake the 2008 Storm Sewer Improvement Program, as follows: (i) construction and reconstruction of the Elmer Street Storm Water Culvert; (ii) construction and reconstruction of the Green Village Road Storm Water Culvert; and (iii) drainage improvements at various locations. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$1,615,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 of this ordinance (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) the making of such improvement is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$1,615,000, and (4) \$150,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$1,465,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$30,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$150,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purpose. The sum of \$150,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$1,465,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$1,465,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one

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

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,465,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 12. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Mayor Holden opened up the public hearing on Ordinance 49-2008. Since no member of the public wished to be

heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 49-2008, 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 the aforementioned ordinance adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 50-2008

BOND ORDINANCE TO AUTHORIZE THE 2008 SANITARY SEWER MAIN LINING PROGRAM IN, BY AND FOR THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,470,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Section 1. The Borough of Madison, in the County of Morris, New Jersey (the "Borough") is hereby authorized to undertake the 2008 Sanitary Sewer Main Lining Program at various locations (portions or entire lengths, as necessary) and manholes at various pump discharge locations in, by and for the Borough, including, but not limited to:

Lincoln Place Central Avenue

North Street Greenwood Avenue

Park Avenue Fairview Avenue

South Street Glenwild Road

Loveland Street Hillside Avenue

Myrtle Avenue Maple Avenue

Anthony Drive

Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$1,470,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 of this ordinance (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) the making of such improvement is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$1,470,000, and (4) \$120,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$1,350,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$25,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$120,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purpose. The sum of \$120,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$1,350,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$1,350,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes and to issue said

notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,350,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 12. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Mayor Holden opened up the public hearing on Ordinance 50-2008. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 50-2008, 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 the aforementioned ordinance adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**BOROUGH OF MADISON**

**COUNTY OF MORRIS**

**Ordinance No. 51-2008**

**An Ordinance for Determining Positions Eligible for the  
Defined Contribution Retirement Program**

**WHEREAS**, the State Legislature recently adopted Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) to create the Defined Contribution Retirement Program to provide retirement benefits to various county and municipal officials; and,

**WHEREAS**, N.J.S. 43:15C-2 requires the governing body of each county, municipality, and other local entity to adopt an ordinance to determine the positions that are substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs, and for which officials appointed hereafter to such positions shall be eligible for and shall participate in the Defined Contribution Retirement Program, subject to the provisions of law; and,

**WHEREAS**, the Borough Council of the Borough of Madison has considered the guidelines issues by the Local Finance Board;

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council that:

On and after July 1, 2007, newly appointed officials in the Borough must enroll in DCRP, not PERS, if the position requires the specific consent and/or approval of the elected governing body. Borough employees appointed to a position by elected officials, such as Mayoral appointments, or appointments made with the "advice and consent" of the Council shall also be DCRP positions.

2. An appointed official in the Borough who is already enrolled in the PERS prior to July 1, 2007, based on an elected and/or appointed office, will remain a PERS member while in that office/position. If, however, on or after July 1, 2007, there is a break of service in that office/position, or the official is elected to a different elected office, the official will be enrolled in the DCRP and cannot continue with PERS membership in the newly elected office/position.

3. Pursuant to N.J.S. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:

a. Municipal Manager;

b. Municipal Attorney;

c. Municipal Engineer;

d. Municipal Prosecutor;

e. Municipal Court Judge.

4. Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S. 43:15C-2:

Certified Health Officer;

Tax Collector;

Chief Financial Officer;

Construction Code Official;

Qualified Purchasing Agent;

Tax Assessor;

Municipal Planner;

Registered Municipal Clerk;

Licensed Uniform Subcode Inspector;

Principal Public Works Manager.

This ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pensions and Benefits.

**Repealer.** All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

**Severability.** The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

The Borough Clerk and the Borough Attorney are authorized and directed to change any Chapter, Article and/or Section numbers of the Code of the Borough of Madison, in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

A copy of this ordinance shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury.

This Ordinance shall take effect upon passage and publication as provided by law.

Mayor Holden opened up the public hearing on Ordinance 51-2008. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 51-2008, 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 the aforementioned ordinance adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 52-2008

ORDINANCE OF THE BOROUGH OF MADISON AMENDING SECTION 136-32 OF THE BOROUGH CODE ENTITLED "SPECIAL EVENT PERMITS"

Mrs. Tsukamoto moved amending Ordinance 52-2008. Dr. Esposito seconded the motion. Mr. Mezzacca commented that it his opinion that the amendments are not significant and the Council may consider said ordinance for final adoption. There was no further discussion and the motion to amend Ordinance 52-2008 passed with the following roll call vote recorded:

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

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Amendments as follows:

.....

Section 1 (B)

(1) The person or group of persons seeking issuance of such permit shall file an application, in writing, signed by the applicant and all sponsors, with the Borough Clerk of the Borough of Madison, **at least 60 days before the Special Event**, stating:

.....

Insurance Certificate naming the Borough of Madison as additional insured as to the Special Event for bodily injury to any one person in the amount of \$1,000,000 and any occurrence in the aggregate amount of \$3,000,000 and for property damage for each occurrence in the aggregate amount of \$5,000,000

An agreement, in writing, in a form approved by the Borough Attorney, whereby the applicant agrees to indemnify and save harmless the Borough of Madison, its officers, employees and agents, from any and all liability, expense, claim or damages resulting from the use of public lands.

A contractual agreement with the Madison Police Department for paid police coverage during the time indicated in the permit.

Proof of service of written notification of proposed dates and lands to be used for event activities to any and all tenants and property owners who will be directly affected by the event and its site location, such notification to take place at least three (3) business days prior to the requested event date, with proofs submitted to the Borough Clerk prior to issuance of the permit.

A written approval from the Madison Police Department authorizing issuance of the permit and providing any traffic control requirements and public safety conditions.

Event Fees made payable to "Borough of Madison": Commercial applicants \$100 application fee; Nonprofit applicants: \$25 application

fee; the posting of a cash bond of \$500 or maintenance bond of \$1,000 running in favor of the Borough and protecting and insuring that the location utilized will be left after the event in a satisfactory condition, free of debris, rubbish and equipment, and that due observance of all Borough ordinances, rules and regulations will be followed; within two (2) business days of the completion of the event, the Borough will return the bond if there has been no damage to public property or public expense caused by the event; bona fide educational institution for non-commercial use—fees waived.

If any services are required by employees from Borough Departments, the cost of such employees is to be borne by the applicant as a cost of the event. The hourly rate for outside duty will be provided upon request by the Borough Administrator and will be billed to applicant.

Ordinance 52-2008 as amended:

#### **ORDINANCE 52 - 2008**

#### **ORDINANCE OF THE BOROUGH OF MADISON AMENDING SECTION 136-32 OF THE BOROUGH CODE ENTITLED "SPECIAL EVENT PERMITS"**

**WHEREAS**, the Borough Administrator has recommended amending Section 136-32 of the Borough Code entitled "Special Event Permits"; and

**WHEREAS**, the Borough Council is in agreement 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 136-32 of the Borough Code entitled "Special Events Permits" is hereby amended and

replaced with the following:

A. A "special event" is any event which is conducted sponsored or permitted by an individual or an organized group of persons and which involves any advance publicity or advertising by or from said group.

B. Permits for parades or special events on municipal property shall be obtained by application, in writing, to the Borough Clerk, in accordance with the following procedures:

(1) The person or group of persons seeking issuance of such permit shall file an application, in writing, signed by the applicant and all sponsors, with the Borough Clerk of the Borough of Madison, at least 60 days before the Special Event, stating:

- (a) The name and address of the applicant.
- (b) The name and address of the person, persons, corporation or association sponsoring the activity, if any.
- (c) The day and the hours for which the permit is desired.
- (d) The property and portion thereof for which such permit is desired.
- (e) A reliable estimate of the anticipated attendance.
- (f) The type and nature of activity for which such permit is desired.
- (g) The anticipated age group of the expected participants.
- (h) The names and addresses of the adult persons who would supervise and be responsible for the proposed activity. The ratio of adults shall be sufficient to properly supervise the anticipated participants.

Such other information as may be reasonably required.

Insurance Certificate naming the Borough of Madison as additional insured as to the Special Event for bodily injury to any one person in the amount of \$1,000,000 and any occurrence in the aggregate amount of \$3,000,000 and for property damage for each occurrence in the aggregate amount of

\$5,000,000

An agreement, in writing, in a form approved by the Borough Attorney, whereby the applicant agrees to indemnify and save harmless the Borough of Madison, its officers, employees and agents, from any and all liability, expense, claim or damages resulting from the use of public lands.

A contractual agreement with the Madison Police Department for paid police coverage during the time indicated in the permit.

Proof of service of written notification of proposed dates and lands to be used for event activities to any and all tenants and property owners who will be directly affected by the event and its site location, such notification to take place at least three (3) business days prior to the requested event date, with proofs submitted to the Borough Clerk prior to issuance of the permit.

A written approval from the Madison Police Department authorizing issuance of the permit and providing any traffic control requirements and public safety conditions.

Event Fees made payable to "Borough of Madison": Commercial applicants \$100 application fee; Nonprofit applicants: \$25 application fee; the posting of a cash bond of \$500 or maintenance bond of \$1,000 running in favor of the Borough and protecting and insuring that the location utilized will be left after the event in a satisfactory condition, free of debris, rubbish and equipment, and that due observance of all Borough ordinances, rules and regulations will be followed; within two (2) business days of the completion of the event, the Borough will return the bond if there has been no damage to

public property or public expense caused by the event; bona fide educational institution for non-commercial use—fees waived.

If any services are required by employees from Borough Departments, the cost of such employees is to be borne by the applicant as a cost of the event. The hourly rate for outside duty will be provided upon request by the Borough Administrator and will be billed to applicant.

(2) A permit shall be issued by the Borough Clerk in consultation with the appropriate department head and Business Administrator and approval by the governing body upon the recommendation of the Business Administrator and after making the following findings:

(a) That the proposed activity or use of the municipal property will not unreasonably interfere with or detract from the general public enjoyment of the subject property.

(b) That the nature and character of the proposed activity or use of the property is not reasonably anticipated to incite violence, crime or disorderly conduct.

(c) That the proposed activity or use of the property will not entail extraordinary or burdensome expense on the public safety operations of the Borough.

(d) That the property or facility desired has not been reserved for other use at the date and hour desired in the application.

(e) That all conditions on the Special Event Permit Application as to insurance, security, indemnification, fees and bonding have been satisfied.

(f) The Borough reserves the right to waive any and all conditions or to reject the application in their sole discretion.

(g) Co-sponsorship of any special event as defined herein shall require specific prior written approval of the governing body.

(h) Such other reasonable conditions as may be required by the municipality.

(i) The requirements for obtaining a permit under this

chapter shall not relieve any person or group of persons from obtaining such further permits or approvals as may be required now or in the future by reason of any state or federal law.

C. The Borough Council may delegate its authority for the enforcement of this permit and the conditions relating thereto to the Chief of Police or any other responsible official. A violation of any condition of the permit shall be cause for immediate revocation of the permit by the Borough Council or by its duly authorized agent.

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

Mayor Holden opened up the public hearing on Ordinance 52-2008 as amended. Since no member of the public wished to be heard, the public hearing was closed.

Dr. Esposito moved that Ordinance 52-2008, which the Borough Clerk read by title, be finally adopted as amended. Mrs. Tsukamoto seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

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

### ***Introduction of Ordinances***

The Clerk made the following statement:

Ordinances scheduled for first reading will have a hearing date set for July 28, 2008, will be published in the Madison Eagle and made available to members of the public requesting copies.

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

### **ORDINANCE 53-2008**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 32-2008  
APPROPRIATING \$20,000.00 FROM THE WATER CAPITAL IMPROVEMENT  
FUND TO PURCHASE PORTABLE GENERATORS AND ACCESSORIES TO  
APPROPRIATE \$20,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT  
FUND FOR THIS PURPOSE**

**WHEREAS**, Ordinance 32-2008 of the Borough of Madison appropriated \$20,000.00 from the Water Capital Improvement Fund for purchase of portable generators and accessories; and

**WHEREAS**, the Chief Financial Officer has recommended that the Borough amend Ordinance 32-2008 to appropriate the funds from the General Capital Improvement Fund, rather than the Water Capital Improvement Fund; and

**WHEREAS**, no additional funds are needed for this amended purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should amend Ordinance 32-2008 to appropriate the funds from the General Capital Improvement Fund, rather than the Water Capital Improvement Fund.

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

**SECTION 1:** Ordinance 32-2008 is amended to appropriate \$20,000.00 from the General Capital Improvement Fund, rather than the Water Capital Improvement Fund.

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

Mr. Elias moved that Ordinance 53-2008, which was read by title, be adopted. Dr. Esposito seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

#### **ORDINANCE 54-2008**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 39-2008 AS TO THE APPROPRIATION OF \$520,000.00 FROM THE WATER UTILITY CAPITAL IMPROVEMENT FUND ACCOUNT TO INCREASE THAT APPROPRIATION BY \$78,000.00 TO \$598,000.00 FROM THE WATER UTILITY CAPITAL IMPROVEMENT FUND ACCOUNT LEAVING UNCHANGED THE APPROPRIATION OF \$300,000.00 FROM THE WATER UTILITY CAPITAL FUND BALANCE ACCOUNT FOR A TOTAL OF \$898,000.00 FOR WATER MAIN REPLACEMENT PROJECTS COVERING THE MAIN REPLACEMENT OF MUNICIPAL ROADS INCLUDING POMEROY, BROOKLAKE, PINE TREE, DURWOOD, FLETCHER AND A PORTION OF NILES AVENUE**

**WHEREAS**, Ordinance 39-2008 of the Borough of Madison appropriated \$520,000.00 from the Water Utility Capital Improvement Fund and \$300,000.00 from the Water Utility Capital Fund Balance account for water main replacement on municipal roads including Pomeroy Road, Brooklake Road, Pine Tree Terrace, Durwood Place, Fletcher Place and a portion of Niles Avenue; and

**WHEREAS**, the Borough Engineer has recommended that the Borough amend Ordinance 39-2008 to appropriate an additional \$78,000.00 from the Water Utility Capital Improvement Fund, increasing the appropriation from the Water Utility Capital Improvement Fund to \$598,000.00 and leaving the appropriation of \$300,000.00 from the Water Utility Capital Fund Balance unchanged, for a total appropriation of \$898,000.00 in order to award a contract for the bid alternates for this project; and

**WHEREAS**, the Director of Finance has attested to the availability of the funds in the Water Utility Capital Improvement Fund in an amount not to exceed \$78,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should amend Ordinance 39-2008 to appropriate an additional \$78,000.00 from the Water Utility Capital Improvement Fund, increasing the appropriation from the Water Utility Capital Improvement Fund to \$598,000.00 and leaving the appropriation of \$300,000.00 from the Water Utility Capital Fund Balance unchanged, for a total appropriation of \$898,000.00 in order to award a contract for the bid alternates for this project.

**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 39-2008 is amended to appropriate an additional \$78,000.00 from the Water Utility Capital Improvement Fund, increasing the appropriation from the Water Utility Capital Improvement Fund to \$598,000.00 and leaving the appropriation of \$300,000.00 from the Water Utility Capital Fund Balance unchanged, thereby increasing Ordinance 39-2008 to a total appropriation of \$898,000.00 in order to award a contract for the bid alternates for this project.

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

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

Mr. Conley moved that Ordinance 54-2008, which was read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

#### **ORDINANCE 55-2008**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 42-2007 TO APPROPRIATE AN ADDITIONAL \$80,000.00 FOR A TOTAL APPROPRIATION OF \$180,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR THE PREPARATION AND PAINTING OF THE KINGS ROAD AND JAMES PARK SUBSTATIONS**

#### **ORDINANCE 55-2008**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 42-2007 TO APPROPRIATE AN ADDITIONAL \$80,000.00 FOR A TOTAL APPROPRIATION OF \$180,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR THE PREPARATION AND PAINTING OF THE KINGS ROAD AND JAMES PARK SUBSTATIONS**

**WHEREAS**, Ordinance 42-2007 of the Borough of Madison appropriated \$100,000.00 from the Electric Capital Improvement Fund for the preparation and painting of the Kings Road and James Park substations; and

**WHEREAS**, the Electric Utility Supervisor has recommended that the Borough amend Ordinance 42-2007 to appropriate an additional \$80,000.00 from the Electric Capital Improvement Fund thereby increasing Ordinance

42-2007 to \$180,000.00 for the preparation and painting of the Kings Road and James Park substations; and

**WHEREAS**, the Director of Finance has attested to the availability of the funds in the Electric Capital Improvement Fund in an amount not to exceed \$80,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should amend Ordinance 42-2007 to appropriate an additional \$80,000.00 from the Electric Capital Improvement Fund thereby increasing Ordinance 42-2007 to \$180,000.00 for the preparation and painting of the Kings Road and James Park substations.

**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 42-2007 is amended to appropriate an additional \$80,000.00 from the Electric Capital Improvement Fund thereby increasing Ordinance 42-2007 to \$180,000.00 for the preparation and painting of the Kings Road and James Park substations.

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

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

Mr. Conley moved that Ordinance 55-2008, which was read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

### ***Consent Agenda Resolutions***

The Clerk made the following statement:

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

Mr. Conley moved adoption of the Resolutions listed on the Consent Agenda consisting of R 176-2008 through R 192-2008, with R 186-2008 having the Borough co-sponsor the Youth Music Concert, and to include "Bayley-Ellard" in the title of R 180-2008. Mrs. Vitale seconded the motion.

Mr. Codey reminded the Mayor and Council that R 176-2008 approves a Supervisor Evaluation Form and is listed on the Consent Agenda; Mrs. Tsukamoto has a revised evaluation form for Council consideration, but Council has not had time to review it. There was agreement to get the Supervisor Evaluation Form in place and consider Mrs. Tsukamoto's revised evaluation form at a future meeting.

Mr. Codey clarified Resolution R 177-2008 and his recommendation that the Resolution be reworded to delete in its entirety subparagraph "Salary Range Policy" of the Personnel Policies and Procedures Manual and Employee Handbook Section Four entitled "Compensation & Employee Benefits Policies". The effect of deleting said subparagraph is that from this point forward, increments will not be granted for those full-time non-union employees earning under the midpoint of their salary range. The 2008 increments will take place effective July 1, 2008, and this resolution will put affected employees on notice not to expect increments in 2009. Mrs. Tsukamoto voted against adoption of R 177-2008 preferring that the resolution be effective to remove the 2008 increments to cut costs, which would provide a savings of \$25,861.00 for this year. 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, as to R 176-2008, R 178-2008 through R 192-2008

Dr. Esposito

Nays: Mrs. Tsukamoto, as to R 177-2008

#### **R 176-2008**

#### **RESOLUTION OF THE BOROUGH OF MADISON AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL REGARDING EVALUATION FORMS**

**WHEREAS**, the Borough of Madison adopted a Personnel Policies and Procedures Manual; and

**WHEREAS**, the Borough Administrator recommends amending the Personnel Policies and Procedures Manual, Section Six entitled "Model Forms" to include the attached model form entitled "Department/Division Head/Supervisor Performance Evaluation Report"; and

**WHEREAS**, the Mayor and Council agree to the adoption of the Department/Division Head/Supervisor Evaluation model form attached hereto in the Personnel Policies and Procedures Manual.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that the said Personnel Policies and Procedures Manual, Section Six entitled "Model Forms" shall be amended to include the attached "Department/Division Head/ Supervisor Performance Evaluation Report" form.

**BE IT FURTHER RESOLVED**, that the table of contents and index of the Personnel Policies and Procedures Manual shall be amended to reflect this change.

#### **R 177-2008**

#### **RESOLUTION OF THE BOROUGH OF MADISON AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL AND EMPLOYEE HANDBOOK TO DELETE SUBPARAGRAPH "SALARY RANGE POLICY" OF SECTION FOUR ENTITLED "COMPENSATION & EMPLOYEE BENEFITS POLICIES" EFFECTIVE JULY 14, 2008**

**WHEREAS**, the Borough of Madison adopted a Personnel Policies and Procedures Manual and Employee Handbook; and

**WHEREAS**, Section Four entitled "Compensation & Employee Benefits Policies" subparagraph "Salary Range Policy" establishes a formula to determine salary ranges for full-time non-union employees of the Borough; and

**WHEREAS**, the Borough Administrator has recommended deleting subparagraph "Salary Range Policy" of Section Four entitled "Compensation & Employee Benefits Policies" effective July 14, 2008; and

**WHEREAS**, the Mayor and Council agreed to delete subparagraph "Salary Range Policy" of Section Four entitled "Compensation & Employee Benefits Policies" effective July 14, 2008.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and

State of New Jersey that the said Personnel Policies and Procedures Manual and Employee Handbook Section Four entitled "Compensation & Employee Benefits Policies" subparagraph "Salary Range Policy" shall be amended to delete the subsection entitled "Salary Range Policy" effective July 14, 2008.

**R 178-2008**

**RESOLUTION OF THE BOROUGH OF MADISON DIRECTING THAT THE DDC TRUST FUND CURRENTLY ADMINISTERED BY THE BOROUGH BE TRANSFERRED TO THE DDC**

**WHEREAS**, the Downtown Development Commission Trust Fund is currently administered by the Borough; and

**WHEREAS**, the Borough Administrator has recommended that the Downtown Development Commission Trust Fund be transferred to the Downtown Development Commission for administration.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison in the County of Morris in the State of New Jersey that the Downtown Development Commission Trust Fund shall no longer be administered by the Borough, but shall be transferred to the Downtown Development Commission for administration.

**R 179-2008**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING \$225,000 NJDOT MUNICIPAL AID APPLICATION FOR WOODLAND ROAD RECONSTRUCTION**

**WHEREAS**, the Borough Engineer has recommended that the Borough submit a 2008 Municipal Aid Application to the New Jersey Department of Transportation for the Woodland Road Reconstruction Project; and

**WHEREAS**, the Woodland Road Reconstruction Project will comprise reconstruction of a heavily used collector road; and

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

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

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized to submit an electronic grant application identified as MA-2009-Madison Borough-00577 to the New Jersey Department of Transportation on behalf of the Borough of Madison.

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

**R 180-2008**

**RESOLUTION OF THE BOROUGH OF MADISON RATIFYING CONTRACT TO JOSEPH DOHERTY ROOFING CO., INC. FOR ROOF REPAIRS IN THE AMOUNT OF \$19,051.00 AT BAYLEY-ELLARD HIGH SCHOOL**

**WHEREAS**, the Borough of Madison solicited quotes for roof repairs at Bayley-Ellard (the "Contract") in accordance with the Local Public Contracts Law; and

**WHEREAS**, the Contract was awarded to Joseph Doherty Roofing Co., Inc. based on its quote in the amount of \$14,526.00; and

**WHEREAS**, since the repairs were done, it has been determined that additional work is necessary; and

**WHEREAS**, the Borough of Madison solicited quotes for the additional work in accordance with the Local Public Contracts Law; and

**WHEREAS**, the Superintendent of Public Works has recommended ratifying an amended contract to Joseph Doherty Roofing Co., Inc. for roof repairs at Bayley-Ellard in the total amount of \$19,051.00; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$19,051.00 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 contract for roof repairs at Bayley-Ellard is hereby awarded to Joseph Doherty Roofing Co., Inc. based upon its quote in the amount of \$19,051.00.
2. Payment shall not be made until Joseph Doherty Roofing Co., Inc. submits a completed Business Entity Disclosure Certification and a Political Contribution Disclosure Form to the Purchasing Agent, which shall be on file for ten (10) days before payment is made.
3. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Joseph Doherty Roofing Co., Inc. in a form acceptable to the Borough Attorney.

**R 181-2008**

**RESOLUTION OF THE BOROUGH OF MADISON DONATING 1980 ROLL-PAC ONE-TON ROLLER TO THE MADISON BOARD OF EDUCATION**

**WHEREAS**, the Borough of Madison has recently purchased a new roller for use by the Public Works Department; and

**WHEREAS**, the Borough has a surplus 1980 Roll-Pac roller; and

**WHEREAS**, the Madison Board of Education has requested a gift of the 1980 Roll-Pac roller; and

**WHEREAS**, the Borough Council has concluded that it would be in the best interest of the taxpayers to donate the 1980 Roll-Pac one-ton roller to the Madison Board of Education.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison in the County of Morris in the State of New Jersey that the 1980 Roll-Pac one-ton roller be donated to the Madison Board of Education.

**R 182-2008**

**RESOLUTION OF THE BOROUGH OF MADISON AWARDDING MADISON WATER TANK PAINTING AND REPAIR CONTRACT TO ALLIED PAINTING, INC. IN THE AMOUNT OF \$217,501.00**

**WHEREAS**, the Borough of Madison publicly advertised for bids for painting and repair of the Madison Water Tank (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 Allied Painting, Inc. in the amount of \$217,501.00; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Council award the contract to Allied Painting, Inc. in the amount of \$217,501.00; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$217,501.00 for this purpose which funds were appropriated by Ordinance 54-2005

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

1. The contract for the painting and repair of the Madison Water Tank is hereby awarded to Allied Painting, Inc. based upon its bid in the amount of \$217,501.00.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Allied Painting, Inc. in a form acceptable to the Borough Attorney.

**R 183-2008**

**RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF JOSEPH AMODEO TO THE POSITION OF INTERN FOR THE ENGINEERING AND BUILDING DEPARTMENTS**

**WHEREAS**, the Borough Clerk has recommended appointment of Joseph Amodeo to the position of Summer Intern for the Engineering and Building Departments; and

**WHEREAS**, the Borough Council agrees with these 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 Joseph Amodeo is hereby appointed to the position of Summer Intern for the Engineering and Building Departments effective May 28, 2008 at the rate of pay of \$9.00 per hour.

**R 184-2008**

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING**

**REIMBURSEMENT TO CHATHAM TOWNSHIP IN THE AMOUNT OF \$12,325.00  
FOR DRAINAGE IMPROVEMENTS COMPLETED AT SUNSET LAKE**

**WHEREAS**, Chatham Township has made certain drainage improvements to Sunset Lake in the Township of Chatham; and

**WHEREAS**, the Borough of Madison, the Township of Chatham and the County of Morris agreed to divide equally the cost of such improvements in excess of the \$50,000.00 State of New Jersey grant; and

**WHEREAS**, the Borough Administrator has recommended that the Borough reimburse the Township of Chatham the amount of \$12,325.00 for Madison's share of the cost of drainage improvements to Sunset Lake; and

**WHEREAS**, the Director of Finance has attested that funds will be available from the General Capital Improvement Fund in an amount not to exceed \$12,325.00 for this purpose.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison in the County of Morris in the State of New Jersey that the Borough of Madison shall reimburse the Township of Chatham the amount of \$12,325.00 for cost of drainage improvements completed at Sunset Lake as set forth herein.

**R 185-2008**

**RESOLUTION OF THE BOROUGH OF MADISON AMENDING R 104-2008  
AWARDING CONTRACT TO JOHNSTON COMMUNICATIONS VOICE & DATA  
UNDER STATE CONTRACT #A42287/T1316 FOR ELECTRICAL  
INFRASTRUCTURE IN THE BAYLEY-ELLARD BUILDING INCREASING AWARD  
AMOUNT BY \$125.00 FROM \$42,160.00 TO \$42,285.00**

**WHEREAS**, the purchase of telco/data cabling infrastructure from Johnston Communications Voice & Data under New Jersey State contract number A42287/T1316 was previously authorized by Resolution 85-2008, which Resolution was amended by Resolution 104-2008; and

**WHEREAS**, the Network Administrator has recommended that the Borough amend Resolutions 85-2008 and 104-2008 to increase the award amount by \$125.00 to \$42,285.00 for purchase and installation of telco/data cabling infrastructure and electrical infrastructure; 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**, the Director of Finance has attested that funds will be available in a total amount not to exceed \$42,285.00 for this purpose, which funds were appropriated by Ordinance 42-2005.

**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. Resolutions 85-2008 and 104-2008 are amended to increase the award amount by \$125.00 to \$42,285.00 for purchase and installation of telco/data cabling infrastructure and electrical infrastructure from Johnston Communications Voice & Data.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute purchase orders and contracts to Johnston Communications Voice & Data for purchase and installation of telco/data cabling infrastructure and electrical infrastructure at a total price not to exceed \$42,285.00 in a form acceptable to the Borough Attorney.

**R 186-2008****RESOLUTION OF THE BOROUGH OF MADISON CO-SPONSORING YOUTH MUSIC CONCERT ALONG WITH MADISON ARTS & CULTURE ALLIANCE (MACA) AND THE KIWANIS CLUB OF MADISON ON SATURDAY AUGUST 16, 2008 FROM 4 TO 7 P.M. AT BAYLEY-ELLARD HIGH SCHOOL**

**WHEREAS**, the Borough Administrator has recommended authorizing the request of Evangeline Lee for a Youth Music Concert to be sponsored by the Madison Arts and Cultural Alliance (MACA), the Kiwanis Club of Madison and the Borough of Madison, on August 16, 2008 at the Bayley-Ellard High School; and

**WHEREAS**, the concert would take place between the hours of 4 p.m. and 7 p.m. on one of the Bayley-Ellard fields, weather permitting, or inside the Bayley-Ellard gym in the event of inclement weather; and

**WHEREAS**, if the concert is held outside, the participants will need to provide their own generator for power; and

**WHEREAS**, the participants will be required to pay for one police officer to be on duty unless a volunteer police officer is available; and

**WHEREAS**, the application fee for such event is hereby waived; and

**WHEREAS**, the Madison Recreation Director, Doug Smith, will work with the participants to facilitate the necessary arrangements for the program.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison in the County of Morris in the State of New Jersey that a Youth Music Concert as requested by Evangeline Lee and sponsored by MACA, the Kiwanis Club and the Borough of Madison is hereby authorized to be held at Bayley-Ellard on Saturday, August 16, 2008, from 4 p.m. to 7 p.m., on a field as designated by the Borough Recreation Director, weather permitting, or in the even of inclement weather, in the Bayley-Ellard gym, provided one police officer is on duty at said event at the cost of the applicant, the application fee is hereby waived, and the Recreation Director of the Borough of Madison is hereby authorized to coordinate the arrangements with the applicant, and the arrangements are subject to such safety requirements as may be directed by the Madison Police Department and/or Fire Department.

**R 187-2008****RESOLUTION OF THE BOROUGH OF MADISON APPROVING TRANSFER OF 2008 LIVERY OWNER'S LICENSE FOR PRECISE LIMOUSINE TRANSPORT SERVICE, LLC**

**WHEREAS**, any license issued for any taxicab or livery may be transferred to a substitute vehicle in accordance with the provisions of Chapter 173-7 of the Borough of Madison Code after approval of the Council and upon the payment to the Borough of a transfer fee of \$10.00 for each vehicle for which the license is to be transferred; and,

**WHEREAS**, prior to the approval or disapproval by the Council of the transfer of the license to permit the operation of such substituted vehicle, the owner may operate such substituted vehicle or cause the same to be operated, subject to the other provisions of Chapter 173-7; and

**WHEREAS**, Precise Limousine Transport Service, LLC, has made application to transfer Livery Owner's License No. 18 to a substitute vehicle and, at the same time, has provided proof of insurance and paid the appropriate

transfer fee;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey, to approve the license transfer request from Precise Limousine Transport Service, LLC.

**R 188-2008**

**RESOLUTION OF THE BOROUGH OF MADISON AMENDING BOND ORDINANCE 48-2008 FOR THE PURPOSES OF MILLING AND OVERLAY OF MUNICIPAL ROADS INCLUDING DELBARTON DRIVE, DEAN STREET, LEWIS DRIVE, HILLVIEW AVENUE, KNOLLWOOD AVENUE, VALLEY ROAD, LOCUST STREET, LORRAINE ROAD, TROY COURT, NORTH STREET (PART), MYRTLE AVENUE, AVON DRIVE, STAFFORD DRIVE, CARTERET COURT, WOODLAND ROAD (PART) AND COURSEN WAY**

**WHEREAS**, Bond Ordinance 48-2008 of the Borough of Madison appropriated \$680,000.00 for the 2008 milling and overlay projects of Knollwood Avenue, Lewis Road, Locust Street, Valley Road, Woodland Road (from Loantaka Way to Green Avenue) and Delbarton Drive; and

**WHEREAS**, the Borough Engineer has recommended that the Borough amend Bond Ordinance 48-2008 to authorize additional scope of work for the milling and overlay projects to include Dean Street, Myrtle Avenue, Hillview Avenue, Lorraine Road, Troy Court, part of North Street, Avon Drive, Stafford Drive, Carteret Court and Coursen Way, with no additional funds to be appropriated; and

**WHEREAS**, the Director of Finance has attested to the availability of the funds in Bond Ordinance 48-2008 for this project in an amount not to exceed the current balance of Bond Ordinance 48-2008; and

**WHEREAS**, the Borough Council has determined that the Borough should amend Bond Ordinance 48-2008 to authorize additional scope of work for the milling and overlay projects to include Dean Street, Myrtle Avenue, Hillview Avenue, Lorraine Road, Troy Court, part of North Street, Avon Drive, Stafford Drive, Carteret Court and Coursen Way, without increasing the amount of the appropriation.

**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:

**SECTION 1:** Bond Ordinance 48-2008 is amended to authorize additional scope of work for the milling and overlay projects to include Dean Street, Myrtle Avenue, Hillview Avenue, Lorraine Road, Troy Court, part of North Street, Avon Drive, Stafford Drive, Carteret Court and Coursen Way.

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

**R 189-2008**

**RESOLUTION OF THE BOROUGH OF MADISON AWARING INSPECTION SERVICES CONTRACT FOR MADISON WATER TANK PAINTING AND REPAIR IN THE AMOUNT OF \$30,400.00 TO PROJECT SERVICES, INC. FROM HUGHESVILLE, PA**

**WHEREAS**, the Borough Engineer has recommended that the Borough obtain professional inspection services for interior and exterior painting and repair work on the Madison Water Tank (hereinafter the "Contract"); and

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

**WHEREAS**, the Borough Engineer has determined and certified in writing that the value of this acquisition will exceed \$17,500.00; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Council award the Contract to Project Services, Inc. of Hughesville, Pennsylvania in an amount not to exceed \$30,400.00, for professional inspection services for interior and exterior painting and repair work on the Madison Water Tank; and

**WHEREAS**, Project Services, Inc. must submit to the Borough Purchasing Agent the required documents to satisfy the requirements of N.J.S.A. 19:44A-20.5, since this matter may be awarded without competitive bidding; and

**WHEREAS**, Project Services, Inc. must complete and submit a Business Entity Disclosure Certification which certifies that Project Services, Inc. has not made any reportable contributions to a political or candidate committee in the Borough of Madison in the previous one year, and that the contract will prohibit Project Services, Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$30,400.00 for this purpose, which funds were appropriated by Ordinance 54-2005.

**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:

Ten days after receipt of the Business Entity Disclosure Certification and other required documents from Project Services, Inc., the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract with Project Services, Inc. of Hughesville, Pennsylvania for professional inspection services for interior and exterior painting and repair work on the Madison Water Tank in an amount not to exceed \$30,400.00, such contract to be in a form approved by the Borough Attorney.

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

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

#### **R 190-2008**

#### **RESOLUTION OF THE BOROUGH OF MADISON REJECTING BIDS FOR ELECTRIC SUBSTATION PAINTING AND AUTHORIZE NEGOTIATION OF CONTRACT**

**WHEREAS**, the Borough of Madison publicly advertised for bids for electric substation repainting in accordance with Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the Borough received three bids; and

**WHEREAS**, the lowest bid and the third lowest bid were non-responsive because the vendor did not meet the minimum experience required in the bid specifications; and

**WHEREAS**, the Electric Utility Superintendent recommended that these bids be rejected; and

**WHEREAS**, the second lowest bid package, received from Public Utilities Maintenance, Inc. of East Elmhurst, New York, was missing mandatory documents including the bidder's business registration certificate, which is required by N.J.S.A. 40A:11-23.2(f); and

**WHEREAS**, the Electric Utility Superintendent recommended that this bid be rejected for failure to comply with mandatory statutory requirements; and

**WHEREAS**, on one previous occasion the Borough of Madison publicly advertised for bids for electric substation painting, and the sole bid was non-responsive and was rejected; and

**WHEREAS**, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(3), et seq., if the Borough has advertised for bids on at least two occasions and either did not receive any bids, or all bids were rejected, the Borough may then negotiate a contract with a vendor for the services required.

**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 electric substation painting are hereby rejected for the reasons set forth herein, and the Purchasing Agent is authorized to negotiate a contract with a vendor.

#### **R 191-2008**

**RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION 160-2008 AWARDING PROFESSIONAL SERVICES CONTRACT TO ROSEN GROUP OF MADISON, NJ FOR ARCHITECTURAL SERVICES REGARDING ELEVATOR DESIGN AT THE CIVIC CENTER IN THE AMOUNT OF \$23,800.00 TO INCLUDE SPACE UTILIZATION STUDY FOR AN ADDITIONAL AWARD AMOUNT OF \$6,200.00 FOR A TOTAL AWARD OF \$30,000.00**

**WHEREAS**, a contract was awarded to Rosen Group of Madison for elevator design at the Civic Center in the amount of \$23,800.00 by Resolution 160-2008; and

**WHEREAS**, the Borough Engineer has recommended that the Borough amend Resolution 160-2008 to include a space utilization study and increase the award amount by \$6,200.00 to \$30,000.00; and

**WHEREAS**, the Director of Finance has attested that funds will be available in a total amount not to exceed \$30,000.00 for this purpose, which funds were appropriated by Ordinance 58-2005.

**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. Resolution 160-2008 is amended to increase the award amount by \$6,200.00 to \$30,000.00 for elevator design and a space utilization study at the Civic Center.
2. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract with Rosen Group of Madison, New Jersey for elevator design and a space utilization study at the Civic Center in an amount not to exceed \$30,000.00, such contract to be in a form approved by the Borough Attorney.

#### **R 192-2008**

**RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARDING CONTRACT**

**TO JOHN GARCIA CONSTRUCTION OF CLIFTON, NJ FOR 2008 WATER MAIN REPLACEMENT BID ALTERNATES IN THE AMOUNT OF \$276,608.25**

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

**WHEREAS**, the bid specifications provided for a base bid for Pomeroy Road and Brooklake Road ("Base Bid") and an alternate bid for Pine Tree Terrace, Durwood Place, Fletcher Place and Niles Avenue ("Alternate Bid"); and

**WHEREAS**, a contract for the Base Bid was awarded to Matina & Son, Inc., of Hackensack, New Jersey in the amount of \$590,000.00, by Resolution 137-2008; and

**WHEREAS**, all bids for the Alternate Bid substantially exceeded the cost estimates for the project and were rejected; and

**WHEREAS**, the Borough of Madison publicly re-advertised for bids for the Alternate Bid portion of the 2008 Water Main Replacement projects (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 John Garcia Construction of Clifton, New Jersey in the amount of \$276,608.25; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Council award the contract to John Garcia Construction, in the amount of \$276,608.25; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$276,608.25 for this purpose upon final adoption of Ordinance 54-2008.

**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 54-2008, the contract for water main replacement for Pine Tree Terrace, Durwood Place, Fletcher Place and Niles Avenue is hereby awarded to John Garcia Construction based upon its bid in the amount of \$276,608.25.
2. Upon final adoption of Ordinance 54-2008, the Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with John Garcia Construction, in a form acceptable to the Borough Attorney.

**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 \$22,962.06

Health & Public Assistance 9,434.67

Public Works & Engineering 246,731.58

Community Affairs 2,166.32

Finance & Borough Clerk 228,219.01

Utilities 295,479.85

Total \$804,993.49

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 appointments and asked for Council confirmation, commenting that this committee is being formed pursuant to a letter from the County of Morris whereby each municipality must name a committee and appoint members thereof.

Municipal Wastewater Management Planning Technical Committee  
Raymond M. Codey  
Robert A. Vogel  
David Maines

Mr. Conley moved approval of the foregoing appointments. 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

***Adjourn and reconvene executive session***

The meeting adjourned and the Executive Session immediately reconvened in the Council Chamber at 10:32 p.m.

***RECONVENE REGULAR MEETING AND Adjourn***

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

Respectfully submitted,

Marilyn Schaefer

Borough Clerk

Adopted and Approved July 28, 2008 (MS)

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