

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

August 25, 2008 - 6 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 25th day of August 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 August 20, 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 Potential Litigation Matter and two Litigation Matters were added to the Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Mr. Conley moved:

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

EXECUTIVE SESSION MINUTES (1)

Executive Minutes of 08/11/2008

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

CONTRACT MATTERS (9)

HMR CONTRACT

MADISON RECREATION CENTER CONSULTANTS DISCUSSION
FEDERAL FUNDING CONSULTANT
AUTHORIZE PURCHASED POWER CONTRACT
RIGHT-OF-WAY AGREEMENT – FIBERTECH
REIMBURSEMENT RE SIDEWALK
SECOND AMENDMENT TO DEVELOPER'S AGREEMENT – REX CORP BLOCK
3202 LOT 1
AWARD ONE YEAR CONTRACT FOR ELECTRICAL SERVICES
AWARD 2007 AND 2008 ROAD IMPROVEMENT PROGRAMS
Date of public disclosure 60 days after conclusion, if disclosure required.

PERSONNEL MATTERS (4)
APPOINT CONFIDENTIAL ASSISTANT TO CFO AND PERSONNEL OFFICER
APPOINT ACTING POLICE CHIEF
RESIGNATION OF PROJECT PRIDE DIRECTOR
MUNICIPAL COURT PERSONNEL
Date of public disclosure 90 days after conclusion, if disclosure required.

LITIGATION MATTERS (2)
COUGAR FIELD
FIRE & POLICE BUILDING
Date of public disclosure 60 days after conclusion, if disclosure required.

POTENTIAL LITIGATION MATTER (1)
TAXI-LIVERY APPLICATIONS

Seconded: Mrs. Vitale
Vote: Unanimous voice vote

RECONVENE IN COUNCIL CHAMBER

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

APPROVAL OF MINUTES

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

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

Ms. Baillie moved approval of the **Regular Meeting Minutes of August 11, 2008** with the following amendment:

Under New Business delete Mayoral Appointment

~~Mayoral Appointment: Mayor Holden announced the following appointment not requiring Council confirmation: **HISTORIC PRESERVATION COMMISSION William Van Ryzen**, Class A, for unexpired term Janet Foster through December 31, 2010~~

Page 4, discussion #1 regarding the Employee Performance Evaluation Form:
.....

Mrs. Tsukamoto was recognized by the Chair and proposed an amendment to the Employee Performance Evaluation form. The amendment would enable the Borough to facilitate a **Management By Objective** performance evaluation process.

.....

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

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

GREETINGS TO PUBLIC

Mayor Holden made the following comments:

*Proclamation
of the
Borough of Madison*

Proclaiming

NATIONAL OVARIAN CANCER AWARENESS MONTH

SEPTEMBER 2008

WHEREAS, Ovarian cancer is called the “silent killer” because its symptoms are often vague or subtle; and

WHEREAS, Ovarian cancer is the fourth leading cause of cancer death among women and the leading cause of gynecologic cancer death in the United States; and

WHEREAS, Each year, more than 22,000 Americans are diagnosed with the disease and approximately 16,000 die from it; and

WHEREAS, If detected in its early stages, survival from ovarian cancer is 90-95 percent. Yet the five-year survival rate for the disease is only 28 percent, because it is so difficult to detect early; and

WHEREAS, The Kaleidoscope of Hope Foundation (KOH), a local non-profit group co-founded by ovarian cancer survivors Gail MacNeil of Chatham Township and Lois Myers and Patricia Stewart of Harding Township, raises funds for ovarian cancer research and to increase awareness of the disease and its symptoms, and wishes to remind the public that September is Ovarian Cancer Awareness Month; and

WHEREAS, KOH will be holding its annual Walkathons in September this year in Morristown, Avon-by-the-Sea and Lyndhurst and will be TURNING OUR TOWN TEAL by tying teal ribbons on trees; and

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the governing body, declare our support for the Kaleidoscope of Hope Walkathons and do hereby proclaim **September as Ovarian Cancer Awareness Month**

Mary-Anna Holden, Mayor

August 25, 2008

Invitation to Dedication of Carol's Garden:

The Council is invited, and the public as well, to attend the dedication of Carol's Garden at 2 p.m. on Saturday, August 30, 2008, at the Madison Baptist Church. It is the one-year anniversary of the passing of Carol J. Sallie Baxter, who was brought up in Madison and educated in the Madison Public School system. There will also be a planting of the signature "Kip's Tree" in honor of the late Kip Hale, a Madison native whose life as a firefighter was dedicated to serving others.

REPORTS OF COMMITTEES

Finance and Borough Clerk

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

There was a very successful concert of young adults held on Saturday, August 16, 2008, at Bayley-Ellard High School. The young adults had all been part of the Madison High School music program; they had formed bands in Madison High School, and they came back to Madison for a reunion. Ms. Baillie thanked the organizers and supporters for a very successful event; Ms. Baillie looks forward to more of these.

Public Safety

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

Mrs. Vitale made note of a letter received August 19, 2008, from Ronald F. Francioli, Mayor of the Township of Hanover, thanking Fire Chief Doug Atchison and expressing appreciation for the mutual aid Chief Atchison and his department rendered on the afternoon of Saturday, July 19, 2008, in assisting the Whippany and Cedar Knolls Fire Departments in battling a stubborn blaze at 1204 and 1205 Fox Chase Lane at the Oak Ridge at Hanover Condominium Development. It was 99 degrees that day, which made it difficult for the firefighters.

In another incident, last Wednesday morning, August 20, 2008, at 4:26 a.m., the Madison Fire Department was dispatched to help Florham Park with a serious house fire on Mann Avenue; this fire ended tragically for the family; the father/husband was killed in that fire; the mother and daughter remain in critical condition in the Burn Unit of St. Barnabas Hospital. Madison firefighters were split up to perform various duties—one crew went to the roof to cut holes to vent heat and smoke; the other was at the rear of the house fighting the fire; the third crew went inside the house to search for the victims. On their way back from this very serious incident, there was another fire in Madison.

Public Works and Engineering

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

From David Maines at the Department of Public Works (DPW), Mr. Elias reported that football and soccer fields are already in use and ready to go; they continue to stay on top of field maintenance in support of Madison's Recreation programs. Of broader value and of interest to the community, the DPW and Borough Engineer Robert Vogel are extremely proud to report that the 2008 milling, paving and striping project has been completed and consists of over five miles of roads in Madison. A terrific job was done by everyone involved. Road reconstruction projects have moved forward; in particular, the Chapel Street project has been completed and the

Borough is in the process of obtaining reimbursement from the Morris County Community Block Grant program. The Borough has contracted for Green Avenue reconstruction; more information will be provided in the coming weeks. The very ambitious road reconstruction projects covering 2007 and 2008 work will bring the Borough current; this will cover an additional three miles of roads. A water main contract has also been awarded and is under way. The long overdue Madison water tank repainting and repair project has been awarded and the work is under way.

Utilities

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

Mr. Conley took this opportunity to report on the Traffic Calming Committee; if you drive on Greenwood Avenue, you will see the results of some of the Committee's work in recommending that crosswalks be added as far north as Overhill and Hunter Drives; a crosswalk was also added at Grove Street; if you travel on Central Avenue to Ridgedale Avenue, you will notice new striping at Central and Ridgedale Avenues where the very wide intersection comes out of Central; now the striping forces cars into more of a 90 degree angle and will be safer. There was a subcommittee meeting at the Junior School, which has seen a 50% increase in students; we wanted to make sure that the Crossing Guards are ready, and we reviewed the drop off and pick up plans; the preferred drop off is on Brittin Street, although there are drop offs on Main Street.

Health & Public Assistance

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

The Madison Health Department is conducting the animal census; this is mandated by the state every two years; our representative does carry identification, and residents should ask to see it.

Community Affairs

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

The four lower tennis courts at the Madison High School were resurfaced over the summer; this project was a shared project between the Madison Board of Education and the Borough; the surface technology available gives a life expectancy of 25 years; the surface is more of a shock-absorber during play. Also, the basketball courts at Dodge Field and Lucy D. will be resurfaced in September; the cracks will be filled and the surface leveled; new covering and relining will occur; this will take place after school is back in session. Also, Dr. Esposito gave kudos to the Madison Women's Softball League, which crowned its new champions in August; the Rose City Transmission young women received the honors.

The Jets are coming to town; the Jets provided Madison with flags, which will be flown on Main Street and Waverly Place beginning Labor Day through September 3rd; it is anticipated that their corporate offices in Florham Park will be occupied on September 2nd. We look for the spring season to begin in June of 2009 with the spring training program.

Little League is taking sign-ups for all players from ages 8 to 14; the traveling team will start the season on September 6th, and the games are scheduled over the weekends and run through October.

The Farmers' Market is continuing at Bayley-Ellard; the DDC encourages those attending the market to walk beginning at Bronco's Gym where the groups will gather for the walk.

The Chamber of Commerce is sponsoring back-to-school sales days on Friday and Saturday, September 5th and 6th, from 10 a.m. to 5 p.m.; during these sales hours,

shoppers will receive a free "We Love Madison" pen or pencil supplied by the Chamber; also during these sales days, live music will be featured at the Millennium Clock at Waverly Place.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:
Received 08/19/2008 from "Concerned Citizens of the Tuttle Oak District" regarding opposition to a plan to establish a new residential historic district in the neighborhood of Green and Maple Avenues and Prospect Street including Washington Drive. The "petition" contained 45 signatures.

Received 08/16/2008 from Jesse Pierce of Wayne Boulevard asking for police action/monitoring of "everyone" running the Stop Sign at Wayne Boulevard and Sayre Court.

Received 08/14/2008 from Gina L. Diorio of Myrtle Avenue commending the Department of Public Works for a job well done during construction over the past several weeks—the crews were always courteous and tried to limit inconvenience to residents as much as possible.

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 of discussion 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 items of discussion listed on the Agenda, the invitation for discussion was closed.

AGENDA DISCUSSIONS

08/25/2008-1 10 MAPLE AVENUE USE; PROPOSED INFORMATIONAL MEETING FOR AUCTION OF 22 ORCHARD STREET

Mayor Holden commented on how the 10 Maple Avenue site may be used during the Hartley Dodge Memorial renovation project instead of having a construction trailer in the Maple Avenue parking lot. The 10 Maple Avenue site may be used for the next two years at the least.

There will be a Public Information Meeting on Thursday, September 4, 2008, at 7 p.m. in the Council Chamber regarding the proposed auction of the 22 Orchard Street property.

08/25/2008-2

1) AMEND ORDINANCE 42-2005 TO INCREASE FUNDING \$2,875,000

Ms. Baillie moved approval of Chief Financial Officer Robert Kalafut's recommendation to amend Ordinance 42-2005 to increase funding by \$2,875,000. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Bond Ordinance 58-2008 is listed for introduction later in the meeting.

2) AMEND THE 2008 CAPITAL BUDGET

This resolution is required by the Local Finance Board any time the Borough increases indebtedness.

Resolution R 223-2008 is listed on the Consent Agenda.

08/25/2008-3 AMEND BOND ORDINANCE 51-2007 TO INCREASE FUNDING BY \$350,000 FOR 2007 ROAD IMPROVEMENT PROGRAM

Ms. Baillie moved approval of Chief Financial Officer Robert Kalafut's recommendation to increase funding by \$350,000 for the 2007 road improvement program. Mrs. Vitale seconded the motion. Bids were reviewed and were in excess of the original bond ordinance. To go forth with all the roads covered by Bond Ordinance 51-2007, it is necessary to increase the ordinance.

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

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

Nays: None

A bond ordinance amending Bond Ordinance 51-2007 will be introduced at the September 8, 2008 meeting. Resolution R 225-2008 awarding said contract is prepared for the Consent Agenda.

08/25/2008-4 AMEND BOND ORDINANCE 47-2008 TO INCREASE FUNDING BY \$500,000 FOR THE 2008 ROAD IMPROVEMENT PROGRAM

Ms. Baillie moved approval of Chief Financial Officer Robert Kalafut's recommendation to increase Bond Ordinance 47-2008 by \$500,000 for the 2008 road improvement program. Mrs. Vitale seconded the motion. Once again, the bids were reviewed, and it is recommended that the additional funding is needed to get the roads done. There was no further discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

A bond ordinance will be listed for introduction at the September 8, 2008 meeting. Resolution R 226-2008 awarding said contract is prepared for the Consent Agenda.

08/25/2008-5 2007 AUDIT – ADOPT RESOLUTION STATING THE GOVERNING BODY HAS RECEIVED THE GENERAL COMMENTS AND RECOMMENDATIONS CONTAINED IN THE 2007 MUNICIPAL AUDIT

Mrs. Vitale moved approval of Chief Financial Officer Robert Kalafut's request to adopt a resolution stating the Governing Body has received and reviewed the General Comments and Recommendations contained in the 2007 Municipal Audit. Mr. Conley seconded the motion, which was approved by voice vote.

Resolution R 218-2008 is listed on the Consent Agenda.

08/25/2008-6 SET INFORMATIONAL MEETING DATE REGARDING WOODLAND ROAD

After discussion, there was agreement to hold a Public Information Meeting regarding Woodland Road construction on September 8th beginning at 6 p.m. in the Council Chamber. Borough Engineer Robert Vogel will deliver the notice to property

owners in the neighborhood. The Borough Clerk will transmit the Notice to newspapers.

08/25/2008-7 STATUS ON CIVIC CENTER CONTRACT WITH ROSEN GROUP
Mr. Mezzacca commented that he has the amendments to the original contract and will be ready to go in a few days; Mr. Mezzacca will send a copy to the Rosen Group.

08/25/2008-8 SET PARKING FEES FOR 2009
There was agreement to move forward with Resolution R 219-2008 listed on the Consent Agenda; if necessary, fees could be adjusted in the future by adopting a resolution.

08/25/2008-9 LIGHT THE NIGHT WALK SCHEDULED FOR SATURDAY, SEPTEMBER 27, 2008 BEGINNING AT 5:30 P.M.
The Walk will return to Giralda Farms. There was agreement to list on the September 8, 2008 meeting a resolution approving the Walk at that location.

Added to Agenda

08/25/2008-10 WHETHER TO APPROVE DONATION FROM JUNIOR FOOTBALL PROGRAM OF THE PRESS BOX
Dr. Esposito moved to withdraw this discussion. Ms. Baillie seconded the motion, which passed by voice vote.

Added to Agenda

08/25/2008-11 WHETHER TO APPROVE A PARTIAL CLOSURE OF WAVERLY PLACE FOR A PILOT EVALUATION OF THE FARMERS' MARKET ON 9/25/2008 WHICH COINCIDES WITH THE MOVE OF THE BOROUGH FUNCTIONS TO THE BAYLEY ELLARD SITE
Main Street Executive Director James Burnet commented that he will have a better idea as to the above recommendation by the next Council meeting.

Added to Agenda

08/25/2008-12 MADISON HISTORICAL SOCIETY REQUEST TO APPLY FOR GRANTS AND IN-KIND CONTRIBUTION FROM THE BOROUGH FOR IMPROVEMENTS AT LUKE MILLER FORGE
Cathie Coultas of Stonehedge Lane addressed the Council in support of the above request made on behalf of the Madison Historical Society by Ms. Baillie. Mr. Elias moved approval of Ms. Baillie's recommendation to approve the Madison Historical Society request to apply for grants and in-kind contribution from the Borough for temporary removal of an existing bluestone walkway from the forge at the former Luke Miller property to the fence abutting Ridgedale Avenue, and to permit the DPW to provide the manpower to remove the bluestone walkway and then replace it after the study is completed. Ms. Baillie seconded the motion, which passed by voice vote. Mr. Elias will speak with Superintendent of Public Works David Maines about including this in his next year's work schedule for sometime in April or May of 2009.

Resolution R 221-2008 is listed on the Consent Agenda.

Added to Agenda

08/25/2008-13 REJECTING ALL BIDS RECEIVED FOR SELECTIVE DEMOLITION AND PRE-CONSTRUCTION INVESTIGATION OF THE HARTLEY DODGE MEMORIAL AND AUTHORIZING REBID
There was agreement that bid specs should include a requirement of experience working with buildings on the Historical Register. Mr. Mezzacca was recognized by the Chair and announced that Resolution R 227-2008, to reject all bids received for

selective demolition and authorize rebid, has been added to the Consent Agenda; Mr. Mezzacca read said resolution in full:

R 227-2008

RESOLUTION OF THE BOROUGH OF MADISON REJECTING ALL BIDS RECEIVED FOR SELECTIVE DEMOLITION AND PRE-CONSTRUCTION INVESTIGATION OF THE HARTLEY DODGE MEMORIAL AND AUTHORIZING REBID

WHEREAS, the Borough of Madison publicly advertised for bids for selective demolition and pre-construction investigation of the Hartley Dodge Memorial in accordance with Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Borough received four bids; and

WHEREAS, the Council of the Borough of Madison recommended that all bids be rejected and rebid authorized requiring historic demolition experience.

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 are rejected for selective demolition and pre-construction investigation of the Hartley Dodge Memorial and rebid is hereby authorized requiring historic demolition experience.

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.

Jerry O'Donnell, Central Avenue, believes that an alarming number of his neighbors feel they are being marginalized by decisions of the Borough which don't take their best interests in mind; there is a public relations problem on Central Avenue because that is their perception.

Toni DeRosa, Alexander Avenue, regarding Ordinance 59-2008, commented that hopefully drive-thrus will be prohibited in the Central Business District by adoption of the ordinance. Mrs. DeRosa emphasized how difficult it is for people to walk where there are drive-thrus. In response to Mr. O'Donnell's earlier "perception" problem, Mrs. DeRosa emphasized that it is her experience that the Governing Body does listen and does try to protect neighborhoods.

John Villa, Alexander Avenue, spoke of Ordinance 59-2008 prohibiting drive-thrus and agreed with Mrs. DeRosa about prohibiting them.

Jim McCloskey, Dean Street, asked why the Borough is creating a new position by R 211-2008; he was advised that another position was eliminated when creating this new position. Mr. McCloskey wants full packets of the Agenda available for the public. Regarding the Farmers' Market, disagreed with moving it to the downtown because of the lack of parking. Mayor Holden commented that the alternative is to not hold the Farmers' Market that day because it is the day the Hartley Dodge Memorial employees and furniture will be in the process of moving to Bayley-Ellard.

Barbara Hanna, Alexander Avenue, agrees with prohibition of drive-thrus; voiced concern with development on Main Street and asked that Council consider the residents along Alexander Avenue.

Bob Hanna, Alexander Avenue, referring to new development, cautioned that new development on Alexander Avenue could possibly take away the appeal of this most special street in Madison.

Sam Piccolo, Central Avenue, commented that many members of the public speak to the Council about development plans; he felt that the true forum for these concerns is the Planning Board.

Vito Luppino, Niles Avenue, wanted to speak about Junior Football and the press box donation to the Borough; he did not know they needed permission to install a press box; he hoped the Borough Council doesn't take away the things that make it important for the program. Mr. Mezzacca was recognized by the Chair and commented that the Governing Body needs more information—some concerns are noise, safety, liability; at this point, Council is concerned about expanding noise and light in the neighborhood. Mr. Elias was recognized by the Chair and added that this will not be decided tonight. Mayor Holden commented that Dr. Esposito and Mrs. Tsukamoto will have the Health Department check that the sound system conforms with the Borough Code. Mr. Luppino commented that ten games total would be “announced”.

Scott Spelker expressed surprise that the offer of a press box at Dodge Field is an issue in terms of safety; he felt there is a special feeling having the games right in the middle of town.

Mr. Mezzacca commented that the structure is not going to be approved tonight, and the speakers have to be tested under the ordinance.

Carol O'Donnell, Central Avenue, agreed that many hundreds of people enjoy football and want the excitement; there are many people who don't want to participate, some are children, some are sick people, people who want to pursue other enjoyments; she asked the proponents of Madison Junior Football to think about it.

ADVERTISED HEARINGS

The Borough Clerk made the following statement:

The ordinance scheduled for hearing was introduced by title and passed on first reading at a regular meeting of the Council held August 11, 2008, was published in the Madison Eagle, and copies were made available to members of the public requesting same.

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

ORDINANCE 57-2008

**ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$12,325.00 FROM THE GENERAL CAPITAL
IMPROVEMENT FUND FOR REIMBURSEMENT TO THE
TOWNSHIP OF CHATHAM FOR DRAINAGE IMPROVEMENTS
COMPLETED AT SUNSET LAKE APPROVED BY R 184-2008**

WHEREAS, the Borough Administrator has recommended that the Borough appropriate \$12,235.00 from the General Capital Improvement Fund to reimburse the Township of Chatham for drainage improvements at Sunset Lake; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$12,325.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$12,325.00 from the General Capital Improvement Fund to reimburse the Township of Chatham for drainage improvements at Sunset Lake; and

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

SECTION 1: The amount of \$12,325.00 is hereby appropriated from the General Capital Improvement Fund to reimburse the Township of Chatham for drainage improvements at Sunset Lake.

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

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

Mayor Holden opened up the public hearing on Ordinance 57-2008. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Elias moved that Ordinance 57-2008, which the Borough Clerk read by title, be finally 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

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.

INTRODUCTION OF ORDINANCES

The Borough Clerk made the following statement:

Ordinances scheduled for first reading will have a hearing date set for September 8, 2008; said ordinances 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 58-2008

BOND ORDINANCE TO MAKE VARIOUS AMENDMENTS TO THE BOND ORDINANCE (ORD. NO. 42-2005) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW FIRE

ENGINES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$20,492,000 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," ADOPTED JULY 25, 2005.

Note to File: Summary by Borough Clerk: This Bond Ordinance increases Ordinance 42-2005 by \$2,875,000 from \$20,492,000 to \$23,367,000

ORDINANCE 58-2008

BOND ORDINANCE TO MAKE VARIOUS AMENDMENTS TO THE BOND ORDINANCE (ORD. NO. 42-2005) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW FIRE ENGINES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$20,492,000 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," ADOPTED JULY 25, 2005.

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

Section 1. Section 2 of Ordinance No. 42-2005 entitled:

"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW FIRE ENGINES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$20,492,000 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"

adopted by the Borough Council of the Borough of Madison, in the County of Morris, New Jersey (the "Borough") on July 25, 2005 (the "Prior Ordinance") is hereby amended to add a reference to the various grants being appropriated as a source of funding for the purposes authorized by the ordinance, and shall hereafter read as follows:

"Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized, and the down payment and various grants 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 2. Section 4 of the Prior Ordinance is hereby amended to (A) add a reference to grants appropriated as information to be provided in the "Schedule of Improvements, Purposes and Amounts"; (B)(i) increase the appropriation and estimated cost in Section 4.A. from \$11,770,000 to \$12,270,000 (an increase of \$500,000); (ii) increase the down payment appropriated in Section 4.A. from \$561,000 to \$585,000 (an increase of \$24,000); and (iii) increase the bonds and notes authorized in Section 4.A. from \$11,209,000 to \$11,685,000 (an increase of \$476,000); (C)(i) increase the appropriation and estimated cost in Section 4.B. from \$7,165,000 to \$9,540,000 (an increase of \$2,375,000); (ii) increase the down payment appropriated in Section 4.B. from \$342,000 to \$398,000 (an increase of \$56,000); (iii) increase the bonds and notes authorized in Section 4.B. from \$6,823,000 to \$7,942,000 (an increase of \$1,119,000); and (iv) add a \$1,200,000 appropriation of various grants to the funding sources listed in Section 4.B.; (D)(i) decrease the down payment appropriated in Section 4.C. from \$839,000 to \$759,000 (a decrease of \$80,000); and (ii) increase the bonds and notes authorized in Section 4.C. from \$718,000 to \$798,000 (an increase of \$80,000); and (E)(i) increase the aggregate appropriation and estimated cost in Section 4 from \$20,492,000 to \$23,367,000 (an increase of \$2,875,000); (ii) increase the aggregate grants appropriated in Section 4 from \$-0-

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to \$1,200,000 (an increase of \$1,200,000); and (iii) increase the aggregate amount of bonds and notes authorized in Section 4 from \$18,750,000 to \$20,425,000 (an increase of \$1,675,000); and shall hereafter read as follows:

"Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the grants hereinafter appropriated, and (3) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (4) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (5) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Construction of a new Police/Fire Facility to be located on Borough property at the intersection of Prospect Street and Kings Road, including the acquisition of original furnishings and equipment, related site improvements and relocation expenses. It is hereby determined and stated that such public building to be constructed will be 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, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$12,270,000
Down Payment Appropriated	\$ 585,000
Bonds and Notes Authorized	\$11,685,000
Period of Usefulness	30 years

B. Renovation of the Hartley Dodge Memorial, including Americans with Disabilities Act ("ADA")

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compliance improvements and other interior renovations and improvements, upgrading of building systems, environmental remediation, construction of a new employee parking lot on Maple Avenue, acquisition of new furnishings and equipment for the renovated building and relocation expenses. It is hereby determined and stated that said public building being improved is of "Class A" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 9,540,000
Grants Appropriated	\$ 1,200,000
Down Payment Appropriated	\$ 398,000
Bonds and Notes Authorized	\$ 7,942,000
Period of Usefulness	20 years

C. Acquisition of a new pumper fire engine and a new aerial fire engine, including original apparatus and equipment.

Appropriation and Estimated Cost	\$ 1,557,000
Down Payment Appropriated	\$ 759,000
Bonds and Notes Authorized	\$ 798,000
Period of Usefulness	10 years

Aggregate Appropriation and Estimated Cost	\$23,367,000
Aggregate Grants Appropriated	\$ 1,200,000
Aggregate Down Payment Appropriated	\$ 1,742,000
Aggregate Amount of Bonds and Notes Authorized	\$20,425,000."

Section 3. Section 5 of the Prior Ordinance is hereby amended to increase the estimated amount of statutorily permitted expenses included in the amount appropriated from \$500,000 to \$1,100,000 (an increase of \$600,000), and shall hereafter read as follows:

"Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$1,100,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees,

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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. A new Section 6 is hereby added to appropriate a \$600,000 New Jersey Historic Trust grant received by the Borough for the renovation of the Hartley Dodge Memorial authorized in Section 4.B., as amended, and shall hereafter read as follows:

“Section 6. The sum of \$600,000 received or to be received as a New Jersey Historic Trust grant is hereby appropriated to the payment of the cost of the renovation of the Hartley Dodge Memorial authorized in Section 4.B. above.”

Section 5. A new Section 7 is hereby added to appropriate a \$420,000 Hartley Dodge Memorial Trustees grant received by the Borough for the renovation of the Hartley Dodge Memorial authorized in Section 4.B., as amended, and shall hereafter read as follows:

“Section 7. The sum of \$420,000 received or to be received as a Hartley Dodge Memorial Trustees grant is hereby appropriated to the payment of the cost of the renovation of the Hartley Dodge Memorial authorized in Section 4.B. above.”

Section 6. A new Section 8 is hereby added to appropriate a \$150,000 Morris County Historic Preservation Trust Fund grant received by the Borough for the renovation of the Hartley Dodge Memorial authorized in Section 4.B., as amended, and shall hereafter read as follows:

“Section 8. The sum of \$150,000 received or to be received as a Morris County Historic Preservation Trust Fund grant is hereby appropriated to the payment

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of the cost of the renovation of the Hartley Dodge Memorial authorized in Section 4.B. above.”

Section 7. A new Section 9 is hereby added to appropriate a \$30,000 New Jersey Statewide Livable Communities grant received by the Borough for the renovation of the Hartley Dodge Memorial authorized in Section 4.B., as amended, and shall hereafter read as follows:

“Section 9. The sum of \$30,000 received or to be received as a New Jersey Statewide Livable Communities grant is hereby appropriated to the payment of the cost of the renovation of the Hartley Dodge Memorial authorized in Section 4.B. above.”

Section 8. Sections 6 to 16, inclusive, of the Prior Ordinance are hereby renumbered Sections 10 to 20, inclusive.

Section 9. Section 11 of the Prior Ordinance, as renumbered, is hereby amended to increase the amount of bonds authorized from \$18,750,000 to \$20,425,000 (an increase of \$1,675,000), and shall hereafter read as follows:

“Section 11. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$20,425,000 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 10. Section 12 of the Prior Ordinance, as renumbered, is hereby amended to increase

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the amount of bond anticipation notes authorized from \$18,750,000 to \$20,425,000 (an increase of \$1,675,000), and shall hereafter read as follows:

"Section 12. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$20,425,000 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 11. Section 14 of the Prior Ordinance, as renumbered, is hereby amended to decrease the average period of usefulness of the purposes authorized from 25.59 years to 25.33 years (a decrease of 0.26 years), and shall hereafter read as follows:

"Section 14. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 25.33 years computed from the date of said bonds."

Section 12. Section 15 of the Prior Ordinance, as renumbered, is hereby amended to increase the amount of gross debt of the Borough shown on the Supplemental Debt Statement filed for the ordinance, as

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amended, from \$18,750,000 to \$20,425,000 (an increase of \$1,675,000), and shall hereafter read as follows:

"Section 15. 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 \$20,425,000 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 13. Section 16 of the Prior Ordinance, as renumbered, is hereby amended to add a reference to the various grants previously appropriated in the ordinance in order to explain how such grant funds are to be applied, and shall hereafter read as follows:

"Section 16. 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 purposes (other than the various grants hereinbefore appropriated which shall be applied to the cost of such purposes, but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly."

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Section 14. 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 15. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Ms. Baillie moved:

BE IT RESOLVED that Ordinance 58-2008, which was heretofore introduced by the Borough Clerk and read by title, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 8th day of September, 2008, at 8:00 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

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

ORDINANCE NO. 59-2008

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 ENTITLED "LAND DEVELOPMENT ORDINANCE" OF THE MADISON BOROUGH CODE IN REGARD TO PROHIBITION OF DRIVE THrus IN THE CBD-1 AND CBD-2 ZONES.

WHEREAS, the Master Plan of the Borough of Madison clearly strives to promote a pedestrian-oriented downtown; and

WHEREAS, the Zoning Ordinance of the Borough of Madison prohibits drive-thrus for those uses historically associated with drive-thrus, specifically banks and restaurants; and

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WHEREAS, in recent years, there has been a divergence between sound planning in a CBD/downtown and the current “trend” for additional retail uses which seek to incorporate drive-thru uses which are counter to good planning policy as they interrupt the continuity of the pedestrian environment and discourage street-level retail activity, both of which are critical to the health of a CBD; and

WHEREAS, the Council wishes to clarify the prohibition of drive thru uses in the CBD-1 and CBD-2 Central Business District Zones.

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

SECTION 1. Chapter 195-32 of the Madison Borough Code, Land Development Ordinance entitled “CBD-1, CBD-2 Central Business District Zones regulations” is hereby amended to add the following:

195-32E. Prohibited Uses

- (1) Drive thru windows associated with any use, including, but not limited to retail sales and services, business services, restaurants, and financial institutions.

SECTION 2. All ordinances or parts thereof which are inconsistent or in conflict with the provisions of this ordinance or any part thereof are hereby repealed to the extent of said inconsistency or conflict.

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

Ms. Baillie moved that Ordinance 59-2008, which the Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. Mr. Mezzacca directed that the Borough Clerk refer Ordinance 59-2008 to the Planning Board for their meeting tomorrow evening. There was no further 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 Borough 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. It was noted that R 277-2008, which Mr. Mezzacca read in full earlier in the meeting, was added to the Consent Agenda. (A resolution regarding a second amendment to a developer’s agreement – Reckson listed as R 227-2008 was removed from the Consent Agenda and the #R 227-2008 was reused.)

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Mr. Conley moved adoption of the Resolutions listed on the Consent Agenda. Mrs. Vitale seconded the motion. Mr. Elias voted against adoption of R 219-2008 believing the fee for resident parking permits should be adjusted. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale
Mr. Elias, as to R 208-2008 through and including R 218-2008, and R 220-2008 through and including R 227-2008
Mr. Conley, Mrs. Tsukamoto, Dr. Esposito
Nays: Mr. Elias, as to R 219-2008

R 208-2008

**RESOLUTION OF THE BOROUGH OF MADISON
APPOINTING ED NUNN, SR. TO THE POSITION OF
FOREMAN IN THE MADISON SEWER DEPARTMENT
EFFECTIVE AUGUST 1, 2008**

WHEREAS, the Superintendent of Public Works has recommended promoting Ed Nunn, Sr., from Acting Foreman to the position of Foreman in the Sewer Department of the Public Works Department; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Ed Nunn, Sr. is hereby appointed to the position of Foreman in the Sewer Department of the Public Works Department, effective August 1, 2008, to be compensated in accordance with the current applicable Collective Bargaining Agreement.

R 209-2008

**RESOLUTION OF THE BOROUGH OF MADISON
APPOINTING VITO LUPPINO TO THE POSITION OF
LEADMAN IN THE MADISON SEWER DEPARTMENT
EFFECTIVE AUGUST 1, 2008**

WHEREAS, the Superintendent of Public Works has recommended promoting Vito Luppino from Acting Leadman to the position of Leadman in the Sewer Department of the Public Works Department; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Vito Luppino is hereby appointed to the position of Leadman in the Sewer Department of the Public Works Department, effective August 1, 2008, to be compensated in accordance with the current applicable Collective Bargaining Agreement.

R 210-2008

**RESOLUTION OF THE BOROUGH OF MADISON
AMENDING RESOLUTION 205-2008 AUTHORIZING PUBLIC
WORKS TO PLACE FLAGS IN THE DOWNTOWN DISTRICT
WELCOMING THE JETS FOOTBALL TEAM TO RUN FROM
AUGUST 29, 2008 THROUGH SEPTEMBER 5, 2008 RATHER
THAN FROM SEPTEMBER 1, 2008 THROUGH SEPTEMBER
3, 2008**

WHEREAS, the Borough Council previously granted permission by Resolution 205-2008 for the display of flags in the downtown district from September 1, 2008 to September 3, 2008 to welcome the Jets football team; and

WHEREAS, the Madison Main Street Program Executive Director has requested that the display of flags in the downtown district be extended to run from August 29, 2008 to September 5, 2008; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Resolution 205-2008 approving display of flags in the downtown district to welcome the Jets football team is hereby amended to extend the dates of the display from August 29, 2008 to September 5, 2008.

R 211-2008

**RESOLUTION OF THE BOROUGH OF MADISON
APPOINTING LINDA SAWYER TO THE POSITION OF
CONFIDENTIAL ASSISTANT TO CHIEF FINANCIAL OFFICER
AND PERSONNEL OFFICER**

WHEREAS, the Chief Financial Officer recommends the appointment of Linda A. Sawyer to the position of Confidential Assistant to the Chief Financial Officer and Personnel Officer, effective August 26, 2008; and

WHEREAS, the Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that Linda A. Sawyer is hereby appointed to the position of Confidential Assistant to the Chief Financial Officer and Personnel Officer, effective August 26, 2008, at an annual salary of \$52,000.00.

R 212-2008

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**RESOLUTION OF THE BOROUGH OF MADISON
AUTHORIZING THE BOROUGH ADMINISTRATOR AND THE
CHIEF FINANCIAL OFFICER TO SIGN A PURCHASED POWER
ELECTRIC CONTRACT**

WHEREAS, the Borough of Madison requires a new wholesale purchased power supply contract to be effective June 1, 2009, to replace the present contract with DTE Energy that expires May 31, 2009; and

WHEREAS, the Borough of Madison has authorized the Public Power Association of New Jersey to issue a Request for Proposal in order to secure said wholesale purchased power supply contract; and

WHEREAS, the firm of Betts & Holt will evaluate and recommend on a new purchased power supply contract on September 3, 2008; and

WHEREAS, the Governing Body will not hold a meeting on September 3, 2008 to approve a new purchased power contract.

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 Borough Administrator and Chief Financial Officer are authorized to execute a wholesale purchased power contract to replace the existing contract that expires on May 31, 2009.

R 213-2008

**RESOLUTION OF THE BOROUGH OF MADISON RATIFYING
APPOINTMENT OF JOHN TREVENA TO THE POSITION OF
ACTING POLICE CHIEF EFFECTIVE AUGUST 18, 2008**

BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that John Trevena is hereby appointed to the position of Acting Police Chief effective August 18, 2008.

R 214 - 2008

**RESOLUTION OF THE BOROUGH OF MADISON APPROVING
RAFFLES LICENSE APPLICATION SUBMITTED BY BPOE #1465
MADISON LODGE**

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

BPOE #1465 MADISON LODGE
I.D. No. 274-6-34038
R.A. No. 1091 – On Premise
September 28, 2008 - September 8, 2009

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

R 215-2008

**RESOLUTION OF THE BOROUGH OF MADISON APPROVING
RAFFLES LICENSE APPLICATIONS SUBMITTED BY PTO
KINGS ROAD SCHOOL AND MUSEUM OF EARLY TRADES &
CRAFTS**

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

PTO KINGS ROAD SCHOOL
I.D. No. 274-5-18728
R.A. No. 1092 – On Premise
October 25, 2008

MUSEUM OF EARLY TRADES & CRAFTS
I.D. No. 274-5-31208
R.A. No. 1093 – On Premise
November 1, 2008

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

R 216-2008

**RESOLUTION OF THE BOROUGH OF MADISON
AUTHORIZING RIGHT-OF-WAY AGREEMENT WITH
FIBERTECH FOR ATTACHING CABLE TO POLES IN THE
BOROUGH OF MADISON**

WHEREAS, Fibertech Networks LLC (“Fibertech”), a New York Limited Liability Company, with offices located at 300 Meridian Centre, Rochester, New York, is authorized to provide local exchange and interchange telecommunications

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services throughout the State of New Jersey pursuant to an Order issued by the New Jersey Board of Public Utilities (“NJBP”) in Docket No. TE05080683 dated September 14, 2005; and

WHEREAS, the installation of the fiber optic cable in the thoroughfares and public rights-of-way of the Borough of Madison requires the authorization and approval of the governing body of the Borough of Madison for placement of such fiber cable pursuant to N.J.S.A. 48:17-11; and

WHEREAS, Fibertech has requested the consent of the Borough of Madison (“Madison”) for permission to install fiber optic cable in the public rights-of-way along existing pole lines and underground in existing utility conduit systems within Madison for the purpose of providing telecommunications services; and

WHEREAS, the Borough Council has determined to grant Fibertech such non-exclusive right of way, including use of existing underground duct work, if any, but said right of way permission shall not include the right to create any new underground duct work without additional permission; and

WHEREAS, Fibertech has agreed to pay to the Borough of Madison such non-discriminatory fees as may be charged to all such similarly situated users in the Borough; and

WHEREAS, the Borough of Madison finds such plans to be in the public interest; and

WHEREAS, the granting of such consent is and shall be conditioned on Fibertech’s continued compliance with all existing and future ordinances, of Madison and its entering into a written agreement with Madison to, inter alia, indemnify and hold Madison harmless as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system within the rights-of-way and provide liability insurance coverage for personal injury and property damage.

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

1. Non-exclusive consent is hereby granted to Fibertech to occupy the public rights-of-way within the Borough of Madison for installation of fiber optic cable in the public rights-of-way along existing pole lines and underground in existing utility conduit systems within Madison for a period of fifteen (15) years for the purpose of providing telecommunications services.

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2. The within granted permission is conditioned upon Fibertech entering into a written Agreement with Madison providing among other things, that Fibertech will indemnify the Borough of Madison, its agents, officers and employees as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system within the rights-of-way; provide liability and property damage insurance coverage as reasonably required by the Borough of Madison; install such cable only in locations approved in writing by the Borough Engineer and the Borough Electric Utility Supervisor; use only existing poles or conduits; refrain from attaching to any poles in any designated Historic District; and make payment to the Borough of Madison such non-discriminatory fees as may be charged to all such similarly situated users in the Borough, and in a form approved by the Borough Attorney.

3. The Mayor and Borough Clerk are authorized to enter into a written agreement with Fibertech in conformity with the terms of this resolution.

4. This right of way grant is subject to approval by other departments or governmental agencies with jurisdiction.

5. A copy of this Resolution and the executed Agreement shall be filed in the Office of the Municipal Clerk.

R 217-2008

**RESOLUTION OF THE BOROUGH OF MADISON
PROCLAIMING SATURDAY, OCTOBER 4, 2008 AS
BOTTLE HILL DAY AND AUTHORIZING SIDEWALK
SALES**

WHEREAS, the Mayor and Council of the Borough of Madison have supported the celebration of Bottle Hill Day for the last thirty-four years; and

WHEREAS, Bottle Hill was the name given the community formed in Madison prior to the American Revolution; and

WHEREAS, celebrations commemorating Bottle Hill have been an integral part of the history of Madison; and

WHEREAS, Bottle Hill Day provides an excellent opportunity for all members of Madison families to participate in a Borough recreational activity.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that October 4, 2008 is hereby proclaimed as **BOTTLE HILL DAY**.

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BE IT FURTHER RESOLVED, that the following activities are hereby authorized between the hours of 10 a.m. and 5 p.m.:

(1) Merchants contiguous to the sidewalks along the north and south sides of Main Street between Community Place and Greenwood Avenue, both sides of Green Village Road from Kings Road to Main Street, Central Avenue and Waverly Place be permitted to sell their merchandise on the sidewalks assuming they provide clear access for pedestrians.

(2) Vendors, entertainment and activities shall be allowed to set up at various locations that are approved by the Police Department and the Main Street Executive Director, on the western portion of Lincoln Place, both sides of Waverly Place, both sides of Central Avenue (from Main Street to Chapel Street), and Green Village Road between the James Building and the Museum of Early Trades and Crafts, which streets shall be closed to motor vehicle traffic during the event.

(3) The Elmer Street Municipal Parking Lot shall also be utilized for vendors, entertainment and activities as approved by the Police Department and the Main Street Executive Director.

R 218-2008

RESOLUTION OF THE BOROUGH OF MADISON PERTAINING TO THE 2007 AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2007 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled: "General Comments and Recommendations"; and

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WHEREAS, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: "General Comments and Recommendations" as evidenced by the group affidavit form of the Governing Body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Madison, County of Morris, State of New Jersey, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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BOROUGH OF MADISON
GROUP AFFIDAVIT FORM

CERTIFICATION OF GOVERNING BODY

STATE OF NEW JERSEY
COUNTY OF MORRIS

We, members of the Governing Body of the Borough of Madison in the County of Morris and State of New Jersey, of full age, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Governing Body of the Borough of Madison.
2. In the performance of our duties, and pursuant to the Local Finance Board Regulation, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2008 .
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled:

GENERAL COMMENTS
RECOMMENDATIONS

Mary-Anna Holden , Mayor

Mary-Anna Holden (L.S.)

Astri J. Baillie, Council Member

Astri J. Baillie (L.S.)

Carmela Vitale, Council Member

Carmela Vitale (L.S.)

John M. Elias, Council Member

John M. Elias (L.S.)

Robert H. Conley, Council President

Robert H. Conley (L.S.)

Jeannie Tsukamoto, Council Member

Jeannie Tsukamoto (L.S.)

Vincent A. Esposito, Council Member

Vincent A. Esposito (L.S.)

Sworn to and subscribed before Marilyn Schaefer, Clerk of the Borough of Madison, on this 25th day of August, 2008, Notary Public of New Jersey, commission expiration May 15, 2012.

Marilyn Schaefer
Marilyn Schaefer, Borough Clerk



R 219-2008

**RESOLUTION OF THE BOROUGH OF MADISON SETTING
PARKING FEES FOR 2009**

WHEREAS, the Police Chief has recommended the Borough adopt a resolution to set parking permit fees for resident commuter, merchant and tenant permits for the year 2009; and

WHEREAS, Section 134-10 B(5) of the Borough Code provides that such permit fees shall be established each year by resolution of the Borough Council upon the recommendation of the Police Chief; and

WHEREAS, the recommended fees for each permit is unchanged from 2008 at \$400.00 for resident commuters, \$200.00 for merchants and \$200.00 for tenants; and

WHEREAS, the Borough Council has reviewed said request for setting the recommended permit fees at the same rate as last year and determined that such requests should be granted.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the parking permit fees set forth in section 134-10 B of the Borough Code are hereby set for the year 2009 as follows:

Resident Commuter	\$400.00
Merchant	\$200.00
Tenant	\$200.00

R 220-2008

**RESOLUTION OF THE BOROUGH OF MADISON AWARDDING
ELECTRIC SERVICES BID TO ROSE CITY ELECTRIC**

WHEREAS, the Borough of Madison publicly advertised for bids for electric services (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 on the Contract was submitted by Rose City Electric in the amount of \$65.50 per hour for regular time, \$141.00 per hour for overtime and \$131.00 per hour for weekends and holidays; and

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WHEREAS, the Purchasing Officer has recommended that the Contract should be awarded to Rose City Electric in the amount of \$65.50 per hour for regular time, \$141.00 per hour for overtime and \$131.00 per hour for weekends and holidays; and

WHEREAS, the Borough Council has determined that this bid is fair and reasonable and that Rose City Electric should be awarded the contract based on its bid; and

WHEREAS, the Director of Finance has attested that funds are available in an amount not to exceed \$65.50 per hour for regular time, \$141.00 per hour for overtime and \$131.00 per hour for weekends and holidays 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 electric services is hereby awarded to Rose City Electric based upon its bid in the amount of \$65.50 per hour for regular time, \$141.00 per hour for overtime and \$131.00 per hour for weekends and holidays.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the Contract with Rose City Electric in a form acceptable to the Borough Attorney.

R 221-2008

**RESOLUTION OF THE BOROUGH OF MADISON
AUTHORIZING GRANT AND IN-KIND CONTRIBUTION FROM
THE BOROUGH FOR IMPROVEMENTS AT LUKE MILLER
HOUSE FORGE**

WHEREAS, the Madison Historical Society (hereinafter “Historical Society”) has requested authorization to apply for a grant for expanded archaeological research at the site known as the Luke Miller Forge on property owned by the Borough on Ridgedale Avenue; and

WHEREAS, the grant will seek additional funding to expand the archaeological dig to seek further information that may lead to dating the building accurately and other historical information; and

WHEREAS, the Madison Historical Society requests authorization for the Department of Public Works to remove the existing bluestone walkway from the forge to the fence abutting Ridgedale Avenue and replace it after the study is completed.

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:

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1. The Borough of Madison hereby authorizes, endorses and supports the Historical Society's application to obtain a grant for expanded archaeological research at the Luke Miller Forge site on Ridgedale Avenue.

2. The Department of Public Works is authorized to remove the existing bluestone walkway from the forge to the fence abutting Ridgedale Avenue and replace it after the study is completed.

R 222-2008

**RESOLUTION OF THE BOROUGH OF MADISON
AWARDING CONTRACT TO SANOFI PASTEUR, INC.
UNDER STATE CONTRACT IN THE AMOUNT OF
\$19,892.38 FOR VACCINES FOR THE MADISON HEALTH
DEPARTMENT**

WHEREAS, the Borough of Madison desires to purchase 185 vials of Fluzone vaccine for the Health Department from an authorized vendor under State Contract; 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, Sanofi Pasteur, Inc. has been awarded a New Jersey State contract; and

WHEREAS, the Health Officer has recommended that the Borough Council utilize this contract for 185 vials of Fluzone vaccine in the amount of \$19,892.38; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$19,892.38 for this purpose.

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

1. The purchase of 185 vials of Fluzone vaccine from Sanofi Pasteur, Inc., at a total price not to exceed \$19,892.38 is hereby approved under New Jersey State contract.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Sanofi Pasteur, Inc., for the purchase of 185 vials of Fluzone vaccine at a total price not to exceed \$19,892.38, in a form acceptable to the Borough Attorney.

R 223-2008

RESOLUTION OF THE BOROUGH OF MADISON AMENDING THE 2008 CAPITAL BUDGET

WHEREAS, the Capital Budget of the Borough of Madison was passed on May 12, 2008, and

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

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

Capital Budget (Current Year Action)
2008

Local Unit **BOROUGH OF MADISON**

PROJECT TITLE	ESTIMATED TOTAL COST	AMOUNTS RESERVED IN PRIOR YEARS	PLANNED FUNDING SERVICES FOR CURRENT YEAR - 2008				
			5a 2008 Budget Appropriations	5b Capital Im- provement Fund	5c Capital Surplus	5d Grants in Aid Other Funds	5e Debt Authorized
RENOVATIONS TO THE HARTLEY DODGE MEMORIAL BUILDING	2,875,000				1,200,000	1,675,000	
TOTALS - ALL MUNICIPAL PROJECTS	31,211,000			2,616,000		9,070,000	19,525,000

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6 YEAR CAPITAL PROGRAM 2008 - 2013
Anticipated Project Schedule and Funding Requirements

Local Unit BOROUGH OF MADISON

PROJECT TITLE	ESTIMATED TOTAL COST	ESTIMATED COMPLETION TIME	FUNDING AMOUNTS PER BUDGET YEAR					
			5a 2008	5b 2009	5c 2010	5d 2011	5e 2012	5f 2013
Renovations to the Hartley Dodge Memorial Building	2,875,000		2,875,000					
TOTALS - ALL MUNICIPAL PROJECTS	42,961,000		31,211,000	2,350,000	2,350,000	2,350,000	2,350,000	2,350,000

6 YEAR CAPITAL PROGRAM 2008 - 2013
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

Local Unit BOROUGH OF MADISON

PROJECT TITLE	ESTIMATED TOTAL COST	BUDGET APPROPRIATIONS				BONDS AND NOTES				
		3a Current Year 2008	3b Future Years	4 Capital Improvement Fund	5 Capital Surplus	6 Grants-in- Aid and Other Funds	7a General	7b Self Liquidating	7c Assessment	7d School
Renovations to the Hartley Dodge Memorial Building	2,875,000					1,200,000	1,675,000			
TOTALS-ALL MUNICIPAL PROJECTS	42,961,000			14,366,000		9,070,000	19,525,000			

BE IT FURTHER RESOLVED the following resolution be advertised in the August 28, 2008 issue of the MADISON EAGLE and that two certified copies of this resolution be filed with the offices of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the Governing body on the 25th day of August, 2008.

Certified by me

Date August 25, 2008

Maureen Delaney
Municipal Clerk

TRENTON, NEW JERSEY

APPROVED _____, 2008

DIRECTOR OF LOCAL GOVERNMENT SERVICES

R 224-2008

**RESOLUTION OF THE BOROUGH OF MADISON
AMENDING HOLT MORGAN RUSSELL'S PROFESSIONAL
SERVICES CONTRACT FOR HARTLEY DODGE
MEMORIAL RENOVATIONS**

WHEREAS, a professional services contract was previously awarded to Holt Morgan Russell Architects, P.A., ("HMR") for professional architectural services in regard to both the renovation of the Hartley Dodge Memorial and the design and construction of the proposed Police and Fire building which contract was authorized and amended pursuant to R 158-2003, R 211-2003, R 59-2004, R 80-2004, R 241-2004, R 124-2005, R 191-2005, and R 238-2006; and

WHEREAS, the Borough Administrator has recommended an amendment to the existing professional services contract with Holt Morgan Russell Architects, P.A., be made regarding professional architectural services for the Hartley Dodge Memorial renovation pursuant to a written proposal dated August 20, 2008 from HMR; and

WHEREAS, the HMR proposal provides for a revised fee and fixed costs in the amount of \$777,040.00, of which \$427,567.00 has previously been paid; and

WHEREAS, such services constitute professional services for which a contract may be awarded without the need of competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a); and

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

WHEREAS, Holt Morgan Russell Architects, P.A., has submitted 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, the Director of Finance has attested to the availability of funds in an amount not to exceed \$349,473.00 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 Mayor and Borough Clerk are authorized to execute on behalf of the Borough an amendment to the professional services contract with Holt Morgan Russell Architects, P.A., for architectural services for the Hartley Dodge Memorial renovation, in an amount not to exceed \$349,473.00 in a form acceptable to the Borough Attorney.

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2. The Business Disclosure Entity Certification and Determination of Value be placed on file with this resolution.
3. The Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough of Madison within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.

R 225-2008

**RESOLUTION OF THE MADISON BOROUGH COUNCIL
AWARDING CONTRACT TO CIFELLI AND SON GENERAL
CONSTRUCTION OF NUTLEY, NJ FOR THE 2007 ROAD
IMPROVEMENT PROGRAM IN THE AMOUNT OF \$750,180.00**

WHEREAS, the Borough of Madison publicly advertised for bids for road reconstruction of Dellwood Drive and Midwood Terrace as a portion of the 2007 Road Improvement Program (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 Cifelli and Son General Construction of Nutley, New Jersey in the amount of \$750,180.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the contract to Cifelli and Son General Construction in the amount of \$750,180.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$750,180.00 for this purpose upon final adoption and publication according to law of an Ordinance amending Ordinance 51-2007 to set forth an additional appropriation of \$350,000.00.

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

1. Upon final adoption and publication according to law of an Ordinance amending Ordinance 51-2007 to set forth an additional appropriation of \$350,000.00, the contract for road reconstruction of Dellwood Drive and Midwood Terrace is hereby awarded to Cifelli and Son General Construction based upon its bid in the amount of \$750,180.00.

2. Upon final adoption and publication according to law of an Ordinance amending Ordinance 51-2007 to set forth an additional appropriation of \$350,000.00, the Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Cifelli and Son General Construction in a form acceptable to the Borough Attorney.

R 226-2008

**RESOLUTION OF THE MADISON BOROUGH COUNCIL
AWARDING CONTRACT TO CIFELLI AND SON GENERAL
CONSTRUCTION OF NUTLEY, NJ FOR THE 2008 ROAD
IMPROVEMENT PROGRAM IN THE AMOUNT OF
\$1,268,891.00 AND REJECTING BIDS FOR ALTERNATE #4**

WHEREAS, the Borough of Madison publicly advertised for bids for the 2008 Road Improvement Program (the “Contract”) consisting of a Base Bid and Alternate #1, #2, #3 and #4, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the lowest qualified bid for the Base Bid plus Alternates #1, #2 and #3, including Orchard Street, Douglas Avenue, James Place, Strickland Place, Drew Place, Station Road, Woodcliff Drive and Loveland Street was submitted by Cifelli and Son General Construction of Nutley, New Jersey in the amount of \$1,268,891.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the contract for the Base Bid plus Alternates #1, #2 and #3 to Cifelli and Son General Construction in the amount of \$1,268,891.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$1,268,891.00 for this purpose upon final adoption and publication according to law of an Ordinance amending Ordinance 47-2008 to set forth an additional appropriation of \$500,000.00; and

WHEREAS, all bids for Alternate #4 exceed the Borough Engineer’s estimate; and

WHEREAS, the Borough Engineer has recommended that all bids for Alternate #4 be rejected.

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 and publication according to law of an Ordinance amending Ordinance 47-2008 to set forth an additional appropriation of \$500,000.00, the contract for road reconstruction of Orchard Street, Douglas Avenue, James Place, Strickland Place, Drew Place, Station Road, Woodcliff Drive and Loveland Street is hereby awarded to Cifelli and Son General Construction based upon its bid in the amount of \$1,268,891.00.

2. Upon final adoption and publication according to law of an Ordinance amending Ordinance 47-2008 to set forth an additional appropriation of

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\$500,000.00, the Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Cifelli and Son General Construction in a form acceptable to the Borough Attorney.

3. All bids for Alternate #4 are hereby rejected for the reasons set forth herein.

Removed from Agenda

R 227-2008

~~RESOLUTION OF THE MADISON BOROUGH COUNCIL
AUTHORIZING SECOND AMENDMENT TO DEVELOPER'S
AGREEMENT BETWEEN THE BOROUGH OF MADISON AND
GIRALDA FARMS PHASE I SPE LLC SUCCESSOR TO
RECKSON OPERATING PARTNERSHIP, L.P. FOR
PREMISES AT LOT 1, BLOCK 3202~~

Added to Agenda

R 227-2008

**RESOLUTION OF THE BOROUGH OF MADISON REJECTING
ALL BIDS RECEIVED FOR SELECTIVE DEMOLITION AND
PRE-CONSTRUCTION INVESTIGATION OF THE HARTLEY
DODGE MEMORIAL AND AUTHORIZING REBID**

WHEREAS, the Borough of Madison publicly advertised for bids for selective demolition and pre-construction investigation of the Hartley Dodge Memorial in accordance with Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Borough received four bids; and

WHEREAS, the Council of the Borough of Madison recommended that all bids be rejected and rebid authorized requiring historic demolition experience.

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 are rejected for selective demolition and pre-construction investigation of the Hartley Dodge Memorial and rebid is hereby authorized requiring historic demolition experience.

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	\$35,903.98
Health & Public Assistance	1,101.67
Public Works & Engineering	124,370.92

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Community Affairs	951.39
Finance & Borough Clerk	8,439,962.20
Utilities	1,664,692.01
Total	<u>\$10,266,982.17</u>

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

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

NEW BUSINESS

Mayor Holden announced the following appointments requesting Council confirmation:

BOARD OF HEALTH

Jill Rebholz, Regular, unexpired term (Milan Lassiter) through December 31, 2011
Timothy Barnes, Alt #2, unexpired term (Rebholz) through December 31, 2008

Mr. Conley moved approval of the foregoing appointments. Mrs. Tsukamoto 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

Mayoral Appointment: Mayor Holden announced the following appointment not requiring Council confirmation:

HISTORIC PRESERVATION COMMISSION

William Van Ryzen, Class A, for unexpired term Janet Foster through December 31, 2010

ADJOURN REGULAR MEETING AND RECONVENE EXECUTIVE SESSION

The Regular Meeting adjourned and the Executive Session immediately reconvened in the Council Chamber at 10:20 p.m.

RECONVENE REGULAR MEETING AND ADJOURN

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

Respectfully submitted,

Marilyn Schaefer
Borough Clerk
Approved September 8, 2008 (MS)