

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

September 8, 2008 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 8th day of September 2008. Mayor Holden called the meeting to order at 7 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 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:

Carmela Vitale

John M. Elias

Robert H. Conley

Jeannie Tsukamoto

Vincent A. Esposito

Absent: Astri J. Baillie, excused

Also Present:

Raymond M. Codey, Borough Administrator

Marilyn Schaefer, Borough Clerk

Joseph Mezzacca, Jr., Borough Attorney

AGENDA REVIEW

Two Potential Litigation Matters and two Contract Matters were added to the Agenda. A resolution appointing a dog and cat census taker was removed from the Consent Agenda.

READING OF CLOSED SESSION RESOLUTION

Mr. Conley moved:

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

EXECUTIVE SESSION MINUTES (1)

Executive Minutes of 08/25/2008

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

CONTRACT MATTERS (4)

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Date of public disclosure 60 days after conclusion, if disclosure required.
HDM UPDATE – MOVE, SELECTIVE DEMO, ETC.
MADISON RECREATION CENTER 53 ACRES
SHARED SERVICES AGREEMENT WITH FLORHAM PARK
PURCHASE POWER CONTRACT

PERSONNEL MATTERS (2)

Date of public disclosure 90 days after conclusion, if disclosure required.
MUNICIPAL COURT PERSONNEL
APPOINTMENT OF TRUCK DRIVER II IN THE PUBLIC WORKS SEWER DEPARTMENT

POTENTIAL LITIGATION MATTERS (2)

Date of public disclosure 60 days after conclusion, if disclosure required.
ORDINANCE 59-2008
ORDINANCE 63-2008

Seconded: Mrs. Vitale

Vote: Passed by voice vote of members present

RECONVENE IN COUNCIL CHAMBER

Mayor Holden reconvened the Regular Meeting at 8 p.m. in the Council Chamber with all members present, except Ms. Baillie, who was absent, excused. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Mrs. Vitale moved approval of the **Executive Minutes of August 25, 2008**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

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

Mrs. Vitale moved approval of the **Regular Meeting Minutes of August 25, 2008**. Mr. Conley seconded the motion, which passed with the following roll call vote recorded:

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

GREETINGS TO PUBLIC

Mayor Holden made the following comments:

In connection with the ribbon cutting and opening of the Madison Junior School, Mayor Holden thanked those employees who did extra duty in helping the Board of Education to make the Junior School and other schools a reality: Construction Official Russ Brown, Captain Lou DeRosa, Captain Ed Nunn, the Fire Code official, and of course Ray Codey, who is always in there refereeing and pushing.

Mrs. Holden noted that Thursday is the 7th anniversary of the September 11th attack on the World Trade Center, Pentagon, and downing of the plane in Pennsylvania. Mrs. Holden asked all to have a moment of silence at 9 a.m. on September 11th. The public

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is invited to an anniversary commemoration at the Florham-Madison American Legion Post at 7:30 that evening.

Although all had a wonderful tour and press coverage with Madison's welcome to Drew students, a parent asked why Fairleigh Dickinson (FDU) was not included in the welcome to freshmen. The Main Street Executive Director will include FDU and St. Elizabeth's as well next year.

Mrs. Holden commented that when communications come in to the Mayor's office, many times the communications are given to the Council or the Administrator to follow through.

Employee of the Month for September is Linda Sawyer for creating Excel worksheets for trust accounts used by the Tax Collector's office, eliminating the need to keep this data manually, in addition to steady, reliable and consistent service.

Employee Anniversaries:

September 1, 2008, Mary Fleming, Madison Public Library, 40th Anniversary
September 1, 2008, Fred Pendolino, School Crossing Guard, 20th Anniversary
September 30, 2008, Mary Bednarick, Water and Light Department, 40th Anniversary

REPORTS OF COMMITTEES

Finance and Borough Clerk

Ms. Baillie, Chair of the Committee, absent.

Public Safety

Mrs. Vitale, Chair of the Committee, made the following comments:
Acting Police Chief John Trevena reported that he has instituted several new programs; Lt. Jerry Mantone has been assigned as the School Resource Officer for both the Junior School and the High School; he will continue with his duties as Community Policing Coordinator as well. Patrolman Wayne Reed is now the DARE Coordinator; Lt. Mantone and Patrolman Reed will be working on a unique approach to SRO visits to the elementary schools, wherein the DARE Coordinator for each school will act as the SRO. The Police Department is very hopeful that the increase in positive interaction with the staff, officers and children will help a lot.

Acting Police Chief Trevena has reinstated the Madison Police Department Honor Guard, which does not cost the Borough any money and is aimed at increasing morale in that department. This Sunday the Honor Guard has been asked to attend the New York Jets game at the Meadowlands to bear the colors. Mrs. Vitale gave an overview of the training the department personnel are going through.

Over the weekend, the Fire Department had to pump out about 200 Madison homes.

Mayor Holden announced that September 22, 2008, the next Council meeting, will be the last Council meeting held in the Council Chamber for about two years; Mayor Holden asked if the Honor Guard could be available for that meeting, and Mrs. Vitale volunteered to ask Acting Police Chief Trevena.

Public Works and Engineering

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

Construction Official Russ Brown had asked Mr. Elias to recognize all the officials who participated in making it possible to complete inspections so the Madison Schools could open; therefore, Mr. Elias added the names of Anthony Lardieri, Plumbing Subcode Official, and Robert W. Smith, Electrical Subcode Official/Electrical Inspector, to those announced earlier by Mayor Holden.

The Department of Public Works (DPW) reported to Mr. Elias earlier that football and soccer are under way at the local fields.

Mr. Elias commented that the Mayor and Council have given Borough Engineer Robert Vogel a very, very aggressive work schedule this year regarding road reconstruction, milling and overlay, and the department did a terrific job in meeting the requests handed to them. Mr. Elias thanked everyone in that department in succeeding to get the roads done.

Utilities

Mr. Conley, Chair of the Committee, made the following comments: Regarding the weekend storm, there was very little in the way of electrical outages. A week ago Friday, Mr. Conley represented the Mayor in a bicycle ride in Morristown; the theme was to gain awareness to make Morristown a bicycle-friendly town as has been done in Madison with the bicycle paths and bike-friendly storm grates. There were many Mayors on site encouraging Morristown to make it bicycle-friendly.

Health & Public Assistance

Mrs. Tsukamoto, Chair of the Committee, made the following comment: The Health Department would like to inform the public that information on West Nile Virus is available on RoseNet.

Community Affairs

Dr. Esposito, Chair of the Committee, made the following comments: Concerning the recreation programs, the football and soccer programs managed to play before the rains came on Friday night, using Dodge Field; on Saturday, the Madison High School turf field was used. The Jets finally had their ribbon-cutting ceremony on September 2, 2008; dignitaries from across the state were present, including Governor Corzine and Senator Codey, as well as owner and CEO Woody Johnson and a few of the players. It is a very impressive facility; they are really fan-and-public oriented since the fans actually pay for all their salaries; it is great to have them as neighbors.

The Madison High School football program's opening day will be this Saturday; kick-off is at 1 p.m. and they will be playing Passaic Valley here in Madison.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications: Received 09/08/2008 from Peter J. Wolfson regarding Ordinance 59-2008 listed for hearing and consideration of adoption, requesting that the public hearing and consideration for final adoption be deferred for at least thirty (30) days.

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Received 09/08/2008 from a North Street resident reporting on sewage backing up in homes in the North Street area; it appears that storm water, in large quantities, is still getting into the sanitary system during rain storms; going door-to-door to verify that there are no illegal sump pump connections to the sanitary system was being discussed, and the writer hopes it will be happening.

INVITATION FOR DISCUSSION (1 of 2)

Mayor Holden opened the meeting to the public for their opportunity to ask questions and make comments on Work Session discussions, resolutions and any ordinances listed for introduction. Ordinances listed for hearing will have their own invitation for discussion. The Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record. **He/she shall limit his/her statement to three (3) minutes or less.**

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

AGENDA DISCUSSIONS

09/08/2008-1 REVISE PARKING ORDINANCE TO INCREASE PERMIT PARKING SPACES

Mrs. Vitale moved this for discussion. Mr. Conley seconded the motion. Mr. Mezzacca commented on the changes to be made to the parking ordinance; the changes can be supplemented by the Council by resolution to allow temporary permit parking; lot and block numbers written in the ordinance may have to be updated between now and the consideration for final adoption. Comments included that Maple Avenue has 48 spaces, and 24 of them will be opened up for temporary commuter permit parking; additional tenant permit spaces in the Green Avenue lot will be allocated, with the balance of the Maple Avenue spaces used for construction vehicles/staging area when renovation of the Hartley Dodge Memorial begins.

Ordinance 62-2008 is listed for introduction. A resolution providing for temporary permit spaces will be added to the September 22, 2008 Consent Agenda.

09/08/2008-2 STATUS ON CIVIC CENTER CONTRACT WITH ROSEN GROUP

Mr. Mezzacca commented that the contract has been signed by the Rosen Group, and he will have it ready to be signed by Borough officials tomorrow.

09/08/2008-3 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 was recognized by the Chair; he was able to work through the logistics for holding the Farmers' Market at Waverly Place on Thursday, September 25, 2008, the day the Borough will be moving to Bayley Ellard; he has received confirmation from a majority of businesses on Waverly Place in agreement to holding the market there for that day.

Mr. Burnet reported on the support and objections received for the Farmers' Market to locate at Waverly Place for this one time. If this event goes well, consideration may be made to holding it at that location in the future. More discussions will take place if that is to be recommended.

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Mr. Burnet requested that the Council consider closing Waverly Place for one day, Thursday, September 25, 2008, and commented on how the parking situation will be addressed.

At the conclusion of Council discussion, there was agreement to list on the Consent Agenda Resolution R 232-2008 approving holding the Farmers' Market at Waverly Place for one day, September 25, 2008.

09/08/2008-4 AWARD BID FOR THE PURCHASE OF PENNGLOBE VICTORIAN LIGHT FIXTURES TO TURTLE & HUGHES

Electric Utility Supervisor Michael Piano requested that Council award a bid for the purchase of Pennglobe Victorian Light Fixtures to Turtle & Hughes. This is the stock for gradual replacement of lights in the downtown. The older lights are no longer made.

There was agreement that Resolution R 229-2008 be listed on the Consent Agenda.

09/08/2008-5 AWARD CONTRACT TO PUBLIC UTILITIES MAINTENANCE INC. OF EAST ELMHURST, NY IN THE AMOUNT OF \$134,400 FOR THE ELECTRIC SUBSTATION PAINTING - REBID

Mr. Conley moved the above subject for discussion. Mrs. Vitale seconded the motion. Mr. Mezzacca commented that language needs to be added to the resolution regarding documents that need to be received from the vendor. Mr. Mezzacca will give the Borough Clerk the language.

There was agreement that Resolution R 234-2008 be listed on the Consent Agenda.

09/08/2008-6 APPROVE MADISON PBA LOCAL #92 AND MADISON FMBA LOCAL #74 TO HOST A FIREWORKS DISPLAY ON FRIDAY, OCTOBER 3, 2008 AT MADISON HIGH SCHOOL

Mr. Conley moved the above subject for discussion. Mrs. Vitale seconded the motion. This previously was scheduled on Bottle Hill Day, but is now planned for the day before.

There was agreement that Resolution R 233-2008 be listed on the Consent Agenda.

09/08/2008-7 AWARD CONTRACT TO OMLAND ENGINEERING ASSOCIATES OF CEDAR KNOLLS, NJ FOR INSPECTION SERVICES IN AN AMOUNT OF \$48,300.00 FOR THE 2008 ROAD IMPROVEMENT PROGRAM

Mr. Elias moved the above subject for discussion. Mrs. Vitale seconded the motion. There was no discussion.

Mayor Holden commented that this will be listed on the Consent Agenda as Resolution R 235-2008.

09/08/2008-8 (1)

AWARD CONTRACT TO EN-TECH CORPORATION IN THE AMOUNT OF \$189,891.50 FOR PHASE ONE PROJECTS FOR 2007 SANITARY SEWER MAIN LINING PROGRAM, FUNDS FROM ORDINANCE 46-2007

Mr. Elias moved the above subject for discussion. Mrs. Vitale seconded the motion. Comments included that this is probably one of the most important projects being done this year.

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Mayor Holden commented that this will be on the Consent Agenda as Resolution R 236-2008.

09/08/2008-8 (2)

AWARD CONTRACT TO EN-TECH CORPORATION IN THE AMOUNT OF \$601,894.50 FOR PHASE TWO AND THREE PROJECTS FOR 2008 SANITARY SEWER MAIN LINING PROGRAM FOR NORTH, PARK, SOUTH, LOVELAND, MYRTLE, CENTRAL AND GREENWOOD, FUNDS FROM ORDINANCE 50-2008

Mr. Elias moved the above subject for discussion. Mrs. Vitale seconded the motion. Since there was no comment, Mayor Holden noted that this will be on the Consent Agenda as Resolution R 237-2008.

09/08/2008-9 WHETHER TO APPROVE DONATION FROM JUNIOR FOOTBALL PROGRAM OF THE PRESS BOX

Dr. Esposito moved the above subject for discussion. Mr. Conley seconded the motion. The recommendations of the Joint Insurance Fund (JIF) were accomplished, and Dr. Esposito recommended approval. Mrs. Tsukamoto commented that a noise survey was done this afternoon by the Health Department. The decibel levels were within the guidelines, so the Health Department does not have objection to Council accepting donation of the press box; it was recommended that something be put in writing by the Health Department as to the results of the test. It was noted that the Health Officer indicated that retesting can be done at an actual game.

There was agreement of members present to list on the Consent Agenda Resolution R 238-2008 accepting donation of the press box.

Added to Agenda

09/08/2008-10 RESOLUTION FOR PROFESSIONAL SERVICES CONTRACT TO PENNONI ASSOCIATES, INC. OF CEDAR KNOLLS, NJ FOR NORTH STREET PUMP STATION IMPROVEMENTS PLANS

Borough Engineer Robert Vogel recommended award of the above contract to Pennoni Associates to draw up contract documents for the North Street Pump Station improvements.

There was agreement to list Resolution R 239-2008 on the Consent Agenda

ADVERTISED HEARINGS

The Borough 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 August 25, 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 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

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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

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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- to \$1,200,000 (an increase of \$1,200,000); and (iii) increase the

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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") compliance improvements and other interior renovations and improvements, upgrading of building systems, environmental remediation, construction of a new

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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, accounting, engineering and inspection costs, legal

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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.

Mayor Holden opened up the public hearing on Ordinance 58-2008. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Elias moved that Ordinance 58-2008, which the Borough Clerk read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Ms. Baillie

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 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

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

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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 195-32.4 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:

195-32.4 E. **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.

Mayor Holden opened up the public hearing on Ordinance 59-2008.

Peter J. Wolfson, Porzio Bromberg & Newman, Attorneys at Law, was here on behalf of Exxon Mobil, having just been retained; his client owns property in one of the zones and requests that adoption of the ordinance be deferred to allow Exxon Mobil to understand the issues in the proposed ordinance.

Rocco Iossa, the contract purchaser of the Exxon Mobil property, just learned of the proposed ordinance, and is very interested in the property and cares deeply about what happens in Madison; he has purchased the adjacent properties on Greenwood Avenue to design a better site for parking and feels he has a great asset planned for the town; he felt the rules are being changed with this ordinance; he felt his proposal has zero impact on pedestrian traffic.

Ed Carr, owns property at 33 Kings Road (dry cleaners) as well as 326 Main Street; that property has been in the family for 50 years; he was assured the existing business is grandfathered; his concern is that upon sale of his property, if the use is diminished, the price is diminished. Mr. Mezzacca commented that if the dry cleaner property changes hands and will be used for a different purpose, the purchaser would require a use variance.

Dennis Cieri of Eden Property Corp., is also working with Mr. Iossa on the former Exxon Mobil site in town and commented that he believed this proposed zoning amendment is

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potentially “painting” a broader stroke than what the Borough wishes to achieve; further commented that there is potential to work on some wording over the next few weeks to achieve the Borough’s intent while preserving “drive thrus” in certain circumstances which might be beneficial to the town. Mr. Mezzacca commented that any owner can seek a use variance from the Planning Board.

Since no other member of the public wished to be heard regarding Ordinance 59-2008, the public hearing was closed.

Mr. Elias moved Ordinance 59-2008 for Council discussion and consideration for final adoption. Mrs. Vitale seconded the motion. After further Council consideration, Mr. Elias withdrew his motion, with the agreement of Mrs. Vitale, and moved that the hearing and consideration for final adoption of Ordinance 59-2008 be carried to the next meeting on September 22, 2008. There was no further discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Ms. Baillie

Ordinance 59-2008 will be listed for hearing on the Agenda of September 22, 2008.

INTRODUCTION OF ORDINANCES

The Borough Clerk made the following statement:

Ordinances scheduled for first reading will have a hearing date set for September 22, 2008, will be published in the Madison Eagle, posted on the Bulletin Board 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 60-2008

BOND ORDINANCE TO AMEND IN ITS ENTIRETY THE BOND ORDINANCE (ORD. NO. 51-2007) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE 2007 ROAD RECONSTRUCTION PROGRAM IN, BY AND FOR THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,142,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE STATE AND FEDERAL GRANTS, 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 ON AUGUST 27, 2007.

Mr. Elias moved the following:

BE IT RESOLVED that the ordinance heretofore introduced by title, does now pass on first reading, and that said ordinance be further considered for final passage at a

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meeting to be held on the 22nd 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.

ORDINANCE 60-2008

BOND ORDINANCE TO AMEND IN ITS ENTIRETY THE BOND ORDINANCE (ORD. NO. 51-2007) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE 2007 ROAD RECONSTRUCTION PROGRAM IN, BY AND FOR THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,142,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE STATE AND FEDERAL GRANTS, 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 ON AUGUST 27, 2007.

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. The bond ordinance (Ord. No. 51-2007) entitled:

"BOND ORDINANCE TO AUTHORIZE THE 2007 ROAD RECONSTRUCTION PROGRAM IN, BY AND FOR THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,142,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE STATE AND FEDERAL GRANTS, TO AUTHORIZE THE

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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 August 27, 2007 (the "Prior Ordinance") is hereby amended in its entirety (including the title) to (A) delete drainage improvements to Drew Place from the purposes authorized; (B) increase the appropriation and estimated cost from \$1,142,000 to \$1,492,000 (an increase of \$350,000); (C) increase the down payment appropriated from \$43,000 to \$63,000 (an increase of \$20,000); (D) increase the bonds and notes authorized from \$844,000 to \$1,174,000 (an increase of \$330,000); and (E) increase the gross debt of the Borough shown on the Supplemental Debt Statement filed for the ordinance, as amended, from \$844,000 to \$1,174,000 (an increase of \$330,000); and shall hereafter read as follows:

"BOND ORDINANCE TO AUTHORIZE THE 2007 ROAD RECONSTRUCTION PROGRAM IN, BY AND FOR THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,492,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE STATE AND FEDERAL GRANTS, 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.

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

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locations in, by and for the Borough, as the 2007 Road Reconstruction Program:

Green Avenue (from Kings Road to Woodland Road)
Dellwood Parkway (entire length)
Midwood Terrace (from Prospect Street to Green Avenue)
Chapel Street (entire length)

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, as amended; the "Local Bond Law").

Section 2. The sum of \$1,492,000 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, the down payment appropriated, the \$175,000 grant from the New Jersey Department of Transportation (the "State Grant") appropriated and the \$80,000 grant from the Morris County Community Development Program, pursuant to the Federal Housing and Community Development Act (the "Federal Grant"), 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

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said Borough pursuant to the Local Bond Law, and (3) the estimated cost of said purpose is \$1,492,000, and (4) \$175,000 of said sum is to be provided by the State Grant hereinafter appropriated to finance said purpose, and (5) \$80,000 of said sum is to be provided by the Federal Grant hereinafter appropriated to finance said purpose, and (6) \$63,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (7) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$1,174,000, and (8) the cost of such purpose, as hereinbefore stated, does not include any amount 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 the sum of \$175,000 received or to be received as the State Grant is hereby appropriated to the payment of the cost of the Green Avenue improvements.

Section 5. It is hereby determined and stated that the sum of \$80,000 received or to be received as the Federal Grant is hereby appropriated to the payment of the cost of the Chapel Street improvements.

Section 6. It is hereby determined and stated that moneys exceeding \$63,000, 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 \$63,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

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Section 7. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$1,174,000 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 8. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$1,174,000 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 9. 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

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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 10. 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 11. 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 \$1,174,000 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 12. 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 (other than the State and Federal Grants hereinbefore appropriated which shall be applied to the cost of such purpose, but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be

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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 13. 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 14. 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 15. 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 16. This ordinance

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shall take effect twenty days after the first publication thereof after final passage."

Section 2. This amendatory bond ordinance shall supersede the Prior Ordinance, and all contracts, expenditures, encumbrances and charges made pursuant to the Prior Ordinance shall be deemed to have been made pursuant to this amendatory bond ordinance. All bond anticipation notes issued pursuant to the Prior Ordinance are hereby ratified and approved and shall be deemed to have been issued pursuant to this bond ordinance.

Section 3. The capital budget is hereby amended to conform with the provisions of this amendatory bond 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 4. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Ms. Baillie

ORDINANCE 61-2008

BOND ORDINANCE TO AMEND IN ITS ENTIRETY THE BOND ORDINANCE (ORD. NO. 47-2008) ENTITLED: "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

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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 ON JULY 14, 2008.

Mr. Elias moved the following:

BE IT RESOLVED that the ordinance heretofore introduced 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 22nd 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.

ORDINANCE 61-2008

BOND ORDINANCE TO AMEND IN ITS ENTIRETY THE BOND ORDINANCE (ORD. NO. 47-2008) ENTITLED: "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," ADOPTED ON JULY 14, 2008.

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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. The bond ordinance (Ord. No. 47-2008) entitled:

"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"

adopted by the Borough Council of the Borough of Madison, in the County of Morris, New Jersey (the "Borough") on July 14, 2008 (the "Prior Ordinance") is hereby amended in its entirety (including the title) to (A) increase the appropriation and estimated cost from \$895,000 to \$1,395,000 (an increase of \$500,000); (B) increase the down payment appropriated from \$95,000 to \$120,000 (an increase of \$25,000); (C) increase the bonds and notes authorized from \$800,000 to \$1,275,000 (an increase of \$475,000); and (D) increase the gross debt of the Borough shown on the Supplemental Debt Statement filed for the ordinance, as amended, from \$800,000 to \$1,275,000 (an increase of \$475,000); and shall hereafter read as follows:

"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 \$1,395,000 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.

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

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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 \$1,395,000 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

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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 \$1,395,000, 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 \$1,275,000, 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 \$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 \$1,275,000 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

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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 \$1,275,000 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

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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 \$1,275,000 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

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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."

Section 2. This amendatory bond ordinance shall supersede the Prior Ordinance, and all contracts, expenditures, encumbrances and charges made pursuant to the Prior Ordinance shall be deemed to have been made pursuant to this amendatory bond ordinance.

Section 3. The capital budget is hereby amended to conform with the provisions of this amendatory bond ordinance to the extent of any

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

Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

ORDINANCE 62-2008

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 134 ENTITLED “PARKING LOTS”

WHEREAS, the Borough Engineer has recommended certain changes to Chapter 134 entitled “Parking lots”; and

WHEREAS, the Borough Council wishes to make said changes.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that Chapter 134 of the Borough Code entitled “Parking lots” shall be amended as follows:

Section 1: 134-1. Definitions; interpretation of terms.

....

SPECIAL RESIDENTIAL - Tenants of dwelling places authorized by the Borough to obtain parking permits. Tenants of the following buildings are eligible to obtain one special residential parking permit per dwelling unit:

- (1) Dwelling places within the Downtown Historic District.
- (2) Other dwelling places specifically approved by Borough Council action based on past (grandfathered) necessity. Currently identified grandfathered dwelling places are:

- (a) Dwelling places on the south side of Kings Road from Green Avenue west to Rt.124.

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- (b) 42 Cook Avenue.
- (c) 44 Cook Avenue.
- (d) 50 Cook Avenue.
- (e) 30 Central Avenue.
- (f) Apartment Building at Green Ave and Wilmer St (southwest corner).

Section 2: § 134-2. Identification of lots and parking areas.

A. For the purpose of identification in this chapter:

(1) "Cook Avenue Lot" shall mean and include the area owned by the Borough, situated on the southwesterly side of Cook Avenue in said Borough, known as Lot 25 in Block 1502, beginning 116.66 feet northwest of Central Avenue and extending northwesterly to property now or formerly owned by Alice S. Boyce and extending southwesterly to the rear of premises fronting on the northeast side of Main Street, and including Cook Plaza.

(2) "Green Avenue Lot" shall mean and include the area owned by the Borough, situated on the northwesterly side of Green Avenue in said Borough, known as Lot 6 of Block 2801, beginning 41.75 feet southwest of where said side of Green Avenue begins to curve into Kings Road and extending southwesterly 112.91 feet to lands of the Madison Presbyterian Church and extending northwesterly in depth 250 feet, more or less, to Lot 4 in Block 43.

(3) "Rear of Hartley Dodge Memorial" shall mean and include the paved area in the rear of the Hartley Dodge Memorial (Municipal Building) in the Borough, extending from Green Avenue southeast to Maple Avenue.

(4) "Maple Avenue Lot" shall mean and include the portion of Lot 1 in Block 2803 owned by the Borough, 135.50 feet in depth, situated on the southeasterly side of Maple Avenue opposite the Hartley Dodge Memorial in said Borough, bounded on the northwest by Maple Avenue, on the

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southwest by Lot 19B in Block 75, on the southeast by the northeasterly projection of the southeasterly line of said Lot 19B to Kings Road and on the northeast by said Kings Road.

(5) "Kings Road Lot No. 1" shall mean and include the southeasterly portion of Lot 1 in Block 2803 in the Borough, bounded on the northeast by Kings Road, on the southeast by Prospect Street, on the southwest by Lot 20 in Block 75 and on the northwest by Lots 19A and 19B in Block 75 and by the Maple Avenue Lot last hereinabove described.

(6) "Kings Road Lot No. 2" shall mean and include a portion of Lot 1 in Block 3802 in the Borough, bounded on the northwest by Prospect Street, on the northeast by Kings Road, on the southeast by Kings Road Lot No. 3 and on the southwest by Lots 2 and 2B in Block 73 which property contains the municipal building dedicated to police and fire offices and emergency vehicles.

(7) "Kings Road Lot No. 3" shall mean and include a portion of Lot 1 in Block 3802, bounded on the north by Kings Road and on the west by Kings Road Lot No. 2.

(8) "Elmer Street Lot" shall mean Lot 14 in Block 1802, bounded on the north by Elmer Street, on the east by Lot 7 in Block 53 and on the west by Lots 1 and 2 in Block 53.

(9) "Waverly Green Lot" shall mean and include Lot 17 in Block 2701, bounded on the south by the Erie Lackawanna Railroad, on the north by the rear of premises fronting on Route 24, on the east by the rear of premises fronting on Waverly Place and on the west by the rear of premises fronting on Green Village Road.

(10) "Madison Housing Authority Lots" shall mean and include the portions of land improved for parking facilities located and described as follows:

- (a) Belmont Avenue, Block 380, Lot 61.
- (b) Community Place, Block 1601, Lot 23.

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- (c) Park Avenue, Block 1203, Lot 24.
- (d) John Avenue, Block 1207, Lot 15.
- (e) Rexford S. Tucker Apartments, Belleau Avenue, Block 0402, Lot 1.
- (f) 24 Central Avenue, Block 1601, Lot 9

(11) "Health Department Lot" shall mean and include the marked permit spaces in Block 1601, Lot 9.

B. Lot and block designations above referred to are those indicated on the Borough Tax Map.

Section 3: § 134-3. General parking restrictions in certain lots.

A. No operator of a vehicle shall park a vehicle at any time in the area designated as "Rear of Hartley Dodge Memorial", with the exception of designated municipal or emergency vehicles." Specific temporary exceptions may be granted by the Governing Body on a case by case basis.

Section 4: § 134-4. Entrances to and exits from certain lots.

A. Every operator of a vehicle may enter or leave:

...

(3) The Kings Road Lot No. 2 by either of the two entrance-exit ways connecting with Prospect Street by municipal staff only.

Section 5: § 134-6. Use regulations for individual lots.

....

E. Maple Avenue Lot. Parking is reserved for parking of vehicles owned by the Borough of Madison or owned by an officer, employee or person in the service of the borough. Appropriate borough identification shall be displayed by hanging it on the vehicle's rear view mirror. Specific temporary exceptions for public parking use may be granted by the Governing Body on a case by case basis.

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F. Green Avenue Lot. (1) Special residential: no time limitation. Vehicles must be owned by a resident of a dwelling place contiguous to the Waverly Green Parking Lot or on the south side of Kings Road between Green Avenue and Madison Avenue or other residents of a dwelling south of Kings Road who currently possess a valid permit for the Green Avenue Lot. The vehicle must display a parking permit by hanging it on the vehicle's rear view mirror. The permit shall be obtained pursuant to § 134-10. Said vehicles shall be parked only in the parking spaces designated "special residential," which spaces shall not exceed 25 in number.

Section 6:

H. Kings Road Lot No. 2. Parking hours and limitations are designated as follows:

Borough vehicles. Vehicles owned by the Borough of Madison or by an officer, employee or person in the service of the borough and displaying appropriate borough identification hanging on the vehicle's rear view mirror may park in any space without time limitation,

Section 7:

I. Kings Road Lot No. 3. Parking hours and areas are designated as follows:
. . . . 5) Public vehicles parked in designated spaces for access to the Borough of Madison Fire or Police offices.

Section 8: This Ordinance shall take effect as provided by law.

Mr. Elias moved adoption of Ordinance 62-2008, which the Borough Clerk read by title. Dr. Esposito seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

ORDINANCE 63-2008

ORDINANCE OF THE BOROUGH OF MADISON REPEALING SECTION 56-12 OF THE MADISON BOROUGH CODE ENTITLED "INTOXICATED OR DRUNK AND DISORDERLY PERSONS" AND AMENDING SECTION 125 ENTITLED "MODEL CAR RACEWAYS" TO REMOVE REFERENCES TO PUBLIC INTOXICATION PURSUANT TO N.J.S.A 26:2B-29

WHEREAS, the Borough Attorney has recommended repealing section 56-12 of the Madison Borough Code entitled "Intoxicated or Drunk and Disorderly Persons" and amending section 125 of the Borough Code entitled "Model Car Raceways" to remove references to public intoxication pursuant to N.J.S.A 26:2B-29; and

WHEREAS, the Borough Council agrees 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 56-12 of the Borough Code entitled "Intoxicated or Drunk and Disorderly Persons" is hereby repealed.

Section 2: Section 125 of the Borough Code entitled "Model Car Raceways" is amended to delete section 125 -7 (6).

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

Mr. Elias moved that Ordinance 63-2008, which was read by title, be adopted. Mr. Conley seconded the motion. Comments included that this brings our ordinances up to date under the state law, which requires that intoxicated individuals be taken to treatment centers rather than be put in jail. There was no further discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Ms. Baillie

CONSENT AGENDA RESOLUTIONS

The Clerk made the following statement:

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

Mr. Conley moved adoption of the Resolutions listed on the Consent Agenda. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

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Absent: Ms. Baillie

R 228-2008

**RESOLUTION OF THE BOROUGH OF MADISON
RESCINDING R 124-2008 AUTHORIZING PROFESSIONAL
SERVICES CONTRACT WITH CLOUGH HARBOUR &
ASSOCIATES LLP (CHA) TO PROVIDE CONSULTING
ENGINEERING SERVICES REGARDING DEVELOPMENT OF
THE FIELDS KNOWN AS “THE PIT” AND THE BALANCE OF
THE 53 ACRES KNOWN AS THE MADISON RECREATION
CENTER**

WHEREAS, Resolution 124-2008 authorized the Mayor and Borough Clerk to execute a contract for professional engineering services with Clough Harbour & Associates, LLP (“CHA”) regarding development of the fields known as “The Pit” and the balance of the 53 acres known as the Madison Recreation Center; and

WHEREAS, no contract was ever entered into with CHA or executed by the Mayor and Borough Clerk for said services; and

WHEREAS, the Mayor and Council have determined that Resolution 124-2008 should be rescinded and that the contract should not be entered into with CHA, but rather that the terms of service be revised as well as providing that the award for a contract for any work at “The Pit” and the balance of the 53 acres known as the Madison Recreation Center be contingent upon the Borough taking title to same.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Resolution 124-2008 is hereby rescinded.

R 229-2008

**RESOLUTION OF THE MADISON BOROUGH COUNCIL
AWARDING BID FOR THE PURCHASE OF PENNGLOBE
VICTORIAN LIGHT FIXTURES TO TURTLE & HUGHES**

WHEREAS, the Borough of Madison publicly advertised for bids for the purchase of Pennglobe Victorian light fixtures (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 Turtle & Hughes in the amount of \$59,400.00; and

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WHEREAS, the Electric Utility Superintendent has recommended that the Borough Council award the contract to Turtle & Hughes in the amount of \$59,400.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$59,400.00 for this purpose which funds were appropriated by Ordinance 36-2008.

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. The contract for the purchase of 45 Pennglobe Victorian light fixtures is hereby awarded to Turtle & Hughes based upon its bid in the amount of \$59,400.00.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Turtle & Hughes in a form acceptable to the Borough Attorney.

R 230-2008

**RESOLUTION OF THE BOROUGH OF MADISON
AUTHORIZING NORTHERN NJ CHAPTER OF THE
LEUKEMIA AND LYMPHOMA SOCIETY “LIGHT
THE NIGHT WALK” ON SATURDAY, SEPTEMBER
27, 2008**

WHEREAS, the Northern NJ Chapter of the Leukemia and Lymphoma Society has requested to hold a 2008 Madison Light the Night Walk on Saturday, September 27, 2008; and

WHEREAS, the walk will begin at 7:30 p.m. and will use portions of Loantaka Way, Woodland Road, Treadwell Avenue, Dodge Drive and Madison Avenue which surround Giralda Farms; and

WHEREAS, the Acting Police Chief recommends approval of this request; and

WHEREAS, the Northern NJ Chapter of the Leukemia and Lymphoma Society has agreed to reimburse the Madison Police Department for all expenses incurred in connection with the monitoring of said walk; and

WHEREAS, the Borough Council has reviewed said request and determined that it 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 Northern NJ Chapter

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of the Leukemia and Lymphoma Society is hereby granted permission to hold a 2008 Madison Light the Night Walk along the route described herein on Saturday, September 27, 2008, beginning at 7:30 p.m., subject to the condition that the Northern NJ Chapter of the Leukemia and Lymphoma Society reimburse the Madison Police Department for all expenses incurred in connection with the monitoring of said walk.

R 231-2008

**RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING
RESIGNATION OF MADISON MUNICIPAL COURT
ADMINISTRATOR EFFECTIVE SEPTEMBER 3, 2008**

WHEREAS, Denis P. Murray, the Court Administrator for the Madison Municipal Court, has tendered a written resignation effective September 3, 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 resignation effective September 3, 2008 of Denis P. Murray as Court Administrator is hereby acknowledged and accepted.

R 232-2008

**RESOLUTION OF THE BOROUGH OF MADISON
APPROVING RELOCATION OF THE FARMERS MARKET
TO WAVERLY PLACE FOR SEPTEMBER 25, 2008**

WHEREAS, the Downtown Development Commission has requested closing Waverly Place on September 25, 2008, for a one-time test of the Madison Farmer's Market in a downtown location; and

WHEREAS, parking spaces along the center island and the northbound traffic on the Chase Bank side would be closed at 11 a.m. and reopen at 8:30 p.m.; and

WHEREAS, parking spaces along the west side and southbound traffic would remain open all day; and

WHEREAS, adequate space for emergency vehicles will be left between farmer displays and the buildings on the northbound side of the street; and

WHEREAS, the Main Street Executive Director and the Acting Police Chief recommend approval of this request; and

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WHEREAS, the Borough Council has reviewed said request and determined that it 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 request of the Downtown Development Commission to close Waverly Place on September 25, 2008, for a one-time test of the Madison Farmer's Market in a downtown location as described herein is hereby granted, subject to any safety requirements imposed by the Madison Police Department and the Madison Fire Department.

R 233-2008

**RESOLUTION OF THE BOROUGH OF MADISON
AUTHORIZING MADISON PBA LOCAL #92 AND MADISON
FMBA LOCAL #74 TO HOST A FIREWORKS DISPLAY ON
FRIDAY, OCTOBER 3, 2008 AT MADISON HIGH SCHOOL**

WHEREAS, Madison's Police Benevolent Association #92 (PBA) and the Madison Firemen's Mutual Benevolent Association #74 (FMBA) have applied for permission to hold a fireworks display on Friday, October 3, 2008, on the grounds at Madison High School; and

WHEREAS, the Borough Council has determined that such permission should be granted subject to the following conditions:

1. The display shall be in compliance with all laws and regulations governing a fireworks display;
2. Written permission from the Board of Education for use of their grounds shall be obtained;
3. A permit must be obtained from the Fire Official of Madison ensuring all applicable Fire Code requirements are met;
4. Adequate police personnel shall be present for crowd control and to ensure the area surrounding the fireworks is secured from unauthorized public entry;
5. The display shall terminate by 11:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the request by Madison's Police Benevolent Association #92 (PBA) and the Madison Firemen's Mutual Benevolent Association #74 (FMBA) to hold a fireworks display on Friday, October 3, 2008, is hereby granted and approved subject to the above noted conditions.

R 234-2008

**RESOLUTION OF THE BOROUGH OF MADISON
AWARDING CONTRACT TO PUBLIC UTILITIES
MAINTENANCE, INC. OF EAST ELMHURST, NY IN
THE AMOUNT OF \$134,400.00 FOR THE ELECTRIC
SUBSTATION PAINTING**

WHEREAS, the Electric Utility Superintendent recommended that the Borough award a contract for electric substation painting; and

WHEREAS, the Borough on two occasions issued public bids in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., which were all unsuccessful, the first bid having only one response which was non-responsive and was rejected by the Borough pursuant to R 131-2008, and the second bid having three responses, two of which were non-responsive and one of which did not comply with mandatory statutory requirements, and was rejected by the Borough pursuant to R 190-2008; and

WHEREAS, the Borough has negotiated a contract for electric substation painting with Public Utilities Maintenance, Inc., of East Elmhurst, New York for \$134,400.00 pursuant to N.J.S.A. 40A:11-5.3(a); and

WHEREAS, the Borough Council has determined to award said contract to Public Utilities Maintenance, Inc., of East Elmhurst, New York; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$134,400.00 for this purpose, which funds were appropriated by Ordinance 42-2007.

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

1. The contract for electric substation painting is hereby awarded to Public Utilities Maintenance, Inc., of East Elmhurst, New York in the amount of \$134,400.00.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Public Utilities Maintenance, Inc., of East Elmhurst, New York in a form acceptable to the Borough Attorney.

R 235-2008

**RESOLUTION OF THE BOROUGH OF MADISON AWARDING
CONTRACT TO OMLAND ENGINEERING ASSOCIATES OF**

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CEDAR KNOLLS, NJ FOR INSPECTION SERVICES IN AN AMOUNT OF \$48,300.00 FOR THE 2008 ROAD IMPROVEMENT PROGRAM

WHEREAS, the Borough Engineer has recommended that the Borough obtain construction inspection and observation services for the 2008 Road Improvement Program (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 Omland Engineering Associates of Cedar Knolls, New Jersey in an amount not to exceed \$48,300.00, for construction inspection and observation services for the 2008 Road Improvement Program; and

WHEREAS, Omland Engineering Associates 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, Omland Engineering Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Omland Engineering Associates 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 Omland Engineering Associates 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 \$48,300.00 for this purpose, which funds were appropriated by Ordinance 47-2008.

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. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Omland Engineering Associates for construction inspection and observation services for the 2008 Road Improvement Program in an amount not to exceed \$48,300.00, such contract to be in a form approved by the Borough Attorney.

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

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

R 236-2008

RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO EN-TECH CORPORATION IN THE AMOUNT OF \$189,891.50 FOR PHASE ONE PROJECTS FOR 2007 SANITARY SEWER MAIN LINING PROGRAM FOR RIDGEDALE, PARK, DELLWOOD AND DISCHARGE MANHOLES, WITH FUNDS APPROPRIATED BY ORDINANCE 46-2007

WHEREAS, the Borough of Madison publicly advertised for bids for the 2007 Sanitary Sewer Main Lining 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 En-Tech Corporation in the amount of \$189,891.50; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the contract to En-Tech Corporation in the amount of \$189,891.50; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$189,891.50 for this purpose which funds were appropriated by Ordinance 46-2007.

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

1. The contract for the 2007 Sanitary Sewer Main Lining Program is hereby awarded to En-Tech Corporation based upon its bid in the amount of \$189,891.50.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with En-Tech Corporation in a form acceptable to the Borough Attorney.

R 237-2008

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RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO EN-TECH CORPORATION IN THE AMOUNT OF \$601,894.50 FOR PHASE TWO AND THREE PROJECTS FOR 2008 SANITARY SEWER MAIN LINING PROGRAM FOR NORTH, PARK, SOUTH, LOVELAND, MYRTLE, CENTRAL AND GREENWOOD, WITH FUNDS APPROPRIATED BY ORDINANCE 50-2008

WHEREAS, the Borough of Madison publicly advertised for bids for the 2008 Sanitary Sewer Main Lining 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 En-Tech Corporation in the amount of \$601,894.50; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the contract to En-Tech Corporation in the amount of \$601,894.50; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$601,894.50 for this purpose which funds were appropriated by Ordinance 50-2008.

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

1. The contract for the 2008 Sanitary Sewer Main Lining Program is hereby awarded to En-Tech Corporation based upon its bid in the amount of \$601,894.50.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with En-Tech Corporation in a form acceptable to the Borough Attorney.

Removed from Agenda and the # reused:

R 238-2008 CENSUS TAKER, UNLICENSED DOG AND CAT IN THE HEALTH DEPARTMENT

Added to Agenda:

R 238-2008

RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING DONATION OF PRESS BOX AT DODGE FIELD FROM MADISON JUNIOR FOOTBALL

WHEREAS, Madison Junior Football has generously offered to donate the press box at Dodge Field to the Borough; and

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WHEREAS, the Borough Council has concluded that it would be in the best interest of the Borough to accept the donated press box.

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 accepts the donation of the above described press box.

BE IT FURTHER RESOLVED that the Borough of Madison expresses its gratitude to Madison Junior Football.

R 239-2008

RESOLUTION OF THE BOROUGH OF MADISON AWARDING PROFESSIONAL SERVICES CONTRACT TO PENNONI ASSOCIATES, INC. OF CEDAR KNOLLS, NJ FOR NORTH STREET PUMP STATION IMPROVEMENT PLANS

WHEREAS, the Borough Engineer has recommended that the Borough of Madison obtain improvement plans for the North Street Pump Station (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 Pennoni Associates, Inc. of Cedar Knolls, New Jersey in an amount not to exceed \$22,750.00, for North Street Pump Station improvement plans; and

WHEREAS, Pennoni Associates, Inc., 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, Pennoni Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Pennoni Associates, 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 Pennoni Associates, Inc. from making any reportable contributions through the term of the contract; and

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WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$22,750.00 for this purpose, which funds are available in the Water Operating Professional Services account.

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:

4. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Pennoni Associates, Inc. of Cedar Knolls, New Jersey for North Street Pump Station improvement plans in an amount not to exceed \$22,750.00, such contract to be in a form approved by the Borough Attorney.

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

6. 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.

Added to Agenda:

R 240-2008

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 | | | | 5e Debt Authorized |
|--|----------------------|---------------------------------|--|--------------------------------|-----------------------|---------------------------------|-----------------------|
| | | | 5a 2008 Budget Appropriations | 5b Capital Improvement Fund | 5c Capital Surplus | 5d Grants in Aid Other Funds | |
| 2007 Road Reconstruction | 350,000 | | | 20,000 | | | 330,000 |
| 2008 Road Reconstruction | 500,000 | | | 25,000 | | | 475,000 |
| TOTALS - ALL MUNICIPAL PROJECTS | 32,061,000 | | | 2,661,000 | | 9,070,000 | 20,330,000 |

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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 | |
| 2007 Road Reconstruction | 350,000 | | 350,000 | | | | | | |
| 2008 Road Reconstruction | 500,000 | | 500,000 | | | | | | |
| TOTALS - ALL MUNICIPAL PROJECTS | 43,811,000 | | 32,061 | 2,350,000 | 2,350,000 | 2,350,000 | 2,350,000 | 2,350,000 | 2,350,000 |

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

| PROJECT TITLE | BUDGET APPROPRIATIONS | | | | Local Unit BOROUGH OF MADISON | | | |
|--|----------------------------|----------------------|-------------------|--------------------------------|-------------------------------|--------------------------------------|------------|---------------------|
| | ESTIMATED TOTAL COST | 3a | 3b | 4 | 5 | 6 | 7b | |
| | | Current Year 2008 | Future Years | Capital Improvement Fund | Capital Surplus | Grants-in- Aid and Other Funds | 7a | Self Liquidating |
| | | | | | | General | Assessment | School |
| 2007 Road Reconstruction | 350,000 | | 20,000 | | | | | |
| 2008 Road Reconstruction | 500,000 | | 25,000 | | | | | |
| TOTALS-ALL MUNICIPAL PROJECTS | 43,811,000 | | 14,411,000 | | 9,070,000 | 20,330,000 | | |
| | | | | | | 330,000 | | |
| | | | | | | 475,000 | | |

BE IT FURTHER RESOLVED the following resolution be advised in the September 11, 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 8th day of September, 2008.

Certified by me
Marilyn Schaefer
Date September 8, 2008

Marilyn Schaefer
Municipal Clerk

TRENTON, NEW JERSEY

APPROVED 9-10, 2008

DIRECTOR OF LOCAL GOVERNMENT SERVICES

Marilyn Schaefer, Clerk of the Borough of Madison, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Council at a duly convened meeting held September 8, 2008

Marilyn Schaefer
Marilyn Schaefer, Borough Clerk

For acknowledgment of receipt of Annual Report (Budget, Summary of Debt Statement or Capital Budget Statement)

Added to Agenda:

R 241-2008

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING INTERLOCAL AGREEMENT FOR SHARED SERVICES BETWEEN THE BOROUGH OF FLORHAM PARK AND THE BOROUGH OF MADISON TO ALLOW THE MADISON MUNICIPAL COURT TO UTILIZE THE FLORHAM PARK MUNICIPAL COURT FACILITIES AS A SHARED SERVICE

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WHEREAS, the Madison Municipal Court must be relocated due to the renovation of the Hartley Dodge Memorial; and

WHEREAS, the Borough Administrator has recommended that the Borough enter into an interlocal services agreement for shared services to house the Madison Municipal Court in Florham Park during the Hartley Dodge Memorial construction; and

WHEREAS, the Borough of Florham Park has indicated a willingness to have such an arrangement; and

WHEREAS, the Council believes it is in the best interest of the Borough to enter such shared services.

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 hereby authorized to enter into a interlocal agreement for shared services, pursuant to N.J.S.A. 40A:65-1 et seq. and N.J.S.A. 40A:12-14(b), to house the Madison Municipal Court in the Florham Park municipal court facilities during the term of renovation of the Hartley Dodge Memorial for a period of two years, at a rent of \$500.00 per full court session and \$200.00 per special court session, such agreement to be in a form approved by the Borough Attorney.

2. This resolution is adopted subject to the governing body of Florham Park also passing a resolution accepting the terms of the shared service agreement.

3. This resolution is adopted also subject to the interlocal services agreement being approved by the Administrative Office of the Courts and the Honorable B. Theodore Bozonelis, Assignment Judge, Morris County.

INVITATION FOR DISCUSSION (2 of 2)

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

Dr. Victor Schumacher, Central Avenue, voiced concerns about the public address system at Dodge Field; was advised that a test will be done during a game.

Thomas Abruzzo, Maple Avenue, reported collecting 51 signatures from neighbors who, as a group, are specifically requesting the Council to permanently discontinue work to create a Tuttle Oak Historic District; they do not believe they need any

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further restrictions on the neighborhood. Mr. Mezzacca commented that a recommendation has not come to the Council from the Historic Preservation Commission (HPC); once the HPC comes to the Council with a plan, the public will have input.

Toni DeRosa, Alexander Avenue, presented a petition to request careful consideration of the redevelopment of the commercial district at 122 and 132 Main Street between Alexander and Greenwood Avenues. In the petition, the residents of Alexander and Greenwood Avenues respectfully requested meeting with town officials throughout the redevelopment process to determine proactive steps that can be taken to minimize the impact on Madison. There were 13 pages with the Petition wording and containing residents' signatures.

Sam Cerciello, Park Avenue, spoke of selective demolition and asked that the Borough get its money's worth; was advised that the Maple Avenue lot would be used for commuters and construction workers during renovations of the Hartley Dodge Memorial.

Nancy Wallace, Maple Avenue, advised that Maple Avenue at Kings Road is a very dangerous corner; asked that all be mindful that this is a residential area during the renovation of the Hartley Dodge Memorial.

Barbara Hannon, Alexander Avenue, commented on the concern of residents of Greenwood and Alexander Avenues; asked that the Mayor and Council consider the information on the petition submitted by Mrs. DeRosa and allow the residents to be involved in the development process.

Since no other member of the public wished to be heard, the public hearing was closed.

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 | \$24,527.82 |
| Health & Public Assistance | 5,208.61 |
| Public Works & Engineering | 158,356.91 |
| Community Affairs | 1,103.77 |
| Finance & Borough Clerk | 306,121.46 |
| Utilities | <u>24,505.75</u> |
| Total | <u>\$519,824.32</u> |

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

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

NEW BUSINESS - None

ADJOURNMENT

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There being no further business to come before the Council, the meeting was adjourned at 10:25 p.m. by voice vote of members present.

Respectfully submitted,

Marilyn Schaefer
Borough Clerk
Approved October 15, 2008 (MS)