

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

September 22, 2008 -7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 22nd 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:

Astri J. Baillie

Carmela Vitale

John M. Elias

Robert H. Conley, arrived 7:20 p.m.

Jeannie Tsukamoto

Vincent A. Esposito

Also Present:

Raymond M. Codey, Borough Administrator

Marilyn Schaefer, Borough Clerk

Joseph Mezzacca, Jr., Borough Attorney

AGENDA REVIEW

Three Personnel Matters and five Contract Matters were added to the Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Mr. Conley moved:

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

CONTRACT MATTERS (8)

Hire Nisivoccia & Company regarding water connection schedule

Hire Nisivoccia & Company regarding sewer connection schedule

Electric Utility Issue

Consultant for 53 Acre Master Plan

Housing Authority

Bond Counsel

Reject Bids -Selective Demolition Rebid

Award Contract for 2008 Mill & Overlay Program

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

PERSONNEL MATTERS (4)

Network Administrator

Appoint Court Administrator

Resignation of Court Employee

Labor Matter PD

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

POTENTIAL LITIGATION MATTER (1)

Drive Thru Ordinance

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

LITIGATION MATTER (1)

Cougar Field

Seconded: Mrs. Vitale

Vote: Unanimous voice vote

RECONVENE IN COUNCIL CHAMBER

Mayor Holden reconvened the Regular Meeting at 8 p.m. in the Council Chamber with all members present and introduced the Madison Police Honor Guard, who presented the Colors. The Pledge of Allegiance was recited by all. There was a round of applause as the Madison Police Department Honor Guard retired the Colors.

APPROVAL OF MINUTES -None

GREETINGS TO PUBLIC

Mayor Holden made the following comments:

Mayor Holden announced that this is the last meeting of the Mayor and Council in the Council Chamber of the Hartley Dodge Memorial Building for at least two years. On Thursday, September 25, 2008, the Borough offices will move to Bayley-Ellard High School, which has been converted to business offices; Municipal Court sessions will be held in the Florham Park Court, but the Court Violations Bureau will be at Bayley-Ellard; Mayor Holden commented that the goal is to be back in this building by Memorial Day of 2010 because that is the 75th anniversary of the dedication of the Hartley Dodge Memorial building. When the Borough offices are moved back into this building, all the asbestos will have been removed and the heating, ventilation and air conditioning will have been upgraded; the accommodations will include an elevator in compliance with the Americans with Disabilities Act.

All Boards, Commissions and Committees will be meeting, unless otherwise noted, in Room 320 of Bayley-Ellard, except for the Council meetings, which will be held in the Chase Auditorium of the Madison Public Library.

Mayor Holden commended the Madison Environmental Commission and their support of the Venture Crew for their continuing outreach and educational activities regarding climate change, and especially for their recycling of electronic products.

REPORTS OF COMMITTEES

Finance and Borough Clerk

Ms. Baillie, Chair of the Committee, made the following comments: Ms. Baillie congratulated Carmela Vitale for her nomination and recognition as a Hero for Affordable Housing Council with thirteen other individuals from Morris County; there will be a breakfast recognition on October 7th sponsored by the Housing Alliance and the United Way of Morris County. Mrs. Vitale was nominated by Housing Authority Executive Director Lou Riccio, and her nomination was approved by the Housing Alliance. There was a round of applause in Mrs. Vitale's honor.

On Wednesday, October 1st, the Open Space Committee of Madison will be making its presentation to the Morris County Open Space Committee requesting \$5.7 million in County funds to purchase the remainder of the 53 acres. Last year Madison was very fortunate to receive a \$6 million grant from the County toward the purchase; this is money we all contribute through the County Open Space tax, and Madison's grant will go toward the purchase of the property. If Madison is successful in receiving this second grant from the County, we can move to develop the property through bonding as quickly as we can. Ms. Baillie asked the Council Members to mark their calendars for October 1st at 4 p.m. at the site for the presentation. Ms. Baillie spoke about Madison's needs and the towns that are supporting Madison's acquisition and grant request.

Public Safety

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

Mrs. Vitale commented on how pleased she was about Acting Police Chief John Trevena's re-instituting the Honor Guard recently; the Honor Guard presented the Colors at the Jets' opening game. Mrs. Vitale acknowledged the Honor Guard members by name: Lt. Darren Dachisen, Detective Edward Mitchko, Patrolmen Christopher Keller, James Cavezza, Chad Rybka and Sean McCarthy. They did a beautiful job, looked great and did Madison proud.

One of the more intense moments that happened this past week that Acting Police Chief Trevena wanted everyone to know about happened on September 21st when an individual falsely represented himself as a police officer to a young person. Mrs. Vitale encouraged everyone to please tell children not to speak to strangers and to walk in pairs, if possible. Mrs. Vitale spoke about various activities in which the police motorcycle patrol will be participating.

Public Works and Engineering

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

Leaf pickup will start the first week of November. There will be an advertisement in the Madison Eagle advising when each area will be picked up. Regarding the drop off of leaves last year where residents could take leaves directly to the Department of Public Works (DPW) garage, it was noted that the tonnage spiked; it was concluded that non-residents were using Madison's facility for dumping leaves; therefore, Madison residents must show proof of residence at the DPW where bags may be picked up to allow residents to bag their leaves and bring the bagged leaves back. Mr. Elias also noted that the DPW has a significant supply of wood chips available at no charge.

Utilities

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

Health & Public Assistance

Mrs. Tsukamoto, Chair of the Committee, made the following comments: The Health Department will continue to conduct noise surveys at both Dodge and Cougar Fields during games; also the Health Department has announced the availability of flu shots on November 5th and November 10th at the Civic Center from 9 a.m. to 11 :30 a.m. Interested residents should contact the Health Department.

Community Affairs

Dr. Esposito, Chair of the Committee, made the following comments: The month of September is "Senior Center Month". Today, sponsored by the Friends of the Madison Senior Center, the seniors had their kick-off barbecue. Lt. Al Troianello presented information about loss prevention; there was a discussion and coffee with the Mayor, as well as a concert by a group called "Just a Bunch of Banjos". It was a very successful and beautiful day.

October 4th is Bottle Hill Day from 10 a.m. to 5 p.m. on both sides of Main Street. The organizers are looking for a great turnout.

As the Borough offices are moving to Bayley-Ellard this Thursday, the day the Farmers' Market would normally be at Bayley-Ellard, the Farmers' Market will be set up on the easterly side of Waverly Place for this one time. There will be many volunteers available to help with parking and to assist those who need it.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communication:

Receipt today of an unsolicited application from Madison resident Sam Cerciello for the position of Project Manager for the reconstruction of the Hartley Dodge Memorial building.

INVITATION FOR DISCUSSION (1 of 2)

Mayor Holden opened the meeting to the public for their opportunity to ask questions and make comments on agenda discussions, ordinances for introduction and resolutions. 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.

Dan Dunham, Garfield Avenue, spoke about the Resolution regarding bonds for the 2007 and the 2008 Road Reconstruction Programs; the 2007 Bond Resolution indicates the deletion of improvements to Drew Place; Mr. Dunham indicated the concern of residents in the Orchard about Drew Place drainage and asked why it was deleted. Mr. Codey responded that the deletion is a result of the need for access rights across the Madison Golf Course; the Borough has been unable to negotiate an agreement with them, but the Borough intends to do something about the drainage problem there and continues to negotiate.

Marcy Sasso, Strickland Place, asked when there would be a resolution to the sale of the 22 Orchard Street property. Mr. Codey, who was present at the Public Information Meeting regarding disposition of the 22 Orchard Street property held on September 4, 2008, explained the process that is under way including that he is working with the Borough Attorney on proposed conditions of sale to be presented to the Governing Body, which would include the suggestions received from the public at the information meeting; the Borough will try to complete the sale within this calendar year and those who have put their names on the Orchard Street property email list will be notified when the discussion/action will come up at a Council meeting.

Since no other members of the public wished to be heard at this time, the invitation for discussion was closed.

AGENDA DISCUSSIONS

09/22/2008-1

(1) RESOLUTION AUTHORIZING SALE OF BONDS AND

(2) RESOLUTION AUTHORIZING NOTICE OF SALE OF BONDS

Mr. Codey commented on the Executive discussion, which took place with Madison's Bond Counsel to receive advice as to the current financial situation in the markets. Madison does have the option to proceed with the sale or hold off after the receipt of bids on October 9, 2008. There was no further discussion, and Mayor Holden commented that Resolutions R 250- 2008 authorizing the sale of bonds and R 251-2008 authorizing the Notice of Sale of Bonds are listed on the Consent Agenda.

09/22/2008-2 SET A MEETING DATE OR SPECIAL DATE FOR FINAL SPACE DIAGRAM FOR CIVIC CENTER -ROSEN GROUP WILL HAVE FINAL DRAWINGS COMPLETED BY END OF OCTOBER OR BEGINNING OF NOVEMBER

Mrs. Vitale was recognized by the Chair and commented that the Rosen Group wishes to be ready by the end of October or beginning of November with final drawings as to use of the Civic Center and installation of an elevator at that location.

After discussion as to a special meeting and the location of the special meeting to have the Rosen Group give a presentation, it was decided that Theresa DeVecchi, Executive Assistant to the Mayor and Administrator, will poll the Mayor and Council as to a special meeting date and time.

09/22/2008-3 REJECT BIDS FOR ENVELOPE PRINTING AND AUTHORIZE REBID
There were no comments, and Mayor Holden announced that the resolution is listed on the Consent Agenda as R 247-2008.

09/22/2008-4 PERMISSION FOR BOY SCOUT TROOP TO USE HDM FIRE DEPARTMENT APRON FOR STAGING AREA FOR RECYCLING OF COMPUTERS
After discussion of safety issues, there was agreement to list the resolution on the Consent Agenda as R 252-2008.

Added to Agenda

09/22/2008-5 FIRE DEPARTMENT PROTECTIVE CLOTHING -TURN- OUT GEAR
There were no objections to Fire Chief Atchison's request, and there was agreement to list Ordinance 64-2008 for introduction.

Added to Agenda

09/22/2008-6

1. MINOR CHANGES TO MADISON LAND DEVELOPMENT ORDINANCE CHAPTER 195 RECOMMENDED TO THE BOROUGH COUNCIL BY SUSAN G. BLICKSTEIN REPLACING CURRENT DEFINITION OF BUILDING COVERAGE AND ADDING EXEMPTION REGARDING PROJECTIONS AND ENCROACHMENTS

Mr. Mezzacca commented that this is really a clean up of the ordinance. Comments included that the exemption regarding projections and encroachments is a result of a recommendation from the Planning Board. Ordinance 65-2008 is listed for introduction later in the meeting.

2. AMENDMENT TO 195-25.6.B(4) REGARDING LIGHTING STANDARDS WHERE USED FOR SPORTS OR RECREATIONAL FACILITIES

Mr. Mezzacca commented that this is to protect residents from night lighting of playing fields. Mayor Holden commented that Ordinance 66- 2008 is listed for introduction later in the meeting.

Added to Agenda

09/22/2008-7 ADOPT A RESOLUTION OF AWARD TO DENVILLE LINE PAINTING, INC. OF ROCKAWAY, NJ FOR LINE STRIPING SERVICES ON THE 2008 MILL & OVERLAY PROJECTS IN THE AMOUNT OF \$34,927.70

There was no objection to listing this resolution R 257-2008 on the Consent Agenda.

Added to Agenda

09/22/2008-8 ADOPT A RESOLUTION AWARDED CONTRACT TO CRAMERS CARPET ONE, INC. OF MADISON, NJ FOR CARPETING SERVICES ON THE ADMIN OFFICE RELOCATION PROJECT IN THE AMOUNT OF \$18,128.03

There were no objections to listing this resolution R 258-2008 on the Consent Agenda, funds for which are from Ordinance 42-2005.

Added to Agenda

09/22/2008-9 REJECT SELECTIVE DEMOLITION BID

Mr. Mezzacca read R 261-2008 in full, and Mayor Holden commented that this resolution will be added to the Consent Agenda.

Added to Agenda

09/22/2008-10 AWARDS A CONTRACT TO SCHIFANO CONSTRUCTION FOR 2008 MILL AND OVERLAY PROJECTS

Mr. Mezzacca read R 262-2008 in full, which resolution awards a contract to Schifano Construction for 2008 Mill and Overlay projects, and Mayor Holden commented that this resolution will be added to the Consent Agenda.

ADVERTISED HEARINGS

The Clerk made the following statement:

The hearing on Ordinance 59-2008 was carried on September 8, 2008, to this meeting. The balance of ordinances were introduced by title and passed on first reading at a regular meeting of the Council on September 8, 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 Clerk to read said ordinances by title:

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 THRU 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 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 the hearing on the above ordinance and asked if any member of the public wished to be heard.

John Villa, Alexander Avenue, read a letter from Toni DeRosa, Alexander Avenue resident, who was not able to be present at tonight's meeting. Mrs. DeRosa's letter expressed her support for Ordinance 59- 2008 prohibiting drive thrus in CBD-1 and CBD-2 Zones as a step toward a pedestrian-friendly environment.

Doug Henshaw, Esq., speaking on behalf of Exxon Corporation, property owner of 122 Main Street, advised that this ordinance has a significant impact on his client, and asked that the Council permit a Planner present on behalf of Exxon Corporation, to present an opinion. Mr. Mezzacca was recognized by the Chair and confirmed with Mr. Henshaw that he did not submit a Planner report to this Council in advance. Mr. Mezzacca commented that this ordinance concerns the whole zone, not an individual property, and asked that the Planner comment in summary fashion.

Dennis Hadasco, Professional Planner on behalf of Exxon Corporation, commented in detail including that if the intent of the ordinance is to prohibit drive-thrus in the Central Business District, it would be proper to put that prohibition in the Central Business District section of the ordinance rather than putting the prohibition in the residential district portion of the ordinance, where it appears. The proper citation should be 195-32.4 and asked that the proceedings be suspended due to that; Mr. Hadasco further commented on deficiencies he sees in the ordinance-that it prohibits drive-thru windows, not drive-thru lanes, and that the ordinance does not accomplish the purposes the Council wishes to accomplish; he further submitted aerial photographs that, in his opinion, showed the proposed ordinance not consistent with Madison's Master Plan. He found no objective support that the opinion of Madison's Planning Board can be carried out objectively; he further commented that the Madison Planning Board, regardless of their opinion, was obligated to report any inconsistencies with the Master Plan to the Council, and this has not been done.

Mr. Mezzacca was recognized by the Chair and commented that he felt the ordinance is consistent with the Master Plan. Mr. Hadasco commented that the area in question is a vehicular-oriented area, not a pedestrian- oriented area, and in fact the ban on drive-thrus is really a change in classification and offered that a better ordinance to achieve the purpose would include a simple zoning restriction on the passage of driveways across pedestrian shopping paths or a conditional use which allowed the Planning Board to ascertain whether there was a danger in such a situation or a prohibition of it within the actual pedestrian-oriented part of Madison's downtown and a regulation on any driveways that would have significant vehicular traffic. Mr. Hadasco commented that he found inconsistencies in Madison's Master Plan in the land use element which talks about the character of the area.

Mayor Holden asked Mr. Hadasco to provide a copy of his report to Council Member Baillie, who will take it back to the Planning Board to see if they may consider any of those points. Mr. Mezzacca asked that this exhibit be marked, which exhibit says "122 Main Street, Madison, New Jersey"--a print-out by Mapslide.com, which is two pages, one of which is an image of Madison's CBD pedestrian area and shows the transition to the vehicular portion of the district; the second shows the vehicular portion of the district; Mr. Mezzacca marked the two-page exhibit as A-1. Because Mr. Hadasco gave an opinion in

testimony, Mr. Mezzacca asked that Mr. Hadasco raise his right hand and be sworn in as if he were sworn in from the beginning to tell the truth, the whole truth and nothing but the truth. Mr. Hadasco was duly sworn in by Mr. Mezzacca. After checking the Borough Code, it was concluded that the ".4" was missing in the citation of the proposed ordinance to put it in the proper place. Mr. Mezzacca commented that the reference in the ordinance should read "195-32.1".

Ms. Baillie was recognized by the Chair and commented on her memorandum dated September 18, 2008, to the Council in support of the Reexamination Report of the Master Plan promoting and protecting pedestrian accessibility and safety, and the vitality of the downtown regional core.

Rocco Iossa commented that after speaking with the Planning Board and reviewing the proposed ordinance, to propose development with a drive-thru would require a Zoning Board variance. Mr. Iossa confirmed that there was a discussion of withdrawing the application which included a drive-thru, but it has not yet been determined whether that will be done. He is not sure he will pursue the application now that it is clear that it requires Zoning Board review.

Barbara Hannon, Alexander Avenue, mentioned her belief that the area being discussed is in fact a pedestrian area and would like to see the Council approve the ordinance.

Paul Allocco, Greenwood Avenue, in detail, spoke in favor of the ordinance, emphasizing the many pedestrians who use the area. He commended Council for considering this to maintain the special feel that Madison has. He strongly recommended defining and insuring maintenance of buffer areas.

Bob Hannon, Alexander Avenue, spoke against allowing drive-thrus at the Exxon site and spoke in favor of adopting the proposed ordinance.

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

Mr. Mezzacca was recognized by the Chair and commented that, as pointed out earlier, Chapter 195-32.4 of the Borough Code, and the new section should be Chapter 195-32.4(E). The title of the ordinance is correct. He did not feel that the correction is significant.

Ms. Baillie moved that Ordinance 59-2008, which the Borough Clerk read by title, be finally adopted. Mr. Elias seconded the motion. Detailed Council comments were made including that the Council looks at the zone as a whole, not at individual properties, and community initiated design is being looked at by the Planning Board. At the conclusion of comments, the motion passed with the following roll call vote recorded:

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

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

ORDINANCE 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 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 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 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.

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 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 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 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.

Mayor Holden opened the hearing on the above ordinance and asked if any member of the public wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 60-2008, which the Borough Clerk read by title, be finally adopted. Mr. Elias seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

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

ORDINANCE 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.

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 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 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 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 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 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 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.

Mayor Holden opened the hearing on the above ordinance and asked if any member of the public wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 61-2008, which the Borough Clerk read by title, be finally adopted. Mr. Elias seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

Nays: None

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

ORDINANCE 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 unless otherwise noted:

- (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.
- (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), maximum of ten (10) parking spaces for entire apartment building.

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, known as Lot 25 in Block 1502 on the Official Tax Map.

(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, southwest of where Green Avenue intersects Kings Road.

(3) "Rear of Hartley Dodge Memorial" shall mean and include the paved area in the rear of the Hartley Dodge Memorial (Municipal Building) also between Green Avenue and Maple Avenue.

(4) "Maple Avenue Lot" shall mean and include the portion of Lot 1 in Block 2803 owned by the Borough, situated on the easterly side of Maple Avenue opposite the Hartley Dodge Memorial and south of 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 north by Kings Road, on the east by Prospect Street, on the west by the Maple Avenue Lot.

(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 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 above described.

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

(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 buildings fronting on Route 124 (Main Street), 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.
- (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 of Madison Official 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.

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. Mezzacca was recognized by the Chair and announced that there are amendments to this ordinance. The reference to the apartments on Wilmer Street and Green Avenue allows a maximum of 10 spaces for the apartment building, not one space per unit. That is one amendment from when said ordinance was introduced. The only other amendment is the lot and block numbers have been removed from the ordinance as they were old numbers.

Mr. Elias moved adoption of the amendments as described by Borough Attorney Joseph Mezzacca, Jr.; Dr. Esposito seconded the motion. There was no further discussion, and the motion to approve the amendments passed with the following roll call vote recorded:

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

Mayor Holden opened the hearing on the above ordinance as amended and asked if any member of the public wished to be heard.

Dan Dunham, Garfield Avenue, spoke about Kings Road Lot #2 and asked what impact the parking has on commuter spaces. Mr. Codey commented that the purpose of the ordinance was to give the Council the ability to allocate spaces by resolution of the Governing Body; later in the evening, there is listed on the Consent Agenda a resolution expanding the number of commuter spots after freeing up spaces in the Maple Avenue lot in addition to others listed in the ordinance, freeing up about 50 spaces for commuters.

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

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

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

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

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.

Mayor Holden opened the hearing on the above ordinance and asked if any member of the public wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 63-2008, which the Borough Clerk read by title, be finally adopted. Mr. Elias seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

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

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

Ordinances scheduled for first reading will have a hearing date set for Wednesday, October 15, 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 64-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$25,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND TO PURCHASE FIRE DEPARTMENT PROTECTIVE CLOTHING

WHEREAS, the Fire Chief has recommended that the Borough appropriate \$25,000.00 from the General Capital Improvement Fund to purchase Fire Department Protective Clothing – Turn-out Gear; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$25,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$25,000.00 from the General Capital Improvement Fund to purchase Fire Department Protective Clothing – Turn-out Gear; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of

Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$25,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase Fire Department Protective Clothing – Turn-out Gear.

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

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

Mrs. Vitale moved that Ordinance 64-2008, which was read by title, be adopted. Mr. Conley seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

ORDINANCE 65–2008

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 ENTITLED “LAND DEVELOPMENT ORDINANCE” OF THE MADISON BOROUGH CODE ARTICLE I, SECTION 195-7 TO REPLACE CURRENT DEFINITION OF “BUILDING COVERAGE” AND TO AMEND ARTICLE V, § 195-30.1. F. TO ADD AN EXEMPTION REGARDING PROJECTIONS AND ENCROACHMENTS

WHEREAS, the Planning Board has held discussions over the past few months and received input from the Zoning Board of Adjustment via their Annual Reports regarding changes to Madison Land Development Ordinance Chapter 195; and

WHEREAS, the Planning Board has recommended to the Borough Council to amend Article I § 195-7. Definitions to replace the current definition of “Building Coverage”; and

WHEREAS, the Planning Board has recommended to the Borough Council to amend Article V, § 195-30.1. F. to add an exemption regarding projections and encroachments

WHEREAS, the Council concurs with the Planning Board recommendations.

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. **Article I § 195-7.** Definitions. of the Madison Borough Code Land Development Ordinance is hereby amended to replace the current definition of “Building Coverage” with the following new definition:

.....

BUILDING COVERAGE: The horizontal plane projection of all covered or roofed areas of a structure on a lot, whether permanent or temporary, including cantilevered areas and similar projections, but excluding roof eaves, roof overhangs, bay or bow windows, and chimneys projecting a maximum of two feet from the structure, divided by the lot area, expressed as a percentage. See Figure 2 (*Note to Codifer include existing figure 2*).

.....
SECTION 2 Article V § 195-30.1. F. Projections and encroachments.

Is hereby amended to add the following exemption:

.....
Article V, § 195-30.1. F. (11). Front entry roofs with a maximum depth of five (5) and a half feet and a maximum width of eight (8) feet shall be exempt from front yard setback requirements in residential zones, provided that the distance between the proposed front entry roof and the front property line is at least 75% of the required applicable front yard setback.

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

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

Ms. Baillie moved that Ordinance 65-2008, which the Borough Clerk read by title, be adopted. Mr. Elias seconded the motion. Mr. Mezzacca commented that there is enough time to refer Ordinance 65-2008 to the Planning Board and for the Council to receive a recommendation back from the Planning Board before the next Council meeting, so he felt it was not necessary to skip a meeting between introduction and hearing. There was no further discussion and the motion passed with the following roll call vote recorded:

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

ORDINANCE 66-2008

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 ENTITLED “LAND DEVELOPMENT ORDINANCE” OF THE MADISON BOROUGH CODE ARTICLE IV § 195-25.6. LIGHTING.

WHEREAS, the Planning Board has proposed the following changes to the Land Development Ordinance of the Borough of Madison lighting standards which would replace (4) of Article IV § 195-25.6.B as follows:

.....

(4) Where used for sports or recreational facilities, all lighting fixtures shall comply with the following:

- (a) For field sports such as football, soccer, baseball and track and field, the maximum pole height for lighting such facilities shall be 70 feet.
- (b) The minimum distance of any pole to any property line shall be at least 160 feet.
- (c) There shall be no trespass lighting on any adjacent residential property line at grade.
- (d) A combination of architectural fencing, berming and dense plantings with a mix of deciduous and coniferous trees and shrubs shall be required to sufficiently screen the source of the light, as well as the lit field and any lit ancillary uses, from any adjacent residential properties.
- (e) When not in use and under any circumstances, all lighting shall be fully turned off no later than 9:30 p.m.

.....

WHEREAS, the Council concurs with the Planning Board recommendations.

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. Article IV § 195-25.6.B(4) is hereby replaced as follows:

(4) Where used for sports or recreational facilities, all lighting fixtures shall comply with the following:

- (a) For field sports such as football, soccer, baseball and track and field, the maximum pole height for lighting such facilities shall be 70 feet.
- (b) The minimum distance of any pole to any property line shall be at least 160 feet.
- (c) There shall be no trespass lighting on any adjacent residential property line at grade.
- (d) A combination of architectural fencing, berming and dense plantings with a mix of deciduous and coniferous trees and shrubs shall be required to sufficiently screen the source of the light, as well as the lit field and any lit ancillary uses, from any adjacent residential properties.
- (e) When not in use and under any circumstances, all lighting shall be fully turned off no later than 9:30pm.

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

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

Ms. Baillie moved that Ordinance 66-2008, which the Borough Clerk read by title, be adopted. Mr. Elias seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

CONSENT AGENDA RESOLUTIONS

The Clerk made the following statement:

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

Mr. Conley moved adoption of the Resolutions listed on the Consent Agenda consisting of R 242-2008 through R 249-2008 and R 252-2008 through R 262-2008. Mrs. Vitale seconded the motion. Council discussion followed.

Mr. Conley pointed out that R 243-2008, has the words "residential parking" and it should read "residential commuter parking". The Borough Attorney concurred, and there was agreement that this change be made.

There was a question as to why the Halloween Parade is on November 1, 2008. Since there was time, it was agreed to remove R 246-2008 from the Consent Agenda to allow time to speak with Recreation Director Doug Smith. The motion was amended accordingly. There was no further discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie
Mrs. Vitale, as to R 242-2008 through R 244-2008, R 247-2008 through R 249-2008 and R 252-2008 through R 262-2008
Mr. Elias, Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Abstain: Mrs. Vitale, as to R 245-2008

R 242-2008

**RESOLUTION OF THE BOROUGH OF MADISON APPOINTING
NICHOLAS SANTANGELO TO THE POSITION OF TRUCK DRIVER
II IN THE PUBLIC WORKS SEWER DEPARTMENT**

WHEREAS, the Superintendent of Public Works has recommended the appointment of Nicholas Santangelo to the position of Truck Driver II in the Public Works Sewer Department at the salary of \$38,733.00 as stipulated in the agreement between the Teamsters Union and the Borough of Madison; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of

Madison, County of Morris, and State of New Jersey, that Nicholas Santangelo is hereby appointed to the position of Truck Driver II in the Public Works Sewer Department, effective September 24, 2008.

BE IT FURTHER RESOLVED, that Nicholas Santangelo shall be compensated at the yearly salary of \$38,733.00 in accordance with the terms of the Collective Bargaining Agreement between the Teamsters Union and the Borough of Madison.

R 243-2008

RESOLUTION OF THE BOROUGH OF MADISON PROVIDING FOR TEMPORARY RESIDENT COMMUTER PERMIT PARKING SPACES IN THE MAPLE AVENUE LOT AND ADDITIONAL TEMPORARY PERMIT PARKING AS DESIGNATED BY THE MADISON POLICE DEPARTMENT AND BOROUGH ENGINEER.

WHEREAS, the Borough Administrator has recommended that the Council provide for temporary resident commuter permit parking spaces in the Maple Avenue Lot and additional temporary permit parking as designated by the Madison Police Department and Borough Engineer as follows:

- 1 Street parking spaces adjacent to the Maple Avenue Lot on Maple Avenue and Kings Road
- 2 Street parking spaces adjacent to Kings Road Lot # 1 on Kings Road and Prospect Street
- 3 Street parking spaces on the Northerly side of Kings Road adjacent to the Railroad Station; and

WHEREAS, the Borough Council are in agreement with such proposal.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that two rows of parking in the Maple Avenue lot shall be designated as temporary resident commuter permit parking, the actual spaces to be identified by signs as designated by the Borough Engineer and the Madison Police Department and that the Borough Engineer and the Madison Police Department may designate such other temporary resident commuter permit parking as follows:

- 1 Street parking spaces adjacent to the Maple Avenue lot on Maple Avenue and Kings Road
- 2 Street parking spaces adjacent to Lot # 1 on Kings Road and Prospect Street
- 3 Street parking spaces on the Northerly side of Kings Road adjacent to the Railroad Station;

to remain in effect until changed by resolution of the Borough Council.

R 244-2008

RESOLUTION OF THE BOROUGH OF MADISON GRANTING PERMISSION TO COVIELLO BROTHERS, INC. TO DISPLAY HOLIDAY DECORATIONS

WHEREAS, Coviello Brothers, Inc., has requested permission to display the "Great Pumpkin" decoration for Halloween and the "Santa Claus" decoration for the Christmas Holidays on its property at 245 Main Street, Madison, New Jersey; and

WHEREAS, the Borough Council may permit these displays pursuant to Section 195-34(A)(3) of the Madison Borough Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that permission is hereby granted to Coviello Brothers, Inc., to display the above described Halloween decoration for the period of October 1, 2008 to November 2, 2008, and to display the above described Christmas decoration for the period of November 24, 2008, through January 5, 2009, on its property located at 245 Main Street, Madison, New Jersey.

R 245 – 2008

RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY THURSDAY MORNING CLUB

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

**THURSDAY MORNING CLUB
I.D. No. 274-8-12803
R.A. No. 1094 – On Premise
R.A. No. 1095 – On Premise
October 25, 2008**

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

Removed from Agenda and the # retired:

R-246-2008

~~**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING HALLOWEEN PARADE WITHIN THE BOROUGH OF MADISON TO BE HELD ON SATURDAY, NOVEMBER 1, 2008**~~

R 247-2008

RESOLUTION OF THE BOROUGH OF MADISON REJECTING BIDS FROM ENVELOPE PRINTING BID AND AUTHORIZING REBID

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

WHEREAS, The apparent low bidder changed the specifications which made their bid non-responsive; and

WHEREAS, two other bidders could not meet the Borough's required delivery time, and

WHEREAS, all three responsive bidders exceeded the estimate for the project; and

WHEREAS, the Purchasing Officer has recommended that all bids be rejected pursuant to N.J.S.A. 40A:11-13.2(a) and rebid;

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

R 248-2008

RESOLUTION OF THE BOROUGH OF MADISON HIRING NISIVOCCIA & COMPANY LLP TO VERIFY AND ESTABLISH THE PROPOSED WATER CONNECTION FEE SCHEDULE PURSUANT TO STATUTORY REQUIREMENTS.

WHEREAS, the Borough Administrator has recommended that the Borough obtain professional services from Nisivoccia & Company, LLP, Certified Public Accountants to verify and establish the proposed water connection fee schedule pursuant to statutory requirements; 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 Administrator has determined and certified in writing that the value of this acquisition will not exceed \$17,500.00; and

WHEREAS, the Borough Administrator has recommended that the Borough Council award the Contract to Nisivoccia & Company in an amount not to exceed \$7,500; and

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

WHEREAS, Nisivoccia & Company must complete and submit a Business Entity Disclosure Certification which certifies that Nisivoccia & Company 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 Nisivoccia & Company 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 \$7,500.00 for this purpose from the 2008 Water Operating 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:

1. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from Nisivoccia & Company, the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract with Nisivoccia & Company for professional services to verify and establish the proposed water connection fee schedule pursuant to statutory requirements in an amount not to exceed \$7,500.00, such contract to be in a form approved by the Borough Attorney.

2. When received, the Business Entity Disclosure 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 249-2008

RESOLUTION OF THE BOROUGH OF MADISON HIRING NISIVOC CIA & COMPANY LLP TO VERIFY AND ESTABLISH THE PROPOSED SEWER CONNECTION FEE SCHEDULE PURSUANT TO STATUTORY REQUIREMENTS.

WHEREAS, the Borough Administrator has recommended that the Borough obtain professional services from Nisivoccia & Company, LLP, Certified Public Accountants to verify and establish the proposed sewer connection fee schedule pursuant to statutory requirements; 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 Administrator has determined and certified in writing that the value of this acquisition will not exceed \$17,500.00; and

WHEREAS, the Borough Administrator has recommended that the Borough Council award the Contract to Nisivoccia & Company in an amount not to exceed \$7,500; and

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

WHEREAS, Nisivoccia & Company must complete and submit a Business Entity Disclosure Certification which certifies that Nisivoccia & Company 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 Nisivoccia & Company 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 \$7,500.00 for this purpose from the 2008 Water Operating 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. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from Nisivoccia & Company, the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract with Nisivoccia & Company for professional services to verify and establish the proposed sewer connection fee schedule pursuant to statutory requirements in an amount not to exceed \$7,500.00, such contract to be in a form approved by the Borough Attorney.

5. When received, the Business Entity Disclosure 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.

Note: R 250-2008 and R 251-2008 adopted separately later in the meeting.

R 252-2008

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE USE OF THE APRON IN FRONT OF THE OLD FIRE DEPARTMENT GARAGE OF THE HARTLEY DODGE MEMORIAL ON BOTTLE HILL DAY FROM 8:00 AM TO 5:00 PM FOR THE VENTURE SCOUTS' ELECTRONIC RECYCLING DROP OFF SITE.

WHEREAS, the Madison Venture Scouts have requested permission to use the

apron in front of the old Fire Department garage on the west wing of the Hartley Dodge Memorial on Bottle Hill Day, October 4, 2008 for electronic recycling drop off site between 8:00 a.m. and 5: 00 p.m.; and

WHEREAS, the Main Street Executive Director on behalf of the Downtown Development Commission has recommended that the Borough authorize such use; and

WHEREAS, the electronic recycling drop off site would allow residents to drop off electronics for recycling and be a public benefit.

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 request of the Madison Venture Scouts to utilize the apron in front of the old Fire Department garage on the west wing of the Hartley Dodge Memorial located on Green Avenue from 8:00 a.m. to 5:00 p.m. on October 4, 2008 for a electronic recycling drop off is hereby granted subject to any requirements of the Madison Police Department.

R 253-2008

**RESOLUTION OF THE BOROUGH OF MADISON APPOINTING
LINDA STAUB TO THE POSITION OF CENSUS TAKER,
UNLICENSED DOG AND CAT IN THE HEALTH DEPARTMENT**

WHEREAS, the Health Officer recommends the appointment of Linda Staub to the position of Census Taker, Unlicensed Dog and Cat, in the Health Department, effective immediately; and

WHEREAS, the Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that Linda Staub is hereby appointed to the position of Census Taker, Unlicensed Dog and Cat, in the Health Department, effective immediately; and

BE IT FURTHER RESOLVED, that Linda Staub be compensated at the hourly rate of \$10.00 per hour.

R 254-2008

**RESOLUTION OF THE MADISON BOROUGH COUNCIL
REPEALING R 225-2008 AND AMENDING R 226-2008 AWARDING
CONTRACT TO CIFELLI AND SON GENERAL CONSTRUCTION OF
NUTLEY, NJ FOR THE 2008 ROAD IMPROVEMENT PROGRAM IN
THE AMOUNT OF \$2,019,071.00 AND REJECTING BIDS FOR
ALTERNATE #4**

WHEREAS, the Borough of Madison previously adopted two resolutions, R 225-2008 and R 226-2008 after publicly advertising for bids for the 2008 Road Improvement Program (the "Contract") consisting of a Base Bid and Alternate #1, #2, #3 and #4, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Purchasing Agent recommended that R 225-2008 be repealed and R 226-2008 be amended to reflect the award in one resolution and pursuant to the bid documents; and

WHEREAS, the lowest qualified bid for the Base Bid plus Alternates #1, #2 and #3, including Orchard Street, Douglas Avenue, James Place, Strickland Place, Drew Place, Station Road, Woodcliff Drive, Loveland Street, Dellwood Drive, and Midwood Terrace was submitted by Cifelli and Son General Construction of Nutley, New Jersey in the amount of \$2,019,071.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the contract for the Base Bid plus Alternates #1, #2 and #3 to Cifelli and Son General Construction in the amount of \$2,019,071.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$1,268,891.00 for this purpose upon final adoption and publication according to law of an Ordinance amending Ordinance 47-2008 to set forth an additional appropriation of \$500,000.00 and in an amount not to exceed \$750,180.00 for this purpose upon final adoption and publication according to law of an Ordinance amending Ordinance 51-2007 to set forth an additional appropriation of \$350,000.00 for a total Appropriation of \$2,019,071.00; and

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

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

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

1. Resolution 225-2008 is hereby repealed.
2. Resolution 226-2008 is amended to provide that upon final adoption and publication according to law of an Ordinance amending Ordinance 47-2008 to set forth an additional appropriation of \$500,000.00, and upon final adoption and publication according to law of an Ordinance amending Ordinance 51-2007 to set forth an additional appropriation of \$350,000.00, the contract for road reconstruction of Orchard Street, Douglas Avenue, James Place, Strickland Place, Drew Place, Station Road, Woodcliff Drive, Loveland Street, Dellwood Drive, and Midwood Terrace is hereby awarded to Cifelli and Son General Construction based upon its bid in the amount of \$2,019,071.00.
3. Upon adoption of such amending Ordinances, the Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Cifelli and Son General Construction in a form acceptable to the Borough Attorney.
4. All bids for Alternate #4 are hereby rejected for the reasons set forth herein.

R 255-2008

RESOLUTION OF THE BOROUGH OF MADISON REPEALING R-236-2008 AND AMENDING R-237-2008 AWARDING CONTRACT TO EN-TECH CORPORATION IN THE AMOUNT OF \$791,786.00 FOR 2008 SANITARY SEWER MAIN LINING PROGRAM FOR NORTH, PARK, SOUTH, LOVELAND, MYRTLE, CENTRAL AND GREENWOOD, WITH FUNDS APPROPRIATED BY ORDINANCE 50-2008 AND ORDINANCE 46-2007

WHEREAS, the Borough of Madison previously adopted two resolutions, R 236-2008 and R 237-2008 after publicly advertising 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 Purchasing Agent recommended that R 236-2008 be repealed and R 237-2008 be amended to reflect the award in one resolution and pursuant to the bid documents; and

WHEREAS, the lowest qualified bid was submitted by En-Tech Corporation in the amount of \$791,786.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the contract to En-Tech Corporation in the amount of \$791,786.00; 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 and available in an amount not to exceed \$189,891.50 for this purpose which funds were appropriated by Ordinance 46-2007, for a total appropriation of \$791,786.00.

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

1. Resolution 236-2008 is hereby repealed.
2. Resolution 237-2008 is amended to provide that 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 \$791,786.00.
3. 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 256-2008

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE USE OF GRASS AREA BEHIND THE MUSEUM OF EARLY TRADES &

**CRAFTS NEAR THE UNICO COLUMBUS MEMORIAL ON OCTOBER 4,
2008 FOR ACTIVITIES DURING BOTTLE HILL DAY**

WHEREAS, the Madison Main Street Executive Director has requested approval to use the grass area behind the Museum of Early Trades & Crafts near the UNICO Columbus Memorial on October 4, 2008 for activities during Bottle Hill Day; and

WHEREAS, the Borough Administrator agrees with this recommendation subject to such safety requirements as may be determined by the Madison Police, Fire and Public Works Departments.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that use of the grass area behind the Museum of Early Trades & Crafts near the UNICO Columbus Memorial on October 4, 2008 for activities during Bottle Hill Day is hereby approved subject to such safety requirements as may be determined by the Madison Police, Fire and Public Works Departments.

R 257-2008

**RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT
TO DENVILLE LINE PAINTING, INC. OF ROCKAWAY, NJ FOR
LINESTRIPING SERVICES ON THE 2008 MILL & OVERLAY PROJECTS IN
THE AMOUNT OF \$34,927.70 UNDER THE MORRIS COUNTY
COOPERATIVE CONTRACT NO. 36**

WHEREAS, the Borough Engineer recommends awarding a contract to Denville Line Painting, Inc. of Rockaway, NJ for linestriping services on the 2008 Mill & Overlay projects in the amount of \$34,927.70 under the Morris County Cooperative Contract No. 36 bid; and

WHEREAS, the Borough Council must award all contracts over \$17,500.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$34,927.70 for this purpose which funds were appropriated by Bond Ordinance 48-2008 and available in an amount not to exceed \$34,927.70 for this purpose.

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

3. A contract is hereby awarded to Denville Line Painting, Inc. of Rockaway, NJ for linestriping services on the 2008 Mill & Overlay projects in the amount of \$34,927.70 under the Morris County Cooperative Contract No. 36 bid

4. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into a contract with Denville Line Painting, Inc. of Rockaway, NJ. under the Morris County Cooperative Contract No. 36 bid in a form acceptable to the Borough Attorney.

R 258-2008

**RESOLUTION OF THE BOROUGH OF MADISON AWARDING
CONTRACT TO CRAMERS CARPET ONE, INC. OF MADISON,
NJ IN THE AMOUNT OF \$18,128.03**

WHEREAS, the Borough Engineer recommends awarding a contract to Cramers Carpet One, Inc. of Madison, NJ for carpeting services on the Administrative Office relocation project in the amount of \$18,128.03; and

WHEREAS, three quotes have been obtained for requested services and this award is responsive to our requests for the Bayley-Ellard relocation project; and

WHEREAS, the Borough Council must award all contracts over \$17,500.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$18,128.03 for this purpose which funds were appropriated by Bond Ordinance 42-2005 and available in an amount not to exceed \$17,500.00 for this purpose.

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

5. A contract is hereby awarded to Cramers Carpet One, Inc. of Madison, NJ for carpeting services on the Administrative Office relocation project in the amount of \$18,128.03.

6. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into a contract with Cramers Carpet One, Inc. of Madison, NJ in a form acceptable to the Borough Attorney.

R 259-2008

**RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING
RESIGNATION OF MADISON MUNICIPAL COURT VIOLATIONS
CLERK CHERISE LOCKET EFFECTIVE SEPTEMBER 18, 2008**

WHEREAS, Cherise Locket, the Violations Clerk for the Madison Municipal Court, has tendered a written resignation effective September 18, 2008; and

WHEREAS, the Borough Council wishes to accept such resignation; and

WHEREAS, the parties have entered into an agreement as to the terms of resignation; and

WHEREAS, Cherise Locket has executed a release to the Borough of Madison in accordance with the terms of said agreement; and

WHEREAS, the Borough Council discussed the terms of the agreement in executive session and have deemed them to be satisfactory.

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 resignation effective September 18, 2008 of Cherise Locket as Violations Clerk is hereby acknowledged and accepted.
2. The Mayor and Borough Clerk are authorized to execute a Settlement Agreement and Release between the Borough of Madison and Cherise Locket, in a form acceptable to the Borough Attorney.
- 3.

R 260-2008

**RESOLUTION OF THE BOROUGH OF MADISON APPOINTING
FRANK CIAMPI TO THE POSITION OF MUNICIPAL COURT
ADMINISTRATOR**

WHEREAS, the Borough Administrator recommends the appointment of Frank Ciampi to the position of Municipal Court Administrator, effective September 23, 2008; and

WHEREAS, the Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that Frank Ciampi is hereby appointed to the position of Municipal Court Administrator, effective September 23, 2008, at an annual salary of \$55,429.00.

R 261-2008

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

WHEREAS, the Borough of Madison publicly advertised the rebid for Selective Demolition & Pre-Construction Investigation of the Hartley Dodge Memorial in accordance with Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Borough received four bids; and

WHEREAS, the Administrator recommended that all bids be rejected as the lowest responsible bid exceeded the Architect's estimate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey that all bids for Selective Demolition & Pre-Construction Investigation of the Hartley Dodge Memorial are hereby rejected for the reasons set forth herein.

R 262-2008

**RESOLUTION OF THE BOROUGH OF MADISON AWARDING
CONTRACT FOR 2008 MILL AND OVERLAY PROJECTS OF
MUNICIPAL ROADS TO SCHIFANO CONSTRUCTION
CORPORATION UNDER MORRIS COUNTY COOPERATIVE
PRICING COUNCIL BID PROCEDURES.**

WHEREAS, the Borough of Madison desires to award a contract for the milling and overlay of municipal roads including all streets listed under Bond Ordinance 48-2008, which appropriated \$680,000.00 for the projects, and was amended by Resolution 188-2008 (to increase scope of work with no increase in cost), to an authorized vendor under the Morris County Co-Operative Pricing Council program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-10, et seq.; and

WHEREAS, Schifano Construction Corporation, P.O. Box 288, One Smalley Avenue, Middlesex, New Jersey has been awarded Morris County Co-Operative Pricing Council contract number 6; and

WHEREAS, the Borough Engineer has recommended that the Borough Council utilize this contract for the milling and overlay in the amount not to exceed \$600,000.00 in order to complete resurfacing work on the following streets: Knollwood Avenue, Lewis Road, Locust Street, Valley Road, Woodland Road (from Loantaka to Green), Delbarton Drive, Dean Street, Myrtle Avenue, Hillview Avenue, Lorraine Road, Troy Court, North Street (part), Avon Drive, Stafford Drive, Carteret Court and Coursen Way ; and

WHEREAS, the Director of Finance has attested that funds are available in an amount not to exceed \$600,000.00 for this purpose, from Bond Ordinance 48-2008.

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. A contract for the milling and overlay of municipal roads by Schifano Construction Corporation, P.O. Box 288, One Smalley Avenue, Middlesex, New Jersey, at a total price not to exceed \$600,000.00 is hereby approved under the Morris County Co-Operative Pricing Council contract number 6.

2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Schifano Construction Corporation, P.O. Box 288, One Smalley Avenue, Middlesex, New Jersey, for milling and overlay of municipal roads including Knollwood Avenue, Lewis Road, Locust Street, Valley Road, Woodland Road (from Loantaka to Green), Delbarton Drive, Dean Street, Myrtle Avenue, Hillview Avenue, Lorraine Road, Troy Court, North Street (part), Avon Drive, Stafford Drive, Carteret Court and Coursen Way at a total price not to exceed \$600,000.00, in a form acceptable to the Borough Attorney.

RESOLUTION READ SEPARATELY AUTHORIZING BOND SALE

R 250-2008

Council Member Baillie introduced and moved the adoption of the following resolution and Council Member Elias seconded the motion:

RESOLUTION COMBINING SEVERAL AUTHORIZATIONS OF
BONDS INTO A SINGLE ISSUE AND PRESCRIBING
THE DETAILS AND BOND FORM THEREOF FOR
\$26,321,000 GENERAL IMPROVEMENT BONDS
DATED OCTOBER 15, 2008

WHEREAS, the bond ordinances hereinafter described have been duly adopted and it is necessary to provide for the issuance of the bonds authorized by such bond ordinances; NOW, THEREFORE,

BE IT RESOLVED by the Borough Council of the Borough of Madison, in the County of Morris, New Jersey (the "Borough"), as follows:

Section 1. There shall be issued at this time \$20,425,000 of the bonds authorized pursuant to Bond Ordinance No. 42-2005 adopted by the Borough Council of said Borough on July 25, 2005, as amended by Bond Ordinance No. 58-2008 adopted by the Borough Council of the Borough on September 8, 2008. The bonds are issued to finance the construction of a new Police/Fire Facility, including the acquisition of original furnishings and equipment, related site improvements and relocation expenses, the renovation of the Hartley Dodge Memorial, including Americans with Disabilities Act compliance improvements and other interior renovations and improvements, upgrading of building systems, environmental remediation, construction of a new employee parking lot on Maple Avenue, acquisition of new furnishings and equipment for the renovated building and relocation expenses and the acquisition of a pumper fire engine and an aerial fire engine in, by and for the Borough. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 25.33 years computed from the date of such bonds.

Section 2. There shall be issued at this time \$409,000 of the bonds authorized pursuant to Bond Ordinance No. 45-2007 adopted by the Borough Council of said Borough on July 23, 2007. The bonds are issued to finance the 2007 Road Milling and Overlay Program in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 3. There shall be issued at this time \$428,000 of the bonds authorized pursuant to Bond Ordinance No. 46-2007 adopted by the Borough Council of said Borough on July 23, 2007. The bonds are issued to finance the 2007 Sanitary Sewer Main Lining Program in, by and for the Borough. The period of usefulness of the purpose to be financed by such

bond ordinance is a period of 40 years computed from the date of such bonds.

Section 4. There shall be issued at this time \$844,000 of the bonds authorized pursuant to Bond Ordinance No. 51-2007 adopted by the Borough Council of said Borough on August 27, 2007. The bonds are issued to finance the 2007 Road Reconstruction Program in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 5. There shall be issued at this time \$800,000 of the bonds authorized pursuant to Bond Ordinance No. 47-2008 adopted by the Borough Council of said Borough on July 14, 2008. The bonds are issued to finance the 2008 Road Reconstruction Program in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 6. There shall be issued at this time \$600,000 of the bonds authorized pursuant to Bond Ordinance No. 48-2008 adopted by the Borough Council of said Borough on July 14, 2008. The bonds are issued to finance the 2008 Road Milling and Overlay Program in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 7. There shall be issued at this time \$1,465,000 of the bonds authorized pursuant to Bond Ordinance No. 49-2008 adopted by the Borough Council of said Borough on July 14, 2008. The bonds are issued to finance the 2008 Storm Sewer Improvement Program in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 40 years computed from the date of such bonds.

Section 8. There shall be issued at this time \$1,350,000 of the bonds authorized pursuant to Bond Ordinance No. 50-2008 adopted by the Borough Council of said Borough on July 14, 2008. The bonds are issued to finance the 2008 Sanitary Sewer Main Lining Program in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 40 years computed from the date of such bonds.

Section 9. The bonds authorized by said eight bond ordinances described in Sections 1 to 8, inclusive, of this resolution shall be issued as a single issue of bonds, aggregating \$26,321,000 consisting of an issue of bonds of the denomination of \$5,000 each or any integral multiple thereof, numbered in the order of their maturity. In the event that the purchaser of the bonds elects to take bonds in the

last maturity which are not in multiples of \$5,000, or, if there are any such bonds herein, such bonds shall be in the denomination of \$1,000 or any integral multiple thereof, numbered upwards from the last numbered \$5,000 bond. The average period of usefulness within which the bonds authorized by said eight bond ordinances mature, according to the respective reasonable lives of the purposes to be financed, as determined in said ordinances taking into consideration the respective amounts of bonds authorized for the purposes to be financed as set forth in each of the bond ordinances hereinbefore set forth, is a period of 25.59 years computed from the date of such bonds. Said issue shall be payable in annual installments on October 15 in each year as follows:

\$ 760,000 in the year 2009,
\$ 980,000 in the year 2010,
\$1,020,000 in the year 2011,
\$1,065,000 in the year 2012,
\$1,110,000 in the year 2013,
\$1,160,000 in the year 2014,
\$1,210,000 in the year 2015,
\$1,260,000 in the year 2016,
\$1,310,000 in the year 2017,
\$1,370,000 in the year 2018,
\$1,425,000 in the year 2019,
\$1,495,000 in the year 2020,
\$1,520,000 in each of the years 2021 to 2027, inclusive, and
\$1,516,000 in the year 2028.

Said bonds shall be designated "General Improvement Bonds". A portion of the indebtedness evidenced by each such bond shall be deemed to have been incurred for the purpose described in each bond ordinance authorizing bonds of the same maturity, and such portion of such indebtedness shall be in the same proportion to the principal amount of such bonds as the total amount of bonds of like maturity to be issued pursuant to such bond ordinance bears to the aggregate amount of bonds of like maturity to be issued pursuant to such eight bond ordinances.

Section 10. All of said bonds shall be dated October 15, 2008, and shall bear interest from their date until their respective maturities at the rates per annum named in the proposal accepted. Such rates of interest shall be determined at the time said bonds are sold. Such interest shall be payable on each April 15 and October 15, commencing April 15, 2009 (each, an "Interest Payment Date"), in each year until maturity or prior redemption.

Section 11. The bonds maturing on or before October 15, 2018 are not subject to redemption prior to their stated maturities. The bonds maturing on or after October 15, 2019 are subject to redemption at the option of the Borough prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after October 15, 2018, upon notice as hereinafter set forth at the redemption price of 100% of the

principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the Borough determines to optionally redeem a portion of the bonds prior to maturity, such bonds so redeemed shall be in such maturities as determined by the Borough, and within any maturity, by lot; *provided, however*, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting bonds for redemption, the Bond Registrar/Paying Agent (as hereinafter defined) shall treat each bond as representing that number of bonds that is obtained by dividing the principal amount of such bond by \$5,000.

Section 12. Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond Registrar/Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption proceedings. If any bond subject to redemption is a part of a greater principal amount of the bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the bond not to be redeemed, a new bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the bond surrendered less the amount to be redeemed.

Section 13. The bonds will be issued in fully registered form by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC"), and immobilized in its custody. The book-entry system will evidence ownership of the bonds in principal amounts of \$5,000 or integral multiples thereof (except for one odd piece in excess of \$5,000), with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the bonds will be payable at the times stated in Section 10 of this resolution, and principal of the bonds will be paid annually on October 15, as set forth in the maturity schedule hereinbefore stated, in immediately available funds to DTC or its nominee as registered owner of the bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. Interest will be payable to owners of bonds shown on the records of DTC as of the last business day of the month preceding the month in which such Interest

Payment Date occurs. The Borough will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the bonds, or (b) the Borough determines that continuation of the book-entry system of evidence and transfer of ownership of the bonds would adversely affect the interests of the beneficial owners of the bonds, the Borough will discontinue the book-entry system with DTC. If the Borough fails to identify another qualified securities depository to replace DTC, the Borough will authenticate and deliver replacement bonds in the form of fully registered certificates.

The principal of and the interest on the bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

Section 14. The Chief Financial Officer, pursuant to N.J.S.A. 40A:2-34, is hereby authorized to sell and award the bonds in accordance with the terms of the notice of sale, such terms to be determined by a resolution of the Borough Council to be hereafter adopted. The Chief Financial Officer shall report in writing to the Borough Council at the next meeting after the sale of the bonds as to the principal amount, interest rates and maturities of the bonds sold, the price obtained and the name of the purchaser.

Section 15. All of said bonds shall be signed by the Mayor by manual or facsimile signature and by the Chief Financial Officer by manual or facsimile signature and the corporate seal of said Borough shall be imprinted, affixed or reproduced thereon and such seal shall be attested by the Borough Clerk or Deputy Borough Clerk by manual or facsimile signature. The bonds will be authenticated by the manual signature of the Bond Registrar/Paying Agent.

Section 16. Each of said bonds shall be issued in substantially the following form:

[Form of Bond]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

No. R-__

\$_____

UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF MORRIS
BOROUGH OF MADISON
GENERAL IMPROVEMENT BOND

INTEREST RATE PER <u>ANNUM</u>	<u>MATURITY DATE</u>	<u>DATED DATE</u>	<u>CUSIP</u>
%	OCTOBER 15, 20__	OCTOBER 15, 2008	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: -----DOLLARS

The Borough of Madison, a municipal corporation of the State of New Jersey, located in the County of Morris (hereinafter referred to as the "Borough"), for value received hereby acknowledges itself indebted and promises to pay to the REGISTERED OWNER named above, on the MATURITY DATE specified above, upon surrender hereof, the PRINCIPAL SUM stated above and to pay to the REGISTERED OWNER hereof interest thereon from the DATED DATE of this Bond until it shall mature at the INTEREST RATE PER ANNUM specified above, payable on each April 15 and October 15, commencing April 15, 2009 (each, an "Interest Payment Date"), of each year until maturity or prior redemption. The principal hereof is payable at the office of the Chief Financial Officer, Hartley Dodge Memorial, 50 Kings Road, Madison, New Jersey 07940 (the "Bond Registrar/Paying Agent"). The interest so payable on any such Interest Payment Date will be paid to the person in whose name this Bond is registered on the record date for such interest, which shall be the last business day of

the month preceding the month in which such Interest Payment Date occurs. Both the principal of and the interest on this Bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This Bond is one of an issue of Bonds of like date and tenor, except as to number, denomination, interest rate and maturity, issued pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes, as amended) and pursuant to eight bond ordinances adopted by the Borough Council of the Borough on July 25, 2005 (Ord. No. 42-2005, as amended by Ord. No. 58-2008 adopted on September 8, 2008), July 23, 2007 (two ordinances: Ord. Nos. 45-2007 and 46-2007), August 27, 2007 (Ord. No. 51-2007) and July 14, 2008 (four ordinances: Ord. Nos. 47-2008, 48-2008, 49-2008 and 50-2008) and resolutions adopted by the Borough Council of the Borough on September 22, 2008.

The Bonds maturing on or before October 15, 2018 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after October 15, 2019 are subject to redemption at the option of the Borough prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after October 15, 2018, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the Borough determines to optionally redeem a portion of the Bonds prior to maturity, such Bonds so redeemed shall be in such maturities as determined by the Borough, and within any maturity, by lot; *provided, however,* that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, the Bond Registrar/Paying Agent shall treat each Bond as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000.

Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond Registrar/ Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption

proceedings. If any Bond subject to redemption is a part of a greater principal amount of the Bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/ Paying Agent and, for that portion of the Bond not to be redeemed, a new Bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the Bond surrendered less the amount to be redeemed.

The Bond Registrar/Paying Agent shall keep at its office the books of the Borough for the registration of transfer of Bonds. The transfer of this Bond may be registered only upon such books and as otherwise provided in the resolution upon the surrender hereof to the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent. Upon any such registration of transfer, the Bond Registrar/Paying Agent shall deliver in exchange for this Bond a new bond or bonds, registered in the name of the transferee, of authorized denomination, in an aggregate principal amount equal to the unredeemed principal amount of this Bond, of the same maturity and bearing interest at the same rate. It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey, to exist, be performed or happen precedent to or in the issuance of this Bond exist, have been performed and have happened, and that this Bond together with all other indebtedness of the Borough, is within every debt and other limit prescribed by the Constitution or statutes of said State.

The full faith and credit of the Borough are hereby pledged irrevocably to the punctual payment of the principal of and interest on this Bond in accordance with its terms.

This Bond shall not be valid or become obligatory for any purpose until the Certification of Authentication hereon shall have been signed by the Bond Registrar/Paying Agent.

IN WITNESS WHEREOF, the Borough has caused this Bond to be signed by its Mayor by manual or facsimile signature and by its Chief Financial Officer by manual or facsimile signature, and its seal to be impressed, affixed or reproduced hereon, and said seal to be attested by its Borough Clerk by manual or facsimile signature and this Bond to be dated October 15, 2008.

[SEAL]

(manual or facsimile signature)
Mayor

ATTEST:

(manual or facsimile signature)
Borough Clerk

(manual or facsimile signature)
Chief Financial Officer

AUTHENTICATION DATE: OCTOBER 17, 2008

CERTIFICATION OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned resolutions and is one of the General Improvement Bonds dated October 15, 2008 of the Borough of Madison, in the County of Morris, State of New Jersey.

Chief Financial Officer,
as Bond Registrar/Paying Agent

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ the _____ within Bond and irrevocably appoints _____, attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:

[End of Form of Bond]

Section 17. Bonds may, upon surrender thereof at the office of the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent and, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any bond may be registered only upon the registration books of the Borough upon the surrender thereof to the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent. Upon any such

registration of transfer, the Bond Registrar/Paying Agent shall authenticate and deliver in exchange for such bond a new bond or bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which bonds shall be exchanged or the transfer of bonds shall be registered hereunder, the Bond Registrar/Paying Agent shall authenticate and deliver at the earliest practicable time bonds in accordance with the provisions of this resolution. All bonds surrendered in any such exchange or registration of transfer shall forthwith be canceled by the Bond Registrar/Paying Agent. The Borough or the Bond Registrar/Paying Agent may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of bonds under this resolution.

As to any bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such bond and the interest on any such bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such bond, including interest thereon, to the extent of the sum or sums so paid.

The Borough shall appoint such registrars, transfer agents, depositories or other agents and make such other arrangements as may be necessary for the registration, registration of transfer and exchange of bonds within a reasonable time according to the then commercial standards and for the timely payment of principal and interest with respect to the bonds. The Chief Financial Officer is hereby appointed registrar and paying agent for the Bonds (the "Bond Registrar/Paying Agent") subject to the right of the Borough Council to appoint another Bond Registrar/Paying Agent, and, as such, shall keep at the Hartley Dodge Memorial, 50 Kings Road, Madison, New Jersey 07940, the books of the Borough for the registration, registration of transfer, exchange and payment of the bonds.

Section 18. The Mayor, the Chief Financial Officer and the Borough Clerk are hereby authorized and directed to cause said bonds to be prepared and to execute and deliver said bonds upon payment of the purchase price therefor.

Section 19. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was adopted by the following roll call vote:

AYES: Mrs. Baillie, Mrs. Vitale, Mr. Elias
Mr. Conley, Mrs. Tsukamoto, Dr. Esposito
NAYS: None

[SEAL]

ATTEST:

Borough Clerk

Ms. Baillie read the foregoing R 250-2008 by title and moved its adoption. Mr. Elias seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

RESOLUTION READ SEPARATELY RE PUBLICATION PRINTING AND DISTRIBUTION OF A NOTICE OF BOND SALE

R 251-2008

RESOLUTION AUTHORIZING THE PUBLICATION, PRINTING AND DISTRIBUTION OF A NOTICE OF SALE AND THE PUBLICATION OF A SUMMARY NOTICE OF SALE AND PRESCRIBING THE FORMS THEREOF FOR \$26,321,000 GENERAL IMPROVEMENT BONDS, DATED OCTOBER 15, 2008, APPROVING THE PREPARATION, DISTRIBUTION AND EXECUTION OF A PRELIMINARY AND A FINAL OFFICIAL STATEMENT FOR SUCH BONDS, UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE OF FINANCIAL INFORMATION, COVENANTING TO COMPLY WITH THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND AUTHORIZING VARIOUS MATTERS IN CONNECTION WITH ELECTRONIC BIDDING FOR THE BONDS

R 251-2008

Council Member Baillie introduced
and moved the adoption of the following resolution and
Council Member Elias seconded the motion:

RESOLUTION AUTHORIZING THE PUBLICATION,
PRINTING AND DISTRIBUTION OF A NOTICE OF SALE
AND THE PUBLICATION OF A SUMMARY NOTICE OF

SALE AND PRESCRIBING THE FORMS THEREOF FOR \$26,321,000 GENERAL IMPROVEMENT BONDS, DATED OCTOBER 15, 2008, APPROVING THE PREPARATION, DISTRIBUTION AND EXECUTION OF A PRELIMINARY AND A FINAL OFFICIAL STATEMENT FOR SUCH BONDS, UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE OF FINANCIAL INFORMATION, COVENANTING TO COMPLY WITH THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND AUTHORIZING VARIOUS MATTERS IN CONNECTION WITH ELECTRONIC BIDDING FOR THE BONDS

WHEREAS, the Borough Council of the Borough of Madison, in the County of Morris, New Jersey (the "Borough"), desires to make further provision for the issuance of \$26,321,000 General Improvement Bonds (the "Bonds"), which are to be issued pursuant to bond ordinances heretofore adopted by the Borough Council; NOW, THEREFORE,

BE IT RESOLVED by the Borough Council of the Borough of Madison, in the County of Morris, as follows:

Section 1. A Notice of Sale (the "Full Notice of Sale") shall be published and printed and inserted in the Preliminary Official Statement (as hereinafter defined) for distribution in substantially the following form:

NOTICE OF SALE

BOROUGH OF MADISON,
IN THE COUNTY OF MORRIS, NEW JERSEY

\$26,321,000 GENERAL IMPROVEMENT BONDS

(Book-Entry Only) (Callable)
(Parity Bid) (Sure-Bid Surety Bond)

dated

October 15, 2008

The Borough of Madison, in the County of Morris, a municipal corporation of the State of New Jersey (the "Borough"), hereby invites ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS for the purchase of its \$26,321,000 General Improvement Bonds, dated October 15, 2008 (the "Bonds").

ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS will be received and publicly opened and announced by the Chief Financial Officer in the temporary municipal offices in the Bayley Ellard High School, 205 Madison Avenue, Room 310, (Danforth Road entrance), Madison, New Jersey 07940, on October 9, 2008 at 11:00 o'clock A.M. (local time).

The Bonds comprise an issue of bonds payable on October 15 in each year as follows:

\$ 760,000 in the year 2009,
\$ 980,000 in the year 2010,
\$1,020,000 in the year 2011,
\$1,065,000 in the year 2012,
\$1,110,000 in the year 2013,
\$1,160,000 in the year 2014,
\$1,210,000 in the year 2015,
\$1,260,000 in the year 2016,
\$1,310,000 in the year 2017,
\$1,370,000 in the year 2018,
\$1,425,000 in the year 2019,
\$1,495,000 in the year 2020,
\$1,520,000 in each of the years 2021 to 2027, inclusive,
and
\$1,516,000 in the year 2028.

To the extent any instructions or directions set forth in PARITY conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY, potential bidders may contact i-Deal LLC at 1359 Broadway, 2nd Floor, New York, NY 10018, telephone (212) 849-5021.

The Bonds shall be issued in registered form by means of

a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC") and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in the principal amount of \$5,000 or any integral multiple thereof (except for one odd piece in excess of \$5,000), with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. The successful bidder, as a condition to delivery of the Bonds, shall be required to deposit the bond certificates with DTC, registered in the name of Cede & Co., its nominee. Interest on the Bonds will be payable on each April 15 and October 15, commencing April 15, 2009 (each, an "Interest Payment Date"), in each year until maturity or prior redemption, and principal of the Bonds will be payable, at maturity, by payment of immediately available funds by the Bond Registrar/Paying Agent to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest to participants of DTC will be the responsibility of DTC. Transfer of principal and interest to beneficial owners will be the responsibility of the DTC participants and other nominees of the beneficial owners. The Borough will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the Borough determines that continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Borough will discontinue the book-entry system with DTC. If the Borough fails to identify another qualified securities depository to replace DTC, the Borough will deliver replacement bonds in the form of fully registered certificates.

The Bonds maturing on or before October 15, 2018 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after October 15, 2019 are subject to redemption at the option of the Borough prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after October 15, 2018, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the Borough determines to optionally redeem a portion of the Bonds prior to maturity, such Bonds so redeemed shall be in such maturities as determined by the Borough, and within any maturity, by lot; *provided, however,* that the

portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, the Bond Registrar/Paying Agent shall treat each Bond as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000.

Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond Registrar/Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption proceedings. If any Bond subject to redemption is a part of a greater principal amount of the Bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the Bond not to be redeemed, a new Bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the Bond surrendered less the amount to be redeemed.

The Bonds are general obligations of the Borough and are secured by a pledge of the full faith and credit of the Borough for the payment of the principal thereof and the interest thereon. The Bonds are payable, if not paid from other sources, from ad valorem taxes to be levied upon all the real property taxable within the Borough without limitation as to rate or amount.

Each proposal submitted must name the rate or rates of interest per annum to be borne by the Bonds bid for, and the rate or rates named must be a multiple of 1/8th or 1/20th of one percentum (1%). The interest payable with respect to each Bond on any one date will be evidenced by a single rate of interest. Not more than one rate may be named for Bonds of the same maturity. There is no limitation on the number of rates that may be named. If more than one rate of interest is named, no interest rate named for any maturity may be less than the interest rate named for any prior maturity. Each proposal submitted must be for all of the Bonds offered and the purchase price specified must not be less than \$26,321,000 nor more than \$26,322,000. The Bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest net interest cost, such net interest cost shall be computed, as to each bid, by adding to the total principal amount of Bonds bid for (which shall be all of the Bonds offered) the total interest cost to maturity in accordance with such bid and by deducting therefrom the amount of premium, if any, bid, which premium shall not exceed \$1,000. No proposal shall be considered which offers

to pay an amount less than the principal amount of Bonds offered for sale or under which the total loan is made at an interest cost higher than the lowest net interest cost to the Borough under any legally acceptable proposal. The Borough reserves its right to reject all bids, and any bid not complying with the material terms of this notice will be rejected. The Borough reserves the right to waive defects it deems non-material, in its sole discretion.

The successful bidder must pay accrued interest from the date of the Bonds to the date of delivery. No interest will be paid upon the deposit made by the successful bidder. The Bonds will be authenticated by the Chief Financial Officer, acting as Bond Registrar/Paying Agent for the Bonds.

Sealed proposals should be addressed to the undersigned Chief Financial Officer, and enclosed in a sealed envelope marked on the outside "Proposal for Bonds". A good faith deposit (the "Deposit") in the form of a certified, treasurer's or cashier's check drawn upon a bank or trust company or a Financial Surety Bond in the amount of \$526,420, payable to the order of the BOROUGH OF MADISON, is required for each bid to be considered. If a check is used, it must accompany the bid or be received by the undersigned Chief Financial Officer prior to the opening of bids. If a Financial Surety Bond is used, it must be issued by Financial Security Assurance Inc., 31 West 52nd Street, New York, NY 10019 and such bond must be submitted to the Borough prior to the opening of bids. The Financial Surety Bond must identify each bidder whose Deposit is guaranteed by the Financial Surety Bond. If the Bonds are awarded to a bidder utilizing a Financial Surety Bond, then that bidder (the "Purchaser") is required to submit its Deposit to the Borough in the form of a cashier's check (or wire transfer of such amount as instructed by the Borough) not later than 3:30 p.m. (local time) on the next business day following the award. If the Deposit is not received by that time, the Borough may draw upon the Financial Surety Bond to satisfy the Deposit requirement. No interest on the Deposit will accrue to the Purchaser. The Deposit will be applied in part payment for the Bonds or to partially secure the Borough from any loss resulting from the failure of the Purchaser to comply with the terms of its bid.

Award of the Bonds to the successful bidder or rejection of all bids is expected to be made within two hours after opening of the bids, but such successful bidder may not withdraw its proposal until after 3:00 p.m. (local time) of the day of such bid-opening and then only if such award has not been made prior to the withdrawal.

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print

such number on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the successful bidder thereof to accept delivery of and pay for the Bonds in accordance with its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds. All expenses in relation to the printing of CUSIP numbers on the Bonds shall be paid for by the Borough; provided, however, that the CUSIP Service Bureau charge for the assignment of said numbers shall be the responsibility of and shall be paid for by the successful bidder.

The Bonds shall be delivered on or about October 17, 2008 at the office of Rogut McCarthy LLC, Cranford, New Jersey ("Bond Counsel"), or at such other place as may be determined by the successful bidder and the Borough. PAYMENT FOR THE BONDS AT THE TIME OF ORIGINAL ISSUANCE AND DELIVERY SHALL BE IN IMMEDIATELY AVAILABLE FUNDS.

A preliminary Official Statement has been prepared and is available at www.i-DealProspectus.com or may be obtained from the undersigned, Chief Financial Officer, at the temporary municipal offices in the Bayley Ellard High School, 205 Madison Avenue, Room 310 (Danforth Road entrance), Madison, New Jersey 07940, Telephone No. (973) 593-3043. The preliminary Official Statement is deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12"), but is subject to (a) completion with certain pricing and other information to be made available by the successful bidder for the Bonds and (b) amendment. The preliminary Official Statement, as so revised, will constitute the "final official statement". By the submission of a bid for the Bonds, the successful bidder contracts for the receipt of a reasonable number of copies of the final Official Statement within seven business days of the award of the Bonds. In order to complete the final Official Statement, the successful bidder must furnish on behalf of the underwriters of the Bonds the following information to Bond Counsel and the Borough by facsimile transmission or overnight delivery received by Bond Counsel and the Borough within 24 hours after the award of the Bonds: (a) initial offering prices or yields (expressed as percentages), (b) selling compensation (aggregate total anticipated compensation to the underwriters expressed in dollars), (c) the identity of the underwriters if the successful bidder is part of a group or syndicate and (d) any other material information necessary for the final Official Statement, but not known to the Borough (such as the bidder's purchase of credit enhancement). It shall also be the obligation of the successful bidder to furnish to DTC an underwriter's questionnaire and the denominations of the Bonds not less than seventy-two (72) hours prior to the delivery of the Bonds.

Concurrently with the delivery of the Bonds, the officials of the Borough who will have executed the final Official Statement will deliver to the purchaser of the Bonds a certificate stating that, to the best of their knowledge, the preliminary Official Statement did not as of its date and as of the sale date, and the final Official Statement did not as of its date and does not as of the date of delivery of the Bonds, contain an untrue statement of a material fact or omit to state a material fact required to be included therein for the purpose for which the preliminary Official Statement or the final Official Statement is to be used or necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, provided such certificate shall not include consideration of information supplied by, or which should have been supplied by, the successful bidder for the Bonds.

The Borough has agreed in its bond resolution adopted on September 22, 2008 to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12, (i) not later than seven months after the end of the Borough's fiscal year (presently December 31) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year (commencing with the fiscal year ending December 31, 2008), (ii) timely notice of the occurrence of certain material events with respect to the Bonds and (iii) timely notice of a failure by the Borough to provide the required annual financial information on or before the date specified in (i) above.

The successful bidder's obligation to purchase the Bonds shall be conditioned upon its receiving, at or prior to the delivery of the Bonds, in form and substance reasonably satisfactory to the successful bidder, evidence that the Borough has made the continuing disclosure undertaking set forth above in a written agreement or contract for the benefit of the Bondholders and the beneficial owners of the Bonds.

The approving legal opinion of Bond Counsel will be furnished without cost to the purchaser. The preliminary Official Statement contains a discussion of the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), with respect to the exclusion from gross income for Federal income tax purposes of the interest on the Bonds and a description of the opinion of Bond Counsel with respect thereto. The Borough has covenanted, to the extent permitted by the Constitution and laws of the State of New Jersey, to comply with the provisions of the Code required to preserve the exclusion from gross income of interest on the Bonds for Federal income tax purposes. There will also be furnished the usual closing papers.

If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of a bidder, any purchase of such insurance or commitment therefor shall be at the sole option and expense of the bidder and any increased costs of issuance of the Bonds resulting by reason of such insurance, unless otherwise paid, shall also be paid by such bidder. Any failure of the Bonds to be so insured or of any such policy of insurance to be issued, shall not in any way relieve the purchaser of its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds.

The successful bidder will be required to furnish, prior to the delivery of the Bonds, a certificate acceptable to Bond Counsel setting forth information with respect to the Bonds including the "issue price" of the Bonds within the meaning of Section 1273 of the Code.

By order of the Borough Council of the Borough of Madison, in the County of Morris, New Jersey.

Dated: September 25, 2008

/s/ Robert F. Kalafut
Chief Financial Officer
Borough of Madison
County of Morris, New Jersey

Section 2. A Summary Notice of Sale ("Summary Notice of Sale") shall be published in substantially the following form:

SUMMARY NOTICE OF SALE

BOROUGH OF MADISON,
IN THE COUNTY OF MORRIS,
NEW JERSEY

\$26,321,000 General Improvement Bonds
(Book-Entry Only) (Callable)
(Parity Bid) (Sure-Bid Surety Bond)

dated
October 15, 2008

ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS will be received by the Chief Financial Officer of the Borough of Madison, in the County of Morris, New Jersey (the "Borough"), in the temporary municipal offices in the Bayley Ellard High School, Room 310, 205 Madison Avenue, (Danforth Road entrance), Madison, New Jersey 07940, on

October 9, 2008

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at 11:00 o'clock A.M. (local time) at which time they will be publicly opened and announced, for the purchase of the Borough's \$26,321,000 General Improvement Bonds dated October 15, 2008 and payable on October 15 in each year as follows:

\$ 760,000 in the year 2009,
\$ 980,000 in the year 2010,
\$1,020,000 in the year 2011,
\$1,065,000 in the year 2012,
\$1,110,000 in the year 2013,
\$1,160,000 in the year 2014,
\$1,210,000 in the year 2015,
\$1,260,000 in the year 2016,
\$1,310,000 in the year 2017,
\$1,370,000 in the year 2018,
\$1,425,000 in the year 2019,
\$1,495,000 in the year 2020,
\$1,520,000 in each of the years 2021 to 2027, inclusive,
and
\$1,516,000 in the year 2028.

The Bonds shall be issued in book-entry only form through the book-entry system operated by The Depository Trust Company, New York, New York. The Bonds are subject to redemption prior to maturity at the option of the Borough in accordance with the terms set forth in the Notice of Sale to be made available to interested persons (the "Notice of Sale"). The Notice of Sale and Proposal for Bonds should be reviewed by potential bidders for additional terms and conditions of the sale of the Bonds prior to bidding on the Bonds. To the extent any instructions or directions set forth in PARITY conflict with the Notice of Sale, the terms of the Notice of Sale shall control. For further information about PARITY, potential bidders may contact i-Deal LLC at 1359 Broadway, 2nd Floor, New York, NY 10018, telephone (212) 849-5021.

The Bonds will bear interest from their date at a rate or rates of interest in multiples of 1/8th or 1/20th of 1% per annum (ascending rates and only one rate per maturity) specified by the successful bidder payable on each April 15 and October 15, commencing April 15, 2009, in each year until maturity or prior redemption. The purchase price specified must not be less than \$26,321,000 nor more than \$26,322,000. Each proposal must be for all the Bonds offered. As further described in the Notice of Sale, bidders must, at the time of making their bids, deposit a certified, cashier's or treasurer's check drawn upon a bank or trust company or a financial surety bond in the amount of \$526,420 to the order of the Borough. The Bonds will be sold to the bidder specifying the lowest net interest cost in accordance with the terms set forth in the Notice of Sale. The Borough will furnish the Bonds and the approving legal opinion of Rogut

McCarthy LLC, Cranford, New Jersey, Bond Counsel.

Copies of the Preliminary Official Statement, the Notice of Sale and the Proposal for Bonds are available at www.i-DealProspectus.com or by contacting the undersigned Chief Financial Officer, at the temporary municipal offices in the Bayley Ellard High School, 205 Madison Avenue, Room 310, (Danforth Road entrance), Madison, New Jersey 07940, Telephone No. (973) 593-3043.

By order of the Borough Council of the Borough of Madison, in the County of Morris, New Jersey.

Dated: September 25, 2008

/s/ Robert F. Kalafut

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Chief Financial Officer
Borough of Madison
County of Morris, New

Jersey

Section 3. The Borough Clerk is hereby authorized and directed to publish (A) the Summary Notice of Sale in THE BOND BUYER, which is a publication carrying municipal bond notices and devoted primarily to the subject of State and municipal bonds, and is published in New York City, and (B) the Full Notice of Sale in the Madison Eagle, a newspaper of general circulation published and circulating in the Borough. Said Summary Notice of Sale and Full Notice of Sale shall be published in each publication not later than one week before the date of the sale of said Bonds.

Section 4. The preparation of and distribution to potential bidders for the Bonds of a Preliminary Official Statement to be dated on or about September 25, 2008 is hereby approved. Such Preliminary Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12").

Section 5. The preparation of an Official Statement in connection with the sale of the Bonds to be dated on or about October 9, 2008 is hereby approved. Such

Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12.

Section 6. The execution of the Official Statement by the Chief Financial Officer on behalf of the Borough, the distribution of same to the successful bidder and the successful bidder's subsequent distribution of the Official Statement to purchasers or prospective purchasers of the Bonds are hereby authorized.

Section 7. The Borough hereby agrees to undertake for the benefit of the Bondholders and the beneficial owners of the Bonds to provide certain secondary market disclosure information pursuant to Rule 15c2-12. Specifically, the Borough will do the following for the benefit of the holders of the Bonds and the beneficial owners thereof:

(A) Not later than seven months after the end of the Borough's fiscal year (presently December 31), commencing with the report for the fiscal year ending December 31, 2008, provide or cause to be provided to each nationally recognized municipal securities information repository ("NRMSIR") and to the appropriate state information depository ("SID"), if any, for the State of New Jersey, in each case as designated by the Securities and Exchange Commission in accordance with Rule 15c2-12, annual financial information with respect to the Borough consisting of (i) audited financial statements (or unaudited financial statements if audited financial statements are not then available by the date of filing, which audited financial statements will be delivered when and if available) of the Borough and (ii) certain financial information and operating data consisting of (a) information concerning the Borough's debt, tax rate, levy and collection data, and property valuation of the type contained under the headings "General Information about the Borough", "Tax Information on the Borough" and "Debt Information on the Borough" in the Official Statement and (b) the Borough's most

recent adopted budget. The audited financial statements will be prepared in accordance with mandated State statutory accounting principles, as in effect from time to time. Audited financial statements if not available by the filing date will be submitted separately when available.

(B) Provide or cause to be provided to each NRMSIR or to the Municipal Securities Rulemaking Board (the "MSRB") and to the SID, if any, notice of the occurrence of any of the following events with respect to the Bonds, if material:

- (1) Principal or interest payment delinquencies;
- (2) Non-payment related defaults;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions or events affecting the tax-exempt status of the Bonds;
- (7) Modifications to the rights of Bondholders;
- (8) Bond calls;
- (9) Defeasances;
- (10) Release, substitution or sale of property which secures the repayment of the Bonds; and
- (11) Rating changes.

(C) Provide or cause to be provided, in a timely manner, to each NRMSIR or to the MSRB and to the SID, if any, notice of a failure of the Borough to provide required annual financial information on or before the date specified above.

Section 8. Any filing under Section 7 of this resolution may be made solely by transmitting such filing to the Texas Municipal Advisory Committee (the "MAC") as

provided at www.disclosureusa.org unless the United States Securities and Exchange Commission has withdrawn the interpretive advice in its letter to the MAC dated September 7, 2004.

Section 9. If the Borough fails to comply with the undertaking described above, any Bondholder or beneficial owner of the Bonds may pursue an action for specific performance to enforce the rights of all Bondholders and beneficial owners with respect to such undertaking; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds or any liability by the Borough for monetary damages. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all Bondholders and beneficial owners of the Bonds.

Section 10. The Borough reserves the right to terminate its obligation to provide annual financial information and notice of material events, as set forth above, if and when the Borough no longer remains an "obligated person" with respect to the Bonds within the meaning of Rule 15c2-12.

Section 11. The undertaking may be amended by the Borough from time to time, without the consent of the Bondholders or the beneficial owners of the Bonds, in order to make modifications required in connection with a change in legal requirements or change in law, or change in the identity, nature, type of operation, or status of the Borough, which in the opinion of nationally recognized bond counsel complies with Rule 15c2-12 and does not, in such bond counsel's opinion, materially impair the interest of the Bondholders and the beneficial owners of the Bonds.

Section 12. The Borough hereby covenants, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things

permitted by law and necessary to assure that interest paid on the Bonds be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended.

Section 13. The Mayor, the Chief Financial Officer and the Borough Clerk are hereby authorized and directed to execute and deliver such other documents and to take such other action as they determine to be necessary or appropriate in order to effectuate the issuance and sale of the Bonds including, without limitation, the execution and delivery of all closing documents and certificates.

Section 14. The Chief Financial Officer, the Borough Clerk, the Bond Counsel, the Auditor and other Borough officials and representatives are hereby authorized to take all necessary actions to allow for (A) the submission of electronic bids for the bonds, (B) the electronic posting of the Preliminary Official Statement, the full Notice of Sale and the bid form and (C) the submission by bidders of a financial surety bond in lieu of a good faith check.

Section 15. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was adopted by the following roll call vote:

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

NAYS: None

[SEAL]

ATTEST: _____
Borough Clerk

Ms. Baillie read the foregoing R 251-2008 by title and moved its adoption. Mr. Elias seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

INVITATION FOR DISCUSSION (2 of 2)

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

Charlie Schiller, Nordling Lane, presented a problem he has with electrical wiring; it is the hookup to the Borough that is the problem; the wiring at his residence is underground wiring; he had been advised that underground wiring is his responsibility; he believes there are about six streets with underground wiring; the Borough fixes overhead wiring but not underground wiring. The interim fix has been with overhead wiring. Mr. Schiller was advised that the problem will be taken up with the Electric Utility Study Committee, and he will hear back as quickly as possible; the Committee should be able to come back to the Council with a recommendation at the October 15th meeting.

Marcy Sasso, Strickland Place, spoke about the possible auction of 22 Orchard Street; she lives next door to the site; she looked up the names of the chemicals listed in an environmental report; she wished to impress upon the Council that it is a toxic waste site; she believes the reports have not been filed with the Department of Environmental Protection (DEP). She has no idea if her property is contaminated and is very worried. Mr. Elias will follow up with the Borough Engineer about the **DEP** report to which she referred.

Joe Santoro, Rachael Avenue, spoke about the Drew Place drainage problem and suggested that the pipe on Rachael is on the western side of the property whereas Drew Place has the pipe on the northern side of the property, so he asked if the Borough could address the pipe on Rachael Avenue which overflows at that area; it produces standing water, which is a health hazard. He felt moving quickly is imperative before the town homes in Chatham are completed. The Borough Engineer will be advised to take a look at the problem, in addition to the Health Department.

Bob Hannon, Alexander Avenue, spoke about the Exxon property at Main Street which is going to be developed and asked if the wooded area could be preserved. Mr. Hannon was advised that the deed restriction on that property does not allow residential development. Mr. Codey pointed out that there is a deed restriction against recreation and open space at that property.

Barbara Hannon, Alexander Avenue, regarding the wooded portion of the lot to be developed at Main Street, asked if the trees must be removed and three feet of soil must be removed; Mrs. Hannon was advised that the Borough does not have a role, except for zoning, since it is private property.

Mr. Mezzacca was recognized by the Chair and commented that Exxon's attorney was here earlier, and the public may contact Douglas Henshaw, Esq., directly about their concerns.

Jim McCloskey, Dean Street, was not pleased about the change in format of the meeting where the public is invited to speak on any subject late in the evening. Mr. McCloskey was advised that he may contact any Council Member about questions or comments he may have at any time. Mr. McCloskey felt tossing newspapers on people's property makes a mess and asked the Borough to do something about it. Mr. Mezzacca will look into unsolicited newspapers being tossed on properties.

Marcy Sasso, Strickland Place, asked if the Orchard Street property should be reported to the Health Department. Mr. Codey commented that at the next meeting there will be a discussion of setting the date for auction and setting the conditions of sale.

Since no other member of the public wished to be heard, the invitation for discussion 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	\$22,312.59
Health & Public Assistance	19,693.41
Public Works & Engineering	139,166.98
Community Affairs	1,532.36
Finance & Borough Clerk	215,924.45
Utilities	<u>250,802.63</u>
Total	<u>\$649,432.42</u>

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

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

NEW BUSINESS

Mayor Holden announced the following appointments and requested Council confirmation:

Madison Alliance Against Substance Abuse

Brigitte Kelly, Project Pride Representative, unexpired term (Macko) through December 31,2010

Mr. Conley moved approval of the above appointment. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Downtown Development Commission

Lissa Weldon, Assistant Manager of Public Affairs, Wyeth
Giralda Representative, unexpired term (Gortych) through December 31,
2010

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Dr. Wayne Lajewski, Owner/Merchant representative, unexpired term (Dr. Carmen Romano) through December 31,2009

Mr. Conley moved approval of the above appointments. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Announcement

Mayor Holden had one more announcement; the Borough has a new calendar for 2009 produced by Madison's Borough Attorney with some wonderful pictures. It will be available for sale on Bottle Hill Day, and the profits from it will go to the Madison Historical Society and the Lyme Disease Association.

ADJOURN REGULAR MEETING AND RECONVENE EXECUTIVE SESSION

There being no further business to come before the Council, the meeting was adjourned at 10:25 p.m. and the Executive Session immediately reconvened in the Committee Room.

RECONVENE AND ADJOURN

The Regular Meeting reconvened and immediately adjourned at 11 :05 p.m.

Respectfully submitted,

Marilyn Schaefer
Borough Clerk
Approved October 27, 2008 (MS)