

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

July 22, 2013 - 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 July, 2013. Mayor Conley 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 3, 2013. This Notice was made available to members of the general public.”

ROLL CALL

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

Mayor Robert H. Conley

Council Members:

Jeannie Tsukamoto
Robert G. Catalanello
Robert Landrigan
Carmela Vitale
Astri J. Baillie
Benjamin Wolkowitz

Also Present:

Raymond M. Codey, Borough Administrator
James E. Burnet, Assistant Borough Administrator
Elizabeth Osborne, Borough Clerk
Matthew J. Giacobbe, Esq. Borough Attorney

AGENDA REVIEW

There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Mrs. Vitale moved:

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

MINUTES FOR APPROVAL (1)

February 16, 2012

May 13, 2013

May 29, 2013

June 10, 2013

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

CONTRACT MATTERS (5)

Regular Meeting Minutes – July 22, 2013

MRC BOND ISSUE
GVRS UPDATE
DOWNTOWN DEVELOPMENT COMMISSION
JOINT MUNICIPAL COURT EXPANSION
EAST STREET PARKING LOT RECONSTRUCTION
Date of public disclosure 60 days after conclusion, if disclosure required.

PERSONNEL MATTERS (3)
POLICE DEPARTMENT COMPOSITION
DPW PERSONNEL
OFFICE ASSISTANT, PART-TIME WATER AND ELECTRIC DEPARTMENT
Date of public disclosure 60 days after conclusion, if disclosure required.

Seconded: Mrs. Tsukamoto
Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

Mayor Conley reconvened the Regular Meeting at 8:15 p.m. in the Council Chamber with all members present. The Pledge of Allegiance was recited by all.

ROLL CALL

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

Mayor Robert H. Conley

Council Members:

Jeannie Tsukamoto
Robert G. Catalanello
Robert Landrigan
Carmela Vitale - via telephone
Astri J. Baillie
Benjamin Wolkowitz – via telephone

APPROVAL OF MINUTES

Mrs. Tsukamoto moved approval of the **Executive Minutes of February 16, 2012**.
Ms. Baillie seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.
Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz
Nays: None

Ms. Baillie moved approval of the **Executive Minutes of May 13, 2013**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.
Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz
Nays: None

Ms. Baillie moved approval of the **Regular Meeting Minutes of May 13, 2013**, with the following amendments:

Regular Meeting Minutes – July 22, 2013

Page 4, 2nd paragraph:

Utilities

... Electric Department is conducting their annual inspections of underground manholes and ~~bø~~ **vaults**. ...

Page 8, Ordinance 15-2013:

Mrs. Tsukamoto commented that the Open Space committee is an advisory committee with appointed volunteers. Its responsibility is to make recommendations to the Mayor and Council on acquisition and preservation projects for open space, active and passive recreation, and historic purposes. The committee does not have project oversight, budget management and fiduciary responsibility of the Open Space trust fund. Therefore, I believe that the Administration, along with department heads and the CFO, should be held accountable for providing the Governing Body, the committee and the public with these reports. Not the other way around. We should not be singling out this committee and pass on the project oversight, budget and financial reporting responsibilities to this group of volunteers. Policy change should be made across the board for all committees, not just this one.

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

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.

Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

Ms Baillie moved approval of the **Executive Minutes of May 29, 2013**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.

Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

Ms. Baillie moved approval of the **Regular Meeting Minutes of May 29, 2013**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.

Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

Ms. Baillie moved approval of the **Executive Minutes of June 10, 2013**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.

Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

Ms. Baillie moved approval of the **Regular Meeting Minutes of June 10, 2013**, with the following amendments:

Regular Meeting Minutes – July 22, 2013

Page 3, Utilities

...conductors at Wayne Blvd. and Anthony Drive, pole replacements at Oxford Lane, and restoration of James Park...

Consent Agenda

Resolution R192-2013 - Mrs. Tsukamoto abstained.

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

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.

Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

EMPLOYEE OF THE MONTH FOR JULY:

James Sanderson of the IT Department for his efforts in securing a ten-year license from the Federal Communications Commission to operate a low wattage emergency radio station. This will be invaluable during significant emergencies and weather events to communicate information to our residents. The range of the radio station will also allow us to assist neighboring towns with emergency information.

Mayor Conley announced that the annual Quest Diagnostics QuestCares 2013 Madison Charity Softball and BBQ fundraiser will take place this Wednesday, July 24th, with proceeds to benefit the America Cancer Society and Project Community Pride.

Mayor Conley announced that the Historic Preservation grant application for the acquisition of the Ahrens Fox P4 Fire Truck was fully funded by the Morris County Board of Freeholders, in the amount of \$75,000. Mayor Conley thanked all those who have made donations.

Mayor Conley presented a proclamation to William Dalrymple and Home Depot for their efforts and donations in support of rebuilding in the municipality of Union Beach, which was devastated by Superstorm Sandy.

**Proclamation
of the
Borough of Madison
Recognizing
William Dalrymple and Home Depot**

WHEREAS, on October 29, 2012, Superstorm Sandy hit the northeast, slamming into New Jersey with up to 80 mph winds and an unprecedented 13-foot surge of seawater, causing massive destruction; and

WHEREAS, the town of Union Beach, whose blue-collar residents live in town year round, was devastated when the storm destroyed 200 homes and caused severe flood damage to most of the remaining homes; and

Regular Meeting Minutes – July 22, 2013

WHEREAS, the municipality of Union Beach lost 14 police cars, three ambulances and four fire trucks; and

WHEREAS, in November of 2012, the Madison Mayor and Council decided to assist in the restoration of Union Beach, a town which is located less than 45 minutes from the Borough of Madison; and

WHEREAS, a step towards rebuilding and repairing the damaged homes involved contacting the Home Depot located in Vauxhall, New Jersey; and

WHEREAS, store manager, William Dalrymple, efficiently coordinated the effort and Home Depot discounted building supplies such as sheetrock, plywood and two-by-fours and generously donated flooring and light fixtures to support the rebuilding of Union Beach;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby extend thanks and appreciation to William Dalrymple and Home Depot for their support, efforts and commitment to rebuilding Union Beach.

Robert H. Conley, Mayor
July 22, 2013

Mayor Conley thanked Millburn Township Administrator, Tim Gordon, for graciously adjusting Tax Assessor Lisa Baratto's work schedule, so that she may spend extra days in Madison, in addition to Thursdays and Fridays, to address resident issues regarding tax assessments in person.

Mayor Conley read several postcards from the children of Union Beach N.J., attending camp this summer. Mayor Conley noted that the train trestle across Elm Street was power washed on Tuesday, July 2nd.

General Improvement Bonds Issue

Bond Counsel Steven L. Rogut explained the proposed process regarding the issuance of bonds for property acquisition and improvements to the Madison Recreation Complex, noting that the Borough proposes to issue two series of bonds, the first with a twenty year maturity schedule for the acquisition of the property and the second series for the turf field improvements, with a fifteen year maturity schedule. The proposed resolutions set forth the form of the bonds, dates and schedules as well as authorize the advertizing and determine various other matters. Mr. Catalanello asked why Council would consider borrowing funds for the turf fields, the Series B bond, when funds have already been appropriated from the sale of Borough property on Cook Avenue in 2007. Mayor Conley stated that those funds were never appropriated for the turf fields. Mayor Conley noted that at that time the Borough did not yet own the 49 Acres MRC property. There was simply a pledge to support the fields. Mayor Conley noted that a sitting Council can not encumber a future Council. Mr. Catalanello read from minutes of a 2007 Council meeting, noting a vote in which the Council at that time pledged to support the turf fields project. Mr. Catalanello again asked why borrow more when there are funds in the Fund Balance account. Mayor Conley noted that additional capital projects will be forthcoming, and the advantage to borrowing now is a reasonable method and notes low interest rates. Mr. Catalanello suggested that the Council use funds already set aside. Ms. Baillie noted that funds raised through the Open Space Trust fund can

Regular Meeting Minutes – July 22, 2013

only be used to finance the acquisition and preservation of lands and for active and passive recreation. Ms. Baillie noted that other capital projects are pending, such as improvements to the Madison Chatham Joint Meeting. Mrs. Tsukamoto suggested Borough financing should be viewed as personal financing, noting that one shouldn't borrow for a future need. Mrs. Tsukamoto suggested reducing the amount of the Series B bond for the turf fields by one million dollars, noting that the turf field project is viewed as a partnership with the Board of Education, the Madison Athletic Foundation and the Borough. Mr. Landrigan noted that there are not enough funds in Fund Balance for all proposed projects. Mr. Catalanello suggested that there is a way to use Fund Balance, live up to the commitment for the fields and reduce the liability to the taxpayers. Mr. Catalanello also suggested reducing the Open Space tax next year, and possibly increasing what is allocated for Capital spending. Ms. Baillie recommended bonding for the turf field project now, while rates are low. Mr. Wolkowitz noted that the Council has discussed the issue of bonds for sometime and stated that the schedule for the bond sale is now set. Ms. Vitale noted that she is not in favor of reducing fund balance. Mr. Catalanello noted that the debate is not whether to be in the market, but to be more judicious with taxpayer money. Mr. Landrigan stated his inclination for using Fund Balance funds for other pending capital projects. Mr. Codey noted that the bonding process started over six months ago and involved three separate meetings with the Borough Bond Counsel and never once was this issue raised about using Fund Balance in lieu of debt.

Mayor opened the meeting to the public for their opportunity to ask questions and make comments:

Sam Cerciello, Park Avenue, asked for the amount of Borough surplus and the amount previously bonded for various projects.

Patrick Rowe, Pine Avenue, asked for explanation of proposed Resolution R 219-2013 and suggested that the public does not have a good understanding of the Electric Utility in terms of long term financing, which is necessary for analyzing future needs.

Mr. Rogut explained that proposed Resolution R 219-2013 rescinds resolutions adopted at the June 24th Council meeting due to a reduction in the amount of the bonds.

Edward Rebholz, Woodland Road, suggested that Council follow a Capital Plan and consider slowing down when discussing bonding for capital projects.

Richard Heshing, Mahwah, NJ, noted that he is interested in moving to Madison and asked for clarification of operating costs and capital costs.

Sam DeMarzo, Ridgedale Avenue, asked when the last time electronic communications were used at a Council meeting. Mr. DeMarzo asked about the progress on the plaque honoring former Councilmember Don Links at the Madison Recreation Complex. Mr. DeMarzo raised concern regarding an open ditch at the Luke Miller property at 105 Ridgedale Avenue.

Mr. Giacobbe stated that the Open Public Meetings Act permits members of Council to participate and vote at public meetings telephonically. Mr. Giacobbe also stated that the New Jersey State Attorney General has issued an opinion that this process is permissible. Mayor Conley asked for a motion to consider the following proposed resolutions.

Regular Meeting Minutes – July 22, 2013

R 219-2013 RESOLUTION OF THE BOROUGH OF MADISON
RESCINDING RESOLUTIONS R 211-2013 AND R 212-2013,
PRESCRIBING THE DETAILS AND BOND FORMS FOR GENERAL
IMPROVEMENT BONDS SERIES A AND B

WHEREAS, Resolutions R211-2013 and R 212-2013, prescribing the details and bond forms for General Improvement Bonds (Series A and B) dated August 15, 2013, (the "Bonds"), were adopted at the Borough Council meeting of June 24, 2013; and

WHEREAS, the Borough Administrator has recommended that Resolutions R 211-2013 and R 212-2013 be rescinded, and that the Council consider new resolutions prescribing the details and bond forms the Bonds; and

WHEREAS, the Mayor and Council have determined that Resolutions R 211-2013 and R 212-2013 should be rescinded and newly prescribed details and bond forms for the Bonds be considered.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Resolutions R 211-2013 and R 212-2013 are hereby rescinded.

Mrs. Tsukamoto moved adoption of the Resolution R 219-2013. Ms. Baillie seconded the motion. There was no further Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.

Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

R 220-2013 RESOLUTION PRESCRIBING THE DETAILS AND BOND
FORM THEREOF FOR \$2,888,000 GENERAL IMPROVEMENT BONDS
(SERIES A) DATED AUGUST 15, 2013

WHEREAS, Bond Ordinance No. 73-2008 has been duly adopted by the Borough Council of the Borough of Madison, in the County of Morris, New Jersey (the "Borough") on November 24, 2008, and amended by Bond Ordinance No. 49-2009 adopted by the Borough Council of the Borough on November 9, 2009, to finance the acquisition of real property for open space preservation and recreation purposes, and it is necessary to provide for the issuance of the bonds authorized by such bond ordinance, as amended; NOW, THEREFORE,

Regular Meeting Minutes – July 22, 2013

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

Section 1. The bonds authorized by Bond Ordinance No. 73-2008, as amended by Bond Ordinance No. 49-2009 (collectively, the "Bond Ordinance"), shall be issued as a single issue of bonds, aggregating \$2,888,000 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 period of usefulness within which the bonds mature, according to the reasonable life of the purpose to be financed, as determined in the Bond Ordinance, is a period of 40 years computed from the date of such bonds. Said issue shall be payable in annual installments on August 15 in each year as follows:

\$145,000 in each of the years 2014 to 2032, inclusive, and

\$133,000 in the year 2033.

Said bonds shall be designated "General Improvement Bonds (Series A)".

Section 2. All of said bonds shall be dated August 15, 2013, 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 February 15 and

Regular Meeting Minutes – July 22, 2013

August 15, commencing February 15, 2014 (each, an "Interest Payment Date"), in each year until maturity or prior redemption.

Section 3. The bonds maturing on or before August 15, 2023 are not subject to redemption prior to their stated maturities. The bonds maturing on or after August 15, 2024 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 August 15, 2023, 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 4. 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

Regular Meeting Minutes – July 22, 2013

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 5. 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 2 of this resolution, and principal of the bonds will be paid annually on August 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

Regular Meeting Minutes – July 22, 2013

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 6. 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 7. 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

Regular Meeting Minutes – July 22, 2013

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

Section 9. 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.

Regular Meeting Minutes – July 22, 2013

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

Regular Meeting Minutes – July 22, 2013

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 10. 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 11. This resolution shall take effect immediately upon its adoption.

Mrs. Tsukamoto moved adoption of the Resolution R 220-2013. Ms. Baillie seconded the motion. There was no further Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.

Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

R 221-2013 RESOLUTION PRESCRIBING THE DETAILS AND BOND FORM THEREOF FOR \$1,263,000 GENERAL IMPROVEMENT BONDS (SERIES B) DATED AUGUST 15, 2013

WHEREAS, Bond Ordinance No. 2-2011 has been duly adopted by the Borough Council of the Borough of Madison, in the County of Morris, New Jersey (the "Borough") on January 24, 2011, to finance the **installation of synthetic turf athletic fields and related improvements**, and it is necessary to provide for the issuance of the bonds authorized by such bond ordinance; NOW, THEREFORE,

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

Regular Meeting Minutes – July 22, 2013

Section 1. The bonds authorized by Bond Ordinance No. 2-2011 (the "Bond Ordinance") shall be issued as a single issue of bonds, aggregating \$1,263,000 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 period of usefulness within which the bonds mature, according to the reasonable life of the purpose to be financed, as determined in the Bond Ordinance, is a period of 15 years computed from the date of such bonds. Said issue shall be payable in annual installments on August 15 in each year as follows:

\$85,000 in each of the years 2014 to 2027, inclusive, and

\$73,000 in the year 2028.

Said bonds shall be designated "General Improvement Bonds (Series B)".

Section 2. All of said bonds shall be dated August 15, 2013, 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 February 15 and August 15, commencing February 15, 2014 (each, an "Interest Payment Date"), in each year until maturity or prior redemption.

Regular Meeting Minutes – July 22, 2013

Section 3. The bonds maturing on or before August 15, 2023 are not subject to redemption prior to their stated maturities. The bonds maturing on or after August 15, 2024 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 August 15, 2023, 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 4. 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

Regular Meeting Minutes – July 22, 2013

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 5. 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 2 of this resolution, and principal of the bonds will be paid annually on August 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.

Regular Meeting Minutes – July 22, 2013

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 6. 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 7. 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

Regular Meeting Minutes – July 22, 2013

be authenticated by the manual signature of the Bond Registrar/Paying Agent.

Section 8. Each of said bonds shall be issued in substantially the following form:

Section 9. 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

Regular Meeting Minutes – July 22, 2013

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

Regular Meeting Minutes – July 22, 2013

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 10. 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 11. This resolution shall take effect immediately upon its adoption.

Ms. Baillie moved adoption of the Resolution R 221-2013. Mr. Landrigan seconded the motion. There was no further Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mr. Landrigan, Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: Mrs. Tsukamoto, Mr. Catalanello

R 222-2013 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 \$2,888,000 GENERAL IMPROVEMENT BONDS (SERIES A) AND \$1,263,000 GENERAL IMPROVEMENT BONDS (SERIES B), BOTH ISSUES DATED AUGUST 15, 2013, 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, DESIGNATING SUCH BONDS AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" FOR PURPOSES OF 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 \$2,888,000 General Improvement Bonds (Series A) and \$1,263,000 General Improvement Bonds (Series B) (collectively, the "Bonds"), which are to be issued

Regular Meeting Minutes – July 22, 2013

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

\$4,151,000 BONDS CONSISTING OF
\$2,888,000 GENERAL IMPROVEMENT BONDS (SERIES A) AND
\$1,263,000 GENERAL IMPROVEMENT BONDS (SERIES B)

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

dated
August 15, 2013

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 \$2,888,000 General Improvement Bonds (Series A) and \$1,263,000 General Improvement Bonds (Series B), each issue dated August 15, 2013 (individually, the "Series A Bonds" or the "Series B Bonds"; collectively, the "Bonds").

Regular Meeting Minutes – July 22, 2013

ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS will be received and publicly opened and announced by the Chief Financial Officer at the Hartley Dodge Memorial, 50 Kings Road, Madison, New Jersey 07940 on August 6, 2013 at 11:00 o'clock A.M. (local time).

The Bonds comprise two issues of bonds payable on August 15 in each year as follows:

\$2,888,000 General Improvement Bonds (Series A)

\$145,000 in each of the years 2014 to 2032, inclusive, and

\$133,000 in the year 2033.

\$1,263,000 General Improvement Bonds (Series B)

\$85,000 in each of the years 2014 to 2027, inclusive, and

\$73,000 in the year 2028.

The combined maturity schedule for the Bonds is as follows:

Principal			
Principal			
<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2014	\$230,000	2024	\$230,000
2015	230,000	2025	230,000
2016	230,000	2026	230,000
2017	230,000	2027	230,000
2018	230,000	2028	218,000
2019	230,000	2029	145,000
2020	230,000	2030	145,000
2021	230,000	2031	145,000
2022	230,000	2032	145,000
2023	230,000	2033	133,000

Regular Meeting Minutes – July 22, 2013

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 Ipreo 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 of each issue 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 per issue), 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 February 15 and August 15, commencing February 15, 2014 (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

Regular Meeting Minutes – July 22, 2013

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 August 15, 2023 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after August 15, 2024 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 August 15, 2023, 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

Regular Meeting Minutes – July 22, 2013

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

Regular Meeting Minutes – July 22, 2013

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 \$4,151,000 nor more than \$4,192,510. 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 \$41,510 (1% of par). 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

Regular Meeting Minutes – July 22, 2013

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 \$83,020, 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 Assured Guaranty Municipal Corp. (formerly known as 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.

Regular Meeting Minutes – July 22, 2013

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 August 15, 2013 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, Hartley Dodge Memorial, 50 Kings Road, 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

Regular Meeting Minutes – July 22, 2013

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

Regular Meeting Minutes – July 22, 2013

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 July 22, 2013 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, 2013), (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

Regular Meeting Minutes – July 22, 2013

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.

The Borough has designated the Bonds "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code and will represent that it reasonably expects that neither it nor its subordinate entities will issue more than \$10,000,000 of new money tax-exempt obligations in the current calendar year.

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

Regular Meeting Minutes – July 22, 2013

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.

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
\$4,151,000 BONDS CONSISTING OF
\$2,888,000 GENERAL IMPROVEMENT BONDS (SERIES A) AND
\$1,263,000 GENERAL IMPROVEMENT BONDS (SERIES B)

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

August 15, 2013

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"), at the Hartley Dodge Memorial, 50 Kings Road, Madison, New Jersey 07940 on

August 6, 2013

Regular Meeting Minutes – July 22, 2013

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 \$2,888,000 General Improvement Bonds (Series A) and \$1,263,000 General Improvement Bonds (Series B), each issue dated August 15, 2013 (individually, the "Series A Bonds" or the "Series B Bonds"; collectively, the "Bonds").

The Bonds comprise two issues of bonds payable on August 15 in each year as follows:

\$2,888,000 General Improvement Bonds (Series A)
 \$145,000 in each of the years 2014 to 2032, inclusive, and

\$133,000 in the year 2033.

\$1,263,000 General Improvement Bonds (Series B)
 \$85,000 in each of the years 2014 to 2027, inclusive, and

\$73,000 in the year 2028.

The combined maturity schedule for the Bonds is as follows:

Principal			
Principal			
<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2014	\$230,000	2024	\$230,000
2015	230,000	2025	230,000
2016	230,000	2026	230,000
2017	230,000	2027	230,000
2018	230,000	2028	218,000
2019	230,000	2029	145,000
2020	230,000	2030	145,000
2021	230,000	2031	145,000
2022	230,000	2032	145,000

Regular Meeting Minutes – July 22, 2013

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.

The Bonds will be designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

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 Hartley Dodge Memorial, 50 Kings Road, 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.

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 July 23, 2013 is hereby approved. Such Preliminary Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning

Regular Meeting Minutes – July 22, 2013

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 August 6, 2013 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 to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format, as prescribed by the MSRB. 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, 2013, provide or cause to be provided 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

Regular Meeting Minutes – July 22, 2013

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, fund balance 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 in a timely manner not in excess of ten days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Bonds:

- (1) Principal or interest payment delinquencies;
- (2) Non-payment related default, if material;
- (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, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material

Regular Meeting Minutes – July 22, 2013

notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;

- (7) Modifications to the rights of Bondholders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution or sale of property which secures the repayment of the Bonds, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the Borough (the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Borough in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Borough, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Borough);
- (13) The consummation of a merger, consolidation, or acquisition involving the Borough or the sale of all or substantially all of the assets

Regular Meeting Minutes – July 22, 2013

of the Borough, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

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

Section 8. All documents provided to the MSRB shall be accompanied by identifying information as prescribed by the MSRB.

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

Regular Meeting Minutes – July 22, 2013

"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 (the "Code").

Section 13. The Borough hereby designates the Bonds as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code. It is hereby determined and stated that (1) the Bonds are not "private activity bonds" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2013. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of

Regular Meeting Minutes – July 22, 2013

the Code; however, the Borough does not covenant to do so, and expressly states that a covenant is not made hereby.

Section 14. 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 15. 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 16. This resolution shall take effect immediately upon its adoption.

Ms. Baillie moved adoption of the Resolution R 222-2013. Mr. Landrigan seconded the motion. There was no further Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan.
Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz

Nays: None

Council Members Ms. Vitale and Mr. Wolkowitz left the meeting at 9:40

REPORTS OF COMMITTEES

Health

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

Utilities

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

Regular Meeting Minutes – July 22, 2013

The Electric Department has been making repairs to over heated cable connections and bad transformers due to the recent extreme heat. The Water Department has repaired well booster pumps and the Midwood water tank now uses radio communications for monitoring. New chlorine sensors have been installed at all Borough wells and the water main along Green Village Road has been replaced before the County paving project begins this week. The water system levels are being maintained during this recent heat wave and the staff wishes to thank residents for following the watering guidelines issued by the department. Mrs. Tsukamoto reported on activities at the Health Department including hosting a blood drive on Tuesday, July 30th 2013 from 1pm until 7pm at the Madison Volunteer Ambulance Corps building at 29 Prospect St. Donors will be entered into a contest to win two Super Bowl tickets. Flu season will begin soon and parents are reminded that children 6 months and older who attend daycare or preschool must have flu shots. Mrs. Tsukamoto noted that the animal census continues and animal rabies vaccines must be current. The Madison Health Department has been approved to participate in the N.J. State approved adult vaccine program and several vaccines are available. Please contact the public health nurse for an appointment.

Public Works and Engineering

Mr. Catalanello, Chair of the Committee, made the following comments: The County of Morris will be paving the entire length of Green Village Road this week. The Samson Avenue Improvements project is complete and final payment is expected from the State upon final inspections. The bid specifications for Green Avenue Improvements are complete and a bid opening has been scheduled for August 8th. A comminutor grinding system has been ordered for the North Street pump station and at the West End pump station, the electric panel box has been replaced. The 2013 Water Main Replacement project continues with replacements along Green Village Road and Ridgedale Avenue. The Bayley Ellard site remediation plans are complete and will be filed with the New Jersey Department of Environmental Protection, and with the appropriation of funds, work may begin this year.

Community Affairs

Mr. Landrigan, Chair of the Committee, made the following comments: Mr. Landrigan reminded residents that the Farmers' Market is open each Thursday, and reported for the Borough Clerk that the last day for voter registration, for the August 13th Special Primary Election for US Senate, is July 23rd. Applications are available in the Clerk's office and on line at morriselections.org. Applications for Vote by Mail ballots are also available in the Borough Clerk's Office or online, and must be filed by mail before August 6, 2013. Mr. Landrigan explained that he is working with the Recreation Advisory Committee on a plaque to honor the efforts of former Councilman Don Links at the MRC, noting that a boulder has been placed by the flags. Mr. Landrigan also noted that funding for the plaque is ongoing.

Public Safety

Ms. Baillie, Chair of the Committee, made the following comments: Ms. Baillie noted that the Fire Department reports all five inch diameter hoses have been inspected and have passed inspection. Ms Baillie also noted that the Fire Department is still looking for volunteers. Anyone interested in joining the Madison Fire Department will find more information at www.madisonfd.com.

Finance and Borough Clerk

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

Regular Meeting Minutes – July 22, 2013

Mr. Codey stated that information regarding the recent revaluation of real property in the Borough is available in a handout available at this meeting and also available on the Borough website, and local media outlets. Mr. Codey provided information regarding several frequently asked questions concerning the revaluation.

COMMUNICATIONS AND PETITIONS - None

INVITATION FOR DISCUSSION (1 of 2)

Mayor Conley opened the meeting to the public for their opportunity to ask questions and make comments on those items listed on the Agenda only. 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.**

Cathie Coultas, Stonehedge Lane, spoke on behalf of the Parks Advisory Committee regarding needed improvements to the Cole Park Fountain.

AGENDA DISCUSSIONS

07/22/2013-1 COLE PARK FOUNTAIN

As noted by Cathie Coultas of the Parks Advisory Committee, the historic Cole Park Fountain located in Cole Park at the corner of Greenwood and Fairview Avenues is in need of repair to prevent further deterioration. There was agreement to list an ordinance for introduction to appropriate \$8,000.00 from the Municipal Open Space Trust Fund for repairs.

Ordinance 33-2013 is listed for Introduction.

07/22/2013-2 FCC LICENSE FOR RADIO STATION 1630 AM

Mr. Codey announced that the Federal Communication Commission has issued a license for an AM radio station to the Borough for use during emergencies that will also broadcast to surrounding municipalities in the event of an emergency.

ADVERTISED HEARINGS

The Clerk made the following statement:

Ordinances scheduled for hearing tonight were submitted in writing at a Regular meeting of the Mayor and Council held on June 24, 2013, were introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

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

**ORDINANCE 28-2013
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$100,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR
REMEDICATION AND SAFETY IMPROVEMENTS TO BAYLEY ELLARD
FIELDS**

Regular Meeting Minutes – July 22, 2013

WHEREAS, the Borough Council has determined to improve the fields, complete the remediation and make safety improvements at the Bayley Ellard Fields; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$100,000.00 from General Capital Improvement Fund for remediation and safety improvements to the Bayley Ellard Fields; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$100,000.00 for this purpose in the General Capital Improvement Fund.

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

SECTION 1: The amount of \$100,000.00 is hereby appropriated from the General Capital Improvement Fund for remediation and safety improvements to the Bayley Ellard Fields.

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

Mayor Conley opened up the public hearing on Ordinance 28-2013. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Landrigan moved to withdraw Ordinance 28-2013, which was read by title. Ms. Baillie seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan, Ms. Baillie

Nays: None

Absent: Mrs. Vitale, Mr. Wolkowitz

Mayor Conley declared Ordinance 28-2013 withdrawn.

**ORDINANCE 29-2013
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$10,250.00 FROM THE FIRE DEPARTMENT TRUST FUND FOR
REPLACEMENT OF FIRE HOSES**

WHEREAS, the Fire Chief has recommended that the Borough appropriate \$10,250.00 from the Fire Department Trust Fund to replace older, non-compliant fire hoses; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Fire Trust Fund in an amount not to exceed \$10,250.00 for this purpose; and

Regular Meeting Minutes – July 22, 2013

WHEREAS, the Borough Council has determined that the Borough should appropriate \$10,250.00 from the Fire Trust Fund to replace older, non-compliant fire hoses; 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 \$10,250.00 is hereby appropriated from the Fire Trust Fund to replace older, non-compliant fire hoses.

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

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

Mayor Conley opened up the public hearing on Ordinance 29-2013. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 29-2013, which was read by title, be finally adopted. Mr. Landrigan seconded the motion.

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan, Ms. Baillie

Nays: None

Absent: Mrs. Vitale, Mr. Wolkowitz

Mayor Conley declared Ordinance 29-2013 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

ORDINANCE 30-2013

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$8,000.00 FROM THE FIRE DEPARTMENT TRUST FUND TO PURCHASE NEW SELF CONTAINED BREATHING APPARATUS (SCBA) FACE PIECES

WHEREAS, the Fire Chief has recommended that the Borough appropriate \$8,000.00 from the Fire Department Trust Fund to purchase new SCBA face pieces; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Fire Trust Fund in an amount not to exceed \$8,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$8,000.00 from the Fire Trust Fund to purchase new SCBA face pieces; 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:

Regular Meeting Minutes – July 22, 2013

SECTION 1: The amount of \$8,000.00 is hereby appropriated from the Fire Department Trust Fund to purchase new SCBA face pieces.

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

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

Mayor Conley opened up the public hearing on Ordinance 30-2013. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 30-2013, which was read by title, be finally adopted. Mr. Landrigan seconded the motion.

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan, Ms. Baillie

Nays: None

Absent: Mrs. Vitale, Mr. Wolkowitz

Mayor Conley declared Ordinance 30-2013 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

INVITATION FOR DISCUSSION (2 of 2)

Mayor opened the meeting to the public for their opportunity to ask questions and make comments on any subject. 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.

Patrick Rowe, Pine Avenue, asked why the appropriation for the remediation and improvements to the Bayley Ellard fields was withdrawn from the General Capital fund and appropriated from the Open Space Trust fund, and raised concern that the appropriation was not from the Open Space Trust fund originally.

Don Brunner, Redmond Drive, raised concern regarding safety warning signals on trucks used for the collection of recycled materials within the Borough of Madison.

Sam Cerciello, Park Avenue, commented on several projects recently completed and asked that the gum buster be used along Main Street.

Mary Murphy, Greenwood Avenue, asked for guidance regarding the recent revaluation of real property and the tax appeal process.

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of August 12, 2013 in the 2nd Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinances will be published in the Madison Eagle, be posted at the main entrance

Regular Meeting Minutes – July 22, 2013

to the Borough offices and be made available to members of the public requesting same, as required by law.

Mayor Conley called up Ordinances for first reading and asked the Clerk to read said ordinance by title:

ORDINANCE 31-2013 ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 26-2013 APPROPRIATING \$250,000.00 FROM THE MUNICIPAL OPEN SPACE TRUST FUND FOR REMEDIATION AND SAFETY IMPROVEMENTS TO INCREASE THE APPROPRIATION FOR THE BAYLEY ELLARD FIELDS FROM \$250,000.00 TO \$350,000.00

WHEREAS, Ordinance 26-2013 of the Borough of Madison appropriated \$250,000.00 from the Municipal Open Space Trust Fund to improve the fields, complete the remediation and make safety improvements at the Bayley Ellard Fields; and

WHEREAS, the Borough Engineer has recommended that the Borough amend Ordinance 26-2013 to appropriate an additional \$100,000.00 from the Municipal Open Space Trust Fund thereby increasing Ordinance 26-2013 to \$350,000.00 to improve the fields, complete the remediation and make safety improvements at the Bayley Ellard Fields; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Municipal Open Space Trust Fund in an amount not to exceed \$350,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should amend Ordinance 26-2013 to appropriate an additional \$100,000.00 from the Municipal Open Space Trust Fund thereby increasing Ordinance 26-2013 to \$350,000.00 to improve the fields, complete the remediation and make safety improvements at the Bayley Ellard Fields.

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

SECTION 1: Ordinance 26-2013 is hereby amended to appropriate an additional \$100,000.00 from the Municipal Open Space Trust Fund thereby increasing Ordinance 26-2013 to \$350,000.00 to improve the fields, complete the remediation and make safety improvements at the Bayley Ellard Fields.

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.

Regular Meeting Minutes – July 22, 2013

Mr. Landrigan moved that Ordinance 31-2013, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. Following Council discussion, the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan, Ms. Baillie

Nays: None

Absent: Mrs. Vitale, Mr. Wolkowitz

ORDINANCE 32-2013 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 34 OF THE BOROUGH CODE ENTITLED “POLICE
DEPARTMENT” TO REORGANIZE THE COMPOSITION OF THE POLICE
DEPARTMENT

WHEREAS, the Borough Administrator has recommended that Chapter 34 of the Borough Code entitled “Police Department” be amended to reorganize the composition and staffing of the Police Department; and

WHEREAS, the Borough Council agrees with this recommendation.

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 34 of the Borough Code entitled “Police Department” shall be amended as follows:

SECTION 1: Section 34-1 entitled “Department established, composition” is hereby amended to read as follows:

Section 34-1 Department established, composition

The Police Department of the Borough of Madison is hereby established and shall consist of the following ranks and shall not exceed the number of officers specifically established herein at each rank enumerated below:

- A. Chief of Police
- B. 1 Captain
- C. 2 Lieutenants
- D. 7 Sergeants
- E. 27 Police Officers
- F. 2 Class II Special Police Officers

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

Ms. Baillie moved that Ordinance 32-2013, which the Borough Clerk read by title, be adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan, Ms. Baillie

Nays: None

Absent: Mrs. Vitale, Mr. Wolkowitz

Regular Meeting Minutes – July 22, 2013

**ORDINANCE 33-2013 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$8,000.00 FROM THE MUNICIPAL OPEN SPACE TRUST
FUND FOR REPAIRS THE COLE PARK FOUNTAIN**

WHEREAS, the Open Space Advisory Committee and Historic Preservation Committee have recommended that up to \$8,000.00 from the Municipal Open Space Trust Fund for repairs to prevent further deterioration to the historic Cole Park Fountain; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Municipal Open Space Trust Fund in an amount not to exceed \$8,000.00 for this purpose; 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 \$8,000.00 is hereby appropriated from the Municipal Open Space Trust Fund for repairs to prevent further deterioration to the historic Cole Park Fountain.

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.

Ms. Baillie moved that Ordinance 33-2013, which the Borough Clerk read by title, be adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan, Ms. Baillie

Nays: None

Absent: Mrs. Vitale, Mr. Wolkowitz

**ORDINANCE 34-2013 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$100,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR REPAIR OF THE EAST STREET PARKING LOT**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$100,000.00 from the General Capital Improvement Fund to repair the East Street parking lot including drainage, striping, signage, curbing and concrete work; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$100,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$100,000.00 from the General Capital Improvement Fund to repair the

Regular Meeting Minutes – July 22, 2013

East Street parking lot including drainage, striping, signage, curbing and concrete work; 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 \$100,000.00 is hereby appropriated from the General Capital Improvement Fund to repair the East Street parking lot including drainage, striping, signage, curbing and concrete work.

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

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

Mr. Catalanello moved that Ordinance 34-2013, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan, Ms. Baillie

Nays: None

Absent: Mrs. Vitale, Mr. Wolkowitz

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.

Mrs. Tsukamoto moved adoption of the Resolutions listed on the Consent Agenda. Mr. Catalanello seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan, Ms. Baillie

Nays: None

Absent: Mrs. Vitale, Mr. Wolkowitz

R 223-2013 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING BARBARA MARVIN TO THE POSITION OF OFFICE ASSISTANT, PART-TIME IN THE WATER AND ELECTRIC DEPARTMENT

WHEREAS, the Borough Administrator recommends the appointment of Barbara Marvin, to the position of Office Assistant, Part-Time in the Water and Electric Department, upon satisfactory completion of a background check; 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 Barbara Marvin is hereby appointed to the position of Office Assistant, Part-Time In the Water and

Regular Meeting Minutes – July 22, 2013

Electric Department upon satisfactory completion of a background check, at an hourly rate of \$15.00 for 29 hours per week.

R 224-2013 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY THE ROTARY CLUB OF MADISON

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

**ROTARY CLUB OF MADISON
I.D. No. 274-8-20538
R.A. No. 1281 – Off Premise
December 13, 2013**

R 225-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING 29th ANNUAL GIRALDA FARMS RUN ON SUNDAY, NOVEMBER 10, 2013

WHEREAS, the Rose City Runners Club has requested permission to use portions of Loantaka Way, Woodland Road, Treadwell Avenue, Dodge Drive and Madison Avenue in connection with the annual Giralda Farms Run; and

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

WHEREAS, the Rose City Runners Club has agreed to reimburse the Madison Police Department for all expenses incurred in connection with the monitoring of said race; and

WHEREAS, the Borough Council has reviewed said request and determined that it should be granted.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the Rose City Runners Club is hereby granted permission to use portions of Loantaka Way, Woodland Road, Treadwell Avenue, Dodge Drive and Madison Avenue in connection with the annual Giralda Farms Run to be conducted on Sunday, November 10, 2013, between the hours of 12:00 (noon) and 2:00 p.m. subject to the condition that the Rose City Runners Club reimburse the Madison Police Department for all expenses incurred in connection with the monitoring of said race.

R 226-2013 RESOLUTION OF THE BOROUGH OF MADISON RENEWING LIQUOR LICENSES IN THE BOROUGH OF MADISON FOR THE 2013-2014 LICENSE TERM

Regular Meeting Minutes – July 22, 2013

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following application for renewal of Liquor Licenses for the 2013 - 2014 license term be, and hereby is, approved:

CONSUMPTION LICENSES – FEE: \$2,386.00; July 1, 2013 through June 30, 2014
License #1417-33-018-009
U S Food and Beverage Corp.
Poor Herbies
13 Waverly Place
Madison, NJ 07940

R 227-2013 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING PATRICK NOLTY TO THE SUMMER RECREATION DEPARTMENT POSITION OF CO-DIRECTOR, SUMMER NATURE PROGRAM (NATURE NUTS)

WHEREAS, the Assistant Borough Administrator has recommended appointment of Patrick Noltly to the part-time summer position of Nature Nuts Program Co-Director in the Recreation Department; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account 370-130, in the 2013 Recreation Department budget; and

WHEREAS, the Borough 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 Patrick Noltly is hereby appointed to the part-time summer position of Nature Nuts Program Co-Director in the Recreation Department effective July 16, 2013 at the rate of pay of \$900.00 for the summer program.

R 228-2013 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A SPECIAL EVENT PERMIT TO ALLOW THE USE OF PUBLIC PARKING LOT NUMBER ONE BY THE MADISON VOLUNTEER AMBULANCE CORPS FOR A SPECIAL EVENT ON SEPTEMBER 14, 2013

WHEREAS, the Madison Volunteer Ambulance Corps has requested permission to use public parking lot number one on Saturday, September 14, 2013, between the hours of 4:00 p.m. and 9:00 p.m. for a Pig Roast; and

WHEREAS, the Borough Administrator has recommended that such permission be granted; and

WHEREAS, the Madison Volunteer Ambulance Corps has submitted a Special Event Permit Application to the Borough Clerk as well as a Certificate of Liability Insurance naming the Borough of Madison as an additional insured; and

WHEREAS, the Borough Council agrees with this recommendation.

Regular Meeting Minutes – July 22, 2013

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 Madison Volunteer Ambulance Corps is hereby given permission to hold a Pig Roast at Madison public parking lot number one, on September 14, 2013, between the hours of 4:00 p.m. and 9:00 p.m. and subject to such safety requirements as may be directed by the Madison Police Department and/or Fire Department.

R 229-2013 RESOLUTION OF THE BOROUGH OF MADISON PROCLAIMING SATURDAY, OCTOBER 5, 2013 AS BOTTLE HILL DAY AND AUTHORIZING BEER GARDEN

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that October 5, 2013 is hereby proclaimed as **BOTTLE HILL DAY**.

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

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

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

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

Regular Meeting Minutes – July 22, 2013

(4) The Downtown Development Commission together with the Madison Main Street Foundation shall be permitted to operate a beer garden on Lincoln Place for five hours between 12:00 noon to 5:00 p.m., subject to such restrictions or conditions as may be required by the Madison Chief of Police. The location of the beer garden on Lincoln Place shall be determined by the Assistant Borough Administrator. The Downtown Development Commission shall charge a minimum admission fee of \$2.00 per person and a minimum charge of \$5.00 per beer.

R 230-2013 Item Removed and the # Retired

R 231-2013 RESOLUTION OF THE BOROUGH OF MADISON SUPPORTING THE NEW JERSEY WILDLIFE ACTION PLAN

WHEREAS, New Jersey is home to a rich diversity of wildlife and ecologically significant natural communities; and

WHEREAS, New Jersey's wildlife and wild places are under threat from development, fragmentation, invasive species and the impacts of people; and

WHEREAS, the populations of mammals, birds, invertebrates, fish, reptiles and amphibians that live in and migrate through New Jersey find themselves clinging to smaller and smaller pieces of wild clean lands and aquatic habitats; and

WHEREAS, it is more cost-effective to prevent species from becoming imperiled than it is to recover them once their populations have declined; and

WHEREAS, a naturally functioning and healthy ecosystem represents a healthy environment for NJ wildlife and our citizens; and

WHEREAS, the NJ Division of Fish and Wildlife, other state and federal agencies, and many partners in conservation have worked together to develop a state Wildlife Action Plan for the benefit of biologists, wildlife experts, municipal leaders, land stewards, non-profit organizations, educators, planners, researchers, outdoor recreation enthusiasts, landowners and all the people who know the wild places of New Jersey State; and

WHEREAS, the New Jersey Wildlife Action plan is a comprehensive action agenda for the conservation of native wildlife, the restoration of important lands and water, and public education targeting the needs of rare wildlife in New Jersey; and

WHEREAS, the residents of, and visitors to, New Jersey also enjoy and benefit from New Jersey's wildlife and wild spaces.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey to support the philosophy of the

Regular Meeting Minutes – July 22, 2013

New Jersey Wildlife Action Plan with the intent of making the Borough of Madison an ecologically sustainable community.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mrs. Tsukamoto, seconded by Mr. Catalanello 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	\$70,475.72
Health & Public Assistance	6,274.92
Public Works & Engineering	364,905.84
Community Affairs	20,586.27
Finance & Borough Clerk	3,891,299.41
Utilities	<u>359,904.02</u>
Total	<u>\$4,713,446.18</u>

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

Yeas: Mrs. Tsukamoto, Mr. Catalanello, Mr. Landrigan, Ms. Baillie

Nays: None

Absent: Mrs. Vitale, Mr. Wolkowitz

NEW BUSINESS - None

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved September 9, 2013 (EO)