

[<back>](#)

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

June 23, 2008 - 7 p.m.

Call to Order

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 23rd day of June 2008. Mayor Holden called the meeting to order at 7 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

Statement in Compliance with the Open Public Meetings Act

The Borough Clerk read the statement pursuant to the Open Public Meetings Act:

"In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by transmitting a copy of the meeting notice to the Madison Eagle and Morris County Daily Record, posting a copy on the bulletin board at the main entrance of the Hartley Dodge Memorial, and filing a copy in the office of the Clerk, all on January 4, 2008. Notice of this meeting was made available to members of the general public."

Roll Call

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

Mayor Mary-Anna Holden

Council Members:

Astri J. Baillie
Carmela Vitale

Jeannie Tsukamoto

Vincent A. Esposito

Absent: John M. Elias, excused

Robert H. Conley, excused

Also Present:

Raymond M. Codey, Borough Administrator

Marilyn Schaefer, Borough Clerk

Joseph Mezzacca, Jr., Borough Attorney

AGENDA REVIEW

Three Potential Litigation Matters were added to the Executive Agenda.

Reading of Closed Session Resolution

Ms. Baillie moved:

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

EXECUTIVE SESSION MINUTES (1)

Executive Minutes of 06/09/2008

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

CONTRACT MATTERS (6)

STATUS OF SELECTIVE DEMOLITION BID FOR HDM

SALE OF 22 ORCHARD STREET

LIBERTY MUTUAL UPDATE

JOHN BODNAR

FOUR TOWNS UPDATE-SHARED USE-MADISON RECREATION CENTER

INTRODUCTION OF FOUR BOND ORDINANCES TOTALING \$4,660,000

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

PERSONNEL MATTERS (2)

APPOINT MAIN STREET EXECUTIVE DIRECTOR

DCRP ORDINANCE, REVISED SUPERVISOR EVALUATION FORM

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

POTENTIAL LITIGATION MATTERS (3)

PUBLIC EVENTS

COUGAR FIELD

53 ACRES

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

Seconded: Mrs. Vitale

Vote: Unanimous voice vote of members present

Reconvene in Council Chamber

Mayor Holden reconvened the Regular Meeting at 8:15 p.m. in the Council Chamber with all members present except for Messrs Elias and Conley, who were excused. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the ***Executive Minutes of June 9, 2008***. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Elias, Mr. Conley

Ms. Baillie moved approval of the **Regular Meeting Minutes of June 9, 2008**. Mrs. Vitale seconded the motion with one amendment:

Page 6, the last sentence of the third paragraph beginning "Mayor Holden will arrange..." is deleted.

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

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

Nays: None

Absent: Mr. Elias, Mr. Conley

GREETINGS TO PUBLIC

Mayor Holden made the following comments:

Mayor Holden apologized for starting this meeting a bit late and commented that there were a number of items that needed to be discussed in the Executive Session before reconvening this meeting.

REPORTS OF COMMITTEES

Finance and Borough Clerk

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

Livesey Park has been cleaned up and a sensory garden has been created; the Borough has an application before the County to ask for additional funding toward the purchase of the 53 acres; Borough officials have spoken with the Municipal Utilities Authority (MUA) about an additional grant toward the purchase of the 53 acres; Borough officials have spoken to our neighboring towns about creating a regional recreation passive and active area out of the Madison Recreation Center's 53 acres to keep lights and sound systems away from neighborhoods and away from residents, and we are very excited about having a regional approach to the 53 acres.

Public Safety

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

The Borough had a Ribbon Cutting Ceremony at the Public Safety Complex on June 14, 2008. It was a very nice ceremony. Mrs. Vitale thanked everyone who came out to take a look at the building. The landscaping was done, the flags were flying; we are still working on signage. Mayor Holden thanked Mrs. Vitale for organizing the Ribbon Cutting Ceremony program.

Public Works and Engineering

Mr. Elias, Chair of the Committee, absent.

Utilities

Mr. Conley, Chair of the Committee, absent.

Health & Public Assistance

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

The Health Department is adding two new vaccines in response to requests by Madison's senior citizens and parents. **Adacel** vaccine is a single dose booster for the prevention of Tetanus, Diphtheria and Pertussis for ages 11 through 64. **Zostovax** helps protect adults from getting shingles for adults 60 and over. Please contact the Health Department if you are interested.

Community Affairs

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

The road and sewer reconstruction is continuing at a fast pace; Chapel Street is two weeks away from completion; water main replacement is about 35% complete; the mill and overlay program has gotten off to a good start with the completion of several streets totaling 1.4 miles. Sewer lining and total road reconstruction continues. Residents are notified before work is begun on their street.

Dr. Esposito reminded residents that the Madison Farmers' Market will operate on Thursdays from 2 p.m. to 7 p.m. from June 26, 2008, to October 23, 2008, at the Bayley Ellard High School upper parking lot off Danforth Road at 205 Madison Avenue, Madison.

COMMUNICATIONS AND PETITIONS - None

INVITATION FOR DISCUSSION (1 of 2)

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

Eugene Zipper, Greenwood Avenue, asked about the statement on the Resolution to go into Executive Session and was advised that different discussions may be disclosed, if required, after a certain number of days. No action is taken in Executive Session. For example, for certain discussions, sixty days after the discussion, if there is no exemption under the law, minutes may be obtained upon request.

Since no other member of the public wished to be heard concerning items listed on the agenda, the invitation for discussion was closed.

Agenda Discussions

06/23/2008-1 ROSEN GROUP UPDATE

06/09/2008-2

Mrs. Vitale commented that the Rosen Group was requested to submit a proposal for Architectural Services entitled "Space Planning Study for the Madison Civic Center" to supplement their proposal for installation of an elevator at the Civic Center. In summary, this Study will help the Borough evaluate current and future needs for each of the groups using the building—the Health Department, Senior Citizens and Teen Center—and provide a basis for locating the new elevator. Comments included that it would be good to include Public Assistance, also located at the Civic Center, in the proposed survey; the survey should be circulated again and the Rosen Group should take that information to extract ideas; a similar survey for gathering information was contained in the

elevator installation contract. Mr. Vogel will get back to the Council with information as to how the Rosen Group's first proposal for installation of the elevator fits together with this proposal for a space planning study.

06/23/2008-2 SPECIAL EVENTS – PROCEDURES

06/09/2008-3

After discussion of the Draft ordinance, Mrs. Tsukamoto moved to add the ordinance to the Agenda for introduction. Ms. Baillie seconded the motion. Mr. Mezzacca read Ordinance 52-2008 in full. There was no further discussion and the motion passed by voice vote.

Ordinance 52-2008 was added to the Agenda for introduction later in the meeting.

06/23/2008-3 ELMER STREET storm sewer EASEMENT AGREEMENTS

Discussion and status report from RAV and JM

Borough Engineer Robert Vogel spoke of the Elmer Street emergency storm sewer project and temporary access for construction rights to do the project; Mr. Mezzacca reported that he ordered title searches and they have begun to come into his office; one of the title searches references an easement in the deed. Mr. Mezzacca has form letters prepared and easement agreements drawn up. Mr. Mezzacca felt all the search work will be done within a few days.

06/23/2008-4 AMEND R 135-2008 AUTHORIZING CONTRACT AND PAYMENT TO TELSTAR PLUS, INC. IN THE AMOUNT OF \$51,790.25 FOR PURCHASE AND INSTALLATION OF NEW TELEPHONES AND SUPPORTING SYSTEM IN THE PUBLIC SAFETY BUILDING FOR THE POLICE AND FIRE DEPARTMENTS ON AN EMERGENCY BASIS INCREASING AWARD AMOUNT BY \$8,903.00 TO A TOTAL AMOUNT OF \$60,693.25

As presented by Mr. Codey, Mrs. Vitale moved approval of the above recommendation from Network Administrator Jim Sanderson. Ms. Baillie seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Elias, Mr. Conley

Resolution R 168-2008 is listed on the Consent Agenda.

Discussion #5 regarding a request for use of Bayley Ellard Gym was Withdrawn from the Agenda.

06/23/2008-6 INTRODUCTION OF FOUR BOND ORDINANCES TOTALING \$4,660,000

Mr. Codey gave an overview of the purpose of each of the four bond ordinances, Bond Ordinances 47-2008, 48-2008, 49-2008 and 50-2008, which are listed for introduction later in the meeting. Cumulatively, they total approximately \$4.6 million; roads reconstruction, milling and paving, and sewer lining of Borough streets will be paid for through these bond ordinances.

INVITATION FOR DISCUSSION (2 of 2)

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

Eugene Zipper, Greenwood Avenue, regarding bond issues, asked if it was usual to bond for roads rather than the pay-as-you-go method; Mr. Zipper was advised that since the need for road improvements result in improvements for future generations, that is the reason to bond, in addition to the fact that these are not insignificant projects; these bonds will be issued with a call provision of 10 years, so that if the Borough then has the cash, the bonds may be prepaid; the pay-as-you-go plan did not get enough projects done, and our system is aging.

Joel Boroff, a member of the Chatham "Committee for Athletic Field Lights" (CAFL) for Cougar Field, was at this meeting on behalf of the effort to light Cougar Field; commented that they are using the same procedure of notification as was used for turfing Cougar Field; commented that new technology puts light spillage to a minimum level; as to noise, he spoke of pole-mounted speakers and significant landscaping to the benefit of Madison residents; he felt the Board of Education of the Chathams has significant compromises in their proposal; asked that this Council comment on its intentions as to a Superior Court lawsuit on this matter.

Mayor Holden commented that she received a request from Chatham Superintendent of Schools James O'Neill requesting a meeting; Mayor Holden spoke of the plans for a regional recreation area and the towns that are interested, and looks forward to speaking with Mr. O'Neill about a regional complex.

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

Mr. Codey noted that on March 31st he sent an email to Mr. O'Neill requesting a meeting about potential utilization of the 53 acres and offering a separate meeting to discuss Cougar Field lights. In response to Mr. Codey's email, Mr. O'Neill indicated interest and commented he would check with the Board of Education and get back. No further communication was received from Mr. O'Neill until today's communication.

Mr. Boroff said he expects a unanimous decision to go forward with Cougar lights at the Board of Education meeting tonight.

Sam DeMarzo, Ridgedale Avenue, spoke about an old issue that he brings up every now and then—the need to develop a sidewalk replacement program, specifically for Ridgedale Avenue. Borough Engineer Robert Vogel was recognized by the Chair and commented that if Ridgedale Avenue does need attention as to sidewalks, it might be possible to put it in the capital budget.

Advertised Hearings

The Clerk made the following statement:

Ordinance 45-2008 was introduced May 28, 2008; Ordinance 46-2008 was introduced June 9, 2008; both ordinances were read by title and passed on first reading, were published in the Madison Eagle, and copies were made available to members of the public requesting same.

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

ORDINANCE 45 - 2008

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 5-2008
SETTING SALARY RANGES FOR NON-UNION FULL-TIME EMPLOYEES TO
INCLUDE SALARY RANGE FOR "MADISON MAIN STREET EXECUTIVE
DIRECTOR" AND TO INCLUDE SALARY RANGE FOR "CONFIDENTIAL
ASSISTANT TO THE CHIEF FINANCIAL OFFICER AND PERSONNEL OFFICER"**

-

WHEREAS, the Borough Council has determined to amend Ordinance 5-2008 setting salary ranges for non-union full-time employees to include salary range for "Madison Main Street Executive Director" and to include salary range for "Confidential Assistant to the Chief Financial Officer and Personnel Officer".

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

Section 1. Ordinance 5-2008 setting the salary ranges for non-union full-time employees is hereby amended to include the following salary range:

TITLE	MINIMUM	MARKET VALUE	MAXIMUM
Madison Main Street Executive Director	\$46,750.00	\$55,000.00	\$63,250.00
Confidential Assistant to the Chief Financial Officer and Personnel Officer	51,000.00	60,000.00	69,000.00

Mayor Holden opened up the public hearing on Ordinance 45-2008. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 45-2008, which the Borough Clerk read by title, be finally adopted. Dr. Esposito seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Elias, Mr. Conley

Mayor Holden declared Ordinance 45-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 46-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$86,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR REPAIR AND RESURFACING FOUR TENNIS COURTS AT MADISON HIGH SCHOOL

WHEREAS, the Recreation Director has recommended that the Borough appropriate \$86,000.00 from the General Capital Improvement Fund for two-thirds of the cost to repair and resurface four tennis courts at Madison High School; and

WHEREAS, one-third of the cost to repair and resurface four tennis courts at Madison High School will be paid by the Board of Education; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$86,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$86,000.00 from the General Capital Improvement Fund for two-thirds of the cost to repair and resurface four tennis courts at Madison High School; 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 \$86,000.00 is hereby appropriated from the General Capital Improvement Fund for two-thirds of the cost to repair and resurface four tennis courts at Madison High School.

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

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

Mayor Holden opened up the public hearing on Ordinance 46-2008. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 46-2008, which the Borough Clerk read by title, be finally adopted. Dr. Esposito seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Elias, Mr. Conley

Mayor Holden declared Ordinance 46-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

Introduction of Ordinances

The Clerk made the following statement:

Ordinances scheduled for first reading will have a hearing date set for July 14, 2008, will be published in the Madison Eagle and made available to members of the public requesting copies.

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

ORDINANCE 47-2008

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

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

Section 1. The Borough of Madison, in the County of Morris, New Jersey (the "Borough") is hereby authorized to reconstruct or resurface the roadway and undertake curb, sidewalk, drainage and utility improvements, where necessary, at the following

locations (entire lengths unless otherwise noted) in, by and for the Borough, as the 2008 Road Reconstruction Program:

Douglas Avenue (from Orchard Street to Drew Place)

Drew Place

James Place

Orchard Street (from Lathrop Avenue to Douglas Avenue)

Strickland Place

Station Road (from Main Street to John Avenue)

Woodcliff Drive

Green Avenue (from Woodland Road to
Shunpike Road -

Design Phase)

Loveland Street

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

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

Section 3. It is hereby determined and stated that (1) the making of such improvement is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law, and (3) the estimated cost of said purpose is \$895,000, and (4) \$95,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$800,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$30,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

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

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

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

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

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

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

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

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

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

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

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

Ms. Baillie moved:

BE IT RESOLVED that Ordinance 47-2008, which the Borough Clerk read by title, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 14th day of July, 2008, at 8:00 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

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

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

Nays: None

Absent: Mr. Elias, Mr. Conley

ORDINANCE 48-2008

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

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

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

Knollwood Avenue

Lewis Road

Locust Street

Valley Road

Woodland Road (from Loantaka Way to Green Avenue)

Delbarton Drive

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

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

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

Section 4. It is hereby determined and stated that moneys exceeding \$80,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purpose. The sum of \$80,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

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

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

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

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

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

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

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

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

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

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

Ms. Baillie moved:

BE IT RESOLVED that Ordinance 48-2008, which the Borough Clerk read by title, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 14th day of July, 2008, at 8:00 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

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

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

Nays: None

Absent: Mr. Elias, Mr. Conley

ORDINANCE 49-2008

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Baillie moved:

BE IT RESOLVED that Ordinance 49-2008, which the Borough Clerk read by title, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 14th day of July, 2008, at 8:00 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

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

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

Nays: None

Absent: Mr. Elias, Mr. Conley

ORDINANCE 50-2008

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

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

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

Lincoln Place Central Avenue

North Street Greenwood Avenue

Park Avenue Fairview Avenue

South Street Glenwild Road

Loveland Street Hillside Avenue

Myrtle Avenue Maple Avenue

Anthony Drive

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Baillie moved:

BE IT RESOLVED that Ordinance 50-2008, which the Borough Clerk read by title, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 14th day of July, 2008, at 8:00 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

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

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

Nays: None

Absent: Mr. Elias, Mr. Conley

Ordinance No. 51-2008

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

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

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

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

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

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

2. An appointed official in the Borough who is already enrolled in the PERS prior to July 1, 2007, based on an elected and/or appointed office, will remain a PERS member while in that office/position. If, however, on or after July 1, 2007, there is a

break of service in that office/position, or the official is elected to a different elected office, the official will be enrolled in the DCRP and cannot continue with PERS membership in the newly elected office/position.

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

- a. Municipal Manager;
- b. Municipal Attorney;
 - c. Municipal Engineer;
 - d. Municipal Prosecutor;
 - e. Municipal Court Judge.

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

- Certified Health Officer;
- Tax Collector;
- Chief Financial Officer;
- Construction Code Official;
- Qualified Purchasing Agent;
- Tax Assessor;
- Municipal Planner;
- Registered Municipal Clerk;
- Licensed Uniform Subcode Inspector;
- Principal Public Works Manager.

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

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

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

The Borough Clerk and the Borough Attorney are authorized and directed to change any Chapter, Article and/or Section numbers of the Code of the Borough of Madison, in the event that the codification of this Ordinance reveals that there is a

conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

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

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

Ms. Baillie moved that Ordinance 51-2008, which the Borough Clerk read by title, be adopted. Dr. Esposito seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Elias, Mr. Conley

ORDINANCE 52-2008

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

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

WHEREAS, the Borough Council is in agreement with said recommendation.

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

Section 1: Section 136-32 of the Borough Code entitled "Special Events Permits" is hereby amended and replaced with the following:

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

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

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

before the Special Event, stating:

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

Such other information as may be reasonably required.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) The requirements for obtaining a permit under this chapter shall not relieve any person or group of persons from obtaining such further permits or approvals as may be required now or in the future by reason of any state or federal law.

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

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

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

recorded:

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

Nays: None

Absent: Mr. Elias, Mr. Conley

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. R 169-2008 was removed from the Consent Agenda, and R 176-2008 was removed from the Consent Agenda.

Ms. Baillie moved adoption of the Resolutions listed on the Consent Agenda consisting of R 168-2008 and R 170-2008 through R 175-2008. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Elias, Mr. Conley

R 168-2008

RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION 135-2008 INCREASING THE AUTHORIZED CONTRACT AND PAYMENT TO TELSTAR PLUS, INC., IN THE AMOUNT OF \$8,903.00 FOR A TOTAL OF \$60,693.25 FOR PURCHASE AND INSTALLATION OF TELEPHONE EQUIPMENT IN THE PUBLIC SAFETY BUILDING ON AN EMERGENCY BASIS

WHEREAS, a contract was previously awarded to Telstar Plus, Inc., in the amount of \$51,790.25, for purchase and installation of new telephones and supporting system for the Fire and Police Building on an emergency basis, which contract was authorized pursuant to Resolution 135-2008; and

WHEREAS, the purchase and installation of additional telephone and paging system equipment is necessary for the completion of the Fire and Police Building; and

WHEREAS, the Network Administrator has recommended that an amendment to the existing contract with Telstar Plus, Inc., be made to include purchase and installation of additional telephone and paging system equipment in an additional amount not to exceed \$8,903.00, for a total amount not to exceed \$60,693.25, on an emergency basis, pursuant to N.J.S.A 40A:11-6, and

WHEREAS, the Director of Finance has attested that funds are available in a total amount of \$60,693.25 for this purpose, which funds were appropriated by Ordinance 42-2005.

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

1. Resolution 135-2008 is amended to increase the award amount by \$8,903.00 to \$60,693.25 for purchase and installation of new telephones and paging system and supporting system for the Fire and Police Building.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute purchase orders and contracts to Telstar Plus, Inc. for purchase and installation of new telephones and paging system and supporting system for the Fire and Police Building at a total price not to exceed \$60,693.25 in a form acceptable to the Borough Attorney.

Removed from Agenda and the # retired:

~~R 169-2008~~

~~RESOLUTION OF THE BOROUGH OF MADISON AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL AND EMPLOYEE HANDBOOK REGARDING "SALARY RANGE POLICY"~~

R 170-2008

RESOLUTION OF THE BOROUGH OF MADISON APPOINTING JAMES E. BURNET, IV TO THE FULL-TIME POSITION OF MADISON MAIN STREET EXECUTIVE DIRECTOR

WHEREAS, the Borough Administrator has recommended the appointment of James E. Burnet, IV, to the full time position of Madison Main Street Program Executive Director; and

WHEREAS, the Borough Administrator has certified that James E. Burnet, IV, was determined to be the most qualified for the position and all background checks have been completed and cleared; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that James E. Burnet, IV, is appointed to the full time position of Madison Main Street Program Executive Director.

BE IT FURTHER RESOLVED, that James E. Burnet, IV, be compensated at an annual salary of \$55,000.00.

R 171-2008

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SIGNATURE ON AND SUBMISSION OF GRANT APPLICATION TO MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY (MUA) IN CONNECTION WITH DESIGNATING AS A WATER RECHARGE AREA NOT SUITABLE FOR ACTIVE RECREATION PURPOSES APPROXIMATELY 5 ACRES OF THE 53 ACRES OF THE MADISON RECREATION CENTER PROPERTY

WHEREAS, the Borough of Madison is under contract to purchase approximately 53 acres of property from Rock-

Florham, LLC, known as a portion of Block 1401, Lot 5, in the Borough of Florham Park; and

WHEREAS, subsequent to the purchase the Borough of Madison will annex said portion into the Borough; and

WHEREAS, said parcel is known as "the Madison Recreation Center property;" and

WHEREAS, the Borough wishes to apply for a grant to the Morris County Municipal Utilities Authority in connection with designating approximately 5 acres of said site as an area not suitable for active recreation purposes since it is a prime aquifer recharge area.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Mayor and Borough Clerk are authorized to sign and submit a grant application to the Morris County Municipal Utilities Authority in connection with designating approximately 5 acres of the Madison Recreation Center property as an area not suitable for active recreation purposes, which is a prime aquifer recharge area.

R 172-2008

**RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES
LICENSE APPLICATION SUBMITTED BY AUXILIARY OF THE MADISON
VOLUNTEER AMBULANCE CORPS**

R 172 – 2008

**RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE
APPLICATION SUBMITTED BY AUXILIARY OF THE MADISON VOLUNTEER
AMBULANCE CORPS**

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

AUXILIARY OF THE MADISON VOLUNTEER AMBULANCE CORPS

I.D. No. 275-10-10817

R.A. No. 1082 – Off Premise

November 17, 2008

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

R 173-2008

RESOLUTION OF THE BOROUGH OF MADISON RENEWING LIQUOR LICENSES

IN THE BOROUGH OF MADISON FOR THE 2008-2009 LICENSE TERM

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following applications for renewal of Liquor Licenses for the 2008 - 2009 license term be, and hereby are approved:

CONSUMPTION LICENSES – FEE \$1,989.00; July 1, 2008 through June 30, 2009

1417-33-010-004

Plenary Retail Consumption License

Allocca Saverio & John V.

L'Allegria Restaurant Corp

9-11 Prospect Street

Madison, NJ 07940

1417-33-011-008

Plenary Retail Consumption License

Genesis Restaurant Group

T/A Main Streets Cafe

54 Main Street

Madison, NJ 07940

DISTRIBUTION LICENSES - FEE: \$1,491.00; July 1, 2008 through June 30, 2009

1417-44-006-004

Plenary Retail Distribution License

ANV Madison LLC

Main Street Wine Cellar

300 Main Street Unit 7A

Madison, NJ 07940

R 174-2008

**RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF
SUMMER RECREATION PERSONNEL**

WHEREAS, the Borough Recreation Director has recommended appointment of the following Summer Recreation Personnel:

Name Position Rate of Pay

Brittany Siciliano Playground Supervisor \$ 8.50 per hour

Melanie Bolger Youth Drama Director \$10.50 per hour

Cassandra Bolger Nature Program Director \$1,400.00 per program

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 the following Summer Recreation Personnel are hereby appointed to the following positions at the following rate of pay effective June 23, 2008.

Name Position Rate of Pay

Brittany Siciliano Playground Supervisor \$ 8.50 per hour

Melanie Bolger Youth Drama Director \$10.50 per hour

Cassandra Bolger Nature Program Director \$1,400.00 per program

R 175-2008

RESOLUTION OF THE BOROUGH OF MADISON AMENDING THE 2008 CAPITAL BUDGET

R 176-2008 regarding Evaluation Forms was Removed from the Agenda, will be brought back at the next meeting

Unfinished Business - None

APPROVAL OF VOUCHERS

On motion by Mrs. Vitale, seconded by Ms. Baillie 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 \$55,009.97

Health & Public Assistance 15,283.08

Public Works & Engineering 132,372.74

Community Affairs 11,775.89

Finance & Borough Clerk 281,642.39

Utilities 1,162,629.55

Total \$1,658,713.62

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

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

Nays: None

Absent: Mr. Elias, Mr. Conley

New Business - None

ADJOURN AND RECONVENE EXECUTIVE SESSION

The Regular Meeting adjourned at 9:30 p.m. and the Executive Session immediately reconvened in the Committee Room.

Adjournment

The Regular Meeting reconvened and immediately adjourned at 10:30 p.m.

Respectfully submitted,

Marilyn Schaefer

Borough Clerk

Adopted and approved July 14, 2008 (MS)

[<back>](#)