

**MINUTES OF A SPECIAL MEETING OF THE MAYOR AND COUNCIL AND
PLANNING BOARD OF THE BOROUGH OF MADISON**

May 26, 2021 - 7 p.m.

CALL TO ORDER

The Special Meeting of the Mayor and Council of the Borough of Madison was held on the 26th day of May, 2021. Mayor Conley called the meeting to order at 7:00 p.m. via teleconference in the Council Chamber of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison. The Pledge of Allegiance was recited by all.

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 Daily Record, posting a copy on the bulletin board at main entrance of the Hartley Dodge Memorial, and filing a copy in the office of the Clerk, all on May 10, 2021. 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:

Council Members:

Astri J. Baillie
Maureen Byrne
John F. Hoover
Debra J. Coen
Rachael Ehrlich
Robert Landrigan

Planning Board Members:

Steven R. Tombalakian, Chairperson
John Forte, Vice Chairperson
Astri J. Baillie
Alfredo Garibay
Tom Harris
Ann Huber
Peter R. Flemming, Sr.
George Limbach, Jr.
Robert H. Conley, Mayor

Also Present:

Raymond M. Codey, Borough Administrator
James E. Burnet, Assistant Borough Administrator
Elizabeth Osborne, Borough Clerk
Dennis Harrington, Asst. Borough Engineer
Vincent Laughlin, Esq., Board Attorney
Susan Blickstein, Borough Planner
Elizabeth McManus, Special Planner

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AGENDA REVIEW

There was approval of the Special Meeting Agenda.

ITEMS OF BUSINESS

Mayor Conley explained the purpose of tonight's special meeting to discuss and adopt an amended Housing Element and Fair Share Plan Amendment/Public Hearing. Borough Planner Susan Blickstein provided background explaining the requirements as part of the Affordable Housing settlement with Fair Share Housing Center. Elizabeth McManus, Special Planner, explained elements of the Fair Share Plan including the Borough's 21-unit Rehabilitation Obligation, Morris County Housing Rehabilitation Program and municipal rental program, noting Prior Round Obligation, unmet need now met through existing units (57 surplus credits) and zoning strategies/optional overlay zones. Ms. Mc Manus noted the amendment has no new sites or zoning but includes moving Sunrise Assisted Living - 8 units from RDP to Unmet Need and Rexford Tucker Senior Housing eight units moved from Unmet Need to RDP.

Housing Element and Fair Share Plan Amendment/Public Hearing

- (a) Planning Board - Adopt a resolution approving an Amended 2021 Third Round Housing Element & Fair Share Plan to become part of the Master Plan

Following discussion, Mr. Flemming moved adoption of the amended Housing Element and Fair Share Plan, as part of the Borough Master Plan and forwarded to the Borough Council for consideration. Ms. Huber seconded the motion, which passed with the following roll call vote:

Yeas: Mayor Conley, Ms. Baillie, Mr. Flemming, Mr. Forte
Mr. Garibay, Mr. Harris, Ms. Huber, Mr. Limbach, Mr. Tombalakian
Nays: None

- (b) Borough Council - Adopt a resolution endorsing Planning Board Housing Element & Fair Share Plan

R 159-2021 A RESOLUTION OF THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, ENDORSING THE 2021 HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE BOROUGH PLANNING BOARD ON JANUARY 19, 2021 AND AMENDED AND READOPTED BY THE PLANNING BOARD ON MAY 26, 2021.

WHEREAS, the New Jersey Supreme Court issued a decision on March 10, 2015 in the case captioned In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. (2015), which transferred primary jurisdiction over affordable housing matters from the Council on Affordable Housing ("COAH") to the trial courts; and

WHEREAS, on July 8, 2015, the Borough of Madison ("Borough") filed a Complaint for Declaratory Judgment in the New Jersey Superior Court, Law Division, captioned In the Matter of the Application of the Borough of Madison, Docket No. MRS-L-1694-15 seeking Declaratory Judgment and Substantive Certification for its fair share housing obligation;

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WHEREAS, the Borough simultaneously sought and secured a protective order providing the Borough with immunity from builder’s remedy lawsuits, which immunity continues today;

WHEREAS, the Planning Board of the Borough of Madison (“Planning Board”) conducted a properly noticed public hearing and adopted an updated Housing Element and Fair Share Plan (“HEFSP”) on January, 19 2021;

WHEREAS, the Planning Board conducted a properly noticed public hearing and adopted an amended Housing Element and Fair Share Plan on May 26th, 2021;

WHEREAS, the amendments to the HEFSP were minor, related to the reallocation of 8 credits without any changes to RDP or the proposed strategies for addressing the Borough’s need;

WHEREAS, the Borough engaged in good-faith negotiations with Fair Share Housing Center (“FSHC”), which resulted in a Settlement Agreement dated August 10, 2020 to resolve the Borough’s affordable housing litigation;

WHEREAS, the Settlement Agreement was authorized by Resolution No. 212-2020 and adopted by the Borough Council on August 10, 2020;

WHEREAS, a Fairness and Preliminary Compliance hearing was held in the New Jersey Superior Court, Law Division, via Zoom on 10/16/2020 and continued on 4/22/2021;

WHEREAS, a final Fairness and Compliance hearing is scheduled for May 27, 2021;

WHEREAS, as per the terms of the Settlement Agreement, on May 26, 2021 the Planning Board held a duly noticed public hearing on the revised HEFSP dated May 26, 2021; and,

WHEREAS, the Mayor and Borough Council wish to endorse the updated HEFSP and seek approval of the HEFSP from the Court.

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

1. The HEFSP attached hereto as Exhibit A, as adopted by the Planning Board in a joint session with the Borough Council on May 26, 2021, which Resolution is attached hereto as Exhibit B, is hereby endorsed.
2. The Borough professionals are hereby authorized and directed to file with the Court the HEFSP, the resolutions of the Planning Board and Mayor and Borough Council adopting and endorsing, respectively, the HEFSP, and any additional documents the professionals deem necessary or desirable to address any outstanding items identified by FSHC or the court’s Special Master.

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3. The Borough professionals are hereby authorized and directed to seek Court approval of the HEFSP at a Final Compliance Hearing.
4. The Borough reserves the right to amend the HEFSP, should that be necessary.

This Resolution shall take effect immediately.

Ms. Baillie moved adoption of the Resolution 159-2021. Ms. Byrne seconded the motion. There was no further Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Byrne Ms. Baillie, Mr. Hoover,
Ms. Coen, Ms. Ehrlich, Mr. Landrigan
Nays: None

INVITATION FOR PUBLIC COMMENT

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

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

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved August 9, 2021 (EO)