

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

**June 28, 2021 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 28<sup>th</sup> day of June, 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.

**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 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:

Mayor Robert H. Conley

Council Members:

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

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**

Ms. Byrne moved:

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

MINUTES FOR APPROVAL (1)

May 24, 2021

June 14, 2021

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

LITIGATION MATTERS (1)

AFFORDABLE HOUSING UPDATE

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

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PERSONNEL MATTERS (2)  
FIRE DEPARTMENT HIRING LIST  
CAREER FIREFIGHTER

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

CONTRACT MATTERS (2)  
WATER METERS AND COMMUNICATION MODULES  
JOINT MUNICIPAL COURT

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

Seconded: Ms. Baillie  
Vote: Approved by voice vote

**RECONVENE VIA TELECONFERENCE**

Mayor Conley reconvened the Regular Meeting at 8 p.m. via teleconference with all members present. The Pledge of Allegiance was recited by all.

Mayor Conley asked for a moment of silence for longtime residents Frank McComb Mary C. Mastrobuono and Peter Paul Siciliano.

**APPROVAL OF MINUTES**

Ms. Baillie moved approval of the **Executive Minutes of May 24, 2021**. Ms. Coen seconded the motion, which passed with a unanimous voice call vote recorded.

Ms. Baillie moved approval of the **Executive Minutes of June 14, 2021**. Ms. Coen seconded the motion, which passed with a unanimous voice call vote recorded.

Ms. Baillie moved approval of the **Regular Meeting Minutes of June 14, 2021**. Ms. Byrne seconded the motion, which passed with a unanimous voice call vote recorded.

**GREETINGS TO PUBLIC**

Mayor Conley made the following comments:

Mayor Conley noted an event “E Plurabis Unum” held Wednesday, June 30<sup>th</sup> at Lum Field, adjacent to the Chatham Train Station parking lot. Chatham and Madison celebrated the diversity that unites Americans of all cultures.

Mayor Conley noted that Ordinance 29-2021, regarding appropriation of funds for a basketball/pickleball court at Memorial Park will be tabled so that a lease amendment can be discussed with the Madison Community Pool Corporation.

**REPORTS OF COMMITTEES**

**Public Safety**

Ms. Byrne, Chair of the Committee, made the following comments:  
On Tuesday, June 22<sup>nd</sup>, the Fire Department responded to assist the Morris Township Fire Department at the Westin Governor Morris Hotel for a CO incident. The hotel had to evacuate due to high levels of CO. All rooms had to be searched. There were no injuries. A malfunctioning water heater is believed to have been the cause. All occupants were allowed to return to the hotel after the building was cleared of CO. On Wednesday, June 23<sup>rd</sup>, at approximately 6:30pm, the Fire

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Department was dispatched to a reported house fire on North Street. Firefighters were able to quickly extinguish the fire that was burning on an exterior 3<sup>rd</sup> floor deck. There were no injuries and damage was minor. The Fire Department will be marching in Florham Park's 4<sup>th</sup> of July parade, on Monday, July 5<sup>th</sup>. The Parade starts at 9:30am. All Madison Police Officers will be trained in "Autism Shield Training" advanced field training on responding to calls involving individuals with autism. The training provides officers with information to enhance better recognition of a person with autism. Patrolman Carmine DeCaro retired after 28 years of service with the Madison Police Department. We wish Patrolman DeCaro, a lifelong Madisionian, well wishes in his retirement. The Madison Police Department has been invited to start a pilot program with the Morris County Communications Center. A 9-1-1 caller, who places a call from a cell phone, will receive a text message survey regarding how the call was handled. This will enable county communications administrators to receive feedback from users as to the quality of the 9-1-1/telephone interaction.

### **Finance and Borough Clerk**

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

Ms. Baillie noted that tonight there will be a discussion of the 2020 Municipal Audit, noting two items for corrective action. Ms. Baillie thanked CFO Jim Burnet for his efforts.

### **Public Works and Engineering**

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

The Engineering Department reports that Merrill and Garaguso began the removal of granite plaza block at the Hartley Dodge Memorial on Monday June 7<sup>th</sup> and has completed the removal of Lower Wall, Lower Plaza, Lower Stair, Upper Plaza and a portion of the Upper Stair (approx. 4,000 sf of pavers). Please note all general public access to the municipal building is via the west wing courtroom ramp for the duration of this six month project. Cifelli General Construction began work on June 1<sup>st</sup> and has now completed curb and driveway replacement, topsoil and seed on the outside perimeter of both Anthony Drive and Wayne Blvd. A weekly status report is available on the Rosenet website. If there are specific concerns about construction work please contact either the Madison Police or the Borough Engineer. Crack sealing work has been completed on Noe Avenue, Union Avenue, Essex Place, Union Hill Road, Kings Road, Barnsdale Road, Crestview Avenue, Lawrence Road, Sinclair Terrace and Winding Way. Grant funding assistance applications will be submitted for Waverly Place Reconstruction, Memorial Park Trails and Dodge Field Playground. Final reimbursement requests will be submitted for Greenwood Avenue North MA19 and Burnet Road MA20. The Department of Public Works has receive a snow blower purchased from the Town of Kearney. Recycling is returning to pre-pandemic levels. Vehicle maintenance and repairs continue as well as upgrading to a pump grinder.

### **Community Affairs**

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

Ms. Coen noted that the Senior Bus is now back in service with limited excursions. Face masks must be worn by all on the bus. The Downtown Development Commission announces that Bottle Hill Day will take place on Saturday, October 2, 2021. The Farmers' Market continues each Thursday through November 16<sup>th</sup>.

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### **Utilities**

Ms. Ehrlich, Chair of the Committee, made the following comments:  
For the past two weeks the Electric Department has been working on upgrades for the new building to be constructed at 4 Community Place. On June 18th, the Stand-by Crew was called out to 20 John Avenue, for an Emergency Mark-Out. The contractor had accidentally cut through the gas line. On June 19th, the Stand-by Crew responded to Green Village Road and Crescent Road. A tree had fallen and pulled the wires off of a house. The Crew was able to rehang wires without interrupting service. On June 23rd, the Stand-by Crew was called out to 51 Madison Avenue, Pine Acres, for a partial power outage. The Crew discovered that a bird had tripped a fuse. They replaced the fuse and checked for proper voltage. The Water Department is continuing to update the Water Meter System by installing AMI Radio Readable Water Meters. Anyone interested in having their meter updated to automatic read, please call the Water Department to schedule an appointment. Please remember to refrain from watering during sunlight hours. Also, please be sure to reduce zone times to a minimum, because the water you use to have a green lawn is everyone's drinking water.

### **Health**

Mr. Landrigan, Chair of the Committee, made the following comments:  
Reporting for the Health Department, Madison reports a total of 874 cases with no new cases. The Delta Variant of the COVID-19 virus is having an impact nationwide and the best way to prevent the spread is to be vaccinated. Madison Health Department has doses of the Johnson & Johnson vaccine. Residents need to contact the Health Department for appointments.

### **COMMUNICATIONS AND PETITIONS**

The Borough Clerk announced receipt of the following communication:

Email dated June 21, 2021, from Aviva K. Baff of Central Avenue, regarding the Madison Community Pool

### **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 Meeting Moderator, each person 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.**

**Thomas Haralampoudis; Pomeroy Road**, inquired about Ordinance 27-2021, tabled Ordinance 29-2021, appropriating funds for basketball/pickleball courts at memorial Park and Ordinance 35-2021, regarding funds for the MRC trails program.

**Jeff King; Eatontown**, raised objection to the approval of annual ABC licenses renewals.

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

### **AGENDA DISCUSSIONS**

**06/28/2021-1** 2020 MUNICIPAL AUDIT AND CORRECTIVE ACTION PLAN  
Mr. Burnet addressed the Council regarding the 2020 municipal audit, noting Council is required to adopt a resolution accepting the audit and corrective action plan. As expected corrections include the separation of duties as well as

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recommendation for timely deposits by the Health Department. The 2020 municipal audit is posted on the Borough's website. There was agreement to list a resolution on the Consent Agenda.

Resolutions 187-2020 and 188-2020 are listed on the Consent Agenda.

**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 May 24, 2021, 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 27-2021  
ORDINANCE OF THE BOROUGH OF MADISON  
APPROPRIATING \$365,250.00 FROM THE GENERAL  
CAPITAL IMPROVEMENT FUND FOR RENOVATION AND  
RESTORATION OF THE HARTLEY DODGE MEMORIAL  
PLAZA**

**WHEREAS**, the Borough Council has determined that it is in the best interest of the Borough to restore the Hartley Dodge Memorial Plaza; and

**WHEREAS**, the Borough has received a partial reimbursable grant from the Morris County Historic Preservation Trust Fund; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$365,250.00 from the General Capital Improvement Fund to restore the Hartley Dodge Memorial Plaza and other related work to offset reimbursable items; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$365,250.00 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 \$365,250.00 is hereby appropriated from the General Capital Improvement Fund to restore the Hartley Dodge Memorial Plaza and other related work. All work to be coordinated with the Borough Engineer.

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

Mayor Conley opened up the public hearing on Ordinance 27-2021. Since no member of the public wished to be heard, the public hearing was closed.

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Mr. Hoover moved that Ordinance 27-2021, which was read by title, be finally adopted. Ms. Coen seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Ms. Byrne, Mr. Hoover,  
Ms. Coen, Ms. Ehrlich, Mr. Landrigan

Nays: None

Mayor Conley declared Ordinance 27-2021 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 28-2021  
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER  
195 OF THE BOROUGH CODE, ENTITLED “LAND DEVELOPMENT” TO  
CREATE AN R-9 MULTIFAMILY RESIDENTIAL ZONE**

**WHEREAS**, the Borough’s Master Plan recognizes Drew University as a valued educational and cultural institution in the Borough of Madison; and

**WHEREAS**, Drew University is the owner of the common land and majority of residential units on Block 3001, Lot 1.02 on filed map #4643, comprising approximately 5 acres and having a street address of 34-42 Loantaka Way, Madison NJ (known as the Copper Beech Condominium Development); and

**WHEREAS**, Drew University has submitted an application for rezoning of the Copper Beech Condominium parcel to the Borough Clerk and Borough Planning Board Secretary; and

**WHEREAS**, the Borough seeks to support Drew University’s long-term financial viability; and,

**WHEREAS**, the following zoning amendment, through creation of the R9 Multifamily Residential Zone, would provide use and bulk requirements for the Copper Beech Condominium Parcel so that the existing improvements would comply therewith, without any restriction on the ownership or occupancy of those residential units.

**NEW SECTION TO BE ADDED TO CHAPTER 195.**

**§195-32.18. R9-Multifamily Residential Zone.**

- A. Purpose. The purpose of this zone is to permit a mix of townhouse and multifamily residential uses at appropriate densities strategically located adjacent to Drew University.
- B. Principal permitted uses.
  - 1) Multifamily dwellings.
  - 2) Attached single-family/townhouses.
- C. Area, height, and bulk requirements.
  - 1) Minimum tract size: 5 acres.

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- 2) Minimum number of buildings per tract: 5.
- 3) Maximum number of units in structure: 14.
- 4) Maximum density: 9 units/acre
  - a) For purposes of calculating density in this Section, any fractional unit over .50 may be rounded up to the nearest whole number
- 5) Maximum floor area ratio (FAR): 0.25
- 6) Maximum impervious coverage: 30%.
- 7) Minimum building separation: 25 feet.
- 8) Maximum height: 3 stories/35 feet.
- 9) Setbacks:
  - a) Minimum building setback from all property lines: 50 feet.
  - b) With the exception of the Loantaka Way property line (see D3) below), all required setbacks shall be wooded and/or landscaped with existing trees preserved to the greatest extent possible.
  - c) Minimum building setback from Loantaka Way: 68 feet.

**D. Supplementary requirements.**

- 1) A minimum five-foot building offset shall be provided along building frontages for every two attached units and every 50 feet of multifamily structures.
- 2) A minimum 15' vegetated buffer is required along the Loantaka Way frontage. Averaging may be used in calculating the size of this buffer to account for minor deviations.
- 3) Maximum number of driveways per tract: 2.

**ZONING MAP CHANGE**

Block 3001, Lot 1.02 shall be identified as R-9 Multifamily Residential on Madison's Zoning Map.

Mayor Conley opened up the public hearing on Ordinance 28-2021. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 28-2021, which was read by title, be finally adopted. Ms. Byrne seconded the motion. Ms. Baillie noted that this ordinance addresses property along Loantaka Way and the ordinance was reviewed by the Planning Board and found to be consistent with the Master Plan. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Ms. Byrne, Mr. Hoover, Ms. Ehrlich, Mr. Landrigan

Nays: None

Abstain: Ms. Coen

Mayor Conley declared Ordinance 28-2021 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 29-2021**

**ORDINANCE 29-2021    ORDINANCE OF THE BOROUGH OF MADISON  
APPROPRIATING \$110,000.00 FROM THE GENERAL CAPITAL  
IMPROVEMENT FUND FOR A BASKETBALL/PICKLEBALL COURT AT  
MEMORIAL PARK**

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**WHEREAS**, the Borough Council has determined that it is in the best interest of the Borough to construct a large multipurpose court for basketball/pickleball at Memorial Park; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$110,000.00 from the General Capital Improvement Fund to construct a multipurpose basketball/pickleball court at Memorial Park; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$110,000.00 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 \$110,000.00 is hereby appropriated from the General Capital Improvement Fund to construct a large multipurpose court for basketball/pickleball at Memorial Park.

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

Mayor Conley noted that the basketball/pickleball courts proposed are within a portion of Memorial Park leased to Madison Community Pool Corporation and a lease amendment will need to be updated. There was no hearing held at this time.

Mr. Hoover moved that Ordinance 29-2021, which was read by title, be tabled. Ms. Coen seconded the motion. There was no further Council discussion, and the motion passed with the following roll call vote recorded:

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

Mayor Conley declared Ordinance 29-2021 tabled.

***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 Meeting Moderator, each person 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.**

***Peter Ostberg; Longview Road***, raised concern regarding Ordinance 29-2021, noting if the pool needs saving, should not use tax dollars.

***Bridget Dailey; Keep Street***, inquired about green infrastructure in building new basketball courts at Memorial Park, and how will new court affect the cost of the pool.

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**Hugh Giordano;** Union Representative for the United Federation of Cannabis Workers, under the AFL/CIO, objecting to any legislation banning the sale of cannabis.

**Thomas Haralampoudis; Pomeroy Road,** asked the total amount to be spend on the renovation of the Hartley Dodge memorial plaza project, and for clarification on the use of basketball/pickleball courts proposed for Memorial Park.

**Jeff King; Eatontown,** raised objection the introduction of Ordinance 30-2021, prohibiting the operation of any class of cannabis businesses within the Borough, when alcohol is not banned.

**Marina Rebman, Carlin, N.J.,** shared her experience with medical marijuana, asking Council to consider allowing the sale of medical marijuana in the Borough.

**Janice Van Shriver; with SativaCross.org,** noted that the residents of New Jersey voted to legalize the use of marijuana.

**David Johnson; Ross Court,** strongly opposed the sale of cannabis in the Borough of Madison.

**Susan Graham; Knollwood Avenue,** raised concern regarding lighting, noise and traffic, should new basketball/pickleball courts be installed at Memorial Park.

**Lefty Grimes; with SativaCross.org,** asked the Council to consider the sick and dying that may need the use of medical marijuana.

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

**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 July 12, 2021 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 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 30-2021    ORDINANCE OF THE BOROUGH OF MADISON  
AMENDING CHAPTER 195 OF THE BOROUGH CODE, ENTITLED "LAND  
DEVELOPMENT" TO PROHIBIT THE OPERATION OF ANY CLASS OF  
CANNABIS BUSINESSES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE  
BOROUGH OF MADISON

**WHEREAS,** in 2020 New Jersey voters approved Public Question No. 1, which amended the State of New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

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**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c.16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

**WHEREAS**, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

**WHEREAS**, Section 3 of the Act defines a “cannabis establishment” as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”; and

**WHEREAS**, Section 31a of the Act authorizes municipalities to adopt by ordinance regulations governing the number of cannabis establishments, cannabis distributors and cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times of operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, Section 31b of the Act authorizes municipalities to prohibit by ordinance the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality, except for the delivery of cannabis items and related supplies by delivery services based and initiated from outside of the municipality; and

**WHEREAS**, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 21, 2021); and

**WHEREAS**, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

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**WHEREAS**, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again, in 2026, have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating with appropriate approvals within the municipality; and

**WHEREAS**, any ordinance enacted by a municipality prior to the effective date of the Act addressing the issue of prohibiting one or more types of cannabis-related activities within the jurisdiction of the City is null and void; and

**WHEREAS**, the New Jersey Cannabis Regulatory Commission (the “CRC”), which is charged with regulating medical and personal-use cannabis industries in the State of New Jersey, has yet to promulgate regulations regarding the Act; and

**WHEREAS**, upon the promulgation of regulations by the CRC regarding the Act, the Borough Council may wish to revisit the regulation of cannabis businesses within the Borough of Madison; and

**WHEREAS**, the Borough Council of the Borough of Madison has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Borough of Madison in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Borough of Madison’s residents and members of the public who visit, travel, or conduct business in the Borough of Madison, to amend the Borough of Madison’s land development regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Borough of Madison.

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

Section 1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Borough of Madison, except for the delivery of cannabis items and related supplies by a delivery service.

Section 2 Chapter 195 of the Borough Code, entitled “Land Development”, subsection 195-5, entitled “Prohibited uses” shall hereby be amended and supplemented, as follows:

195-5 Prohibited uses.

- A. No change.
- B. No change.
- C. **\*\*All classes of cannabis establishments, cannabis distributors and cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service from outside the Borough, shall be prohibited in all zone districts.\*\***

Section 3. Any article, section, paragraph, subsection, clause, or other provision of the Borough Code of the Borough of Madison inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

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Section 4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 5. This ordinance shall take effect as provided by law.

Ms. Baillie moved that Ordinance 30-2021, which the Borough Clerk read by title, be adopted. Ms. Byrne seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

ORDINANCE 31-2021 ORDINANCE OF THE BOROUGH OF MADISON  
AMENDING CHAPTER 195 OF THE BOROUGH CODE, ENTITLED “LAND  
DEVELOPMENT” TO INCLUDE A PRELIMINARY ENVIRONMENTAL CHECKLIST

**WHEREAS**, the Borough updates its application forms and materials from time to time to represent current best practices; and,

**WHEREAS**, the 2020 Master Plan recognizes a commitment to energy efficiency, sustainability, and resiliency as one of its guiding principles.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Madison and the County of Morris and State of New Jersey that Chapter 195 of the Land Development Ordinance of the Borough of Madison, is hereby amended as follows:

I. Amend Chapter 195 to add a new provision, 195-23B(22), to read as follows: A preliminary environmental checklist shall be completed for all site plan applications and for all subdivision applications that involve new construction.

II. Add the preliminary environmental checklist to Chapter 195, as Attachment 5A.

Ms. Baillie moved that Ordinance 31-2021, which the Borough Clerk read by title, be adopted. Ms. Byrne seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

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**ORDINANCE 32-2021 ORDINANCE OF THE BOROUGH OF MADISON  
APPROPRIATING \$225,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT  
FUND FOR THE 2021 SANITARY SEWER IMPROVEMENTS PROGRAM**

**WHEREAS**, the Borough Engineer has recommended that the Borough appropriate \$225,000.00 from the General Capital Improvement Fund for the 2021 Sanitary Sewer Improvements program; 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 \$225,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$225,000.00 from the General Capital Improvement Fund for the 2021 Sanitary Sewer Improvements program.

**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 \$225,000.00 is hereby appropriated from the General Capital Improvement Fund for the 2021 Sanitary Sewer Improvements program.

**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. Hoover moved that Ordinance 32-2021, which the Borough Clerk read by title, be adopted. Ms. Coen seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

**ORDINANCE 33-2021 ORDINANCE OF THE BOROUGH OF MADISON  
APPROPRIATING \$100,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT  
FUND FOR THE PURCHASE OF FIBER AND OTHER SECURITY EQUIPMENT**

**WHEREAS**, the Communications and Technology Coordinator has recommended that the Borough appropriate \$100,000.00 from the General Capital Improvement Fund for the purchase of fiber and other security equipment; 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

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**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$100,000.00 from the General Capital Improvement Fund for the purchase of fiber and other security equipment.

**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 the purchase of fiber and other security equipment.

**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 33-2021, which the Borough Clerk read by title, be adopted. Ms. Byrne seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

**ORDINANCE 34-2021    ORDINANCE OF THE BOROUGH OF MADISON  
APPROPRIATING \$25,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT  
FUND FOR BUILDING REPAIR AND RENOVATIONS AT THE PUBLIC WORKS  
GARAGE**

**WHEREAS**, the Director of Public Works has recommended that the Borough appropriate \$25,000.00 from the General Capital Improvement Fund for building repair and renovations at the Public Works garage; 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 \$25,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$25,000.00 from the General Capital Improvement Fund for building repair and renovations at the Public Works garage.

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

**SECTION 1:** The amount of \$25,000.00 is hereby appropriated from the General Capital Improvement Fund for building repair and renovations at the Public Works garage.

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

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

Mr. Hoover moved that Ordinance 34-2021, which the Borough Clerk read by title, be adopted. Ms. Coen seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

ORDINANCE 35-2021 ORDINANCE OF THE BOROUGH OF MADISON  
APPROPRIATING \$350,000.00 FROM THE MUNICIPAL OPEN SPACE,  
RECREATION AND HISTORIC PRESERVATION TRUST FUND FOR  
REMEDICATION AND CONSTRUCTION OF THE MADISON RECREATION  
COMPLEX TRAIL PROJECT

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough to remediate and construct trails at the Madison Recreation Complex (MRC); and

WHEREAS, the Borough has previously been awarded a \$130,540.00 reimbursement grant from Morris County to be disbursed upon completion of the trail project; and

WHEREAS, Rock GW has previously provided \$300,000.00 for environmental remediation at the MRC related to settling issues arising from the original land acquisition; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$350,000.00 from the Open Space, Recreation and Historic Preservation Trust Fund for this purpose; and

WHEREAS, the Open Space Advisory Committee has unanimously recommended the full funding of this request; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$350,000.00 for this purpose in the Open Space Recreation and Historic Preservation Trust 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 \$350,000.00 is hereby appropriated from the Open Space, Recreation and Historic Preservation Trust Fund towards the cost of remediation and construction of handicapped accessible trails at the Madison Recreation Complex (MRC).

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

Ms. Baillie moved that Ordinance 35-2021, which the Borough Clerk read by title, be adopted. Ms. Byrne seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

**CONSENT AGENDA RESOLUTIONS**

The Clerk made the following statement:

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

Ms. Byrne moved adoption of the Resolutions 179-2021 through 181-2021 and R 183-2021 through R 197-2021 listed on the Consent Agenda. Ms. Baillie seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

R 179-2021 RESOLUTION OF THE BOROUGH OF MADISON AWARDING A CONTRACT FOR THE INSTALLATION OF WATER METERS AND AMI COMMUNICATION MODULES TO METERTEK OF KENILWORTH, N.J.

**WHEREAS**, the CFO/Asst Borough Administrator and Borough Attorney have recommended that the Borough Council award a contract to Metertek of Kenilworth, N.J. in an amount not to exceed \$35,000.00; and

**WHEREAS**, funds are available in Ordinance 41-2019 or in any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds has been certified by the Chief Financial Officer.

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

1. The contract for the installation of water meters and AMI communication modules is hereby awarded to Metertek of Kenilworth, N.J., in an amount not to exceed \$35,000.00.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Metertek of Kenilworth, N.J. in a form acceptable to the Borough Attorney.

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**R 180-2021 RESOLUTION OF THE BOROUGH OF MADISON APPROVING A PROBATIONARY FIREFIGHTER LIST**

**WHEREAS**, the Fire Chief has recommended establishment of a hiring list of candidates to fill any future vacancies in the fire department, said list to remain in effect for eighteen (18) months from the adoption of this Resolution; and

**WHEREAS**, the Borough Administrator has recommended that said hiring list be established.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris in the State of New Jersey that the Fire Department hiring list attached hereto is hereby established for a period of eighteen (18) months from the date of adoption of this Resolution.

**R 181-2021 RESOLUTION OF THE MADISON BOROUGH COUNCIL APPOINTING TROY PEHOWIC TO THE POSITION OF PROBATIONARY FIREFIGHTER**

**WHEREAS**, Fire Chief Lou DeRosa has recommended the appointment of Troy Pehowic to the position of probationary firefighter in the paid division of the Madison Borough Fire Department; and

**WHEREAS**, Fire Chief Lou DeRosa certified that Troy Pehowic is a fully qualified firefighter; and

**WHEREAS**, the Mayor and Council have reviewed the recommendation and accept the Fire Chief's representations that Troy Pehowic has met all requirements to be a probationary firefighter in the paid division.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Troy Pehowic is hereby appointed to the position of probationary firefighter in the paid division of the Madison Borough Fire Department, effective July 13, 2021, to fill the vacancy created by the retirement of Lieutenant Kevin Williams..

**BE IT FURTHER RESOLVED**, that he be compensated in accordance with the terms of the Collective Bargaining Agreement between the Firemen's Mutual Benevolent Association Local No. 74 and the Borough.

**R 183-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF A VEHICLE AND ACCESSORIES FOR THE PUBLIC WORKS DEPARTMENT THROUGH THE NEW JERSEY COOPERATIVE PRICING SYSTEM**

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**WHEREAS**, the Borough of Madison desires to award a contract for the purchase of a vehicle and accessories through the New Jersey Cooperative Pricing System program; and

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

**WHEREAS**, Beyer Ford, has been awarded the New Jersey Cooperative Pricing System contract number A88214, Vehicles and Accessories; and

**WHEREAS**, the Acting Purchasing Agent has recommended that the Borough Council utilize this contract for the purchase of a Public Works vehicle and accessories; and

**WHEREAS**, funds are available in Ordinance 24-2021, or in any other account that may be deemed appropriate by the Chief Financial Officer or his designee.

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

1. A contract with Beyer Ford, Morristown, N.J. for the purchase of a vehicle and accessories for the Public Works Department, in an amount not to exceed \$62,488.50 is hereby approved.

2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Beyer Ford, Morristown, N.J., for the purchase of a vehicle and accessories for the Public Works Department, in a form acceptable to the Borough Attorney.

**R 184-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING USE OF THE EMERGENCY OPERATION CENTER (EOC) ROOM AT THE PUBLIC SAFETY COMPLEX BY FAIRLEIGH DICKENSON UNIVERSITY FOR A GRADUATE COURSE**

**WHEREAS**, the Acting Madison Police Chief has recommended that the Borough Council authorize use of the EOC Room at the Public Safety Complex for use by Fairleigh Dickinson University to host a graduate level class on five (5) Saturdays between November 6, 2021 and December 4, 2021; and

**WHEREAS**, the Borough Administrator recommends that the Council approve this request.

**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 Administrator is hereby authorized to execute an agreement with Fairleigh Dickinson University to

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use a portion of the Public Safety Complex to host a graduate level class on Saturdays between November 6, 2021 and December 4, 2021.

R 185-2021 RESOLUTION OF THE BOROUGH OF MADISON AWARDING A CONTRACT TO HOFFMAN EQUIPMENT FOR THE PURCHASE OF A DOOSAN LCV8 LIGHT TOWER/GENERATOR AND ACCESSORIES UNDER SOURCEWELL

**WHEREAS**, the Borough of Madison desires to award a contract for the purchase of a Doosan LCV8 Light tower/generator and accessories to an authorized vendor under Sourcewell (formerly National Joint Powers Alliance); and

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

**WHEREAS**, Hoffman Equipment has been awarded Sourcewell contract #041719-GEN for Generators, Light Towers, & Portable Construction Equipment; and

**WHEREAS**, the Director of Public Works and the Acting Purchasing Agent have recommended that the Borough Council utilize this contract for the purchase of a Doosan LCV\* Light tower/generator and accessories in the amount of \$11,047.33; and

**WHEREAS**, funds are available in Ordinance 25-2021, and the availability of funds has been certified by the Chief Financial Officer.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that a contract be awarded to Hoffman Equipment for the purchase of a Doosan LCV\* Light tower/generator and accessories in an amount not to exceed \$11,047.33 under Sourcewell contract #041719-GEN for Generators, Light Towers, & Portable Construction Equipment and same is hereby ratified and approved.

R 186-2021 RESOLUTION OF THE BOROUGH OF MADISON PROCLAIMING SATURDAY, OCTOBER 2, 2021 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 forty 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.

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**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that October 2, 2021 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 6 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/CFO, 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 Downtown Development Commission together with the Madison Main Street Foundation shall be permitted to operate a beer garden on Kings Road, subject to such restrictions or conditions as may be required by the Madison Chief of Police. The location of the beer garden on Kings Road shall be determined by the Assistant Borough Administrator/CFO.

R 187-2021 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING THE 2020 AUDIT

**WHEREAS**, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of

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the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled: "General Comments and Recommendations"; and

**WHEREAS**, the members of the Governing Body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: "General Comments and Recommendations" as evidenced by the group affidavit form of the Governing Body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit their office.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Madison, County of Morris, State of New Jersey, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

R 188-2021 RESOLUTION OF THE BOROUGH OF MADISON APPROVING THE 2020 CORRECTIVE ACTION PLAN REPORT

**WHEREAS**, the 2020 Audit Report prepared by the Municipal Auditor contained two (2) recommendations to be remedied; and

**WHEREAS**, the Chief Financial Officer has prepared a Corrective Action Plan which the Borough Council has reviewed and approved.

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**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 Corrective Action Plan attached hereto is hereby approved.

R 189-2021 RESOLUTION OF THE BOROUGH OF MADISON RENEWING LIQUOR LICENSE IN THE BOROUGH OF MADISON FOR THE 2021-2022 LICENSE TERM

**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 License for the 2021 - 2022 license term be, and hereby are, approved:

**CONSUMPTION LICENSES - FEE: \$2,386.00; July 1, 2021 through June 30, 2022**

License #1417-33-015-004  
Prospect Tavern Beef & Ale, LLC  
Prospect Tavern  
14 Prospect Street  
Madison, NJ 07940

R 190-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EAGLE SCOUT PROJECT ON THE MADISON TRAIN OVERPASSES

**WHEREAS**, Saavik Sharma, a member of Boy Scout of America Troop 25 located in Madison, has offered to repaint checkerboard squares on the Madison Train overpasses in support of his Eagle Scout project; and

**WHEREAS**, the Council wishes to approve such request.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison in the County of Morris in the State of New Jersey that the repainting of checkerboard squares on the Madison Train overpasses as described herein by Saavik Sharma is hereby approved, subject to any safety requirements of the Madison Director of Public Works and any other governmental approvals.

R 191-2021 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY BPOE #1465 MADISON LODGE TO CONDUCT DAILY INSTANT RAFFLE GAMES, INCLUDING SUNDAYS

**WHEREAS**, N.J.S.A. 5:8-1 et seq. and N.J.A.C. 13:47-1.1 et seq. prohibit the conducting of games of chance on Sunday unless specifically authorized by a duly adopted municipal ordinance; and

**WHEREAS**, on March 8, 1982, the Council of the Borough of Madison adopted Ordinance No. 5-82 to allow the Council, by resolution, to permit qualified organizations to conduct games of chance on Sunday; and

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**WHEREAS**, the New Jersey Legalized Games of Chance Control Commission has issued Registration Identification No. 274-6-34038 to BPOE #1465 Madison Lodge; and

**WHEREAS**, an Application for Raffles License, together with all necessary documents and fees, has been submitted to the Madison Borough Clerk's Office by BPOE #1465 Madison Lodge to conduct Instant Raffle Games seven days a week on its premises at 192 Main Street, Madison, from September 8, 2021 through September 8, 2022.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the aforementioned Application for Raffles License, R.A. No. 1453, to be held as listed above, be and the same is hereby approved.

R 192-2021 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF INTERN HENRY MCCANN AS AN INTERN FOR THE ENVIRONMENTAL COMMISSION AND SUSTAINABLE MADISON COMMITTEE

**WHEREAS**, the Personnel Director has recommended the appointment of Henry McCann, as a part-time unpaid Intern for the Environmental Commission and Sustainable Madison Committee; 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 appointment of Henry McCann, as a part-time unpaid Intern for the Environmental Commission and Sustainable Madison Committee, is hereby approved.

R 193-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACTS TO RIO SUPPLY, INC. UNDER THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL (“MCCPC”) CONTRACT #47: WATER METERS/DATA RECORDERS & RADIO FREQUENCY METER INTERFACE UNITS

**WHEREAS**, the Borough of Madison may by resolution and without advertising for bids, purchase any goods or services under a cooperative pricing system of which the Borough is a member; and

**WHEREAS**, the purchase of goods and services by a local contracting unit through a cooperative pricing system is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-10, et seq.; and

**WHEREAS**, Rio Supply, Inc., of Sicklerville, New Jersey, has been awarded Morris County Cooperative Pricing Council Contract #47: Water Meters/Data Recorders & Radio Frequency Meter Interface Units; and

**WHEREAS**, the Borough of Madison anticipates entering into contracts, individually or in the aggregate, in excess of \$17,500.

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**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 Borough Administrator is hereby authorized and directed on behalf of the Borough to execute contracts to Rio Supply, Inc., of Sicklerville, New Jersey, in excess of the \$17,500 under MCCPC Contract #47, contingent on availability of funds.

R 194-2021 RESOLUTION OF THE BOROUGH OF MADISON AWARDING A CONTRACT TO JAMES IRISH, INC. FOR CONTROL AND REMOVAL OF INVASIVE SPECIES AT THE MADISON RECREATION COMPLEX

**WHEREAS**, the Borough of Madison solicited quotes for control and removal of invasive plant species at the Madison Recreation Center (MRC) (the “Contract”) in accordance with the Local Public Contracts Law; and

**WHEREAS**, the Acting Purchasing Agent has recommended awarding a contract to James Irish, Inc., for control and removal of invasive plant species at the Madison Recreation Center (MRC) in an amount not to exceed \$2,775.00; and

**WHEREAS**, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$2,775.00 for this purpose in Ordinance 21-2019.

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

1. The contract for control and removal of invasive plant species at the Madison Recreation Center (MRC) is hereby awarded to James Irish, Inc. based upon a quote in the amount of \$2,775.00.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with James Irish, Inc. in a form acceptable to the Borough Attorney.

R 195-2021 RESOLUTION OF THE BOROUGH OF MADISON AWARDING A CONTRACT TO NJ TREE FOUNDATION FOR TREE PLANTING AT THE MADISON RECREATION COMPLEX

**WHEREAS**, the Borough of Madison solicited quotes for tree planting at the Madison Recreation Center (MRC) (the “Contract”) in accordance with the Local Public Contracts Law; and

**WHEREAS**, the Acting Purchasing Agent has recommended awarding a contract to NJ Tree Foundation, for tree planting at the Madison Recreation Center (MRC) in an amount not to exceed \$8,613.00; and

**WHEREAS**, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$8,613.00 for this purpose in Ordinance 21-2019.

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

1. The contract for tree planting at the Madison Recreation Center (MRC) is hereby awarded to NJ Tree Foundation based upon a quote in the amount of \$8,613.00.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with NJ Tree Foundation in a form acceptable to the Borough Attorney.

**R 196-2021 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSES APPLICATIONS SUBMITTED BY THE THURSDAY MORNING CLUB**

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

**THURSDAY MORNING CLUB**

I.D. No. 274-8-12803

R.A. No. 1514 – Off-Premise 50/50

Date of Raffle – October 16, 2021

R.A. No. 1514 – On-Premise Merchandise

Date of Raffle – November 12-13, 2021

R.A. No. 1448 – Off-Premise 50/50

Date of Raffle – November 12-13, 2021

**R 197-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF SIX (6) ENHANCER SOLAR POWERED RRFB ASSEMBLY CROSSWALK BI-DIRECTIONAL SIGN SYSTEMS**

**WHEREAS**, the Acting Police Chief seeks to purchase six (6) Enhancer Solar Powered RRFB Crosswalk System Signs from Intelligent Traffic Supply Products of South Plainfield, N.J. ; and

**WHEREAS**, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$43,860.09 for this purpose in Ordinances 4-2019 and 21-2021.

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

1. The purchase of six (6) Enhancer Solar Powered RRFB Crosswalk System Signs from Intelligent Traffic Supply Products of South Plainfield, N.J., at a total price not to exceed \$43,860.09 is hereby approved.

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2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract with Intelligent Traffic Supply Products of South Plainfield, N.J. for the purchase of six (6) Enhancer Solar Powered RRFB Crosswalk System Signs at a total price not to exceed \$43,860.09, in a form acceptable to the Borough Attorney.

Ms. Byrne moved adoption of the Resolution 182-202, listed on the Consent Agenda. Ms. Baillie seconded the motion. Mayor Conley noted that this item is time sensitive and we don't want to miss grant funding. Design elements will be further down the line.

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

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

R 182-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING \$450,000 NJDOT MUNICIPAL AID APPLICATION FOR WAVERLY PLACE RECONSTRUCTION PROJECT

**WHEREAS**, the Borough Engineer has recommended that the Borough submit a 2021 Municipal Aid Application to the New Jersey Department of Transportation for the Waverly Place Reconstruction Project; and

**WHEREAS**, the Waverly Place Reconstruction Project will comprise reconstruction of a heavily used collector road; and

**WHEREAS**, the Borough Engineer has determined that the reconstruction is needed due to current road conditions and the need for curb and drainage improvements.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison in the County of Morris in the State of New Jersey that the Borough formally approves the grant application for the above stated project; and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized to submit an electronic grant application identified as MA-2022-Madison Borough-00431 to the New Jersey Department of Transportation on behalf of the Borough of Madison; and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Madison and that their signatures constitute acceptance of the terms and conditions of the grant agreement.

**UNFINISHED BUSINESS** - None

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**APPROVAL OF VOUCHERS**

On motion by Ms. Baillie, seconded by Ms. Byrne 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.

Current Fund	\$4,259,800.01
General Capital Fund	331,029.00
Electric Operating Fund	570,620.24
Electric Capital Fund	15,262.50
Water Operating Fund	25,126.34
Water Capital Fund	14,800.00
Trusts	<u>128,259.14</u>
Total	<u>\$5,344,897.23</u>

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

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

**NEW BUSINESS** - None

**ADJOURN**

There being no further business to come before the Council, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved July 12, 2021 (EO)