

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

July 26, 2021 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 26th day of July, 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

Absent: Robert Landrigan, excused

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)

July 12, 2021

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

LITIGATION MATTERS (2)

AFFORDABLE HOUSING UPDATE

2020 ROAD RECONSTRUCTION PROGRAM

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

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CONTRACT MATTERS (2)
JOINT MUNICIPAL COURT
HDM- EAST WING

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

PERSONNEL MATTERS (1)
MERIT COMPENSATION ADJUSTMENTS

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

POTENTIAL LITIGATION MATTERS (1)
DREW UNIVERSITY

Date of public disclosure 90 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 upon the passing of resident Eleonora “Mama” Coviello.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Executive Minutes of July 12, 2021**. Ms. Byrne seconded the motion, which passed with a unanimous voice call vote recorded.

Ms. Baillie moved approval of the **Regular Meeting Minutes of July 12, 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 his attendance at the opening of the Madison YMCA new pool facility, along with Council Member Astri Baillie. There will be one Council meeting in August and returning to in-person Council meetings beginning September 13, 2021.

EMPLOYEE OF THE MONTH FOR JULY

Mayor Conley announced that this month there is an additional selection for Employee of the Month. Ray Codey, Borough Administrator, has performed well beyond his essential job function. He has worked countless hours to settle Affordable Housing litigation on behalf of the Borough. Not only did he work tirelessly for a fair settlement, but he also saved the Borough thousands in legal fees. His prior experience with affordable housing and his legal expertise were invaluable during the process of reaching a settlement.

REPORTS OF COMMITTEES

Public Safety

Ms. Byrne, Chair of the Committee, made the following comments:
Two of our Volunteer Firefighter’s will begin Firefighter 1 Training on August 10th. The classes are every Tuesday evening and all day Saturdays until December 4th.

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Also two additional Volunteer Firefighters will start Firefighter 2 Training on August 2nd. Classes are every Monday and Wednesday evening, concluding on November 22nd. Firefighter Troy Pehowic started his career on Tuesday, July, 13th with the Fire Department. He is training on apparatus and getting more proficient each day. The Fire Department has submitted a joint grant application with the Madison Volunteer Ambulance Corp for radio equipment through the 020AFG Grant program. We are waiting to hear if the Borough has been awarded any funds. A new Volunteer Firefighter will be appointed this evening. The Police Department announces that on July 20th officers from the Madison Police Department Command Staff and Community Relations Unit attended training titled 'Police and The Community: Building the Bridges, Through Summer and Beyond'. This training covered working with Clergy to build public confidence of police and improving community messaging for law enforcement. A new section was created under our Madison Police Department webpage following department-wide training on Autism Awareness. Autism Services, allows residents to provide information on family members who have developmental disabilities, which will provide first responders valuable information upon responding to calls for service at those addresses. For information, please visit, www.rosenet.org/1384/Autism-Services. On July 24, 2021, members of The Madison Police Department-Community Relations Unit teamed up with members of Madison Baptist Church and their Food Pantry to hand out meals to over 200 guests. These meals were purchased by Soup Kitchen 411 and prepared by local food establishments.

Finance and Borough Clerk

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

The State has a program that helps eligible seniors with their property taxes, the Senior Freeze Program. The senior freeze program effectively freezes the property tax bill of a senior. As an example, residents that were accepted into the program in 2015 receive a check from the state which covers the difference between their 2015 property taxes and their 2020 property taxes. Last week, the state started mailing checks to residents who are in the program. Please contact the Tax Collectors Office if you have questions or need any additional information. The County was delayed in certifying our tax rate and as a result property tax bills were delayed. The Tax Collector's office will be printing and mailing out Property Tax bills this Friday. Bills will have a payment deadline of August 1st, but note there is a grace period with no interest and penalties if the payment is received by Tuesday August 24th. Note, we said received, not posted in the mail. Alternately, there are a couple of options for property owners that may be out of town during the next few weeks who want to avoid penalties and interest because of the short turnaround time. Visit rosenet.org to pay their property tax bills on-line, or you can mail in a check based on your last quarterly property tax bill. Please contact the Tax Collectors Office if you have any questions.

Public Works and Engineering

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

Reporting for the Engineering Department, Mr. Hoover noted that the Upper and Lower Stair foundations at the at the Hartley Dodge Memorial plaza, have been removed over the last two weeks. Half the demolished concrete was able to be combined with imported fill beneath the stairs. The project has had no significant delays or cost adjustments and demolition remains on schedule. Please note all general public access to the Municipal Building continues via the west wing courtroom ramp for the duration of the project. Cifelli General Construction has now completed curb and driveway replacement, topsoil and seed on the outside perimeter and approximately half the inside perimeter on both Anthony Drive and

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Wayne Boulevard. Miscellaneous sidewalks replacement will begin in 1-2 weeks. Paver resets downtown and several driveway aprons will also be improved in the Central Business District as part of this project. A weekly status report is available on Rosenet.org. If there are specific concerns about construction work, please contact the Madison Police or the Borough Engineer. The Road Department has started restriping crosswalks in all school zones in preparation for in person education to start August 30th. DPW is topping off both rock salt domes to take advantage of lower pricing during the summer and to insure an adequate supply for the approaching winter weather season. Five (5) new swings were installed at the Dodge Field Playground. The Mechanical Division is working on repurposing a former police patrol vehicle for general administrative use. The new textile recycling bin will be installed at the DPW yard in two weeks. Reporting for the Health Department, Madison has seen a total of 885 cases of Covid-19, with seven new positive cases this week. The Delta Variant is the dominant strain in New Jersey. . The Madison Health Department will hold vaccine clinics on Tuesdays. Please contact the Health Department for an appointment.

Community Affairs

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

Ms. Coen invited residents to visit the Farmers' Market on Thursdays, as there are many new vendors.

Utilities

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

The Electric Department addressed a number of recent outages due to heat and stormy weather. On Sunday, July 11th, 14 – 21 Kings Road experienced a power outage due to a squirrel tripping a fuse. On Monday, July 12th, 246 Woodland reported ½ power caused by the wires burning up at the transformer. On Saturday, July 17th, Park Avenue had a power outage due to a primary connector burning through by the cut-out box, also on Saturday, July 17th, Lathrop Avenue experienced a power outage due to a tripped fuse caused by a quick moving thunder & lightning storm, and on Park Avenue had another power outage occurred due to a lightning strike burning through two Primary feeder wires. On Sunday, July 18th, a portion of Longview Avenue lost power, caused by a large branch falling on a transformer and tripping the fuse. The Department completed installing LED streetlights on Woodland Road and Ridgedale Avenue and is currently working on completing Rosedale Avenue. The Water Department advises that it is Lead and Copper testing time once again. Every three years the Water Department tests homes throughout the town based on a pre-determined list. The homes selected have copper pipes with lead solder installed before 1983 and are being tested for the presence of Lead and/or Copper in the home's plumbing system. The Madison water system is on a reduced testing protocol because our water is not characterized as "aggressive"; as Madison has well water pumped from a limestone aquifer. The minerals dissolved in our water causes hardness, which leaves calcium deposits inside the piping, rather than stripping pipe and solder material away from a home's plumbing. Odd and even watering days are still in effect for the rest of the summer. Please remember to refrain from watering during the day.

Health

Mr. Landrigan, Chair of the Committee, absent.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

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Email dated July 19, 2021 from Eliana Liporace regarding the Passaic Valley Sewerage Commission's proposed power plant in Newark, N.J.

Email dated July 20, 2021 from Lois Bhatt of Green Avenue supporting the Mayor and Council's efforts to preserve the Drew Forest.

Email dated July 21, 2021 from Carol Martorana, Madison Rotary, Barnsdale Road supporting efforts to preserve the Drew Forest.

Email dated July 21, 2021 from Michael Giordano of Crestwood Road, regarding a personnel issue.

Email dated July 26, 2021 from Sara Fischer of Niles Avenue raising concern for proposed basketball courts at 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.**

Claire Whitcomb; Fairwood Road, looks forward to the Cook Avenue parking lot presentation and asked that rain gardens be included. Ms. Whitcomb also asked that the Environmental Commission be included in reviewing plans for reconstruction.

Pat Rowe; Pine Avenue, asked regarding American Rescue Plan Act funding what projects are scheduled for 2023 and will the 2023 capital budget be increased.

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

AGENDA DISCUSSIONS

07/26/2021-1 COOK AVE PARKING LOT AND WAVERLY PL RECONSTRUCTION UPDATE

Mayor Conley discussed plans for the reconstruction of the Cook Avenue parking area, originally scheduled for 2021, but now scheduled, most likely, in 2022. Plans include reducing the entrance and exit driveways, all isles will allow traffic in both directions and the addition of more handicapped parking spaces. Storm water issues will also be addressed. Overall, the parking area will be more welcoming. Reconstruction of Waverly Place is in the preliminary stages, no drawings are available at this time, but will include addressing usual storm water issues, traffic calming and paving. Mayor Conley noted that this is an opportunity to reinvent the center of Madison. All stakeholders will be given the opportunity to attend meetings as plans develop. Mayor Conley also noted that improvements will require review by both State and County officials.

07/26/2021-2 AMERICAN RESCUE PLAN ACT (ARPA) FUNDING

Mr. Burnet announced that the Borough has been notified that we will receive \$1,847,818.66 in ARPA funding. Funds will be disbursed shortly, but not all at once. The Borough is still experiencing revenue shortfalls, including commuter parking and other permits. Fire Chief Lou DeRosa recently provided an update of the municipality's radio system, noting its age. The Borough Administration is asking to

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dedicate \$1.5 million for replacement of the Borough’s radio system. The new system will be used by all departments and allow for better communication. Following discussion there was agreement to list a resolution directing the Chief Financial Officer to take necessary administrative actions to appropriate \$1,500,000 of American Rescue Plan Act funds towards the purchase of a new Borough Radio System.

Resolution 218-2021 is 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 July 12, 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 36-2021
ORDINANCE OF THE BOROUGH OF MADISON AMENDING
CHAPTER 185-30 OF THE BOROUGH CODE TO PROHIBIT
PARKING DURING CERTAIN HOURS ON DELBARTON DRIVE**

WHEREAS, the Acting Chief of Police has recommended there be no parking on the North Side of Delbarton Drive for the entire length, from Niles Avenue to Delbarton Drive, restricting parking when athletic fields are in use throughout the year; and

WHEREAS, the Borough Council has determined that Chapter 185 of the Madison Borough Code entitled “Vehicles and Traffic” should be amended in order to implement this change.

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

Section 1: Section 185-30 of the Code of the Borough of Madison entitled "Schedule II: "No Parking Certain Hours", subsection shall have the following added to it:

<u>Name of Street</u>	<u>Side</u>	<u>Hours</u>	<u>Location</u>
Delbarton Drive	North	4:00 p.m. to 8:00 p.m., Monday to Friday, 8:00 a.m. to 8:00 p.m., weekends, year round when athletic fields are in use with organized sports activities	Niles Avenue to Delbarton Park

Section 2: Section 185-30 of the Code of the Borough of Madison entitled "Schedule II: "No Parking Certain Hours", subsection shall be repealed as follows:

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<u>Name of Street</u>	<u>Side</u>	<u>Hours</u>	<u>Location</u>
Delbarton Drive	South, entire cul-de-sac	4:00 p.m. to 8:00 p.m., Monday to Friday, 8:00 a.m. to 12:00 a.m., Saturday April 1, to June 30, when athletic fields are in use	Niles Avenue to Delbarton Park

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

Mayor Conley opened up the public hearing on Ordinance 36-2021. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Byrne moved that Ordinance 36-2021, which was read by title, be finally adopted. Mr. Hoover 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
Nays: None
Absent: Mr. Landrigan

Mayor Conley declared Ordinance 36-2021 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 37-2021
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$75,000.00 FROM THE AFFORDABLE HOUSING TRUST FUND FOR THE
CONVERSION OF EXISTING RENTAL UNIT AT JOHN AVENUE INTO
MULTIPLE UNITS**

WHEREAS, the Borough of Madison has previously authorized funding from the Affordable Housing Trust Fund for the conversion of two vacant four (4) bedroom units at the Housing Authority’s John Avenue complex to create two-bedroom units, in the amount of \$55,000.00; and

WHEREAS, the Borough Administrator has recommended that the Borough appropriate \$75,000.00 in additional funding from the Affordable Housing Trust Fund (AHTF) to the Madison Housing Authority (MHA) for the John Avenue project converting two four bedroom units into four two bedroom units; and

WHEREAS, funds are available in the Affordable Housing Trust Fund and the availability of funds has been certified by the Chief Financial Officer; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$75,000.00 in additional funding from the Affordable Housing Trust Fund to the MHA for the John Avenue project; and

WHEREAS, the units shall be eligible for full COAH credits.

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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 \$75,000.00 is hereby appropriated from the Affordable Housing Trust Fund to the MHA for conversion of two four (4) bedroom units at John Avenue into four (4) two-bedroom units.

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

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

Mayor Conley opened up the public hearing on Ordinance 37-2021. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 37-2021, which was read by title, be finally 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

Nays: None

Absent: Mr. Landrigan

Mayor Conley declared Ordinance 37-2021 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.

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 Osberg; Longview Avenue, thanked Council for tabling the Ordinance 29-2021 regarding funding for basketball and pickleball courts at Memorial Park, noting an online petition with over 200 signatures.

Judy Kroll; Laurel Way, representing Friends of the Drew Forest, noted the advantages of the Drew Forest and noted an online petition with 7000 signatures supporting the goals of the Friends. Ms. Kroll thanked Council for Resolution 156-2021 supporting conservation efforts at Drew University.

Pat Rowe; Pine Avenue, suggested sharing ungraded radio equipment with a neighboring community.

Dennis Schreiber; Amelia Court, asked if bump outs are still in the road reconstruction budget for Green Avenue, suggesting removal as a way to save tax dollars.

Sharon Harris; Rosedale Avenue, raised opposition to proposed construction of basketball/pickleball courts at Memorial Park, suggesting Council consider the Madison Recreation Complex (MRC).

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Claire Whitcomb; Fairwood Road, appreciated presentation on proposed upgrade of the Cook Avenue parking lot and Waverly Place and suggested motion sensor lights at Memorial Park.

Mary Jane Lundt; Highview Terrace, former Director of Facilities at Drew University noted efforts of several residents to save environmental important land in the Madison area and thanked the Mayor and Council for their support of the Drew Forest.

Christine Hepburn; Harding Township, noted the benefits of the Drew Forest and asked that the forest be preserved for future generations.

Chris Holland; Locust Street, asked by Ordinance 29-2021, was tabled and when it will be re-introduced. Mr. Holland noted that the drawing used for the appropriation ordinance did not include the correct proposed site.

Lydia Chambers; Millbrook Drive, Vernon, noted the Drew Forest is a haven for students attending Drew University, should be preserved for future generations. Ms. Chambers thanked the Mayor and Council for their support.

Katie Timmons; Prospect Street, noted her opposition to courts at Community Pool, and suggested more information about the project be made available.

INTRODUCTION OF ORDINANCES - 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. Baillie moved adoption of the Resolutions 211- 2021 through 216-2021 and R 218-2021 and R219-2021 listed on the Consent Agenda. 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

Nays: None

Absent: Mr. Landrigan

R 211-2021 RESOLUTION OF THE BOROUGH OF MADISON CONFIRMING MEMBERSHIP OF ALEXANDER J. SWEETIN IN THE MADISON HOSE COMPANY #1

WHEREAS, the Fire Chief has advised that Alexander J. Sweetin was voted into the Madison Hose Company #1 as a volunteer firefighter; and

WHEREAS, Section 18-27 of the Madison Borough Code requires that each person so voted shall be confirmed as a member of such division by the Council of the Borough of Madison.

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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 Alexander J. Sweetin is hereby confirmed as a member of the Madison Hose Company #1 effective immediately.

R 212-2021 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY THE ROTARY CLUB OF MADISON

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

MADISON ROTARY CLUB FOUNDATION INC.
I.D. No. 274-8-42881
R.A. No. 1517 – Off Premise 50/50
December 16, 2021

R 213-2021 RESOLUTION OF THE BOROUGH OF MADISON RESCINDING RESOLUTION 206-2021 AWARDING A CONTRACT TO ALLEGIANCE TRUCKS FOR THE PURCHASE OF AN INTERNATIONAL HOOK LIFT TRUCK AND ACCESSORIES UNDER SOURCEWELL

WHEREAS, Resolution 206-2021 authorized a contract to be awarded to Allegiance Trucks for the purchase of an International Hook Lift Truck and Accessories, in the amount of \$257,950.75, under Sourcewell; and

WHEREAS, the Acting Purchasing Agent has recommended that Resolution 206-2021 be rescinded to allow compliance with public notice requirements to utilize a national co-op like Sourcewell; and

WHEREAS, the Mayor and Council have determined that Resolution 206-2021 should be rescinded, and the contract Allegiance Trucks should not be executed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Resolution 206-2021, awarding a contract to Allegiance Trucks under Sourcewell, is hereby rescinded.

R 214-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Borough of Madison has determined that surplus Borough property is no longer needed for public use; and

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WHEREAS, the Borough of Madison intends to utilize the online auction services of Municibid to auction the surplus property.

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 is hereby authorized to sell the surplus property as indicated on an online auction website entitled Municibid.com; and

BE IT FURTHER RESOLVED that the terms and conditions of the State Contract T-2581/19-GNSV1-00696 for online auction services is available in the Borough Clerk's office; and

BE IT FURTHER RESOLVED that a certified copy of the within Resolution be forwarded by the Borough Clerk to the State of New Jersey Division of Local Government Services.

R 215-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT AND MUTUAL RELEASE WITH MIDWEST CONSTRUCTION, INC.

WHEREAS, certain matters have arisen pertaining to the 2020 Road Reconstruction program (Beverly Road and Albright Circle) with Midwest Construction, Inc. and the Borough of Madison ("Borough"); and

WHEREAS, Midwest Construction, Inc. has agreed to a Settlement Agreement and Release and executed same on July 20, 2021; and

WHEREAS, the Borough Council has reviewed the Settlement Agreement and Release and seeks to accept and agree to the terms of same.

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

- 1). The Borough hereby accepts and ratifies the terms and conditions of the Settlement Agreement and Release executed by Midwest Construction, Inc. on July 20, 2021; and
- 2). The Borough hereby authorizes the Mayor to execute the Settlement Agreement and Release; and
- 3). That this resolution shall take effect immediately.

R 216-2021 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING SALARY INCREASE FOR CERTAIN BUILDING DEPARTMENT, ELECTRIC AND WATER UTILITY AND DEPARTMENT OF PUBLIC WORKS EMPLOYEES

WHEREAS, certain Building Department, Electric and Water Utility and Department of Public Works employees have assumed additional responsibilities, secured certification and performed meritorious service, and

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WHEREAS, the Borough Administrator recommends an increase for Haleigh Hazen, Building Department from \$46,900.00 to \$55,000.00, for Janet Wagstaff in the Electric and Water Utility from \$48,838.00 to \$55,000.00, for Loretta D'Angelo in the Department of Public Works from \$52,128.00 to \$55,000.00 and Bonnie Mulcahy in the Electric Utility from \$41,488.00 to \$50,000.00; and

WHEREAS, the Borough Council has determined to approve such increases to the above referenced full time employees, effective immediately.

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 Council ratifies and an increase for Haleigh Hazen, Building Department from \$46,900.00 to \$55,000.00, for Janet Wagstaff in the Electric and Water Utility from \$48,838.00 to \$55,000.00, for Loretta D'Angelo in the Department of Public Works from \$52,128.00 to \$55,000.00 and Bonnie Mulcahy in the Electric Utility from \$41,488.00 to \$50,000.00.

R 218-2021 RESOLUTION OF THE BOROUGH OF MADISON DIRECTING THE CHIEF FINANCIAL OFFICER TO TAKE ADMINISTRATIVE ACTIONS TO APPROPRIATE AMERICAN RESCUE PLAN FUNDS

WHEREAS, the Borough of Madison will receive a total of \$1,847,818.66 from the federal American Rescue Plan Act with half of those funds being received in 2021 and the remaining half being received in 2022; and

WHEREAS, due to a slow financial recovery after the Covid-19 pandemic, the Chief Financial Officer anticipates that the Borough will have to reduce certain planned capital projects in the coming years; and

WHEREAS, the Mayor and Council recognize that the current municipal radio system is antiquated and the replacement cannot be deferred and as such is considered a high priority capital item; and

WHEREAS, the new radio system will have additional capabilities allowing various Borough departments to directly communicate with each other, thus enhancing public safety.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Madison that the Chief Financial Officer is directed to take the necessary administrative actions to appropriate, reserve and/or encumber \$1,500,000 of American Rescue Plan Act funds towards the purchase of a new Borough Radio System with the remaining funds being available for economic development projects or other eligible programs under the American Rescue Plan as determined by the Borough Council.

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R 219-2021 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING AN AMENDED SPENDING PLAN FOR THE AFFORDABLE HOUSING TRUST FUND

WHEREAS, on July 8, 2015, the Borough of Madison (“Borough”) filed a declaratory judgment action with the New Jersey Superior Court, Morris County seeking to declare its HEFSP as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period; and

WHEREAS, on August 10, 2020 the Borough executed a Settlement Agreement with Fair Share Housing Center that identified the Borough’s affordable housing obligation, compliance mechanisms, and other terms intended to promote the production of affordable housing; and

WHEREAS, the Borough of Madison currently has an approved development fee ordinance and affordable housing trust fund in place which includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, and other funds collected in connection with the Borough’s affordable housing program; and

WHEREAS, by Resolution 152-2021, the governing body adopted an amendment to the spending plan; and

WHEREAS, the Borough requires approval of an additional amended spending plan in order to utilize funds within its affordable housing trust fund in accordance with its Settlement Agreement with Fair Share Housing Center (FSHC); and

WHEREAS, N.J.A.C. 5:93-8-9. requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH or Superior Court prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:93-5.1(c) requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:93-8.16;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;

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7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council’s approval of the spending plan, or in accordance with an implementation schedule approved by the Council;
9. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;
10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the Borough of Madison has prepared a Spending Plan consistent with P.L. 2008, c. 46, COAH regulations, and the Settlement Agreement with FSHC.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Madison, Morris County requests that the Superior Court review and approve Madison’s spending plan.

Ms. Baillie moved adoption of the Resolution 217-2021, listed on the Consent Agenda. Ms. Baillie seconded the motion. Ms. Baillie noted that NJDEP permitting was accomplished this winter and the trails will be in four phases. This item is the first phase with this grant request including a 20% match.

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

Nays: None

Absent: Mr. Landrigan

R 217-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A MORRIS COUNTY TRAIL CONSTRUCTION GRANT APPLICATION

WHEREAS, the Morris County Board of Chosen Freeholders authorized the creation of the Trail Construction Grant Program (hereinafter “Program”) to provide funding to any of its 39 municipalities for recreational trail construction projects; and

WHEREAS, the Program is funded through the Morris County Open Space, Recreation, Farmland and Historic Preservation Trust Fund and requires a 20% match from applicants through a financial contribution or in-kind services; and

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WHEREAS, the Borough of Madison is submitting a grant to the Morris County Trail Construction Grant Program in the amount of \$196,000.00 for a project entitled Memorial Park Trails – Phase 1.

NOW THEREFORE BE IT RESOLVED, that the governing body of the Borough of Madison does hereby authorize the preparation and submission of a Morris County Trail Construction Grant Application.

BE IT FURTHER RESOLVED, that the governing body of the Borough of Madison authorizes the expenditure of the required 20% match for this grant through the Open Space Recreation and Historic Preservation Trust Fund and Borough operating funds.

BE IT FURTHER RESOLVED, that the Mayor and governing body of Borough of Madison acknowledge the grant program will operate on a reimbursement basis only and agree to provide full advance funding to complete the proposed project.

UNFINISHED BUSINESS - None

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	\$4,141,387.22
General Capital Fund	17,464.74
Electric Operating Fund	408,411.65
Electric Capital Fund	42,954.50
Water Operating Fund	61,564.82
Water Capital Fund	0.00
Trusts	<u>35,692.85</u>
Total	<u>\$4,707,475.78</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 9:45 p.m.

Respectfully submitted,

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