

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

January 8, 2024 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 8th day of January, 2024. Mayor Conley called the meeting to order at 7:00 p.m., in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

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

“In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by transmitting a copy of the meeting notice to the Madison Eagle and Morris County Daily Record, posting a copy on the bulletin board at the main entrance of the Hartley Dodge Memorial, and filing a copy in the office of the Clerk, all on January 12, 2024. 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:

Rachael Ehrlich
Robert Landrigan
Eric P. Range
Thomas Haralampoudis
Melissa Honohan
John J. Forte

Also Present:

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

AGENDA REVIEW

There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Mr. Range moved:

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

MINUTES FOR APPROVAL (1)

November 13, 2023

November 27, 2023

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

CONTRACT MATTERS (3)

MASONIC LODGE

RISK MANAGEMENT SERVICES

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HARTLEY DODGE RENOVATION

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

LITIGATION MATTERS (2)

WATER UTILITY PFA CONTAMINATION

DREW UNIVERSITY

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

PERSONNEL MATTERS (2)

MAYOR AND COUNCIL ORIENTATION – M Stinely

DPW WATER FOREMAN

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

Seconded: Ms. Ehrlich

Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

Mayor Conley reconvened the Regular Meeting at 8 p.m. in the Council Chamber with all members present. The Pledge of Allegiance was recited by all. Mayor Conley asked for a moment of silence at the passing of Madison residents Joseph J. Strelkoff and Anne Bertek.

APPROVAL OF MINUTES

Mr. Range moved approval of the **Executive Minutes of November 13, 2023**.

Ms. Ehrlich seconded the motion, which passed with a unanimous voice call vote recorded.

Mr. Range moved approval of the **Regular Meeting Minutes of November 13, 2023**. Ms. Ehrlich seconded the motion, which passed with a unanimous voice call vote recorded.

Mr. Range moved approval of the **Executive Minutes of November 27, 2023**. Ms. Ehrlich seconded the motion, which passed with a unanimous voice call vote recorded.

Mr. Range moved approval of the **Regular Meeting Minutes of November 27, 2023**. Ms. Ehrlich seconded the motion, which passed with a unanimous voice call vote recorded.

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

Mayor Conley wished Madison residents a Happy New Year, noting a wonderful holiday season in Madison and welcomed Councilmember John Forte back to the Council.

Employee of the Month for January

Firefighter/EMT Evan Webb for his knowledge and efforts in helping with the MVAC transition.

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45th Anniversary

Thomas DeBiasse, Water Foreman of the Water Utility on January 22nd, 2024.

Recognition of the NJMMA Internship Award Recipient - Luke Bias

Mayor Conley recognized Borough Intern Luke Bias, who is the NJMMA Internship Award Recipient, for a new process/procedure in the Building Department.

REPORTS OF COMMITTEES

Public Safety

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

The Madison Police Department leadership spearheaded a task force comprised of officers from Morristown, Morris Township, Morris County Prosecutor's Office, Morris County Sheriff's Office, Chatham Township, Chatham Borough, East Hanover, Hanover Township, and Florham Park in a coordinated effort to target auto theft and residential burglaries. The departments dedicated officers to this cause which is in response to the state wide epidemic of motor vehicle thefts and residential burglaries. These task force details are occurring on a pre-determined schedule. Detective Jerry Mantone will be the newest officer teaching DARE for the Madison Police Department. He is currently in training for two weeks and upon completion he will be assigned a 5th grade Madison elementary school class to have as his own. DARE (Drug Abuse Resistance Education) is taught weekly to all 5th grade Madison classes by trained Madison officers and gives the kids the skills they need to avoid involvement in drugs, gangs, and violence. The Fire Department reports a total of 173 calls in December which was the busiest month of the year and the busiest in recorded history. The Fire Department responded 1,474 times in 2023. This was the busiest year in history. Most of the increase is due to the increased responsibility to EMS with our partnership with the Madison Volunteer Ambulance Corps. Some notable events include a house fire at 36 Brooklake Road and 52 Niles Avenue, and an apartment fire at 17 Madison Avenue. There was a dumpster and small part of the structure at 41 Prospect Street and an intentionally set car fire at 300 Madison Avenue. Seventeen requests for help to neighboring towns and sixty motor vehicle accidents. The ladder truck has been repaired and is back in service after having its hydraulic system rebuilt at the factory. Late tomorrow afternoon we are expecting a large amount of rain and heavy winds up to 45 miles an hour. Please make sure to check your sump pumps and if your basement floods call the fire department.

Finance and Borough Clerk

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

The Clerk's office noted in anticipation of the June 4th Primary Election, the filing deadline for Nomination Petitions for Municipal Office is March 25, 2024.

Candidates for Municipal Office must file Nominating Petitions in the office of the Borough Clerk by 4:00 p.m. March 25, 2024, the 71st day next preceding the day of the June 4th primary election for the general election. Nomination Petitions for Independent General Election Candidates and School Election Candidates, are filed with the County Clerk before 4:00 p.m., on June 4th (the day of the primary election) Forms are available in the Clerk's Office, as well as voter registration forms (as well as Mail in Ballot applications) are also available in the Clerk's office and on line at morriselections.org. Cat and dog license renewals are underway. Licenses must be renewed by the end of January. Any organization considering a raffle should contact the Clerk's Office. The first Quarter property taxes are due February 1st. The Tax

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Collector collected 99.87% of the 2023 property taxes. Special thanks to the staff in the Tax Collection Department. The Edmunds budget and accounts payable system is currently closed for year-end accounting. The system will be rolled over and opened by the end of the week. This evening, Council will continue work on the 2024 budget. Back in December, there was discussion of the proposed five year capital plan. This important document is available on Rosenet. A temporary budget was adopted at the reorganization meeting, January 2nd, which is standard practice amongst all New Jersey municipalities. This evening there will be review of the Open Space, Recreation and Historic Preservation Trust Fund including last year's activity. The budget process revolves around the 2014 strategic planning guidelines. We continue to be guided by this important document and the work of former Councilman Ben Wolkowitz. The budget process began back in the summer when Administration started discussing the capital and operating needs with all Department Heads. Over six (6) council meetings, the governing body will discuss open space, capital, utilities, the municipal budget and the department operating budgets. As a reminder, we have three budgets that we vote on and approve, the water utility budget, the electric utility budget and the current fund or main municipal budget. It is a very transparent, open process and voting on the budget is one of the most important actions Council takes. Anyone who has questions about this should visit the ANNUAL BUDGET PROCESS page on Rosenet. The remaining budget schedule is as follows: January 22nd there will be presentations from the Electric Utility and Public Works Department Heads and review of the utility budgets and utility fund balance or surplus. On February 12th, there will be discussion on the municipal budget and municipal fund balance. February 26th, Department Heads will make their presentations. March 11th, there will be a second discussion on the draft budget. Strategic Planning Guidelines and the Alternate Budget Format will also be presented. If there is consensus, Administration will draft the official state budget document and on March 25, 2024, the final Budget Discussion and introduction of the official State Budget. We need to introduce the document by this meeting so we can stay within the state statutes and budget rules. After the minimum 28 day period, Council will hold a hearing and hopefully adopt the budget, on April 22, 2024.

Public Works and Engineering

Mr. Landrigan, Chair of the Committee, made the following comments: The Department of Public Works will continue to pick up Christmas trees and chip them for recycling until the end of January. Leaf pick up will also continue until completed. The Sewer Department has checked all gate values due to the pending storm.

Utilities

Mr. Haralampoudis, Chair of the Committee, made the following comments: The Electric Department been very busy doing mark outs and streetlight replacement. Interns did a great job cleaning and organizing the tool room at the Water & Light Plant. The Department replaced three poles on Station Road for the Well B Construction project and has the Pad mount transformer and the primary wire ready to go. The Electric Forman been in contact with the contractor. On December 12, 2023, stand- by crews got called to a low wire repair. On December 12, 2023, stand - by was called to an emergency mark out at 37 Winding Way. On December 31, 2023, the stand-by crew was called to 151 Green Village Road for a large branch on Primary Wires. January 1st stand - by crews were called to 7

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Dellwood Parkway South for report of no power. The transformer was replaced with a larger one.

Community Affairs

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

The Downtown Development Commission will hold its annual Reorganization Meeting on Thursday, January 18th, at 7:15 pm in the 2nd Floor Committee Room of the Hartley Dodge Memorial Building. New and returning commissioners will receive the oath of office at this meeting. The Taste of Madison returns to the Madison Hotel on Monday, March 18, 2024. More information will be released shortly. The response to the special edition game, Madopoly, was even better than expected, and the Madison Area Chamber of Commerce edition of Madopoly is now officially sold out. The Spotlight Kids will present the High School version of *Chicago* on January 12-14, 2024. There are performances at 7:00 pm on the 12th and 13th and 2:00 pm on the 13th and 14th. Spotlight will also host its annual Weekend Workshop at the center on January 26th and 27th. On January 15th, as part of their Dr. Martin Luther King celebration, The American Association of University Women (AAUW) will screen the film *Ruby Bridges* at the Arts Center at 1:00 pm. A discussion of the film will follow. The presentation is free, and the public is welcome to attend. The Music Open Mic continues its monthly run on Wednesday, January 10th, at 7:00 pm. The Comedy Open Mic will be held on Wednesday, January 17th, at 7:00 pm. The Come Original Showcase of new music will be held on Saturday, January 20, 2024. Over 17,000 patrons attended events at the center in 2023. There were a total of 738 separate events. For 2024, 764 events have already been booked. Currently, booked events occupy 34% of the operational hours at the center, and if preparation time is taken into account, occupancy rises to 53% of operational hours. Excluding major holidays in 2024, there are only 30 days with no activity and only 12 Friday and 17 Saturday evenings with no events. For 2025, there are only 60 days without a booked event. Events for the entire year can be viewed on the MCAC landing page at madisonartsnj.org/mcac.

Health

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

The Madison Health Department has available COVID vaccines for children. Information can be found on the westfieldnj.gov website, as the Town of Westfield is now the provider of Health services for the Borough of Madison. Plans for an adult influenza and COVID vaccine clinic are in the works and will be announce soon.

COMMUNICATIONS AND PETITIONS - None

INVITATION FOR COMMENT (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.**

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

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AGENDA DISCUSSIONS

01/08/2024-1 PREQUALIFICATIONS FOR RESTORATION OF HDM EAST WING

Tyler Merson, HDM Trustees representative, explained the proposed East Wing project, providing details of the construction plan including creation of 3000 sq. ft. of office space on the lower lever, museum space for the Madison Historical Society on the first level and additional office space on the second floor. The addition of an elevator and updated HVAC, plumbing and electrical systems are also in the reconstruction plans. Mayor Conley opened the meeting to the public for comments. Since no member of the public wished to be heard, the invitation for comments was closed.

Resolution 38-2024 is listed on Consent Agenda.

01/08/2024-2 MASONIC LODGE RESTORATION PRESENTATION

Mr. Codey announced that the historic Masonic Lodge at 170 Main Street is now owned by the Borough of Madison following the closing in December of 2023, explaining the acquisition and renovation funding. The structure is listed on the State and National Register of Historic Places. The 200th Anniversary will be May 18, 2024. A perpetual conservation easement will encumber the entire property prohibiting building demolition. Proposed use of the space include the return of Senior Services in Madison and use as a community and non-profit space for multiple events.

01/08/2024-3 OPEN SPACE, RECREATION AND HISTORIC PRESERVATION BUDGET UPDATE

Mr. Burnet provided information on activity in the Open Space, Recreation and Historic Preservation Trust Fund noting various expenses in 2023, user fees and interest received and planned projects.

ADVERTISED HEARINGS - None

INVITATION FOR COMMENT (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.**

Judy Kroll; Laurel Way, spoke on behalf of the friends of the Drew Forest, noting the forest is for all seasons, including winter.

Kevin Humes, Dehart Place, raised concern regarding illegal parking in school crossing zones.

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

The ordinance scheduled for introduction and first reading tonight will have a hearing during the meeting of January 22, 2024 in the 2nd Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption.

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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 Ordinance 1-2024 for first reading and asked the Clerk to read said ordinance by title:

ORDINANCE 1-2024 ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195-32.4 OF THE MADISON BOROUGH CODE ENTITLED “CBD-1, CBD-2 CENTRAL BUSINESS DISTRICT ZONES REGULATIONS”

WHEREAS, pursuant to N.J.S.A. 40:55D-62, the Borough of Madison, in the County of Morris, State of New Jersey (the “Borough”) may adopt or amend Zoning Regulations by Ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, the Borough Council acknowledges the need to accommodate parking within structures in mixed-use buildings in the CBD-1, CBD-2 Central Business District Zones, consistent with the 2022 Zoning Board of Adjustment Annual Report; and

WHEREAS, the Land Use Element of the 2020 Borough Master Plan encourages combined residential and commercial development in the CBD, downtown living opportunities, a broad range of well-patronized retail businesses, and pedestrian activity with the aim of fostering a vibrant downtown environment; and

WHEREAS, the Borough Master Plan also encourages design elements and attributes that preserve the physical character of the downtown, while ensuring that infill development reflects the context of existing surrounding structures.

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 195-32.4 of the Land Development Ordinance of the Borough of Madison, is hereby amended as follows:

Section 1 (proposed amendments are indicated in italics and underlined and deletions are ~~struck through~~): § 195-32.4, CBD1, CBD-2 Central Business District Zones regulations, is hereby amended to read as follows:

- A. No change.
- B. Principal permitted uses.
 - 1. Apartments over retail stores or offices. See also § 195-32.4I for additional standards.
 - 2. Business, medical, professional, executive or administrative offices, except ground floor in the CBD-1 Zone.

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3. Theaters.
4. Institutional uses.
5. Public parks and playgrounds.
6. Recreation facilities, commercial or private.
7. Restaurants, non-drive through.
8. Retail sales and service.
9. Financial institutions, non-drive-up window.
10. Two-family dwellings (only in CBD-2 Zone).
11. Single-family detached dwellings (only in CBD-2 Zone).
12. Inclusionary multifamily residential in compliance with §§ 195-47 and 195-48 (only in CBD-2 Zone).

C. Accessory uses.

1. No change.
2. No change.
3. Below grade or at-grade parking accessory to principal permitted uses.

D. No change.

E. No change.

F. Off-street parking.

1. No change.
2. No change.
3. No change.
4. No change.
5. No change.
6. Ground floor, at-grade parking shall be enclosed within the principal structure along public street frontages, and shall count towards the building's maximum permitted height in feet and shall be considered a story.

G. No change.

H. No change.

I. Parking accessory to residential uses. A minimum of 60% of the ground floor area of all lots shall be comprised of retail sales and service uses, occupying at least 75% of all public street frontages measured in linear feet. Accessory parking and other amenities, as well as mechanical systems accessory to residential uses, may occupy the remaining ground floor or subsurface floor(s) area of mixed-use buildings.

Section 2. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Borough of Madison Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance that are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Borough Council deems appropriate.

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Section 3. Any and all prior Zoning Regulations of the Borough that are inconsistent with this Ordinance are superseded by the Zoning Regulations adopted by this Ordinance.

Section 4. If any part of this Ordinance shall be deemed to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 5. A copy of this Ordinance and the Zoning Regulations shall be available for public inspection at the office of the Borough Clerk during regular business hours.

Section 6. This Ordinance shall take effect in accordance with all applicable laws.

Mr. Range moved that Ordinance x-2024, which the Borough Clerk read by title, be adopted. Ms. Ehrlich seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Ehrlich, Mr. Landrigan, Mr. Range,
Mr. Haralampoudis, Ms. Honohan, Mr. Forte

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.

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

Yeas: Ms. Ehrlich, Mr. Landrigan, Mr. Range,
Mr. Haralampoudis, Ms. Honohan, Mr. Forte

Nays: None

R 38-2024 RESOLUTION OF THE BOROUGH OF MADISON ADOPTING PREQUALIFICATION REGULATIONS

WHEREAS, on January 8, 2024, the Borough Council of the Borough of Madison conducted a public hearing to consider the terms and conditions of the Prequalification Regulations for the restoration of the East Wing of the Hartley Dodge Memorial Building; and

WHEREAS, the Prequalification Regulations were prepared by the Borough Engineer for the project; and

WHEREAS, the Borough Council has reviewed the Prequalification Regulations and has made a determination that the requirements will insure that the

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restoration of the East Wing of the Hartley Dodge Memorial Building is performed by a contractor having knowledge and experience in historic restoration.

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 Prequalification Regulations attached hereto are hereby approved and adopted.

R 39-2024 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE SETTLEMENT OF CERTAIN TAX APPEALS

WHEREAS, appeals of the real property tax assessments of the following properties have been filed in the Tax Court of New Jersey:

PROPERTY OWNER	BLOCK	LOT	ADDRESS
Lapovsky, Angela & Matthew	4101	10	50 Midwood Terrace

; and

WHEREAS, the Borough Tax Assessor has asked the Borough Council to approve the settlement of a State Tax Court appeal outside of her allowed monetary threshold for refunds.

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

1. The settlement of the following tax appeals filed at the Tax Court of New Jersey are hereby authorized as follows:

<u>PROPERTY OWNER</u>	YEAR	ORIGINAL ASSESSMENT	PROPOSED SETTLEMENT
Lapovsky, Angela & Matthew	2021	\$2,311,000	\$1,950,000
Lapovsky, Angela & Matthew	2022	\$2,311,000	\$1,950,000

2. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.

3. This Resolution shall take effect immediately.

R 40-2024 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A SHARED SERVICE AGREEMENT WITH THE CITY OF SUMMIT TO PROVIDE INFORMATION TECHNOLOGY SERVICES

WHEREAS, the Borough of Madison wishes to renew Shared Services agreements for the provision of Information Technology Support Services, wherein Madison provides IT Support Services, pursuant to the attached contracts with the City of Summit; and

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WHEREAS, the Madison Borough Council has determined to renew said shared services agreements.

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 Mayor and Borough Clerk are authorized to enter into a Shared Services agreement with the City of Summit for the provision of Information Technology Support Services, such agreements to be in a form approved by the Madison Borough Attorney.

R 41-2024 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING FATHER OWEN MORAN AS POLICE CHAPLAIN FOR THE MADISON POLICE DEPARTMENT

WHEREAS, Ordinance 60-2016 establishes the position of volunteer Chaplain for the Madison Police Department, under the control of the Chief of Police; and

WHEREAS, the Chief of Police has recommended appointment of Father Owen Moran of St. Vincent Martyr Church to serve as Police Chaplain for the Madison Police Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Father Owen Moran is appointed as Police Chaplain for the Madison Police Department, effective immediately.

R 42-2024 RESOLUTION OF THE BOROUGH OF MADISON APPROVING A SPECIAL EVENT PERMIT TO ALLOW THE USE OF MEMORIAL PARK PARKING AREA BY KAREN GIORDANO

WHEREAS, Ms. Karen Giordano has requested permission to use the parking area at Memorial Park on Thursdays, April 11, 2024 through May 16, 2024 and Thursdays October 31 to December 12, 2024, from 9:00 a.m. to 3:00 p.m.; and

WHEREAS, the Borough Administrator has granted such advance permission; and

WHEREAS, Ms. Karen Giordano has submitted a Special Event Permit Application to the Borough and has provided a Certificate of Liability Insurance naming the Borough of Madison as an additional insured; 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 Ms. Karen Giordano of is hereby given permission to use the Memorial Park Parking Area on Thursdays,

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starting April 11, 2024 through May 16, 2024 and Thursdays, October 31 to December 12, 2024, from 9:00 a.m. to 3:00 p.m., for bus trip activities subject to approval of the Madison Police Department.

R 43-2024 RESOLUTION OF THE BOROUGH OF MADISON REAPPOINTING CHRISTINE MAHLER TO THE POSITION OF TAX COLLECTOR

WHEREAS, Christine Mahler has served as Borough Tax Collector since being appointed in 2019, with her four-year term ending December 31, 2023; and

WHEREAS, Christine Mahler holds a valid Tax Collector Certificate.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Christine Mahler is hereby reappointed to the position of Tax Collector effective January 1, 2024.

R 44-2024 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACT FOR MOTOR GASOLINE THROUGH THE MORRIS COUNTY CO-OPERATIVE PRICING COUNCIL

WHEREAS, the Borough of Madison desires to enter into a contract for motor gasoline from an authorized vendor under the Morris County Co-Operative Pricing Council 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, Griffith –Allied Trucking, LLC dba Allied Oil, LLC, of Hillsborough, New Jersey has been awarded Morris County Co-Operative Pricing Council contract #1 Motor Gasoline; and

WHEREAS, the Director of Public Works has recommended that the Borough Council utilize this contract for motor gasoline in an amount not to exceed \$175,000.00; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$175,000.00 for this purpose, which funds will be available upon adoption of the 2024 Operating Budget.

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 for motor gasoline from Allied Oil, LLC, of Hillsborough, New Jersey, at a total price not to exceed \$175,000.00 is hereby approved under the Morris County Co-Operative Pricing Council contract #1 Motor Gasoline.

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2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Griffith –Allied Trucking, LLC dba Allied Oil, LLC, of Hillsborough, New Jersey, for motor gasoline at a total price not to exceed \$175,000.00, in a form acceptable to the Borough Attorney.

R 45-2024 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING THE AWARD OF A PURCHASE ORDER/CONTRACT FOR ROCK SALT TO ATLANTIC SALT OF LOWELL, MA, UNDER THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL PROGRAM

WHEREAS, the Borough of Madison desires to ratify an award of a purchase/order contract for rock salt to an authorized vendor under the Morris County Co-Operative Pricing Council program; 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, Atlantic Salt of Lowell, MA, has been awarded Morris County Co-Operative Pricing Council Contract # 3 for the purchase of rock salt; and

WHEREAS, the Director of Public Works has recommended that the Borough Council utilize this contract for the purchase of rock salt in an amount not to exceed \$120,000.00; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$120,000.00 for this purpose, which funds will be available upon adoption of the 2024 Municipal Budget.

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 purchase order/contract be awarded to Atlantic Salt of Lowell, MA for the purchase of rock salt at a total price not to exceed \$120,000.00 under the Morris County Co-Operative Pricing Council Contract #3 and same is hereby ratified and approved.

R 46-2024 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACT FOR DIESEL FUEL THROUGH THE MORRIS COUNTY CO-OPERATIVE PRICING COUNCIL

WHEREAS, the Borough of Madison desires to enter into a contract for ultra low sulfur diesel fuel from an authorized vendor under the Morris County Co-Operative Pricing Council program; and

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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, Creative Management, Inc. of Matawan, N.J., has been awarded Morris County Co-Operative Pricing Council contract #12 #2 Ultra Low Sulfur Diesel Fuel; and

WHEREAS, the Director of Public Works has recommended that the Borough Council utilize this contract for ultra low sulfur diesel fuel in an amount not to exceed \$70,000.00; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$70,000.00 for this purpose, which funds will be available upon adoption of the 2024 Operating Budget.

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 for ultra low sulfur diesel fuel from Creative Management, Inc. of Matawan, N.J., at a total price not to exceed \$70,000.00 is hereby approved under the Morris County Co-Operative Pricing Council contract #12 #2 Ultra Low Sulfur Diesel Fuel.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Creative Management, Inc. of Matawan, N.J. for ultra low sulfur diesel fuel at a total price not to exceed \$70,000.00, in a form acceptable to the Borough Attorney.

R 47-2024 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH WALNUT STREET, L.P. FOR 28 WALNUT STREET, TAX BLOCK 1601, LOT 42 (CIVIC CENTER SITE) AND TAX BLOCK 1601, LOT 1.01 (COMMUNITY PLACE SITE)

WHEREAS, pursuant to a Settlement Agreement reached on August 10, 2020 in litigation entitled In the Matter of the Borough of Madison, County of Morris, Docket No. MRS-L-1694-15, the Borough has agreed to construct a 100% affordable housing development consisting of at least 40 units; and

WHEREAS, the Mayor and Council of the Borough of Madison have previously taken formal action (i) declaring the property at 28 Walnut Street, Tax Block 1601, Lot 42 (the “Civic Center Site”) as an area in need of rehabilitation pursuant to *N.J.S.A. 40A:12A-14*; (ii) adopting a Redevelopment Plan for the Civic Center Property pursuant to *N.J.S.A. 40A:12-7*; (iii) declaring the property at the end of Community Place, Tax Block 1601, Lot 1.01, (the “Community Place Site”) as an area in need of redevelopment pursuant to *N.J.S.A. 40A:12A-6* and (iv) adopting

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Redevelopment Plan for the Community Place Site property pursuant to *N.J.S.A.* 40A:12-7; and

WHEREAS, on April 26, 2021, the Mayor and Council adopted a Resolution conditionally designating RPM as Developer of the Project subject to execution of a Development Agreement and a PILOT Agreement; and

WHEREAS, representatives of the Borough and Walnut Street, L.P., successor in interest to RPM Development, L.L.C., have negotiated the terms of the Development Agreement for the Project; and

WHEREAS, the governing body wishes to authorize an amendment to extend the substantial completion date in the Development Agreement in accordance with the Borough Council approval as set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Madison that:

1. The Borough is hereby authorized an amendment to the Development Agreement with Walnut Street, L.P. successor in interest to RPM Development, L.L.C. (and/or its designated special purpose urban renewal entity approved by the Borough) for the Project substantially in the form attached hereto, subject to final revisions by the Special Legal Counsel for the Borough.
2. The Mayor and/or Borough Administrator and Borough Clerk are hereby authorized to execute the Development Agreement and take any and all other action needed to effectuate the purposes of this Resolution.

R 48-2024 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY MADISON ICE HOCKEY BOOSTER CLUB INC

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:

Madison Ice Hockey Booster Club Inc.
I.D. No. 274-5-40304
R.A. No. 1564 – Off-Premise 50/50
Date of Raffle – February 9, 2024
R.A. No. 1565 – Off-Premise Merchandise
Date of Raffle – February 9, 2024

R 49-2029 RESOLUTION OF THE BOROUGH OF MADISON AWARDING PROFESSIONAL SERVICES CONTRACT TO RISK STRATEGIES OF CRANFORD, N.J., IN AN AMOUNT NOT TO EXCEED \$50,000.00 TO PROVIDE RISK MANAGEMENT SERVICES

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WHEREAS, the Madison Borough Assistant Administrator/CFO has advised the Borough Council that professional risk management services are needed to minimize exposures; and

WHEREAS, said services would constitute professional services for which a contract may be awarded without the need for competitive bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$50,000.00 for this purpose, in Other Insurance Account 210-514 or such other account designated by the Borough 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 the Mayor and Borough Clerk are hereby authorized to execute on behalf of the Borough a professional services contract with Risk Strategies of Cranford, N.J., in an amount not to exceed \$50,000.00 for risk management services, such contract is in a form approved by the Borough Attorney.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to publish notice of adoption of this resolution in the official newspaper of the Borough of Madison within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.

R 50-2024 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING DONATION OF FOUR (4) USED PORTABLE BASKETBALL HOOPS

WHEREAS, the Recreation Director has proposed a gift to the Madison Board of Education of four (4) portable basketball hoops; and

WHEREAS, the Borough Council has determined that the four (4) portable basketball hoops are no longer needed by the Recreation Department and should be donated.

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 Recreation Department is authorized to donate four (4) portable basketball hoops to the Madison Board of Education.

UNFINISHED BUSINESS - None

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APPROVAL OF VOUCHERS

On motion by Mr. Range, seconded by Ms. Ehrlich 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	\$5,806,512.99
General Capital Fund	5,705.12
Electric Operating Fund	498,886.91
Electric Capital Fund	21,838.00
Water Operating Fund	30,917.68
Water Capital Fund	150.00
Trusts	<u>144,351.50</u>
Total	<u>\$6,508,362.20</u>

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

Yeas: Ms. Ehrlich, Mr. Landrigan, Mr. Range,
Mr. Haralampoudis, Ms. Honohan, Mr. Forte
Nays: None

NEW BUSINESS

Mayor Conley announces the following appointments and requests Council confirmation:

ASSISTANT OEM COORDINATOR

Robert Landrigan, Council Member, through December 31, 2024.

DOWNTOWN DEVELOPMENT COMMISSION

Jessica Doninger, Barnesdale Road, At Large Member, through December 31, 2026.

Mr. Range moved confirmation of the foregoing appointments. Ms. Ehrlich seconded the motion, which passed with a unanimous voice call vote recorded.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved January 22, 2024 (EO)