

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

January 23, 2023 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 23rd day of January, 2023. 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, 2023. 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:

John F. Hoover
Debra J. Coen
Rachael Ehrlich
Robert Landrigan
Eric Range
Thomas Haralampoudis

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. Hoover moved:

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

MINUTES FOR APPROVAL (1)

January 9, 2022

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

CONTRACT MATTERS (5)

ALTICE POLE ATTACHMENT

FOOT BRIDGE REPAIRS

MASONIC LODGE

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AFFORDABLE HOUSING
EMPLOYEE HEALTH BENEFITS

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

LITIGATION MATTERS (1)
DREW UNIVERSITY

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

Seconded: Ms. Coen
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 for the passing of residents Catherin Capon and Matthew Heller.

APPROVAL OF MINUTES

Mr. Range moved approval of the **Executive Minutes of January 9, 2023**. Ms. Coen seconded the motion, which passed with a unanimous voice call vote recorded.

Mr. Range moved approval of the **Regular Meeting Minutes of January 9, 2023**. Ms. Coen seconded the motion, which passed with a unanimous voice call vote recorded.

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

Mayor Conley noted that the W.T. Travers portrait of Abraham Lincoln, hung in the Council Chamber since Mrs. Geraldine R Dodge's generous donate in 1943, will be on loan to the National Portrait Gallery in Washington D.C. for a five year term. The portrait will be replace with a digital copy in its absence. Mayor Conley also noted that June is the deadline for the Morris County Open Space grant application process for 2023 and requests that the Board of Drew University continue discussions regarding the Drew Forest.

REPORTS OF COMMITTEES

Community Affairs

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

The Downtown Development Commission will hold its annual Reorganization Meeting on Thursday, January 26, at 7:15 p.m. in the Hartley Dodge Memorial Building, Committee Room, 2nd Floor. The public is invited to attend. There is currently a survey regarding the Madison Farmers Market in circulation. If you have yet to see it but would like to participate, please email Lisa Ellis at ddc@rosenet.org, and a link to the survey will be forwarded to you. The 2023 Taste of Madison is scheduled for Monday, April 24th. The Madison Community Arts Center is gearing up for the 2023 calendar. There are only 35 days when there are no scheduled events.

Finance and Borough Clerk

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

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In anticipation of the June 6th Primary Election, the filing Deadline for Nomination Petitions for Municipal Office is Monday, March 27, 2023.

Forms are available in the Borough Clerk's Office Voter Registration forms (as well as Mail in Ballot applications) are also available in the Borough Clerk's office or on line at morriselections.org. The Borough of Madison Identification Card program is available, with appointments every Tuesdays and Thursdays to any resident of the Borough of Madison able to provide the requirements for establishing his or her identity and residency as set forth in the Ordinance. Forms are available online or in the Borough Clerk's office. From the Finance Department, tonight' presentation on the budget process will include reports from the Electric Utility and Water Utility as well as the Department of Public Works.

Public Works and Engineering

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

This evening the Council will consider appropriations for a proposed basketball/pickelball court, repairs to the footbridge, and Dodge playground renovations. Christmas tree pick up continues until the end of the month. Please put out on your regularly scheduled garbage day. With the lack of snow the Department of Public Works is in the parks blowing leaves and doing general maintenance. The sewer department worked with a vendor to check all our back flow preventers and all are working. This is required by the NJ DEP. Trouble spots for sewer jetting have been cleaned and we will post through social media again in the spring when we are ready to clean the lines again. The Shade Tree Management Board is working on the spring planting program.

Utilities

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

On January 9th, the Electric Department had to disconnect and then reconnect the service at 56 Samson Avenue, so the electrician could complete necessary electrical service repairs. January 10th, one crew replaced the Victorian Lamp Post HPS (High Pressure Sodium) lights on Lincoln Place with the new LED retrofit kits and LED bulbs. They also dug and set a new pole on Ridgedale Avenue. The original poles had been damaged when a large tree came down across Cook Avenue as a result of the December 23rd wind storm. On January 11th, the department dug and installed a down guy to hold the new pole on Ridgedale Avenue and removed the broken pole, and both crews cleaned and restocked the trucks. They also worked in the garage cleaning and reorganizing the tools and materials. The department took down the Christmas tree on Waverly Place, chipped it, and then cleaned the area. They also removed all of the holiday wreaths from the Victorian lamp posts. Consulting Engineer, Ed Jinks, gave a presentation to the entire department on the new relays being installed at our Electrical Substations. The Water Department responded the Madison High School to shut down the 6" water main to the school, so their Maintenance Department could make repairs to the water meter in the meter pit off of Burnet Road and also responded to a Park Avenue address for an emergency water shut off, due to a homeowner's repair gone awry. The Department had to excavate and repair the curb box by the sidewalk in order to shut down the water at the residence. Consumers should always call the Water Department before starting any type of repair, to make sure that the water can be controlled in case of an emergency.

Public Safety

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

Madison Police personnel attended the 2023 Law Day Symposium on January 20th at the Morris County Public Safety Academy. The symposium was held by the

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Morris County Prosecutors Office and it was attended jointly by county school administrators and staff. The training topics covered were school safety and security, threat assessments, gang awareness, and behavioral threat assessment management overview. The Police department accreditation assessment will be occur during the next several months. This will be our third reaccreditation which occurs every three years which ensures we are following best practices in law enforcement.

Health

Mr. Haralampoudis, Chair of the Committee, made the following comments: The Madison Board of Health held a meeting on January 10th, swearing in two new members. Morris County's COVID levels are lower since the higher levels during the holiday season. Vaccines for both COVID and Influenza are still available at the Health Department. The annual Cat and Dog licenses are now due. The Health Department will hold free blood pressure screening clinics once a month. Contact the department for more information.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications: Emails in support of the basketball /pickle ball court appropriation were received from the following residents:

Matt Fassnacht, Crescent Road
Katie Hearn, Pomeroy Road
Kelly & Pat Dineen, Barnsdale road
Douglas Eilender, Prospect Street
Ingrid Petirch, Park Lane
Jeanne Horsey, Cross Gates Road
David DePaul, Pomeroy Road
Peter Boyd, Norman Circle

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.**

Bruce Esrig; Bedford Court, noted his support for the actions of the Climate Action Committee.

Lisa McAllister; Wayne Blvd, offered support of the climate Action Committee.

Rachel Kirk; Niles Ave, asked if the equipment being replaced at Dodge Field playground could be repurposed for Delbarton Park, as equipment there is in disrepair.

Alan Swanson; Overhill Road, Summit NJ, member of the Sierra Club, congratulated the Madison Council for their efforts regarding Climate Control.

Jennifer McCann, Maple Avenue, offer her support for the Climate Action report, adding she hoped other towns will participate.

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

AGENDA DISCUSSIONS

01/23/2023-1 CLIMATE ACTION COMMITTEE REPORT

Ms. Ehrlich provided a report on the actions of the Climate Action Committee, noting, the vulnerability to climate impacts on our community. The State of New Jersey has set out an ambitious plan with quantitative goals to address climate change through the Global Warming Response Act and the 2019 New Jersey Energy Master Plan (NJ EMP). The NJ EMP is a statewide clean energy plan to achieve 100 percent clean energy by 2050. It comprehensively addresses New Jersey's energy system and its associated greenhouse gas emissions, including electricity generation, transportation, and buildings. The NJ EMP shows that community-level action is necessary to achieve NJ's clean energy goal. The Borough of Madison supports the NJ EMP and has declared its readiness to act on climate change. Ms. Ehrlich noted a resolution will be proposed at the February 13th Council meeting to adopt goals. Ms. Ehrlich thanks the committee members for their efforts.

01/23/2021-2 DODGE FIELD PLAYGROUND UPDATE

Ms. Coen provided an update on the proposed reconstruction of the Dodge Field playground area noting constraints, such as the size of the playground and removal of some trees and providing an aerial view of the proposed play. Ms. Coen described the proposed mulch, flowers tables, benches picnic area bicycle racks and fencing and noted sources of funding. Existing equipment will need to be dismantled to be removed and therefore not reusable.

01/23/2021-3 BUDGET HEARING – ELECTRIC UTILITY, WATER UTILITY AND PUBLIC WORKS

Mr. Burnet provided a presentation regarding Public Works, Utilities and Utilities Financial Performance. Ken O'Brien, Director of Public Works and Jim Mattina, Electric Utilities Superintendent explained their department's 2022 accomplishments, 2023 goals and capital budgets. Mr. Burnet noted that the municipal budget includes three entities, current fund, electric utility and water utility.

ADVERTISED HEARINGS

Ordinances scheduled for hearing tonight were submitted in writing at a Regular meeting of the Mayor and Council held on January 9, 2023, 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 1-2023
ORDINANCE OF THE BOROUGH OF MADISON REPEALING
ORDINANCE NO. 15-2022 TO REMOVE CHAPTER 1233 ENTITLED
"MEDICINAL CANNABIS DISPENSARY"**

WHEREAS, pursuant to N.J.S.A. 24:6I-45, the Borough of Madison (the "Borough") initially enacted Ordinance No. 30-2021, prohibiting all classes of cannabis establishments in all zoning districts within the Borough, except for the

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delivery of cannabis items and related supplies by a delivery service from outside the Borough; and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(a), the Borough enacted Ordinance No. 15-2022, which established licensing requirements for medicinal cannabis dispensaries codified at Chapter 193 of the Borough Code entitled “Medicinal Cannabis Dispensary”; and

WHEREAS, the Borough no longer wishes to permit medicinal cannabis dispensaries within the Borough; and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(b), the Borough Council may enact and amend an ordinance or regulation to prohibit the operation of any one or more classes of cannabis business within the Borough, which shall apply throughout the municipality; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Borough Council may make, amend, repeal and enforce ordinance, regulations, rules and by-laws not contrary to the laws of the State of New Jersey or the United States, as the Borough Council deems necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the Borough and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Borough Council deems it in the public interest to repeal Ordinance No. 15-2022 to remove Chapter 193 entitled “Medicinal Cannabis Dispensary” from the Borough Code.

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. Ordinance No. 15-2022 is hereby repealed and shall be of no force and effect whatsoever.

Section 2. All sections of the Borough Code not amended hereunder shall remain in full force and effect.

Section 3. 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 Borough Master Plan and recommendations concerning any inconsistencies and any other matter as deemed appropriate.

Section 4. In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

Section 5. All ordinances or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

Section 6. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

Mayor Conley opened up the public hearing on Ordinance 1-2023.

Jesse Marie Villars; Lambertville, NJ, offered support for retail cannabis sales in Madison, noting added employment and increased property values.

Mary Oakes: Oceanport, NJ, noted her husband’s use of marijuana to help during stage for cancer and asked that Council reconsider a medicinal dispensary.

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Susan Heffernan; Beverly Road, not a medicinal cannabis dispensary is not a sustainable business model and will increase access by teenagers.

Devin Carwithen; Samson Avenue, state that the negative response to a dispensary comes from fear and lack of understanding, noting the number of liquor stores and bars in Madison.

Rachel Kirk; Niles Avenue, noted cannabis dispensaries in surrounding towns and availability by delivery, with no need for a dispensary in Madison.

Edward Grimes; noted his fight for disabled rights and stated he could not get in the building at the ADA entrance.

Bo Vintzileos; noted other municipalities that do not allow cannabis dispensaries and sang a song.

Since no other member of the public wished to be heard, the public hearing was closed.

Mr. Landrigan moved that Ordinance 1-2023, which was read by title, be finally adopted. Mr. Haralampoudis seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mr. Hoover, Ms. Coen, Ms. Ehrlich,
Mr. Landrigan, Mr. Range, Mr. Haralampoudis
Nays: None

Mayor Conley declared Ordinance 1-2023 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 2-2023
ORDINANCE OF THE BOROUGH OF MADISON REPEALING
ORDINANCE NO. 18-2022 TO REINSTATE THE FORMER ZONING OF
THE CC COMMUNITY COMMERCIAL ZONE AND THE GATEWAY ZONE
PROHIBITING MEDICINAL CANNABIS DISPENSARIES**

WHEREAS, pursuant to N.J.S.A. 24:6I-45, the Borough of Madison (the "Borough") initially enacted Ordinance No. 30-2021, prohibiting all classes of cannabis establishments in all zoning districts within the Borough, except for the delivery of cannabis items and related supplies by a delivery service from outside the Borough; and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(a), the Borough enacted Ordinance No. 18-2022, which permitted medicinal cannabis dispensaries in the CC Community Commercial Zone and the Gateway Zone, established a numerical limit on the number of medicinal cannabis businesses permitted in those zones, and established operating requirements for such establishments; and

WHEREAS, the Borough no longer wishes to permit medicinal cannabis dispensaries within the Borough; and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(b), the Borough Council may enact and amend an ordinance or regulation to prohibit the operation of any one or more classes of cannabis business within the Borough, which shall apply throughout the municipality; and

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WHEREAS, pursuant to N.J.S.A. 40:48-2, the Borough Council may make, amend, repeal and enforce ordinance, regulations, rules and by-laws not contrary to the laws of the State of New Jersey or the United States, as the Borough Council deems necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the Borough and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Borough Council deems it in the public interest to repeal Ordinance No. 18-2022 and reinstate the prior zoning of the CC Community Commercial Zone and the Gateway Zone to prohibit medicinal cannabis dispensaries.

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. Ordinance No. 18-2022 is hereby repealed and shall be of no force and effect whatsoever.

Section 2. All sections of the Borough Code not amended hereunder shall remain in full force and effect.

Section 3. 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 Borough Master Plan and recommendations concerning any inconsistencies and any other matter as deemed appropriate.

Section 4. In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

Section 5. All ordinances or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

Section 6. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

Mayor Conley opened up the public hearing on Ordinance 2-2023.

Rachel Kirk; Niles Avenue, asked that Council look for other locations other than the Gateway Zone if considering a dispensary in the future.

Jesse Marie Villars; Lambertville, NJ, asked for a moment of silence for those that have passed by drug overdoses.

Since no other member of the public wished to be heard, the public hearing was closed.

Mr. Landrigan moved that Ordinance 2-2023, which was read by title, be finally adopted. Mr. Haralampoudis seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mr. Hoover, Ms. Coen, Ms. Ehrlich,
Mr. Landrigan, Mr. Range, Mr. Haralampoudis

Nays: None

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Mayor Conley declared Ordinance 2-2023 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 3-2023
ORDINANCE OF THE BOROUGH OF MADISON REPEALING
ORDINANCE NO. 39-2022 TO REMOVE MEDICINAL CANNABIS
DISPENSARY PERMIT APPLICATION**

WHEREAS, pursuant to N.J.S.A. 24:6I-45, the Borough of Madison (the “Borough”) initially enacted Ordinance No. 30-2021, prohibiting all classes of cannabis establishments in all zoning districts within the Borough, except for the delivery of cannabis items and related supplies by a delivery service from outside the Borough; and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(a), the Borough enacted Ordinance No. 39-2022, which established a medicinal cannabis dispensary permit application; and

WHEREAS, the Borough no longer wishes to permit medicinal cannabis dispensaries within the Borough; and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(b), the Borough Council may enact and amend an ordinance or regulation to prohibit the operation of any one or more classes of cannabis business within the Borough, which shall apply throughout the municipality; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Borough Council may make, amend, repeal and enforce ordinance, regulations, rules and by-laws not contrary to the laws of the State of New Jersey or the United States, as the Borough Council deems necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the Borough and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Borough Council deems it in the public interest to repeal Ordinance No. 39-2022 to remove the medicinal cannabis dispensary permit application from the Borough Code.

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. Ordinance No. 39-2022 is hereby repealed and shall be of no force and effect whatsoever.

Section 2. All sections of the Borough Code not amended hereunder shall remain in full force and effect.

Section 3. 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 Borough Master Plan and recommendations concerning any inconsistencies and any other matter as deemed appropriate.

Section 4. In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

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Section 5. All ordinances or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

Section 6. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

Mayor Conley opened up the public hearing on Ordinance 3-2023. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Hoover moved that Ordinance 3-2023, 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: Mr. Hoover, Ms. Coen, Ms. Ehrlich,
Mr. Landrigan, Mr. Range, Mr. Haralampoudis
Nays: None

Mayor Conley declared Ordinance 3-2023 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 4-2023
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$300,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND
FOR THE WATER AND LIGHT PLANT ROOF REPLACEMENT**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$300,000.00 from the Electric Capital Improvement Fund for the Water and Light Plant roof replacement; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Electric Capital Improvement Fund in an amount not to exceed \$300,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$300,000.00 from the Electric Capital Improvement Fund for the Water and Light Plant roof replacement.

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 \$300,000.00 is hereby appropriated from the Electric Capital Improvement Fund for the Water and Light Plant roof replacement.

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.

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Mayor Conley opened up the public hearing on Ordinance 4-2023. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Landrigan moved that Ordinance 4-2023, which was read by title, be finally adopted. Mr. Haralampoudis seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mr. Hoover, Ms. Coen, Ms. Ehrlich,
Mr. Landrigan, Mr. Range, Mr. Haralampoudis
Nays: None

Mayor Conley declared Ordinance 4-2023 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 5-2023
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$206,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR
FINAL PAYMENTS AND CHANGE ORDERS FOR THE HDM PLAZA
CONSTRUCTION WORK**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$206,000.00 from the General Capital Improvement Fund for final payments and change orders for the HDM Plaza construction work; 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 \$206,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$206,000.00 from the General Capital Improvement Fund for final payments and change orders for the HDM Plaza construction work.

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 \$206,000.00 is hereby appropriated from the General Capital Improvement Fund for final payments and change orders for the HDM Plaza construction work.

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 5-2023. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Ehrlich moved that Ordinance 5-2023, 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:

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Yeas: Mr. Hoover, Ms. Coen, Ms. Ehrlich,
Mr. Landrigan, Mr. Range, Mr. Haralampoudis
Nays: None

Mayor Conley declared Ordinance 5-2023 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 6-2023
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$40,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR
THE MEMORIAL PARK FOOT BRIDGE REPAIR PROJECT**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$40,000.00 from the General Capital Improvement Fund for the Memorial Park foot bridge repair project; 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 \$40,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$40,000.00 from the General Capital Improvement Fund for the Memorial Park foot bridge repair project.

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 \$40,000.00 is hereby appropriated from the General Capital Improvement Fund for the Memorial Park foot bridge repair project.

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 6-2023. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Ehrlich moved that Ordinance 6-2023, 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: Mr. Hoover, Ms. Coen, Ms. Ehrlich,
Mr. Landrigan, Mr. Range, Mr. Haralampoudis
Nays: None

Mayor Conley declared Ordinance 6-2023 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 7-2023
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$464,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR
2023 SEWER MAIN LINING REPAIR AND REHABILITATION
CONSTRUCTION WORK**

WHEREAS, the Borough Engineer has requested that the Borough appropriate \$464,000.00 from the General Capital Improvement Fund for the 2023 Sewer Main Lining and Rehabilitation construction work; 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 \$464,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$464,000.00 from the General Capital Improvement Fund for the 2023 Sewer Main Lining and Rehabilitation construction work.

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 \$464,000.00 is hereby appropriated from the General Capital Improvement Fund for the 2023 Sewer Main Lining and Rehabilitation construction work.

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 7-2023. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Ehrlich moved that Ordinance 7-2023, 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: Mr. Hoover, Ms. Coen, Ms. Ehrlich,
Mr. Landrigan, Mr. Range, Mr. Haralampoudis
Nays: None

Mayor Conley declared Ordinance 7-2023 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.

Ms. Coen left the meeting at 10:55 p.m.

**ORDINANCE 8-2023
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$750,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR
2023 MILL AND OVERLAY RESURFACING PROJECTS**

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WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$750,000.00 from the General Capital Improvement Fund for 2023 Milling and Overlay projects, including mill, overlay, signage, striping, curb, sidewalk and crack sealing improvements, related work, inspections and miscellaneous projects throughout town; 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 \$750,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$750,000.00 from the General Capital Improvement Fund for the 2023 Milling and Overlay projects, signage, striping, curb, sidewalk and crack sealing improvements, related work, inspections and miscellaneous projects throughout town.

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 \$750,000.00 is hereby appropriated from the General Capital Improvement Fund for the 2023 Milling and Overlay projects, signage, striping, curb, sidewalk and crack sealing improvements, related work, inspections and miscellaneous projects throughout town.

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 8-2023. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Ehrlich moved that Ordinance 8-2023, which was read by title, be finally adopted. Mr. Range seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mr. Hoover, Ms. Ehrlich, Mr. Landrigan, Mr. Range, Mr. Haralampoudis
Nays: None
Absent: Ms. Coen

Mayor Conley declared Ordinance 8-2023 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 9-2023
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$240,000.00 FROM THE OPEN SPACE, RECREATION AND HISTORIC
PRESERVATION TRUST FUND FOR THE MRC
BASKETBALL/PICKLEBALL COURT CONSTRUCTION PROJECT**

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WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$240,000.00 from the Open Space, Recreation and Historic Preservation Trust Fund for the MRC Basketball/Pickleball court construction project; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Open Space, Recreation and Historic Preservation Trust Fund in an amount not to exceed \$240,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$240,000.00 from the Open Space, Recreation and Historic Preservation Trust Fund for the MRC Basketball/Pickleball court construction project.

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 \$240,000.00 is hereby appropriated from the Open Space, Recreation and Historic Preservation Trust Fund for the MRC Basketball/Pickleball court construction project.

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 9-2023. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Hoover moved that Ordinance 9-2023, which was read by title, be finally adopted. Mr. Range seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mr. Hoover, Ms. Ehrlich, Mr. Landrigan, Mr. Range, Mr. Haralampoudis

Nays: None

Absent: Ms. Coen

Mayor Conley declared Ordinance 9-2023 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 10-2023
AN ORDINANCE OF THE BOROUGH OF MADISON AMENDING
CHAPTER 16 “ENVIRONMENTAL COMMISSION” TO ADD NON-VOTING
ASSOCIATE MEMBERS AND STUDENT MEMBERS TO THE
ENVIRONMENTAL COMMISSION**

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WHEREAS, the Borough of Madison Environmental Commission is currently comprised of seven members, appointed by the Mayor, one of whom must be a member of the Borough Planning Board and all of whom must be residents of the Borough of Madison; and

WHEREAS, the Council of the Borough of Madison, finds that it will be beneficial to increase the membership of the Madison Environmental Commission with the addition of non-voting Associate members and Student members, as this will increase public participation in the performance of the Environmental Commission important duties.

NOW, THEREFORE, be it ordained by the Council of the Borough of Madison, County of Morris, State of New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated in their entirety, as if restated herein.

Section 2. Chapter 16 of the Borough Code, entitled “Environmental Commission”, subsection 16-2, entitled “MEMBERSHIP; QUALIFICATIONS; TERMS: AND VACANCIES”, shall hereby be amended and supplemented as follows (additions in **bold**):

- A. The Environmental Commission shall consist of seven members, appointed by the Mayor, one of whom shall be a member of the Borough Planning Board and all of whom shall be residents of the Borough of Madison.
 - (i) **Associate and Student Members. In addition to the seven regular members of the Environmental Commission, the Mayor may appoint one or more adult persons as Associate members and one or more adult persons as Student members. Associate members and Student members shall not be considered regular or alternate members of the Environmental Commission. Associate members and Student members may not vote on matters before the Environmental Commission. Associate members and Student members shall serve as volunteers in Commission matters as assigned by, and under the supervision of, the Environmental Commission chairperson. The term of Associate members and Student member shall be 1 year. Associate members and Student members need not be residents of the Borough of Madison.**
- B. No change.
- C. No change.
- D. No change.
- E. No change.
- F. No change.
- G. No change.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be unconstitutional or unenforceable, such decision shall not affect the remaining portion of this ordinance.

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Section 4. All ordinances of the Borough of Madison which are inconsistent with the previous provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect upon final passage and publication thereof as provided by law.

Mayor Conley opened up the public hearing on Ordinance 10-2023.

Claire Whitcomb; Fairwood Road, thanked the Council for the addition of non-voting members to the Environmental Commission.

Since no other member of the public wished to be heard, the public hearing was closed.

Ms. Ehrlich moved that Ordinance 10-2023, 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: Mr. Hoover, Ms. Ehrlich, Mr. Landrigan, Mr. Range, Mr. Haralampoudis

Nays: None

Absent: Ms. Coen

Mayor Conley declared Ordinance 10-2023 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 11-2023

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$21,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF A LUCAS CHEST COMPRESSION SYSTEM

WHEREAS, the Borough Fire Chief has requested that the Borough appropriate \$21,000.00 from the General Capital Improvement Fund for the purchase of a Lucas Chest Compression System; 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 \$21,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$21,000.00 from the General Capital Improvement Fund for the purchase of a Lucas Chest Compression System.

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 \$21,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of a Lucas Chest Compression System.

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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 11-2023. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Range moved that Ordinance 11-2023, which was read by title, be finally adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mr. Hoover, Ms. Ehrlich, Mr. Landrigan, Mr. Range, Mr. Haralampoudis

Nays: None

Absent: Ms. Coen

Mayor Conley declared Ordinance 11-2023 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 12-2023

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$650,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE 2023 COOK AVENUE PARKING LOT RECONSTRUCTION PROJECT

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$650,000.00 from the General Capital Improvement Fund for the 2023 Cook Avenue Parking Lot Reconstruction project; 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 \$650,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$650,000.00 from the General Capital Improvement Fund for the 2023 Cook Avenue Parking Lot Reconstruction project.

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 \$650,000.00 is hereby appropriated from the General Capital Improvement Fund for the 2023 Cook Avenue Parking Lot Reconstruction project.

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.

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Mayor Conley opened up the public hearing on Ordinance 13-2023. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Ehrlich moved that Ordinance 12-2023, which was read by title, be finally adopted. Mr. Range seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mr. Hoover, Ms. Ehrlich, Mr. Landrigan, Mr. Range, Mr. Haralampoudis
Nays: None
Absent: Ms. Coen

Mayor Conley declared Ordinance 12-2023 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 13-2023
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$150,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND
FOR THE 2023 COOK AVENUE PARKING LOT RECONSTRUCTION
PROJECT**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$150,000.00 from the Electric Capital Improvement Fund for the 2023 Cook Avenue Parking Lot Reconstruction project; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Electric Capital Improvement Fund in an amount not to exceed \$150,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$150,000.00 from the Electric Capital Improvement Fund for the 2023 Cook Avenue Parking Lot Reconstruction project.

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 \$150,000.00 is hereby appropriated from the Electric Capital Improvement Fund for the 2023 Cook Avenue Parking Lot Reconstruction project.

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 13-2023. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Ehrlich moved that Ordinance 13-2023, which was read by title, be finally adopted. Mr. Range seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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Yeas: Mr. Hoover, Ms. Ehrlich, Mr. Landrigan, Mr. Range, Mr. Haralampoudis

Nays: None

Absent: Ms. Coen

Mayor Conley declared Ordinance 13-2023 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 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.**

Christine Clark; Lake Hopatcong, thanked the Climate Action Committee for their work and noted that residents should consider alternatives when replacement of appliances, vehicles and other equipment.

Chris Holland; Locus Street, thanked the Council for appropriating funds for the basketball/pickle ball courts at the MRC and for their overall support recreation in Madison.

Judy Krowl; Laurel Way, representing the Friends of the Drew Forest, noted they are thrilled to receive the video of their performance at the Reorganization meeting and have posted on their website.

Kathleen Caccavale; Central Avenue, thanked the Council for their support of repairs to the footbridge at memorial Park and offered her support of the Climate Action Committee's recommended goals.

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 February 13, 2023 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. 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 14-2023 for first reading and asked the Clerk to read said ordinance by title:

ORDINANCE 14-2023 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$85,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND TO PURCHASE OF A MASON DUMP TRUCK AND ACCESSORIES FOR
THE PUBLIC WORKS DEPARTMENT

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WHEREAS, the Director of Public Works has recommended that the Borough appropriate \$85,000.00 from the General Capital Improvement Fund to purchase a dump truck and accessories for the Public Works Department; 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 \$85,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$85,000.00 from the General Capital Improvement Fund to purchase a dump truck and accessories for the Public Works Department; and

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

SECTION 1: The amount of \$85,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase a dump truck and accessories for the Public Works Department.

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. Ehrlich moved that Ordinance 14-2023, which the Borough Clerk read by title, be adopted. Mr. Range seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mr. Hoover, Ms. Ehrlich, Mr. Landrigan, Mr. Range, Mr. Haralampoudis

Nays: None

Absent: Ms. Coen

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

Yeas: Mr. Hoover, Ms. Ehrlich, Mr. Landrigan, Mr. Range, Mr. Haralampoudis

Nays: None

Absent: Ms. Coen

R 51-2023 RESOLUTION OF THE BOROUGH OF MADISON RATIFY CONTRACT AWARD AND PAYMENT IN THE AMOUNT OF \$39,774.00 TO

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**PERSISTENT CONSTRUCTION, INC. FOR FOOTBRIDGE REPAIRS AT
MEMORIAL PARK ON AN EMERGENCY BASIS**

WHEREAS, the Borough Engineer has previously advised the Council that the foot bridge at Memorial Park requires emergency repair in order to protect the health and welfare of the public; and

WHEREAS, the amount of \$39,774.00 is required to repair the footbridge at Memorial Park on an emergency basis, pursuant to N.J.S.A 40A:11-6(6), and

WHEREAS, the Borough Engineer has engaged the services of Persistent Construction, Inc., to perform the emergency work; and

WHEREAS, the Borough Engineer has requested that the Borough authorize the contract award and payment to Persistent Construction, Inc. in the amount of \$39,774.00 for such work which payment is authorized pursuant to N.J.S.A 40A:11-6(b); and

WHEREAS, the Borough Council has determined to authorize contract award and payment in the amount of \$39,774.00 for the emergency services; and

WHEREAS, the Chief Financial Officer has attested that funds are available in the amount of \$39,774.00 for this purpose in Ordinance 6-2023.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that payment in the amount of \$39,774.00 is authorized to be made to Persistent Construction, Inc. for the emergency services as described herein.

**R 52-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING
FINAL PAYMENT AND CHANGE ORDER REQUEST IN THE AMOUNT OF
\$196,246.67 FOR THE HARTLEY DODGE MEMORIAL PLAZA RESTORATION
PROJECT BY MERRILL & GARAGUSO, INC.**

WHEREAS, a contract was awarded to Merrill & Garaguso, Inc., for the Hartley Dodge Memorial Plaza Restoration by Resolution 73-2021; and

WHEREAS, the Borough Engineer has recommended approval of a Change Order to the contract in an additional amount not to exceed \$164,028.29, which were negotiated by the Borough Engineer, and final consolidated payment in the amount of \$196,246.67; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$196,246.67 for the change orders and final consolidated payment, which funds are available in C04-57-194-602 Capital account/Ordinance 5-2023.

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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 Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute the Change Orders to the Contract with Merrill & Garaguso, Inc., to address the issues described above, in an additional amount not to exceed \$164,028.29, and final consolidated payment in the amount of \$196,246.67, in a form approved by the Borough Attorney.

R 53-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A FINAL PAYMENT AND CHANGE ORDER WITH CLARK CATON HINTZ FOR PROFESSIONAL SERVICES REGARDING HARTLEY DODGE MEMORIAL PLAZA

WHEREAS, the Borough of Madison previously awarded a contract to Clark Caton Hintz for professional engineering services regarding the Hartley Dodge Memorial by Resolution 123-2018; and

WHEREAS, the Borough Engineer has recommended a change order in the amount of \$7,557.52 and final consolidated payment in the amount of \$9,391.67; and

WHEREAS, the Borough Engineer has recommended that the Borough amend the contract with Clark Caton Hintz for these services in an additional amount of \$7,557.52 and final payment in the consolidated amount of \$9,391.67; and

WHEREAS, funds are available in Ordinance 56-2016 and Ordinance 14-2018, 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 in the 2023 temporary 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 an amendment to the contract between the Borough and Clark Caton Hintz as described herein is approved, in a form acceptable to the Borough Attorney.

R 54-2023 RESOLUTION OF THE BOROUGH OF MADISON APPROVING SALARY INCREASE FOR ELIZABETH OSBORNE

WHEREAS, Elizabeth Osborne is employed as the full time Clerk for the Borough of Madison; and

WHEREAS, the Borough Administrator has recommended a merit increase to Elizabeth Osborne in recognition of the additional work that Ms. Osborne has

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assumed to implement the Municipal Identification Program, drafting of all governing body ordinances and resolutions significantly reducing external legal fees and pursuing certification as a Registrar furthering the transition of the Health Department from the Civic Center to the Hartley Dodge Memorial Building; and

WHEREAS, a review of the compensation survey for Morris County Municipal Clerks reflects a disparity regarding compensation for the Madison Borough Clerk; and

WHEREAS, the Borough Administrator has recommended increasing the salary of Elizabeth Osborne from \$106,956.00 to \$117,000.00 effective 1/1/23.

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 salary of Elizabeth Osborne shall be increased to \$117,000.00 retroactive to January 1, 2023.
2. The governing body expresses its gratitude to Elizabeth Osborne for her diligent efforts on behalf of the Borough of Madison.

R 55-2023 RESOLUTION OF THE BOROUGH OF MADISON APPROVING TEMPORARY SIGNS FOR THURSDAY MORNING CLUB

WHEREAS, the members of the Thursday Morning Club have requested permission to put up temporary signs advertising the Thursday Morning Club's Pre-School Program, Before and After School Programs and Summer Camp, February through May and July through September 2023; and

WHEREAS, the signs would be located in the public Right of Way at various intersections and adjacent to certain Borough-owned properties, commencing on February 15, 2023 and removed by May 31, 2023, and July 1, 2023 and removed by September 30, 2023; and

WHEREAS, the Zoning Officer has recommended that a temporary sign permit be issued.

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 request of the members of the Thursday Morning Club to put up temporary signs as described herein, is approved.

R 56-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AN ANNUAL STIPEND OF \$3,000.00 FOR FRANCES BOARDMAN FOR ASSUMING ADDITIONAL DUTIES TO IMPLEMENT AND ENFORCE THE TREE PROTECTION PERMIT PROCESS

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BE IT RESOLVED by the Borough Council of the Borough of Madison that Frances Boardman is hereby awarded an annual stipend of \$3,000.00 for additional services provided to implement and enforce the Tree Protection Permit Process.

R 57-2023 RESOLUTION OF THE BOROUGH OF MADISON APPROVING USE OF COMMUNITY POOL PUBLIC PARKING LOT BY THE ADULT SCHOOL OF THE CHATHAMS, MADISON AND FLORHAM PARK ON APRIL 13, 2023, MAY 3, 2023 AND MAY 18, 2023

WHEREAS, the Adult School of the Chathams, Madison and Florham Park has requested permission to use the public parking lot at the Madison Community Pool on Wednesday, April 13, 2023, May 3, 2023 and May 18, 2023, between the hours of 7:00 a.m. and 5:00 p.m. for parking during bus trips; and

WHEREAS, the Borough Administrator has recommended that upon submission of an application and adequate insurance such permission be granted; 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 request from the Adult School of the Chathams, Madison and Florham Park to park at the Madison Community Pool public parking lot on April 13, 2023, May 3, 2023 and May 18, 2023, between the hours of 7:00 a.m. and 6:00 p.m. is hereby approved subject to such safety requirements as may be directed by the Madison Police Department and/or Fire Department.

R 58-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTINUATION OF THE ELECTRIC UTILITY REBATE PROGRAM FOR 2023

WHEREAS, the Borough Council recognizes a need for an Electric Utility Rebate Program; and

WHEREAS, the Borough Council finds that it is a benefit to continue the Borough of Madison Electric Utility Rebate Program and guidelines for the calendar year 2023; and

WHEREAS, it's anticipated that the total cost of the 2023 program will be less than \$70,000.00.

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

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1. An Electric Utility Rebate Program is authorized for assistance to eligible residents for the calendar year 2023, in the amount of \$200.00 as a one-time credit toward electric utility charges.

2. The Program will be conducted in accordance with the attached 'Announcement of the Madison Electric Utility Rebate Program for 2023' guidelines.

R 59-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING WITHDRAWAL FROM MEDICAL AND PRESCRIPTION DRUG PLAN OFFERINGS UNDER THE STATE HEALTH BENEFIT PROGRAM OF THE STATE OF NEW JERSEY EFFECTIVE MARCH 31, 2023

WHEREAS, the Borough of Madison hereby resolves to terminate its participation in the State Health Benefits Program (SHBP) Medical and Prescription Drug plans, effective March 31, 2023, thereby canceling coverage provided by the State Health Benefits Program (SHBP) for all covered employees; and

WHEREAS, all active Borough employees shall be notified of the date of termination of their coverage under the Program; and

WHEREAS, all COBRA participants will be notified by the N.J. Division of Pensions & Benefits and advised to contact their office concerning a possible alternative health, prescription drug and dental insurance plan; and

WHEREAS, if applicable, Division of Pensions & Benefits will notify retired employees of the cancellation of their coverage.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that withdrawal from medical and prescription drug plan offering under the State Health Benefit Program shall be effective March 31, 2023 and a copy of Resolution 59-2023 and the attached resolution completed by the Borough's Certifying Officer shall be immediately forwarded to the State Health Benefits Program/State Health Benefits Commission.

R 60-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PARTICIPATION IN THE NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the **North Jersey Municipal Employee Benefits Fund**, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

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WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND; and

WHEREAS, the governing body of the Borough of Madison, hereinafter referred to as "LOCAL UNIT" has determined that expanded membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

i. Expand membership in the FUND to include Health and Prescription drug coverage for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.

ii. Will participate in the following type (s) of coverage (s): a. Health Insurance and/or Prescription Insurance and/or Dental Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.

iii. Adopts and approves the FUND's Bylaws.

iv. Execute an application for membership and any accompanying certifications.

v. In consideration of the fund removing the usual 3% margin built into the rates, the amount that would have otherwise been charged shall become a receivable due the FUND from the local unit which at the option of the LOCAL UNIT shall be paid back as follows.

a. Increase in subsequent years rates specifically for the purpose to repay the amount.

b. From future return of surplus that would have otherwise been payable to the LOCAL UNIT when dividends are declared by the FUND.

c. Immediately should the local unit terminate membership in the FUND regardless of future dividend potential unless otherwise agreed to by the FUND

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

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- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

R 61-2023 RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION 149-2022 AWARDING A CONTRACT TO NIELSEN FORD, FOR THE PURCHASE OF TWO (2) HYBRID POLICE VEHICLES AND ACCESSORY EQUIPMENT UNDER THE EDUCATIONAL SERVICES COMMISSION OF NJ ESC

WHEREAS, Resolution 149-2022 authorized a contract to be awarded to Beyer Ford, of Morristown, NJ, for the purchase of two (2) hybrid police vehicles and accessory equipment from Beyer Ford, under the Educational Services Commission of NJ ESC Co-Op #65MCESCCPS-ESCNJ 20/21-09; and

WHEREAS, Beyer Ford is unable to fulfill the order; and

WHEREAS, the Qualified Purchasing Agent has recommended that Resolution 149-2022 be amended to allow for the purchase of two (2) hybrid police vehicles and accessory equipment from Neilsen Ford, at a total price not to exceed \$81,713.55; and

WHEREAS, the Mayor and Council have determined that Resolution 149-2022 should be amended, and the contract with Beyer Ford should not be executed or implemented.

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 149-2022, awarding a contract to Beyer Ford, under the Educational Services Commission of NJ ESC Co-Op #65MCESCCPS-ESCNJ 20/21-55 is hereby amended, to award a new contract for the purchase of two (2) hybrid police vehicles and accessory equipment from Neilsen Ford, at a total price not to exceed \$81,713.55.

R 62-2023 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY COVENANT HOUSE NEW JERSEY INC

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:

COVENANT HOUSE NEW JERSEY INC

I.D. No. 337-4-35507

R.A. No. 1538 – On-Premise Merchandise

Date of Raffle – February 10, 2023

UNFINISHED BUSINESS - None

Regular Meeting Minutes – January 23, 2023

APPROVAL OF VOUCHERS

On motion by Mr. Hoover, seconded by Mr. Haralampoudis 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	\$9,935,770.86
General Capital Fund	330,664.99
Electric Operating Fund	846,431.40
Electric Capital Fund	82,545.00
Water Operating Fund	42,694.38
Water Capital Fund	0.00
Trusts	<u>15,784.17</u>
Total	<u>\$11,253,890.80</u>

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

Yeas: Mr. Hoover, Ms. Ehrlich, Mr. Landrigan, Mr. Range, Mr. Haralampoudis

Nays: None

Absent: Ms. Coen

NEW BUSINESS

Mayor Conley announces the following appointment and requests Council confirmation:

COMPLETE STREETS COMMITTEE:

Doug Willis, Rosedale Avenue, a one-year term through December 31, 2023

Mr. Range moved confirmation of the foregoing appointments. Mr. Hoover 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 11:20 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved February 13, 2023 (EO)