

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

**February 28, 2022 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 28<sup>th</sup> day of February, 2022. Mayor Conley called the meeting to order at 7:00 p.m. via Teleconference in the Council Chamber of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

**STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT**

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

“In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by transmitting a copy of the meeting notice to the Madison Eagle and Morris County Daily Record, posting a copy on the bulletin board at the main entrance of the Hartley Dodge Memorial, and filing a copy in the office of the Clerk, all on January 6, 2022. 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:

Maureen Byrne  
John F. Hoover  
Debra J. Coen  
Rachael Ehrlich  
Robert Landrigan  
Eric Range

Also Present:

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

**AGENDA REVIEW**

There was approval of the Regular and Executive Agenda.

**READING OF CLOSED SESSION RESOLUTION**

Mr. Landrigan moved:

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

MINUTES FOR APPROVAL (1)  
February 14, 2022

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

CONTRACT MATTERS (2)  
MASONIC LODGE LEASE UPDATE  
HDM UPDATE

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

POTENTIAL LITIGATION MATTERS (1)  
DREW UNIVERSITY

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

Seconded: Ms. Byrne  
Vote: Approved by voice vote

**RECONVENE VIA TELECONFERENCE**

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

Mayor Conley asked for a moment of Silence for Madison residents Carol Ann Preston and Sarah Chapman.

Mayor Conley also asked that the residents of Madison remember and support the people of Ukraine.

**APPROVAL OF MINUTES**

Mr. Range moved approval of the **Executive Minutes of February 14, 2022**. Mr. Hoover seconded the motion, which passed with a unanimous voice call vote recorded.

Mr. Hoover moved approval of the **Regular Meeting Minutes of February 14, 2022**. 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 Council meetings will return to in person meetings beginning March 14, 2022. Mayor Conley also noted that preliminary meetings regarding the redesign of Waverly Place will take place soon and include business owners and residents input.

**REPORTS OF COMMITTEES**

**Utilities**

Mr. Landrigan, Chair of the Committee, made the following comments:  
The Electric Department is currently performing its “spring” maintenance on all of our trucks and equipment. The Department is installing the new LED Retrofit Kits on the Post Lights on Central Avenue. The Department also installed a new part on the spare breaker at the James Park Substation. The Electric Department is working with Jim Trimble to change out all of the old meters and meter pans on the circuits that will be used for the large scale solar project. The Water Department repaired a leaky 10 inch main valve at the corner of John Avenue and Station Road. Radio readable water meters are still being installed regularly. Anyone interested in having their meter changed to the automated reading system should call the Water Department to schedule an appointment.

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### **Public Safety**

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

The Madison Police Department staff is now trained on the N.J. Attorney General's I.C.A.T. (Integrated Communication and Tactics) and A.B.L.E. (Active Bystandership for Law Enforcement) training. This training is associated with the overhaul of the NJ Attorney General's Use of Force Guidelines and concentrate on de-escalation tactics and an officer's obligation to intervene on another officer actions during force incidents. The Madison Police Department is well ahead of schedule as the deadline to be trained is April 1, 2022.

### **Community Affairs**

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

Madison Arts and Cultural Alliance (MACA) has a new campaign to raise awareness of the Madison Arts Center and other numerous art venues in Madison.

### **Finance and Borough Clerk**

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

Ms. Coen noted that Resolution 85-2022, listed on tonight's agenda, will in addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, make emergency temporary appropriations for any purposes, including the grant for radio upgrades project. Once a year, the Borough reimburses Condominiums for services paid, at the Borough's rate for those services.

### **Public Works and Engineering**

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

From Engineering Department, questions from bidders are due this week for the 2022 Road Improvements program, which has a bid opening date of March 15, 2022. The Hartley Dodge Memorial Plaza reconstruction project has been granted a new completion date of May 30<sup>th</sup>. The staff is working on bid documents for the Green Avenue bump outs and a street scape for Waverly Place. The Department of Public Works reports on an ice storm on Friday and noted many places including the schools had a delayed opening. No major incidents were reported. The Borough's salt supply is very good. The Shade Tree Management Board issued their annual report and notes ninety-two trees have been order for spring planting.

### **Health**

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

Annual pet licensing renewals are underway, as well as Retail Food Handlers licensing. The pre-Thanksgiving level of a surge in a variant of the COVID-19 virus, appears to be ending. Morris County is reporting low levels in new cases, positive hospital admissions and hospital beds with COVID cases, the COVID Community level. Residents are encouraged to get vaccinated, if they have not yet done so to keep levels low. Masking is no longer necessary in most general settings. Masks will still be required on all transportation and in healthcare settings. March 4<sup>th</sup> marks the two year anniversary of the first reported case of COVID in New Jersey. Mr. Range thanked all the essential workers.

### **COMMUNICATIONS AND PETITIONS**

The Borough Clerk announced receipt of the following communications:

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Email dated February 18, 2022 from Kristen Wallenstein, of the Madison Environmental Commission, inviting Mayor and Council to the 4<sup>th</sup> annual Green Forum March 31<sup>st</sup>, from 6:30 to 8:00 pm.

Email dated February 21, 2022 from Marilyn Musielski of Academy Road, thanking the Mayor and Council for their efforts to preserve the Drew Forrest.

Letter dated February 23, 2022 from Joseph and Cynthia Falco, One Waverly Place, regarding use of parking spaces in the Central Business District for outdoor dining.

Email dated February 25, 2022 from Frank Coccuza, 5 Waverly Place regarding the proposed ordinance to amend the outdoor dining ordinance, containing signatures.

Email dated February 28, 2022, from Mark McBride, Prospect Street asking to amend the Electric Department rules and regulations to permit the installation of solar panels on multi-family housing units.

Email dated February 28, 2022, from Elizabeth Sauerman, of Drew University submitting a Student Government resolution in support of preservation of the Drew Forest.

**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.

**AGENDA DISCUSSIONS**

**02/28/2022-1 MINORITY INTERNSHIP PRESENTATION**

Council Member Coen explained that Cari Reyes, Deputy Clerk, approached Administration and I about an idea for a new internship program. We discussed the idea with staff at Madison High School and will call this program the Junior Ambassador Internship. The hope is for underrepresented and diverse students to see what jobs in the borough are, beyond elected officials. Upcoming seniors will apply and the Borough will have final say on who participates based on application and interview. The program will be promoted through the Borough and the Board of Education, at the high school to ensure the reach of the program is known.

**02/28/2022-2 BUDGET HEARING – DEPARTMENT HEADS**

Police Chief John Miscia provided information regarding Police Department divisions, organization and annual statistics. Chief Miscia noted accomplishments and goals, including expungements due to the decriminalization of marijuana. Chief Miscia's goals for 2022 include increased community relations and events, shared services and training for mental health calls. Fire Chief Louie DeRosa noted 2021 statistics and accomplishments and 2022 goals, increased recruitment of volunteers and replacement of two apparatus. Russ Brown, Construction Code Official, provided a recap of 2021 Building Department activity, noting the department has four full-time and five part-time employees. Mr. Brown also noted that revenues are up 50% in both Chatham Borough and Madison. Director of Business Development Lisa Ellis noted activities in the downtown during the pandemic, including increase

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communications with the business owners and public. A new wayfinding and gateway sign program will be presented at the next Council meeting. A 2022 public arts plan and adopt a space program are being discussed. IT Director Jim Sanderson joined the meeting to explain the IT department including shared services with five municipalities, including computer services and training. Library Director Lynn Favreau explained 2021 activities at the Library and goals for 2022, including the Construction project for the library. Trustee Thomas Binting joined to explain the grant. Engineer Robert Vogel discussed 2021 accomplishments and 2022 goals, noting capital projects completed and those planned for this year. Mr. Vogel noted 744 land use applications received and processed in 2021, and noted the department anticipates the same activity in 2022

*There was a five minute break in the Council meeting at 9:55 p.m.*

**ADVERTISED HEARINGS**

The Clerk made the following statement:

Ordinances scheduled for hearing tonight were submitted in writing at a Regular meeting of the Mayor and Council held on February 14, 2022, 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 4-2022**

**ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$456,987.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND AS MATCHING FUNDS FOR THE MADISON PUBLIC LIBRARY CONSTRUCTION BOND GRANT AWARD AND AUTHORIZING EXECUTION OF ALL GRANT AGREEMENT DOCUMENTATION**

**WHEREAS**, the Borough Council has determined that it is in the best interest of the Borough to provide matching funds to the Madison Public Library for the New Jersey Library Construction Bond Grant Award; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$456,987.00 from the General Capital Improvement Fund to satisfy a match requirement for the Library Construction Bond grant; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$456,987.00 for this purpose in the General Capital Improvement Fund.

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

SECTION 1: The amount of \$456,987.00 is hereby appropriated from the General Capital Improvement Fund to match the award of a NJ Library Construction Bond grant for the Madison Public Library.

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

Mayor Conley opened up the public hearing on Ordinance x-2022. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Landrigan moved that Ordinance 4-2022, 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: Ms. Byrne, Mr. Hoover, Ms. Coen,  
Ms. Ehrlich, Mr. Landrigan, Mr. Range  
Nays: None

Mayor Conley declared Ordinance 4-2022 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 5-2022  
ORDINANCE OF THE BOROUGH OF MADISON AMENDING OF  
CHAPTER 195-32.4 OF THE MADISON BOROUGH CODE ENTITLED  
“CBD-1, CBD-2 CENTRAL BUSINESS DISTRICT ZONES  
REGULATIONS”**

**WHEREAS**, the Borough Council has determined that it would be necessary and appropriate to amend the Land Development Ordinance to remove off-street parking facilities as principal permitted uses in the CBD-1 and CBD-2 Zones.

**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.B of the Land Development Ordinance of the Borough of Madison, is hereby amended as follows:

**Section 1:** Section 195-32.4.B(5) shall be deleted, with the remaining uses in this Section renumbered accordingly.

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

Mayor Conley opened up the public hearing on Ordinance 5-2022. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Range moved that Ordinance 5-2022, 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: Ms. Byrne, Mr. Hoover, Ms. Coen,  
Ms. Ehrlich, Mr. Landrigan, Mr. Range  
Nays: None

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Mayor Conley declared Ordinance 5-2022 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 6-2022**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING AND SUPPLEMENTING CHAPTER 112 OF THE MADISON BOROUGH CODE ENTITLED “HISTORIC DISTRICT PRESERVATION” TO INCORPORATE VOLUNTARY COMPLIANCE HISTORIC PRESERVATION DESIGN GUIDELINES AS AN APPENDIX TO ARTICLE 112-7 (C) (1)**

**WHEREAS**, the Historic Preservation Committee (“HPC”) has recommended revision of Chapter 112 of the Borough Code entitled “Historic District Preservation” (the “HPC Regulations”); and

**WHEREAS**, the HPC and the Borough’s Planning and Zoning professionals have recommended that the HPC Regulations be revised to incorporate updated voluntary compliance Historic Preservation Design Guidelines prepared by Clarke Caton Hintz dated December 2021; and

**WHEREAS**, the Borough Council believes that amending the HPC Regulations is in the best interest of the Borough and agrees with the recommendation to revise Chapter 112-7 (C)(1) of the Borough Code accordingly.

**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:** Chapter 112 of the Borough Code entitled “Historic District Preservation” is hereby amended and supplemented as follows:

§ 112-7 (C) (1) shall read: In assessing change in the exterior appearance of any building, improvement, site, place or structure by addition, reconstruction, alteration or maintenance, the Commission’s deliberations may be guided by the voluntary compliance Madison Historic Preservation Guidelines dated December 2021 prepared by Clarke Caton Hintz for the Civic Commercial District, which are adopted as an Appendix to this Chapter and which are incorporated by reference, and may be considered in conjunction with the Secretary of Interior’s Standards set forth above by the Historic Preservation Commission.

**SECTION 2:** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION 3:** All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4:** This Ordinance shall take effect according to law.

Mayor Conley opened up the public hearing on Ordinance 6-2022.

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**Thomas Haralampoudis; Pomeroy Road**, asked for explanation of the proposed design guidelines.

**Janet Foster; Maple Avenue**, Chairperson of the Madison Historical Preservation Commission, noted the guidelines do not change the duties of the Commission, instead help clarify design in the Historic District.

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

Mr. Range moved that Ordinance 6-2022, 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: Ms. Byrne, Mr. Hoover, Ms. Coen,  
Ms. Ehrlich, Mr. Landrigan, Mr. Range  
Nays: None

Mayor Conley declared Ordinance 6-2022 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.**

***INTRODUCTION OF ORDINANCES***

The Clerk made the following statement:

Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of March 14, 2022 in the 2<sup>nd</sup> 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 Ordinances for first reading and asked the Clerk to read said ordinance by title:

ORDINANCE 7-2022    ORDINANCE OF THE BOROUGH OF MADISON  
APPROPRIATING \$500,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT  
FUND FOR A PORTION OF THE PURCHASE OF A RADIO SYSTEM THE  
BOROUGH OF MADISON EMERGENCY SERVICES

**WHEREAS**, the Assistant Borough Administrator/CFO has recommended that the Borough appropriate \$500,000.00 from the Electric Capital Improvement Fund to fund a portion of the Borough trunked radio project and related materials cost; and

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**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 \$500,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$500,000.00 from the Electric Capital Improvement Fund for this purpose.

**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 \$500,000.00 is hereby appropriated from the Electric Capital Improvement Fund to fund a portion of the Borough trunked radio project and related materials.

**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. Byrne moved that Ordinance 7-2022, which the Borough Clerk read by title, be adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

**ORDINANCE 8-2022 ORDINANCE OF THE BOROUGH OF MADISON  
AMENDING CHAPTER 166 OF THE BOROUGH CODE ENTITLED "STREETS  
AND SIDEWALKS" REGARDING OUTDOOR DINING**

**WHEREAS**, the Administration, Zoning Officer, and the Downtown Development Commission have considered and recommend that the Borough Council consider proposed amendments to Chapter 166 of the Borough Code regarding outdoor dining, outdoor eating areas, and sidewalk cafes; and

**WHEREAS**, the Borough Council, having review the proposed amendments, concurs in this recommendation from the Director of Business Development to amend outdoor dining regulations in the Borough.

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

**SECTION 1:** Chapter 166 of the Borough Code, entitled "Streets and Sidewalks" is amended and supplemented to include the following:

**CHAPTER 166, ARTICLE V: OUTDOOR DINING AREAS, OUTDOOR  
EATING AREAS AND SIDEWALK CAFE AREAS.**  
**§ 166-43. Definitions.**

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A. As used in this section, these terms shall have the following meanings:

**OUTDOOR DINING AREA**

Shall mean a designated area on the premises of a retail food establishment or restaurant, but outside the principal building, and where patrons may sit at tables while consuming food and beverages ordered from and served by a wait staff.

**OUTDOOR EATING AREA**

Shall mean a designated area on the premises of a retail food establishment, but outside the principal building, and where patrons may sit at tables while consuming foods, soft drinks, ice cream, and similar confections purchased from the retail food establishment.

**SIDEWALK CAFE AREA**

Shall mean a designated area of a public sidewalk where patrons may sit at tables while consuming food and beverages ordered from and served by a wait staff.

**§ 166-44. License Required.**

No person shall operate an Outdoor Dining Area, an Outdoor Eating Area or a Sidewalk Cafe unless a license has been obtained from the Borough of Madison.

- A. Areas in which Outdoor Dining Areas, Outdoor Eating Areas and Sidewalk Cafes Areas, collectively referred to as "area" or "areas," are permitted:
- 1) Outdoor Eating Areas, as defined in this section may be established as an accessory use to permitted restaurants and retail food establishments in the CBD1, CBD2 and CC zoning district.
  - 2) Outdoor Dining Areas, as defined in this section may be established as an accessory use to permitted restaurants and retail food establishments in the CBD1, CBD2 and CC zoning district.
  - 3) Sidewalk Cafe Areas, as defined in this section, may be established as an accessory use to permitted restaurants in the CBD1, CBD2 and CC zoning district.
- B. Applicants shall apply for permit approval in accordance with the provisions of this Chapter. All such applications shall be approved by the Zoning Officer and shall be referred to the Chief of Police, Construction Code Official, Fire Code Official, and other such Borough Official(s) the Zoning Officer deems appropriate, who shall provide the Zoning Officer with written reports of their opinions and recommendations regarding the application.
- C. Applicants shall meet all general ordinance requirements and all other laws, rules, regulations and codes applicable to the proposed activity.
- D. Applicants proposing to establish an Outdoor Eating Area, Outdoor Dining Area

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or Sidewalk Cafe Area must provide satisfactory proof to the Zoning Officer of the following:

- 1) A layout including all dimensions of the proposed seating areas, which shall include but not be limited to a depiction of all aisles, routes of ingress and egress; clearances between tables and between the seating area at the curb; and service areas; the landscape plan; and other equipment and fixtures that will be utilized; an illustration, rendering and/or photograph of all proposed furniture, planters, umbrellas, awnings, tents, signage proposed.
  - 2) Freestanding umbrella(s) and base(s) and/or devices to secure umbrella(s) shall be permitted within an Outdoor Eating Area, Outdoor Dining Area or Sidewalk Cafe subject to the following:
    - a) One umbrella shall be permitted for each table within the seating area.
    - b) Umbrella shall be adequately secured by a center base, arm base and/or otherwise adequately secured by a wind resistant structure.
    - c) The umbrella, when in an open position shall not overhang beyond the designated seating area; the minimum clearance height will be seven feet and the maximum height of the umbrella from base to finial shall not exceed nine feet.
    - d) Umbrellas placed within the seating area shall be uniform as to color and design to create a pleasant aesthetic affect and shall at all times be properly maintained in good working orders and aesthetic condition including but not limited to being clean and without tears.
  - 3) Tents shall be permitted within an Outdoor Eating Area, Outdoor Dining Area only. They are prohibited in a Sidewalk Café.
- E. The Zoning Officer shall review each application to ensure that the proposed operation of the Outdoor Eating Area, Outdoor Dining Area or Sidewalk Cafe Area will not interfere with pedestrian or vehicular traffic.
- F. The Zoning Officer shall require each applicant to submit a litter control plan which shall include, but not be limited to, a description of the number and location of trash receptacles for the areas and the frequency with which the tables, surrounding area and adjacent public and private properties will be policed for litter. Failure to abide by an established litter control plan shall constitute a violation of the permit approval of which it was made a condition, and shall subject the applicant to a fine in an amount not less than \$100 per violation.

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- G. The Zoning Officer shall approve the hours of operation for each Outdoor Eating Area, Outdoor Dining Area or Sidewalk Cafe Area. In approving the hours, the Zoning Officer shall take into consideration the nature of the restaurant or retail food establishment at issue, the character of the neighborhood adjacent to the premises, and the character and nature of other uses in the vicinity of the premises at varying times of day. At no time will outdoor dining be permitted beyond 10:00 p.m.
- H. BYOB privileges for wine or malt alcoholic beverages are allowed in Outdoor Dining Areas and Sidewalk Cafe Areas subject to **N.J.S.A. 2C:33-7**. Any licensed premises must secure and provide copies to the Borough Clerk of all necessary permits from the New Jersey Division of Alcoholic Beverage Control to extend their licensed premises in accordance with applicable New Jersey law.
- I. The seating contained in an Outdoor Eating Area, Outdoor Dining Area or Sidewalk Cafe Area shall not be counted in determining any parking space requirement for a retail food establishment or restaurant use.
- J. The permit granted pursuant to this section shall allow the use of the Outdoor Dining Areas, Outdoor Eating Areas and Sidewalk Cafe Areas at any time of year. However, the area must be properly maintained at all times including complying with the litter control plan, complying with all applicable laws, rules, regulations and codes, properly securing and/or removing tables, chairs and other items during times of inclement weather and high wind, further at no time shall chairs, tables or other items be stacked in the area.

**§ 166-45. Application for license**

An application, sworn to by the applicant, for an Outdoor Eating Area, Outdoor Dining Area or Sidewalk Cafe license shall be filed annually with the Borough Clerk on forms supplied by the Clerk. The forms shall require the following information and such additional information as deemed necessary:

- A. The name of the applicant and the address.
- B. The name and address of the eating establishment where area or café is to be maintained.
- C. Written consent of the owner of the premises, if other than the applicant.
- D. Any licensed premises must secure and provide copies to the Borough of all necessary permits from the New Jersey Division of Alcoholic Beverage Control to extend their licensed premises in accordance with applicable New Jersey law.

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- E. A **Certificate of Insurance** providing at least \$1,000,000 of comprehensive general liability extending premises coverage to all activities associated with sidewalk dining and listing the Borough of Madison as an additional insured with respect to such activities.
- F. A check payable to the Borough of Madison in the amount of the license fee required by § 166-47.
- G. Execution and filing with the Borough Clerk of an **Indemnification Agreement** pursuant to which the licensee, in further consideration of the issuance of the license, shall agree to forever defend, protect, indemnify and save harmless the Borough, its officers, agents and employees, from and against any and all claims, causes of action, injuries, losses, damages, expenses, fees and costs arising out of or which may arise out of the licensee's operation of it sidewalk dining establishment.
- H. Execution and filing with the Borough Clerk of a **Maintenance Agreement** pursuant to which the licensee, in further consideration of the issuance of the license, shall agree, at the Borough's option, either to repair at its sole cost and expense any damage caused to the sidewalk or any Borough owned property by the operation of its sidewalk dining operation, or to reimburse the Borough in full for all costs and expenses incurred by it in making any such repairs.
- I. Execution and filing with the Borough Clerk of a **Outdoor Dining Addendum Permission for Use of Neighboring Space** if applicable.
- J. The Borough Clerk may require a bond to be filed by the licensee in an amount to be fixed by the Borough.

**§-166-47. Fees Set by Resolution.**

- A. The annual fee for each year for the operation of an Outdoor Dining Area, Outdoor Eating Area and/or Sidewalk Cafe shall be set by resolution by the Mayor and Borough Council.
- B. No fees shall be pro-rated nor any part thereof refunded for any reason.

**§ 166-48. License terms and conditions.**

- C. An Outdoor Eating Area, Outdoor Dining Area or Sidewalk Cafe license shall be valid only through December 31 of a given year, and a new license must be obtained for each year.
- D. An Outdoor Eating Area, Outdoor Dining Area or Sidewalk Cafe license may not be transferred.

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- E. The license shall be displayed in a conspicuous place on the premises prior to the use of the premises for sidewalk dining.

**§ 166-49. Regulations.**

The conduct of Outdoor Eating Area, Outdoor Dining Area or Sidewalk Cafe dining pursuant to a license issued under this article shall be subject to all of the following restrictions and requirements:

- A. Outdoor Eating Area, Outdoor Dining Area or Sidewalk Cafe dining may be conducted in the CBD1, CBD2 and CC zoning district.
- B. The Sidewalk Cafe area must not inhibit pedestrian traffic on public sidewalks, and an area must be open and unobstructed for pedestrian traffic between the closest edge of the cafe-type tables and the curblineline, which area shall have a minimum width of the greater of four feet or 1/2 of the sidewalk width. The passage area must be a straight line, barrier free and clear of any obstructions such as tree roots and the like. Passing areas of at least six feet may be required in larger Sidewalk Cafes.
- C. Restaurateurs shall not place anything in an alleyway or walkway or set up tables in such a manner as to block any alleyways or walkways or any building entrance/egress. It shall be unlawful to obstruct or reduce in any manner the clear width of any exit discharge passageway, as determined by the clear width opening of the entrance/egress door(s). The passageway shall be as straight as possible leading directly to the street.
- D. The only items permitted are tables, chairs, umbrellas and containers for the disposal of recyclable cans/bottles and garbage.
- E. Restaurateurs shall not place any table, sign, umbrella or other item in such a manner as to block any municipal signs, receptacles for garbage, public benches or other public amenity, including fire hydrants.
- F. Restaurateurs must provide for the disposal of recyclable cans/bottles and garbage. Public receptacles for garbage shall not be used. Sidewalk areas shall be kept clean during hours of operation. Litter shall not be permitted on adjoining sidewalks or property.
- G. Restaurateurs are prohibited from serving drivers or passengers of vehicles. All customers must be seated throughout their meal.
- H. Restaurateurs are prohibited from using public utility hookups.
- I. Use of amplified sound systems are prohibited after 9:30 p.m., and all noise regulations must followed when in use. See **Chapter 210 Nuisance: 218-3 Noises and sounds**. The Zoning Officer may issue additional restrictions based

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on location.

- J. All food preparation shall be in the regular kitchen area of the restaurant, not outside.
- K. All outdoor food service is subject to the regulations contained in Chapter 12 of the New Jersey Sanitary Code.
- L. The placement of outdoor tables shall be limited to the area immediately in front of existing and/or properly approved restaurants, cafes or eating establishments. No portion of any sidewalk dining equipment, including chairs, tables and opened umbrellas, shall encroach upon the sidewalk area in a manner to block, impede or cover adjacent storefronts, doors or windows in front of other business establishments without the written permission of the property owner and adjoining business.
- M. Permissible hours of operation shall be from 7:00 a.m. to 10:00 p.m.
- N. An applicant wishing to serve alcohol on the Sidewalk Cafe area must execute a revocable agreement with the Borough to have conditional use of the sidewalk as a right of way. Any licensed premises must secure and provide copies to the Borough of all necessary permits from the New Jersey Division of Alcoholic Beverage Control to extend their licensed premises in accordance with applicable New Jersey law.
- O. Everything must be neatly stacked or removed and sidewalks cleaned at the end service daily.
- P. The Borough retains the right to suspend an Outdoor Eating Area, Outdoor Dining Area or Sidewalk Cafe license to allow for construction activity, utility repairs, and special events or for other reason as deemed appropriate by the Borough Council, with reasonable advance notice to be given to affected licensees.
- Q. All Sidewalk Cafes must be cleared of all furnishings in advance of any snowstorm or weather emergency declared by the Borough.
- R. Use of private parking lots for Outdoor Eating or Dining Areas.
  - 1) Must be in an area where onsite parking is not required or parking studies have demonstrated the availability of excess parking spaces.
  - 2) Permit required, subject to all rules and regulations included in this ordinance.
  - 3) Must be separated from other parking and travel lanes by barricades.

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- 4) Tents shall be permitted within an Outdoor Eating Area, Outdoor Dining Area only and require approval from the Zoning Officer, Construction, and Fire Code Officials.
  - a) The clearance to the lowest part of any tent covering shall be the same as required in **Code § 166-4 Awnings**.
  - b) All tent frame components supported by the ground must be clearly visible to pedestrians and other passersby so as not to constitute a safety hazard and the Zoning Officer may require a decorative chain or other means to ensure visibility of frame components supported by the ground.
  - c) Tents in use from December 1 through March 1 must be certified snow load compliant.
  - d) Restaurants utilizing outdoor tents with temporary heat must be reviewed and approved by the Madison Fire Code Official.
  - e) Except for permitted construction or repair of a tent, at no time shall property owners be permitted to remove the tent covering and leave bare frame components visible.

S. Use of public curbside/parking spaces for expansion of Sidewalk Café.

- a) Prohibited on Main Street, NJ State Highway Route 124.
- b) Permit required, subject to all rules and regulations included in this ordinance.
- c) Must be separated from other parking and travel lanes by barricades.
- d) A platform will be required to insure accessibility between the sidewalk and street area and must meet the following standards. Platforms must be approved by the Zoning, Officer, Construction and Fire Code Officials:
  - (1) Durable materials that can withstand wear and tear of elements. It is your responsibility to maintain all platform elements in good condition.
  - (2) All structures on parking lane must allow for access to public utilities for maintenance and repairs (e.g. provide access panels, removable pavers, etc.)
  - (3) Deck or platform must be flush with sidewalk and must not leave a gap greater than 1/2 inch, nor a vertical separation greater than 1/4 inch.
  - (4) At no time may any element of the platform be attached, anchored, bolted or affixed in any way to the roadway or any structure (including but not limited to: buildings, fire hydrants, street trees,

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streetlight or traffic poles, etc.)

(5) Surface materials must be textured or treated with a non-skid coating to ensure a safe walking surface. Loose particles, such as sand or loose stone, are not permitted.

(6) Platforms should allow for curbside drainage flow. An approximately 6 inch x 6 inch minimum clear gutter space must be provided along the entire length of the proposed platform.

e) Use of public curbside/parking spaces for expansion of Sidewalk Café begins on April 15 and ends on November 15. Barricades, all equipment, and platforms must be removed by November 15.

T. Restaurateurs must comply with the provisions of the **Smoke-Free Air Act, N.J.S.A. 26:3D-55 to 64**, including displaying the appropriate designated site-specific conditions for smoking that are appropriate to their particular circumstances and environments. Moreover, in accordance with **N.J.S.A. 26:3D-63** and **N.J.A.C. 8:6-2.3**, smoking is prohibited at a sidewalk dining establishment if smoking in the exterior area results in migration, seepage, or recirculation of smoke to an indoor public place or a workplace at which smoking is prohibited.

U. The licensee shall comply with all other Borough ordinances.

**§ 166-50. Suspension and revocation of license.**

A. Any license may be suspended or revoked for good cause by the Borough Council, including but not limited to a misrepresentation of the information supplied in the application, the conviction of a crime, a violation of any ordinance, statute or government regulation or a violation of this article.

**§ 166-51. Enforcement.**

A. The Borough Clerk shall be responsible for licensing and the collection of fees. This chapter shall otherwise be enforced by the Zoning Officer, Madison Police Department and the Board of Health, as to the Sanitary Code.

**§ 166-52. Violations and penalties.**

A. Any violations of the provisions of this article shall be punishable by a fine not to exceed \$500 as determined by the Municipal Court. Each day the violation shall continue after a notice and a reasonable opportunity to correct or remedy the violation shall constitute a separate violation.

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**§ 166-53. Appeals.**

- A. Any person aggrieved by any action of the Borough Clerk, in the denial or revocation of an Outdoor Eating Area, Outdoor Dining Area or Sidewalk Cafe license, shall have the right to appeal to the Borough Administrator. The appeal shall be taken by filing with the Borough Clerk, within 30 days after the notice of the action complained of has been served personally upon the licensee, or mailed, postage prepaid, to the licensee at the address given by the licensee in making application under § 166-44 herein, a written statement setting forth fully the grounds for appeal. The Borough Clerk shall set a time and place of hearing for the appeal, at which time the Borough Administrator shall conduct a hearing and affirm, modify or reverse the action appealed from.

**§ 166-54. Severability.**

- A. Each section of this article is an independent section, and the holding of any section or part thereof to be unconstitutional or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

Mr. Hoover moved that Ordinance 8-2022, 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. Byrne, Mr. Hoover, Ms. Coen,  
Ms. Ehrlich, Mr. Landrigan, Mr. Range  
Nays: None

ORDINANCE 9-2022    ORDINANCE OF THE BOROUGH OF MADISON  
APPROPRIATING \$75,000.00 FROM ELECTRIC CAPITAL IMPROVEMENT FUND  
FOR THE PURCHASE OF A DUMP TRUCK AND RELATED EQUIPMENT FOR  
THE ELECTRIC DEPARTMENT

**WHEREAS**, the Electric Superintendent has recommended that the Borough appropriate \$75,000.00 from the Electric Capital Improvement Fund for the purchase of a Dump Truck and related equipment for the Electric Department; and

**WHEREAS**, funds are available in the Electric Capital Improvement Fund and the availability of funds has been certified by the Chief Financial Officer; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$75,000.00 from the Electric Capital Improvement Fund for the purchase of a Dump Truck and related equipment for the Electric Department.

**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:

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SECTION 1: The amount of \$75,000.00 is hereby appropriated from the Electric Capital Improvement Fund for the purchase of a Dump Truck and related equipment for the Electric 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.

Mr. Landrigan moved that Ordinance 9-2022, 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: Ms. Byrne, Mr. Hoover, Ms. Coen,  
Ms. Ehrlich, Mr. Landrigan, Mr. Range  
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. Landrigan moved adoption of the Resolutions listed on the Consent Agenda. Ms. Byrne seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

R 84-2022 RESOLUTION OF THE BOROUGH OF MADISON URGING THE SWIFT PASSAGE OF S-330 WHICH RESTORES ENERGY TAX RECEIPTS

**WHEREAS**, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

**WHEREAS**, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties, and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

**WHEREAS**, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

**WHEREAS**, the diversion of dedicated energy tax receipts to the State's General Fund further jeopardizes this critical property tax relief funding in future years; and

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**WHEREAS**, by reducing Consolidated Municipal Property Tax Relief Act (CMPTRA), which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

**WHEREAS**, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

**WHEREAS**, local elected officials are in the best position to decide the best use of these resources, which were always intended to fund local programs and services; and

**WHEREAS**, Senator Singleton and Senate President Scutari have introduced legislation (S-330) that will restore, over a five-year period, Energy Tax Receipts to municipalities;

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Madison, in the County of Morris, urges the Legislature to swiftly pass this legislation and Governor Murphy sign the legislation prior to passage of the FY2023 State budget; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution is forwarded to State Senator Richard J. Codey, Assemblyman John McKeon and Assemblywoman Mila Jasey, Senate President Scutari, Assembly Speaker Coughlin, Governor Murphy, and the League of Municipalities.

**R 85-2022 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A TEMPORARY APPROPRIATIONS FOR OPERATING PURPOSES**

**WHEREAS**, NJSA 40A:4-20 provides that, in addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the governing body may make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for the current fiscal year and the date of the adoption of the budget for the current fiscal year; and

**WHEREAS**, the amount of such emergency temporary appropriations shall be included under corresponding headings in the budget as adopted or, if such appropriations are adopted after the introduction and approval of the budget and were not included in the budget as approved such appropriations shall be included by amendment in the budget as adopted without public advertisement or public hearing; and

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**WHEREAS**, the Borough has deemed certain emergency temporary appropriations to be necessary and such appropriations are conforming to the provisions of NJSA 40A:4-20; and

**WHEREAS**, upon final adoption of the 2022 Municipal Budget, the emergency appropriation is intended to be funded by an allocation of the American Recovery Plan funds received by the Borough;

**NOW, THEREFORE, BE IT RESOLVED** (not less than two-thirds of all members thereof affirmatively concurring) that pursuant to *N.J.S.A. 40A:4-20* an emergency temporary appropriation be and the same is hereby made for:

**Current Fund:**

Operations – Excluded from “CAPS”  
Public and Private Programs Offset by Revenues  
Radio System Upgrades

\$1,500,000.00

**BE IT FURTHER RESOLVED** the said emergency temporary appropriations will be provided for in the 2022 Budget under the title of same.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer is hereby directed to file a certified copy of the resolution with the Director of the Division of Local Government Services.

R 86- 2022 RESOLUTION OF THE MADISON BOROUGH COUNCIL  
AUTHORIZING EXECUTION OF A LEASE AGREEMENT WITH THE MADISON  
HISTORICAL SOCIETY FOR USE OF A PORTION OF THE HARTLEY DODGE  
MEMORIAL

**WHEREAS**, the Borough of Madison owns the building located at 50 Kings Road in the Borough of Madison referred to as the “Hartley Dodge Memorial”; and

**WHEREAS**, the Madison Historical Society is a non-profit duly incorporated historical society providing services to Madison residents; and

**WHEREAS**, the Borough Council is desirous of leasing space in the Hartley Dodge Memorial to the Madison Historical Society for ground floor space in exchange for a \$500,000.00 capital contribution towards renovation of the east wing ; and

**WHEREAS**, the Lease would provide space in a portion of the east wing of the Hartley Dodge Memorial to the Madison Historical Society for a 25 year lease,

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for consideration of funding toward the historical preservation and renovation of the East Wing and on such further terms as are reflected in the Lease Agreement; and

**WHEREAS**, the Lease may be made pursuant to N.J.S.A. 40A:12-15.

**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 a Lease prepared and approved by the Borough Attorney.

**R 87-2022 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SHARED SERVICE AGREEMENT WITH THE TOWNSHIP OF BERKELEY HEIGHTS TO PROVIDE INFORMATION TECHNOLOGY SERVICES**

**WHEREAS**, the Borough of Madison wishes to renew a Shared Services agreement for the provision of Information Technology Support Services, pursuant to the attached contract with the Township of Berkeley Heights; and

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

**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 Township of Berkeley Heights for the provision of Information Technology Support Services, such agreement to be in a form approved by the Madison Borough Attorney.

**R 88-2022 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A SPECIAL EVENT PERMIT TO ALLOW THE USE OF PUBLIC PARKING LOT NUMBER ONE BY THE ROTARY CLUB OF MADISON FOR A PUBLIC SHREDDING EVENT ON APRIL 23, 2022**

**WHEREAS**, the Rotary Club of Madison has requested permission to use public parking lot number one on Saturday, April 23, 2022, between the hours of 8:00 a.m. and 12:00 p.m. for a public shredding event; and

**WHEREAS**, the Rotary Club of Madison has also requested permission to put up temporary signs advertising the event April 18, 2022 through April 23, 2022; and

**WHEREAS**, the Borough Administrator has recommended that such permission be granted; and

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**WHEREAS**, the Rotary Club has submitted a Special Event Permit Application to the Borough as well as 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 the Rotary Club of Madison is hereby given permission to hold a public shredding event at Madison public parking lot number one, on April 23, 2022, between the hours of 8:00 a.m. and 12:00 p.m. subject to such safety requirements as may be directed by the Madison Police Department and/or Fire Department and to place signs advertising the event April 18, 2022 through April 23, 2022.

**R 89-2022 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING JENNIFER HOPLER TO THE POSITION OF PUBLIC SAFETY TELECOMMUNICATIONS OFFICER**

**WHEREAS**, the Personnel Director recommends the appointment of Jennifer Hopler to the position of Public Safety Telecommunications Officer; and

**WHEREAS**, the 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 Jennifer Hopler is hereby appointed to the position of Public Safety Telecommunications Officer effective upon a successful background check; and

**BE IT FURTHER RESOLVED**, that Jennifer Hopler be compensated at the annual salary of \$50,000.00.

**R 90-2022 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING JULIANA LOPEZ TO THE POSITION OF PUBLIC SAFETY TELECOMMUNICATIONS OFFICER**

**WHEREAS**, the Personnel Director recommends the appointment of Juliana Lopez to the position of per-diem Public Safety Telecommunications Officer; and

**WHEREAS**, the 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 Juliana Lopez is hereby appointed to the position of part-time Public Safety Telecommunications Officer effective immediately; and

**BE IT FURTHER RESOLVED**, that Juliana Lopez. be compensated at the hourly rate of \$22.50/hour.

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**R 91-2022 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTINUATION OF THE ELECTRIC UTILITY REBATE PROGRAM FOR 2022**

**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 2022; and

**WHEREAS**, it's anticipated that the total cost of the 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:

1. An Electric Utility Rebate Program is authorized for assistance to eligible residents for the calendar year 2022, 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 2022 guidelines.

**R 92-2022 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF AN APPLICATION FOR THE NEW JERSEY DEPARTMENT OF TRANSPORTATION ELECTRIFICATION GRANT PROGRAM**

**WHEREAS**, a sustainable community seeks to ensure that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS**, Madison strives to assure clean land, air and water for current and future generations; and

**WHEREAS**, the New Jersey Department of Environmental Protection has created Transportation Electrification Grant to meet the goals of the state's Energy Master Plan; and replace older Diesel and Gas powered municipal busses and trucks with modern "green" electric vehicles; and

**WHEREAS**, Madison's Senior Center Shuttle bus is old and in need of replacement; and

**WHEREAS**, the NJDEP Transportation Electrification Grant Program will provide funds to replace Madison's aging Senior Center Shuttle Bus, with a Battery-Powered Electric Shuttle Bus.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of Madison has determined that Madison should apply for the aforementioned Transportation Electrification Grant program; and

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**BE IT FURTHER RESOLVED**, that Borough Council of Madison, State of New Jersey, authorizes the submission of the aforementioned application to the NJDEP Transportation Electrification Grant Program.

**UNFINISHED BUSINESS** - None

**APPROVAL OF VOUCHERS**

On motion by Mr. Landrigan, seconded by Ms. Byrne and carried, the following vouchers of the Borough of Madison were approved for payment, and the supporting documentation of said vouchers was made part of the Supplemental Minute Book.

Current Fund	\$6,831,656.23
General Capital Fund	18,446.50
Electric Operating Fund	479,172.79
Electric Capital Fund	0.00
Water Operating Fund	51,280.38
Water Capital Fund	0.00
Trusts	<u>95,248.89</u>
Total	<u>\$7,475,804.79</u>

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

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

Nays: None

**NEW BUSINESS** - None

**ADJOURN**

There being no further business to come before the Council, the meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved March 14, 2022 (EO)