

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

May 8, 2023 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 8th day of May, 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
Rachael Ehrlich
Robert Landrigan
Eric Range
Thomas Haralampoudis
Vacancy

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)

April 26, 2023

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

CONTRACT MATTERS (2)

MASONIC LODGE

MADISON VOLUNTEERS AMBULANCE CORP

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

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LITIGATION MATTERS (1)
DREW UNIVERSITY

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

Seconded: Ms. Ehrlich
Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

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

APPROVAL OF MINUTES

Mr. Range moved approval of the **Executive Minutes of April 26, 2023**. Ms. Ehrlich seconded the motion, which passed with a unanimous voice call vote recorded.

Mr. Range moved approval of the **Regular Meeting Minutes of April 26, 2023**. Ms. Ehrlich seconded the motion, which passed with a unanimous voice call vote recorded.

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

EMPLOYEE OF THE MONTH

Employee of the Month for May is Patrolman Alex Cardenas from the Police Department. On April 27th, Alex was travelling to work on Route 287 South when he saw an overturned vehicle. Although the car was leaking fluids, Alex approached the car to check on the driver who was unconscious. Despite the risk to his own safety, Alex helped another officer get the driver out of the car. Because of his brave actions, the driver was safely removed from the car and given the necessary medical attention. The officer who Alex worked with to get the driver out of the car was a Jersey City Deputy Chief who wrote Chief Miscia a letter complimenting Patrolman Cardenas' exceptional service.

ANNIVERSARY

Chief Lou DeRosa from the Fire Department will celebrate his 40th Anniversary on May 11, 2023.

Mayor Conley presented the following proclamation to Mr. Iossa.

*Proclamation
of the
Borough of Madison*

Recognizing
ROCCO IOSSA, SR.

WHEREAS, Rocco Iossa, Sr. was a teenager when he emigrated to the United States from Marigliano, Italy in 1960 and he almost immediately opened Madison's first pizzeria on Park Avenue with his brother Frank; and

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WHEREAS, although Rocco barely spoke any English, his commendable work ethic and determination led to him owning four pizzerias from Summit to Morristown within a few years; and

WHEREAS, not only did Rocco’s successful career begin with that first pizzeria, but his family also started there when he met his wife, Janet who was a customer waiting in line for a slice; and

WHEREAS, Janet and Rocco were married for 58 years and successfully worked together for 40 years at Rocco’s restaurant on Cook Plaza before they retired; and

WHEREAS, the couple had five children (Joseph, Rocco, Jr., Angela, Salvatore and Gino) who were always around the family restaurants with 54 Main and Madison Market keeping the Iossa family legacy alive in Madison; and

WHEREAS, Rocco has a long history of giving back to our community (and beyond) with his involvement in Madison Rotary, Taste of Madison, charity bocce tournaments and providing hot meals to N.J. residents who were affected by Hurricane Sandy; and

WHEREAS, Madison’s landscape will look different without Rocco’s namesake restaurant which has served multiple generations of Borough residents.

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby recognize the contributions of Rocco Iossa, Sr. and his family in Madison for more than half a century. We thank him for his hard work, good food and respectful service and wish him health, happiness and lots of relaxation and bocce with friends and family.

Robert H. Conley, Mayor
May 8, 2023

REPORTS OF COMMITTEES

Community Affairs

Mr. Hoover, Chair of the Committee, made the following comments:
The Downtown Development Commission will hold its next regular meeting on Thursday, May 18th, at 7:15 pm in the Hartley Dodge Memorial Building, Committee Room, 2nd Floor. The public is invited to attend. The Madison Farmers Market will open on Thursday, May 25th, for its 31st season. The Market will again be held at Dodge Field from 1:00-6:00 pm. The season continues through November 16th and will feature live music weekly. The Madison Area Chamber of Commerce and the Downtown Development Commission have partnered with the Madison Public Library on a project called StoryWalk®, an innovative and delightful way for children and adults to enjoy reading and the outdoors at the same time. Eighteen businesses in the immediate downtown area are hosting a page of our StoryWalk® book, “The Curious Garden,” by Peter Brown. The storybook page is displayed in the storefront windows and will be in place from April 29th until May 13th. Those readers participating in the StoryWalk® will advance from business to business, reading The Curious Garden as they walk through our vibrant downtown. A custom Google map

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has been created so the public can follow along. The Chamber of Commerce is accepting nominations for this year's Extra Mile Award, an initiative to recognize and celebrate individuals who have provided excellent customer service in our community. Nominations are open to everyone in the community, and we encourage residents, business owners, and visitors to nominate individuals who deserve recognition for their outstanding service. For more information, please visit MadisonNJChamber.com. Ladies Night is scheduled for Thursday, May 11, from 5:30 - 8:30 pm. At the Madison Community Arts Center starting May 11th, the gallery will feature works by Madison High School students in the Advanced Placement Visual Arts program. There will be a reception from 5:00 -7:00 pm, and the art will remain on the walls until Monday, May 15. Gallery hours are posted on the MACA website. Spotlight Kids will present their production of *You're a Good Man Charlie Brown* from Friday, May 18th, through Sunday, May 21st.

Finance and Borough Clerk

Vacancy, Chair of the Committee, made the following comments:

Public Works and Engineering

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

The office of the Tax Collector reminds us that the second quarter property taxes were due May 1st, and interest will be assessed on payments made after May 10th. Note that the Tax Collector's office is now located in the Finance Department on the 2nd floor of Hartley Dodge. In anticipation of the June 6th Primary Election, the Clerk's office will remain open for Late Night Voter Registration on May 16, 2023 until 8:00 p.m. Applications for Vote by Mail ballots and voter registration forms are available in the Borough Clerk's Office or online at morriselections.org. Early Voting will take place in the Court Room at the Hartley Dodge Memorial June 2nd through June 4th. The Finance Department has been purging old records, working with the Borough Clerk's office to attain the proper State approval for destruction. A proposed solar installation project at the Madison Chatham Joint Meeting has been proposed and will generate 11 cents per kWh, benefiting both municipalities. The Public Works Department assisted with Madison's Clean and Green day, Saturday May 6th. The Department continues to mulch all other areas and parking lots, has installed various barricades down town for outside dining. The new Borough wide radio system is installed and the department of Public Works is glad to be connected. The Sewer Dept. is finishing up various sewer repairs on Myrtle Avenue, Garfield and Woodland Roads in anticipation of paving this summer. Dodge field flooded for the first time in a long time this past weekend and the department had to manually pump down the field and walking track. They are working with Recreation Director Zach Ellis on planning and rain outs.

Utilities

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

The Water Department responded to an eight (8) inch water main break on Myrtle Avenue, near Ridgedale Avenue. The break was excavated, repairs were made, and service was restored within three (3) hours. The Electric Department reports that the Stand-by Crew was called to 196 Greenwood Avenue for a wire down across the roadway. It was determined to be a communication wire and was removed from the street. The Department has been stocking all the materials needed for the planned shut-down and pumping out the manholes this weekend, and repaired the lights in front of the MRC on Ridgedale Avenue. The Utility Advisory Committee has been discussing time use electric rates, used in other communities, with the goal to be neutral, and have less stress on the system. It would be a voluntary program. More information will be included with utility bills.

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Public Safety

Mr. Range, Chair of the Committee, made the following comments:
The Madison Police Department and its School Resource Officers, along with the Community Relations Unit, will be assisting Central Avenue School with its Bike Rodeo on Monday, June 5th. Officers will discuss bike safety and checking each bicycle to ensure proper operation. The Madison Police Department will be jointly hosting the DARE graduation at the Madison Community Pool on Tuesday, June 6th. DARE students are 5th grade students from the elementary schools. The DARE program has been ongoing in the school district, taught by certified police officers, for over 20 years. On May 18th, there will be an anti-bullying and cybercrime presentation to Madison Junior School students and parents. The presentation is given by the Morris County Prosecutor's Office, in partnership with the Madison Police Department and Project Community Pride.

Health

Mr. Haralampoudis, Chair of the Committee, made the following comments:
The Electric Utility conducted a planned electric outage early this morning, May 8th in parts of the downtown commercial district for required underground maintenance and the installation of new equipment. The staff of the Health Department met with all the food establishments to ensure proper food safety, and report no issues.

COMMUNICATIONS AND PETITIONS – None

INVITATION FOR COMMENT (1 of 2)

Mayor Conley opened the meeting to the public for their opportunity to ask questions and make comments on those items listed on the Agenda only. Mayor asked that, upon recognition by the Meeting Moderator, each person give his/her name and address in an audible tone of voice, for the record. **He/she shall limit his/her statement to three (3) minutes or less.**

Jason J. Leffler; James Place, noted issues with electric vehicles and residential solar panels and asked Council to continue discussions before spending additional money.

Kirsten Wallerstein; Westerly Avenue, noted her residential use of solar panels for several years and thanked Council for supporting the proposed MRC carport project.

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

AGENDA DISCUSSIONS

05/08/2023-1 COUNCIL VACANCY APPOINTMENT

Mayor Conley explained the process for filling a vacancy on Council in a partisan municipality, noted three names provided by the Madison Democratic Party and asked for a motion to fill the vacancy.

Mr. Hoover nominated resident John J. Forte, to serve as Council Member through the November 7, 2023 General Election. Ms. Ehrlich seconded the motion, which passed with the following roll call vote recorded:

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

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R 146-2023 RESOLUTION OF THE MADISON BOROUGH COUNCIL
APPOINTING COUNCIL MEMBER TO FILL A VACANCY ON THE COUNCIL
UNTIL THE NEXT GENERAL ELECTION PURSUANT TO N.J.S.A. 40A:16-11

WHEREAS, a council vacancy was created by the resignation of Debra J. Coen effective April 10, 2023 as a Council Member; and

WHEREAS, Debra J. Coen was elected to be a Council Member as a member of the Democratic Party; and

WHEREAS, the Madison Democratic Committee has submitted to the governing body pursuant to law the names of three qualified candidates from the Democratic Party to serve as a replacement council member; and

WHEREAS, N.J.S.A. 40A:16-7 provides that an appointment to fill a vacancy in the membership of a governing body shall be by majority vote of the remaining members of the governing body; and

WHEREAS, the governing body has selected John J. Forte to fill the vacancy for Debra J. Coen’s Council seat until the election of a replacement member at the next general election pursuant to N.J.S.A. 40A:16-11, and by this Resolution makes such appointment.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that John J. Forte is hereby appointed to fill the council vacancy until the election of a replacement member at the next general election pursuant to N.J.S.A. 40A:16-11.

05/08/2023-2

SOLAR CARPORT PRESENTATION

Mr. Burnet provided information regarding the proposed solar carport project at the Madison Recreation Complex (MRC) noting 850,000 kWh of electricity generated per year, enough energy for 95 average homes in Madison. The project requires no tree removal, gives shaded parking for MRC visitors and an online portal will show generation, which can be used for educational purposes. Mr. Burnet stated that bids will be issued in June with award planned for August. Work should commence this fall. A bond ordinance is recommended for introduction, to allow the bidding process to proceed, with full funding in place before federal funding is secured.

Ordinance 33-2023 is listed for Introduction.

ADVERTISED HEARINGS – None

Ordinances 28-2023 and 29-2023 have a hearing schedules for May 22, 2023

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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.**

Kirsten Wallerstein; Westerly Avenue, noted endorsement in Preserving the Drew Forest from the Wildlife Preserve and the Environmental Commission of Caldwell Borough. Ms. Wallerstein thanked the Mayor and Council for their efforts.

Jason J. Leffler; James Place, raised concerns with the proposed solar carport project noting seasonal daytime hours and snow, ice and debris as problematic.

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 May 22, 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 Ordinances for first reading and asked the Clerk to read said ordinance by title:

ORDINANCE 30-2023 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 94 OF THE MADISON BOROUGH CODE ENTITLED
“ELECTRIC UTILITY” TO UPDATE THE ELECTRIC CONNECTION FEE
SCHEDULE

WHEREAS, the Borough Engineer and Borough Auditor have recommended that the Borough amend Chapter 94 of the Madison Borough Code entitled “Electric” to include an updated electric connection fee schedule; and

WHEREAS, Nisivoccia and Company, LLP, Certified Public Accountants and consultant to the Borough, has performed a study of the capital costs and interest on debt service together with the number of equivalent users, and based on such study has recommended an electric utility connection fee in the amount of \$3,023.00 for new customers.

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 94-8 of the Madison Borough Code, currently entitled “Connection fee” is hereby amended as follows:

§ Chapter 94-8

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A. There shall be an electric utility connection fee established in accordance with Chapter 62 of Title 40 of the Revised Statutes of the State of New Jersey. This connection fee is in addition to the fees for department services set forth in Chapter 94 of the Borough Code. The electric connection fee is effective July 1, 2023 and shall be:

(1) For single family dwelling units, \$3023, and for multiple dwelling units, \$3,023 per unit.

(2) In the case of any building or portion thereof to be used for industrial, commercial, educational or other than dwelling purposes, the Borough Engineer shall determine by accepted standards the number of units to be connected or added to an existing connection; where a unit equals an average annual consumption of 9,000 kWh.

B. This fee shall, pursuant to statute, be recalculated at the end of each budget year and may be reset by ordinance of the Borough Council after public hearing, on a yearly basis. The electric utility connection fee shall be payable in full to the Borough of Madison at the time a building electric connection permit is issued for connection to the municipal electric distribution system by the Borough of Madison.

SECTION 2: This Ordinance shall take effect on July 1, 2023.

Ms. Ehrlich moved that Ordinance 30-2023, which the Borough Clerk read by title, be 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, Vacancy
Nays: None

**ORDINANCE 31-2023 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 190 OF THE MADISON BOROUGH CODE ENTITLED
“WATER” TO UPDATE THE WATER CONNECTION FEE SCHEDULE**

WHEREAS, the Borough Engineer and Borough Auditor have recommended that the Borough amend Chapter 190 of the Madison Borough Code entitled “Water” to include an updated water connection fee schedule; and

WHEREAS, Nisivoccia and Company, LLP, Certified Public Accountants and consultant to the Borough, has performed a study of the capital costs and interest on debt service together with the number of equivalent users at December 31, 2022, and based on such study has recommended a water connection fee in the amount of \$4,518.00 for new customers; and

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WHEREAS, such water connection fee is authorized by N.J.S.A. 40A:31-11 entitled “County and Municipal Water Supply”.

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 190-11.2 of the Madison Borough Code, currently entitled “Connection fee” is hereby amended as follows:

§190-11.2 Connection fee

There shall be a water connection fee established in accordance with N.J.S.A. 40A:31-11 in addition to the fees for department services set forth in Section 190-33. The water connection fee effective July 1, 2023 shall be:

- A. For single family dwelling units, \$4,518.00, and for multiple dwelling units, \$4,518.00 per unit.
- B. In the case of any building or portion thereof to be used for industrial, commercial, educational or other than dwelling purposes, the Borough Engineer shall determine by accepted standards the number of units to be connected or added to an existing connection; where a unit equals an annual average daily flow of 245 gallons or fraction thereof: \$4,518.00 per unit.

This fee shall, pursuant to statute, be recalculated at the end of each budget year and may be reset by ordinance of the Borough Council after public hearing, on a yearly basis. The water connection fee shall be payable in full to the Borough of Madison at the time a building water connection permit is issued for connection to the municipal water system by the Borough of Madison.

SECTION 2: This Ordinance shall take effect on July 1, 2023.

Ms. Ehrlich moved that Ordinance 31-2023, which the Borough Clerk read by title, be 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, Vacancy

Nays: None

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ORDINANCE 32-2023 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 155 OF THE MADISON BOROUGH CODE ENTITLED
“SEWER” TO UPDATE THE SEWER CONNECTION FEE SCHEDULE

WHEREAS, the Borough Engineer and Borough Auditor have recommended that the Borough amend Chapter 155 of the Madison Borough Code entitled “Sewer” to include an updated sewer connection fee schedule; and

WHEREAS, Nisivoccia and Company, LLP, Certified Public Accountants and consultant to the Borough, has performed a study of the capital costs and interest on debt service together with the number of equivalent users at December 31, 2022, and based on such study has recommended a sewer connection fee in the amount of \$6,726.00 for new customers; and

WHEREAS, such sewer connection fee is authorized by N.J.S.A. 40A:26A-11 entitled “Municipal and County Sewerage Facilities”.

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 155-4A of the Madison Borough Code, currently entitled “Connection expenses; responsibility for maintenance, repair and replacement of laterals” is hereby amended as follows:

§155-4 Connection fees; connection expenses; responsibility for maintenance, repair and replacement of laterals.

A. Sewer connection fees.

There shall be a basic connection fee established in accordance with N.J.S.A. 40A:26A-11. The sewer connection fee effective July 1, 2023 shall be:

1. For single-family dwelling units, \$6,726.00, and for multiple dwelling units, \$6,726.00 per unit.
2. In the case of any building or portion thereof to be used for industrial, commercial, educational or other than dwelling purposes, the Borough Engineer shall determine by accepted standards the number of units to be connected or added to an existing connection; where a unit equals an annual average daily flow of 262 gallons or fraction thereof: \$6,726.00 per unit.

This fee shall, pursuant to statute, be recalculated at the end of each budget year and may be reset by ordinance of the

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Borough Council after public hearing, on a yearly basis. The sewer connection fee is based upon the usage of a single dwelling unit or equivalent discharge. The sewer connection fee shall be payable in full to the Borough of Madison at the time a building sewer permit is issued for connection to the public sanitary sewer by the Borough of Madison.

SECTION 2: This Ordinance shall take effect on July 1, 2023.

Ms. Ehrlich moved that Ordinance 32-2023, which the Borough Clerk read by title, be 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, Vacancy
Nays: None

ORDINANCE 33-2023 BOND ORDINANCE TO AUTHORIZE THE CONSTRUCTION OF A CARPORT WITH ROOF-MOUNTED SOLAR PANELS AT THE MADISON RECREATION COMPLEX IN, BY AND FOR THE ELECTRIC UTILITY OF THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,000,000 TO PAY THE COST THEREOF, TO APPROPRIATE ELECTRIC UTILITY RESERVE FUND MONEYS, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

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

Section 1. The Borough of Madison, in the County of Morris, State of New Jersey (the "Borough") is hereby authorized to construct a carport with roof-mounted solar panels at the Madison Recreation Complex in, by and for the Electric Utility of the Borough. Said improvement shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$2,000,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be

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met from the proceeds of the sale of the bonds authorized, and the Electric Utility Reserve Fund moneys appropriated, by this ordinance. It is anticipated that Federal grant or subsidy payment funds shall be received by the Borough to finance the cost of said purpose. Said grant or subsidy payment funds shall be applied as set forth in Section 11 hereof. No down payment is required for this bond ordinance pursuant to the provisions of N.J.S.A. 40A:2-11(c) and 40A:2-7(h). Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$2,000,000, and (4) \$1,300,000 of said sum is to be provided by the Electric Utility Reserve Fund moneys hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$700,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$5,000, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

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Section 4. The sum of \$1,300,000 available in the Reserve for Sustainability Projects in the Borough's Electric Utility is hereby appropriated to the payment of the cost of said purpose.

Section 5. It is hereby determined and stated that the Electric Utility would have been self-liquidating, as defined in Section 47(a) of the Local Bond Law, during the fiscal year beginning January 1, 2022, had there been included in the interest and debt redemption charges for such year an amount equal to interest for one year at the rate of four and one half percentum (4½%) per annum on said bonds or notes, and the amount of the first installment of serial bonds legally issuable to finance such purpose plus an amount for charges as aforesaid with respect to all bonds and notes authorized but not issued for such Electric Utility.

Section 6. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$700,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 7. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$700,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be

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issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 8. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 9. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of fifteen years computed from the date of said bonds.

Section 10. It is hereby determined and stated that the Supplemental Debt Statement required by

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the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$700,000, but said \$700,000 shall be deducted from gross debt pursuant to Section 44(c) of the Local Bond Law and that the issuance of the bonds and notes authorized by this ordinance is permitted by an exception to the debt limitations prescribed by the Local Bond Law as provided in Sections 47(a) and 7(h) of the Local Bond Law.

Section 11. Any funds received from private parties, the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 12. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 13. The Borough intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable

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expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Ms. Ehrlich moved that Ordinance 33-2023, which the Borough Clerk read by title, be 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, Vacancy
Nays: None

ORDINANCE 34-2023 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$100,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR THE MRC BASKETBALL/PICKLEBALL COURT CONSTRUCTION
PROJECT

WHEREAS, Ordinance 9-2023 appropriated \$240,000.00 from the Open Space Recreation and Historic Preservation Trust Fund for the MRC Basketball/Pickleball court construction project; and

WHEREAS, the Borough Administrator has recommended that the funding be increased by \$100,000.00 as a supplemental appropriation for the MRC Basketball/Pickleball court construction project; and

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WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the General Capital Improvement Fund Trust Fund in an amount not to exceed \$100,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate an additional \$100,000.00 from the General Capital Improvement 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 \$340,000.00 is hereby appropriated from the General Capital Improvement 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.

Ms. Ehrlich moved that Ordinance34-2023, which the Borough Clerk read by title, be 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, Vacancy
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. Hoover moved adoption of the Resolutions listed on the Consent Agenda. Ms. Ehrlich seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

R 145-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE EXECUTION OF AN ADDENDUM TO THE DEVELOPMENT AGREEMENT WITH WALNUT STREET, L.P., SUCCESSOR IN INTEREST TO RPM DEVELOPMENT, L.L.C. FOR 28 WALNUT STREET, TAX BLOCK 1601, LOT 42 (CIVIC CENTER SITE) AND TAX BLOCK 1601, LOT 1.01 (COMMUNITY PLACE SITE)

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

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

WHEREAS, representatives of the Borough and RPM negotiated the terms of the Development Agreement for the Project and executed an agreement authorized by Resolution 134-2021; and

WHEREAS, the governing body wishes to authorize execution of an amendment to the Development Agreement.

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

1. The Borough is hereby authorized to enter into the amendment to the Development Agreement dated May 21, 2021 with Walnut Street, L.P. successor in interest to RPM Development, L.L.C. substantially in the form attached hereto increasing the Borough contribution from a maximum of \$2,000,000.00 to a maximum contribution up to \$3,000,000.00.
2. The Mayor and/or Borough Administrator and Borough Clerk are hereby authorized to execute the Amendment to the Development Agreement and take any and all other action needed to effectuate the purposes of this Resolution.

R 146-2023 RESOLUTION OF THE MADISON BOROUGH COUNCIL APPOINTING COUNCIL MEMBER TO FILL A VACANCY ON THE COUNCIL UNTIL THE NEXT GENERAL ELECTION PURSUANT TO N.J.S.A. 40A:16-11

Listed previously

R 147-2023 RESOLUTION OF THE BOROUGH OF MADISON AWARDING A CONTRACT TO WEEDS, INC FOR CONTROL AND REMOVAL OF INVASIVE SPECIES AT THE MADISON RECREATION COMPLEX AND THE PURCHASE SEEDS FROM ERNST SEED COMPANY

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

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WHEREAS, the Purchasing Agent has recommended awarding a contract to Weeds, Inc. for control and removal of invasive plant species at the Madison Recreation Center (MRC) and purchasing seeds from Ernst Seed Company, in an amount not to exceed \$1,916.00; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$1,916.00 for this purpose in Ordinance 21-2019.

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

1. The contract for control and removal of invasive plant species at the Madison Recreation Center (MRC) is hereby awarded to Weeds, Inc and the purchase of seeds from Ernst Seed Company based upon a quote in the amount of \$1,916.00.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Weeds, Inc and purchase seeds from Ernst Seed Company in a form acceptable to the Borough Attorney.

R 148-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE AWARD OF CERTAIN NON-FAIR AND OPEN CONTRACTS OVER THE BID THRESHOLD

WHEREAS, the Borough of Madison has a need to obtain the following contracts for support and maintenance of proprietary computer software as non-fair and open contracts pursuant to the provisions of N.J.S.A. 40A:11.5(1)(dd); and,

WHEREAS, the Qualified Purchasing Agent of the Borough of Madison has determined that the value of certain contracts listed herein may exceed \$17,500; and

WHEREAS, the anticipated term of said contracts are noted below; and

WHEREAS, each support and maintenance of proprietary computer software services provider has submitted a proposal indicating each will provide the services for the fee as described herein; and

WHEREAS, each provider has completed and submitted a Business Entity Disclosure Certification where required by N.J.S.A. 19:44A-1, et seq., which certifies that said provider has not made any reportable contributions to a political or candidate committee in the Borough of Madison, County of Morris, State of New

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Jersey in the previous year, and that the contract will prohibit said provider from making any reportable contributions through the term of the contract, and

WHEREAS, in accordance with N.J.A.C. 5:30-5.4, the Chief Financial Officer has certified as to the availability of funds to cover the maximum dollar value of each pending contract as set forth in this Resolution; and

WHEREAS, this Resolution and Certification of funds does not obligate the Borough to spend the maximum for each contract. The 2023 Expenditure Schedule per vendor is attached hereto.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Madison in the County of Morris and State of New Jersey that the following support and maintenance of proprietary computer software contracts are approved:

1. Byram Laboratories of Branchburg, NJ
Monthly AMI reading fees for electric (\$0.60/meter) and water modules (\$0.30/module)
(est. \$55,000.00)
2. Invoice Cloud, Inc. of Braintree, MA
Online utility payment processing (est. \$50,000)
3. Spatial Data Logic of Somerset, NJ
Building and Engineering Department (permits, licensing, iPad maintenance, etc.)
(est. \$85,000.00)

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

R 149-2023 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY THE MORRIS COUNTY RETIREES EDUCATION ASSOC PHILANTHROPIC FUND

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:

Morris County Retirees Education Assoc Philanthropic Fund

I.D. No. 411-5-41179
R.A. No. 1546 – On-Premise 50/50
Date of Raffle – June 10, 2023

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R 150-2023 RESOLUTION OF THE BOROUGH OF MADISON APPROVING SPECIAL EVENT PERMIT FOR THE “CARS & COFFEE SHOWCASE” TO BE HELD ON KINGS ROAD THURSDAY, JUNE 1, 2023

WHEREAS, Sunday Motor Co. has requested permission to close a portion of Kings Road to hold a “Cars & Coffee Showcase”, on Thursday, June 1, 2023; and

WHEREAS, the event will be held along Kings Road between Green Village Road and 14 Kings Road, during the hours of 6:00 p.m. and 9:00 p.m.; and

WHEREAS, Police Chief Miscia recommends approval of this request.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the request of Sunday Motor Co. to hold a “Cars & Coffee Showcase” on Thursday, June 1, 2023, as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department.

R 151-2023 RESOLUTION OF THE BOROUGH OF MADISON CONFIRMING MEMBERSHIP OF THOMAS KIERNAN AND RYAN SICKINGER IN THE MADISON HOOK & LADDER COMPANY #1

WHEREAS, the Fire Chief has advised that Thomas Kiernan and Ryan Sickinger were voted into the Madison Hook & Ladder Company #1 as volunteer firefighters; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Thomas Kiernan and Ryan Sickinger are hereby confirmed as members of the Madison Hook & Ladder Company #1 effective immediately.

R 152-2023 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF SUMMER INTERNS

WHEREAS, the Personnel Director has recommended appointment of Summer Interns for Borough departments as follows:

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<u>Name</u>	<u>Department</u>	<u>Rate of Pay</u>
Finn Collier	Electric Utility	\$16.00/hour
Stephen Heffernan	DPW	\$16.00/hour
Dean Cozzolino	DPW	\$16.00/hour
Domenick DeVincenzo	DPW	\$16.00/hour
Luke Denison	DPW	\$16.00/hour

WHEREAS, the Borough Council agrees with these recommendations.

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 Summer Interns set forth herein are hereby appointed at the listed rates effective immediately.

R 153-2023 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF LIVERY OWNER'S LICENSE FOR MADISON LIMOUSINE SERVICE FOR 2023

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Livery Owner's License application be approved for the year 2023:

<u>LICENSE NO.</u>	<u>NAME</u>	<u>Vehicle</u>
2023-1L	Michael Lekas	3 Livery
2023-2L	Madison Limousine Service	
2023-3L	340 Main Street, Madison, NJ	

R 154-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING INTRODUCING AND ADVERTISING OF BOND ORDINANCE 33-2023, FOR THE CONSTRUCTION OF A CARPORT WITH ROOF-MOUNTED SOAR PANELS AT THE MADISON RECREATION COMPLEX

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 22nd day of May, 2023, at 8:00 P.M., or as soon thereafter as the matter

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can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

R 155-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR THE LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (LIHWAP) ON BEHALF OF THE BOROUGH OF MADISON

WHEREAS, Governor Phil Murphy signed P.L. 2023, c.33, into law, requiring all investor-owned utilities and local units that directly bill residential ratepayers for water and/or sewer to sign a vendor contract with the DCA to participate in the Low Income Household Water Assistance Program (LIHWAP); and

WHEREAS, LIHWAP benefits assist low-income households that are paying a high proportion of their income for drinking water and wastewater services. Residential customers approved for LIHWAP by DCA (hereinafter “qualified customers”) will receive a benefit to pay arrears. The LIHWAP benefit is based on the actual amount of water and/or sewer arrears up to a maximum of \$4,000 per water or sewer provider, or \$8,000 if water and sewer services are combined. Monthly household income must be at or below 60% of the State median income. The benefit is paid directly to the local unit.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey that the Governing Body does hereby authorize the Mayor to sign a contract with the NJ Department of Community Affairs for participation in the Low Income Household Water Assistance Program (LIHWAP).

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mr. Hoover, seconded by Mr. Landrigan and carried, the following vouchers of the Borough of Madison were approved for payment, and the

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supporting documentation of said vouchers was made part of the Supplemental Minute Book.

Current Fund	\$1,336,966.63
General Capital Fund	51,712.15
Electric Operating Fund	97,752.08
Electric Capital Fund	14,055.39
Water Operating Fund	1,808.46
Water Capital Fund	59,275.64
Trusts	<u>1,815.96</u>
Total	<u>\$1,563,386.31</u>

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

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

Nays: None

NEW BUSINESS

Mayor Conley announced the following appointment:

PLANNING BOARD

Carmela Vitale, Myrtle Avenue, Class IV Member, unexpired four year term through December 31, 2025

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:13 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved May 22, 2023 (EO)