

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

**May 10, 2021 - 7 p.m.**

**CALL TO ORDER**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 10<sup>th</sup> day of May, 2021. Mayor Conley called the meeting to order at 7:00 p.m. via Teleconference in the Council Chamber of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

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

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

“In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by transmitting a copy of the meeting notice to the Madison Eagle and Morris County Daily Record, posting a copy on the bulletin board at the main entrance of the Hartley Dodge Memorial, and filing a copy in the office of the Clerk, all on January 7, 2021. This Notice was made available to members of the general public.”

**ROLL CALL**

The Borough Clerk called the roll and the following acknowledged their presence:

Mayor Robert H. Conley

Council Members:

Astri J. Baillie  
Maureen Byrne  
John F. Hoover  
Debra J. Coen  
Rachael Ehrlich  
Robert Landrigan

Also Present:

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

**AGENDA REVIEW**

There was approval of the Regular and Executive Agenda.

**READING OF CLOSED SESSION RESOLUTION**

Ms. Byrne moved:

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

MINUTES FOR APPROVAL (1)

April 12, 2021

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

LITIGATION MATTERS (1)

AFFORDABLE HOUSING UPDATE

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

CONTRACT MATTERS (1)

PARKS SYSTEM MASTER PLAN

**Regular Meeting Minutes – May 10, 2021**

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

PERSONNEL MATTERS (2)

SENIOR OFFICE ASSISTANT – POLICE DEPT/ ELECTRIC UTILITY

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

Seconded: Ms. Baillie

Vote: Approved by voice vote

**RECONVENE VIA TELECONFERENCE**

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

**APPROVAL OF MINUTES**

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

Ms. Baillie moved approval of the **Regular Meeting Minutes of March 22, 2021**. Ms. Byrne seconded the motion, which passed with a unanimous voice call vote recorded.

**GREETINGS TO PUBLIC**

Mayor Conley made the following comments:

Mayor Conley thanked all the volunteers who made May Day, Saturday May 1, 2021 a great success, and noted that the Borough of Madison has been named a Tree City by the National Arbor Day Foundation for the 36<sup>th</sup> year.

**EMPLOYEE OF THE MONTH FOR MAY:**

Jim Trimble from the Electric Utility Department has been selected as the Employee of the Month for May. Jim spearheaded the installation of the new automated electric meters throughout the Borough which will be completed this month.

**PROCLAMATIONS:**

Mayor Conley presented resident Winn Khuong with a proclamation for Asian American and Pacific Island Heritage Month.

*Proclamation*  
*of the*  
*Borough of Madison*  
*Proclaiming*  
**Asian American and Pacific Islander Heritage Month**  
**MAY 2021**

**WHEREAS**, the month of May was chosen as Asian American Pacific Islander Heritage Month to commemorate the immigration of the first Japanese citizen, Nakahama Manjiro, to the United States on May 7, 1843, but also the anniversary of the May 10, 1869 completion of the first Transcontinental Railroad, built with the back-breaking labor of nearly 20,000 Chinese immigrants; and

**Regular Meeting Minutes – May 10, 2021**

**WHEREAS**, Asian American and Pacific Islander Heritage Month seeks to honor and recognize the contributions of residents from Asia, India and the Pacific Islands; and

**WHEREAS**, Asian Americans and Pacific Islanders make our Nation more vibrant through diversity of cultures, languages, and religions; and

**WHEREAS**, we celebrate and honor the invaluable contributions the AAPI communities have made to the arts, law, science and technology, sports and public service - including the courageous AAPI's who have served on the front lines of the COVID-19 pandemic as health care providers, first responders, teachers and other essential workers; and

**WHEREAS**, while the achievements and contributions of Asian Americans and Pacific Islanders enrich our history, society and culture, we must also acknowledge a darker aspect of the AAPI experience in America - structural discrimination, prejudice and injustice that most recently manifested itself in racist attacks on Asian Americans related to the pandemic; and

**WHEREAS**, diversity represents one of our greatest strengths, and by recognizing the contributions and accomplishments of AAPI persons, the Borough will put our values of inclusion into practice and build a brighter future for all our residents;

**NOW, THEREFORE**, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim May 2021 as **Asian American and Pacific Islander Heritage Month** and encourage Madison residents to learn more about the history of Asian Americans and Pacific Islanders.

---

Robert H. Conley, Mayor  
May 10, 2021

Ms. Khuong thanked the Mayor and Council for the proclamation and noted the diverse population of the residents in Madison, including over 100 residents of Asian American or Pacific Islander heritage.

**Proclamation for Mental Health Awareness Month**

*Proclamation  
of the  
Borough of Madison  
Proclaiming*

**Mental Health Awareness Month - May 2021**

**WHEREAS**, mental health is part of overall health; and

**WHEREAS**, mental health sustains individual's thought processes, relationships, productivity, and ability to adapt to change; and

**Regular Meeting Minutes – May 10, 2021**

**WHEREAS**, nearly one in five Americans live with a mental health conditions which include anxiety, depression, schizophrenia, bipolar disorder and post-traumatic stress disorder; and

**WHEREAS**, youth mental health is worsening, with nearly 10 percent of America’s youth reporting severe depression; and

**WHEREAS**, early identification and treatment can make a difference in successful management of mental illness and recovery; and

**WHEREAS**, the COVID-19 pandemic and the resulting economic crisis have caused isolation, sickness, grief, job loss, food instability and loss of routines has increased the need for mental health services; and

**WHEREAS**, the need to protect people from COVID-19 has made it more challenging for people to access mental health services, and harder for providers to deliver this care; and

**WHEREAS**, mental health recovery not only benefits individuals with mental health disorders by focusing on their abilities to live, work, learn and fully participate and contribute to our society, but also enriches the culture of our community life;

**NOW, THEREFORE**, I, Robert H. Conley, Mayor of the Borough of Madison on behalf of the governing body, do hereby proclaim May 2021 as **Mental Health Awareness Month** and call upon residents, businesses and schools to recommit to increasing awareness and understanding of mental illness and the need for appropriate and accessible services for all people with mental illnesses to promote recovery.

---

Robert H. Conley, Mayor  
May 10, 2021

**Brain Tumor Awareness Month Proclamation**

*Proclamation  
of the  
Borough of Madison  
Proclaiming  
BRAIN TUMOR AWARENESS MONTH  
MAY 2021*

**WHEREAS**, an estimated 700,000 people in the United States are living with a primary brain tumor, and approximately 85,000 more will be diagnosed in 2021; and

**WHEREAS**, brain tumors can be deadly, significantly impact quality of life, and change everything for a patient and their loved ones; and

**Regular Meeting Minutes – May 10, 2021**

**WHEREAS**, brain tumors do not discriminate, inflicting men, women, and children of all races and ethnicities; and

**WHEREAS**, brain tumors are the most common solid tumor in children ages 0-14; and

**WHEREAS**, hundreds of non-profit organizations at the local and national level including the American Childhood Cancer Organization and WITH Grace Initiative, are helping children with cancer and their families cope through educational, emotional and financial support; and

**WHEREAS**, researchers and healthcare professionals work diligently dedicating their expertise to treat and cure brain tumors; and

**WHEREAS**, too many are affected by this deadly disease and more must be done to raise awareness and find a cure;

**NOW, THEREFORE**, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim May 2021 as **Brain Tumor Awareness Month**.

---

Robert H. Conley, Mayor  
May 10, 2021

**REPORTS OF COMMITTEES**

**Public Safety**

Ms. Byrne, Chair of the Committee, made the following comments:  
During the month of April, the Fire department responded to fifteen General Alarms, eight Still Alarms. Twenty-three investigations and 36 medical calls. Forty-five Fire Prevention inspections were completed. Two department drills were held where firefighters trained on flowing water from the ladder truck, power saw operations on roofs, forcible entry and hydrant connections. On Saturday May 1st, the Fire Department responded with other neighboring departments to Chatham for a residential structure fire at Hillside Ave. A barbecue smoker located outside the house started the exterior house on fire. The fire was quickly extinguished by Chatham with Madison assisting.

**Finance and Borough Clerk**

Ms. Baillie, Chair of the Committee, made the following comments:  
Ms. Baillie noted that the Chief Financial Officer continues to monitor the Colonial Pipeline hack and its impact on Electricity Pricing. In anticipation of the June 8th Primary Election, the Clerk's office will remain open for Late Night Voter Registration on May 19, 2021 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](http://morriselections.org). The 2021 Financial Disclosure Statements must be completed by Borough officials and Board and Committee appointees by June 30, 2021.

Alcoholic Beverage Control License holders are reminded that renewal for the 2021-2022 license season has begun and licenses do expire June 30, 2021. Please

## **Regular Meeting Minutes – May 10, 2021**

contact the Borough Clerk with any questions. From the Tax Office, today is the last day to pay 2<sup>nd</sup> quarter property taxes without late interest.

### **Public Works and Engineering**

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

The initial Mill and Overlay program was completed this past week. Stripers will return and complete crosswalks this week. Many residents have called in asking for additional paving on their respective streets. Madison has a detailed capital plan in place which balances maintenance obligations with financial limitations but those who still need resurfacing get higher priority based on actual conditions. Cifelli & Son anticipates starting work on Anthony Drive and Wayne Blvd beginning May 24th. The Hartley Dodge Memorial Plaza restoration general contractor will begin work once contracts are signed. The Department of Public Works competed successfully with six (6) other towns to acquire a slightly used commercial snow thrower from the town of Kearny. The equipment, if purchased new, would cost over \$110,000.00. The winning bid was \$60,000.00. The DPW Mechanics have been working on reconditioning the senior citizen van in anticipation of restarting free transportation services for Madison seniors. Staff participated in May Day activities coordinating the delivery of 1500 bags of mulch to various work sites throughout town. DPW completed catch basin and manhole repairs on various roads which allowed Schifano Construction to complete milling and paving operations on Woodland Avenue, Linden Lane, Bardon Street, Serpico Lane and North Street. The Department is installing 330 feet of underground pipe to resolve a chronic standing water issue near the main entrance of the Community Pool. The work will be completed prior to the pool re-opening Memorial Day Weekend. The Shade Tree Management Board participated in the annual Arbor Day festivities on Saturday, May 1<sup>st</sup> and planted three new trees in Summerhill Park, with help from local Boy Scouts, as well as replacing 112 new street and park trees, as part of a multi-year replacement program.

### **Community Affairs**

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

Ms. Coen noted that May Day, held Saturday, May 1<sup>st</sup> was again a great success, thanking all volunteers. The next meeting of the Downtown Development Commission will be held Thursday, May 20<sup>th</sup>. The Madison Farmers' Market will begin the season on May 20, 2021. The Chamber of Commerce will hold an "Extra Mile" award recognition on Tuesday, June 8<sup>th</sup> at Shanghai Jazz, nominations are due June 1<sup>st</sup>. The Senior Citizen Advisory Committee has recommended restarting the senior van and some activities for seniors. More information will follow.

### **Utilities**

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

There were no power outages as a result of last week's wind storm, though Electric Crews have been busy trimming broken branches all over town following the storm. The Department received a phone call regarding a leaking pad mounted transformer on Rachael Avenue. The transformer was leaking oil and the pad mount transformer across the street was also leaking. Both transformers will be replaced. The Electric Department is continuing to install LED street lights. The Water Department excavated and replaced a fire hydrant on Broadview Avenue that had been struck by a car. The Department also installed the water meter, pressure reducer, and back flow preventer for the new field house at Dodge Field. Please remember to have your electronic lawn water sprinkler rain sensors checked or installed, to help save water and not sprinkle on rainy days. Be sure to reduce zone

## **Regular Meeting Minutes – May 10, 2021**

times to a minimum, because the water you use to have a green lawn is everyone's drinking water.

### **Health**

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

Mr. Landrigan recognized National Nurse's Week, thanking Madison Public Health and School Nurses. Mr. Landrigan noted that there have been a total of 828 cases of COVID-19 reported to date in Madison, with 8 active cases, indicating a sharp decline in Madison, Morris County and State wide.

### **COMMUNICATIONS AND PETITIONS**

The Borough Clerk announced receipt of the following communications:

Email dated May 4, 2021 from the Fair Ballot Project regarding revision to NJ voting ballots.

### **INVITATION FOR DISCUSSION (1 of 2)**

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

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

### **AGENDA DISCUSSIONS**

#### **05/10/2021-1 GATEWAY/WAYFINDING PRESENTATION**

John Bosio of Merje provided a presentation of the methodology of the gateway and wayfinding proposed for the Borough, explaining the process includes not only signage, but landscape and streetscape improvements, support information and place technology. Input from the public will be used to gather information, help design and implement the program.

#### **05/10/2021-2 MUNICIPAL RADIO SYSTEM UPDATE – Chief DeRosa**

Fire Chief Lou DeRosa provided information on the existing radio system and proposed upgrades to the municipal radio system, suggesting a trunked system designed to provide a town wide in building coverage, which enhances the safety of 1<sup>st</sup> responders. Chief DeRosa noted that the Fire Department has applied for an AFG Grant to offset some costs.

### **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 April 26, 2021, were introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

Mayor Conley called up Ordinances for second reading and asked the Clerk to read said ordinances by title:

**ORDINANCE 18-2021  
ORDINANCE OF THE BOROUGH OF MADISON AMENDING  
CHAPTER 34 OF THE BOROUGH CODE ENTITLED: POLICE  
DEPARTMENT” AMENDING PROCEDURES FOR REVIEW OF  
THE RANKING OF CANDIDATES**

**WHEREAS**, the Mayor and Council of the Borough of Madison support and encourage efficiency within the Madison Police Department; and

**WHEREAS**, the Mayor and Council of the Borough of Madison have determined that it would be in the best interest of the citizens of the Borough to establish a promotion practice based upon merit for the positions of Police Chief, Captain, Lieutenant and Sergeant when there is a vacancy in said position; and

**WHEREAS**, the Borough of Madison further desires to establish appropriate hiring criteria based on merit, experience, moral character and sufficient physical health when hiring police officers;

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Madison as follows:

Chapter 34 of the Code of the Borough of Madison entitled “Police Department” is hereby amended as follows:

**SECTION 1: Article 34-2 APPOINTMENT**

The Mayor and Council reserve the right to waive the written examination and/or oral examination by the outside entity for the ranks of Captain and Lieutenant when the eligible candidates has previously participated in and passed written examination and oral examination for a supervisory position with the Borough of Madison Police Department.

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

Mayor Conley opened up the public hearing on Ordinance 18-2021. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Byrne moved that Ordinance 18-2021, 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. Baillie, Ms. Byrne, Mr. Hoover,  
Ms. Coen, Ms. Ehrlich, Mr. Landrigan  
Nays: None

Mayor Conley declared Ordinance 18-2021 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 19-2021  
AN ORDINANCE AMENDING REGULATIONS PERTAINING TO THE  
AFFORDABLE HOUSING TRUST FUND IN ARTICLE VIII, AFFORDABLE  
HOUSING DEVELOPMENT FEES, SECTION 195-46**

**Regular Meeting Minutes – May 10, 2021**

**Section 1. Article VIII. Affordable Housing Development Fees, Section 195-46. Fees; exemptions; collection; housing trust fund; use of fees.** Additions are shown as thus; deletions are shown as ~~thus~~.

...

I. Affordable Housing Trust Fund.

...

(2) ~~Within seven days from the opening of the trust fund account, the Borough of Madison shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:94-6.16(b).~~

(3) No funds shall be expended from the affordable housing trust fund unless the expenditure conforms to a spending plan approved by **COAH Superior Court**. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH or Superior Court.

....

J. Use of Funds

...

(3) (b) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the third round municipal fair share plan to make them affordable to households earning 30% or less of median income. ~~The use of development fees in this manner shall entitle the Borough of Madison to bonus credits pursuant to N.J.A.C. 5:94-4.22.~~

(4) The Borough of Madison may contract with a private or public entity to administer any part of its housing element and fair share plan, including the requirement for affordability assistance, ~~in accordance with N.J.A.C. 5:94-7.~~

(5) No more than 20% of the revenues collected from development fees each year shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a housing element and fair share plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with **COAH's unit, program and trust fund** monitoring requirements. Development fee administrative costs are calculated and may be expended at the end of each year or upon receipt of the fees.

(k) Monitoring. The Borough of Madison shall complete and return ~~to COAH all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and the~~

**Regular Meeting Minutes – May 10, 2021**

~~expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH. an annual Mount Laurel Trust Fund accounting report to the New Jersey Department of Community Affairs, Council on Affordable Housing, Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to FSHC and the service list in this matter and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The CTM system shall also be used for this purpose if possible.~~

Mayor Conley opened up the public hearing on Ordinance 19-2021. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Byrne moved that Ordinance 19-2021, which was read by title, be finally adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mayor Conley declared Ordinance 19-2021 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

***INVITATION FOR DISCUSSION (2 of 2)***

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

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

***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 24, 2021 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:

**Regular Meeting Minutes – May 10, 2021**

ORDINANCE 20-2021 ORDINANCE OF THE BOROUGH OF MADISON  
APPROPRIATING \$60,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT  
FUND FOR THE PURCHASE OF SNOW THROWER AND ACCESSORIES FOR  
THE DEPARTMENT OF PUBLIC WORKS

**WHEREAS**, the Director of Public Works has recommended that the Borough appropriate \$60,000.00 from the General Capital Improvement Fund for the purchase of a snow thrower, vehicles and accessories for use by the Public Works Department; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$60,000.00 for this purpose; and

**WHEREAS**, the Borough Council has determined that the Borough should appropriate \$60,000.00 from the General Capital Improvement Fund for the purchase of a snow thrower and accessories.

**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 \$60,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of a snow thrower and accessories.

**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. Hoover moved that Ordinance 20-2021, which the Borough Clerk read by title, be adopted. Ms. Coen seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Ms. Byrne moved adoption of the Resolutions listed on the Consent Agenda. Ms. Baillie seconded the motion. Ms. Baillie abstained from voting on Resolution R 138-2021. There was no Council discussion and the motion passed with the following roll call vote recorded:

**Regular Meeting Minutes – May 10, 2021**

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

Nays: None

R 134-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT WITH RPM DEVELOPMENT GROUP FOR 28 WALNUT STREET, TAX BLOCK 1601, LOT 42 (CIVIC CENTER SITE) AND TAX BLOCK 16.01 LOT 1.01 (COMMUNITY PLACE SITE)

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

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

**WHEREAS**, the Borough issued a Request for Qualifications (“RFQ”) to thirty-one (31) affordable housing developers, and nine (9) developers submitted their qualifications; and

**WHEREAS**, the Borough issued a Request for Proposals (“RFP”) to six (6) of the developers that responded to the RFQ; and

**WHEREAS**, all six (6) firms responded to the RFP, and after initial interviews, the field was reduced to four (4) potential developers; and

**WHEREAS**, after extensive detailed interviews and review of supplemental submissions, the Borough’s Housing Committee, in consultation with the Borough’s planners and financial consultants, recommended that RPM Development, LLC (“RPM”) be designated for the development of a 44 unit affordable housing project (the “Project”) on the Civic Center site and the Community Place Site; and

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

**WHEREAS**, representatives of the Borough and RPM have negotiated the terms of the Development Agreement for the Project; and

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

**Regular Meeting Minutes – May 10, 2021**

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

R 135-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR PAYMENTS-IN-LIEU OF TAXES (PILOT) WITH RPM DEVELOPMENT LLC FOR 28 WALNUT STREET, TAX BLOCK 1601, LOT 42 (CIVIC CENTER SITE) AND TAX BLOCK 1601 LOT 1.01 (COMMUNITY PLACE SITE)

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

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

**WHEREAS**, the Borough issued a Request for Qualifications (“RFQ”) to thirty-one (31) affordable housing developers, and nine (9) developers submitted their qualifications; and

**WHEREAS**, the Borough issued a Request for Proposals (“RFP”) to six (6) of the developers that responded to the RFQ; and

**WHEREAS**, all six (6) firms responded to the RFP, and after initial interviews, the field was reduced to four (4) potential developers; and

**WHEREAS**, after extensive detailed interviews and review of supplemental submissions, the Borough’s Housing Committee, in consultation with the Borough’s planners and financial consultants, recommended that RPM Development, LLC (“RPM”) be designated for the development of a 44 unit affordable housing project (the “Project”) on the Civic Center site and the Community Place Site; and

**Regular Meeting Minutes – May 10, 2021**

**WHEREAS**, on April 26, 2021, the Mayor and Council adopted a Resolution conditionally designating RPM as Developer of the Project subject to execution of a Development Agreement and an agreement for Payments-in-lieu of Taxes (“PILOT Agreement”); and

**WHEREAS**, representatives of the Borough and RPM have negotiated the terms of the PILOT Agreement for the Project; and

**WHEREAS**, the governing body wishes to authorize execution of the PILOT 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 PILOT Agreement with RPM (and/or its designated special purpose urban renewal entity approved by the Borough) for the Project substantially in the form attached hereto, subject to final revisions by the Special Legal Counsel for the Borough.
2. The Mayor and/or Borough Administrator and Borough Clerk are hereby authorized to execute the PILOT Agreement and take any and all other action needed to effectuate the purposes of this Resolution.

**R 136-2021 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING KRISTY KIEHL TO THE POSITION OF SECRETARY TO POLICE CHIEF/OFFICE MANAGER IN THE POLICE DEPARTMENT**

**WHEREAS**, the position of Police Office Manager in the Police Department, was vacated due to the retirement of Connie Phillips as of March 1, 2021; and,

**WHEREAS**, the Business Administrator and Acting Chief of Police recommend the promotion of Kristy Kiehl from her position of Confidential Secretary to fill the position of Police Office Manager retroactive to March 1, 2021; and,

**WHEREAS**, the Council concurs 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 Kristy Kiehl is hereby promoted to the position of Police Office Manager in the Police Department retroactive to March 1, 2021; and,

**BE IT FURTHER RESOLVED** that Ms. Kiehl's annual compensation is hereby adjusted from \$74,436.00 to \$80,000.00 retroactive to March 1, 2021.

**R 137-2021 RESOLUTION OF THE BOROUGH OF MADISON REJECTING PROPOSALS FOR THE PARKS SYSTEM MASTER PLAN AND AUTHORIZING RE-ADVERTISING REQUESTS FOR PROPOSALS**

**Regular Meeting Minutes – May 10, 2021**

**WHEREAS**, the Borough of Madison publicly advertised for Requests for Proposals (RFP) pursuant to N.J.S.A. 40A:11-1 et seq., for a Parks System Master Plan; and

**WHEREAS**, eleven (11) proposals were submitted and ten (10) were reviewed; and

**WHEREAS**, the Acting Purchasing Agent has recommended that all proposals be rejected pursuant to N.J.S.A. 40A:11-13.2(D) to pursue substantially revised specifications and reduce scope of work.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison in the County of Morris and State of New Jersey that all proposals for the Parks System Master Plan Requests for Proposals are hereby rejected for the reasons set forth herein and the Borough Administrator is authorized to solicit new proposals.

**R 138-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING USE OF KINGS ROAD MUNICIPAL PARKING LOT BY THE MADISON YMCA**

**WHEREAS**, the Madison Area YMCA has requested permission to use a portion of the Kings Road Municipal Parking Lot on May 11, 2021, between the hours of 6:00 p.m. and 9:00 p.m. for a special event; and

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

**WHEREAS**, the Madison Area YMCA has submitted an 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 Madison Area YMCA is hereby given permission for a special event at the Kings Road Municipal Parking Lot, on May 11, 2021, between the hours of 6:00 p.m. and 9:00 p.m., subject to such safety requirements as may be directed by the Madison Police Department and/or Fire Department and the Recreation Director.

**R 139-2021 RESOLUTION OF THE BOROUGH OF MADISON SUPPORTING THE MADISON ENVIRONMENTAL COMMISSION ECO SCAVENGER HUNT**

**WHEREAS**, the Madison Environmental Commission wishes to hold an ECO Scavenger Hunt throughout the Borough of Madison in the month of June, 2021 for

***Regular Meeting Minutes – May 10, 2021***

a family friendly scavenger hunt with support and planning by two Madison High School students for their community service hours; and

**WHEREAS**, the Eco Scavenger Hunt promotes environmental awareness, taking place in several locations around the Borough.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Borough of Madison supports the Madison Environmental Commission's ECO Scavenger Hunt, held throughout Madison during the month of June, 2021.

**R 140-2021 RESOLUTION OF THE BOROUGH OF MADISON APPROVING PROPERTY TAX EXEMPTION STATUS FOR TAX BLOCK 706 LOT 6 EFFECTIVE APRIL 27, 2021 FOR WARTIME SERVICE-CONNECTED DISABILITY**

**WHEREAS**, the owner of Tax Block 706, Lot 6 of the taxing district of the Borough of Madison is a citizen and resident of the State of New Jersey, who served in the United States military in time of war; and

**WHEREAS**, the owner of Tax Block 706, Lot 6 of the taxing district of the Borough of Madison has been honorably discharged from the United States military and has been found by the United States Department of Veterans Affairs to have a 100% service-connected, permanent disability; and

**WHEREAS**, N.J.S.A. 54:4-3.30 provides that the dwelling house of any citizen of this State, who is honorably discharged from active military service in time of war and is declared to be 100% permanently disabled by the United States Veterans Administration or its successor, shall be exempt from property taxation; and

**WHEREAS**, the Borough Tax Assessor has determined that the property owner is eligible for the tax exemption beginning April 27, 2021, pursuant to N.J.S.A. 54:4-3.30.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Tax Block 706, Lot 6 shall be exempt from property taxation because the owner of the property is a disabled veteran who satisfies the requirements of N.J.S.A. 54:4-3.30.

**R 141-2021 RESOLUTION OF THE MADISON BOROUGH COUNCIL EXTENDING CONTRACT AWARD FOR DAILY COMPUTER NETWORKING/MAINTENANCE SERVICES TO SAI ENTERPRISES OF BURLINGTON, MA**

**Regular Meeting Minutes – May 10, 2021**

**WHEREAS**, the Borough of Madison entered into a contract for daily computer networking/maintenance services in 2019, for two (2) years with renewal options (the “Contract”) in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

**WHEREAS**, the Borough of Madison and SAI Enterprises, Inc., of Burlington, Massachusetts wish to renew the contract for one, two (2) year term from July 1, 2021 through June 30, 2023; and

**WHEREAS**, the Acting Purchasing Agent has recommended that the Borough Council extend the contract to SAI Enterprises, Inc. in the amount of \$62.50 per hour; and

**WHEREAS**, the Chief Financial Officer has attested that funds are available for this purpose in Account #501, subaccount #215, in the 2021 Operating Budget, with the subsequent years of the renewal period contingent upon adequate funding in the 2022 and 2023 budgets.

**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 renewal option for daily computer networking/maintenance services is hereby authorized for the term July 1, 2021 to June 30, 2023 with to SAI Enterprises, Inc. based upon its bid in the amount of \$62.50 per hour.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the renewal contract with SAI Enterprises, Inc., in a form acceptable to the Borough Attorney.

**R 142-2021 RESOLUTION OF THE BOROUGH OF MADISON AMENDING THE LEASE FOR WIRELESS COMMUNICATION ANTENNAE MONOPOLE AND GROUND FACILITY ON BOROUGH PROPERTY LOCATED ON KINGS ROAD KNOWN AS BLOCK 2601, LOT 26 ADJACENT TO THE ELECTRIC UTILITY SUBSTATION**

**WHEREAS**, the Borough of Madison leases space on Borough property on Kings Road, Block 2601, Lot 26, for a Wireless Communication facility consisting of a monopole for wireless antennae and a ground facility by Co-locators; and

**WHEREAS**, T-Mobile has an existing lease for a portion of said property with the Borough of Madison; and

**WHEREAS**, T-Mobile has proposed an antenna upgrade at the Kings Road Communications Facility to allow updated antenna facilities with corresponding monopole and foundation reinforcement to be installed according to plan, specifications and structural analysis; and

**Regular Meeting Minutes – May 10, 2021**

**WHEREAS**, the Borough Engineer has recommended that the Borough Council allow the structure modifications according to plans entitled TMobile Northeast LLC, NJ06284C, 114 Kings Road, Madison Block 2601 Lot 26 last revised 05/25/2021 by Edward Iamiceli, PE, Tectonic Engineering PC and AMP Communications LLC, and to amend the lease sections referring to Installations and Maintenance accordingly.

**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 proposed upgrades and modifications to the municipal co-location monopole structure at Kings Road are hereby authorized and a copy of this resolution shall be provided to the Applicant and Building Department for further review and processing.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute the Lease amendment described above in a form acceptable to the Borough Attorney.

**R 143-2021 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING ALICE CHAVEZ TO THE POSITION OF SUBSTITUTE CROSSING GUARD**

**WHEREAS**, the Personnel Director has recommended appointing Alice Chavez to the position of Substitute Crossing Guard; and

**WHEREAS**, the Chief Financial Officer has attested that funds are available for this purpose in the 2021 Police Department Budget # 240, Operating Account for Part-time Help # 130.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, State of New Jersey that upon satisfactory completion of a background check Alice Chavez is appointed to the position of Substitute Crossing Guard for the Borough of Madison for the school year commencing upon the effective date of this resolution and ending June 18, 2021, unless the school year is extended due to winter weather closings

**BE IT FURTHER RESOLVED**, that Alice Chavez be compensated in accordance with the Borough Resolution establishing the salaries for part-time school crossing guards.

**R 144-2021 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL OF LIVERY OWNER'S LICENSE FOR MADISON LIMOUSINE SERVICE FOR 2021**

**Regular Meeting Minutes – May 10, 2021**

**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 renewal be approved for the year 2021.

<u>LICENSE NO.</u>	<u>NAME</u>	<u>Vehicles</u>
2021-1	Michael Lekas	3 Liveries
2021-2	Madison Limousine Service	
2021-3	340 Main Street, Madison	

***UNFINISHED BUSINESS*** - None

***APPROVAL OF VOUCHERS***

On motion by Ms. Byrne, seconded by Ms. Baillie 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	\$572,387.55
General Capital Fund	292,194.70
Electric Operating Fund	971,601.41
Electric Capital Fund	2,177.29
Water Operating Fund	34,553.55
Water Capital Fund	12,120.00
Trusts	<u>26,361.18</u>
Total	<u>\$1,911,395.68</u>

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

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

***NEW BUSINESS*** - None

***ADJOURN***

There being no further business to come before the Council, the meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved May 24, 2021 (EO)