

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

June 26, 2023 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 26th day of June, 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

Thomas Haralampoudis

John J. Forte

Eric Range, absent, excused

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)

None

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

CONTRACT MATTERS (4)

HDM RENOVATIONS

MASONIC LODGE LEASE

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LABOR RELATIONS

MVAC UPDATE

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

LITIGATION MATTERS (2)

DREW UNIVERSITY

GIRALDA FARMS

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. Mayor Conley asked for a moment of silence for the passing of Madison residents Asmina Papathomas and Mary I. Chipoletti.

APPROVAL OF MINUTES - None

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

Mayor Conley noted a ribbon cutting ceremony held June 15th at Delice Macron on Main Street. The Rotary will plant 100 trees in the Borough, beginning at Lucy D Field. Mayor Conley also noted that the next meeting of the Mayor and Council will be held on July 24, 2023.

REPORTS OF COMMITTEES

Community Affairs

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

The Madison Farmers Market is now open on Thursdays. Please visit all the terrific vendors at Dodge Field from 1:00-6:00 pm. The season continues through November 16th and will feature live music weekly. The Downtown Concert Series, held at the Museum of Early Trades & Crafts, will begin with Mama D and the Vexations on Friday, July 7th. The concerts are from 6:00-8:00 pm. Please bring your chair and plan to have dinner or dessert downtown. Bottle Hill Day will be held on Saturday, October 7, 2023. Sponsorship and vendor information has been published and is available on rosenet. Starbucks has opened in its new location at the Madison Plaza Shopping Center, and the new pastry shop and cafe, Delice Macrons, located at 82 Main Street, is now open for business. Please visit and welcome them to Madison. Chamber of Commerce will hold the August Sidewalk Sales Days from August 24th through September 2nd.

At the Madison Community Arts Center the Pride Month Gallery is up on the walls of the Roseum and includes five alums of the Kubert School in Dover, featuring comic book and graphic novel art. Gallery hours are posted on the madisonnjarts.org website under the "The Arts Center" tab. The show ends on July 2, 2023. A call for visual art has been sent to Madison-based Artists for an exhibition on the gallery walls from August through October. Another Pride Month event Divas in My Mind, featuring Very Gerry Mastrolia, is scheduled for Sunday, July 2nd, at 5:00 pm. A Red Cross Blood Drive will be at the Center on Wednesday, June 28th, from 2:00 -

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7:00 pm. Appointments can be made on the Red Cross Blood Services website. The next open mic will take place on July 5th at 8:00 pm. The Literary Open Mic is held in partnership with Arts by the People. The first Rose Pavilion Outdoor Summer Concert will be held on Friday, June 30th, at 6:00 pm. In case of rain, the concert will move indoors. The first band up is the Big Beat Big Band. From January 1, 2023, through today, 325 individual scheduled events have been attended by 6,300 people at the Arts Center.

Public Works and Engineering

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

The engineering reports that the 2023 Cook Avenue Parking Lot Improvements rebid was held July 25th. The Green Avenue Pedestrian Safety project will begin on Wednesday, July 5th. Waverly Place Improvements project concept plans are finished and a stakeholders meeting will be held on Monday, July 17, 2023 at 7:00 p.m. in the Court Room of the Hartley Dodge Memorial. Sewer lining program also continues. The Dept. of Public Works was given a heavy duty electric bucket loader to try out for a few days. It is use for leaves, snow, and daily for recycling and yard work. Feedback was provided and this type of equipment is starting to become more common. The Department continues to work on storm drain repairs around town. All the catch basins sewer access points are ready for the paving program. As a reminder the Recycling Center hours are Tuesdays and Fridays from 8:00 am to 1:002 noon and Saturdays 8:00 am to 2:30 pm.

Utilities

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

The Electric Department reports Thursday, June 15th, the Stand-by crew was called out at 6:40 am for a power outage on Hamilton Street caused by a bird. Full power was restored by 7:15 am. The week of June 19th, American Electrical Testing worked with the Electric Department to complete the repairs on our transformers at the James Park Substation. The department also set a new pole on the corner of Ridgedale Avenue and Cook Avenue and transferred all of our equipment. The original pole had been damaged during a storm in December. The Electric Department notes that we have received all of the Victorian Lamp Posts and equipment necessary for the Cook Avenue parking lot project. The Department has been performing service upgrades, mark-outs, and street light repairs. The Water Department reports a six (6) inch water main with a two (2) inch blow off valve on Leigh Drive went bad and created a water leak at the border of Madison and Florham Park. During the repair, a six (6) inch valve that was shut down in order to isolate the leak, also went bad and broke in the off position and had to be replaced before the water service could be restored! The whole operation took a little longer than originally anticipated. Watering your lawn during high sun hours wastes fifty (50) percent of the water due to evaporation. It is sufficient to water the average lawn only twice a week. Please remember, it is our drinking water that you are spraying on your lawn.

Public Safety

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

Madison Police Department is planning for the 2023 National Night Out. Meetings have taken place with stakeholders and Police Department National Night Out committee members to finalize the festivities on Waverly Place this year. The date of the National Night Out will be on Tuesday, August 1st. If you'd like to be a sponsor for this year's National Night Out or wish to get more info on the event,

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please contact Cpl. Stephanie Aquino at 973-593-3034 or email at nno@rosenet.org. Be sure to check out our National Night Out webpage at www.rosenet.org/1135/National-Night-Out for more information. The Fire Department's grant application submitted under the Grant Programs Directorate's Fiscal Year (FY) 2022 Assistance to Firefighters Grants has been approved for award, in the amount of \$30,819.00.

Health

Mr. Haralampoudis, Chair of the Committee, made the following comments: The Madison Health Department still has vaccines for CDC communicable diseases, including COVID vaccines. The Department handles all vital records duties and an Animal Census will be conducted door to door throughout the Borough.

Finance and Borough Clerk

Mr. Forte, Chair of the Committee, made the following comments: Mr. Forte explained the approval of the Bill List, which happens at the end of every council meeting. A day or two after each Council meeting, the Accounts Payable Department issues checks for payments to our vendors. Before those checks are issued, the Council receives a bill list which details the payments. There are a couple of purchase orders on this evening's bill list that are worth noting. First is a purchase order for \$8,427.78 in gasoline. The Borough has bulk storage tanks for fuel and as such we make larger purchases with preferred pricing. This price we paid on this invoice was \$3.02 per gallon for regular gasoline. The second item is actually 2 purchase orders totaling \$88,681.32. This represents our monthly cost for collecting and disposing of the residential curbside garbage. The audit has been completed and can be found in the Finance Department section of Rosenet. The consent agenda at the end of this meeting includes voting on resolution 190-2023 which pertains to the Council accepting the 2022 audit. This resolution is required by state statute and it certifies that each of the elected officials has received the audit. The state requires that the Chief Financial Officer prepare a Corrective Action Plan after the audit is completed. The corrective action plan is in response to recommendations that are made in the audit and there will be a short discussion on the plan this evening. As I mentioned at the last meeting, there were two small audit recommendations this year, one on segregation of duties and the other on collection of pet license fees. It is important to be transparent and take the time to discuss the audit and the corrective action plan in public. The Borough does not have any significant audit issues. Finally, the monthly payment to the Board of Education was \$3,860,082.03 and was wired on June 15th.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

Email dated June 16, 2023 from Stephen McCann of Green Avenue regarding a pending application before the Historic Preservation Commission.

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.**

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

AGENDA DISCUSSIONS

06/26/2023-1 MADISON ENVIRONMENTAL COMMISSION – MADISON'S WATER

Clair Whitcomb, Chairperson of the Madison Environmental Commission, provided information regarding Madison's water, including key points to help maintain the Borough's water source, including less impervious coverage, planting shade trees, and protecting the Drew Forest. Increase in green infrastructure is most helpful.

06/26/2023-2 2023 CLIMATE ACTION ANNUAL REPORT

Ms. Ehrlich highlighted the findings of the 2023 Climate Action Report summary, noting the full report is on rosenet.org. This year Madison adopted twelve climate goals, nine climate actions, and reported ten "work in progress" items to reduce greenhouse gas emissions and increase resiliency. No action is requested of the governing body. Based on findings, the Climate Action Committee is developing proposed 2024 Climate Action Recommendations to continue on the path to achieve Madison's climate goals. The committee continues to work with Borough staff and Administration, to developing proposed 2024 Climate Action Recommendations which will be presented in the coming year.

06/26/2023-3 2022 MUNICIPAL AUDIT AND CORRECTIVE ACTION PLAN

Mr. Burnet provided information regarding the 2022 municipal audit, noting Council is required to adopt a resolution regarding the corrective action plan. As expected corrections include separation of duties as well as a recommendation for timely deposits by the Health Department. The 2022 municipal audit is posted on the Borough's website. There was agreement to list a resolution on the Consent Agenda.

Resolutions 190-2023 and 191-2023 are listed on the Consent Agenda.

ADVERTISED HEARINGS - None

INVITATION FOR COMMENT (2 of 2)

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

Jessica Murray; Academy Road, noted the benefits to mental health by walking in the Drew Forest.

Claire Whitcomb; Fairwood Road, inquire about the reconstruction project at Waverly Place, asking that green committees be asked to collaborate.

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 July 24, 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

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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 36-2023 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$95,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR THE PURCHASE OF A TRUCK AND ACCESSORIES FOR THE FIRE
DEPARTMENT

WHEREAS, the Fire Chief has recommended that the Borough appropriate \$95,000.00 from the General Capital Improvement Fund for the purchase of a new F550 truck and accessories for the Fire 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 \$95,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$95,000.00 from the General Capital Improvement Fund for the purchase of a new F550 truck and accessories for the Fire Department.

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

SECTION 1: The amount of \$95,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of a new F550 truck and accessories for the Fire Department.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mr. Landrigan moved that Ordinance 36-2023, which the Borough Clerk read by title, be adopted. Ms. Ehrlich seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:
Yeas: Mr. Hoover, Ms. Ehrlich, Mr. Landrigan, Mr. Haralampoudis, Mr. Forte
Nays: None
Absent: Mr. Range

ORDINANCE 37-2023 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$13,600.00 FROM GENERAL CAPITAL IMPROVEMENT FUND
FOR THE PURCHASE OF NEW SETS OF FIREFIGHTING TURNOUT GEAR

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WHEREAS, the Fire Chief has recommended that the Borough appropriate \$13,600.00 from the General Capital Improvement Fund towards the purchase of new sets of firefighting turnout gear for the Fire Department; and

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

WHEREAS, the Borough Council has determined that the Borough should appropriate \$13,600.00 from the General Capital Improvement Fund towards the purchase of new sets of firefighting turnout gear for the Fire Department.

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

SECTION 1: The amount of \$13,600.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of new sets of firefighting turnout gear for the Fire Department.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mr. Landrigan moved that Ordinance 37-2023, which the Borough Clerk read by title, be adopted. Ms. Ehrlich seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

Absent: Mr. Range

**ORDINANCE 38-2023 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$700,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR RENOVATION OF THE HARTLEY DODGE MEMORIAL BUILDING**

WHEREAS, the Borough wishes to renovate portions of the Hartley Dodge Memorial Building and that the estimated costs of the renovation including soft costs, construction documents and project oversight is \$6,000,000.00; and

WHEREAS, as part of the renovations, the HVAC system in portions of the building will be replaced with air cooled heat pumps, thereby reducing the carbon footprint of the building; and

WHEREAS, the Hartley Dodge Foundation has agreed to provide \$4,000,000.00 in funding towards the building renovation; and

WHEREAS, the Borough has received a \$150,000.00 grant from the New Jersey Historic Preservation Trust for the renovation; and

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WHEREAS, under Ordinance 41-2020 the Borough has previously appropriated \$250,000.00 from the Open Space, Recreation and Historic Preservation Trust Fund for the renovation; and

WHEREAS, the Madison Historical Society will occupy the first floor of the east wing portion of Hartley Dodge Memorial; and

WHEREAS, the Madison Historical Society has previously agreed to pay the Borough \$500,000.00 which will be used to fund the renovation, and that \$200,000.00 of that contribution has already been paid to the Borough and placed in reserve; and

WHEREAS, the funding for the \$6,000,000.00 renovation is summarized as follows:

- \$4,000,000.00 Hartley Dodge Foundation Grant
- \$ 150,000.00 NJ Historic Preservation Trust Grant
- \$ 500,000.00 Madison Historical Society Funds
- \$ 400,000.00 Water Utility Capital Improvement Fund
- \$ 250,000.00 From Borough OSRHP Trust
- \$ 700,000.00 General Capital Improvement Fund

WHEREAS, the Chief Financial Officer/Assistant Borough Administrator has recommended that the Borough appropriate \$700,000.00 from the General Capital Improvement Fund to complete the funding for renovations to the Hartley Dodge Memorial; and

WHEREAS, the Chief Financial Officer/Assistant Borough Administrator has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$700,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$700,000.00 from the General Capital Improvement Fund for renovations to the Hartley Dodge Memorial.

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 \$700,000.00 is hereby appropriated from the General Capital Improvement Fund for renovations to the Hartley Dodge Memorial.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

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Ms. Ehrlich moved that Ordinance 38-2023, which the Borough Clerk read by title, be adopted. Mr. Forte 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. Haralampoudis, Mr. Forte

Nays: None

Absent: Mr. Range

**ORDINANCE 39-2023 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$400,000.00 FROM THE WATER CAPITAL IMPROVEMENT
FUND FOR RENOVATION OF THE HARTLEY DODGE MEMORIAL BUILDING**

WHEREAS, the Chief Financial Officer/Assistant Borough Administrator has recommended that the Borough appropriate \$400,000.00 from the Water Capital Improvement Fund for renovations to the Hartley Dodge Memorial; and

WHEREAS, the Chief Financial Officer/Assistant Borough Administrator has attested to the availability of the funds in the Water Capital Improvement Fund in an amount not to exceed \$400,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$400,000.00 from the Water Capital Improvement Fund for renovations to the Hartley Dodge Memorial.

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 \$400,000.00 is hereby appropriated from the Water Capital Improvement Fund for renovations to the Hartley Dodge Memorial.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Ms. Ehrlich moved that Ordinance 39-2023, which the Borough Clerk read by title, be adopted. Mr. Forte 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. Haralampoudis, Mr. Forte

Nays: None

Absent: Mr. Range

**ORDINANCE 40-2023 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$45,000.00 FROM THE MUNICIPAL OPEN SPACE,
RECREATION AND HISTORIC PRESERVATION TRUST FUND FOR A PARKS
IMPROVEMENT PLAN**

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WHEREAS, the Borough Council has determined that it is in the best interest of the Borough to issue a Request for Proposal (RFP) for a Parks Improvement Plan; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$45,000.00 from the Open Space, Recreation, and Historic Preservation Trust Fund to solicit proposals to draft a Parks Improvement Plan; and

WHEREAS, the Open Space Advisory Committee has unanimously recommended the full funding of this request; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$45,000.00 for this purpose in the Open Space Trust Fund.

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

SECTION 1: The amount of \$45,000.00 is hereby appropriated from the Open Space, Recreation and Historic Preservation Trust Fund to support the issuance of an RFP for a Parks Improvement Plan.

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

Ms. Ehrlich moved that Ordinance 40-2023, which the Borough Clerk read by title, be adopted. Mr. Forte 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. Haralampoudis, Mr. Forte
Nays: None
Absent: Mr. Range

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. Hoover moved adoption of the Resolutions listed on the Consent Agenda. Ms. Ehrlich seconded the motion. Mr. Haralampoudis abstained from voting on Resolution 189-2023. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

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R 188-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE TERMINATION OF THE LEASE AGREEMENT BETWEEN THE MADISON LODGE NO. 93 FREE AND ACCEPTED MASONS AND THE BOROUGH OF MADISON

WHEREAS, at the request of the members of the Madison Lodge No. 93 Free and Accepted Masons, the Borough Administrator has recommended that the Borough terminate the Lease Agreement between the Madison Lodge No. 93 Free and Accepted Masons and the Borough of Madison, dated March 17, 2022; and

WHEREAS, the termination of the existing lease will allow for proposed development of the Masonic Lodge property and preservation of the existing historic structure; and

WHEREAS, the Borough Council has determined to terminate the Agreement and give notice of such termination to be effective immediately.

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 Borough Administrator is hereby authorized to execute, on behalf of the Borough, a notice of termination of the Lease Agreement Between the Madison Lodge No. 93 Free and Accepted Masons and the Borough of Madison, which shall be effective immediately.

R 189-2023 RESOLUTION OF THE BOROUGH OF MADISON RENEWING LIQUOR LICENSES IN THE BOROUGH OF MADISON FOR THE 2023-2024 LICENSE TERM

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following applications for renewal of Liquor Licenses for the 2023-2024 license term be, and hereby are, approved:

R 190-2023 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING THE 2022 AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

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WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled: "General Comments and Recommendations"; and

WHEREAS, the members of the Governing Body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: "General Comments and Recommendations" as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit their office.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Madison, County of Morris, State of New Jersey, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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R 191-2023 RESOLUTION OF THE BOROUGH OF MADISON APPROVING THE 2022 CORRECTIVE ACTION PLAN REPORT

WHEREAS, the 2022 Audit Report prepared by the Municipal Auditor contained two (2) recommendations to be remedied; and

WHEREAS, the Chief Financial Officer has prepared a Corrective Action Plan which the Borough Council has reviewed and approved.

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 Corrective Action Plan attached hereto is hereby approved.

R 192-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE HARTLEY DODGE MEMORIAL FOUNDATION TRUSTEES TO FUND A PORTION OF THE RENOVATIONS TO THE EAST WING OF THE HARTLEY DODGE MEMORIAL

WHEREAS, renovations to the East Wing of the Hartley Dodge Memorial are estimated to cost approximately \$5.9 million; and

WHEREAS, the Hartley Dodge Foundation Trustees have agreed to fund \$4 million of the \$5.9 million estimated cost of the proposed renovations; and

WHEREAS, the Chief Financial Officer/Assistant Borough Administrator has explained that in order to certify the funds, an executed grant agreement is required.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and the State of New Jersey, that the attached Grant Agreement between the Hartley Dodge Memorial Foundation Trustees and the Borough of Madison is hereby approved subject to the approval of the Borough Attorney, and the Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute the Grant Agreement.

R 193-2023 RESOLUTION OF THE BOROUGH OF MADISON AWARDING A CONTRACT TO CIEL POWER LLC FOR ENERGY AUDIT SERVICES REBID

WHEREAS, the Borough solicited receipt of competitive proposals through a Request for Proposal process (RFP) for Energy Audit Services; and

WHEREAS, Ciel Power, LLC was the sole proposal submitted; and

WHEREAS, the Qualified Purchasing Agent has recommended that a contract be awarded to Ciel Power LLC, of Kearny, N.J., for Energy Audit Services for \$49.00 per residential unit, and no cost to the Borough for these services.

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

1. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a contract for Energy Audit Services with Ciel Power LLC, such contract to be in a form approved by the Borough attorney.

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

R 194-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING \$250,000 NJDOT MUNICIPAL AID APPLICATION FOR THE KNOLLWOOD AVENUE, LONGVIEW AVENUE AND VALLEY ROAD MILLING AND OVERLAY PROJECT

WHEREAS, the Borough Engineer has recommended that the Borough submit a 2024 Municipal Aid Application to the New Jersey Department of Transportation for the Knollwood Avenue, Longview Avenue and Valley Road Milling & Overlay Project; and

WHEREAS, the Knollwood Avenue, Longview Avenue and Valley Road Milling & Overlay Project will comprise repair of local collector roads; and

WHEREAS, the Borough Engineer has determined that the work is needed due to current road conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris in the State of New Jersey that the Borough formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to submit an electronic grant application identified as MA-2024-Madison Borough-00420 to the New Jersey Department of Transportation on behalf of the Borough of Madison; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Madison and that their signatures constitute acceptance of the terms and conditions of the grant agreement.

R 195-2023 RESOLUTION OF THE BOROUGH OF MADISON AWARDDING BID FOR THE PURCHASE OF NEW, UNUSED DISTRIBUTION POLE TOP CAPACITOR BANKS TO ANIXTER, INC.

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WHEREAS, the Borough of Madison publicly advertised for bids for the purchase of New, unused distribution pole top capacitor banks in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the lowest qualified bid was submitted by Anixter, Inc., in the amount of \$182,924.00; and

WHEREAS, the Electric Utility Superintendent, the Qualified Purchasing Agent, Borough Electric Utility Superintendent and Borough Attorney have reviewed the bid submissions for compliance and agree with the recommendation that the Borough Council award the contract to Anixter, Inc., in the amount of \$182,924.00; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$182,924.00 for this purpose in Ordinance 29-2023.

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 the purchase of new, unused distribution pole top capacitor banks is hereby awarded to Anixter, Inc. based upon its bid in the amount of \$182,924.00.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Anixter, Inc., in a form acceptable to the Borough Attorney.

R 196-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CHANGE ORDER REQUEST FROM VOLLERS EXCAVATING & CONSTRUCTION, INC. IN THE AMOUNT OF \$21,345.63 BRINGING TOTAL CONTRACT AMOUNT TO \$475,000.00 FOR THE MRC ACCESSIBLE TRAIL PROJECT

WHEREAS, a contract for the MRC Accessible Trail project, in an amount not to exceed \$475,000.00 was awarded to Vollers Excavating, Inc., of North Branch, New Jersey; and

WHEREAS, the Borough Engineer has recommended approval of a change order to the contract for field changes that were encountered of \$21,346.63, for additional grading, bringing the revised contract total to \$475,000.00; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in an additional amount not to exceed \$21,345.63 for this purpose, which funds were appropriated by Ordinance 35-2021, and in other Borough accounts, which contain sufficient funds to include this change order.

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NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that the \$21,345.63 change order request from Vollers Excavation, Inc. of North Branch, New Jersey, in the total contract amount not to exceed \$475,000.00 for the MRC Accessible Trail project is authorized.

R 197-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW JERSEY DIVISION OF ENERGY “BUILDINGS UP” GRANT PROGRAM

WHEREAS, the Chief Financial Officer/Assistant Borough Administrator has requested authorization to apply for a New Jersey Division of Energy grant for funds to analyze, plan publicize and test energy efficiency and electrification of buildings; and

WHEREAS, the Borough Council approves the submission of a grant application for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris, State of New Jersey, that the Chief Financial Officer is authorized to submit a grant to the New Jersey Division of Energy for the above mentioned purpose.

R 198-2023 RESOLUTION OF THE BOROUGH OF MADISON REJECTING BIDS FOR THE WELL B FACILITY IMPROVEMENTS REBID

WHEREAS, the Borough of Madison publicly advertised for bids for the Well B Facility Improvements Rebid in accordance with Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, two (2) bids were received and opened on Thursday, June 15, 2023. Ferraro Construction Corp., Franklin, NJ submitted a bid with a total base bid of \$872,788.00 and VNL Incorporated, Whitehouse Station, NJ submitted a bid with a total base bid of \$750,000.00. Both bids received exceeded the estimated cost and available funding for this project; and

WHEREAS, the Qualified Purchasing Agent and Borough Attorney have recommended that the bids be rejected pursuant to N.J.S.A. 40A:11-13.2(a);

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 bids received on June 15, 2023 for the Well B Facility Improvements Rebid are hereby rejected for the reason set forth herein.

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R 199-2023 RESOLUTION OF THE BOROUGH OF MADISON REQUESTING THE DIRECTOR OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF AN ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2023

WHEREAS, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Borough of Madison will receive \$20,000.00 from the Sustainable Jersey Grant and wishes to amend its 2023 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Madison in the County of Morris and State of New Jersey hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$20,000.00, which item is now available as a revenue from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

State and Federal Revenues Off-Set with Appropriations; and

BE IT FURTHER RESOLVED that the like sum of \$20,000.00 is hereby appropriated under the caption of:

General Appropriations

(a) Operation Excluded from 3.5% Caps

State and Federal programs Off-set by Revenues:

State of New Jersey Sustainable Jersey Grant –

Other Expenses \$20,000.00

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

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

Current Fund	\$4,200,785.77
General Capital Fund	157,719.86
Electric Operating Fund	548,163.03
Electric Capital Fund	10,481.05
Water Operating Fund	33,633.29

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Water Capital Fund	0.00
Trusts	<u>12,721.37</u>
Total	<u>\$4,963,504.37</u>

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

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

Nays: None

Absent: Mr. Range

NEW BUSINESS

Mayor Conley announced the following appointments and requests Council confirmation:

BOARD OF HEALTH

Unexpired four-year term through December 31, 2023

Patrice Paoella, Keep Street, Alternate #2 member

UTILITY ADVISORY COMMITTEE

Unexpired three-year term through December 31, 2023

Michael H. Bianchi, Loantaka Way, Regular member

PARKS ADVISORY COMMITTEE

Unexpired three-year term through December 31, 2023

Cari Tierney, Grove Street, Regular member

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

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved August 14, 2023 (EO)