

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

September 12, 2022 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 12th day of September, 2022. 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 6, 2022. This Notice was made available to members of the general public.”

ROLL CALL

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

Mayor Robert H. Conley

Council Members:

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

Also Present:

Raymond M. Codey, Borough Administrator
James E. Burnet, Assistant Borough Administrator
Elizabeth Osborne, Borough Clerk
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. Landrigan moved:

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

MINUTES FOR APPROVAL (1)

August 8, 2022

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

CONTRACT MATTERS (1)

HDM TRUSTEES

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

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POTENTIAL LITIGATION MATTERS (1)

GIRALDA FARMS

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

LITIGATION MATTERS (1)

DREW UNIVERSITY

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

Seconded: Ms. Byrne

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 to honor the passing of residents Nicholas Sapio and Barbara C. Barry and all those lost twenty-one years ago on September 11, 2021.

APPROVAL OF MINUTES

Ms. Byrne moved approval of the **Executive Minutes of August 8, 2022**. Ms. Coen seconded the motion, which passed with a unanimous voice call vote recorded.

Mr. Byrne moved approval of the **Regular Meeting Minutes of August 8, 2022**. Mr. Range seconded the motion, which passed with a unanimous voice call vote recorded.

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

Employees of the Month for September 2022:

Sam Bassolino, Edwar Ramirez Galvis, Michael Marano and Bobby Prizzi from the Department of Public Works have been selected as Employees of the Month for September. They designed and implemented a small recreation area, including a horseshoe pit, in the Wayne Boulevard/Anthony Drive neighborhood. These employees worked on this project on their own time and as a result, Borough residents have an improved open space to enjoy for years to come.

Mayor Conley read the following proclamation.

National Suicide Prevention Awareness Month - September 2022

*Proclamation
of the
Borough of Madison
Proclaiming
National Suicide Prevention Awareness Month*

September 2022

WHEREAS, September is known around the United States as National Suicide Prevention Awareness Month and is intended to help promote awareness surrounding each of the suicide prevention resources available to us and our community; and

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WHEREAS, the Borough of Madison is committed to increasing awareness of suicide prevention and wishes to recognize the importance of suicide awareness in our community; and

WHEREAS, suicidal thoughts can affect anyone regardless of age, gender, race, orientation, income level, religion, or background; and

WHEREAS, according to the CDC, more than 45,000 people died by suicide in 2020; and

WHEREAS, suicide is the 12th leading cause of death among adults in the US, the 2nd leading cause of death among people aged 10-14 and the 3rd leading cause of death among people aged 15-24; and

WHEREAS, local organizations like the American Foundation for Suicide Prevention and the National Alliance on Mental Illness (NAMI) are on the front lines of a battle that many still refuse to discuss in public, as suicide and mental illness remain too taboo a topic to speak on; and

WHEREAS, 9-8-8 is now available nationwide as the new number to contact for mental health, substance use and suicide crises; and

WHEREAS, we encourage all residents to take the time to check in with their family, friends, and neighbors and to genuinely convey their appreciation for their existence by any gesture they deem appropriate.

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim September 2022 as **National Suicide Prevention Awareness Month** in the Borough of Madison.

Robert H. Conley, Mayor
September 12, 2022

Mayor Conley presented the following Proclamation to resident Guillermo Gil.

Hispanic Heritage Month – September 2022

*Proclamation
of the
Borough of Madison
Proclaiming
HISPANIC HERITAGE MONTH
SEPTEMBER 15, 2022 - OCTOBER 15, 2022*

WHEREAS, for more than 30 years, Hispanic Heritage Month has been celebrated across the United States; and

WHEREAS, beginning with the recognition of September 15 as the independence day of five Central American countries – Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua – Hispanic Heritage Month is an opportunity to honor the

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traditions and countless artistic, scientific, political, and cultural contributions of Madison residents who trace their roots to Spain, Mexico, Puerto Rico, and the Spanish-speaking nations of Central America, South America and the Caribbean; and

WHEREAS, as of 2021, the U.S. Census Bureau estimates that Hispanic Americans comprise 18 percent of the U.S. population, 21.5 percent New Jersey’s population and 13.2 percent of Madison’s population; and

WHEREAS, Hispanic Americans have fought in every war since the Revolutionary War, and 60 Hispanic Americans have received the Congressional Medal of Honor, our nation’s highest military award for valor in action against an enemy force; and

WHEREAS, Latinx-Columbians comprise a majority of Madison’s Hispanic population and work in areas which provide essential services including health care, retail stores and restaurants; and

WHEREAS, this same population contributes greatly to Madison by volunteering their time through churches and other local philanthropic organizations; and

WHEREAS, we appreciate and honor the countless achievements of our Hispanic neighbors and continue our efforts to ensure that Madison is a welcoming and inclusive community.

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim September 15, 2022 to October 15, 2022 as **Hispanic Heritage Month** and wholeheartedly support this year’s theme of **“Unidos: Inclusivity for a Stronger Nation.”**

Robert H. Conley, Mayor
September 12, 2022

Oath of Office – Probationary Firefighter Lucas McCorry

Mayor Conley administered the Oath of Office to Probationary Fire Fighter Lucas McCorry, observed by his family and Chief DeRosa.

REPORTS OF COMMITTEES

Utilities

Mr. Landrigan, Chair of the Committee, made the following comments:
The Electric Department reports the removal of limbs on primary lines, replacement of poles and street lights and completion of daily work orders.

Public Safety

Ms. Byrne, Chair of the Committee, made the following comments:
The Police Department participated in safety training exercises, and held the annual crossing guard breakfast. Residents are reminded to drive safely, now that school are open. The department participated in safety training at Madison High School including active shooter drills. The Police Department will hold an annual picnic on Saturday, September 24, 2022, along with the Madison Baptist Church, at Dodge Field. During the month of August the Fire Department responded to fifty seven fire

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incidents and thirty-six EMS calls for a total of 93 responses for the month. The new fire truck arrived in Madison on August 23rd, and is being outfitted with equipment. Training on the new truck will be starting shortly. A spring 2023 "wetdown" is being planned to celebrate her arrival.

Community Affairs

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

The next regularly scheduled meeting of the Downtown Development Commission is Thursday, September 15th. The Farmers' Market continues each Thursday through November. The annual fall festive, Bottle Hill Day, will be held on Saturday, October 1st. More information is available on rosenet.org. The Community Arts Center has completed finishings in the interior.

Finance and Borough Clerk

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

Ms. Coen thanked all the participants of the Diversity, Equity and Inclusion event held September 10, 2022, at the Hartley Dodge Memorial, and noted this will be an annual event. The 2023 municipal budget process has begun with Administration and Department Heads discussing capital budgets.

Public Works and Engineering

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

Ms. Ehrlich noted that the Borough Engineer will provide a report on several water main breaks, later this evening. Road reconstruction marking work has been completed. Sidewalk repairs to basement vault was also completed on Main Street at PC Problems. The Department of Public Works staff has finished moving the \ Health Department to HDM and continue working on cleaning out the Civic Center. They have rebuilt the horse shoe pits at Wayne Blvd. Park to the delight of area residents. Public Works and the Water Department worked hand in hand to repair recent water main breaks. The Borough Engineer has narrowed it down to what we believe was use of the fire hydrants by a contractors. We met with Borough Engineer Bob Vogel and evaluated all Borough facilities for Solar. School cross walks were repainted in various school zones and parking area's before school started. The annual Environmental Commission sponsored town wide garage sale is scheduled for Saturday October, 15, 2022.

Health

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

Morris County COVID reporting remains high, but cases are trending downward. The CDC has signed off on a new booster that will protect residents from several variants. Booster clinics will be held this fall. Cases of monkey pox are also declining state wide. The Health Department offices are now located at the Hartley Dodge Memorial. All services are available. Special thanks to the Health Department staff and members of the Department of Public Works for their efforts with the move.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

Email dated August 23, 2022, from Jeffrey Hankinson, Summit Line Park Foundation member, in support of the Morris County Traction Line Pedestrian trail.

Email Dated August 25, 2022, from Daniel Kermes of Pine Avenue regarding air plane traffic and noise over Pine Avenue.

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Email dated August 30, 2022, from Neil Stourton, Kings Road regarding Fred Alloco paving company.

INVITATION FOR COMMENT (1 of 2)

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

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

AGENDA DISCUSSIONS

09/12/2022-1 WATER MAIN BREAKS AND WATER USAGE

Borough Engineer Robert Vogel provided information regarding recent water main breaks, noting several issues associated with water pressure variables due to contractor use, increased irrigation, pumping or tank levels. Increased contractor limitations, limits on water usage, pressure valve inspections, variable motor/pump controls and pressure monitoring devices are all important prevention measures. The breaks were documented pipe bursts in older cast iron pipe, as opposed to corroded bolts or broken connections. Mr. Vogel recommended several actions to mitigate these breaks, including replacing small diameter water mains, install pressure sensors and control water usage. Mr. Burnet noted an update in the water billing software for both residential and commercial use and explained the goal is for a scale for excessive use.

Ordinance 44-2022 is listed for introduction.

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.**

Michael Martinez; Independence Court, noted a recent break in at his residence and ask Council to be accountable, work with Trenton and approve additional resources for the police department.

Judy Kroll; Laurel Way, speaking on behalf of the Friends of the Drew Forest, thanked the Administration and Council for their efforts to fight the motion in Court. **Christine Hepburn, Harding Township**, thanked Council for their efforts regrading Affordable Housing, and provided records from the 1970 recreation tennis league.

Lenora Clark; Seven Oak Circle, noted discussion with residents regarding the proposed Morris County Traction Line trail extension noting no one is in favor of the extension.

Matt Van Natten; Ridgedale Avenue, disagreed with proposed solar panels information for residents, noting unnecessary costs.

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Jan Buihen, Chatham NJ, noted a pedestrian accident and asked Council to preserve the Borough.

Laura Baker: Wyndehurst Drive, noted crossing at Waverly Place and Central Avenue with children and asked for additional police presence and consider timing of the traffic lights.

Richard Zipper; Ridgedale Avenue, spoke in favor of extending the proposed Morris County Traction Line trail extension, suggesting the trail end at West Street or Kinney Park.

Suzanne Schreiber; Greenwood Avenue, raised objection to the proposed Morris County Traction Line trail extension, noting the proposed removal of trees and cost of the project.

Allen Spatola; Rose Avenue, read a letter from resident Amy Chase noting that any climate action on the part of the Borough will have no impact, as China, India and Africa do not participate in alterations regarding climate.

Since no other 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 September 26, 2022 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 43-2022 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$20,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR THE PURCHASE OF A PORTABLE TRAILER MOUNTED MESSAGE
SIGN

WHEREAS, the Police Chief has recommended that the Borough appropriate \$20,000.00 from the General Capital Improvement Fund for the purchase of a portable trailer-mounted Ver-Mac Variable Message Sign; 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 \$20,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$20,000.00 from the General Capital Improvement Fund to purchase a portable trailer-mounted Ver-Mac Variable Message Sign.

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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 \$20,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase a portable trailer-mounted Ver-Mac Variable Message Sign.

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. Byrne moved that Ordinance 43-2022, which the Borough Clerk read by title, be adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

**ORDINANCE 44-2022 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$150,000.00 FROM THE WATER CAPITAL IMPROVEMENT
FUND FOR UTILITY EMERGENCY RESPONSES**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$150,000.00 from the Water Capital Improvement Fund for emergency utility services; and

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

WHEREAS, the Borough Council has determined that the Borough should appropriate \$150,000.00 from the Water Capital Improvement Fund for emergency utility services.

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

SECTION 1: The amount of \$150,000.00 is hereby appropriated from the Water Capital Improvement Fund for emergency utility services.

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 44-2022, which the Borough Clerk read by title, be adopted. Mr. Range seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

CONSENT AGENDA RESOLUTIONS

The Clerk made the following statement:

Consent Agenda Resolutions will be enacted with a single motion; any Resolution requiring expenditure is supported by a Certification of Availability of Funds; any Resolution requiring discussion will be removed from the Consent Agenda; all Resolutions will be reflected in full in the minutes.

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

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

R 229-2022 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 2022

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 \$10,000.00 from the New Jersey Board of Public Utility “Clean Energy-Community Energy Grant” and wishes to amend its 2022 Budget to include a \$10,000.00 increase in grant funds 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 2022 in the sum of \$10,000.00, 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 \$10,000.00 is hereby appropriated under the caption of:

General Appropriations
(a) Operation Excluded from 3.5% Caps

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State and Federal programs Off-set by Revenues:
NJ Board of Public Utility Clean Energy Grant –
Other Expenses \$10,000.00

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

R 230-2022 RESOLUTION OF THE BOROUGH OF MADISON AWARDING PROFESSIONAL SERVICES CONTRACT TO MOTT MACDONALD AS A LICENSED SITE REMEDIATION PROFESSIONAL

WHEREAS, the Borough Engineer has recommended that an environmental remediation consultant be retained for general Licensed Site Remediation Professional environmental services (hereinafter the “Contract”); and

WHEREAS, said services would constitute professional services for which a contract may be awarded without the need of competitive bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the cost of those services will exceed \$17,500.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the Contract to Mott MacDonald in an amount not to exceed \$25,000.00, as a Licensed Site Remediation Professional; and

WHEREAS, Mott MacDonald, has submitted to the Borough Qualified Purchasing Agent the required documents to satisfy the requirements of N.J.S.A. 19:44A-20.5, since this matter may be awarded without competitive bidding; and

WHEREAS, Mott MacDonald has completed and submitted a Business Entity Disclosure Certification which certifies that Mott MacDonald has not made any reportable contributions to a political or candidate committee in the Borough of Madison in the previous one year, and that the contract will prohibit Mott MacDonald from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$25,000.00 for this purpose.

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 professional services with Mott MacDonald as a Licensed Site Remediation Professional in an amount not to exceed \$25,000.00, such contract to be in a form approved by the Borough Attorney.

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2. The Business Disclosure Entity Certification, Political Contribution Disclosure Form and the Determination of Value shall be placed on file with this resolution.

3. 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 231-2022 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACT IN THE AMOUNT OF \$55,000.00 TO ROSENBAUER MINNESOTA, LLC TO REPAIR MADISON FIRE DEPARTMENT FIRE APPARATUS

WHEREAS, the Madison Fire Chief has advised the Council that emergency repairs are needed to certain apparatus/vehicles to safeguard the health and welfare of the public; and

WHEREAS, the Borough anticipates expending up to \$55,000.00 to repair and replace fire department apparatus, pursuant to N.J.S.A 40A:11-6(b), and

WHEREAS, the Fire Chief has engaged the services of Rosenbauer Minnesota, LLC to perform the emergency work; and

WHEREAS, the Fire Chief has requested that the Borough authorize contract to Rosenbauer Minnesota, LLC in the amount not to exceed \$55,000.00 for such work which contract is authorized pursuant to N.J.S.A 40A:11-6(b); and

WHEREAS, the Borough Council has determined to authorize the contract in the amount of up to \$55,000.00 for the emergency services performed; and

WHEREAS, the Chief Financial Officer has attested that funds are available in Ordinance 25-2022 for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that contract in an amount up to \$55,000.00 is authorized to be made to Rosenbauer Minnesota, LLC for the emergency services it performed as described herein.

R 232-2022 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXECUTION AND SUBMISSION OF CONSENT FORMS TO THE NJDEP FOR PERMITS AUTHORIZING SANITARY SEWER MAIN AND TREATMENT WORKS APPROVALS FOR MADISON MALL APARTMENTS

WHEREAS, the Borough Engineer requires authorization to act on behalf of the Borough of Madison to execute and submit consent forms to the New Jersey Department of Environmental Protection (NJDEP) in connection with treatment works approvals for development of vacant property at 286 Main Street, Tax Block 228, Lot 26 in the Borough of Madison at Madison Mall Apartments.

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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 Robert Vogel, Borough Engineer, is authorized to endorse TWA and WQM forms to be submitted to the NJDEP as part of the Treatment Works Approval application, addressing sanitary sewer main construction, on behalf of the Borough of Madison (owner of the public sewer system), in cooperation with the applicants proposal to install sewer mains to serve the development of the existing property located at Tax Block 228, Lot 26 in the Borough of Madison.

R 233-2022 RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION 43-2022 AUTHORIZING CONTRACT FOR ULTRA LOW SULFUR DIESEL FUEL THROUGH THE MORRIS COUNTY CO-OPERATIVE PRICING COUNCIL

WHEREAS, Resolution 43-2022 awarded a contract through the Morris County Co-Operative Pricing Council to Allied Oil, LLC, of Hillsborough, New Jersey in an amount not to exceed \$60,000.00 for the purchase of Ultra Low Sulfur Diesel Fuel; and

WHEREAS, the Director of Public Works has recommended that the Borough amend Resolution 43-2022 to increase the award amount by \$35,000.00 to \$95,000.00; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an additional amount not to exceed \$35,000.00, which funds are available in the 2022 operating budget.

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. Resolution 43-2022 is amended to increase the contract award amount by an additional amount of \$35,000.00 to \$95,000.00.
2. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, an amended purchase order and contract with Allied Oil, LLC, of Hillsborough, New Jersey, for Ultra Low Sulfur Diesel Fuel at a total price not to exceed \$95,000.00, in a form acceptable to the Borough Attorney.

R 234-2022 RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION 44-2022 AUTHORIZING CONTRACT FOR GASOLINE THROUGH THE MORRIS COUNTY CO-OPERATIVE PRICING COUNCIL

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WHEREAS, Resolution 43-2022 awarded a contract through the Morris County Co-Operative Pricing Council to Allied Oil, LLC, of Hillsborough, New Jersey in an amount not to exceed \$150,000.00 for the purchase of gasoline; and

WHEREAS, the Director of Public Works has recommended that the Borough amend Resolution 44-2022 to increase the award amount by \$70,000.00 to \$220,000.00; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an additional amount not to exceed \$70,000.00, which funds are available in the 2022 operating budget.

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. Resolution 44-2022 is amended to increase the contract award amount by an additional amount of \$70,000.00 to \$220,000.00.
2. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, an amended purchase order and contract with Allied Oil, LLC, of Hillsborough, New Jersey, for gasoline at a total price not to exceed \$220,000.00, in a form acceptable to the Borough Attorney.

R 235-2022 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING USE OF KINGS ROAD PARKING LOT BY THE MADISON PBA TO HOST A FOOD TRUCK FESTIVAL ON OCTOBER 29, 2022

WHEREAS, the Madison PBA has requested permission to use the Kings Road Parking Lot (Lot #3) on Saturday, October 29, 2022 for a Food Truck Festival event; and

WHEREAS, the Director of Business Development has recommended that such permission be granted; and

WHEREAS, the Madison PBA shall be permitted to operate a beer garden subject to such restrictions or conditions as may be required by the Division of Alcoholic Beverage Control and the Madison Chief of Police. Additionally, the Madison PBA requests permission to place signs on public property and a banner at the corner of Kings Road and Prospect Street to promote the event; 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 in the State of New Jersey, that the Madison PBA is hereby given permission to hold the Madison Food Truck Festival, on Saturday, October 29, 2022, subject to such safety requirements as may be directed by the

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Madison Police Department, Fire Department and Health Department and further provided that adequate host liability insurance coverage is provided indemnifying the Borough of Madison from Liability.

R 236-2022 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXECUTION AND SUBMISSION OF CONSENT FORMS TO THE NJDEP FOR PERMITS AUTHORIZING SANITARY SEWER MAIN AND TREATMENT WORKS APPROVALS FOR 28 WALNUT STREET AND COMMUNITY PLACE

WHEREAS, the Borough Engineer requires authorization to act on behalf of the Borough of Madison to execute and submit consent forms to the New Jersey Department of Environmental Protection (NJDEP) in connection with treatment works approvals for development of property at 28 Walnut Street, Tax Block 1601, Lot 42 and Community Place, Tax Block 1601, Lot 1.01 in 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 Robert Vogel, Borough Engineer, is authorized to endorse TWA and WQM forms to be submitted to the NJDEP as part of the Treatment Works Approval application, addressing sanitary sewer main construction, on behalf of the Borough of Madison (owner of the public sewer system), in cooperation with the applicants proposal to install sewer mains to serve the development of the existing property located at 28 Walnut Street, Tax Block 1601, Lot 42 and Community Place, Tax Block 1601, Lot 1.01 in the Borough of Madison.

R 237-2022 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CHANGE ORDER REQUEST FROM VOLLERS EXCAVATING & CONSTRUCTION, INC. IN THE AMOUNT OF \$39,553.00 BRINGING TOTAL CONTRACT AMOUNT TO \$453,654.37 FOR THE MRC ACCESSIBLE TRAIL PROJECT

WHEREAS, a contract for the MRC Accessible Trail project, in an amount not to exceed \$414,101.37 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 \$39,553.00, for additional grading, bringing the revised contract total to \$453,654.37; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in an additional amount not to exceed \$39,553.00 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 \$39,553.00 change order request from Vollers Excavation, Inc. of North Branch, New Jersey, in the total contract amount not to exceed \$453,654.37 for the MRC Accessible Trail project is authorized.

R 238-2022 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING LEASE OF TWO (2) COPIER MACHINES FOR THE POLICE DEPARTMENT THROUGH THE NEW JERSEY COOPERATIVE PRICING SYSTEM

WHEREAS, the Borough of Madison desires to award a contract for the lease of two (2) copier machines for the Police Department under the New Jersey Cooperative Pricing System program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-10, et seq.; and

WHEREAS, Ricoh, USA of Parsippany, New Jersey, has been awarded the New Jersey Cooperative Pricing System contract number G2075/40467, Copiers & Multi-function Devices; and

WHEREAS, the Borough Qualified Purchasing Agenda/ has recommended that the Borough Council utilize this contract for the lease of two (2) copiers; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$446.06/month for this purpose in the 2022 operating budget.

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. A contract with Ricoh USA for the lease of two (2) copier machines for the Police Department, in an amount not to exceed \$446.06/month for 60 months is hereby approved contingent upon adequate funding therefore in subsequent municipal budgets for the term of the lease.

2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Ricoh, USA of Parsippany, New Jersey, for two (2) copier machines for the Police Department, in a form acceptable to the Borough Attorney.

R 239-2022 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE USE OF DODGE FIELD BY THE FIRST BAPTIST CHURCH OF MADISON ON SATURDAY SEPTEMBER 24, 2022

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WHEREAS, the Rev. Craig Dunn and the First Baptist Church of Madison have requested permission for a neighborhood block party at Dodge Field on Saturday, September 24, 2022; and

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

WHEREAS, the Borough will be supporting the event and the Police Department will assist in coordinating the activity; 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 Rev. Craig Dunn and the First Baptist Church of Madison are hereby given permission for a neighborhood block party at Dodge Field on Saturday, September 24, 2022, subject to such safety requirements as may be directed by the Madison Police Department and/or Fire Department.

R 240-2022 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY THE MUSEUM OF EARLY TRADES & CRAFTS

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following application for Raffles Licenses, to be held as listed below, be and the same is hereby approved:

MUSEUM OF EARLY TRADES & CRAFTS

I.D. No. 274-5-31208

R.A. No. 1539 - On-Premise 50/50

Date of Raffle - September 16, 2022

R 241-2022 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY THE GARDEN CLUB OF MADISON, INC

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following application for Raffles Licenses, to be held as listed below, be and the same is hereby approved:

Garden Club of Madison, Inc.

I.D. No. 274-5-42783

R.A. No. 1538 - On-Premise 50/50

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Date of Raffle – October 2, 2022

R 242-2022 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE TOWNSHIP OF CHATHAM FOR STYROFOAM RECYCLING

WHEREAS, the Borough of Madison (“Borough”) wishes to execute a Memorandum of Understanding Agreement with the Township of Chatham to facilitate courtesy Styrofoam recycling at the Madison Department of Public works recycling center; and

WHEREAS, Chatham Township residents will be able to bring Styrofoam to the Madison Department of Public Works yard for recycling at no charge; and

WHEREAS, the Borough Administrator recommends entering into an agreement.

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 Robert H. Conley, Mayor, is hereby authorized to execute the attached Memorandum of Understanding.

R 243-2022 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE MAYORS WELLNESS CAMPAIGN TO HOLD A SPECIAL EVENT ON SUNDAY, OCTOBER 23, 2022

WHEREAS, the Mayors Wellness Campaign, has asked permission to close off a portion of Kings Road and use the space in front of the Hartley Dodge Memorial on Kings Road on Sunday, October 23, 2022, to host a Health and Wellness event; and

WHEREAS, the Borough Council agrees with this request.

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 Mayors Wellness Campaign is hereby given permission to hold a Health and Wellness event on Sunday, October 23, 2022, contingent upon final approval from the Madison Police Department, along Kings Road in front of the Hartley Dodge Memorial.

R 244-2022 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AGREEMENT TO RENEW MEMBERSHIP IN THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Borough of Madison is a member of the Morris County Municipal Joint Insurance Fund; and

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WHEREAS, said membership terminates as of December 31, 2022, unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership.

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

1. The Borough of Madison agrees to renew its membership in the Morris County Municipal Joint Insurance Fund and to be subject to the By-laws, Rules and Regulations, coverages and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Governing Body hereby authorizes the Mayor and Borough Clerk to execute the agreement to renew the membership agreement annexed hereto and made a part hereof and to deliver same to the Morris County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

R 245-2022 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING 37th ANNUAL GIRALDA FARMS RUN ON SUNDAY, NOVEMBER 13, 2022

WHEREAS, the Barwick Group has requested permission to use portions of Loantaka Way, Woodland Road, Treadwell Avenue, Dodge Drive and Madison Avenue in connection with the annual Giralda Farms Run; and

WHEREAS, the Police Chief recommends approval of this request; and

WHEREAS, the Barwick Group has agreed to reimburse the Madison Police Department for all expenses incurred in connection with the monitoring of said race; and

WHEREAS, the Borough Council has reviewed said request and determined that it should be granted.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the Barwick Group is hereby granted permission to use portions of Loantaka Way, Woodland Road, Treadwell Avenue, Dodge Drive and Madison Avenue in connection with the annual Giralda Farms Run to be conducted on Sunday, November 13, 2022, between the hours of 7:00 a.m. and 2:00 p.m. subject to the condition that the Barwick Group provide the Borough Clerk with the required Certificate of Insurance before the date of the race and reimburse the Madison Police Department for all expenses incurred in connection with the monitoring of said race.

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R 246-2022 RESOLUTION OF THE BOROUGH OF MADISON GRANTING PERMISSION FOR A RUN FOR CHESHIRE HOME ON SATURDAY, SEPTEMBER 24, 2022

WHEREAS, Cheshire Home, Inc., has requested permission to hold a 5-k run for Cheshire Home in Madison on Saturday, September 24, 2022; and

WHEREAS, the run will begin at 9:00 a.m., at the Madison High School and end at Cheshire Home on a route approved by the Madison Borough Police Department; and

WHEREAS, the Borough Administrator recommends approval of this request.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, and State of New Jersey, that the request of Cheshire Home, Inc., to hold a 5-k run for Cheshire Home in Madison on Saturday, September 24, 2022, as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department and the Madison Fire Department.

R 247-2022 RESOLUTION OF THE BOROUGH OF MADISON APPROVING SPECIAL EVENT PERMIT FOR SUNDAY MOTOR COMPANY TO BE HELD ON KINGS ROAD FRIDAY, SEPTEMBER 23, 2022

WHEREAS, Sunday Motor Company has requested permission to close a portion of Kings Road to hold a special event, on Friday, September 23, 2022; and

WHEREAS, the event will be held along Kings Road between Green Village Road and 14 Kings Road, during the hours of 5:45 p.m. and 9:00 p.m.; and

WHEREAS, Director of Business Development 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 Company to hold a special event” on Friday, September 23, 2022, as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department.

R 248-2022 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING SOIL MOVING PERMIT AT TAX BLOCK 2702, LOT 24, 14 LINCOLN PLACE

WHEREAS, the owner of property located at 14 Lincoln Place, Tax Block 2702, Lot 24, in the Borough of Madison has applied for a soil moving permit in accordance with the requirements of Section 195-45 of the Madison Borough Land

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Development Ordinance in connection with the construction mixed use development; and

WHEREAS, the applicant will clearly define the destination for fill material, routes taken, hours of trucking, stabilization measures, soil erosion compliance and the posting of performance/restoration bonds to protect the municipality from hazards associated with incomplete work; and

WHEREAS, the Assistant Borough Engineer has determined that temporary measures to minimize temporary construction impacts will be made by the applicant/owner, and there shall be no long term negative impact on the adjacent property owners related to soil moving; and

WHEREAS, the Assistant Borough Engineer has recommended the Borough Council ratify the issuance of the soil moving permit subject to regulations governing said activities.

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 Assistant Borough Engineer's issuance of a soil moving permit as described herein to Madison Movie Development, LLC, owner of property, at 14 Lincoln Place, Tax Block 2702, Lot 24, for the purposes set forth herein on such terms and conditions as required by the Madison Land Development Ordinance and the Borough Engineering Department is hereby ratified.

R 249-2022 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF CLARYN TROUP AND FATIMA JAWNEH AS PART-TIME, UNPAID INTERNS FOR THE FARMERS' MARKET

WHEREAS, the Personnel Director has recommended the appointment of Claryn Troup and Fatima Jawneh as part-time unpaid Interns for the Madison Farmers' Market; 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 appointment of Claryn Troup and Fatima Jawneh, as part-time unpaid Interns for the Madison Farmers' Market, is hereby approved.

R 250-2022 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A CONTRACT FOR MUNICIPAL MANAGEMENT SOFTWARE FOR THE BUILDING DEPARTMENT WITH SPATIAL DATA LOGIC (SDL)

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WHEREAS, the Borough of Madison has determined that Spatial Data Logic (SDL) should provide certain proprietary software for statutory functions for Borough Departments for software management; and

WHEREAS, the Borough of Madison intends to utilize SDL for proprietary software in accordance with N.J. S.A. 40A:11.5(dd).

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 hereby authorizes the purchase of software management services from Spatial Data Logic in an amount not to exceed \$80,000.00 annually; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute an agreement dated May 31, 2022, required to effectuate said purchase.

R 251-2022 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY THE MADISON EDUCATION FOUNDATION

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:

MADISON EDUCATION FOUNDATION
I.D. No. 274-5-36429
R.A. No. 1540 – On-Premise 50/50
Date of Raffle – October 1, 2022

R 252-2022 RESOLUTION OF THE BOROUGH OF MADISON REJECTING BIDS FOR THE 2022 ELECTRIC LINE CLEARANCE AND AUTHORIZING REBID

WHEREAS, the Borough of Madison publicly advertised for bids for the 2022 Electric Line Clearance 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 Wednesday, August 24, 2022. The lowest bidder, Dom's Tree Service, of Port Washington, NY, failed to submit the mandatory Business Registration Certificate and the second bidder, Joseph McIlvaine Tree and Lawn of Feasterville, PA bid exceeded the estimated cost and available funding for this service; 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) and rebid;

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

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August 24, 2022 for the 2022 Electric Line Clearance are hereby rejected for the reasons set forth herein and the Qualified Purchasing Agent is authorized to solicit new bids.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mr. Range, seconded by Ms. Coen 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	\$4,328,078.62
General Capital Fund	492,494.67
Electric Operating Fund	815,391.36
Electric Capital Fund	10,318.37
Water Operating Fund	43,295.76
Water Capital Fund	0.00
Trusts	<u>323,221.19</u>
Total	<u>\$6,012,799.19</u>

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

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

NEW BUSINESS

Mayor Conley announced the following appointment and requested Council confirmation:

MADISON HOUSING AUTHORITY BOARD

Jeff Smith, 26 Green Hill Road, Commissioner, Governing Body's Appointment, for a five year term through August 10, 2027.

Ms. Coen moved confirmation of the foregoing appointment. Ms. Byrne 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 9:55 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved September 26, 2022 (EO)