

R 297-2021

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AN AGREEMENT WITH TATE GROSSMAN/CALLAGY LAW AS SPECIAL COUNSEL TO “OPT IN” TO SETTLEMENT

WHEREAS, the Borough of Madison (“Borough”) was a potential class participant in the lawsuit (the “Class Action”) entitled National Prescription Opiate Litigation bearing Case No. 1:17-md-2804 (N.D. Ohio); and

WHEREAS, the Class Action was filed by a large number of municipalities and counties across the country against numerous pharmaceutical companies related to improperly promoting the use of opioids to the public, and for the costs governments incurred in responding to the “opioid crisis” created thereby; and

WHEREAS, the Borough was approached by the law firm of TATE Grossman/Callagy Law (“Tate Grossman”), who represents numerous other municipalities in various states in the above-captioned Class Action, with the offer to represent the Borough in the Class Action; and

WHEREAS, Tate Grossman indicated the proposed Class Action settlement for the Borough was \$24,000.00, which could be withheld at the County’s discretion; and

WHEREAS, Tate Grossman represented it hoped to achieve a significantly higher settlement for the Borough; and

WHEREAS, the Borough authorized Tate Grossman to represent it as its special counsel, pursuant to resolution _____, with regard to filing an individual lawsuit against pharmaceutical companies and “opting out” (defined below) of the Class Action being litigated in the Northern District of Ohio; and

WHEREAS, pursuant to your direction, Kaufman, Seneraro & Leibman, LLP has been monitoring the litigation on the Borough’s behalf; and

WHEREAS, on September 27, 2021 the Borough received formal notice from the State of New Jersey Office of Attorney General (the “NJAG”) concerning two proposed national settlements reached between all states and local political subdivisions and the three largest pharmaceutical distributors of opioid products, McKesson, Cardinal Health and AmerisourceBergen (collectively, “Distributors”) and one manufacturer, Janssen Pharmaceuticals, Inc., and its parent company Johnson & Johnson (collectively, “Janssen”); and

WHEREAS, the proposed Settlements provide:

“the Distributors to pay up to \$21 billion over 18 years and Janssen to pay up to \$5 billion over no more than 9 years, for a total of \$26 billion (the “Settlement Amount”). Of the Settlement Amount, approximately \$22.7 billion is earmarked

for use by participating states and subdivisions to remediate and abate the impacts of the opioid crisis. The Settlements also contain injunctive relief provisions governing the opioid marketing, sale and distribution practices at the heart of the states' and subdivisions' lawsuits and further require the Distributors to implement additional safeguards to prevent diversion of prescription opioids;" and

WHEREAS, the manner in which settlements funds are to be allocated to the municipal participants,, including the Borough, has not yet been determined; and

WHEREAS, Tate Grossman indicated that each municipality's share in the settlement funds would ultimately depend on population and the effects of the opioid epidemic on each community; and

WHEREAS, the Borough must decide whether to "opt in" to this settlement, meaning be a part of this settlement (and agree to any allocation later decided), or "opt Out", meaning not be a part of this settlement and demand that the Borough's retained special counsel, Tate Grossman, Continue litigation against the Distributors and Jessen; and

WHEREAS, after careful evaluation, it was decided that it is in the best interest of the Borough to permit Tate Grossman, the Borough's retained special counsel, to "opt in" to the aforementioned settlements against the Distributors and Janssen on behalf of the Borough because the "opt in" option is more likely to benefit the public interest of the Borough and its taxpayers.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Madison that Tate Grossman is permitted to "opt in" to the aforementioned settlements against the Distributors and Janssen on behalf of the Borough

ADOPTED AND APPROVED
November 22, 2021

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk

R 298-2021

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT WITH THE BOROUGH OF MADISON FEDERATION OF WHITE COLLAR WORKERS AND SUPERVISORS

WHEREAS, the Borough of Madison (“Borough”) commenced collective negotiations with the Borough of Madison Federation of White Collar Workers and Supervisors (“Federation”); and

WHEREAS, the Borough was able to successfully negotiate a Memorandum of Agreement/Understanding with the Federation for the period January 1, 2022 to December 31, 2025; and

WHEREAS, the Mayor and Council have considered the specific terms and conditions contained in the Memorandum of Agreement for the above noted bargaining unit.

NOW THEREFORE BE IT RESOLVED as follows:

1. The Mayor and Council approve the attached Memorandum of Agreement for the above-bargaining unit and the terms and conditions specifically set forth in the agreement; and
2. The Mayor and Council hereby authorize the Borough Administrator, Mayor and Borough Clerk to execute the Memorandum of Agreement; and
4. The Mayor and Council authorize the Borough Administrator and CFO to effectuate the collective bargaining agreement.

ADOPTED AND APPROVED
November 22, 2021

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk

R 299-2021

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SETTLEMENT OF THE 2015, 2016, 2017, 2018, 2019, 2020 AND 2021 TAX APPEALS ENTITLED ROSE CITY ASSOCIATES v. BOROUGH OF MADISON, OF THE TAX ASSESSMENT OF Block 2601, Lot 10.01, KNOWN AS 133 MAIN STREET, IN THE BOROUGH OF MADISON, MORRIS COUNTY, NEW JERSEY

WHEREAS, an appeal of the real property tax assessment for tax years 2015, 2016, 2017, 2018, 2019, 2020 and 2021 on Block 2601, Lot 10.01, C-001, has been filed by the Taxpayer, Rose City Assoc.; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated as if set forth at length herein, has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Attorney; and

WHEREAS, settlement of said matter as more fully set forth below is in the best interest of the Borough of Madison.

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

1. Settlement of the 2015, 2016, 2017, 2018, 2019, 2020 and 2021 have been withdrawn and dismissed with prejudice and the assessment for 2022, with no appeals, is as follows:

133 Main Street
Block 2601, Lot 10.01, C-001
Year 2022

Original Assessment

Total: \$12,000,000.00

2. All Borough officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Borough Tax Appeal Attorney to enter into the Stipulation of Settlement as provided by Taxpayer.

ADOPTED AND APPROVED
November 22, 2021

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk

R 300-2021

**RESOLUTION OF THE BOROUGH OF MADISON APPOINTING
JOHN PIETROWSKI TO THE POSITION OF MADISON ARTS AND
EVENTS DIRECTOR**

WHEREAS, the Personnel Director recommends the appointment of John Pietrowski to the position of Madison Arts and Events Director; and

WHEREAS, the Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey that, pending completion of a background check and approval from the Administrator and Personnel Officer, John Pietrowski is hereby appointed to the position of Madison Arts and Events Director, in Administration, at an annual salary of \$55,000.00.

ADOPTED AND APPROVED
November 22, 2021

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk

R 301-2021

RESOLUTION OF THE BOROUGH OF MADISON APPOINTING DYLAN GONZALEZ TO THE POSITION OF POLICE OFFICER

WHEREAS, the Borough Administrator and Acting Chief of Police have recommended that Dylan Gonzalez be appointed to the position of Police Officer in the Madison Police Department; and

WHEREAS, the Madison Borough Council, after due consideration, has determined to appoint Dylan Gonzalez to the position of Police Officer in the Madison Police Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Dylan Gonzalez is hereby appointed to the position of Police Officer in the Madison Police Department effective upon his satisfactory graduation from the Essex County Police Academy in May 2022, to be compensated in accordance with the Police Benevolent Association Collective Bargaining Agreement. This appointment is subject to all terms and conditions of the attached executed conditional offer of employment dated November 12, 2021.

ADOPTED AND APPROVED
November 22, 2021

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk

R 302-2021

**RESOLUTION OF THE BOROUGH OF MADISON AWARDING
CONTRACT TO JEN ELECTRIC, INC. FOR TRAFFIC SIGNAL
IMPROVEMENTS UNDER MORRIS COUNTY COOPERATIVE
BID IN AN AMOUNT NOT TO EXCEED \$15,000.00**

WHEREAS, the Borough of Madison desires to award a contract for Traffic Signal Improvements to an authorized vendor under the Morris County Co-Operative Pricing Council 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, JEN Electric, Inc., of Springfield, New Jersey has been awarded Morris County Co-Operative Pricing Council Contract #37 'Traffic Signal Maintenance & Repairs'; and

WHEREAS, the Borough Engineer has recommended that the Borough Council utilize this contract for various traffic signal improvements in an amount not to exceed \$15,000.00; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$15,000.00 for this purpose in Ordinance 4-2019.

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

1. A contract for the striping of various roadways by JEN Electric, Inc. of Springfield, New Jersey, at a total price not to exceed \$15,000.00 is hereby approved under the Morris County Co-Operative Pricing Council Contract #37.

2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to JEN Electric, Inc., for striping of various roadways at a total price not to exceed \$15,000.00, in a form acceptable to the Borough Attorney.

ADOPTED AND APPROVED
November 22, 2021

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk

R 303-2021

**RESOLUTION OF THE BOROUGH OF MADISON APPROVING
TEMPORARY SIGNS FOR THE MADISON EAGLE CHRISTMAS FUND**

WHEREAS, the Madison Eagle Christmas Fund has requested permission to put up temporary signs advertising the annual Madison Eagle Christmas Fund campaign; and

WHEREAS, the signs would be located at various intersections and public property, commencing on November 23, 2021 and removed by December 30, 2021.

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 the Madison Eagle Christmas Fund to put up temporary signs as described herein from November 23, 2021 to December 30, 2021, is approved.

ADOPTED AND APPROVED
November 22, 2021

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk

R 304-2021

**RESOLUTION OF THE BOROUGH OF MADISON APPOINTING
KELLY PERALTA TO THE POSITION OF SUBSTITUTE
CROSSING GUARD**

WHEREAS, the Personnel Director has recommended appointing Kelly Peralta 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 Kelly Peralta 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 14, 2022, unless the school year is extended due to winter weather closings

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

ADOPTED AND APPROVED
November 22, 2021

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk

R 305-2021

RESOLUTION OF THE BOROUGH OF MADISON CANCELING COMPLETED CAPITAL IMPROVEMENT ORDINANCES

WHEREAS, the Chief Financial Officer has reviewed a list of open capital projects and has determined that certain capital projects have been completed and the improvement authorization accounts should be closed; and

WHEREAS, the Chief Financial Officer has recommended that the Council adopt a Resolution canceling the open dollar balances in such completed projects; and

WHEREAS, the Borough Council has determined to make such cancellation.

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 list of open capital ordinances annexed hereto are hereby cancelled.

ADOPTED AND APPROVED
November 22, 2021

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk