

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

January 9, 2023 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 9th day of January, 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
Debra J. Coen
Rachael Ehrlich
Robert Landrigan
Eric Range
Thomas Haralampoudis

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)

December 12, 2022

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

CONTRACT MATTERS (1)

LABOR RELATIONS

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

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POTENTIAL LITIGATION MATTERS (2)
CANNABIS DISPENSARY
MVAC

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.

PERSONNEL MATTERS (1)

BOROUGH CLERK/LAND USE SECRETARY COMPENSATION

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

Seconded: Ms. Coen

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 recently deceased Madison residents:

Louis M. Garubo
Joseph C. Gero, Sr.
Giovanna Carcione
Mary J. DiAnthony
Gregory M. Olear, Sr.
Donald S. Gulbicki

APPROVAL OF MINUTES

Mr. Range moved approval of the **Executive Minutes of December 12, 2022**. Ms. Coen seconded the motion, which passed with a unanimous voice call vote recorded.

Mr. Range moved approval of the **Regular Meeting Minutes of December 12, 2022**. Ms. Coen seconded the motion, which passed with a unanimous voice call vote recorded.

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

Mayor Conley congratulated Council Members Rachel Ehrlich and Thomas Haralampoudis for their recent swearing in at the January 6th Reorganization Meeting, along with municipal officials and board and committee volunteers.

EMPLOYEE OF THE MONTH

Fire Chief Lou DeRosa for his efforts to resolve the Borough's phone system problem on January 2, 2023.

REPORTS OF COMMITTEES

Community Affairs

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

The Downtown Development commission will hold their first meeting of the New Year on Thursday, January 26th at 7:30 p.m., all are welcome to attend. The Chamber of Commerce will have available Madison 'Monopoly Games' limited to

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500 sets for sale. Please contact the Chamber of Commerce to purchase the game. Madison Arts and Cultural Alliance will hold an event on Sunday, January 22, an afternoon of music with Jerry Vezza on piano and Grover Kemble on guitar, in celebration of, and support for, the Madison Arts and Culture Alliance.

Finance and Borough Clerk

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

Ms. Coen noted that 1st quarter property taxes are due February 1st. The Borough's purchasing system "Edmunds" is closed for New Year set up and will reopen soon. The temporary budget was approved at the January 6th Reorganization meeting and the 2023 budget process will continue tonight with discussion of the Open Space, Recreation and Historic Preservation Trust fund and five-year capital budget presentations. Ms. Coen noted the budget schedule, January 23rd presentation by Public Works, Electric Utility Budget, Water Utility Budget, and utility fund balances. February 13th an initial Municipal Budget discussion and fund balance, February 27th will be the Department Head presentations. March 13th Mr. Burnet will provide a final budget hearing, and on March 27th introduction of the budget is scheduled.

Public Works and Engineering

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

The Engineering Department reports that for the 2023 road improvements program a grant award in the amount of \$200,000, from the NJ Dept. of Transportation, has been received for resurfacing of a portion of Woodland Road, Garfield Road and Myrtle Avenue. The Green Avenue Pedestrian improvement project is anticipated to be completed this spring or early summer, and this evening funds will be appropriated for construction of a basketball/pickle ball court at the Madison Recreation Center. The Department of Public Works was able to open the ice rink and it was used quite a bit in December. Christmas tree pick up continues around town until the end of the month. All trees are chipped up and the woodchips will be reused on an as needed basis.

Utilities

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

The Water Department notes that it took 325,000 gallons of water to fill the Rosedale Avenue Skating Rink. On December 29th, the Department responded to a 6 inch water main break near 25 Hillview Avenue. The break was caused by ground movement and poor under layment. The Department also repaired one of the water main valves used to shut down the water at the same location. The Water Department responded to 1,163 mark-out requests in 2022 from the Board of Public Utilities - One Call "811 – Call before you dig". The Electric Department was called out on December 23rd to cut down a large tree that had fallen on a pole during the wind storm. Also on December 23rd, the Department was called to Cook Avenue at the intersection of Ridgedale Avenue for another large tree blown down in the storm. On January 4th, the crew worked on repairing a broken transformer at the James Park Substation, and worked with the contractors at 16 Waverly Place to assist in repairing their broken underground conduit.

Public Safety

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

Madison Police Department's new electric parking enforcement vehicle is now fully in service. The vehicle was recently outfitted with necessary equipment. The vehicle, which was lettered to reflect its fully electric concept, can be seen throughout Madison performing parking duties. Madison Police patrol vehicles have

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received police radio installs during the past several weeks. This is necessary to prepare for the transition to the new Madison interoperable public safety radio system that is forthcoming. The annual evidence room audit was also completed.

Health

Mr. Haralampoudis, Chair of the Committee, made the following comments:
Mr. Haralampoudis noted the retirement of Health Officer Michael Fitzpatrick and his replacement, assistant Health Officer Sarah Perrament. The Morris County COVID - 19 level is high, as well as across the State, due in part to recent holidays. Vaccines are helping with the severity of the illness. Covid vaccines are available as well as influenza vaccines. Food handling license application are due by January 17th, as well as pet licensing by the end of the month. The Health Department will begin monthly blood pressure screening clinics this month.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

The following residents sent emails asking that cannabis legislation be rescinded:

Amy Layng	Scott Guempel
Rich Deo	Patrick Ferrell
Christine Farnar	George Hayduke
Cynthia Di Rienzo	Ed Switek
Mantt & Julie Hogovsky	Adam Gehlmayer
Frank Little	Ann Skown
Suzanne Schrieber	Mary Anderson
Judith McCellan	Nan Crowder
Paul Mantone	Tricia Abruzzo
Patricia Toto	Stephen Hanley
Ned & Lesley McDonald	Jane Giancanillo
Denis W. Schreiber	Cathy Van Hise
Diane & Ted Ryan	Jim Connors
Kathy Dailey	Brad & Janeanne Hanson
Patrick Layng	Isaac Anderson
Dina Lsavio	Karen Iannarone
Barbara & Ralph Romano	Nancy Guempel
Mary Wilson	Becky Campbell
Jeffery Hart	Ray Samori
Lenora Clark	Stephen Hanley
Mike Dailey	Ronald Green
Marina Palmer	Dan Keane
Kathy Hanley	Elizabeth Ashraf
Edith Ostrom	Michael Dickson
Chris DeVivo	John Kim
Ann & Ralph Hoag	Lindsay & Gill Gannon
Ronald Connor	John Giancanillo

The following residents sent emails requesting that cannabis legislation not be rescinded:

Denice Katz
Jill Rhodes

Email dated December 21, 2022, from David Steketee of Ferndale Road regarding initiating an anti-idling program in the Borough.

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Letter received December 15, 2022 from the Paul Mandal, Esq. representing the Madison Residents Coalition, asking the Mayor and Council to not vote for ten years allowing recreational marijuana dispensaries in Madison.

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

01/09/2023-1 MADISON HISTORICAL SOCIETY 100TH ANNIVERSARY
State Senator Anthony Bucco presented a proclamation from the Legislature honoring the members of the Madison Historical Society on their 100th Anniversary.

01/09/2021-2 LINCOLN PORTRAIT
Ann MacCowatt, Mike Ranger, John Egan and John Forte, Trustees of the Hartley Dodge Foundation, presented information regarding the removal of the Lincoln portrait from the Borough Council chamber, for display in the American Presidents Exhibition at the National Portrait Gallery in Washington D.C. Ms. MacCowatt noted that the portrait will be on loan for five years beginning this month and will return to Madison in December of 2027. The portrait will not be sold during the loan period plus two years, without consultation. Other pieces of art will not be loaned while the Lincoln portrait is in Washington D.C. A reproduction of the painting will hang in the Council Chamber during the loan.

01/09/2021-3 OPEN SPACE, RECREATION AND HISTORIC PRESERVATION UPDATE

Mr. Burnet reviewed the 2022 Open Space, Recreation and Historic Preservation Trust fund activity and possible upcoming projects in 2023, noting the available balance as of December 31, 2022 of \$255,928.00.

01/09/2023-4 FIVE YEAR CAPITAL PLAN

Mr. Burnet provided a proposed five year capital plan, which is used for informational purposes, as a spending plan, and suggested that some projects may need to be postponed. Mr. Burnet also noted that some projects are bid at the beginning of the year to get better pricing, but all will be placed on an agenda for Council approval.

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.**

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Susan Heffernan; Beverly Road, noted that she attended tonight’s Council meeting to make sure Council introduced ordinances repealing medicinal cannabis dispensary legislation.

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 January 23, 2023 in the 2nd Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinances will be published in the Madison Eagle, be posted at the main entrance to the Borough offices and be made available to members of the public requesting same, as required by law.

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

ORDINANCE 1-2023 ORDINANCE OF THE BOROUGH OF MADISON
REPEALING ORDINANCE NO. 15-2022 TO REMOVE CHAPTER 193 ENTITLED
“MEDICINAL CANNABIS DISPENSARY”

WHEREAS, pursuant to N.J.S.A. 24:6l-45, the Borough of Madison (the “Borough”) initially enacted Ordinance No. 30-2021, prohibiting all classes of cannabis establishments in all zoning districts within the Borough, except for the delivery of cannabis items and related supplies by a delivery service from outside the Borough; and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(a), the Borough enacted Ordinance No. 15-2022, which established licensing requirements for medicinal cannabis dispensaries codified at Chapter 193 of the Borough Code entitled “Medicinal Cannabis Dispensary”; and

WHEREAS, the Borough no longer wishes to permit medicinal cannabis dispensaries within the Borough; and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(b), the Borough Council may enact and amend an ordinance or regulation to prohibit the operation of any one or more classes of cannabis business within the Borough, which shall apply throughout the municipality; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Borough Council may make, amend, repeal and enforce ordinance, regulations, rules and by-laws not contrary to the laws of the State of New Jersey or the United States, as the Borough Council deems necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the Borough and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Borough Council deems it in the public interest to repeal Ordinance No. 15-2022 to remove Chapter 193 entitled “Medicinal Cannabis Dispensary” from the Borough Code.

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

Section 1. Ordinance No. 15-2022 is hereby repealed and shall be of no force and effect whatsoever.

Section 2. All sections of the Borough Code not amended hereunder shall remain in full force and effect.

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Section 3. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Borough of Madison Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance that are inconsistent with the Borough Master Plan and recommendations concerning any inconsistencies and any other matter as deemed appropriate.

Section 4. In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

Section 5. All ordinances or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

Section 6. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

Mr. Hoover moved that Ordinance 1-2023, which the Borough Clerk read by title, be adopted. Ms. Coen seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

**ORDINANCE 2-2023 ORDINANCE OF THE BOROUGH OF MADISON
REPEALING ORDINANCE NO. 18-2022 TO REINSTATE THE FORMER ZONING
OF THE CC COMMUNITY COMMERCIAL ZONE AND THE GATEWAY ZONE
PROHIBITING MEDICINAL CANNABIS DISPENSARIES**

WHEREAS, pursuant to N.J.S.A. 24:6l-45, the Borough of Madison (the “Borough”) initially enacted Ordinance No. 30-2021, prohibiting all classes of cannabis establishments in all zoning districts within the Borough, except for the delivery of cannabis items and related supplies by a delivery service from outside the Borough; and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(a), the Borough enacted Ordinance No. 18-2022, which permitted medicinal cannabis dispensaries in the CC Community Commercial Zone and the Gateway Zone, established a numerical limit on the number of medicinal cannabis businesses permitted in those zones, and established operating requirements for such establishments; and

WHEREAS, the Borough no longer wishes to permit medicinal cannabis dispensaries within the Borough; and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(b), the Borough Council may enact and amend an ordinance or regulation to prohibit the operation of any one or more classes of cannabis business within the Borough, which shall apply throughout the municipality; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Borough Council may make, amend, repeal and enforce ordinance, regulations, rules and by-laws not contrary to the laws of the State of New Jersey or the United States, as the Borough Council deems necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the Borough and its inhabitants, and as may be necessary to carry into

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effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Borough Council deems it in the public interest to repeal Ordinance No. 18-2022 and reinstate the prior zoning of the CC Community Commercial Zone and the Gateway Zone to prohibit medicinal cannabis dispensaries.

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

Section 1. Ordinance No. 18-2022 is hereby repealed and shall be of no force and effect whatsoever.

Section 2. All sections of the Borough Code not amended hereunder shall remain in full force and effect.

Section 3. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Borough of Madison Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance that are inconsistent with the Borough Master Plan and recommendations concerning any inconsistencies and any other matter as deemed appropriate.

Section 4. In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

Section 5. All ordinances or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

Section 6. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

Mr. Hoover moved that Ordinance 2-2023, which the Borough Clerk read by title, be adopted. Ms. Coen seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

**ORDINANCE 3-2023 ORDINANCE OF THE BOROUGH OF MADISON
REPEALING ORDINANCE NO. 39-2022 TO REMOVE MEDICINAL CANNABIS
DISPENSARY PERMIT APPLICATION**

WHEREAS, pursuant to N.J.S.A. 24:6I-45, the Borough of Madison (the "Borough") initially enacted Ordinance No. 30-2021, prohibiting all classes of cannabis establishments in all zoning districts within the Borough, except for the delivery of cannabis items and related supplies by a delivery service from outside the Borough; and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(a), the Borough enacted Ordinance No. 39-2022, which established a medicinal cannabis dispensary permit application; and

WHEREAS, the Borough no longer wishes to permit medicinal cannabis dispensaries within the Borough; and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(b), the Borough Council may enact and amend an ordinance or regulation to prohibit the operation of any one or

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more classes of cannabis business within the Borough, which shall apply throughout the municipality; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Borough Council may make, amend, repeal and enforce ordinance, regulations, rules and by-laws not contrary to the laws of the State of New Jersey or the United States, as the Borough Council deems necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the Borough and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Borough Council deems it in the public interest to repeal Ordinance No. 39-2022 to remove the medicinal cannabis dispensary permit application from the Borough Code.

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

Section 1. Ordinance No. 39-2022 is hereby repealed and shall be of no force and effect whatsoever.

Section 2. All sections of the Borough Code not amended hereunder shall remain in full force and effect.

Section 3. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Borough of Madison Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance that are inconsistent with the Borough Master Plan and recommendations concerning any inconsistencies and any other matter as deemed appropriate.

Section 4. In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

Section 5. All ordinances or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

Section 6. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

Mr. Hoover moved that Ordinance 3-2023, which the Borough Clerk read by title, be adopted. Ms. Coen seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

**ORDINANCE 4-2023 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$300,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT
FUND FOR THE WATER AND LIGHT PLANT ROOF REPLACEMENT**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$300,000.00 from the Electric Capital Improvement Fund for the Water and Light Plant roof replacement; and

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WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Electric Capital Improvement Fund in an amount not to exceed \$300,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$300,000.00 from the Electric Capital Improvement Fund for the Water and Light Plant roof replacement.

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 \$300,000.00 is hereby appropriated from the Electric Capital Improvement Fund for the Water and Light Plant roof replacement.

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 4-2023, which the Borough Clerk read by title, be adopted. Haralampoudis seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

**ORDINANCE 5-2023 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$206,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR FINAL PAYMENTS AND CHANGE ORDERS FOR THE HDM PLAZA
CONSTRUCTION WORK**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$206,000.00 from the General Capital Improvement Fund for final payments and change orders for the HDM Plaza construction work; 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 \$206,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$206,000.00 from the General Capital Improvement Fund for final payments and change orders for the HDM Plaza construction work.

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:

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SECTION 1: The amount of \$206,000.00 is hereby appropriated from the General Capital Improvement Fund for final payments and change orders for the HDM Plaza construction work.

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 5-2023, which the Borough Clerk read by title, be adopted. Ms. Coen seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

**ORDINANCE 6-2023 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$40,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR THE MEMORIAL PARK FOOT BRIDGE REPAIR PROJECT**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$40,000.00 from the General Capital Improvement Fund for the Memorial Park foot bridge repair project; 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 \$40,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$40,000.00 from the General Capital Improvement Fund for the Memorial Park foot bridge repair project.

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

SECTION 1: The amount of \$40,000.00 is hereby appropriated from the General Capital Improvement Fund for the Memorial Park foot bridge repair project.

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

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

Ms. Ehrlich moved that Ordinance 6-2023, which the Borough Clerk read by title, be adopted. Ms. Coen seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

ORDINANCE 7-2023 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$464,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR 2023 SEWER MAIN LINING REPAIR AND REHABILITATION
CONSTRUCTION WORK

WHEREAS, the Borough Engineer has requested that the Borough appropriate \$464,000.00 from the General Capital Improvement Fund for the 2023 Sewer Main Lining and Rehabilitation construction work; 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 \$464,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$464,000.00 from the General Capital Improvement Fund for the 2023 Sewer Main Lining and Rehabilitation construction work.

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 \$464,000.00 is hereby appropriated from the General Capital Improvement Fund for the 2023 Sewer Main Lining and Rehabilitation construction work.

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 7-2023, which the Borough Clerk read by title, be adopted. Ms. Coen seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

ORDINANCE 8-2023 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$750,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR 2023 MILL AND OVERLAY RESURFACING PROJECTS

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$750,000.00 from the General Capital Improvement Fund for 2023 Milling and Overlay projects, including mill, overlay, signage, striping, curb, sidewalk

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and crack sealing improvements, related work, inspections and miscellaneous projects throughout town; 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 \$750,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$750,000.00 from the General Capital Improvement Fund for the 2023 Milling and Overlay projects, signage, striping, curb, sidewalk and crack sealing improvements, related work, inspections and miscellaneous projects throughout town.

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 \$750,000.00 is hereby appropriated from the General Capital Improvement Fund for the 2023 Milling and Overlay projects, signage, striping, curb, sidewalk and crack sealing improvements, related work, inspections and miscellaneous projects throughout town.

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 8-2023, which the Borough Clerk read by title, be adopted. Ms. Coen seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Nays: None

**ORDINANCE 9-2023 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$240,000.00 FROM THE OPEN SPACE, RECREATION AND
HISTORIC PRESERVATION TRUST FUND FOR THE MRC
BASKETBALL/PICKLEBALL COURT CONSTRUCTION PROJECT**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$240,000.00 from the Open Space, Recreation and Historic Preservation Trust Fund for the MRC Basketball/Pickleball court construction project; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Open Space, Recreation and Historic Preservation Trust Fund in an amount not to exceed \$240,000.00 for this purpose; and

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WHEREAS, the Borough Council has determined that the Borough should appropriate \$240,000.00 from the Open Space, Recreation and Historic Preservation Trust Fund for the MRC Basketball/Pickleball court construction project.

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

SECTION 1: The amount of \$240,000.00 is hereby appropriated from the Open Space, Recreation and Historic Preservation Trust Fund for the MRC Basketball/Pickleball court construction project.

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

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

Ms. Ehrlich moved that Ordinance 9-2023, which the Borough Clerk read by title, be adopted. Ms. Coen seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

ORDINANCE 10-2023 AN ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 16 “ENVIRONMENTAL COMMISSION” TO ADD NON-VOTING ASSOCIATE MEMBERS AND STUDENT MEMBERS TO THE ENVIRONMENTAL COMMISSION

WHEREAS, the Borough of Madison Environmental Commission is currently comprised of seven members, appointed by the Mayor, one of whom must be a member of the Borough Planning Board and all of whom must be residents of the Borough of Madison; and

WHEREAS, the Council of the Borough of Madison, finds that it will be beneficial to increase the membership of the Madison Environmental Commission with the addition of non-voting Associate members and Student members, as this will increase public participation in the performance of the Environmental Commission important duties.

NOW, THEREFORE, be it ordained by the Council of the Borough of Madison, County of Morris, State of New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated in their entirety, as if restated herein.

Section 2. Chapter 16 of the Borough Code, entitled “Environmental Commission”, subsection 16-2, entitled “MEMBERSHIP; QUALIFICATIONS:

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TERMS: AND VACANCIES”, shall hereby be amended and supplemented as follows (additions in **bold**):

- A. The Environmental Commission shall consist of seven members, appointed by the Mayor, one of whom shall be a member of the Borough Planning Board and all of whom shall be residents of the Borough of Madison.
 - (i) Associate and Student Members. In addition to the seven regular members of the Environmental Commission, the Mayor may appoint one or more adult persons as Associate members and one or more adult persons as Student members. Associate members and Student members shall not be considered regular or alternate members of the Environmental Commission. Associate members and Student members may not vote on matters before the Environmental Commission. Associate members and Student members shall serve as volunteers in Commission matters as assigned by, and under the supervision of, the Environmental Commission chairperson. The term of Associate members and Student member shall be 1 year. Associate members and Student members need not be residents of the Borough of Madison.
- B. No change.
- C. No change.
- D. No change.
- E. No change.
- F. No change.
- G. No change.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be unconstitutional or unenforceable, such decision shall not affect the remaining portion of this ordinance.

Section 4. All ordinances of the Borough of Madison which are inconsistent with the previous provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect upon final passage and publication thereof as provided by law.

Ms. Ehrlich moved that Ordinance 10-2023, which the Borough Clerk read by title, be adopted. Ms. Coen seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

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**ORDINANCE 11-2023 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$21,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR THE PURCHASE OF A LUCAS CHEST COMPRESSION SYSTEM**

WHEREAS, the Borough Fire Chief has requested that the Borough appropriate \$21,000.00 from the General Capital Improvement Fund for the purchase of a Lucas Chest Compression System; 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 \$21,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$21,000.00 from the General Capital Improvement Fund for the purchase of a Lucas Chest Compression System.

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 \$21,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of a Lucas Chest Compression System.

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. Range moved that Ordinance 11-2023, 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: Mr. Hoover, Ms. Coen, Ms. Ehrlich,
Mr. Landrigan, Mr. Range, Mr. Haralampoudis
Nays: None

**ORDINANCE 12-2023 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$650,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR THE 2023 COOK AVENUE PARKING LOT RECONSTRUCTION
PROJECT**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$650,000.00 from the General Capital Improvement Fund for the 2023 Cook Avenue Parking Lot Reconstruction project; 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 \$650,000.00 for this purpose; and

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WHEREAS, the Borough Council has determined that the Borough should appropriate \$650,000.00 from the General Capital Improvement Fund for the 2023 Cook Avenue Parking Lot Reconstruction project.

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

SECTION 1: The amount of \$650,000.00 is hereby appropriated from the General Capital Improvement Fund for the 2023 Cook Avenue Parking Lot Reconstruction project.

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

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

Ms. Ehrlich moved that Ordinance 12-2023, which the Borough Clerk read by title, be adopted. Ms. Coen seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

**ORDINANCE 13-2023 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$150,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT
FUND FOR THE 2023 COOK AVENUE PARKING LOT RECONSTRUCTION
PROJECT**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$150,000.00 from the Electric Capital Improvement Fund for the 2023 Cook Avenue Parking Lot Reconstruction project; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Electric 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 Electric Capital Improvement Fund for the 2023 Cook Avenue Parking Lot Reconstruction project.

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

SECTION 1: The amount of \$150,000.00 is hereby appropriated from the Electric Capital Improvement Fund for the 2023 Cook Avenue Parking Lot Reconstruction project.

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

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

Ms. Ehrlich moved that Ordinance 13-2023, which the Borough Clerk read by title, be adopted. Ms. Coen seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

CONSENT AGENDA RESOLUTIONS

The Clerk made the following statement:

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

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

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

R 37-2023 RESOLUTION OF THE BOROUGH OF MADISON APPROVING AN INTERVIEW PROCESS TO PROMULGATE A PROBATIONARY FIREFIGHTER HIRING LIST

WHEREAS, the Fire Chief has recommended commencement of a process to promulgate a probationary firefighters hiring list to fill any future vacancies in the fire department, said list to remain in effect for twenty-four (24) months from the promulgation and Council approval of the list; and

WHEREAS, the Borough Administrator has recommended that said hiring process be commenced.

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 Fire Chief is authorized to start a candidate interview process to promulgate a probationary firefighters hiring list.

R 38-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A SHARED SERVICE AGREEMENT WITH THE BOROUGH OF CHATHAM TO PROVIDE INFORMATION TECHNOLOGY SERVICES

WHEREAS, the Borough of Madison wishes to renew the Shared Services agreement for the provision of Information Technology Support Services, wherein

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Madison provides IT Support Services, pursuant to the attached contract with the Borough of Chatham; and

WHEREAS, the Madison Borough Council has determined to renew said shared services agreement.

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 Mayor and Borough Clerk are authorized to enter into a Shared Service agreement with the Borough of Chatham for the provision of Information Technology Support Services, such agreement to be in a form approved by the Madison Borough Attorney.

**R 39-2023 RESOLUTION OF THE MADISON BOROUGH COUNCIL
SUPPORTING SUSTAINABLE LAND USE PLEDGE**

WHEREAS, land use is an essential component of overall sustainability for a municipality; and

WHEREAS, poor land-use decisions can lead to and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space and the degradation of natural resources; and

WHEREAS, well planned land use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, provide for adequate recreation, and allow for the continued protection and use of vital natural resources; and

WHEREAS, Given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land use pattern will require municipalities to take the lead; and

WHEREAS, the Borough of Madison initially supported the Sustainable Land Use Pledge in June 2010 and again in May 2016.

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, to reaffirm the following steps with regard to our municipal land-use decisions with the intent of making Madison Borough a truly sustainable community. It is our intent to include these principles in the next master plan revision and reexamination report and to update our land-use zoning, natural resource protection, and other ordinances accordingly.

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Regional Cooperation - We pledge to reach out to administrations of our neighboring municipalities concerning land-use decisions, and to take into consideration regional impacts when making land-use decisions.

Transportation Choices - We pledge to create transportation choices with a Complete Streets approach by considering all modes of transportation, including walking, biking, transit and automobiles, when planning transportation projects and reviewing development applications. We will reevaluate our parking with the goal of limiting the amount of required parking spaces, promoting shared parking and other innovative parking alternatives, and encouraging structured parking alternatives where appropriate.

Natural Resource Protection - We pledge to take action to protect the natural resources of the State for environmental, recreational and agricultural value, avoiding or mitigating negative impacts to these resources. Further, we pledge to update our Environmental Resources Inventory when feasible to identify and assess the extent of our natural resources and to link natural resource management and protection to carrying capacity analysis, land-use and open space planning.

Mix of Land Uses - We pledge to use our zoning power to allow for a mix of residential, retail, commercial, recreational and other land use types in areas that make the most sense for our municipality and the region, particularly in downtown and town center areas.

Housing Options - We pledge, through the use of our zoning and revenue generating powers, to foster a diverse mix of housing types and locations, including single- and multi-family, for-sale and rental options, to meet the needs of all people at a range of income levels.

Green Design - We pledge to encourage the principles of green design and renewable energy generation into municipal buildings to the extent feasible and when updating our site plan and subdivision requirements for residential and commercial buildings.

Municipal Facilities Siting - We pledge, to the extent feasible, to take into consideration factors such as walkability, bikability, greater access to public transit, proximity to other land-use types, and open space when locating new or relocated municipal facilities.

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R 40-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PLACEMENT OF CLOTHING TEXTILE DONATION BIN IN THE VOLUNTEER AMBULANCE CORP PARKING LOT BY MILLENNIUM INTERNATIONAL TEXTILE, INC OF FLANDERS, NEW JERSEY

WHEREAS, Millennium International, Inc. of Flanders, New Jersey has applied for a permit to place a clothing donation bin in the parking lot of the Madison Volunteer Ambulance Corp.; and

WHEREAS, the property owner consents to the installation and the Zoning Officer and Borough Administrator have recommended 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 Borough Clerk is authorized to issue a permit to Millennium International, Inc. of Flanders, New Jersey to place a clothing textile donation bin in the parking lot of the Madison Volunteer Ambulance Corp., in accordance with Chapter 82 of the Madison Borough Code.

R 41-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES ENABLING RESOLUTION AND APPLICATION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Madison has previously obtained a grant of \$3,592,503.65 from the State to fund the following project(s):

#1417-04-009-03: Madison Recreation Center (Rock GW-Florham); and

WHEREAS, the Borough of Madison (name of applicant) desires to further the public interest by obtaining an additional Green Acres loan of \$0 and/or an additional Green Acres grant of \$500,000.00 [and an additional Urban Parks grant of \$0 from the State] to fund the project(s); and

WHEREAS, the State shall determine if the supplemental funding request is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

NOW, THEREFORE, the governing body/board resolves that:

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1. Robert Conley (name of authorized official) or the successor to the office of Mayor (title of authorized official) is hereby authorized to:

- (a) request such a loan and/or such a grant,
- (b) provide additional information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above-named applicant; and

2. The applicant agrees to provide the local government/nonprofit share if a match is required.

3. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.

4. This resolution shall take effect immediately.

R 42-2023 RESOLUTION OF THE BOROUGH OF MADISON RESCINDING RESOLUTION 105-2022 AWARDING A CONTRACT TO BEYER FORD, FOR THE PURCHASE OF A 2022 FORD F450 DUMP TRUCK UNDER THE EDUCATIONAL SERVICES COMMISSION OF NJ ESC

WHEREAS, Resolution 105-2022 authorized a contract to be awarded to Beyer Ford, of Morristown, NJ, for the purchase of a Ford F-450 dump truck and accessories, in the amount of \$70,627.84, under the Educational Services Commission of NJ ESC Co-Op #65MCESCCPS-ESCNJ 20/21-55; and

WHEREAS, Beyer Ford is unable to fulfill the order; and

WHEREAS, the Qualified Purchasing Agent has recommended that Resolution 105-2022 be rescinded to allow for purchase of a hybrid vehicle through another cooperative pricing system; and

WHEREAS, the Mayor and Council have determined that Resolution 105-2022 should be rescinded, and the contract with Beyer Ford should not be executed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Resolution 105-2022, awarding a contract to Beyer Ford, under the Educational Services Commission of NJ ESC Co-Op #65MCESCCPS-ESCNJ 20/21-55 is hereby rescinded.

R 43-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PURCHASE OF AN ELECTRIC DEPARTMENT VEHICLE UNDER NEW JERSEY STATE CONTRACT T2100/88727

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WHEREAS, the Borough of Madison desires to award a contract for the purchase of an Electric Department vehicle under the New Jersey State Contract 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, Nielsen Ford, 170 Ridgedale Avenue Morristown, New Jersey, 07960 has been awarded New Jersey State Contract # T2100/88727; and

WHEREAS, the Electric Utility Superintendent and Qualified Purchasing Agent have recommended that the Borough Council utilize this contract for purchase of a F-450 dump truck for the Electric Department as follows; under contract NJ State Contract #T2100/88727, one 2023 Ford Super Duty F450; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$83,007.50 for this purpose, which funds are available in Ordinance 9-2022 and other applicable Borough accounts.

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 purchase of an Electric Department dump pickup truck and accessories for \$83,007.50 is hereby approved.

2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Nielsen Ford, 170 Ridgedale Avenue, Morristown, New Jersey, 07960, for the purchase of an Electric Department vehicle and accessories at a total price not to exceed \$83,007.50, in a form acceptable to the Borough Attorney.

R 44-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACT FOR DIESEL FUEL THROUGH THE MORRIS COUNTY CO-OPERATIVE PRICING COUNCIL

WHEREAS, the Borough of Madison desires to enter into a contract for ultra low sulfur diesel fuel from 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, Griffith-Allied Trucking, LLC, dba Allied Oil, LLC of Hillsborough, New Jersey has been awarded Morris County Co-Operative Pricing Council contract #12 #2 Ultra Low Sulfur Diesel Fuel; and

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WHEREAS, the Director of Public Works has recommended that the Borough Council utilize this contract for ultra low sulfur diesel fuel in an amount not to exceed \$60,000.00; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$60,000.00 for this purpose, which funds will be available upon adoption of the 2023 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 for ultra low sulfur diesel fuel from Allied Oil, LLC of Hillsborough, New Jersey, at a total price not to exceed \$60,000.00 is hereby approved under the Morris County Co-Operative Pricing Council contract #12 #2 Ultra Low Sulfur Diesel Fuel.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Griffith –Allied Trucking, LLC dba Allied Oil, LLC of Hillsborough, New Jersey, for ultra low sulfur diesel fuel at a total price not to exceed \$60,000.00, in a form acceptable to the Borough Attorney.

R 45-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACT FOR MOTOR GASOLINE THROUGH THE MORRIS COUNTY CO-OPERATIVE PRICING COUNCIL

WHEREAS, the Borough of Madison desires to enter into a contract for motor gasoline from 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, Griffith –Allied Trucking, LLC dba Allied Oil, LLC, of Hillsborough, New Jersey has been awarded Morris County Co-Operative Pricing Council contract #1 Motor Gasoline; and

WHEREAS, the Director of Public Works has recommended that the Borough Council utilize this contract for motor gasoline in an amount not to exceed \$150,000.00; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$150,000.00 for this purpose, which funds will be available upon adoption of the 2023 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:

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1. A contract for motor gasoline from Allied Oil, LLC, of Hillsborough, New Jersey, at a total price not to exceed \$150,000.00 is hereby approved under the Morris County Co-Operative Pricing Council contract #1 Motor Gasoline.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Griffith –Allied Trucking, LLC dba Allied Oil, LLC, of Hillsborough, New Jersey, for motor gasoline at a total price not to exceed \$150,000.00, in a form acceptable to the Borough Attorney.

R 46-2023 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING THE AWARD OF A PURCHASE ORDER/CONTRACT FOR ROCK SALT TO ATLANTIC SALT OF LOWELL, MA, UNDER THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL PROGRAM

WHEREAS, the Borough of Madison desires to ratify an award of a purchase/order contract for rock salt to an authorized vendor under the Morris County Co-Operative Pricing Council program; and

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

WHEREAS, Atlantic Salt of Lowell, MA, has been awarded Morris County Co-Operative Pricing Council Contract # 3 for the purchase of rock salt; and

WHEREAS, the Director of Public Works has recommended that the Borough Council utilize this contract for the purchase of rock salt in an amount not to exceed \$120,000.00; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$120,000.00 for this purpose, which funds will be available upon adoption of the 2023 Municipal Budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that a purchase order/contract be awarded to Atlantic Salt of Lowell, MA for the purchase of rock salt at a total price not to exceed \$120,000.00 under the Morris County Co-Operative Pricing Council Contract #3 and same is hereby ratified and approved.

R 47-2023 RESOLUTION OF THE BOROUGH OF MADISON SETTING GRACE PERIOD FOR PILOT AGREEMENT

WHEREAS, there is a PILOT (Payment-In-Lieu-Of-Taxes) agreement in place for the tax parcels located at 10-12 Kings Road and 33 Green Village Road,

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per the Financial Agreement authorized by Mayor and Council by Ordinance No. 37-2014 and executed on June 24th, 2014; and

WHEREAS, the Financial Agreement states that each parcel governed by the agreement shall receive both a regular property tax bill for the land value and a separate PILOT bill calculated per the terms of the agreement; and

WHEREAS, the PILOT and regular property tax bills both have the same billing cycle, due dates, interest rate, and ability to be sold at tax sale if unpaid; and

WHEREAS, N.J.S.A. 54:4-67(a) allows the governing body to provide a ten-day grace period for property tax payments; and

WHEREAS, the Borough Administrator, Chief Financial Officer, and Tax Collector have recommended that the PILOT Financial Agreement be amended to also allow a ten-day grace period.

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 quarterly payments for the PILOT agreement dated June 24th, 2014, for the properties at 10-12 Kings Road and 33 Green Village Road, will bear no interest if paid within the 10th calendar day following the date the payment became due.

R 48-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING 2022 BUDGET TRANSFERS

WHEREAS, certain transfers of funds for various 2022 budget appropriations are necessary to cover anticipated expenditures; and

WHEREAS, N.J.S.A. 40A:4-58 provides for transfer of appropriations with an excess over and above the amount deemed necessary to fulfill their purposes to those appropriations deemed to be insufficient; and

WHEREAS, the appropriations subject to fund transfers hereby are not within those restricted by N.J.S.A. 40A:4-58 for transfer purposes.

NOW, THEREFORE, BE IT RESOLVED, by an affirmative vote of the members of the Council of the Borough of Madison, in the County of Morris, New Jersey, that the Chief Financial Officer is hereby authorized to make transfers between appropriation accounts of the 2022 Municipal Budget as follows:

Department Requesting Transfer in	Amount Requested	Reason for Request	Department Supplying Funds	Amount Transferred
"Legal Services" 155-215, FCOA 20-155-2	\$30,000	Costs associated with affordable housing and other litigation	"Health Insurance" 220-528 FCOA 23-220	\$30,000

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"Public Buildings and Grounds" 310-213, FCOA 25-265-1	\$30,000	Additional funds needed for maintenance of buildings	"Health Insurance" 220-528 FCOA 23-220	\$30,000
"Shade Tree Management" Professional Services 303-215	\$10,000	Tree replacement and emergency tree maintenance	"Health Insurance" 220-528 FCOA 23-220	\$10,000

R 49-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RENEWAL OF A SHARED SERVICE AGREEMENT WITH THE SENIOR CENTER OF CHATHAMS TO PROVIDE SOCIAL, RECREATIONAL, EDUCATIONAL AND WELLNESS PROGRAMS TO MADISON RESIDENTS

WHEREAS, the Borough of Madison wishes to renew a Shared Services agreement for the provision of Senior Services, wherein the Senior Center of Chathams provides social, recreational, educational and wellness programs to Madison residents, pursuant to the attached contract with the Senior Center of Chathams; and

WHEREAS, the Madison Borough Council has determined to authorize said shared services agreement.

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 Mayor and Borough Clerk are authorized to enter into a Shared Services agreement with the Senior Center of Chathams for the provision of senior services, such agreement to be in a form approved by the Madison Borough Attorney.

R 50-2023 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING MICHAEL PELLESIER TO THE POSITION OF COMMUNICATIONS DIRECTOR

WHEREAS, the Borough Council of the Borough of Madison has determined to appoint Michael Pellessier to the position of Borough Communications Director;

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 Michael Pellessier’s title is hereby changed from Communications Coordinator/Technology Coordinator to Communications Director effective immediately.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS - None

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NEW BUSINESS

Mayor Conley announces the following appointment and requests Council confirmation:

DOWNTOWN DEVELOPMENT COMMISSION:

Peter Woolley, Higher Education Representative, for a three-year term through December 31, 2025

Ms. Coen moved confirmation of the foregoing appointments. Mr. Range 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 9:40 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved January 23, 2023 (EO)