

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

March 27, 2023 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 27th day of March 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

Rachel F. Ehrlich

Robert Landrigan

Eric Range

Thomas Haralampoudis

Absent: Debra J. Coen, excused

Also Present:

Raymond M. Codey, Borough Administrator

James E. Burnet, Assistant Borough Administrator

Elizabeth Osborne, Borough Clerk

Marina Stinely, Esq. for Matthew J. Giacobbe, Esq. Borough Attorney

AGENDA REVIEW

There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Mr. Hoover moved:

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

MINUTES FOR APPROVAL (1)

None

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

CONTRACT MATTERS (2)

HISTORIC PRESERVATION

LABOR NEGOTIATIONS UPDATE

Regular Meeting Minutes – March 27, 2023

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

LITIGATION MATTERS (2)
DREW UNIVERSITY
ALTICE

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

Seconded: Ms. Ehrlich
Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

Mayor Conley reconvened the Regular Meeting at 8 p.m. in the Council Chamber with all members present. The Pledge of Allegiance was recited by all. Mayor Conley asked for a moment of silence for the passing of residents Marilyn D. Frisoli, Felice Piccolo and Caroline F. List

APPROVAL OF MINUTES

Mr. Hoover moved approval of the **Regular Meeting Minutes of March 13, 2023**. Mr. Landrigan seconded the motion, which passed with a unanimous voice call vote recorded.

GREETINGS TO PUBLIC

Mayor Conley made the following comments:
Mayor Conley noted a meeting this week with the Trustees of Drew University regarding the Drew Forest. The NJ State Motor Vehicle Commission had a mobile office at the Madison Train Station for a variety of motor vehicle transactions. The mobile office will return to Madison in the fall.

Mayor Conley read the following proclamation:

Proclamation
of the
Borough of Madison
Proclaiming
MAYORS' MONARCH PLEDGE DAY
March 27, 2023

WHEREAS, the monarch butterfly is an iconic North American species whose multigenerational migration and metamorphosis from caterpillar to butterfly has captured the imagination of millions of Americans; and

WHEREAS, both the western and the eastern monarch populations have seen drastic declines due to habitat loss, pesticide usage, and climate change

WHEREAS, Madison recognizes that the monarch butterfly, like many pollinators, will only lay eggs on specific host plants, in this case milkweed, and monarch caterpillars feed only on milkweed; and

Regular Meeting Minutes – March 27, 2023

WHEREAS, monarchs and their food sources contribute to biodiversity, which is crucial to well-functioning ecosystems on which we all depend for food production, healthy soil, stormwater control, air quality, and healthy connections between humans and wildlife; and

WHEREAS, cities, towns and counties have a critical role to play to help save the monarch butterfly, and Madison is striving to become a leader; and

WHEREAS, last month I signed the National Wildlife Federation’s Mayors’ Monarch Pledge and have officially committed to taking meaningful action to protect the monarch butterfly; and

WHEREAS, Madison’s Environmental Commission, Community Garden Advisory Committee, Open Space, Recreation and Historic Preservation Advisory Committee, Garden Club of Madison, Sustainable Madison Advisory Committee, Board of Education, and Downtown Development Commission have committed to communication, education, and support of community efforts to plant monarch gardens at home and throughout Madison, including native plant giveaways; and

WHEREAS, every resident, property owner, and municipal entity of Madison can make a difference for the monarch by planting native milkweed and nectar plants to provide habitat for the monarch and other pollinators in locations where people live, work, learn, play and worship.

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim March 27, 2023 as Mayors’ Monarch Pledge Day in Madison and encourage all residents to participate in community activities that support and celebrate monarch butterfly conservation.

Robert H. Conley, Mayor
March 27, 2023

REPORTS OF COMMITTEES

Community Affairs

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

The Downtown Development Commission will hold its next meeting on Thursday, April 16, at 7:15 pm in the Hartley Dodge Memorial Building, Committee Room, 2nd Floor. The public is invited to attend. May Day, now be called Madison Green & Clean, will take place on Saturday, April 29, from 9:00 to 2 or 3:00 pm. The event will be relatively similar, but we will enhance the format to focus on environmental and Green initiatives. Volunteers and sponsors are needed for this event. Please email ddc@rosenet.org for more information. From the Chamber of Commerce, Easter Fun Fest is Saturday, April 1, 11:00 am - 12:30 pm. Visit the Easter Bunny and guess the number of jelly beans for a chance to win prizes donated by local businesses. The 2023 Taste of Madison is Monday, April 24, at Brooklake Country Club. Tickets are available for pre-purchase at Gary’s Wine & Marketplace or GarysWine.com. Ladies Night is scheduled for Thursday, May 11, from 5:30 - 8:30 pm. From the Community Arts Center, The Don’t Close Your Eyes: Ukrainian Artists Respond to the War exhibit is in its final week, closing Sunday, April 2. Three related events remain. On March 29 at 7:30, Madison resident Yana Kane will read her translations of poems she receives almost weekly from established poets in Ukraine. On April 1 at 8:00 pm, The Summit Film Society will present an award-

Regular Meeting Minutes – March 27, 2023

winning documentary on the war in Ukraine, Julie Blue – by Ukrainian-American filmmaker Roxy Toporowych, and on April 2 at 4:00 pm, Ukrainian Pianist and Madison resident Larysa Maliutina will perform a piano concert along with Ukrainian dancer Oksana Horban. Next up on the gallery walls is Jazz Shots, photos taken by professional photographer Patrick Hillaire of prominent Jazz musicians in rehearsal and performance. The exhibit runs until Sunday, May 7. Hours are posted on the Arts Center landing page on the MACA website.

Finance and Borough Clerk

Ms. Coen, Chair of the Committee, absent.

Public Works and Engineering

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

The Finance Department notes that on tonight's bill list, once year payments to condominium associations in Madison are made to reimburse for services such as garbage and snow removal, paid for in the property tax bill, but supplied by the condominium associations. Thanks to Administrative Assistant Stacey Dooley for her efforts on these reimbursements. Tonight the municipal budget will be introduced with three items necessary for introduction including introduction of the Cap Bank Ordinance, introduction of the budget document including a 2% tax increase and Resolution 115-2023, authorizing self-examination of the budget. From the Borough Engineer, Memorial Park Footbridge Repairs - Persistent Construction begins work on the footbridge repair this week anticipating repairs to be complete within two weeks. Clarke Moynihan Landscaping & Construction submitted contract paperwork and a preconstruction meeting is scheduled for Thursday for the Memorial Park Trail repairs. There is a bid opening tomorrow March 28th at 11 am in the courtroom, for Sewer Lining projects, as well as the Utility Building Roof Repairs and the MRC Basketball Pickelball Court was advertised March 23rd, with a bid openings scheduled May 4, 2023 at 10am in the courtroom. The Cook Ave Parking Lot redesign project was advertised March 16th, with bid openings scheduled May 2, 2023 at 10am in the courtroom.

Utilities

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

From the Electric Department, on Wednesday, March 15th, a resident's tree broke in the wind storm and fell on JCP&L's feeder line for the Kings Road Substation, causing the line to trip. Five thousand eight hundred sixty-nine customers were without electricity, including Borough Hall, for a total of 17 minutes, while the department removed the tree and then asked JCP&L to re-energize the line. On Monday, March 20th, a garbage truck backed into a pole on Spring Garden Drive and split the pole in half. The crew did a great job replacing the pole and transferring all of the utilities. The Electric Department would like to thank the Fire Department for providing CPR Training on Wednesday, March 22nd. The Water Department reports ValveTek, an outside contractor, will be finishing up for the year, operating the water main valves at the intersections, according to the Water Accountability Act from the Department of Environmental Protection. If you experience discolored water, please let your outside faucet run until the water is clear. By the time ValveTek finishes, in the next week or so, one quarter (1/4) of the Town will have had the valves opened, cleaned, and operated.

Public Safety

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

The Police Department reports that on Monday March 13th, several members of the department along with members from our Community Relations Unit attended a "No

Regular Meeting Minutes – March 27, 2023

Room for Racism” meeting held at Madison First Baptist Church. The meeting included meaningful conversation on how to unite against hateful language in our community and in our schools. On Saturday March 18th, members of the Madison Police attended the First Baptist Church Italian Dinner, ran by church members along with our Chaplain Rev. Craig Dunn. On March 21st, Madison Police Headquarters underwent a security inspection by Ronin Security Solutions. The inspection was to ensure compliance with state department of corrections guidelines to include the inspection of our detention and holding facilities, that are in full compliance.

Health

Mr. Haralampoudis, Chair of the Committee, made the following comments: The Board of Health reports that through grants the department is able to purchase EMS equipment, CPR instructor kits, AED training equipment and other necessary items. The Health Department reminds residents that monthly blood pressure screening clinics take place the last Thursday of each month, all residents are welcome.

COMMUNICATIONS AND PETITIONS - None

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.

INTRODUCTION OF THE 2023 CAP BANK ORDINANCE AND THE BUDGET AND TAX RESOLUTION R 108-2023

CAP BANK ORDINANCE

Mayor Conley calls up *Ordinance 21-2023* for first reading and asks the Borough Clerk to read said ordinance by title:

ORDINANCE 21-2023
CALENDAR YEAR 2022 ORDINANCE TO EXCEED THE MUNICIPAL
BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.13)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Madison in the County of Morris finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous

Regular Meeting Minutes – March 27, 2023

year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, is estimated to be \$775,215.60 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Madison, in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Madison shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased up to 3.5%, amounting to \$775,215.60 and that the CY 2023 municipal budget for the Borough of Madison be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mr. Hoover moved that Ordinance 21-2023, which was read by title, be introduced. Ms. Ehrlich seconded the motion. There was no further Council discussion, and the motion passed with the following roll call vote recorded:

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

Mr. Burnet noted the process and several highlights of the proposed budget including the State guidelines for Introduction and Adoption.

BUDGET INTRODUCTION

Statement by Borough Clerk:

Upon introduction and adoption, the 2023 Budget and Tax Resolution will be published by summary in the Madison Eagle on March 30,2023 with a public hearing date set for Wednesday, April 27, 2022 at 8 p.m., at which time and place all interested individuals will have an opportunity to be heard, and there will be consideration for final adoption. A copy of the budget as introduced will be filed with the Madison Public Library and the County Library, and posted on the Borough’s website for public review.

R 108-2023 RESOLUTION OF THE BOROUGH OF MADISON ADOPTING THE 2023 BUDGET AND TAX RESOLUTION

Regular Meeting Minutes – March 27, 2023

Ms. Ehrlich moved adoption of Resolution 108-2023. Mr. Hoover seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

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

AGENDA DISCUSSIONS

03/27/2023-1 DEPT. HEAD PRESENTATION – DIRECTOR, INFORMATION TECHNOLOGY

Director of Information Technology James Sanderson provided a presentation on the IT Department noting 2022 Achievements and 2023 Goals, including the proposed budget for software licenses and subscriptions, upgrades to equipment and telephone connectivity charges for tablets and improved training for employees and increased utilization of computing assets across the borough.

ADVERTISED HEARINGS

Ordinances scheduled for hearing tonight were submitted in writing at a Regular meeting of the Mayor and Council held on March 13, 2023, were introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

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

**ORDINANCE 19-2023
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER
15 OF THE MADISON BOROUGH CODE ENTITLED “DOWNTOWN
DEVELOPMENT COMMISSION”**

WHEREAS, the Madison Downtown Development Commission has recommended revision of Chapter 15 of the Borough Code Entitled: “Downtown Development Commission”; and

WHEREAS the Borough Council has determined to revise Chapter 15 of the Borough Code.

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: Chapter 15 of the Borough Code entitled “Downtown Development Commission” is hereby amended as follows:

- §15-2 A. ~~Numbers of Members.~~ Membership shall consist of **not more than sixteen** (16) regular members and two (2) ex-officio member.
- §15-2 B(2) ~~Corporate Representative; one (1) representative who shall be an employee of a large (200 or more employees) corporate entity located in Madison.~~
- §15-2 B(3) ~~Senior citizen: one regular member who shall be a member of an active member of the Senior Citizen Advisory Committee.~~
- §15-2 B(5)(c) ~~Nonprofit: one representative who shall be an active member of a least one recognized nonprofit organization operating in Madison.~~

Regular Meeting Minutes – March 27, 2023

~~§15-2 B(5)(d) Corporate representative: one representative who shall be an employee of a large (200 or more employees) corporate entity located in Madison.~~
§15-2 B(6) At-large commissioners: ~~four~~ **six** regular members. These members shall be any individual, resident or nonresident, with an identifiable interest in the activities and mission of the Downtown Development Commission.

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

Mayor Conley opened up the public hearing on Ordinance 19-2023. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Hoover moved that Ordinance 19-2023, which was read by title, be finally adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mayor Conley declared Ordinance 19-2023 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

ORDINANCE 20-2023
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$30,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND TO
PURCHASE WIRING AND OTHER SECURITY EQUIPMENT

WHEREAS, the Communications Director has recommended that the Borough appropriate \$30,000.00 from the General Capital Improvement Fund to purchase wiring and other security equipment; 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 \$30,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$30,000.00 from the General Capital Improvement Fund to purchase wiring and other security equipment.

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 \$30,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase wiring and other security equipment.

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.

Regular Meeting Minutes – March 27, 2023

Mayor Conley opened up the public hearing on Ordinance 20-2023. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Hoover moved that Ordinance 20-2023, which was read by title, be finally adopted. Ms. Ehrlich seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mayor Conley declared Ordinance 20-2023 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

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.**

Mary Wilson; Sherwood Avenue, inquired about cost saving to the Borough regarding the proposed solar carport.

Chris DeVivo; 184 Greenwood Avenue, noted the absence of meeting minutes on the Borough website for the Climate Action Committee and suggested the climate action resolution be withdrawn and more diverse members be appointed to the committee.

Kathy Dailey; West End Avenue, asked if the Climate Action Committee considered the removal of trees in the encouragement for more residential solar installations and noted the goals of the Climate Action Committee are different than that of the Utility Advisory Committee.

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 April 10, 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:

Regular Meeting Minutes – March 27, 2023

ORDINANCE 22-2023 ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$55,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF AUTOMATED LICENSE PLATE READERS (ALPR), SECURITY CAMERAS, WIRING AND OTHER RELATED SECURITY EQUIPMENT

WHEREAS, the Police Chief has recommended that the Borough appropriate \$55,000.00 from the General Capital Improvement Fund towards the purchase of Automated License Plate Readers (ALPR), security cameras, wiring and other related security equipment for the Police Department; and

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

WHEREAS, the Borough Council has determined that the Borough should appropriate \$55,000.00 from the General Capital Improvement Fund towards the purchase of Automated License Plate Readers (ALPR), security cameras, wiring and other related security equipment for the 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, as follows:

SECTION 1: The amount of \$55,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of Automated License Plate Readers (ALPR), security cameras, wiring and other related security equipment for the Police Department.

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

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

Mr. Range moved that Ordinance 22-2023, 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. Ehrlich, Mr. Landrigan, Mr. Range, Mr. Haralampoudis

Nays: None

Absent: Ms. Coen

ORDINANCE 23-2023 ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$50,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF REPLACEMENT HANDGUNS AND RELATED EQUIPMENT FOR THE POLICE DEPARTMENT (MPD) WHICH HAS EXCEEDED ITS SERVICE WARRANTY AND USEFUL LIFE PERIOD.

WHEREAS, the Police Chief has recommended that the Borough appropriate \$50,000.00 from the General Capital Improvement Fund towards the

Regular Meeting Minutes – March 27, 2023

purchase of replacement handguns and related equipment for the MPD, which has exceeded its service warranty and useful life period; and

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

WHEREAS, the Borough Council has determined that the Borough should appropriate \$50,000.00 from the General Capital Improvement Fund towards the purchase of replacement handguns and related equipment for the MPD, which has exceeded its service warranty and useful life period.

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:

SECTION 1: The amount of \$50,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of replacement handguns and related equipment for the MPD, which has exceeded its service warranty and useful life period for the Police Department.

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

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

Mr. Range moved that Ordinance 23-2023, 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. Ehrlich, Mr. Landrigan, Mr. Range, Mr. Haralampoudis

Nays: None

Absent: Ms. Coen

ORDINANCE 24-2023 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$50,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR THE 2023 LICENSED SITE REMEDIATION ACTIVITIES WITHIN
MUNICIPAL PROPERTY

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$50,000.00 from the General Capital Improvement Fund for the 2023 Licensed Site Remediation activities within municipal property; and

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

WHEREAS, the Borough Council has determined that the Borough should appropriate \$50,000.00 from the General Capital Improvement Fund towards for the 2023 Licensed Site Remediation activities within municipal property.

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:

Regular Meeting Minutes – March 27, 2023

SECTION 1: The amount of \$50,000.00 is hereby appropriated from the General Capital Improvement Fund for the 2023 Licensed Site Remediation activities within municipal property for the Engineering Department.

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

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

Ms. Ehrlich moved that Ordinance 24-2023, 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. Ehrlich, Mr. Landrigan, Mr. Range, Mr. Haralampoudis
Nays: None
Absent: Ms. Coen

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

R 109-2023 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING MARISOL CAICEDO TO THE POSITION OF DEPUTY COURT ADMINISTRATOR

WHEREAS, the Morris/Sussex Vicinage Assistant Division Manager, Joint Municipal Court Administrator and Personnel Director have recommended that Marisol Caicedo be appointed to the position of Deputy Court Administrator; and

WHEREAS, the Madison Borough Council, after due consideration, has determined to appoint Marisol Caicedo to the position of Deputy Court Administrator in the Joint Municipal Court 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 Marisol Caicedo is hereby appointed to the position of Deputy Court Administrator of the Madison, Chathams and Morris Township Joint Municipal Court to be compensated at \$53,000.00 annually, effective upon her pending successful background

Regular Meeting Minutes – March 27, 2023

investigation and with the successful completion of a (3) three month probationary period.

R 110-2023 RESOLUTION OF THE BOROUGH OF MADISON APPROVING TEMPORARY SIGNS FOR THE MADISON EDUCATION FOUNDATION 5K RACE

WHEREAS, the Madison Education Foundation has requested permission to put up temporary signs advertising the Annual 5k Race on May 7, 2023; and

WHEREAS, the signs would be located throughout the Borough in the public-right-of-way, commencing on April 17, 2023 and removed by May 8, 2023; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough, in the County of Morris and the State of New Jersey that the request of the Madison Education Foundation to put up temporary signs for the Annual 5k Race as described herein from April 17, 2023 to May 8, 2023 is approved.

R 111-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE PERFORMANCE GUARANTEE FOR PARK VALLEY MADISON, LLC ON BLOCK 1501, LOT 4 (ALSO KNOWN AS 4 COMMUNITY PLACE)

WHEREAS, the Assistant Borough Engineer has recommended that the Performance Guaranty for a total of \$218,882.16 which is comprised of a Surety Bond in the amount of \$196,994.16 and cash in the amount of \$21,888.00 and a Safety and Stabilization Bond in the amount of 7,972.00, be released to Park Valley Madison, LLC and be replaced with a Cash Bond in the amount of \$7,500.00; and

WHEREAS, the Assistant Borough Engineer advises that the property is substantially complete with only minor site work remaining and which will be guaranteed with the \$7,500.00 Cash Bond.

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 Performance Guaranty described herein be released to Madison Park Valley, LLC.

R 112-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE SHARED SERVICE AGREEMENT WITH THE BOROUGH OF NEW PROVIDENCE TO PROVIDE COURTESY CONSTRUCTION INSPECTION SERVICES

WHEREAS, the Borough of Madison and the Borough of New Providence have agreed to enter into a Shared Service Agreement, wherein this agreement provides courtesy construction inspections services between Madison and New

Regular Meeting Minutes – March 27, 2023

Providence in accordance with the terms and conditions of the attached contract;
and

WHEREAS, the Madison Borough Council has determined to enter into the shared service 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 hereby authorize to execute on behalf of the Borough a Shared Service agreement with the Borough of New Providence for the provision of courtesy Construction Inspection Services, such agreement to be in a form approved by the Madison Borough Attorney.

R 113-2023 RESOLUTION OF THE BOROUGH OF MADISON APPROVING CONTRACT AWARD TO NORTHEAST PRODUCTS FOR ON-SITE LOG & BRUSH GRINDING SERVICES

WHEREAS, the Borough of Madison solicited bids for the On-Site Log & Brush Grinding Services for 2023, in accordance with the Local Public Contract Law; and

WHEREAS, the Qualified Purchasing Agent has recommended awarding the contract to Northeast Products for Log & Brush Grinding Services for 2023 in the amount of \$4,912.00, per day; and,

WHEREAS, the Chief Financial Officer has attested that the funds will be available for this purpose in the 2023 municipal budget (garbage and Trash Removal); and,

WHEREAS, the contract may be extended at the Borough's option for two additional years at the same daily rate, subject to available funding in the municipal budget for that extension period.

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 professional service contract with Northeast Products for On-Site Log & Brush Grinding Services for 2023 in an amount of \$4,912.00, per day such contract to be in a form approved by the Borough Attorney.
2. The Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough of Madison within (10 days of its adoption pursuant to N.J.S.A 40A:11-5.

Regular Meeting Minutes – March 27, 2023

R 114-2023 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING MS. HEATHER PROKOP AND MS. MARLENE MENDOZA TO THE TEMPORARY PART-TIME POSITION OF DEPUTY COURT ADMINISTRATOR

WHEREAS, the Joint Municipal Court Administrator has recommended that Ms. Heather Prokop and Ms. Marlene Mendoza be temporarily appointed to the part-time position of Deputy Court Administrator; and

WHEREAS, the Madison Borough Council, after due consideration, has determined to temporarily appoint Ms. Heather Prokop and Ms. Marlene Mendoza to the part-time position of Deputy Court Administrator in the Joint Municipal Court.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Ms. Heather Prokop and Ms. Marlene Mendoza are hereby appointed to the temporary part-time position of Deputy Court Administrator of the Madison, Chathams and Morris Township Joint Municipal Court to be compensated at \$30.00 per hour. The hours to be worked will be scheduled by the Joint Court Administrator on an as needed basis.

R 115-2023 SELF EXAMINATION OF THE MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *Borough of Butler* has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2017 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the *Borough of Butler* that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items

Regular Meeting Minutes – March 27, 2023

- f. Any inclusions of amounts required for school purposes.
- 2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
- 3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
- 4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
- 5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
- 6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

R 116-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RENEWAL OF A MEMORANDUM OF UNDERSTANDING WITH THE BOROUGH OF CHATHAM FOR STYROFOAM AND FOOD WASTE RECYCLING

WHEREAS, the Borough of Madison (“Borough”) wishes to renew a Shared Service Agreement with the Borough of Chatham facilitating Styrofoam recycling and food waste composting including compost bins located at the Kings Road parking at the Madison Department of Public works recycling center; and

WHEREAS, Chatham Borough residents will continue to bring Styrofoam and food scraps to the Madison Department of Public Works yard for recycling; and

WHEREAS, Madison residents will continue to have access to free compost and mulch at the Chatham Borough Milton Avenue yard; and

WHEREAS, the Borough Administrator recommends renewal of the 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 Raymond M.

Regular Meeting Minutes – March 27, 2023

Codey, Borough Administrator is hereby authorized to execute the attached Memorandum of Understanding.

R 117-2023 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY THE KNIGHTS OF COLUMBUS COUNCIL #2248

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 are hereby approved:

KNIGHTS OF COLUMBUS COUNCIL #2248

I.D. No. 149-6-43032

R.A. No. 1545 – On-Premise Arm Chair Race

Date of Raffle – May 19, 2023

R 118-2023 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RENEWAL OF AN AGREEMENT FOR INTERNET PROVIDER SERVICES WITH NJEDGE

WHEREAS, the Director of Information Technology has recommended that the Borough Council authorize renewal of the attached three year agreement for internet connection services with NJEdge of Newark, NJ; and

WHEREAS, the Madison Board of Education (BOE) has agreed to continue their funding participation at approximately 80% of the total contract cost and the Borough's renewal authorization is expressly contingent on BOE participation; and

WHEREAS, the Borough Administrator recommends that the Council approve 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 Administrator is hereby authorized to execute an addendum to renew an agreement with NJEdge of Newark NJ for internet provider services for a three year term.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mr. Hoover, seconded by Mr. Landrigan 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	\$4,405,729.81
General Capital Fund	171,604.60
Electric Operating Fund	475,560.12
Electric Capital Fund	3,201.42
Water Operating Fund	50,767.22

Regular Meeting Minutes – March 27, 2023

Water Capital Fund	0.00
Trusts	<u>22,553.95</u>
Total	<u>\$5,129,417.12</u>

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

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

Nays: None

Absent: Ms. Coen

NEW BUSINESS

Mayor Conley announced the following appointments and requested Council confirmation:

MADISON HOUSING AUTHORITY

Mary Sue Salko, Commissioner, Belmont Avenue, for an unexpired five year term through August 10, 2025

Mr. Range moved confirmation of the foregoing appointments. Mr. Landrigan 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 April 10, 2023 (EO)