CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 26th day of April, 2021. Mayor Conley called the meeting to order at 7:00 p.m. via Teleconference in the Council Chamber 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 7, 2021. 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:
Astri J. Baillie
Maureen Byrne
John F. Hoover
Debra J. Coen
Rachael Ehrlich
Robert Landrigan

Also Present:
Raymond M. Codey, Borough Administrator
James E. Burnet, Assistant Borough Administrator
Elizabeth Osborne, Borough Clerk
Matthew J. Giacobbe, Esq. Borough Attorney

AGENDA REVIEW

There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Ms. Byrne moved:

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

MINUTES FOR APPROVAL (1)
March 22, 2021
Date of public disclosure 60 days after conclusion, if disclosure required.

LITIGATION MATTERS (1)
AFFORDABLE HOUSING UPDATE
Date of public disclosure 60 days after conclusion, if disclosure required.
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CONTRACT MATTERS (1)
PM/REPAIR, TESTING & INSPECTION SERVICES FOR SUBSTATIONS BIDS
Date of public disclosure 60 days after conclusion, if disclosure required.

PERSONNEL MATTERS (2)
POLICE DEPARTMENT
DEPARTMENT HEAD COMPENSATION
Date of public disclosure 90 days after conclusion, if disclosure required.

Seconded: Ms. Baillie
Vote: Approved by voice vote

RECONVENE VIA TELECONFERENCE
Mayor Conley reconvened the Regular Meeting at 8 p.m. via teleconference with all members present. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES
Ms. Baillie moved approval of the Executive Minutes of March 22, 2021. Ms. Ehrlich seconded the motion, which passed with a unanimous voice call vote recorded.

GREETINGS TO PUBLIC
Mayor Coney noted the retirement of Police Chief Darren Dachisen thanking him for 30 years of service to the Borough.

Mayor Conley presented the following Proclamation to Borough Nurse Marlene Dolan:

Proclamation
of the
Borough of Madison

Recognizing
National Nurses Week
May 6 through May 12, 2021

WHEREAS, the health and well-being of people are the biggest priorities for our community; and

WHEREAS, in the Borough of Madison, nurses are an integral part of our healthcare system, serving residents of all ages with skill, knowledge, caring and commitment; and

WHEREAS, nurses have a unique perspective and a broad understanding of the concepts of good health; and

WHEREAS, May 6-12, 2021 has been designated as National Nurses Week to acknowledge and promote the contributions of nurses in our community; and
WHEREAS, Borough of Madison Public Health Nurse Supervisor, Marlene Dolan, BSN, has been dedicated to the well-being of Madison residents since 1994 and has been competently assisted by Jean Nash and in recent weeks, by Board of Education nurses Colette Crescas, Diane Fastiggi, Gerri Moran, Mary Jane Skordsinsky and Jackie Young; and

WHEREAS, the commitment and tireless efforts of these nurses as they manage the many health issues associated with the COVID-19 pandemic have been exemplary;

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby recognize the week of May 6-12, 2021 as National Nurses Week and encourage the citizens of Madison to acknowledge the many services provided by nurses and the tremendous contribution they make to the health of our residents and the well-being of our community every day.

_________________________________
Robert H. Conley, Mayor
April 26, 2021

REPORTS OF COMMITTEES

Public Safety
Ms. Byrne, Chair of the Committee, made the following comments:
The Fire Department has shipped surplus gear and equipment to the County Line Volunteer Fire Department located in Sylacauga, Alabama. They lost a lot of equipment and gear when a tornado hit them a month ago. The Fire Department would like to congratulate Chief Dachisen on his retirement and to thank him for all his help assistance over the years. Madison Police Department personnel, along with officers from five area police departments and the Morris County Sheriff's Office attended a presentation by Chief Assistant Prosecutor Brad Seabury of the Morris County Prosecutors Office regarding the new Marijuana Decriminalization & Cannabis Legalization legislation on April 15, 2021. Police personnel also received annual Arrest, Search & Seizure training by Madison Joint Municipal Court Municipal Prosecutor Maryann McCoy and Meg Rodriguez of the Morris County Prosecutors Office. Personnel participated in the Environmental Commissions of Madison, Chatham Borough and Chatham Township EV Expo to celebrate Earth Day. We showcased a hybrid patrol vehicle – Car 1706, our Electric Patrol pedal bicycle, and our electric scooter that police personnel use on our yearly Bottle Hill Day. A group of newly appointed police Corporals attended “Applied Leadership Principles” training on April 21, 2021.

Finance and Borough Clerk
Ms. Baillie, Chair of the Committee, made the following comments:
From the Borough Tax Collector, a reminder to resident to file for the Homestead Rebate program and second quarter property taxes are now due. The hearing for the 2021 municipal budget will be held later this evening.

Public Works and Engineering
Mr. Hoover, Chair of the Committee, made the following comments:
Mill and Overlay program will begin in Madison this week. Affected roads include Woodland Road (between Green Avenue and Loantaka Way), Linden, Independence, Bardon, Serpico, and North Streets (between East Street and Burnet
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Road). Notices have been posted on the Borough website and social media. The bid for reconstruction of Anthony Drive and Wayne Blvd was awarded and the contractor has discussed mid-May to begin work to Madison. Hartley Dodge Memorial Plaza restoration general contractor Merrill & Garaguso of Swedesboro, NJ will begin work in mid-May and continue through the summer. The Department of Public Works has completed sidewalk topsoil and mulch applications at the new Dodge Playground restroom building allowing for safe access by the many users of the playground. Plans are being completed for resurfacing and replacement of playground equipment this year and grant applications are being prepared for possible State reimbursement funding. Little League has resumed all activities. The Shade Tree Management Board is planning once again to hold Arbor Day festivities on May Day, May 1st. Madison has been named a ‘Tree City’ for the 36th year.

Community Affairs
Ms. Coen, Chair of the Committee, made the following comments:
May Day will resume this year with activities set for Saturday, May 1st. Taste of Madison will take place June 3rd to June 17th with restaurant passports, a 50/50 raffle and trick tray event. Cars and Coffee will be held on Kings Road Saturday, May 8th, hosted by Sunday Motor Company. The Chamber of Commerce will be presenting the Extra Mile Award on June 8th. A Hidden Figures event will be held at the Community Arts Center on June 5th.

Utilities
Ms. Ehrlich, Chair of the Committee, made the following comments:
The Electric Department has been working on the new compactor that Public Works is having installed at the Recycling Center. The installation is now complete and ready to be tested. The Department is currently upgrading the overloaded transformers in the Crestwood Drive section and replacing old poles on Delbarton Drive, Crestwood Drive, and Rosewood Drive. The Department has been working on Main Street at the site of the Burger King renovation. The contractor will be changing to underground electrical service, so the Department removed the overhead service and will be removing the primary cable from the parking lot. The Stand-by crew was called out on Wednesday, April 21st, to remove large tree limbs from the primary lines in front of 181 Central Avenue. The Emergency Generators at the Wells and Treatment Plants have all been tested and serviced for the 1st quarter of the year. The Water Department excavated multiple curb boxes, which were non-operational due to snowplow damage or age, to allow the homeowners to perform necessary plumbing repairs. A critical conservation reminder from the Water Department: Please install rain sensors in your electronic lawn sprinklers, or have your sensors checked and serviced, to help save water and not sprinkle lawns on rainy days. Reduce zone times to a minimum, because the water you use to have a green lawn is everyone’s drinking water.

Health
Mr. Landrigan, Chair of the Committee, made the following comments:
New Jersey Governor Phil Murphy announced that starting May 10th, capacity for dining and other indoor activates no longer restricted as long as safe distancing can be maintained. Mr. Landrigan noted that there have been a total of 812 cases of COVID-19 reported to date in Madison, with 19 active cases, indicating a sharp decline in Madison, Morris County and State wide.
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BUDGET HEARING
Mayor Conley opened the meeting to the public for their opportunity to ask questions and make comments on the proposed 2021 municipal budget.

Dennis Schreiber; Amelia Court, asked what the Borough would use federal relief funds for.

Laura Simone; Central Avenue, encouraged Council to replace two recently retired Firefighters.

Thomas Haralampoudis; Pomeroy Road, asked if the Open Space, Recreation and Historic Preservation fund is part of the municipal budget. Mr. Haralampoudis also asked that municipal services remain the same.

Chris Holland; Locust Street, inquired about an all access playground and why the project was moved to 2021.

Christine Boyle; Buckingham Drive, thanked the Mayor and Council for transparency with the budget process.

R 117-2021 RESOLUTION OF THE BOROUGH OF MADISON FINALLY ADOPTING THE 2021 BUDGET AND TAX RESOLUTION

Ms. Baillie thanked the CFO and Administrator for their work on the municipal budget, noting financial challenges during the pandemic. Mr. Burnet noted that presentations on the municipal budget are available on the Borough’s website. There was no further Council discussion, and the motion passed with the following roll call vote recorded:

Ms. Baillie moved approval of the 2021 municipal budget be adopted. Ms. Byrne seconded the motion, which passed with the following roll call vote recorded:

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

COMMUNICATIONS AND PETITIONS
The Borough Clerk announced receipt of the following communications:

Emails dated April 12, 2021 and April 21, 2021 from Melissa Elias, of Green Village Road, on behalf of MARE, regarding federal relief funding.

Email dated April 25, 2021 from Alix Jennings and Christine Preston regarding the Madison Police Department communication.

INVITATION FOR DISCUSSION (1 of 2)
Mayor Conley opened the meeting to the public for their opportunity to ask questions and make comments on those items listed on the Agenda only. Mayor asked that, upon recognition by the Meeting Moderator, each person give his/her name and address in an audible tone of voice, for the record. He/she shall limit his/her statement to three (3) minutes or less.
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_Thomas Haralampoudis; Pomeroy Road,_ asked if the Open Space, Recreation and Historic Preservation fund is part of the municipal budget. Mr. Haralampoudis also asked that municipal services remain the same.

_John Heenehan; Kensington Road,_ inquired about an all access playground at Dodge Field and why the project was moved to 2021.

_Chris Holland; Locust Street,_ asked what the relationship with the Borough and the Masonic Lodge and how it relates to Open Space Recreation and Historic Preservation funding.

_Denise Katz; Parkside Road,_ thanked Police Chief Darren Dachisen for his 30 years of service to the Borough and asked about the process to replace the Police Chief.

_Claire Whitcomb, Fairwood Road,_ suggested construction of new affordable housing include green construction.

_Dave Luber; Lawrence Road,_ noted his support to preserve the Masonic Lodge.

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

**AGENDA DISCUSSIONS**

**04/26/2021-1  AFFORDABLE HOUSING UPDATE - DEVELOPER SELECTION**

Mayor Conley noted that the Affordable Housing Committee reviewed proposals and selected a developer that the Council can conditionally designated to build affordable housing on Walnut Street and Community Place, noting the process. Borough Planner Susan Blickstein explained that this is the final step in the settlement process with the Fair Share Housing Center. RPM Development Group (“RPM”) has been conditionally designated for the development of a 44 unit affordable housing project (the “Project”) on the Civic Center site and the Community Place Site.

Resolution is 128-2021 is listed on the Consent Agenda.

**04/26/2021-2  ELECTRIC UTILITY INTERCONNECTION AGREEMENT**

Mr. Burnet provided information regarding an amendment to the interconnection agreement with JCP&L, noting the agreement will need to be finalized. Mr. Burnet noted the current IA dates back to 1993 and Borough Special Electric Utility Counsel has negotiated a new agreement. Three was no objection to listing a resolution on the Consent Agenda.

Resolution 129-2021 is listed on the Consent Agenda.

**ADVERTISED HEARINGS**

The Clerk made the following statement:

Ordinances scheduled for hearing tonight were submitted in writing at a Regular meeting of the Mayor and Council held on April 12, 2021, 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 14-2021**
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 190 OF THE MADISON BOROUGH CODE ENTITLED “WATER” TO UPDATE THE WATER CONNECTION FEE SCHEDULE

**WHEREAS**, the Borough Engineer and Borough Auditor have recommended that the Borough amend Chapter 190 of the Madison Borough Code entitled “Water” to include an updated water connection fee schedule; and

**WHEREAS**, Nisivoccia and Company, LLP, Certified Public Accountants and consultant to the Borough, has performed a study of the capital costs and interest on debt service together with the number of equivalent users at December 31, 2020, and based on such study has recommended a water connection fee in the amount of $4,119.00 for new customers; and

**WHEREAS**, such water connection fee is authorized by N.J.S.A. 40A:31-11 entitled “County and Municipal Water Supply”.

**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 190-11.2 of the Madison Borough Code, currently entitled “Connection fee” is hereby amended as follows:

§190-11.2 Connection fee

There shall be a water connection fee established in accordance with N.J.S.A. 40A:31-11 in addition to the fees for department services set forth in Section 190-33. The water connection fee effective July 1, 2021 shall be:

A. For single family dwelling units, $4,119.00, and for multiple dwelling units, $4,119.00 per unit.

B. In the case of any building or portion thereof to be used for industrial, commercial, educational or other than dwelling purposes, the Borough Engineer shall determine by accepted standards the number of units to be connected or added to an existing connection; where a unit equals an annual average daily flow of 245 gallons or fraction thereof: $4,119.00 per unit.
This fee shall, pursuant to statute, be recalculated at the end of each budget year and may be reset by ordinance of the Borough Council after public hearing, on a yearly basis. The water connection fee shall be payable in full to the Borough of Madison at the time a building water connection permit is issued for connection to the municipal water system by the Borough of Madison.

SECTION 2: This Ordinance shall take effect on July 1, 2021.

Mayor Conley opened up the public hearing on Ordinance 14-2021. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Ehrlich moved that Ordinance 14-2021, which was read by title, be finally adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yea: Ms. Baillie, Ms. Byrne, Mr. Hoover, Ms. Coen, Ms. Ehrlich, Mr. Landrigan

Nay: None

Mayor Conley declared Ordinance 14-2021 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 15-2021
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 155 OF THE MADISON BOROUGH CODE ENTITLED “SEWER” TO UPDATE THE SEWER CONNECTION FEE SCHEDULE

WHEREAS, the Borough Engineer and Borough Auditor have recommended that the Borough amend Chapter 155 of the Madison Borough Code entitled “Sewer” to include an updated sewer connection fee schedule; and

WHEREAS, Nisivoccia and Company, LLP, Certified Public Accountants and consultant to the Borough, has performed a study of the capital costs and interest on debt service together with the number of equivalent users at December 31, 2020, and based on such study has recommended a sewer connection fee in the amount of $6,484.00 for new customers; and

WHEREAS, such sewer connection fee is authorized by N.J.S.A. 40A:26A-11 entitled “Municipal and County Sewerage Facilities”.

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 155-4A of the Madison Borough Code, currently entitled “Connection expenses; responsibility for maintenance, repair and replacement of laterals” is hereby amended as follows:

§155-4 Connection fees; connection expenses; responsibility for maintenance, repair and replacement of laterals.

A. Sewer connection fees.
There shall be a basic connection fee established in accordance with N.J.S.A. 40A:26A-11. The sewer connection fee effective July 1, 2021 shall be:

1. For single-family dwelling units, $6,484.00, and for multiple dwelling units, $6,484.00 per unit.
2. In the case of any building or portion thereof to be used for industrial, commercial, educational or other than dwelling purposes, the Borough Engineer shall determine by accepted standards the number of units to be connected or added to an existing connection; where a unit equals an annual average daily flow of 262 gallons or fraction thereof: $6,484.00 per unit.

This fee shall, pursuant to statute, be recalculated at the end of each budget year and may be reset by ordinance of the Borough Council after public hearing, on a yearly basis. The sewer connection fee is based upon the usage of a single dwelling unit or equivalent discharge. The sewer connection fee shall be payable in full to the Borough of Madison at the time a building sewer permit is issued for connection to the public sanitary sewer by the Borough of Madison.

SECTION 2: This Ordinance shall take effect on July 1, 2021.

Mayor Conley opened up the public hearing on Ordinance 15-2021. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Ehrlich moved that Ordinance 15-2021, which was read by title, be finally adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Ms. Byrne, Mr. Hoover, Ms. Coen, Ms. Ehrlich, Mr. Landrigan
Nays: None
Mayor Conley declared Ordinance 15-2021 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 16-2021
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING $49,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF REPLACEMENT BENCHES AND RELATED ACCESSORIES

WHEREAS, the Director of Business Development has recommended that the Borough appropriate $49,000.00 from the General Capital Improvement Fund for the purchase of replacement benches, and related accessories to be located in the downtown; 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 $49,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate $49,000.00 from the General Capital Improvement Fund for the purchase of replacement benches and related accessories.

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 $49,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of replacement benches and related accessories, to be located in the downtown.

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.

Mayor Conley opened up the public hearing on Ordinance 16-2021.

Thomas Haralampoudis; Pomeroy Road, commented on the purchase of new benches for downtown and asked that garbage cans be replaced. Since no other member of the public wished to be heard, the public hearing was closed.

Ms. Coen moved that Ordinance 16-2021, 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: Ms. Baillie, Ms. Byrne, Mr. Hoover,
       Ms. Coen, Ms. Ehrlich, Mr. Landrigan
Nays: None
Mayor Conley declared Ordinance 16-2021 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 17-2021
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING $95,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR HVAC, HEATING AND BOILER REPAIRS AND IMPROVEMENTS AT THE HARTLEY DODGE MEMORIAL

WHEREAS, the Assistant Borough Administrator/CFO has recommended that the Borough appropriate $95,000.00 from the General Capital Improvement Fund for HVAC, heating and boiler repairs and improvements at the Hartley Dodge Memorial; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed $95,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate $95,000.00 from the General Capital Improvement Fund for HVAC heating and boiler repairs and improvements at the Hartley Dodge Memorial.

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

SECTION 1: The amount of $95,000.00 is hereby appropriated from the General Capital Improvement Fund for HVAC, heating and boiler repairs and improvements at the Hartley Dodge Memorial.

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

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

Mayor Conley opened up the public hearing on Ordinance 17-2021. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Hoover moved that Ordinance 17-2021, which was read by title, be finally adopted. Ms. Coen seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Ms. Byrne, Mr. Hoover, Ms. Coen, Ms. Ehrlich, Mr. Landrigan

Nays: None

Mayor Conley declared Ordinance 17-2021 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.
INVITATION FOR DISCUSSION (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.

Thomas Haralampoudis; Pomeroy Road, asked Mayor Conley to schedule an informal town hall meeting and suggested Council refer to a 2005 sports field evaluation plan prepared by T & M Associates. Mr. Haralampoudis also asked that federal relief funds be used in a positive way.

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 May 10, 2021 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 18-2021 ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 34 OF THE BOROUGH CODE ENTITLED: POLICE DEPARTMENT” AMENDING PROCEDURES FOR REVIEW OF THE RANKING OF CANDIDATES

WHEREAS, the Mayor and Council of the Borough of Madison support and encourage efficiency within the Madison Police Department; and

WHEREAS, the Mayor and Council of the Borough of Madison have determined that it would be in the best interest of the citizens of the Borough to establish a promotion practice based upon merit for the positions of Police Chief, Captain, Lieutenant and Sergeant when there is a vacancy in said position; and

WHEREAS, the Borough of Madison further desires to establish appropriate hiring criteria based on merit, experience, moral character and sufficient physical health when hiring police officers;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Madison as follows:

Chapter 34 of the Code of the Borough of Madison entitled “Police Department” is hereby amended as follows:
SECTION 1: Article 34-2 APPOINTMENT

The Mayor and Council reserve the right to waive the written examination and/or oral examination by the outside entity for the ranks of Captain and Lieutenant when the eligible candidates has previously participated in and passed written examination and oral examination for a supervisory position with the Borough of Madison Police Department.

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

Ms. Byrne moved that Ordinance 18-2021, which the Borough Clerk read by title, be adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

ORDINANCE 19-2021 AN ORDINANCE AMENDING REGULATIONS PERTAINING TO THE AFFORDABLE HOUSING TRUST FUND IN ARTICLE VIII, AFFORDABLE HOUSING DEVELOPMENT FEES, SECTION 195-46

Section 1. Article VIII. Affordable Housing Development Fees, Section 195-46. Fees; exemptions; collection; housing trust fund; use of fees. Additions are shown as thus; deletions are shown as thus.

...  
I. Affordable Housing Trust Fund.  

...  
(2) Within seven days from the opening of the trust fund account, the Borough of Madison shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:94-6.16(b).

(3) No funds shall be expended from the affordable housing trust fund unless the expenditure conforms to a spending plan approved by COAH Superior Court. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH or Superior Court.

....  
J. Use of Funds  

...  
(3) (b) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the third round municipal fair share plan to make them affordable to households earning 30% or less of median income. The use of development fees in this manner shall entitle the Borough of Madison to bonus credits pursuant to N.J.A.C. 5:94-4.22.

(4) The Borough of Madison may contract with a private or public entity to administer any part of its housing element and fair share plan,
including the requirement for affordability assistance, in accordance with N.J.A.C. 5:94-7.

(5) No more than 20% of the revenues collected from development fees each year shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a housing element and fair share plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH’s unit, program and trust fund monitoring requirements. Development fee administrative costs are calculated and may be expended at the end of each year or upon receipt of the fees.

(k) Monitoring. The Borough of Madison shall complete and return to COAH all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH. an annual Mount Laurel Trust Fund accounting report to the New Jersey Department of Community Affairs, Council on Affordable Housing, Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to FSHC and the service list in this matter and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The CTM system shall also be used for this purpose if possible.

Ms. Byrne moved that Ordinance 19-2021, which the Borough Clerk read by title, be adopted. Mr. Landrigan seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

INVITATION FOR DISCUSSION (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.

Since no member of the public wished to be heard, the invitation for discussion was closed.
CONSENT AGENDA RESOLUTIONS
The Clerk made the following statement:
Consent Agenda Resolutions will be enacted with a single motion; any Resolution requiring expenditure is supported by a Certification of Availability of Funds; any Resolution requiring discussion will be removed from the Consent Agenda; all Resolutions will be reflected in full in the minutes.

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

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

R 118-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING APPOINTMENT OF LIEUTENANT JOHN MISCIA TO THE POSITION OF ACTING POLICE CHIEF EFFECTIVE APRIL 26, 2021

WHEREAS, Police Chief Darren Dachisen, by letter dated March 22, 2021, notified the Borough of his intention to retire effective April 26, 2021 after 30 years of service with his terminal leave to commence immediately and end on February 1, 2022, and

WHEREAS, the Borough hereby accepts Chief Dachisen’s irrevocable retirement and in reliance thereon is hereby appointing Lieutenant John Miscia as Acting Police Chief, during Chief Dachisen’s terminal leave period and pending completion of the promotional process for the position of Police Chief.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Lieutenant John Miscia is hereby appointed to the position of Acting Police Chief, effective April 26, 2021 through February 1, 2022.

BE IT FURTHER RESOLVED that the permanent appointment of Police Chief, to be effective February 1, 2022, will be determined through a formal process adopted by ordinance, which will include, but not be limited to, a psychological examination process administered by an appropriate psychologist, record review and interview with the governing body.

R 119-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING APPOINTMENT OF LIEUTENANT JOSEPH LONGO TO THE POSITION OF POLICE ACTING CAPTAIN IN THE MADISON POLICE DEPARTMENT

WHEREAS, the position of Captain in the Madison Police Department is currently vacant; and

WHEREAS, the Borough Administrator has recommended that Lt. Joseph
Longo be promoted to the position of Acting Captain in the Police Department pending the completion of the promotional process for the position; and

WHEREAS, the Borough Council has considered the recommendation and information submitted regarding this Acting appointment; and

WHEREAS, after due consideration, the Borough Council has determined to appoint Lt. Joseph Longo to the position of Acting Captain, pending the completion of the promotional process for the position.

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey that Lt. Joseph Longo, of Madison, New Jersey is hereby appointed to the position of Acting Captain in the Madison Police Department, pending the completion of the promotional process for the position.

R 120-2021 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING RENATO FAMARATO CAPILLAS, JR. TO THE POSITION OF POLICE OFFICER

WHEREAS, the Borough Administrator has recommended that Renato Famarato Capillas, Jr. be appointed to the position of Police Officer in the Madison Police Department; and

WHEREAS, the Madison Borough Council, after due consideration, has determined to appoint Renato Famarato Capillas, Jr. to the position of Police Officer in the Madison Police Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Renato Famarato Capillas, Jr. is hereby appointed to the position of Police Officer in the Madison Police Department, to be compensated in accordance with the Police Benevolent Association Collective Bargaining Agreement. This appointment is subject to all terms and conditions of the attached executed conditional offer of employment dated April 6, 2021.

R 121-2021 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING VINCENT J. DILANDRO TO THE POSITION OF POLICE OFFICER

WHEREAS, the Borough Administrator has recommended that Vincent J. DiLandro be appointed to the position of Police Officer in the Madison Police Department; and

WHEREAS, the Madison Borough Council, after due consideration, has determined to appoint Vincent J. DiLandro to the position of Police Officer in the Madison Police Department.
NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Vincent J. DiLandro is hereby appointed to the position of Police Officer in the Madison Police Department, to be compensated in accordance with the Police Benevolent Association Collective Bargaining Agreement. This appointment is subject to all terms and conditions of the attached executed conditional offer of employment dated April 15, 2021.

R 122-2021 RESOLUTION OF THE COUNCIL OF THE BOROUGH OF MADISON ADOPTING AN “AFFIRMATIVE MARKETING PLAN” FOR THE BOROUGH OF MADISON

WHEREAS, in accordance with applicable Council on Affordable Housing (“COAH”) regulations, the New Jersey Uniform Housing Affordability Controls (“UHAC”) (N.J.A.C. 5:80-26., et seq.), and the terms of an Amended Settlement Agreement between the Borough of Madison and Fair Share Housing Center (“FSHC”), which was entered into as part of the Borough’s Declaratory Judgment action entitled In the Matter of the Application of the Borough of Madison, County of Morris, Docket No. MON-L-5604-05, which was filed in response to Supreme Court decision In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015)(“Mount Laurel IV”), the Borough of Madison is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 2, the COAH Housing Region encompassing the Borough of Madison.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Madison, County of Morris, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

A. All affordable housing units in the Borough of Madison shall be marketed in accordance with the provisions herein.

B. The Borough of Madison has a plan to address both its Prior Round Obligation (1987-1999) and its Third Round Obligation (1999-2025). This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low, low and moderate income units, including those that are part of the Borough’s Housing Element and Fair Share Plan, and those that may be constructed in future developments not yet anticipated by the Housing Element and Fair Share Plan.

C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Borough of Madison, or the Administrative
Agent of any specific developer. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Borough Administrative Agent.

D. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low, low and moderate income housing units are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.

E. In implementing the Affirmative Marketing Plan, the Administrative Agent, whether acting on behalf of the Borough of Madison or on behalf of a specific developer, shall undertake, at the minimum, all of the following strategies:

1. Publication of an advertisement in one or more newspapers of general circulation within the housing region.

2. Broadcasting of an advertisement by a radio or television station broadcasting throughout the housing region.

3. At least one additional regional marketing strategy using one of the other sources listed below.

F. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Borough of Madison is located in COAH Housing Region 2, consisting of Morris, Essex, Union and Warren Counties.
G. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:

1. All newspaper articles, announcements, and requests for applications for very low, low- and moderate-income units shall appear in the *Star Ledger*.

2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers the first week of the marketing program and each month thereafter until all units are leased or sold. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.

3. All newspaper articles, announcements, and requests for applications for very low, low- and moderate-income units shall also be posted on the New Jersey Housing Resource Center’s website (www.njhrc.gov).

4. The advertisement shall include a description of the:
   a. Location of the units;
   b. Directions to the units;
   c. Range of prices for the units;
   d. Size, as measured in bedrooms, of units;
   e. Maximum income permitted to qualify for the units;
   f. Location of applications;
   g. Business hours when interested households may obtain an application;
   h. Application fees.

5. The following regional cable television stations or regional radio stations shall be used. The developer must provide satisfactory
proof of public dissemination on at least one of the following stations (must cover entire region):

a. 13 WNET Educational Broadcasting Corporation

b. 50 WNJN New Jersey Public Broadcasting Authority

c. Cablevision of Morris

d. Comcast of NJ

e. Comcast of Northwest NJ

f. WOR 710

g. WABC 770

h. WCAA 105.9

i. WBLS 107.5

j. WPRB 103.3

H. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:

1. Madison Municipal Building

2. Madison Borough Web Site

3. Madison Library

4. Developer’s Sales/Rental Offices

5. Essex County Administration Building

6. Morris County Administration Building

7. Union County Administration Building

8. Warren County Administration Building
9. Essex County Library (all branches).

10. Morris County Library (all branches)

11. Union County Library (all branches)

12. Warren County Library (all branches)

I. Applications shall be mailed by the Borough’s Administrative Agent and Municipal Housing Liaison, or by the Administrative Agent of any specific developer, to prospective applicants upon request. Also, applications shall be available at the developer’s sales/rental office and multiple copies of application forms shall be mailed to Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002); the New Jersey State Conference of the NAACP; the Latino Action Network (P.O. Box 943, Freehold, NJ 07728); East Orange NAACP (P.O. Box 1127, East Orange, NJ 07019), Newark NAACP (PO Box 1262, Newark NJ 07101), Morris County NAACP (PO Box 2256, Morristown, NJ 07962), Elizabeth NAACP (PO Box 6732, Elizabeth NJ 07206), Housing Partnership of Morris County, Community Access Unlimited, Inc., NORWESCAP, Homeless Solutions of Morristown, the Supportive Housing Association, Affordable Housing Professionals of NJ, and the New Jersey Housing Resource Center.

J. The Borough’s Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organization(s) in Morris, Essex, Union and Warren Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers.

1. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

   Essex County Board of Realtors
   Morris County Board of Realtors
   Union County Board of Realtors
   Warren County Board of Realtors

2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the Counties of Morris, Essex, Union and Warren:

   Welfare or Social Service Board (via the Director)
   Rental Assistance Office (local office of DCA)
3. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Attachment A, Part III, Marketing, Section 3e.

J. A random selection method to select occupants of very low, low- and moderate-income housing will be used by the Borough’s Administrative Agent, or the Administrative Agent of any specific developer, in conformance with N.J.A.C. 5:80-26.16 (l). This Affirmative Marketing Plan provides a regional preference for very low, low and moderate income households that live and/or work in COAH Housing Region 2, which is comprised of Morris, Essex, Union and Warren Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low, low and moderate income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the Borough prior to the affirmative marketing of the units.

K. The Borough’s Administrative Agent, or the Administrative Agent of any specific developer, shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low, low and moderate income households; to place income eligible households in very low, low and moderate income units upon initial occupancy; to provide for the initial occupancy of very low, low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low, low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26-1, et seq.

L. The Borough’s Administrative Agent, or the Administrative Agent of any specific developer, shall provide or direct qualified very low, low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.

M. All developers/owners of very low, low and moderate income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Borough’s Administrative Agent.
N. The Borough’s Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C. 5:80-26-1, et seq.

BE IT FURTHER RESOLVED that the appropriate Borough officials and professionals are authorized to take all actions required to implement the terms of this Resolution and attached Exhibit A.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

R 123-2021 RESOLUTION OF THE BOROUGH OF MADISON SETTING SALARIES FOR FULL-TIME NON-UNION PERSONNEL

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following persons be compensated at the proposed annual salary, to be effective January 1, 2021.

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<tr>
<th>POSITION AND NAME</th>
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<th>PROPOSED</th>
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<td>Burnet, James, Chief Financial Officer/Asst Admin</td>
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<td>Codey, Raymond M., Borough Administrator</td>
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<td>Dachisen, Darren, Police Chief</td>
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<td>DeRosa, Louie E., III, Fire Chief</td>
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<td>Mattina, James, Electric Utility Superintendent</td>
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<tr>
<td>O’Brien, Kenneth, Director of Public Works</td>
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<td>Osborne, Elizabeth, Borough Clerk</td>
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<td>$104,859.00</td>
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<td>Sanderson, James, Director of Technology</td>
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<td>$ 97,042.00</td>
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<td>Vogel, Robert, Municipal Engineer</td>
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R 124-2021 RESOLUTION OF THE BOROUGH OF MADISON AWARDING A CONTRACT FOR PREVENTIVE MAINTENANCE, TESTING AND INSPECTION SERVICES TO AMERICAN ELECTRICAL TESTING CO. INC.

WHEREAS, the Borough of Madison publicly advertised for bids for preventive maintenance, testing and inspection services in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Borough received two bids and after conducting a responsibility hearing, the apparent low bidder, North Central Electric of Hulmesville, PA was found to be unable to satisfy the required response time and therefore their bid is rejected; and

WHEREAS, the second bid submitted by American Electrical Testing Co. LLC is deemed the lowest, responsible and responsive bidder in the amount of $131,325.00 billed at $43,775.00 per year for a three year period; and

WHEREAS, the Borough Attorney, Acting Purchasing Agent and Borough Electric Utility Superintendent have recommended that the Borough Council award
the contract for preventive maintenance, testing and inspection services to American Electrical Testing Co. LLC in the amount of $131,325.00 billed at $43,775.00 per year for a three year period; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed $131,325.00 billed at $43,775.00 per year for this purpose with funding from the Electric Utility operating budget in 2021, 2022 and 2023; and

WHEREAS, the Borough Council has determined that the bid for preventive maintenance, testing and inspection services be awarded to American Electrical Testing Co. LLC

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

1. The contract for preventive maintenance, testing and inspection services is hereby awarded to American Electrical Testing Co. LLC for a period of three years in the amount of $131,325.00 billed at $43,775.00 per year.

2. The Mayor and Borough Clerk are authorized and directed on behalf of the Borough to enter into a contract with American Electrical Testing Co. LLC in a form acceptable to the Borough Attorney.

R 125-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF A NEW JERSEY HISTORIC TRUST FUND GRANT APPLICATION FOR RESTORATION OF THE MADISON MASONIC LODGE NO.93

WHEREAS, the governing body of the Borough of Madison desires to further historic preservation by applying for a grant from the New Jersey Historic Trust Fund for renovation of the Madison Masonic Lodge No.93.

WHEREAS, the Borough Council has determined it is appropriate to authorize the Mayor and Clerk to submit a Grant application to the New Jersey Historic Preservation Trust Fund Grant Program in connection with architectural plans previously completed for renovation of the Madison Masonic Lodge No.93; and

WHEREAS, in the event the State grant is approved, the Borough of Madison will provide the required matching funds.

NOW THEREFORE BE IT RESOLVED, the governing body authorizes the Mayor and Borough Clerk to submit the referenced grant application; and if awarded a grant, to execute a grant agreement with the State of New Jersey and any other
document required to effectuate grant disbursement and to provide the required matching funds.

R 126-2021 RESOLUTION OF THE BOROUGH OF MADISON APPROVING SPECIAL EVENT PERMIT FOR THE ‘CARS & COFFEE: PORSCHE SHOWCASE’ TO BE HELD ON KINGS ROAD SUNDAY, MAY 8, 2021

WHEREAS, the Downtown Development Commission has requested permission to close a portion of Kings Road to hold a “Cars & Coffee: Porsche Showcase” to celebrate the 70-year evolution of the brand’s flagship model, on Saturday, May 8, 2021; and

WHEREAS, the event will be held along Kings Road between Green Village Road and 14 Kings Road, during the hours of 9:00 a.m. and 12:00 p.m.; and

WHEREAS, Police Chief Dachisen recommends approval of this request.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the request of the Downtown Development Commission to hold a “Cars & Coffee: Porsche Showcase” on Saturday, May 8, 2021, as described herein is hereby approved, subject to any safety requirements imposed by the Madison Police Department.

R 127-2021 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY THE ROTARY CLUB OF MADISON

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

ROTARY CLUB OF MADISON
I.D. NO. 274-8-42881
R.A. No. 1510 Off-premise 50/50
R.A. No. 1511 On Premise Merchandise
June 17, 2021

R 128-2021 RESOLUTION OF THE BOROUGH OF MADISON CONDITIONALLY DESIGNATING A DEVELOPER FOR 28 WALNUT STREET, BLOCK 1601, LOT 42 (CIVIC CENTER SITE) AND BLOCK 16.01 LOT 1.01 (COMMUNITY PLACE SITE) SUBJECT TO EXECUTION OF A DEVELOPER AGREEMENT AND OTHER DOCUMENTS

WHEREAS, pursuant to a Settlement Agreement reached on August 10, 2020 in litigation entitled In the Matter of the Borough of Madison, County of Morris, Docket No. MRS-L-1694-15, the Borough has agreed to construct a 100% affordable housing development consisting of at least 40 units; and
WHEREAS, the Mayor and Council of the Borough of Madison have previously taken formal action (i) declaring the property at 28 Walnut Street (the “Civic Center Site”) as an area in need of rehabilitation pursuant to N.J.S.A. 40A:12A-14; (ii) adopting a Redevelopment Plan for the Civic Center Property pursuant to N.J.S.A. 40A:12-7; (iii) declaring the property at the end of Community Place, Block 1601, Lot 1.01, (the “Community Place Site”) as an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-6 and (iv) adopting Redevelopment Plan for the Community Place Site property pursuant to N.J.S.A. 40A:12-7; and

WHEREAS, the Borough issued a Request for Qualifications (“RFQ”) to thirty-one (31) affordable housing developers, and nine (9) developers submitted their qualifications; and

WHEREAS, the Borough issued a Request for Proposals (“RFP”) to six (6) of the developers that responded to the RFQ; and

WHEREAS, all six (6) firms responded to the RFP, and after proposal review, the field was reduced to four (4) potential developers; and

WHEREAS, after extensive detailed interviews and review of supplemental submissions, the Borough’s Housing Committee, in consultation with the Borough’s planners and financial consultants, recommended that RPM Development Group (“RPM”) be conditionally designated for the development of a 44 unit affordable housing project (the “Project”) on the Civic Center site and the Community Place Site; and

WHEREAS, the governing body has concluded that it is in the best interest of the Borough to conditionally designate RPM as developer to implement the Project, expressly subject to the negotiation and execution of the Developer Agreement and PILOT Agreement for the properties and other related documents.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Madison that:

1. The RPM Development Group is hereby conditionally designated as developer of the Civic Center Site and the Community Place Site, expressly subject to (i) final negotiation and execution of a Developer Agreement for the Project by May 10, 2021 (which shall include a commitment to apply for 9% tax credits in the 2021 NJHMFA cycle, on or prior to August 31, 2021 and 2022 cycle if needed by NJHMFA filing deadline) and or 4% tax credits as directed by the Borough’s financial consultant (Nassau Capital Advisors); and (ii) execution of an Agreement for Payments in Lieu of Taxes (“PILOT”) no later than May 10, 2021.
2. The Mayor and Borough Administrator are hereby authorized to take any and all other action needed to effectuate the purposes of this Resolution.

R 129-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXECUTION OF AN INTERCONNECTION AGREEMENT WITH NEW JERSEY CENTRAL POWER & LIGHT (JCP&L)
WHEREAS, the Borough of Madison previously entered into an Interconnection Agreement (IA) with New Jersey Central Power & Light (JCP&L) to deliver energy and manage feeder lines in the Borough of Madison; and

WHEREAS, the current IA dates back to 1993 and Borough Special Electric Utility Counsel has negotiated a new agreement; and

WHEREAS, the Assistant Borough Administrator/CFO has recommended the Council authorize execution of the Interconnection Agreement with JCP&L for said services.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the Mayor and Borough Clerk be authorized to enter into an Interconnection Agreement (IA) with JCP&L and their parent Company First Energy (FE) for energy delivery and feeder management as described herein in such form approved by the Electric Utility Special Counsel and the Assistant Borough Administrator/CFO.

R 130-2021 RESOLUTION OF THE BOROUGH OF MADISON APPROVING TEMPORARY SIGNS FOR MADISON EDUCATION FOUNDATION

WHEREAS, the Madison Education Foundation (MEF) has requested permission to put up temporary signs advertising a virtual 5K race for the month of May, 2021 at various location through town; and

WHEREAS, up to six (6) signs would be posted commencing on or about May 1, 2021 and removed by June 1, 2021; and

WHEREAS, the Assistant Borough Administrator/CFO has recommended that temporary sign regulations be waived to permit said activity.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the request of the Madison Education Foundation (MEF) to put up temporary signs as described herein for the month of May, is approved.

R 131-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF RECYCLING TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and
WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the Borough of Madison to apply for such tonnage grants will memorialize the commitment of the Borough of Madison to recycling and affirms the assent of the Council of the Borough of Madison, to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Borough of Madison hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling, and hereby designates Kenneth L. O'Brien, Director of Public Works, CPWM/Certified Municipal Recycling Coordinator of the Borough of Madison, as the individual authorized to ensure that said Application is properly filed.

R 132-2021 RESOLUTION OF THE BOROUGH OF MADISON CERTIFYING SUBMISSION OF EXPENDITURE FOR RECYCLING TAXES PURSUANT TO P. L. 2007, CHAPTER 311

WHEREAS, the Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and
WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax (REA) of $3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the “Local Public Contracts Law”, the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW, THEREFORE, BE IT ORDAINED, by the Borough of Madison that the Borough of Madison hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2020 in the amount of $15,385.74. Documentation supporting this submission is available at Borough of Madison, Hartley Dodge Memorial Building, 50 Kings Rd, Madison, NJ 07940, and shall be maintained for no less than five years from this date. The REA Tax has been certified by Kenneth L. O’Brien, Director of Public Works, CPWM/ Certified Municipal Recycling Coordinator.

R 133-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING DEVELOPER'S AGREEMENT BETWEEN THE BOROUGH OF MADISON AND PARK VALLEY MADISON, LLC, BLOCK: 1501, LOT: 4, 4 COMMUNITY PLACE

WHEREAS, Park Valley Madison, LLC ("Developer") is the owner of certain property in the Borough of Madison designated as Tax Block 1501, Lot 4 on the current Tax Map of the Borough (the “Property”); and

WHEREAS, Developer obtained from the Madison Borough Board of Adjustment approvals for construction of a 16-unit apartment building including two Affordable units and 819 square feet of ground floor office space on the Property by Resolution adopted on November 17, 2020, which provided for execution of a Developer's Agreement with the Borough; and

WHEREAS, Keith Loughlin, Esq. has recommended that the attached Developer's Agreement concerning the Property be entered into upon approval of the form and substance of the Agreement by the Borough Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and the State of New Jersey, that the attached Developer's Agreement between Park Valley Madison, LLC and the Borough of Madison is hereby approved subject to the approval of the Borough Attorney, and
the Mayor and Borough Clerk are hereby authorized and directed on behalf of the
Borough to execute the Developer’s Agreement.

**UNFINISHED BUSINESS** - None

**APPROVAL OF VOUCHERS**
On motion by Ms. Baillie, seconded by Ms. Byrne 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.

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<th>Amount</th>
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<td>Electric Operating Fund</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$5,603,053.24</strong></td>
</tr>
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The following roll call vote was recorded approving the aforementioned vouchers:

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

**NEW BUSINESS**
Mayor Conley announced the following appointment:

**MADISON HOUSING AUTHORITY COMMISSIONER**
**Caridad Reyes** of Community Place for an unexpired term (Johnson) through August 10, 2024.

**ADJOURN**
There being no further business to come before the Council, the meeting was
adjourned at 10:15 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved May 24, 2021 (EO)