

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

July 13, 2020 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 13th day of July, 2020. Mayor Conley called the meeting to order at 5:30 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 10, 2020. 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:

Carmela Vitale

Astri J. Baillie

Maureen Byrne

John F. Hoover

Debra J. Coen

Rachael Ehrlich

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. Baillie moved:

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

MINUTES FOR APPROVAL (1)

June 8, 2020

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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PERSONNEL MATTERS (4)
EXECUTIVE ASSISTANT
CONFIDENTIAL SECRETARY - FINANCE DEPARTMENT
DEPUTY BOROUGH CLERK
SETTLEMENT AGREEMENT

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

ATTORNEY-CLIENT PRIVILEGE (1)
MUNICIPAL ID PROGRAM

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

Seconded: Mrs. Vitale
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.

Mayor Conley asked that a moment of silence be observed for the passing of the following Madison residents:

Vincent Hynes- WWII veteran of Normandy invasion.
Janet Iossa – longtime resident and owner of Rocco's Tuscan Grill
Mary Solerno – lifelong resident and Borough crossing guard.
Phil Russo – owner of Quality Maintenance

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Executive Minutes of June 8, 2020**. Mrs. Vitale seconded the motion, which passed with a unanimous voice call vote recorded.

Ms. Baillie moved approval of the **Regular Meeting Minutes of June 8, 2020**. Mrs. Vitale seconded the motion, which passed with a unanimous voice call vote recorded.

GREETINGS TO PUBLIC

Mayor Conley made the following comments:
Mayor Conley noted personal care and other non-essential businesses have re-opened with safety protocols. Residents are asked to join a Community Conversation regarding racial injustice in Madison, on Saturday, July 18th, at Dodge Field. Mayor Conley also noted two ordinances listed for introduction, necessary for the Borough's Affordable Housing litigation. More information will be provided at a later meeting.

EMPLOYEES OF THE MONTH FOR JULY:

Jenna Landrigan, part-time in the Tax Assessor's Office and Building Department

REPORTS OF COMMITTEES

Finance and Borough Clerk

Mrs. Vitale, Chair of the Committee, made the following comments:
Estimated tax bills were ailed June 29th for the 3rd quarter taxes only. The CFO has noted that the User Friendly Budget has been submitted to the State and is available on rosenet.org. Mrs. Vitale thanked the members of the Audit Committee

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for their review of the 2019 municipal audit, noting that they are very pleased with the audit.

Public Safety

Ms. Baillie, Chair of the Committee, made the following comments:
During the past month the Madison Police Department has handled approximately 1,712 incidents/calls for service. Some of these events include four thefts, two assaults, seven frauds investigations, twenty-two disorderly conduct calls. Residents are reminded to secure their vehicles due to recent motor vehicle thefts and car burglaries within Madison and surrounding jurisdictions. The Fire Department continues annual inspections of all equipment. The Planning Board is in the process of updating the new Master Plan and invites residents to the July 29th meeting to discuss the finding of the recent master Plan survey.

Public Works and Engineering

Ms. Byrne, Chair of the Committee, made the following comments:
Midwest Construction advanced curb, drainage and sidewalk work on Glenwild Road and will likely complete work in the next two weeks. Milling and paving work on Glenwild Road will be completed within 30 days and before the start of school. Storm sewers on Albright Circle and Beverly Road will be initiated within two weeks. Cifelli & Son Contracting has indicated they will mobilize on Burnett Road this week. Dodge Field Restroom Building construction work will also be initiated by AB Contracting Inc. this week. Videoconferencing tools were used to hold public meetings of the Planning Board on July 7th and for the Zoning Board on July 9th in response to the Governor's State of Emergency declaration.

Community Affairs

Mr. Hoover, Chair of the Committee, made the following comments:
As of July 6th, medium risk contact sports, such as softball, basketball, soccer can resume. The Downtown Concert Series will go on this summer following social distancing and mask requirements. The first concert has been rescheduled for Friday, July 17th. The concerts are held at the Museum of Early Trades & Crafts on Green Village Road. Guests will be asked to bring their own chairs. The Madison Farmers Market is open, every Thursday through November 19th. The Market is located at Dodge Field. The hours will remain the same, 2:00 to 7:00 p.m. Customer health and safety guidelines are posted at the entrances.

Health

Ms. Coen, Chair of the Committee, made the following comments:
A Community Conversation group meeting will be held at Dodge Field on Saturday, July 18th to further the conversation of racial injustice in Madison. Leaders in the Madison Community will begin the conversation. Masks are required. All are welcome. The Phase 2 reopening continues, with no new cases of COVID19 reported in the Borough. The Governor has issued out of state advisories, asking residents to self-quarantine if traveling from certain States. Residents are reminded to continue social distancing, wear face masks, wash your hands often, don't touch your face and parents are asked to help set an example for their children.

Utilities

Ms. Ehrlich, Chair of the Committee, made the following comments:
On Monday, June 22nd, the Stand-by Crew was called out for two calls, one for No Power at Overhill Road. The L Tap Connector burned, the second call was for No Power on Vinal Place. The Transformer lid had blown off from overload and excessive heat. The Stand-by Crew was called out for Partial Power at 73

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Shadylawn Drive. The transformer had to be replaced and a large lightning storm came through and opened multiple fuses and broke the primary line on Noe Avenue. Full power was restored within 2.5 hours. On Monday, July 6th, a strong storm dropped out the Main Feeders from JCP&L, due to a tree falling on the lines. Currently, the Electric Utility staff is upgrading the secondary wire, cable, equipment, etc. on Buckingham Drive. Tree trimming is progressing nicely. The Water Department reports that the Lead Service Line Replacement Program is ongoing. Lead services or service lines with a lead goose neck are being replaced. Two such services were replaced on Loantaka Way last week. Approximately 5% of the services left in town are lead. On Tuesday, July 7th, a 6" water main ruptured at 124 Kings Road due to a power failure. The on and off electrical power causes a water hammer as the well pumps start and stop. The Department responded to the call to shut down the broken main, excavate, and make all necessary repairs.

COMMUNICATIONS AND PETITIONS - None

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.**

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

AGENDA DISCUSSIONS

07/13/2020-1 2019 MUNICIPAL AUDIT AND CORRECTIVE ACTION PLAN
Mr. Burnet explained the 2019 Audit findings and corrective action plan noting one exception due to segregation of duties in the finance office. Ms. Valerie Dolan of Nisivoccia agreed that 70 out of the 75 municipalities audited by her firm have a similar audit finding.

Resolution 188-2020 and 189-2020 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 June 22, 2020, 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 19-2020
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER
190 OF THE MADISON BOROUGH CODE ENTITLED "WATER" TO
UPDATE THE WATER CONNECTION FEE SCHEDULE**

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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, 2019, and based on such study has recommended a water connection fee in the amount of \$3,775.00 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 for the remainder of 2020 shall be:

- A. For single family dwelling units, \$3,775.00, and for multiple dwelling units, \$3,775.00 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 257 gallons or fraction thereof: \$3,775.00 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.

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SECTION 2: This Ordinance shall take effect on July 15, 2020.

Mayor Conley opened up the public hearing on Ordinance 19-2020. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Ehrlich moved that Ordinance 19-2020, 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: Mrs. Vitale, Ms. Baillie, Ms. Byrne
Mr. Hoover, Ms. Coen, Ms. Ehrlich

Nays: None

Mayor Conley declared Ordinance 19-2020 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 20-2020
ORDINANCE OF THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, CREATING THE "BOROUGH OF MADISON IDENTIFICATION CARD PROGRAM"

WHEREAS, there is a recognition that many residents within the Borough of Madison often times do not have access to various forms of identification and thus have difficulty obtaining services such as banking accounts, access to health care services, as well as public/government buildings. This barrier leaves many individuals, including immigrants, homeless people, formerly incarcerated people, transgender people, senior citizens, and young people without access to critical services, benefits, and cultural, educational, and civic opportunities; and

WHEREAS, it is the intent of the Borough of Madison to build Madison's standing as a welcoming and inclusive center for all residents, without regard to a person's race, national origin, religion, sex, sexual orientation, gender identity, disability, or immigration, housing, or financial status. Further, it is the intent of the Council that the municipal identification card should affirm the identity and resident status of all Borough residents; and

WHEREAS, the Borough Council in conjunction with the Mayor of the Borough of Madison believe the availability of Municipal identification cards will be positive and productive for so many residents within the Borough of Madison;

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

SECTION 1. Borough of Madison Identification Card Program.

The Borough of Madison hereby establishes a Borough of Madison Identification Card Program which shall be issued to individuals who can prove their identity and residency, in accordance with the terms of this Ordinance. The

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Borough Clerk's Office (hereinafter referred to as the "Administering Department") shall be designated as the department to administer the Borough of Madison Identification Card Program.

The Administering Department shall issue such policies and procedures necessary to effectuate the purposes of this ordinance; including, the designation of access sites where applications for such cards shall be made available for pick-up and submission. The Administering Department shall also make the applications available online.

SECTION II. Definitions.

"Borough of Madison Municipal Identification ("MBID") Card" or "Madison Borough Identification Card" shall mean an identification card issued by the Borough of Madison that shall, at a minimum, display the card holder's photograph name, date of birth, address, signature, issuance and an expiration date. Such card shall also, at the cardholder's option; display the cardholder's self-designated gender. Such identification card shall be designated in a manner to deter fraud.

"Resident" shall mean a person who can establish that he or she is a current resident of the Borough of Madison.

"Borough" unless otherwise identified shall solely mean Borough of Madison.

"Care of Organization" Borough Agency, hospital, private or public shelter, non-profit organization, or religious institution in Madison, New Jersey serving homeless individuals or survivors of domestic violence.

"Care Address" Authorized use of address by Borough Agency, hospital, private or public shelter, non-profit organization or religious institution in Borough serving homeless individuals or survivors of domestic violence.

"Care Address Letter" A letter from a Borough Agency, hospital, non-profit organization, private or public shelter, non-profit organization, or religious institution in Madison, New Jersey authorizing use of address. Letter must indicate applicant has received services from the entity for the past fifteen (15) days and may use entity's address for mailing purposes (dated within fifteen (15) days). Address on card will be "Care of" the organization.

SECTION III. Issuance of Borough Identification Cards; Display; Term; Fee

- a. The Borough of Madison Identification Card shall be available to any resident of the Borough of Madison regardless of his or her race, color, creed, age, national origin, alienage, or citizenship status, gender, sexual orientation, disability, marital status, partnership status, any lawful source of income, housing status, status as a victim of domestic violence or status as a victim of sex offenses or stalking, or conviction or arrest record, provided that such resident is able to provide the requirements for establishing his or her identity and residency as set forth in this Ordinance and of any applicable policies and procedures established by the Administering Department.

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- b. The Borough of Madison Identification Card shall display at minimum the applicant's full name, photograph, address, date of birth, signature, card issue and expiration dates.
1. The Administering Department shall, through policy and procedure establish as required by this Ordinance, guidelines to protect the address of victims of domestic violence or alternate requirements for applicants who lack a permanent address. Such card shall also, at the cardholder' s option; display the cardholder's self-designated gender.
 11. Such identification card shall be designed in a manner to deter fraud which may include: bar codes, serial numbers, watermarks, Borough Seal, and other security measures to deter fraud.
- c. The Borough of Madison Identification card is valid for two (2) years from date of issuance. Residents age fourteen (14) or over may apply for a card. Relocation out of the Borough invalidates the Borough of Madison Identification Card and shall be returned to the Borough for destruction.
- d. The fee for the issuance of the Borough of Madison Identification Card shall be \$15.00 for adults and \$7.00 for children, veterans, the disabled and senior citizens. Renewal of card shall be \$15.00 and change of information shall be \$7.00. The Administering Department may adopt rules and permit residents who cannot afford to pay such fee(s) to make a hardship application and to be granted a full or partial waiver of the fee. The Administrating Department may in full or in part waive the fee for the Borough of Madison Identification Card, if an applicant can establish a hardship exemption. Applicants may file for a hardship exception waiver during application's intake process. In order for an applicant to be granted a hardship waiver, the applicant must demonstrate and have proof of one of the following circumstances:
1. Applicant has recently reported domestic violence; or
 2. Applicant has proof of substantial debt caused by medical expenses within the last twelve (12) months; or
 3. Applicant is currently unemployed; or
 4. Applicant has filed for bankruptcy within the last six (6) months; or
 5. Applicant currently receives one of the following:

Supplemental Nutrition Assistance Program, or SSI, or TANF, or Food Stamps; or The applicant should provide proof in the form of a letter, notice or other official document containing the name of the agency granting the benefit, the name of the recipient of the benefit and the name of the benefit received.

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6. Applicant's current household income is at or below 15% of the federal poverty level.

SECTION IV. Proof of Residency and Identity.

- a. In order to obtain a Borough of Madison Identification Card an applicant must establish their identity and residency within the Borough of Madison as follows:

- i. Proof of Identity. The Borough of Madison Identification Card Program will use a point system to determine if applicants are able to prove identity and residency in Madison, New Jersey. In order to establish identity, an applicant shall be required to produce one or more of the following **expired or unexpired** documents (**expired documents must contain a profile picture**) with a **valid Borough of Madison address**: a U.S. or foreign passport; a U.S. driver's license; a U.S. boater's license; a voter registration card; a valid U.S. state-corrections identification Card i- a formerly incarcerated release form; a U.S. state identification card; a U.S. permanent resident card; a consular identification card; a photo identification card with name, address, date of birth, and expiration date issued by another country to its citizens or nationals as an alternative to a passport for re-entry to the issuing country; a certified copy of U.S. or foreign birth certificate; Social Security card; a national identification card with photo, name, address, date of birth, and expiration date; a valid foreign driver's license; a U.S. or foreign military identification card; a current visa issued by a government agency; a current U.S. work permit; a U.S. Individual Taxpayer Identification Number ("ITIN") authorization letter; an Electronic Benefit Transfer (EBT) card; or any other documentation that the (administering agency) deems acceptable. If the individual is a minor, proof must be furnished on behalf of said minor by the individual's parents or legal guardian or by a court of competent jurisdiction. The Administering Department shall, through the policy and procedure it establishes, create a point system to ensure uniformity and non-biased requirements by which individuals may establish identity and residency. The Administering Department through its policies and procedures shall determine the weight to be given to each type of document provided in this paragraph, and require that at a minimum an applicant produce more than one document to establish identity.

- ii. Proof of Residency. In order to establish residency, an applicant must present one or more of the following items showing both the applicant's name and residential address located within the Borough: a utility bill, a local property tax statement or mortgage payment receipt within one (1) year of the date it is submitted; a bank account statement, proof that the applicant has a minor child currently enrolled in a school located within

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the Borough; an employment pay stub; a jury summons or court order issued by State or Federal court; a Federal or State income tax or refund statement; an insurance bill (homeowner's, health, life or automobile insurance); Care Address Letter confirming residency; and any other document the Administering Department determines is acceptable which shall be set forth in its policies and procedures it promulgates.

- b. All Borough of Madison departments shall accept the Borough of Madison Municipal Identification Card as proof of identity and residence for access to Borough services and benefits unless such acceptance is prohibited by Federal or State law or unless the department or authority has reason to suspect fraud by the purported cardholder. The Borough of Madison shall take reasonable efforts to promote the acceptance of the card by banks and other public and private institutions and publicize the benefits associated with the Borough of Madison Identification Cards.

SECTION V. Confidentiality

The records relating to the application and issuance of the Borough of Madison identification cards shall be maintained in accordance with law.

- a. The Borough of Madison shall make best efforts to protect the confidentiality of all municipal card applicants to the maximum extent allowable by federal and state law. The Borough of Madison shall not disclose personal information obtained from an applicant for a Borough of Madison Municipal Identification card to any individual, public, or private entity, unless required by a court of competent jurisdiction, or authorized in writing by the individual to whom such information pertains, or when such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian; when so ordered by a court of competent jurisdiction; to a requesting Borough department for the limited purpose of administering the program or determining or facilitating the applicant's eligibility for additional benefits or services or care and provided that such disclosure is made in accordance with all applicable Federal and State privacy laws and regulations.
- b. The Administering Department shall not retain original or copies of documents provided by an applicant to prove identity or residency when applying for a Borough of Madison Borough Identification Card. Any documentation provided by the applicant during the application process shall be immediately returned to the applicant after the Borough of Madison Identification Card is printed.

SECTION VI. Access to Services

- a. All municipal agencies and offices, and all municipal employees, including law enforcement officers, shall accept such card as proof of identity and residency.
- b. The Borough of Madison shall seek to expand the benefits associated with the Borough of Madison Identification Card, including encouraging eligible persons to apply for the card and promoting the acceptance of the municipal identity card by banks and other public and private institutions.

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- c. The Borough of Madison agencies and officers shall not require the possession of a Borough of Madison Identification Card where identification is not already required to obtain city services. Provided, however the agencies may require the possession of a Municipal Identification Card to obtain benefits or privileges offered exclusively to those who possess a Municipal Identification Card as an incentive to apply for a Municipal Identification Card. No Borough of Madison agencies or officers shall discriminate against or draw any inference about an individual's national origin, race, language proficiency, immigration status, religion, sexual orientation, disability, housing status, financial status, marital status, status as a victim of domestic violence, criminal history, or gender identity (although an inference about an individual's gender identity is permissible- of the cardholder has elected to designate a gender on the card), based upon the fact that the individual holds or presents a municipal identity card issued under this ordinance.

SECTION VII. Disclaimer

- a. The Borough of Madison is providing the Borough of Madison Identification Card for identification and access to services provided by the Borough of Madison. The Borough does not act as guarantor or warrantor either of the information provided by the applicant for the Borough of Madison Identification Card or against any acts, criminal or otherwise committed by the individual(s) while possessing or using the Borough of Madison Identification Card. The Borough does not waive any of its protections afforded under Federal, State or Local laws, including, but not limited to, the immunities under the New Jersey Torts' Claims Act N.J.S.A. 59:1-1 et seq. by processing or issuing the Borough of Madison Identification Card.
- b. The Administering Department shall submit a report to the Mayor and the Borough of Madison Council on the status of the Borough of Madison Identification Card Program on a yearly basis or at the request of the Mayor and/or Borough Council.

SECTION VIII. Community Outreach.

The Borough of Madison shall, consistent with all federal, state and local laws, provide language assistance to applicants for the municipal identity cards to facilitate access thereto. The Borough of Madison shall identify and implement measures, including but not limited to staff training, community outreach, and language assistance tools, to address the needs of limited English proficient individuals seeking to participate in the Borough of Madison Identification Card program.

SECTION IX. Violations and Penalties

It shall be a violation of the Borough of Madison Municipal Code under this section for any person or entity to undertake any of the following acts:

1. To knowingly present false information in the course of applying for a Borough of Madison Identification Card
2. To alter, copy, or replicate the Borough of Madison Identification Card; or,;

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3. To use the Borough of Madison Identification Card issued to another person, with the intent to cause a third person or entity to believe the holder of the Card is the person to whom the card was issued.

- Except as otherwise expressly provided for in this section, any-person who violates any provisions of this Ordinance shall, upon conviction thereof, be punished by one or more of the following penalties: (1) a fine not exceeding one thousand dollars (\$1,000.00); (2) imprisonment for any term not exceeding ninety (90) days; or (3) a period of community services not exceeding ninety (90) days. Separate offenses shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION X. Reporting Requirement

The Administering Department shall report monthly to the Business Administrator and the Borough Council data outlining how many ID Cards have been dispensed by the Borough. The report shall only include information pertinent to determine the effectiveness of the overall program.

SECTION XI. REPEAL OF PREVIOUS ORDINANCE

All ordinances or part of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION XII. SEVERABILITY

The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or phrase hereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION XIII. EFFECTIVE DATE

This Ordinance shall take effect August 1, 2020, upon passage, publication and approval according to law.

Mayor Conley opened up the public hearing on Ordinance 20-2020.

Jim McGrath; West End Avenue, raised concern regarding the cost of a municipal id program suggesting identification cards are available at other agencies.

Diana Mejia; Ridgedale Avenue, supported an ordinance for a municipal id program noting that this program is very positive and inclusive for the Borough,

Since no other member of the public wished to be heard, the public hearing was closed.

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Mrs. Vitale moved that Ordinance 20-2020, 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: Mrs. Vitale, Ms. Baillie, Ms. Byrne
Mr. Hoover, Ms. Coen, Ms. Ehrlich

Nays: None

Mayor Conley declared Ordinance 20-2020 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.**

Since no 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 July 27, 2020 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 21-2020 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, 2019, and based on such study has recommended a sewer connection fee in the amount of \$6,293.00 for new customers; and

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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 fee shall be effective August 1, 2020 and shall be:

1. For single family dwelling units, \$6,293.00, and for multiple dwelling units, \$6,293.00 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 246 gallons or fraction thereof: \$6,293.00 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 August 1, 2020.

Ms. Ehrlich moved that Ordinance 21-2020, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

ORDINANCE 22-2020 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$25,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR THE PURCHASE OF NEW BULLET PROOF VESTS, BODY ARMOR
AND OTHER SAFETY EQUIPMENT FOR THE POLICE DEPARTMENT

WHEREAS, the Chief of Police has recommended that the Borough appropriate \$25,000.00 from the General Capital Improvement Fund for the purchase of all necessary safety equipment for the Police Department; 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 \$25,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$25,000.00 from the General Capital Improvement Fund for the purchase of all necessary safety equipment for the Police Department.

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 \$25,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of all necessary safety 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: All purchases hereunder shall be authorized hereafter by confirming Resolution(s) of the Council of the Borough of Madison.

SECTION 4: This Ordinance shall take effect as provided by law.

Ms. Baillie moved that Ordinance 22-2020, which the Borough Clerk read by title, be adopted. Ms. Ehrlich seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

ORDINANCE 23-2020 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$40,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR THE PURCHASE AND INSTALLATION OF A PIPE CEILING GRID
SYSTEM FOR THE MADISON COMMUNITY ARTS CENTER

WHEREAS, the Director of Business Development has recommended that the Borough appropriate \$40,000.00 from the General Capital Improvement Fund

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for the purchase and installation of a pipe ceiling grid system for the Madison Community Arts Center; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$40,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$40,000.00 from the General Capital Improvement Fund for the purchase and installation of a pipe ceiling grid system for the Madison Community Arts Center.

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

SECTION 1: The amount of \$40,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase and installation of a pipe ceiling grid system for the Madison Community Arts Center.

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. Hoover moved that Ordinance 23-2020, which the Borough Clerk read by title, be adopted. Ms. Coen seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Ms. Baillie, Ms. Byrne,
Mr. Hoover, Ms. Coen, Ms. Ehrlich

Nays: None

ORDINANCE 24-2020 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING AND SUPPLEMENTING CERTAIN PROVISIONS OF CHAPTER 195
SECTION 32 OF THE MADISON BOROUGH CODE ENTITLED "LAND
DEVELOPMENT ORDINANCE"

WHEREAS, the Borough of Madison has a long-standing commitment to the provision of affordable housing, and in furtherance of that objective, and in line with regulatory changes and judicial decisions, the Borough believes its commitment to affordable housing is best advanced by amending and supplementing Section 195-32 of the Borough Code; and

WHEREAS, the Planning Board recommends to the Borough Council the adoption of these amendments and finds that they are substantially consistent with the Master Plan or designed to effectuate such plan elements, and/or if they are wholly or partially inconsistent, that an affirmative vote of the majority of the full authorized membership of the governing body has been received in recognition of

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the substantial public benefits as cited in the Statement of Purpose section of this Ordinance.

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: Section 195-32 of the Madison Borough Code shall be amended and supplement as follows:

(A) Section 195-32.1.E(2)(e) is amended to read as follows:

<u>Type of Unit</u>	<u>Minimum Floor Area</u>
Studio/efficiency =	500 square feet
One bedroom =	650 square feet
Two bedroom =	800 square feet
Three bedroom =	1,000 square feet

(B) Section 195-32.4.A is amended to read in its entirety as follows: The purpose of the CBD-1 Zones is to promote a vital, mixed-use, walkable downtown core designed to encourage street-level pedestrian activity through ground-level locally oriented retail uses and upper-floor offices and residential uses. The purpose of the CBD-2 zones is to similarly promote a walkable and inviting streetscape with both mixed-use development and multi-family inclusionary development proximate to Main Street and transit service, supporting and complementing the retail and service core. Preserving and maintaining a streetscape consistent with downtown design principles, encouraging the reuse and rehabilitation of historic structures, maintaining the character and scale of buildings, sites, and uses to promote pedestrian accessibility and safety, and encouraging locally oriented retail businesses and services are central to the identity, health and vitality of the CBD Zones.

(C) Section 195-32.4.B. is supplemented to add the following:

(13) Inclusionary multi-family residential in compliance with 195-47 and 195-48 (only in CBD-2 Zone).

(D) Section 195-32.4.G(2) the minimum floor area requirements are amended to read as follows:

- (a) Studio/efficiency = 500 square feet
- (b) One bedroom = 650 square feet
- (c) Two bedroom = 800 square feet
- (d) Three bedroom = 1,000 square feet

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(E) Section 195-32.4.G. is supplemented to add the following:

(3) The standards of 195-24.2E shall apply.

(F) Section 195-32.4.H. Inclusionary Overlay Zones shall be added to provide for residential development under CBD-2 standards as follows:

(1) Block 1501, Lot 1: This lot shall have an Overlay option for inclusionary multi-family development under the CBD-2 standards for inclusionary multi-family development, except that the maximum permitted impervious coverage and maximum permitted height may be increased by 10% and 5 feet, respectively, to allow for preservation of the existing barn/barns at the corner of Ridgedale and Cook Avenues.

(2) Block 2001, Lots 14 and 15: These lots shall have an Overlay option for multi-family development under the CBD-2 standards.

(G) Section 195-32.5.B. is amended to eliminate B(8) and to renumber the remaining subsections accordingly.

(H) The lead in paragraph of Section 195-32.5.E. is amended as follows:
Supplemental requirements; design standards. All uses in the CC Zone shall meet the following design standards and those applicable provisions of Article IV.

(I) Section 195-32.5.E(4)(a) is amended to read as follows: An eight-foot landscaped buffer shall be required along each side yard, and a fifteen-foot landscaped buffer shall be required along the rear property line. The pervious areas in the required front yard and/or between the front building façade and the street right-of-way shall be fully planted and maintained in lawn area or ground cover or landscaped with a mix of deciduous and evergreen shrubbery and trees. The landscape plan shall be prepared by a licensed landscape architect.

(J) Section 195-32.5.E.(9) is amended to read as follows: Residential development, with the exception of 100 % affordable housing development, shall conform with the following minimum floor area requirements:

(a) Studio/efficiency: 500 square feet.

(b) One bedroom: 650 square feet.

(c) Two bedrooms: 800 square feet.

(d) Three bedrooms: 1,000 square feet.

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(K) Section 195-32.5.E.(8) shall be deleted and former Section 195-32.5.E.(9) as modified above shall be renumbered accordingly.

(L) Section 195-32.5.F.(3) is amended to read as follows:

(3) No more than twelve dwelling units shall be on any property/parcel outside of the CC Inclusionary Overlay Zone.

(M) a new section 195-32.5.G. shall be added to read as follows:

195-32.5.G. CC Inclusionary Overlay Zone Regulations

- a) Purpose. To allow well-designed inclusionary multi-family residential development in key nodes along the Main Street corridor east of downtown.
- b) Principal permitted uses
 - a. Inclusionary multi-family residential development in accordance with 195-47 and 195-48.
- c) Bulk regulations
 - a. Height: 3 stories/38 feet
 - b. Minimum front yard: Minimum 20 feet; Maximum 40 feet
 - c. Minimum side yard: 15 feet
 - d. Minimum rear yard: 25 feet
 - e. Minimum lot area: 15,000 square feet
 - f. Maximum distance from ROW for minimum lot area to be calculated: 150 feet
 - g. Minimum lot depth: 150 feet
 - h. Minimum lot width: 125 feet
 - i. Maximum impervious coverage: 65%
 - j. Minimum number of buildings per tract or lot:
 - i. For lots/tracts greater than 40,000 square feet: 2
 - ii. For lots/tracts greater than 80,000 square feet: 3
 - iii. For lots/tracts greater than 100,000 square feet: 4
 - k. Maximum inclusionary multi-family density: 18 units per acre for all lots under 100,000 square feet; 20 units per acre for lots over 100,000 square feet
- d) The standards in 195-32.5.E. and 195-32.13.H. shall apply.
- e) Block and Lots included in CC Overlay Zone:

BLOCK	LOT
1203	13

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1105	28
1105	29.01
1106	1; 2
2001	17, 18, 19, 20 23, 24, 25
2502	1 to 6; 8 to 13
2402	1 to 4; 22; 20
2208	27

(N) Section 195-32.9.A. is amended to read as follows: Purpose. The purpose of this zone is to permit 100% affordable senior citizen housing for eligible households, consistent with 195-47 and 195-48.

(O) Section 195-32.9.B.(1) is amended to read as follows: 100% Affordable senior citizen housing.

(P) Section 195-32.12.A is amended to read as follows: Purpose: The purpose of this zone is to permit scatter site 100% affordable housing for eligible households, consistent with 195-47 and 195-48.

(Q) Section 195-32.12.B(1) to read as follows: 100% Affordable housing development occupied by households meeting the eligibility criteria of 195-47 and 195-48.

(R) The following provisions of 195-32.13 related to the Gateway Zone shall be modified as follows:

- i. Section 195-32.13 A. is amended to read as follows: The purpose of this zone is to provide reasonable opportunities for inclusionary multifamily housing and commercial uses, through development standards for properties strategically located at the eastern gateway entrance to the Borough of Madison. The uses permitted are those that complement and are supportive of existing commercial uses in the remaining CC Community Commercial Zone and are compatible with abutting residential uses. The standards of this zone are intended to encourage superior building aesthetics and streetscape enhancement at a scale appropriate to this unique area and the Borough.
- ii. Section 195-32.13.B. is amended to read as follows:
 1. Multifamily inclusionary development
 2. Business, medical, professional, executive or administrative offices; and,

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3. Institutional and public uses

- iii. Section 195-32.13.D.(6) is amended to read as follows: Maximum impervious cover for multifamily dwellings: 65%.
- iv. Section 195-32.13.D.(7) is added to delete (b) and (c), and to amend (a) to read as follows:
 - a. 20 units per acre.
- v. Section 195-32.13.D.(8) shall be deleted, with the remainder of this Section renumbered accordingly.
- vi. Section 195-32.13.E.(4) is amended to read as follows: Maximum impervious coverage for multifamily dwellings: 65%.
- vii. Section 195-32.13.E.(6) is amended to read as follows: Maximum impervious cover for multifamily dwellings: 65%.
- viii. Section 195.32.13.E.(7) is amended to delete (b), and to amend (a) to read as follows:
 - (a) 20 units per acre.
- ix. Section 195-32.13.E.(8) shall be deleted and the rest of subsection shall be renumbered accordingly.
- x. Section 195-32.13.H.(2)(a) is amended to read as follows:
 - (a) An eight-foot landscaped buffer shall be required along each side yard, and a fifteen-foot landscaped buffer shall be required along the rear property line. All pervious areas in the required front yard and/or between the front building façade and the street right-of-way shall be fully planted and maintained in lawn area or ground cover or landscaped with a mix of deciduous and evergreen shrubbery and trees. The landscape plan shall be prepared by a licensed landscape architect.
- xi. Section 195-32.13.H.(8) is amended to read as follows: All residential units, with the exception of 100% affordable housing developments, shall conform to the following minimum floor area requirements:
 - (a) Studio/efficiency: 500 square feet.
 - (b) One bedroom: 650 square feet.
 - (c) Two bedrooms: 800 square feet.
 - (d) Three bedrooms: 1,000 square feet.

(S) The following Section 195-32.16 is added:

195-3.16 CC-AFH Zone for Block 2208, Lot 26.

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- a) Purpose: Permit multifamily inclusionary residential development, including the construction of new units along Madison Avenue, to address part of the Borough's affordable housing obligation through the addition of affordable housing units in both new and existing residential buildings.
- b) Principal permitted uses: Multiple-family dwellings, garden apartments.
- c) Permitted accessory uses: Uses that are customarily incidental and accessory to the principal use as permitted herein
- d) Development Standards:
 - (a) Maximum units: A maximum of 40 additional units are permitted with a minimum inclusionary requirement equivalent to 25% of the total new units. This 25% requirement shall be met by the inclusion of affordable units in any new development, with at least two affordable, three-bedroom units included in any new residential building. The remainder of the required affordable units may be located in either new or existing buildings on the site/parcel.
 - (b) Maximum height (new buildings) = Any new building shall be no more than 3 stories/40 feet exposed façade height (from grade to top of parapet) along Main Street and no more than four stories/50 feet (from grade to top of parapet) in all other locations to allow for incorporation of structured parking afforded by the grade change on the site.
 - (c) Maximum height (buildings in place prior to adoption of this amendment): 2.5 stories/35 feet
 - (d) Minimum lot width = 200 feet
 - (e) Minimum lot depth = 500 feet
 - f) Minimum lot area = 120,000 square feet
 - (g) Maximum impervious coverage = 80%
 - (h) Maximum total residential units = 104 units
 - (i) Minimum setbacks = at least one foot for every two feet of building height along Main Street and minimum 35-foot setbacks from side property lines
- e) Supplemental Standards for New Buildings:
 - (a) At least half of all required parking shall be located within structures
 - (b) No off-street parking shall be permitted between any building and any public street
 - (c) Accessory structures shall be in architectural harmony with principal structures

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(d) There shall be minimum four foot building offsets every 40 linear feet of any principal structure

(e) Landscaped buffers of at least 10 feet in width shall be planted along Main Street and along the sides of any new building, including a combination of native shade trees, shrubs and foundation plantings.

(T) The following Section 195-32.17 is added:

Section 196-32.17 Optional Inclusionary Residential Overlay Zone on Block 4501, Lot 3.

a) Permitted Uses: Inclusionary development in attached single-family homes, townhouses, two-family homes, garden apartments and patio homes:

b) Development Standards:

(a) Maximum units per structure = 6

(b) Maximum height = 2.5 stories/35 feet

(c) Minimum lot width = 150 feet

(d) Minimum lot depth = 300 feet

(e) Minimum lot area = 80,000 square feet

(f) Maximum principal building coverage = 40%

(g) Maximum impervious coverage = 60%

(h) Maximum density = 12 units/acre

(i) Minimum setbacks = 30 feet from any public street and all property lines

c) Supplemental Standards:

(a) Minimum distance between buildings = 20 feet

(b) No off-street parking shall be permitted in any front yard or between any building and any public street

(c) Accessory structures shall be in architectural harmony with principal structures

(d) No dwelling units shall be located in any basement or cellar

(e) There shall be minimum four foot building offsets every 30 linear feet of any principal structure that abuts any public street

(U) Section 195-Attachment I, is amended as follows:

In CBD-2 Zone, a new row for inclusionary multi-family residential shall be added with the following requirements:

- Stories: Minimum =2; Maximum =3 stories, provided third story is setback an additional 5 feet from the front building line.
- Maximum Height: 40 feet (3-story buildings); 30 feet (2-story buildings)

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- Minimum Yards:
 - Front yard: 18 feet
 - Side yard: 10 feet minimum; **except where abutting a side yard in a residential district, side yard shall be 1 foot for every 2 feet in height of the principal structure, but not less than 10 feet.**
 - Rear yard: (d)
- Minimum Lot Area: 12,000 square feet
- Minimum Lot Width:
 - Interior: 75 feet
 - Corner: 100 feet
- Minimum Lot Depth: 150 feet
- Maximum Impervious Coverage: 75%

SECTION 2: This ordinance supersedes any inconsistent provisions of the Land Development Ordinance of the Borough of Madison, whether or not stated expressly herein. All other provisions of the Land Development Ordinance not inconsistent herewith shall remain in effect.

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

Ms. Baillie moved that Ordinance 24-2020, which the Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

ORDINANCE 25-2020 ORDINANCE OF THE BOROUGH OF MADISON
AMENDING THE AFFORDABLE HOUSING PROVISIONS OF CHAPTER 195
SECTIONS 47 AND 48 OF THE MADISON BOROUGH CODE ENTITLED "LAND
DEVELOPMENT ORDINANCE"

WHEREAS, the Borough of Madison has a long-standing commitment to the provision of affordable housing, and in furtherance of that objective, and in line with regulatory changes and judicial decisions, the Borough believes its commitment to affordable housing is best advanced by updating and replacing Sections 195-47 and 195-48 of the Borough Code; and

WHEREAS, the Planning Board recommends to the Borough Council the adoption of these amendments and finds that they are substantially consistent with the Master Plan or designed to effectuate such plan elements, and/or if they are wholly or partially inconsistent, that an affirmative vote of the majority of the full

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authorized membership of the governing body has been received in recognition of the substantial public benefits as cited in the Statement of Purpose section of this Ordinance.

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: Sections 195-47 and 195-48 of the Madison Borough Code entitled “Affordable Housing Growth Share Requirements” shall be deleted in their entirety and the following provisions shall be inserted in their place:

§ 195-47. Affordable housing policies, procedures and administration

- A. Intent. It is the intent of this article to regulate the development and management of low- and moderate-income housing units constructed in compliance with the Housing Element of the Master Plan of the Borough of Madison. This section of the Borough Code sets forth regulations regarding the low and moderate income housing units in the Borough consistent with the provisions known as the “Substantive Rules of the New Jersey Council on Affordable Housing”, N.J.A.C. 5:93 et seq., the Uniform Housing Affordability Controls (“UHAC”), N.J.A.C. 5:80-26.1 et seq. except where modified to address the statutory requirement to provide very-low income units equal to 13% of affordable units approved and constructed after July 1, 2008, to be affordable to households at 30% of the regional median income, overrides the UHAC requirement that 10% of all low- and moderate-income units must be affordable at 35% of the regional median income, and the Borough’s constitutional obligation to provide a fair share of affordable housing for low and moderate income households. In addition, this section applies requirements for very low income housing as established in P.L. 2008, c.46 (the “Roberts Bill”, codified at N.J.S.A. 52:27D-329.1).
- B. This Ordinance is intended to assure that very-low, low- and moderate-income units (“affordable units”) are created with controls on affordability over time and that very-low, low- and moderate-income households shall occupy these units. This Ordinance shall apply to all inclusionary developments and 100% affordable developments (including those funded with low-income housing tax credit financing) except where inconsistent with applicable law.
- C. Definitions. As used herein the following terms shall have the following meanings:
 - “Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.).
 - “Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
 - “Administrative agent” means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:91, N.J.A.C. 5:93 and N.J.A.C. 5:80-26.1 et seq.
 - “Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

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“Affordability average” means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:93-7.4; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:93, and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80% of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Alternative living arrangement” means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangement includes, but is not limited to: transitional facilities for the homeless, Class A, B, C, D, and E boarding homes as regulated by the New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a

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minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

"Fair Share Plan" means the plan that describes the mechanisms, strategies and the funding sources, if any, by which the Township proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of N.J.A.C. 5:93-5.

"Housing Element" means the portion of the Borough's Master Plan, required by the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-28b(3) and the Act, that includes the information required by N.J.A.C. 5:93-5.1 and establishes the Township's fair share obligation.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50% or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing

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structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable county, as adopted annually by COAH or approved by the NJ Superior Court.

“Moderate-income household” means a household with a total gross annual household income in excess of 50% but less than 80% of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by adopted/approved Regional Income Limits.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“Special master” means an expert appointed by a judge to make sure that judicial orders are followed. A master's function is essentially investigative, compiling evidence or documents to inform some future action by the court.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30% or less of the median household income.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and

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replacement doors, and is considered a major system for rehabilitation.

D. Affordable Housing Compliance/Administration

- (1) The Borough shall designate by resolution of the Governing Body, subject to the approval of the Superior Court, one or more Administrative Agents to administer the Borough's compliance in meeting the affordable housing obligation.
- (2) The Mayor and Borough Council may appoint, constitute and designate the Madison Housing Authority ("MHA") or any other entity to serve as the Borough's Administrative Agent.
 - (a) The Borough may delegate the administration of all or part of the duties named in this section to the Department of Community Affairs, a nonprofit organization or another qualified entity.
 - (b) When appointed, the MHA or other qualified entity shall adopt all such rules, regulations and procedures as are necessary to effectuate the foregoing and to meet the intent of performing all the responsibilities, functions and duties of the Affordable Housing Policy set forth in Article VIII.
 - (c) Where approved by the Borough, sales and rental transactions of affordable housing units may be administered by the developer under the advisory review of the Borough's Affordable Housing Administrator as per this section.
- (3) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes but is not limited to the following:
 - (a) Review regulations pertaining to the sale and rental of affordable housing units.
 - (b) Review requests from federal, state, county or local agencies regarding funding or applications for funding.
 - (c) Provide recommendations to the Borough Council regarding how Borough funds or funds collected from developer's contributions for affordable housing should be spent and propose priorities for such expenditures.
 - (d) Review all affirmative marketing plans submitted by any developer, applicant or owner, or prepare such affirmative marketing plans in connection with affordable housing under the auspices of COAH or NJ Superior Court.
 - (e) Administer all resale and re-rental transactions of affordable units.
 - (f) Conduct household certification.
 - (g) Administer affordability controls.
 - (h) Conduct affirmative marketing.
 - (i) Record retention.
 - (j) Processing requests from unit owners; and

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- (k) Enforcement, although the ultimate responsibility for retaining controls on the units rests with the Borough.
- E. The Borough may charge a reasonable fee to program participants for the administration of its affordability controls program.
- F. Municipal Housing Liaison.
 - (1) The position of Municipal Housing Liaison for the Borough of Madison is hereby established. The Municipal Housing Liaison shall be appointed by duly adopted resolution of the Borough Council and be subject to the approval by the Superior Court.
 - (2) The Municipal Housing Liaison must be either a full-time or part-time employee of the Borough of Madison.
 - (3) The Municipal Housing Liaison must meet the requirements for qualifications, including initial and periodic training found in N.J.A.C. 5:93.
 - (4) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Madison, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - (a) Serving as the Borough's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - (b) When applicable, supervising any contracting the Administrative Agent.
 - (c) Monitoring the status of all restricted units in the Borough of Madison's Fair Share Plan;
 - (d) Compiling, verifying and submitting annual reports as required by the Superior Court;
 - (e) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - (5) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Superior Court.
- G. Compliance Monitoring. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during the ten-year period of protection anticipated in a Borough agreement with FSHC and/or a Judgment of Repose. The Borough agrees to comply with those provisions as follows:
 - (1) The Borough must prepare within the required time a midpoint realistic opportunity review, as required pursuant to N.J.S.A. 52:27D-313, which the Borough will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the Borough, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or

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supplemented. Any interested party may by motion request a hearing before the Court regarding these issues. In the event the Court determines that a site or mechanism no longer presents a realistic opportunity and should be replaced or supplemented, then the Borough shall have the opportunity to supplement or revise its plan to correct any deficiency.

- (2) Within 30 days of the third anniversary of any settlement agreement with FSHC, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center and the service list previously used in this matter, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the Borough and Fair Share Housing Center on the issue of whether the Borough has complied with its very low-income housing obligation under the terms of this settlement.

H. Submission of affordable housing plan. The developer of low- and moderate-income housing units shall submit the following items:

- (1) A description of the mechanism to be used to ensure that the required low- and moderate-income units are sold or rented only to low- and moderate-income households for a period of not less than 30 years.
- (2) Draft deed restriction
- (3) Identification of each proposed affordable housing unit and the affordability (very-low, low, or moderate income) and number of bedrooms.

I. Phasing. Final site plan or subdivision approval and issuance of certificates of occupancy shall be contingent upon the affordable housing development meeting the following phasing schedule for low and moderate income units whether developed in a single phase development, or in a multi-phase development:

Maximum Percentage of Minimum Market-Rate and Moderate- Income	Percentage of Low- Units
<u>Completed</u>	<u>Units Completed</u>
25	0
25+1	10
50	50
75	75
90	100

J. Design. In inclusionary developments, to the extent possible, low- and moderate- income units shall be integrated with the market units.

K. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

L. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

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- (1) The fair share obligation shall be divided equally between low- and moderate- income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.
- (2) In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.
- (3) Within rental developments, of the total number of affordable rental units, at least 13% shall be affordable to very low income households.
- (4) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) Not more than 20% of all low- and moderate-income units shall be one bedroom units;
 - (b) At least 30% of all low- and moderate-income units shall be two bedroom units; and
 - (c) At least 20% of all low- and moderate-income units shall be three bedroom units.
- (5) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

M. Accessibility Requirements:

- (1) The first floor of all new restricted townhouse dwelling units and all restricted multistory dwelling units attached to at least one (1) other dwelling unit shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
- (2) All restricted townhouse dwelling units and all restricted multistory dwelling units attached to at least one (1) other dwelling unit shall have the following features:
 - (a) An adaptable toilet and bathing facility on the first floor;
 - (b) An adaptable kitchen on the first floor;
 - (c) An interior accessible route of travel on the first floor;
 - (d) An interior accessible route of travel shall not be required between stories within an individual unit;
 - (e) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Borough has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:

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- (3) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - (a) To this end, the builder of restricted units shall deposit funds within the Borough of Madison's affordable housing trust fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - (b) The funds deposited under paragraph (3a) herein, shall be used by the Borough for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
- (4) The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Borough of Madison.
- (5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough of Madison's Affordable Housing Trust Fund in care of the Municipal Chief Financial Officer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
- (6) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

N. Maximum Rents and Sales Prices.

- (1) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and by the Superior Court, utilizing the regional income limits established.
- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.
- (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
 - (a) At least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income.
- (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development

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must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.

- O. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be met:
- (1) A studio or efficiency unit shall be affordable to a one-person household;
 - (2) A one-bedroom unit shall be affordable to a one and one-half person household;
 - (3) A two-bedroom unit shall be affordable to a three-person household;
 - (4) A three-bedroom unit shall be affordable to a four and one-half person household; and
 - (5) A four-bedroom unit shall be affordable to a six-person household.
 - (6) In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be met:
 - (a) A studio or efficiency unit shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half person household; and
 - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
 - (7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
 - (8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
 - (9) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

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- (10) Income limits for all units for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Borough annually within 30 days of the publication of determinations of median income by HUD as follows:
- (a) Regional income limits shall be established for the Region 2 based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in Region 2. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
 - (b) The income limits calculated each year shall be the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for the relevant fiscal year, and shall be utilized until the Borough updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
 - (c) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Borough annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
- (11) The rent levels of very-low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.

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- (12) Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

P. Condominium and Homeowners Association Fees.

- (1) For any affordable housing unit that is part of a condominium association and/or homeowner's association, the Master Deed shall reflect that the association fee assessed for each affordable housing unit shall be established at 100% of the market rate fee.

Q. Affirmative Marketing.

- (1) The Borough shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (2) 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, sponsor or owner 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 COAH Housing Region 2 and covers the period of deed restriction.
- (3) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 2, comprised of Warren, Essex, Union, and Morris Counties.
- (4) The Administrative Agent designated by the Borough shall assure the affirmative marketing of all affordable units is consistent with the Affirmative Marketing Plan for the Borough.
- (5) In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (6) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (7) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Borough.

R. Occupancy Standards.

- (1) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - (a) Provide an occupant for each bedroom;
 - (b) Provide separate bedrooms for parents and children;
 - (c) Provide children of different sexes with separate bedrooms;and

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- (d) Prevent more than two persons from occupying a single bedroom.
 - (e) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.
- S. Selection of Occupants of Affordable Housing Units.
 - (1) The administrative agent shall use a random selection process to select occupants of low- and moderate- income housing.
 - (2) A waiting list of all eligible candidates will be maintained in accordance with the provisions of N.J.A.C. 5:80-26 et seq.
- T. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.
 - (1) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years, until the Borough takes action to release the controls on affordability.
 - (2) Rehabilitated owner-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
 - (3) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
 - (4) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
 - (5) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.
- U. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.
 - (1) Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:
 - (2) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
 - (3) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
 - (4) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.

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- (5) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.
- V. § 27-15. Buyer Income Eligibility.
- (1) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.
 - (2) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's certified monthly income.
- W. Limitations on indebtedness secured by ownership unit; subordination.
- (1) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
 - (2) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).
- X. Control Periods for Restricted Rental Units.
- (1) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, and each restricted rental unit shall remain subject to the controls on affordability for a period of at least 30 years, until the Borough takes action to release the controls on affordability.
 - (2) Restricted rental units created as part of developments receiving nine percent (9%) Low Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period.
 - (3) Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
 - (4) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction

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shall be filed by the developer or seller with the records office of the County of Morris. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

- (5) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
 - (a) Sublease or assignment of the lease of the unit;
 - (b) Sale or other voluntary transfer of the ownership of the unit; or
 - (c) The entry and enforcement of any judgment of foreclosure.

Y. Price Restrictions for Rental Units; Leases.

- (1) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- (2) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- (3) Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

Z. Tenant Income Eligibility.

- (1) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - (a) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.
 - (b) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
 - (c) Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income.
- (2) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

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- (a) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - (b) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - (c) The household is currently in substandard or overcrowded living conditions;
 - (d) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - (e) The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- (3) The applicant shall file documentation sufficient to establish the existence of the circumstances in a through e above with the Administrative Agent, who shall counsel the household on budgeting.

AA. Alternative Living Arrangements.

- (1) The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
 - (a) Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
 - (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
 - (c) With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.
- (2) The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

BB. Expiration of controls.

- (1) General provisions.
 - (a) The restrictive covenant governing the deeds of the low- and moderate-income units may include an option permitting purchase of the affordable unit at the maximum allowable restricted sales price at the time of the first nonexempt sale after controls on affordability have been in effect on the unit for the period specified in this section. Where applicable, the option to buy shall be available to the Borough of Madison.

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- (b) All restrictive covenants governing low- and moderate-income units shall require the owner to notify the Borough by certified mail of any intent to sell the unit 90 days prior to entering into an agreement for the first nonexempt sale after controls have been in effect on the housing units for the period specified in this section.
- (c) Upon receipt of such notice, the option to buy the unit at the maximum allowable restricted sales price shall be available for 90 days. If the Borough of Madison exercises this option, it may enter into a contract of sale. If the option to purchase the unit at the maximum allowable restricted sale price is not exercised by a written intent to sell, the owner may proceed to sell the housing unit. If the owner does not sell the unit within one year of the date of the delivery of notice of intent to sell, the option to buy the unit shall be restored and the owner shall be required to submit a new notice of intent to sell 90 days prior to any future proposed date of sale.
- (d) Any option to buy a housing unit at the maximum allowable restricted sales price shall be exercised by certified mail and shall be deemed exercised upon mailing.

CC. Enforcement of Affordable Housing Regulations.

- (1) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the Borough shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- (2) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the Borough may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - (a) The Borough may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - [1] A fine of not more than \$500.00 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - [2] In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the

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regulations governing affordable housing units, payment into the Borough of Madison Affordable Housing Trust Fund of the gross amount of rent illegally collected;

- [3] In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
- (b) The Borough may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- (3) Such judgment shall be enforceable, at the option of the Borough, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the Borough, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- (4) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the Borough for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the Borough in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the Borough in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the Borough for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the Borough for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the Borough. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the Borough, whether such balance shall be paid to the Owner or forfeited to the Borough.
- (5) Foreclosure by the Borough due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable

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housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

- (6) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the Borough may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
 - (7) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the Borough shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the Borough, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
 - (8) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.
- B. Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Borough.

§ 195-48 Affordable housing inclusionary development requirements.

- A. Purpose. The purpose of this § 195-48 is to require new developments to include a minimum inclusionary set aside for affordable housing.
- B. Applicability. The provisions of this § 195-48 shall apply to all new two-family, attached housing, multi-family residential and/or mixed-use development and redevelopment activity in the Borough of Madison with gross densities of six (6) units per acre and higher that result in five (5) or more net new residential units regardless of whether the development requires approval by the Planning Board or Board of Adjustment. One-for-one replacement of residential units and residential renovation and additions shall be exempt.
- C. Residential development. All new applicable residential developments shall be subject to the following affordable housing requirements:
 - (1) At least 20% of all for-sale and for rent dwelling units shall be affordable. Any fractional affordable housing requirement of .50 units or higher shall be rounded up to the nearest whole number. Fractional units below .50 shall be addressed by either rounding up to the nearest whole unit or by a fractional payment in lieu. Construction of the affordable housing unit(s) shall be subject to the standards and requirements herein and the policies, procedures and administration provisions of § 195-47.

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- (2) In the case of residential development involving the creation of fewer than five dwelling units and/or single-family building lots, the developer shall be required to make a payment in lieu of providing affordable housing. The minimum payment amount shall be calculated based on \$250,000 multiplied by the fractional affordable housing requirement as calculated to two decimal points.

D. Fractional unit payments.

- (1) Fifty percent of the required payment shall be made at issuance of a building permit.
- (2) The remaining balance of the required payment shall be paid at issuance of any certificate of occupancy.
- (3) All payments in lieu shall be deposited in the Affordable Housing Trust Fund.

SECTION 2: This ordinance supersedes any inconsistent provisions of the Land Development Ordinance of the Borough of Madison, whether or not stated expressly herein. All other provisions of the Land Development Ordinance not inconsistent herewith shall remain in effect.

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

Ms. Baillie moved that Ordinance 25-2020, which the Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

CONSENT AGENDA RESOLUTIONS

The Clerk made the following statement:

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

Mrs. Vitale 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: Mrs. Vitale, Ms. Baillie, Ms. Byrne,
Mr. Hoover, Ms. Coen, Ms. Ehrlich
Nays: None

R 186-2020 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING KATHLEEN NOTINE TO THE POSITION OF ACTING EXECUTIVE ASSISTANT TO MAYOR AND ADMINISTRATOR

WHEREAS, Theresa DeVecchi has announced her retirement as Executive Assistant to the Mayor and Administrator to take effect on December 1, 2020; and

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WHEREAS, the Borough Administrator recommends the appointment of Kathleen Notine to the position of Acting Executive Assistant to the Mayor and Administrator, effective July 14, 2020; and

WHEREAS, the Borough Administrator recommends the appointment of Kathleen Notine to the position of Executive Assistant to the Mayor and Administrator, effective December 2, 2020; and

WHEREAS, the Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that Kathleen Notine is hereby appointed to the position of Acting Executive Assistant to the Mayor and Administrator, effective July 14, 2020, at an annual salary of \$63,000.00. The Acting Title will be deleted effective December 2, 2020, with no further action of the governing body required.

R 187-2020 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING SARA RAFTER TO THE POSITION OF CONFIDENTIAL SECRETARY IN THE FINANCE DEPARTMENT

WHEREAS, the Chief Financial Officer/Assistant Borough Administrator and Personnel Director recommend the appointment of Sara Rafter, to the position of Confidential Secretary in the Finance Department; and

WHEREAS, the Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey that, Sara Rafter is hereby appointed to the position of Confidential Secretary in the Finance Department at an annual salary of \$50,000.00.

R 188-2020 RESOLUTION OF THE BOROUGH OF MADISON ACCEPTING THE 2019 AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to local fiscal affairs; and

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WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled: "General Comments and Recommendations"; and

WHEREAS, the members of the Governing Body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: "General Comments and Recommendations" as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit their office.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Madison, County of Morris, State of New Jersey, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

R 189-2020 RESOLUTION OF THE BOROUGH OF MADISON APPROVING THE 2019 CORRECTIVE ACTION PLAN REPORT

WHEREAS, the 2019 Audit Report prepared by the Municipal Auditor contained two (2) recommendations to be remedied; and

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WHEREAS, the Chief Financial Officer has prepared a Corrective Action Plan which the Borough Council has reviewed and approved.

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 Corrective Action Plan attached hereto is hereby approved.

R 190-2020 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLE LICENSE APPLICATION SUBMITTED BY PTSO MADISON HIGH SCHOOL

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:

PTSO MADISON HIGH SCHOOL
I.D. NO. 274-5-33795
R.A. No. 1503 Off-premise merchandise
August 13, 2020

R 191-2020 RESOLUTION OF THE BOROUGH OF MADISON RENEWING LIQUOR LICENSES IN THE BOROUGH OF MADISON FOR THE 2020-2021 LICENSE TERM

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following applications for renewal of Liquor Licenses for the 2020 - 2021 license term be, and hereby are, approved:

DISTRIBUTION LICENSES - FEE: \$1,798.00; July 1, 2020 through June 30, 2021

License #1417-44-009-009
Rishi Enterprise, Inc. (Inactive)
Mailing: 67 Chesterfield Road
Parsippany, NJ 07054

License # 1417-44-016-005
Sagar Beverage, LLC (Inactive)
Mailing: 28 Phillip Drive
Parsippany, NJ 07054

License # 1417-44-001-009
Cross Atlantic Vines, Inc. (Inactive)
622 Eagle Rock Avenue
West Orange, NJ 07052

R 192-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE MAYOR TO EXECUTE SMITHSONIAN INSTITUTION ARCHIVES OF AMERICAN GARDENS LICENSE AGREEMENT FOR MADISON ROSE GARDEN PARK

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WHEREAS, the Archives of American Gardens is a project of Smithsonian Gardens to collect, preserve and make publicly accessible documentation on gardens; and

WHEREAS, the Borough Administrator has recommended that the Borough Council approve execution of an agreement and release to enroll Rose Garden Park with the Smithsonian Archives of American Gardens as requested by the Madison Garden Club and Friends of Madison Shade Tree; and

WHEREAS, the Borough Council has determined to approve execution of the Smithsonian Institution Archives of American Gardens license and release agreement which is attached hereto.

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 is hereby authorized to execute on behalf of the Borough of Madison, County of Morris, NJ said agreement, which is attached hereto in a form approved by the Borough Attorney.

R 193-2020 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY BPOE #1465 MADISON LODGE TO CONDUCT DAILY INSTANT RAFFLE GAMES, INCLUDING SUNDAYS

WHEREAS, N.J.S.A. 5:8-1 et seq. and N.J.A.C. 13:47-1.1 et seq. prohibit the conducting of games of chance on Sunday unless specifically authorized by a duly adopted municipal ordinance; and

WHEREAS, on March 8, 1982, the Council of the Borough of Madison adopted Ordinance No. 5-82 to allow the Council, by resolution, to permit qualified organizations to conduct games of chance on Sunday; and

WHEREAS, the New Jersey Legalized Games of Chance Control Commission has issued Registration Identification No. 274-6-34038 to BPOE #1465 Madison Lodge; and

WHEREAS, an Application for Raffles License, together with all necessary documents and fees, has been submitted to the Madison Borough Clerk's Office by BPOE #1465 Madison Lodge to conduct Instant Raffle Games seven days a week on its premises at 192 Main Street, Madison, from September 8, 2020 through September 8, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the aforementioned Application for Raffles License, R.A. No. 1504, to be held as listed above, be and the same is hereby approved.

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R 194-2020 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 through a grant from the New Jersey Historic Preservation Trust Fund for the restoration of the Madison Masonic Lodge No.93; and

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 restoration of the Madison Masonic Lodge No.93; and

WHEREAS, the Borough of Madison certifies that it is the primary applicant and will be responsible for the financial and reporting obligations if the grant is awarded; and

WHEREAS, the Borough certifies that they will be providing the match of \$498,100.00 which is available in the Municipal Open Space Fund.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Borough Clerk are authorized to sign the application, and that they are also authorized to sign the grant agreement and any other documents necessary in connection therewith.

R 195-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SPECIAL EVENT PERMITS TO ALLOW THE USE OF MEMORIAL PARK AND SUMMERHILL PARK BY BOY SCOUTS OF AMERICA PATRIOTS PACK 124 FOR CAMPING EVENTS

WHEREAS, the Patriots' Pack 124 of Madison has requested permission to use public property Saturday, July 13, July 20, July 27 and August 3, 2020, for camping events; and

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

WHEREAS, the Patriots' Pack 124 has submitted Special Event Permit Applications to the Borough and will provide a Certificate of Liability Insurance naming the Borough of Madison as an additional insured; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Patriots' Pack 124 of

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Madison is hereby given permission to use Memorial Park and Summerhill Park, July 13, July 20, July 27 and August 3, 2020, for camping events, subject to such safety requirements as may be directed by the Madison Police Department and/or Fire Department.

R 196-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CHANGE ORDER AND FINAL PAYMENT TO MIDWEST CONSTRUCTION, INC. FOR THE GLENWILD ROAD PROJECT

WHEREAS, Resolution 102-2020 awarded a contract to MidWest Construction, Inc., of Warren, New Jersey, in an amount not to exceed \$490,649.80 for the Glenwild Road Reconstruction project; and

WHEREAS, the Borough Engineer has recommended that the Borough Council amend Resolution 102-2020 to increase the award amount by \$36,350.00 for additional repaving work at the Tori J Sabatini School parking lot; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an additional amount not to exceed \$36,350.00, which funds are available in Ordinances 1-2020 and 2-2020; and

WHEREAS, the Madison Board of Education has agreed to reimburse the Borough of Madison for this work.

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

1. Resolution 102-2020 is amended to increase the contract award amount by an additional \$36,350.00 to \$526,999.80.
2. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, an amended purchase order and contract with MidWest Construction, Inc., of Warren, New Jersey, for the Glenwild Road Reconstruction project at a total price not to exceed \$526,999.80, in a form acceptable to the Borough Attorney.

R 197-2020 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPOINTMENT OF ENVIRONMENTAL COMMITTEE VOLUNTEERS

WHEREAS, the Personnel Director has recommended the appointment of Henry McCann, Christian Wong, Max Drucker, Brett Cheadle, Charlotte Sullivan, Rebecca Safi, Leah O’Gorman, Zoe Baumann and Meredith Weiner as unpaid volunteers to assist in summer projects for the Borough of Madison; and

WHEREAS, the Borough Council agrees with this recommendation.

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NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the appointment of the above named volunteers, as volunteers for the Madison Environmental Committee and the Sustainable Madison Committee, is hereby approved.

R 198-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING ACCEPTANCE OF A SETTLEMENT AGREEMENT

WHEREAS, certain matters have arisen pertaining to L.D.'s employment with the Borough of Madison ("Borough"); and

WHEREAS, L.D. has agreed to a Settlement Agreement and Release and executed same on July 8, 2020; and

WHEREAS, the Borough Council has reviewed the Settlement Agreement and Release as recommended by the Borough Attorney, and seeks to accept and agree to the terms of same.

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

- 1). The Borough hereby accepts and ratifies the terms and conditions of the Settlement Agreement and Release executed by L.D. on July 8, 2020; and
- 2). The Borough hereby authorizes the Mayor to execute the Settlement Agreement and Release; and
- 3). That this resolution shall take effect immediately.

R 199-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A CONTRACT WITH CLARK CATON HINTZ FOR PROFESSIONAL SERVICES REGARDING HARTLEY DODGE MEMORIAL PLAZA

WHEREAS, the Borough Administrator has recommended execution of a professional services contract with Clark Caton Hintz, be made regarding professional grant application services for the Borough of Madison and the Hartley Dodge Memorial Plaza pursuant to a written proposal from Clark Caton Hintz dated February 3, 2020; and

WHEREAS, such services constitute professional services for which a contract may be awarded without the need of competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a); and

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

WHEREAS, funds are available in the Open Space Trust Fund, or in any other account that may be deemed appropriate by the Chief Financial Officer or his

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designee, and the availability of funds has been certified by the Chief Financial Officer.

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 authorized to execute on behalf of the Borough a professional services contract with Clark Caton Hintz, for professional grant application services for the Borough of Madison/Hartley Dodge Memorial Plaza, in an amount not to exceed \$3,100.00 in a form acceptable to 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 ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Ms. Baillie, seconded by Mrs. Vitale 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	\$450,253.94
General Capital Fund	896,681.86
Electric Operating Fund	602,341.11
Electric Capital Fund	0.00
Water Operating Fund	52,615.53
Water Capital Fund	13,900.61
Trusts	<u>8,640.41</u>
Total	<u>\$2,024,433.46</u>

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

Yeas: Mrs. Vitale, Ms. Baillie, Ms. Byrne,
Mr. Hoover, Ms. Coen, Ms. Ehrlich

Nays: None

NEW BUSINESS - None

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved August 10, 2020 (EO)