

R 51-2023

**RESOLUTION OF THE BOROUGH OF MADISON RATIFYING
CONTRACT AWARD AND PAYMENT IN THE AMOUNT OF \$39,774.00
TO PERSISTENT CONSTRUCTION, INC. FOR FOOTBRIDGE
REPAIRS AT MEMORIAL PARK ON AN EMERGENCY BASIS**

WHEREAS, the Borough Engineer has previously advised the Council that the foot bridge at Memorial Park requires emergency repair in order to protect the health and welfare of the public; and

WHEREAS, the amount of \$39,774.00 is required to repair the footbridge at Memorial Park on an emergency basis, pursuant to N.J.S.A 40A:11-6(6), and

WHEREAS, the Borough Engineer has engaged the services of Persistent Construction, Inc., to perform the emergency work; and

WHEREAS, the Borough Engineer has requested that the Borough authorize the contract award and payment to Persistent Construction, Inc. in the amount of \$39,774.00 for such work which payment is authorized pursuant to N.J.S.A 40A:11-6(b); and

WHEREAS, the Borough Council has determined to authorize contract award and payment in the amount of \$39,774.00 for the emergency services; and

WHEREAS, the Chief Financial Officer has attested that funds are available in the amount of \$39,774.00 for this purpose in Ordinance 6-2023.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that payment in the amount of \$39,774.00 is authorized to be made to Persistent Construction, Inc. for the emergency services as described herein.

ADOPTED AND APPROVED
January 23, 2023

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk

R 52-2023

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING FINAL PAYMENT AND CHANGE ORDER REQUEST IN THE AMOUNT OF \$196,246.67 FOR THE HARTLEY DODGE MEMORIAL PLAZA RESTORATION PROJECT BY MERRILL & GARAGUSO, INC.

WHEREAS, a contract was awarded to Merrill & Garaguso, Inc., for the Hartley Dodge Memorial Plaza Restoration by Resolution 73-2021; and

WHEREAS, the Borough Engineer has recommended approval of a Change Order to the contract in an additional amount not to exceed \$164,028.29, which were negotiated by the Borough Engineer, and final consolidated payment in the amount of \$196,246.67; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$196,246.67 for the change orders and final consolidated payment, which funds are available in C04-57-194-602 Capital account/Ordinance 5-2023.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that the Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute the Change Orders to the Contract with Merrill & Garaguso, Inc., to address the issues described above, in an additional amount not to exceed \$164,028.29, and final consolidated payment in the amount of \$196,246.67, in a form approved by the Borough Attorney.

ADOPTED AND APPROVED
January 23, 2023

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk

R 53-2023

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A FINAL PAYMENT AND CHANGE ORDER WITH CLARK CATON HINTZ FOR PROFESSIONAL SERVICES REGARDING HARTLEY DODGE MEMORIAL PLAZA

WHEREAS, the Borough of Madison previously awarded a contract to Clark Caton Hintz for professional engineering services regarding the Hartley Dodge Memorial by Resolution 123-2018; and

WHEREAS, the Borough Engineer has recommended a change order in the amount of \$7,557.52 and final consolidated payment in the amount of \$9,391.67; and

WHEREAS, the Borough Engineer has recommended that the Borough amend the contract with Clark Caton Hintz for these services in an additional amount of \$7,557.52 and final payment in the consolidated amount of \$9,391.67; and

WHEREAS, funds are available in Ordinance 56-2016 and Ordinance 14-2018, or in any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds has been certified by the Chief Financial Officer in the 2023 temporary budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that an amendment to the contract between the Borough and Clark Caton Hintz as described herein is approved, in a form acceptable to the Borough Attorney.

ADOPTED AND APPROVED
January 23, 2023

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk

R 54-2023

RESOLUTION OF THE BOROUGH OF MADISON APPROVING SALARY INCREASE FOR ELIZABETH OSBORNE

WHEREAS, Elizabeth Osborne is employed as the full time Clerk for the Borough of Madison; and

WHEREAS, the Borough Administrator has recommended a merit increase to Elizabeth Osborne in recognition of the additional work that Ms. Osborne has assumed to implement the Municipal Identification Program, drafting of all governing body ordinances and resolutions significantly reducing external legal fees and pursuing certification as a Registrar furthering the transition of the Health Department from the Civic Center to the Hartley Dodge Memorial Building; and

WHEREAS, a review of the compensation survey for Morris County Municipal Clerks reflects a disparity regarding compensation for the Madison Borough Clerk; and

WHEREAS, the Borough Administrator has recommended increasing the salary of Elizabeth Osborne from \$106,956.00 to \$117,000.00 effective 1/1/23.

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 salary of Elizabeth Osborne shall be increased to \$117,000.00 retroactive to January 1, 2023.
2. The governing body expresses its gratitude to Elizabeth Osborne for her diligent efforts on behalf of the Borough of Madison.

ADOPTED AND APPROVED
January 23, 2023

ROBERT H. CONLEY, Mayor

ATTEST:

ELIZABETH OSBORNE, Borough Clerk

R 55-2023

**RESOLUTION OF THE BOROUGH OF MADISON APPROVING
TEMPORARY SIGNS FOR THURSDAY MORNING CLUB**

WHEREAS, the members of the Thursday Morning Club have requested permission to put up temporary signs advertising the Thursday Morning Club's Pre-School Program, Before and After School Programs and Summer Camp, February through May and July through September 2023; and

WHEREAS, the signs would be located in the public Right of Way at various intersections and adjacent to certain Borough-owned properties, commencing on February 15, 2023 and removed by May 31, 2023, and July 1, 2023 and removed by September 30, 2023; and

WHEREAS, the Zoning Officer has recommended that a temporary sign permit be issued.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the request of the members of the Thursday Morning Club to put up temporary signs as described herein, is approved.

ADOPTED AND APPROVED
January 23, 2023

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk

R 56-2023

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AN ANNUAL STIPEND OF \$3,000.00 FOR FRANCES BOARDMAN FOR ASSUMING ADDITIONAL DUTIES TO IMPLEMENT AND ENFORCE THE TREE PROTECTION PERMIT PROCESS

BE IT RESOLVED by the Borough Council of the Borough of Madison that Frances Boardman is hereby awarded an annual stipend of \$3,000.00 for additional services provided to implement and enforce the Tree Protection Permit Process.

ADOPTED AND APPROVED
January 23, 2023

ROBERT H. CONLEY, Mayor

ATTEST:

ELIZABETH OSBORNE, Borough Clerk

R 57-2023

**RESOLUTION OF THE BOROUGH OF MADISON APPROVING
USE OF COMMUNITY POOL PUBLIC PARKING LOT BY THE
ADULT SCHOOL OF THE CHATHAMS, MADISON AND FLORHAM
PARK ON APRIL 13, 2023, MAY 3, 2023 AND MAY 18, 2023**

WHEREAS, the Adult School of the Chathams, Madison and Florham Park has requested permission to use the public parking lot at the Madison Community Pool on Wednesday, April 13, 2023, May 3, 2023 and May 18, 2023, between the hours of 7:00 a.m. and 5:00 p.m. for parking during bus trips; and

WHEREAS, the Borough Administrator has recommended that upon submission of an application and adequate insurance such permission be granted; 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 the request from the Adult School of the Chathams, Madison and Florham Park to park at the Madison Community Pool public parking lot on April 13, 2023, May 3, 2023 and May 18, 2023, between the hours of 7:00 a.m. and 6:00 p.m. is hereby approved subject to such safety requirements as may be directed by the Madison Police Department and/or Fire Department.

ADOPTED AND APPROVED
January 23, 2023

ROBERT H. CONLEY, Mayor

Attest:

CARIDAD REYES, Deputy Borough Clerk

R 58-2023

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING
CONTINUATION OF THE ELECTRIC UTILITY REBATE PROGRAM FOR 2023**

WHEREAS, the Borough Council recognizes a need for an Electric Utility Rebate Program; and

WHEREAS, the Borough Council finds that it is a benefit to continue the Borough of Madison Electric Utility Rebate Program and guidelines for the calendar year 2023; and

WHEREAS, it's anticipated that the total cost of the 2023 program will be less than \$70,000.00.

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

1. An Electric Utility Rebate Program is authorized for assistance to eligible residents for the calendar year 2023, in the amount of \$200.00 as a one-time credit toward electric utility charges.
2. The Program will be conducted in accordance with the attached 'Announcement of the Madison Electric Utility Rebate Program for 2023 guidelines.

ADOPTED AND APPROVED
January 23, 2023

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk

R 59-2023

**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING
WITHDRAWAL FROM MEDICAL AND PRESCRIPTION DRUG PLAN
OFFERINGS UNDER THE STATE HEALTH BENEFIT PROGRAM OF THE
STATE OF NEW JERSEY EFFECTIVE MARCH 31, 2023**

WHEREAS, the Borough of Madison hereby resolves to terminate its participation in the State Health Benefits Program (SHBP) Medical and Prescription Drug plans, effective March 31, 2023, thereby canceling coverage provided by the State Health Benefits Program (SHBP) for all covered employees; and

WHEREAS, all active Borough employees shall be notified of the date of termination of their coverage under the Program; and

WHEREAS, all COBRA participants will be notified by the N.J. Division of Pensions & Benefits and advised to contact their office concerning a possible alternative health, prescription drug and dental insurance plan; and

WHEREAS, if applicable, Division of Pensions & Benefits will notify retired employees of the cancellation of their coverage.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that withdrawal from medical and prescription drug plan offering under the State Health Benefit Program shall be effective March 31, 2023 and a copy of Resolution 59-2023 and the attached resolution completed by the Borough's Certifying Officer shall be immediately forwarded to the State Health Benefits Program/State Health Benefits Commission.

ADOPTED AND APPROVED
January 23, 2023

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk

RESOLUTION 60-2023

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PARTICIPATION IN THE NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the **North Jersey Municipal Employee Benefits Fund**, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND; and

WHEREAS, the governing body of the Borough of Madison, hereinafter referred to as "LOCAL UNIT" has determined that expanded membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Expand membership in the FUND to include Health and Prescription drug coverage for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s): a. Health Insurance and/or Prescription Insurance and/or Dental Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.
- v. In consideration of the fund removing the usual 3% margin built into the rates, the amount that would have otherwise been charged shall become a receivable due the FUND from the local unit which at the option of the LOCAL UNIT shall be paid back as follows.
 - a. Increase in subsequent years rates specifically for the purpose to repay the amount.
 - b. From future return of surplus that would have otherwise been payable to the LOCAL UNIT when dividends are declared by the FUND.

- c. Immediately should the local unit terminate membership in the FUND regardless of future dividend potential unless otherwise agreed to by the FUND

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

ADOPTED AND APPROVED
January 23, 2023

ROBERT H. CONLEY, Mayor

ATTEST:

ELIZABETH OSBORNE, Borough Clerk

R 61-2023

**RESOLUTION OF THE BOROUGH OF MADISON AMENDING
RESOLUTION 149-2022 TO AWARD A CONTRACT TO NIELSEN FORD,
FOR THE PURCHASE OF TWO (2) HYBRID POLICE VEHICLES AND
ACCESSORY EQUIPMENT UNDER THE EDUCATIONAL SERVICES
COMMISSION OF NJ ESC**

WHEREAS, Resolution 149-2022 authorized a contract to be awarded to Beyer Ford, of Morristown, NJ, for the purchase of two (2) hybrid police vehicles and accessory equipment from Beyer Ford, under the Educational Services Commission of NJ ESC Co-Op #65MCESCCPS-ESCNJ 20/21-09; and

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

WHEREAS, the Qualified Purchasing Agent has recommended that Resolution 149-2022 be amended to allow for the purchase of two (2) hybrid police vehicles and accessory equipment from Neilsen Ford, at a total price not to exceed \$81,713.55; and

WHEREAS, the Mayor and Council have determined that Resolution 149-2022 should be amended, and the contract with Beyer Ford should not be executed or implemented.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Resolution 149-2022, awarding a contract to Beyer Ford, under the Educational Services Commission of NJ ESC Co-Op #65MCESCCPS-ESCNJ 20/21-55 is hereby amended, to award a new contract for the purchase of two (2) hybrid police vehicles and accessory equipment from Neilsen Ford, at a total price not to exceed \$81,713.55.

ADOPTED AND APPROVED
January 23, 2023

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk