

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

**Wednesday, October 13, 2010 - 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 October 2010. Mayor Holden called the meeting to order at 7 p.m. in the Mayor's Office, Room #210 of Bayley-Ellard High School, 205 Madison Avenue, 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 Bayley-Ellard High School, and filing a copy in the office of the Clerk, all on January 7, 2010. 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 Mary-Anna Holden

Council Members:

Astri J. Baillie  
Robert H. Conley  
Jeannie Tsukamoto  
Vincent A. Esposito  
Sebastian J. Cerciello  
Donald R. Links

Also Present:

Raymond M. Codey, Borough Administrator  
Elizabeth Osborne, Borough Clerk  
Joseph Mezzacca, Jr., Borough Attorney

**AGENDA REVIEW**

Two Contract Matters and one Personnel Matter were added to the Executive Agenda.

**READING OF CLOSED SESSION RESOLUTION**

Mrs. Tsukamoto moved:

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

MINUTES FOR APPROVAL (1)  
Executive Minutes of September 27, 2010

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

CONTRACT MATTERS (6)  
ROSENET TV  
MUSEUM OF EARLY TRADES & CRAFTS  
PUBLIC LIBRARY  
BACKUP LICENSED SEWER OPERATOR

**Regular Meeting Minutes – October 13, 2010**

HDM UPDATE  
LINCOLN PLACE

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

PERSONNEL MATTERS (3)  
EMPLOYEE INFORMATION  
UCC FIRE INSPECTORS  
LABOR NEGOTIATIONS

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

LITIGATION MATTERS (1)  
SEWER DEPARTMENT GRIEVANCES

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

Seconded: Ms. Baillie  
Vote: Approved by voice vote

**RECONVENE IN COUNCIL CHAMBER**

Mayor Holden reconvened the Regular Meeting at 8:30 p.m. in the 3<sup>rd</sup> Floor Meeting Room of Bayley-Ellard with all members present. The Pledge of Allegiance was recited by all.

**APPROVAL OF MINUTES**

Ms. Baillie moved approval of the **Executive Minutes of September 27, 2010**. Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mr. Cerciello, Mr. Links  
Nays: None

Ms. Baillie moved approval of the **Regular Meeting Minutes of September 27, 2010**, with the following amendment:

Page 6 of 10, paragraph 2:

Add:

**Mrs. Tsukamoto asked Mr. Newell to confirm that only new construction and major renovation would need approval and to explain on-going enforcement. Mr. Newell responded positively and also indicated that on-going enforcement would be complaint driven.**

Mrs. Tsukamoto seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mr. Cerciello, Mr. Links  
Nays: None

**GREETINGS TO PUBLIC**

Mayor Holden made the following comments:

## ***Regular Meeting Minutes – October 13, 2010***

**Employee of the Month for October** is Police Officer Chad Rybka of the Madison Police Department for his work on several new community-oriented initiatives, specifically, researching and instituting the Nixle communication program. He was also the top producer in the cell phone enforcement initiative.

### **October Anniversaries:**

**40<sup>th</sup> Anniversary** – Nancy Adamczyk, Director of the Madison Public Library, on October 1<sup>st</sup>.

**30<sup>th</sup> Anniversary** – James Sodano, Department of Public Works, on October 14<sup>th</sup>.

**30<sup>th</sup> Anniversary** – Kenneth Spencer, Department of Public Works, on October 15<sup>th</sup>.

## ***REPORTS OF COMMITTEES***

### **Community Affairs**

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

Ms. Baillie reported that the Farmers' Market will continue through the end of the month at Madison Plaza. Basketball, Wrestling and other winter sports registration will be held on Saturday, November 6<sup>th</sup>, from 9:30 a.m. to 12:30 p.m. in the Bayley-Ellard Gym. The Madison Chamber of Commerce is sponsoring a Halloween parade and magic show on Saturday, October 30<sup>th</sup>.

### **Finance and Borough Clerk**

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

Mr. Conley reminded residents that next Wednesday, October 20, 2010, at 7 p.m., the Mayor and Council will hold a special meeting to discuss the 2011 budget and future fiscal management.

### **Public Safety**

Mrs. Tsukamoto, Chair of the Committee, made the following comments:

Mrs. Tsukamoto reported that Madison Police Detective Ed Mitchko saved the life of a choking man while off duty. The Madison Police Department is offering programs, including a movie, football and bowling, on October 30<sup>th</sup> for Madison youngsters to provide alternative activities. The Madison Police also reminded residents that there is zero tolerance for criminal mischief behavior during Halloween. The Police participated in the Cops & Shops program during the last school year with 20 other municipalities, which resulted in 128 arrests of under-aged individuals who attempted to purchase alcohol. The Police Department received a grant of \$1,600.00 for their participation. Mrs. Tsukamoto thanked the Madison Police Department for their immediate action regarding the event at St. Paul Inside the Walls. The Madison Fire Department participated in an airport and aircraft emergency training exercise and will also have a confined spaces drill this fall.

### **Utilities**

Dr. Esposito, Chair of the Committee, made the following comments:

Dr. Esposito thanked the Madison Electric Department for their assistance with the Madison Fire Department in responding to a house fire.

### **Public Works and Engineering**

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

Mr. Cerciello raised concern regarding roadway reconstruction along Lincoln Place. Borough Engineer Robert Vogel plans to address the subject later in the Council meeting.

## **Regular Meeting Minutes – October 13, 2010**

### **Health & Public Assistance**

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

Mr. Links reminded residents that pet licenses will be renewed soon and the Madison Health Department will hold a rabies clinic on Saturday, November 13<sup>th</sup>, from 10:00 a.m. to 12:00 noon.

### **COMMUNICATIONS AND PETITIONS - None**

### **INVITATION FOR DISCUSSION (1 of 2)**

Mayor Holden opened the meeting to the public for their opportunity to ask questions and make comments on those items listed on the Agenda only. The Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided 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**

#### **10/13/2010-1 MUSEUM OF EARLY TRADES & CRAFTS**

Mrs. Tsukamoto briefly reported that the Museum of Early Trades & Crafts finds that many grant opportunities require lease agreements longer than 20 years. Council is in agreement to have Mr. Mezzacca draw up a new lease.

Resolution R 266-2010 was removed from the Consent Agenda.

#### **10/13/2010-2 TEMPORARY EXTERIOR STORAGE UNITS**

Following discussion, there was agreement to list for introduction an ordinance to regulate temporary exterior storage units.

Ordinance 55-2010 is listed for introduction later in the meeting.

#### **10/13/2010-3 WELL HEAD PROTECTION AREAS**

Borough Engineer Robert Vogel explained that the proposed ordinance prohibits activities in the area of the five wells that the Borough owns and maintains.

Groundwater can contaminate wells and our water source.

Ordinance 56-2010 is listed for introduction.

#### **10/13/2010-4 GREEN VILLAGE ROAD SPECIAL USE DISTRICT**

Ms. Baillie explained that the Madison Planning Board was approached by the Board of Education regarding use of the site of the Green Village Road School area. The Board of Education wishes to dispose of the property and would like for it to be compatible with the Borough's Master Plan and to make the property more attractive. Design guidelines cut meeting times before other Boards and make for a much better design process. Once introduced, the proposed ordinance will go to the Planning Board for review at their scheduled meeting of October 26, 2010, where residents will have an opportunity to be heard as well as the hearing before the Borough Council scheduled for November 8<sup>th</sup>. Borough Assistant Administrator James Burnet addressed the Council in support of the work the committee has done so far. Ordinance 57-2010 is listed for introduction.

**Regular Meeting Minutes – October 13, 2010**

**10/13/2010-5 MADISON 2020 ADVISORY COMMITTEE**

Ms. Baillie explained that the committee began last year in an effort to have the Borough be certified by Sustainable Jersey. If certified, a municipality is eligible for grant funds. The committee consisted of enthusiastic volunteers that wish to keep the committee going. The committee members requested a more permanent status. Following discussion, Ordinance 58-2010 was listed for introduction.

**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 September 27, 2010, 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 Holden called up ordinances for second reading and asked the Clerk to read said ordinances by title:

**ORDINANCE 53-2010**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 45-2008 TO ABOLISH POSITION OF MADISON MAIN STREET EXECUTIVE DIRECTOR**

WHEREAS, the Borough Administrator has recommended abolishing the full-time, non-union position of Madison Main Street Executive Director; and

WHEREAS, the Borough Council has determined that a change is required in the salary ranges for non-union full-time employees to abolish the position of Madison Main Street Executive Director.

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

Section 1. Ordinance 45-2008 which amended Ordinance 5-2008 setting the salary ranges for non-union full-time employees is hereby amended to delete the salary ranges for the following position:

<b>POSITION</b>	<b>MINIMUM</b>	<b>MARKET VALUE</b>	<b>MAXIMUM</b>
Madison Main Street Executive Director	\$46,750.00	\$55,000.00	\$63,250.00

Section 2. All other provisions of the Ordinance remain unchanged.

**Regular Meeting Minutes – October 13, 2010**

Section 3. This ordinance shall take effect upon passage and publication of Ordinance 41-2010 and as otherwise provided by law.

Mayor Holden opened up the public hearing on Ordinance 53-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 53-2010, 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:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

Mayor Holden declared Ordinance 53-2010 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

**ORDINANCE 54-2010  
ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 32-2009 OF THE BOROUGH OF MADISON APPROPRIATING FUNDS FROM THE GENERAL CAPITAL IMPROVEMENT FUND TO CONSTRUCT AN ELEVATOR AT THE MADISON CIVIC CENTER FROM \$300,000.00 TO \$325,000.00**

**WHEREAS**, Ordinance 32-2009 of the Borough of Madison appropriated \$300,000.00 from the General Capital Improvement Fund to construct an elevator at the Madison Civic Center; and

**WHEREAS**, the Borough Administrator has recommended that the Borough amend Ordinance 32-2009 to appropriate an additional \$25,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 32-2009 to \$325,000.00 to construct an elevator at the Madison Civic Center; and

**WHEREAS**, the Director of Finance 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 amend Ordinance 32-2009 to appropriate an additional \$25,000.00 from the General Capital Improvement Fund thereby increasing Ordinance 32-2009 to \$325,000.00 to construct an elevator at the Madison Civic 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:** Ordinance 32-2009 is amended to appropriate an additional \$25,000.00 from the General Capital Improvement Fund thereby

**Regular Meeting Minutes – October 13, 2010**

increasing Ordinance 32-2009 to \$325,000.00 to construct an elevator at the Madison Civic 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.

Mayor Holden opened up the public hearing on Ordinance 54-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Cerciello moved that Ordinance 54-2010, which the Borough Clerk read by title, be adopted. Mrs. Tsukamoto seconded the motion. Following Council discussion, the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mr. Cerciello, Mr. Links  
Nays: None

Mayor Holden declared Ordinance 54-2010 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

***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 November 8, 2010, in the 3<sup>rd</sup> Floor Meeting Room of Bayley-Ellard High School, 205 Madison Avenue off Danforth 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 Bayley-Ellard High School and be made available to members of the public requesting same, as required by law.

Mayor Holden called up ordinances for first reading and asked the Clerk to read said ordinances by title:

**ORDINANCE 55-2010**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF THE MADISON BOROUGH CODE, LAND DEVELOPMENT ORDINANCE, TO ADD SECTION 30.5E REQUIREMENTS FOR TEMPORARY EXTERIOR STORAGE UNITS**

WHEREAS, the Borough Council has determined to amend Chapter 195 of the Borough Code, the Madison Land Development Ordinance, Section 195-30.5, entitled "Accessory structures and uses" in accordance with a recommendation from the Madison Borough Planning Board; and

WHEREAS, the Borough Council has considered the proposed amendment to the Madison Land Development Ordinance and wishes to amend the Code.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Chapter 195 of the

**Regular Meeting Minutes – October 13, 2010**

Borough Code entitled “Madison Land Development Ordinance”, shall be amended as follows:

SECTION 1: Section 195-30.5, entitled “Accessory structures and uses” is hereby amended to add the following section:

**§195-30.5. Accessory structures and uses.**

.....

E. Requirements for Temporary Exterior Storage Units.

- (1) Definitions. For the purposes of this section, the following terms wherever used or referred to shall have the respective meanings assigned to them, unless a different meaning clearly appears from the context.

CONSTRUCTION DUMPSTER – A roll off waste container transported to and from the place of use by trucks or trailers and positioned at a construction site for the collection and eventual disposal of construction waste.

CONSTRUCTION TRAILER – A shipping container, roll off or mobile trailer at a construction site utilized for storage, construction management, or residential sales offices purposes for the duration of the construction activities associated with and in sole support of an approved development.

MOBILE STORAGE TRAILER – Any non-habitable portable enclosure without a permanent foundation designed to be hitched and/or attached to trucks, tractors or other vehicles for movement from place to place with the purpose to store tangible property and not for occupancy by persons. Mobile storage structures shall only be allowed on commercial sites undergoing active construction activities associated with and in sole support of an approved development.

PORTABLE HOME STORAGE UNIT - Portable sheds and/or enclosures that are designed, constructed and commonly used for non-permanent placement on property for the purpose of temporary storage of personal property on a residential property supporting the principal permitted use.

TEMPORARY EXTERIOR STORAGE UNIT – A construction dumpster, construction trailer, mobile storage trailer, portable home storage unit or a portable sanitary restroom.

(2) Placement, Duration, Maintenance. It shall be unlawful for any person to park, place or suffer placement of a Temporary Exterior Storage Unit which:

- (a) Is not secured or which is accessible to others not using the unit;

**Regular Meeting Minutes – October 13, 2010**

- (b) Is not in a state of good repair;
- (c) Is in or upon any street, highway, roadway, designated fire lane or sidewalk in the Borough;
- (d) Interferes with sight lines for motorists on adjoining streets or the driveways of adjacent properties;
- (e) Obstructs safe means of access to or from any dwelling, use or structure;
- (f) Creates, in the opinion of the Fire Subcode official, a fire or safety hazard;
- (g) Displays advertising, other than the identification of the manufacture or operator of the unit;
- (h) Has not received a zoning permit

(3) PERMITTED TEMPORARY EXTERIOR STORAGE UNITS – Commercial Sites

- (a) A single construction trailer utilized for storage may be allowed upon a site wherein there is active construction of a nonresidential building, provided that:
  - [1] The location of the construction trailer is depicted on a Soil Erosion and Sediment Control (SESC) plan approved by the Morris County Soil Conservation District (MCSCD).
  - [2] The trailer shall be used only in connection with active construction and shall not remain upon the premises for longer than two (2) weeks past the substantial completion of said construction.
  - [3] In no event will any trailer used in connection with nonresidential development remain on said premises for more than two (2) years from the date of initial construction.
- (b) Mobile Storage Trailers shall be permitted provided the following conditions are satisfied:
  - [1] A list of the types of goods and materials to be stored shall be provided to the Bureau of Fire Safety
  - [2] The mobile storage trailer does not exceed 8 feet in height, 40 feet in length or 400 square feet
  - [3] No more than one (1) mobile storage trailer shall be permitted at any one time on a site
  - [4] Mobile storage trailers shall not be located within any required parking space
  - [5] Mobile storage trailers shall not be located within any required setback
  - [6] Mobile storage trailers shall be placed in the least conspicuous location available to minimize disturbance and visibility to any adjoining residential properties or uses.

**Regular Meeting Minutes – October 13, 2010**

[7] The final location shall be determined by the Fire Safety Official, Zoning Officer and Construction Code Official.

(c) On the expiration of the (2) year permitted duration, any temporary exterior storage unit remaining on the site shall be removed or considered a proposed accessory structure, subject to the zone district regulations for accessory structures and will require an appearance before the appropriate board of jurisdiction.

(4) PERMITTED TEMPORARY EXTERIOR STORAGE UNITS – Residential Sites

(a) The use of construction dumpsters or alternatively portable home storage units at residential construction sites for storage of materials are permitted, provided that:

[1] A zoning permit is obtained for any use in excess of 48 hours,

[2] The use and placement shall be limited to a maximum of six (6) months, and;

[3] There shall be no more than three (3) permit applications, per property, per calendar year;

[4] Its placement satisfies all other provisions of the code.

(b) Portable Home Storage Units shall be permitted in any residential zone provided the following conditions are satisfied:

[1] No more than one (1) portable home stage units shall be permitted on any property at one time

[2] Portable home storage units shall be no closer than ten (10') feet to any lot line.

[3] No portable home storage unit exceeds 130 square feet in area , nor exceeds 8 feet in height;

[4] No portable home storage unit shall be erected on any corner lot closer to any of the lines of the street abutting said lot than the front yard setback lines from said streets.

[5] Units must be kept on a paved or otherwise impervious driveway at the furthest accessible point from the street

(c) In an emergency wherein use of a portable home storage unit is requested, the Borough Zoning Officer, upon application, shall determine whether approval is granted for this portable home storage unit. The Zoning Officer's approval will be granted for a period of (30) days.

**Regular Meeting Minutes – October 13, 2010**

- (d) On the expiration of the (6) month permitted duration, any temporary exterior storage unit remaining on the site shall be removed or considered a proposed accessory structure, subject to the zone district regulations for accessory structures and will require an appearance before the appropriate board of jurisdiction.

(5) Permits & Fees

- (a) No person shall park, place or suffer placement of a Temporary Exterior Storage Unit without first obtaining a permit from the Zoning Officer. The permit shall specify the time period during which the unit may be kept on the property. The permit shall be obtained prior to setting the unit on the property and shall be displayed in a weather-proof manner on the unit.
- (b) For Temporary Exterior Storage Units on Commercial sites not shown on an approved MCSCD SESC plan, the permit application fee shall be \$50.
- (c) For Temporary Exterior Storage units on Residential Sites, the permit application fees shall be \$50.
- (d) The permit application fee for emergency use of temporary exterior storage units shall be waived for the first thirty (30) days. Thereafter, the normal \$50 permit application fee shall apply.

(6) Violations and Enforcement

- (a) Any person, corporation or partnership that violates any provision(s) of this ordinance shall be subject to fines and penalties, as follows
  - [1] For the first violation, a fine of \$100 per day, per violation
  - [2] For the second violation, a fine of \$200 per day, per violation
- (b) In addition, any person, corporation or partnership found guilty of a violation of this ordinance shall be ordered to abate the problem and pay the cost incurred by the Borough if the Borough abated the problem.
- (c) The Borough of Madison Construction Code Official, Fire Official, Zoning Officer and the Madison Police Department shall be responsible for enforcing the provisions of this ordinance.

**Regular Meeting Minutes – October 13, 2010**

SECTION 2: All other provisions of the Ordinance not inconsistent herewith shall remain the same.

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

Ms. Baillie moved that Ordinance 55-2010, which the Borough Clerk read by title, be adopted. Mr. Conley seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mr. Cerciello, Mr. Links  
Nays: None

**ORDINANCE 56-2010**  
**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF**  
**THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MADISON**  
**AND ESTABLISHING STANDARDS TO PROTECT THE BOROUGH'S**  
**COMMUNITY PRODUCTION WELLS**

**WHEREAS**, the groundwater contained within the area known as the Buried Valley Aquifer System of the Central Passaic River Basin (BVA) is a major water supply source, including drinking water. The BVA has been designated as a “sole source” aquifer under Section 1424(e) of the federal Safe Drinking Water Act of 1974; and

**WHEREAS**, the aquifer is integrally connected with and is recharged by the surface waters within the Well Head Protection Area first shown in the Phase 2 Municipal Stormwater Management Plan adopted May 2005 as Map Appendix 12. This area has been updated by the Well Head Protection Area Map for the Borough of Madison herein adopted and to be updated as soil, groundwater, geologic and parcel knowledge is refined; and

**WHEREAS**, Madison’s five current production wells are a major source of existing and future drinking water supply for the Borough. These production wells are completed in and operate in the WHPA; and

**WHEREAS**, accidental spills and discharges of toxic and hazardous materials, as described in Chapter 195-37 of the Borough Code, may threaten the quality of this groundwater supply; and

**WHEREAS**, in the interest of safeguarding Madison’s drinking water supply source, and in so doing protecting the health of the public and protecting the economic interest of the community in its drinking water supply, groundwater and surface water contamination should be prevented by regulating or prohibiting certain land uses or activities within the entirety of the WHPA; and

**Regular Meeting Minutes – October 13, 2010**

**WHEREAS**, the purpose of this ordinance is to protect public health, safety and welfare through the protection of the Borough's community production wells. To do this, the following measures have been implemented:

- Areas of land surrounding Madison's production wells, known as Wellhead Protection Areas (WHPAs) from which contaminants may move through the ground to be withdrawn in water taken from the wells have been delineated and are identified as the Well Head Protection Area, as shown on the Well Head Protection Area Plan, as prepared by the Borough of Madison Department of Engineering, as amended from time to time.
- The refinement of an existing ordinance to regulate activities within the Well Head Protection Area. The purpose of the regulations contained within this ordinance is to regulate those certain land uses that inherently produce degraded stormwater runoff or have the potential for deleterious discharges to surface and groundwater.

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

**Section 1.** Chapter 195 of the Revised General Ordinances of the Borough of Madison, Section 195-7 entitled "Definitions," shall be amended to include the following additional terms to be defined:

**Aquifer** – A geologic formation, group of geologic formations, or part of a geologic formation that contains sufficient saturated permeable rock, sand or gravel which is capable of storing and transmitting usable quantities of water to wells or springs.

**Best Management Practices (BMP):** These are performance or design standards established to minimize the risk of contaminating groundwater or surface waters while managing the use, manufacture, handling or storage of hazardous substances or hazardous wastes.

**Contamination:** The presence of any harmful or deleterious substances exceeding current Federal and State Maximum Contaminant Levels in the water supply. The NJDEP residential clean up standards shall apply to residential uses and the non-residential standards shall apply to non-residential uses.

**De minimis Quantity Exemption:** As defined by **INDUSTRIAL SITE RECOVERY ACT** (ISRA) N.J.S.A. 13:1D-1 et seq., 13:1K-6, 58:10B-1 et seq., and 58:10-23.11a et seq. (or most current) The total quantity of hazardous substances or hazardous wastes at an industrial establishment may be a combination the total quantity shall not exceed 500 pounds or 55 gallons.

**Discharge:** Any intentional or unintentional action or omission, unless pursuant to and in compliance with the conditions of a valid and effective Federal or State of New Jersey Permit resulting in the releasing, spilling, pumping, pouring, emitting, emptying or dumping of a hazardous substance into the waters or lands of the State of New Jersey or into the waters or natural resources within the jurisdiction of the State of New Jersey. See also 'Stormwater Management Measure' 195.37

**Groundwater:** Water contained in interconnected pores of a saturated zone in the ground, also known as well water. A saturated zone is a volume of ground in which

## ***Regular Meeting Minutes – October 13, 2010***

the voids in the rock or soil are filled with water at a pressure greater than atmospheric.

**Hazardous Substance:** Any substance designated under 40 CFR pursuant to Section 311 of the Federal Water Pollution Control Act Amendments of 1972 [Clean Water Act (Public Law 92-500; 33 U.S.C 1251 et seq.)], the Spill Compensation and Control Act N.J.S.A. 58:10-23.11 et seq., or Section 4 of the New Jersey Water Pollution Control Act N.J.S.A. 58:10 A-4). Substances listed include petroleum, petroleum products, pesticides, solvents and other substances.

**Hazardous Waste:** Any solid waste that is defined or identified as a hazardous waste pursuant to CFR Part 261, the Solid Waste Management Act N.J.S.A. 13:1E et seq. or N.J.A.C. 7:26-8.

**Major Discharges:** Those discharges for which a NJPDES discharge to ground water permit is required. Examples include but are not limited to discharges of sanitary wastewater from housing developments, schools, businesses, factories; discharges of industrial wastewater; illicit connections as defined in 195.37; and some stormwater discharges. Sanitary landfills and hazardous waste facilities can also be considered potential major dischargers to ground water. These discharges often use injection wells (including subsurface disposal systems serving facilities with an aggregate design flow in excess of 2,000 gallons/day); infiltration/percolation lagoons; spray irrigation; overland flow systems; surface impoundments; dredge spoils; and residuals surface impoundments.

**Sole Source Aquifer:** Any drinking water aquifer upon which 50-percent of a population group depends and for which there is no practicable or affordable alternate water supply as certified by the United State Environmental Protection Agency as defined Section 1424(e) of the federal Safe Drinking Water Act (SDWA) of 1974.

**Spill Prevention Control and Countermeasure Plan (SPCC):** A written document that describe measures to be taken to prevent, contain and clean up oil spills or other regulated wastes prior to discharge to surface or groundwaters.

**Wellhead Protection Area (WHPA):** A land area described in plan view around a well from which groundwater flows to the well and groundwater pollution, if it occurs, may pose a significant threat to the quality water withdrawn from the well. A Wellhead Protection Area is a mapped area around a public water supply well that delineates the horizontal extent of ground water captured by a public water supply well pumping at a specific rate over a specific time. A WHPA has three tiers which serve to delineate priority areas for the protection of ground water quality. Tier 1 is a two-year time of travel, (i.e. the ground water within this tier flows to the well within a two-year time period). Tier 2 is equivalent to a five-year time of travel, while Tier 3 is equivalent to a twelve-year time of travel. For the purposes of this ordinance, the WHPA shall refer to the Well Head Protection Areas as shown on the Madison Well Head Protection Area Map, as amended from time to time.

**Section 2.** Chapter 195 of the Revised General Ordinances of the Borough of Madison, Section 195-30 entitled "Supplemental Regulations," is hereby amended to add the following new section:

**Regular Meeting Minutes – October 13, 2010**

**§195-30.7 Development Standards in the Well Head Protection Area (WHPA) district.**

- A. In the event that new public water supply wells are installed in locations outside the boundaries of the WHPA, a new wellhead protection area must be established for each new well. Subsequently, all of the regulations detailed in this ordinance are to be applied to the new wellhead protection area
- B. All Major Development, as defined in Chapter 195.37, within the WHPA must demonstrate conformance with the Borough's enhanced stormwater management requirements pertaining to groundwater recharge and runoff water quality, as described in 195-37.3.F & G of the Borough code, in order to eliminate the potential for degrading or contaminating the surface and groundwaters within the WHPA
- C. A detailed hydrogeologic investigation shall be required for any new Major Development or Redevelopment within the WHPA. The hydrogeological investigation should include site specific discussions including:
  1. Introduction and Background information (description, relation to contaminated sites, etc)
  2. Water well records, if available
  3. Water supply needs
  4. General Geology/hydrogeology
  5. Groundwater flow directions and gradients
- D. The following High Risk Uses that are potential major sources of groundwater contamination are prohibited in both of the designated areas of the WHPA:
  1. Building Materials and Contractor's Yards
  2. Cemeteries
  3. Commercial Fuel Oil Distributor
  4. Commercial Livestock Operations
  5. Dumps and Open Burning Sites/Pits
  6. Junk or Salvage Yards
  7. Land Application of Wastewater and/or Sludge
  8. Machine Shops
  9. Metal Plating Establishments
  10. Motor Vehicle Sales (New and Used)
  11. Motor Vehicle Service Stations
  12. Bulk Storage Operations Involving Liquids, Hazardous Substances or Wastes, or Petroleum Products (excluding residential/commercial heating oil storage) in excess of De minimis quantities as defined by N.J.S.A. 13:1D-1 et seq., 13:1K-6, 58:10B-1 et seq., and 58:10-23.11a et seq. (or most current) Industrial Site Recovery Act
  13. Recycling Center
  14. Sanitary Landfill or Solid Waste Transfer Facility
  15. Non-single family Sewage Treatment/Disposal Pond
  16. Radioactive Materials Operations or Disposal
  17. Quarries and Mining Operations
  18. Unenclosed Road Salt Stockpiles

**Regular Meeting Minutes – October 13, 2010**

19. (Reserved)
- E. Any high-risk use located within the WHPA in existence prior to the date of enactment of this ordinance shall be exempted from compliance with the requirements of this ordinance.
- F. Any material change or expansion of an existing high-risk use or property that would, in the opinion of the Borough Engineer or other applicable Borough official, result in a Site Plan or Subdivision application to the Planning or Zoning Board, or otherwise meet the definition of a Major Development would require full compliance with the ordinance contents.
- G. The owner/operator of any new commercial and industrial uses within the WHPA shall submit their Spill Prevention Control and Countermeasure (SPCC) Plans and any other written emergency procedures to the Borough, upon request.
- H. The owner/operator of any new commercial and industrial uses within the WHPA shall submit to the Board of Health and Borough Engineer the following information and reports:
1. Copies of all federal, state and county operational applications, approvals, and permits; and reports and monitoring results that are related to environmental, pollution control, hazardous substance, hazardous waste and drinking water rules and regulations at the time of submittal to the federal, state and county authorities.
  2. Copies of all notices, reports and documents that are filed with federal, state and county authorities in the event of any release of a hazardous substance or contamination, at the time of filing.
  3. Copies of all notices, orders, rules, decisions, recommendations, enforcement actions or similar documentation at the time of receipt by or on behalf of the owner/operator from any federal, state or county authorities in connection with enforcement of environmental, pollution control, hazardous substance, hazardous waste and drinking water rules and regulations.
- I. All garbage dumpsters for residential, commercial or industrial land uses within the Well Head Protection Area shall be operated in an environmentally safe manner, including but not limited to the use of watertight lids; covered, regularly emptied dumpsters; no outdoor storage of solid waste, etc.
- J. All new dumpster locations or relocations should be located as distant from stormwater collection facilities as practicable. In no case shall dumpster enclosures be located immediately upstream of any inlet, catch basin or vegetated swale.

**Section 3.** Article VI of the Revised General Ordinances of the Borough of Madison, Chapter 195-37, "Stormwater, Wetland Protection, Steep Slopes, Flood Control and Riparian Buffer Zone," shall be amended as follows:

**§195-37.3 Stormwater management requirements for major developments**

**Regular Meeting Minutes – October 13, 2010**

.....

G. Stormwater runoff quality standards.

.....

(9) Enhanced Runoff Quality Standards in the (WHPA) district:

(a) Within WHPA Tier 1, the TSS removal rate shall be 95%

(b) Within WHPA Tier 2, the TSS removal rate shall be 90%

(c) Within WHPA Tier 3, the TSS removal rate shall be 85%

**Section 4.**, Article VI of the Revised General Ordinances of the Borough of Madison, Chapter 195-37 "Stormwater, Wetland Protection, Steep Slopes, Flood Control and Riparian Buffer Zone," section 195-37.3 entitled "Stormwater management requirements for major developments" shall be amended to add **195-37.3.F.(1)(b)[c]** entitled "Enhanced Groundwater Recharge Standards in the (WHPA) district:

as follows:

F. Erosion control, groundwater recharge and runoff quantity standards.

(1) This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.

(a) .....

(b) The minimum design and performance standards for groundwater recharge are as follows:

[1] The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations herein, either:

[a] .....

[b] .....

[c] Enhanced Groundwater Recharge Standards in the (WHPA) district.

[1] Within WHPA Tiers 1 and 2, the design engineer must demonstrate that the increase in runoff from pre-construction to post-construction for the entire 5 year storm is infiltrated.

[2] Within WHPA Tier 3, the design engineer must demonstrate that the increase in runoff from pre-construction to post-construction for the entire 10 year storm is infiltrated

**Section 5.** If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Regular Meeting Minutes – October 13, 2010**

**Section 6.** All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 7.** This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Ms. Baillie moved that Ordinance 56-2010, which the Borough Clerk read by title, be adopted. Mr. Conley seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

**ORDINANCE 57-2010**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF THE BOROUGH CODE, LAND DEVELOPMENT ORDINANCE, TO ADD SECTION 32.15 ENTITLED “GREEN VILLAGE ROAD SPECIAL USE DISTRICT (GVRSU) REGULATIONS” AND AMEND SECTION 24.2 ENTITLED “DESIGN AND BUILDING LAYOUT.”**

**WHEREAS**, the Borough Council has determined to amend Chapter 195 of the Borough Code, the Madison Land Development Ordinance, to add Section 195-32.15, entitled “Green Village Road Special Use District (GVRSU) Regulations” and to amend Section 195-24.2, entitled “Design and building layout” in accordance with a recommendation from the Madison Planning Board; and

**WHEREAS**, the Borough Council has considered the proposed amendment to the Madison Land Development Ordinance and wishes to amend the Code.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that Chapter 195 of the Borough Code entitled “Madison Land Development Ordinance” shall be amended as follows:

**SECTION 1:** Section 195-32.15, entitled “Green Village Road Special Use District (GVRSU) Regulations” is hereby added as follows:

**§ 195-32.15 Green Village Road Special Use District (GVRSU) Regulations**

A. Purpose. To encourage development of the area, consistent with transit-oriented design and sustainable design principles, in a manner that is context sensitive and that strengthens the connection between this area of the Borough and the core of the downtown. Future development should balance site development opportunities and positive economic outcomes with impacts on surrounding properties. The standards of this zone are

**Regular Meeting Minutes – October 13, 2010**

intended to encourage superior building aesthetics, sustainable site design and building practices, and cohesive overall design to effectively address circulation, site access, parking and other shared infrastructure.

B. Sub-Zone I (See *GVRSU District Map*): Principal permitted uses:

- (1) Townhouse development in accordance with the standards of the R-6 Zone
- (2) Multi-family development, whether attached to one another horizontally, vertically, or by some combination of the two, in accordance with the standards of this Section.

C. Sub-Zone I: Permitted Conditional Uses

(1) Boutique hotel, with the following conditions:

- (a) Must be an extension of a boutique hotel primarily located in Sub-Zone II and shall be part of a comprehensively designed plan for a boutique hotel;
- (b) Buildings shall not exceed the maximum height/stories under Section E(2)a;
- (c) No surface parking shall be located within 25 feet of any property line with the exception of an interior lot line between Sub-Zone I and II which shall have no required setback;

D. Sub-Zone I: Accessory uses:

- (1) Uses that are customarily incidental and accessory to the principal use.

E. Sub-Zone I: Area, Height and Bulk Requirements:

- (1) Minimum lot area: 80,000 sq. ft.
- (2) Maximum height/stories:
  - (a) Maximum building heights shall be governed by a combination of the sky exposure plane (as illustrated in Figure 1 and defined as the theoretical inclined plane connecting a point five feet above grade plane elevation at the top of the curb of the eastern side of Kings Road and traveling westward) and elevation based on the "Topographic Map of the Borough of Madison," prepared by VEP Associates, dated 4/13/93. Buildings shall not project above the sky exposure plane as noted in Figure 1 nor shall they exceed 323.5' elevation, based on the "Topographic Map of the Borough of Madison," prepared by VEP Associates, dated 4/13/93. No building shall contain

**Regular Meeting Minutes – October 13, 2010**

more than four (4) stories, without incentives.

(b) Up to one additional story of height may be permitted, but only as provided for through incentives in Section 195-32.15.D(8), provided that any fifth story shall not break the sky exposure plane by more than 10 feet, nor shall any part of any fifth story exceed 342' elevation above sea level based on the "Topographic Map of the Borough of Madison," prepared by VEP Associates, dated 4/13/93 and as illustrated below.

(c) Any story above the third story shall not occupy more than 80% of the building footprint of the floor below.

(d) Enclosed, fully or partially below grade parking shall not count as a story if the exposure of the parking level (exclusive of any entrance or exit) is less than 4 feet as measured from the proposed or existing grade to the underside of the structure of the floor above.

(3) Minimum setbacks for all buildings:

(a) Setback along westerly property line: 100 feet

(b) Perimeter setback (all other yards): 25 feet

(c) Building separation: 25 feet minimum if both structures are three (3) stories or less; 35 feet if over three (3) stories

(d) Setback from Green Village Road: 175 feet

(4) Setbacks for accessory buildings: 20 feet to any side or rear yard; no accessory buildings allowed in any front yard.

(5) Maximum impervious coverage: 50%

(6) Minimum number of buildings per tract or lot: 2 buildings (exclusive of accessory structures)

(7) Maximum building coverage: 30%

(8) Maximum density: 20 units per base acre with the option for the Reviewing Board to grant density/height bonuses based on the following, provided that the Applicant meets at least two of the following standards:

(a) Incorporation of green building/design techniques to achieve at least a LEED certified project under the LEED ND Program or provision of an engineered green roof occupying at least 50% of rooftop area or 6,000 square feet, whichever is greater: Bonus of 20% density over base density and a half

**Regular Meeting Minutes – October 13, 2010**

story of additional height.

(b) Inclusion of an amenity or site design feature that clearly benefits the public and/or the environment to an extent reasonably related to the density incentive offered: up to 20% bonus

(c) Provision of all parking below grade: Bonus of 20% of the base density and a half story of additional height.

(d) Maximum cumulative incentives shall not exceed 40% over the base density nor shall additional heights exceed one story.

(9) Off-street parking shall be as set forth in the RSIS; however, the Board should encourage a variance be requested from these standards due to the location of any parcel within the zone relative to available downtown parking resources and other opportunities for shared parking.

**F. Sub-Zone II: Principal Permitted Uses:**

(1) Permitted ground floor uses: retail sales and service, restaurants (non drive-thru), boutique hotel, performing arts venue, museum, theater, art galleries.

(a) Boutique hotel (the following definition to be placed in Section 195-7): A facility offering transient lodging accommodations to the general public with up to 100 rooms and which may include additional facilities and services, such as restaurants, meeting rooms, and recreational facilities.

(2) Permitted upper floor uses: commercial, office, apartments, live/work artist lofts, institutional/educational use not to exceed 15 percent of gross floor area, performing arts venue, boutique hotel, museum, theater, art galleries.

(a) Live/work loft (the following definition to be placed in Section 195-7): combined living/work spaces for visual arts including artist residences with studio space.

**G. Sub-Zone II: Accessory Uses**

(1) Uses that are customarily incidental and accessory to the principal use.

**H. Sub-Zone II: Area, Height, Bulk and Parking Requirements:**

(1) Minimum lot area: 40,000 square feet

**Regular Meeting Minutes – October 13, 2010**

(2) Minimum and maximum height/stories:

(a) Maximum height: 3 stories/35 feet along Kings Road measured from the top of curb to the highest part of the roof surface

(b) Based on incentives specified in Section 195-32.15.G(6), the Reviewing Board may allow a partial or full fourth story (4 stories/45feet as measured from the top of the curb of Kings Road).

(c) Any story above the second story shall be setback an additional eight (8) feet from Kings Road.

(d) Enclosed, below grade parking levels shall not count as a story if the exposure of the parking level at the street line (exclusive of any entrance or exit to the parking) is less than 4 feet as measured from the proposed or existing grade to the underside of the structure of the floor above.

(e) Minimum height shall be two (2) stories along the Kings Road frontage.

(3) Minimum yards (setbacks):

(a) Minimum yards (setbacks) for all buildings shall conform to the requirements of the CBD District.

(b) Building separation: 20 feet minimum if structures are three (3) stories or less; 30 feet if over three (3) stories.

(4) Maximum impervious coverage: 85%

(5) Minimum number of buildings per tract or lot: 2 buildings (exclusive of accessory structures)

(6) Incentives/Height Bonus: The Reviewing Board may grant height bonuses of up to one additional story of the building's footprint based on the following standards:

(a) Incorporation of green building/design techniques to achieve at least a LEED certified Silver project or provision of an engineered green roof occupying at least 50% of rooftop area or 6,000 square feet, whichever is greater: Bonus of a half story (i.e. a full story that occupies half of the building footprint) of additional height.

(b) Provision of a public plaza (park) that is accessible via a pedestrian path from Kings Road and encompasses at least

**Regular Meeting Minutes – October 13, 2010**

15,000 square feet: Bonus of a half story of additional height (i.e. a full story that occupies half of the building footprint).

(c) Provision of a community theater/performance space that accommodates at least 150 people on the site: Bonus of half story of additional height.

(d) Provision of at least 75% of the required parking below grade and/or in a structure that is wrapped along public street frontages with permitted ground floor uses: Bonus of half story of additional height.

(e) Maximum cumulative incentives shall not exceed one full story with total building height of no more than four stories/50 feet (and corresponding square footage for one additional story based on the building's footprint).

(7) Off-street parking shall be as set forth in the RSIS for residential uses; for non-residential uses, the parking requirements of the CBD shall apply; however, the Board should encourage a waiver be requested from these standards due to the location of any parcel within the zone relative to available downtown parking resources and other opportunities for shared parking.

I. The [Zoning Map](#) is amended as follows:

(1) GVRSU Zone I: Part of Block 3001, Lot 8 (see attached map).

(2) GVRSU Zone II: Block 3001, Lot 7, 9 and the remainder of Lot 8 (see attached map).

J. Supplemental requirements and design standards for Sub-Zone I:

(1) Parking

(a) At least 75% of the off-street parking shall be contained within the principal structures. No parking garages shall be permitted in the required front yard, nor face a public street. No single story accessory garages shall be permitted.

(b) Areas for bicycle storage shall be provided within all parking garages or designated storage areas, as well as in any public plaza or along the primary internal access drive serving the site.

(2) Landscaping & Fencing

(a) A minimum twenty-five foot landscaped buffer shall be required along the western property line and a ten-foot

**Regular Meeting Minutes – October 13, 2010**

planted buffer shall be required around the balance of the perimeter of the site. All pervious areas in the required front yard and/or between the building façade and the property line or any internal circulation road shall be fully planted and maintained in a combination of lawn area or ground cover with a mix of native deciduous and evergreen shrubbery and trees. The landscape plan shall be prepared by a licensed landscape architect and reviewed by the Madison Shade Tree Management Board.

(b) Parking areas, solid waste storage areas, sheds and all other accessory structures shall be screened from view of adjacent residential zones, existing residential uses and public roads by landscaping, fencing or a combination of these to create a buffer of at least six feet in height. Landscaping shall contain a mix of deciduous and evergreen plantings sufficient to screen the view of vehicles in all seasons.

(c) No fences or gates across access drives shall be permitted. Fencing along the perimeter of rear and side yards shall not exceed six (6) feet in height. No chainlink fencing shall be permitted.

**(3) Vehicular Access**

(a) Curb cuts, circulation, and parking areas shall be located at least 50 feet from the westerly property line and a minimum of ten (10) feet from all other property lines.

**(4) Building arrangement and design:**

(a) When development consists of multiple structures, buildings shall be oriented around open space, courtyard or similar landscape amenity with the overall design preserving existing trees, vegetation and grades to the maximum extent possible.

(b) The selection of building design elements, such as materials, fenestration, color and texture, should be compatible with that in the Borough and neighborhood. Clapboard siding, cedar shingles, hardie plank, stone, or brick shall be the primary exterior material.

**Regular Meeting Minutes – October 13, 2010**

(c) Internal circulation should provide pedestrian access interior to the site connecting through sub-zone II to Kings Road and the CBD. Design of this pedestrian accessway should include landscaping, street trees, pedestrian scale street lights, and similar features appropriate to the zone's context.

(d) Site lighting should be harmonious with the building style and design and shall use only downward facing fixtures to minimize spillage and glare. Lighting intensities shall be the minimum required to adequately light the site and shall consider the proximity and nature of adjoining uses. See also Chapter 195-25.6 for additional standards.

(e) All building facades shall be treated as front facades.

(f) All buildings are required to incorporate frequent vertical and horizontal articulation through slight variations in build-to-lines along, incorporation of front entries and porches, variations in roof pitch, careful selection of materials, the use of windowed projections, and similar architectural treatments to improve the visual appearance of the buildings.

(g). Vertical articulations shall be provided at least every 30 feet along all facades that exceed 60 feet in length or width.

(5) Development shall implement section 195-24 General Design Standards and 195-25 Specific Design Standards of the Borough Land Development Ordinance.

(6) Affordable Housing Requirement: Provisions shall be made to meet the required affordable housing obligation of at least 10% low and moderate income housing or as required by COAH/State Statute either on-site, off-site or through a payment in lieu addressed in a Developer's Agreement.

(7) Applicants for development in the GVRSU Zone shall submit a concept plan and an existing conditions survey with elevation/slope information and existing vegetation both on-site and within 50 feet of the property boundary for planning board review prior to making a site plan application.

(8) Photo simulations shall be provided showing the massing, scale,

**Regular Meeting Minutes – October 13, 2010**

materials and finishes proposed for the project from various viewpoints in context with surrounding properties. These simulations shall be submitted at the time of the initial application for site plan approval.

(9) All proposals for development in this zone shall be required to prepare an Environmental Impact Assessment in accordance with Chapter 195-20.F. and a Traffic Impact Statement in accordance with Chapter 195-20.G.

**K. Supplemental requirements and design standards for Sub-Zone II:**

(1) See guidelines for development in Section 195--24.2.E. entitled Guidelines for Development in the GVRSU District, which shall apply to development in Sub-Zone II.

(2) An area for bicycle storage shall be provided within all parking garages or designated storage areas, as well as in any public plazas and along the public street frontage.

(3) No fences or gates across access drives shall be permitted. Fencing along the perimeter of rear and side yards shall not exceed six (6) feet in height. No chainlink fencing shall be permitted.

(4) Vehicular access is limited to two points of access along Kings Road that minimize traffic conflicts.

(5) Internal circulation should provide pedestrian access interior to the site connecting through sub-zone I. Design of this pedestrian accessway should include landscaping, street trees, pedestrian scale street lights, and similar features appropriate to the zone's context.

(6) Affordable Housing Requirement: Provisions shall be made to meet the required affordable housing obligation of at least 10% low and moderate income housing or as required by COAH/State Statute either on-site, off-site or through a payment in lieu addressed in a Developer's Agreement.

(7) Applicants for development in the GVRSU Zone shall submit a concept plan and an existing conditions survey with elevation/slope information and existing vegetation both on-site and within 50 feet of the property boundary for planning board review prior to making a site plan application.

**Regular Meeting Minutes – October 13, 2010**

(8) Photo simulations shall be provided showing the massing, scale, materials and finishes proposed for the project from various viewpoints in context with surrounding properties. These simulations shall be submitted at the time of the initial application for site plan approval.

(9) All proposals for development in this zone shall be required to prepare an Environmental Impact Assessment in accordance with Chapter 195-20.F. and a Traffic Impact Statement in accordance with Chapter 195-20.G.

(10) A master signage plan shall be submitted as part of the site plan review process and signage requirements for the CBD-1 Zone shall apply.

L. Standards related to site design and layout, including, but not limited to landscaping, stormwater management, lighting, parking, etc. outlined in other sections of Chapter 195, Land Development, shall apply. In the event of inconsistencies between standards elsewhere in Chapter 195 and in this section, the more restrictive standard shall apply.

**SECTION 2:** Section 195-24.2, entitled “Design and building layout” is hereby amended to add the following section:

**§ 195-24.2. Design and building layout.**

E. Guidelines for Development in the GVRSU District, Sub-Zone II:

(1) Purpose and Intent.

a. The purpose of these standards and guidelines is to ensure that all development within the District gives due consideration to the historic, physical, visual and spatial character and scale of the area in which it is located.

b. These standards and guidelines are intended to preserve and enhance the District’s unique setting and context, to maintain or improve upon pedestrian access and circulation, and to guide and encourage rehabilitation and new construction that is compatible with traditional form and scale.

c. The physical, visual and spatial characteristics of the District context shall be maintained and reinforced through the consistent use of compatible urban design and architectural design elements. Such elements shall relate the design characteristics of an individual structure or development to other existing and planned structures or developments in a harmonious and integrated manner, resulting in a coherent overall development pattern and streetscape.

(2) Applicability.

## **Regular Meeting Minutes – October 13, 2010**

a. These standards and guidelines shall be applicable to any project requiring subdivision, variance, and/or site plan approval. The design standards and guidelines shall be applied concomitantly with the applicable use and bulk regulations of the district, as well as with other standards within this Chapter. Where the standards conflict, the more restrictive requirement shall govern. These standards are not, however, a substitute for any required review or approval by Madison's Historic Preservation Commission in any historic district.

b. The scope of the standards and guidelines includes exterior aspects of the rehabilitation of existing structures, additions to existing structures, and construction of new buildings, as well as site design and improvements.

c. These standards and guidelines shall be used by the reviewing board in reviewing the materials provided as part of any site plan, variance, or subdivision approval request.

### **(3) Modifications and Exceptions.**

a. Modifications or exceptions to the design guidelines and standards contained in this Section may be approved by the Board provided the applicant has met the criteria for exceptions pursuant to N.J.S.A. 40:55D-51, and can provide testimony that the resulting change will conform to all of the following:

- (1) Generally satisfy the purpose and intent of this Section;
- (2) Generally enhance the development plan;
- (3) Generally enhance the streetscape and neighborhood.

### **(4) District Design Standards and Guidelines.**

#### **a. Context, Continuity, Massing & Scale**

(1) Individual development plans shall be evaluated in relation to the surrounding physical context, including the existing design features of the streetscape or neighborhood.

(2) Individual development plans shall reflect a sense of continuity with the dominant design features of their physical context. Continuity can be achieved through scale, through careful facade composition, (e.g. fenestration, cornice or soffit line, or floor to floor elevation), through the use of related materials, through site details (e.g. street trees, decorative lamp posts, textured sidewalk), or by other means.

(3) In those cases where there is no consistent pattern of streetscape or buildings abutting a development application or where that pattern is inconsistent with these guidelines, the applicant is encouraged to view its application as an opportunity to establish the future context for the area.

(4) Buildings located at the borders or edges of the District shall mark the transition into and out of the District in a distinct fashion, using massing, height extensions, contrasting materials and/or architectural embellishments to obtain this effect.

(5) Individual development plans shall be designed to facilitate pedestrian circulation, both external and internal, in particular between parking facilities and sidewalks. Safe and attractive mid-block linkages are also encouraged, as are barrier free connections.

(6) Focal points, or points of visual termination, shall generally be occupied by structures with distinctive architectural

**Regular Meeting Minutes – October 13, 2010**

treatments. Applicants may also submit plans in which building voids or natural features, such as a plaza or a park, act as points of visual termination.

(7) The layout, materials and details used in the treatment of exterior spaces shall be selected to enhance their immediate surroundings. Exterior spaces shall be functional and provide visual and/or physical amenities for their users, including, but not limited to, textured paving, landscaping, lighting, street trees, benches, bicycle racks, trash receptacles and other items of street furniture, as appropriate.

(8) Structures shall be considered in terms of their relationship to the height and massing of surrounding structures, as well as in relation to the human scale. Structures shall maintain an appropriate scale in relation to neighboring structures, and implement external architectural details that maintain a human scale.

b. Building Orientation, design and architectural treatment.

(1) Orientation and Spacing.

[a] Buildings' principal orientation shall be towards and relate to public streets, both functionally and visually. Buildings shall not be oriented to front parking lots.

[b] In a sequence of structures along a street, the spacing between them (sidewall to sidewall) is an important element in defining the observer's perception of rhythm. New structures shall reflect the existing rhythm, or, in the absence of a clear rhythm, shall better define it. In new development, a sequence of structures shall seek to establish a spacing rhythm that is related to the scale of the individual buildings, their height, the composition of the facade, and the width of the street.

(2) Architectural Style.

[a] A diversity of architectural styles adds interest to a streetscape or district. No particular architectural style is preferred outside of local historic districts, and both contemporary contributions and reinterpretations of older architectural styles with a contemporary flavor may be acceptable. However, a diversity of appearance in facades shall be counterbalanced with continuity in massing, wall line, verticality, and spacing.

[b] In rehabilitations of older buildings in the District, distinctive stylistic features or characteristic examples of skilled craftsmanship shall be treated with sensitivity. If deteriorated, these architectural features shall be restored rather than replaced, wherever possible. In the event replacement is necessary, the new material shall match that being replaced in composition, design, color, texture and other visual qualities, to the maximum extent possible.

[c] The surface cleaning of older structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that damage original material are prohibited.

## **Regular Meeting Minutes – October 13, 2010**

[d] A contemporary flair in alteration and additions to existing properties shall not be discouraged, provided respect for the significant features of the original structure is demonstrated, as well as compatibility.

### **(3) Multiple Uses, Ground Floor Retail Emphasis, and/or Storefronts.**

[a] Storefronts, display windows and other ground floor openings shall be accentuated through fenestration and architectural treatment. Storefronts shall maintain consistency with upper floors in terms of composition, materials, style and detailing.

[b] Ground floor display windows shall be oriented to the public street rather than designed with an inward, internal orientation.

[c] In the rehabilitation of older buildings, the traditional storefront elements such as entrances, transoms, kickplates, corner posts, signs and display windows shall be maintained, whenever possible and replicated in new buildings that are seeking to echo the area's historic context.

[d] Retail sales and service uses shall have large pane display windows on the ground level. Such windows shall be framed by the surrounding wall.

[e] The maximum size of a ground floor retail trade, retail service or food service establishment shall not exceed 6,500 square feet of gross floor area.

### **(4) Massing and Scale.**

[a] Buildings shall avoid long, uninterrupted wall or roof planes. Building wall offsets, including both projections and recesses, shall be required, in order to provide architectural interest and variety, and relieve the visual effect of a single, long wall on large buildings. Similarly, roof line offsets shall be provided, in order to provide architectural interest and variety to the massing of a building and relieve the effect of a single, long roof.

[b] Larger buildings shall reduce the appearance of bulk through recesses, offsets, changes of plane, stepped terraces or other devices which break up and articulate building mass. Vertical design components should also be considered.

[c] Buildings shall be massed to reinforce street space, and shall exhibit a continuity of facade lines, building heights sensitive to adjacent structures, and a scale of design features consistent with surrounding buildings.

[d] Infill and additions.

[1] Infill development in the District shall consider the height of the existing, surrounding buildings.

[2] Extensions of existing buildings, particularly those with architectural character, shall require careful attention. Additions that overpower or conflict with the original architecture shall not

**Regular Meeting Minutes – October 13, 2010**

be permitted. Additions which maintain a sense of continuity, through setbacks, compatible colors and materials, and similar geometric relationships are encouraged.

**(5) Facades.**

[a] All visible facades of a building shall be architecturally emphasized through manipulation of the elements of modulation and composition. The architectural treatment of the front facade shall be continued around all visibly exposed sides of a building.

[b] All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors, and details.

[c] Facades shall be balanced and proportional in including both vertical and horizontal design elements that relate to the human scale.

[d] Solid metal security gates or solid roll-down metal windows are prohibited.

**(6) Fenestration.**

[a] Fenestration shall be architecturally compatible with the style, materials, colors and detail of a building. Windows shall be vertically proportioned wherever possible. To the extent possible, the location of windows on the upper stories of a building shall be vertically aligned with the location of windows and doors on the ground level, including storefronts or display windows.

[b] In buildings designed in an architectural style that normally has windows with muntins or divided lights, these shall be required, and they must be externally attached on both sides on the ground floor level.

[c] In the rehabilitation of older buildings, original windows and doors shall be maintained both in number, size, location and expression. In particular, the expression defined by lintel, frame, sill and head shall be maintained if the original window is replaced by one of modern design.

[d] Windows shall be required at ground floor level with total fenestration at ground level a minimum of 60 percent along all exposed facades.

[e] Blank wall or service area treatment of side and/or rear elevations visible from the public viewshed shall not be permitted.

**(7) Materials, Colors and Details.**

[a] All materials, colors and architectural details used on the exterior of a building shall be compatible with the building's style, as well as with each other. A building designed in an architectural style that normally includes certain integral materials, colors and/or details shall incorporate them into its design.

[b] Exterior building materials shall be selected to convey a sense of dignity and permanence to the

**Regular Meeting Minutes – October 13, 2010**

building. Natural materials and natural colors are preferred except in cases where architectural style dictates a more varied color scheme.

[c] The use of metal or glazed curtain walls, dryvit panels, mirrored and/or heavily tinted glass, plastic panels, thin veneers, exposed concrete block, aluminum or vinyl siding or other artificial materials as exterior building materials are prohibited.

[d] In renovations, the original materials should be retained and repaired, if possible, or replaced with matching materials, if beyond repair. Unpainted brick should not be disturbed, and masonry facades should not be covered or replaced with artificial siding or panels. In cases where the original facade has been modified, these materials should be replaced to match the original materials, where possible.

**(8) Roofs.**

[a] The type, shape, pitch, texture and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the building's style, materials, colors and details.

[b] Roof pitch shall be considered as a function of context and building height. Roof pitch shall be a minimum of 8/12 for gable roofs, and 6/12 for hip roofs. Flat roofs are permitted on buildings of a minimum of two stories in height, provided all visibly exposed walls have an articulated cornice that projects out horizontally from the vertical building wall plane. Hip or gable roofs are permitted where appropriate to the building type and compatible with the surrounding area. Other types of roofs are permitted if appropriate to the building's architecture.

[c] Architectural embellishments that add visual interest to roofs, such as dormers, belvederes, masonry chimneys, cupolas, clock towers and other similar elements are encouraged, provided they are architecturally compatible with the building.

[d] In the rehabilitation of older buildings, the design and pitch of the original roof shall be maintained, along with other functional and/or decorative elements such as cornices, dormers, gutters, cupolas and flashing. Replacements shall match as closely as possible the original element in color, material, size and design.

[e] Green or vegetative roofs are strongly encouraged as is the incorporation of any type of rooftop landscaping features.

**(9) Awnings and Canopies.**

[a] Fixed or retractable awnings are permitted at ground floor level, and on upper levels where appropriate, provided they complement a building's architectural style and are compatible with its materials, colors and details. [b] Canvas is the preferred material, although other water-proofed

## **Regular Meeting Minutes – October 13, 2010**

fabrics may be considered. Metal, aluminum, or vinyl awnings are prohibited.

[c] Awnings shall not be placed so as to conceal any significant architectural feature or detail.

[d] Waterfall-type awnings are prohibited.

[e] Particular attention shall be taken with selection of the appropriate supporting structure and hardware, as well as with the location and method by which it is attached to the building facade. Ground-mounted supports are prohibited.

[f] In buildings with multiple storefronts, compatible awnings should be used as a means of unifying the structure.

### **c. Parking and Access.**

#### **(1) Location and Access**

[a] Parking shall be provided along curbs, in structures, or in surface lots, preferably interconnected and shared.

[b] Surface parking lots shall be located to the rear of buildings to the maximum extent possible and shall be prohibited in any front yard area. The visual impact to adjacent properties and to the public right-of-way shall be minimized.

[c] Vehicular access shall, to the extent feasible, be obtained from side streets, and curb cuts minimized along major streets.

[d] Shared access and connections between parking areas are encouraged to facilitate traffic flows between adjacent developments and to minimize access points along major streets.

#### **(2) Parking Lot Design & Landscaping.**

[a] Site plans shall balance the functional requirements of parking with the provision of pedestrian amenities. Transition areas between parking and commercial or residential uses shall be designed with textured paving, appropriate pedestrian walkways and crosswalk treatment, landscaping and street furniture to clearly demarcate pedestrian flows and to protect pedestrian safety.

[b] Parking lot layout and orientation of parking with respect to proposed buildings shall reflect pedestrian needs, accessibility, and safety.

[c] Parking lot layout, landscaping, buffering and screening shall prevent direct views of parked vehicles by the public, minimize spill-over light, glare, noise or exhaust fumes onto adjacent properties, in particular residential properties, and provide the parking area with a reasonable measure of shade.

[d] The interior of all parking lots shall be landscaped to provide shade and visual relief. This is best achieved by protected planting islands or peninsulas within the parking lot. A minimum of one (1) deciduous shade tree shall be planted for every ten parking spaces.

## **Regular Meeting Minutes – October 13, 2010**

### **(3) Parking Structures.**

[a] The exterior of parking structures shall follow these design standards for composition and respect for context. Brick or other masonry materials are recommended for the exterior walls. Long, blank expanses of walls shall not be permitted. Parking structure facades shall present at least eighty (80%) percent solid wall area. Use of architectural details and landscaping to screen the structure are encouraged. If part of a larger building, a parking structure shall be fully integrated in terms of materials, colors, style, and openings.

[b] In order to enhance the continuity of the streetscape and minimize blank walls, parking structures are strongly encouraged to incorporate ground floor retail and service uses along any frontage facing onto a public right-of-way, including pedestrian walkways. If a parking structure is set back from the property line, landscaping with trees, shrubs and/or climbing plants shall be provided. Planters and “green” vegetative walls are encouraged, both along ground floor and upper levels, in order to soften the edges and openings.

[c] Vehicular access to parking structures shall be achieved from side streets, although direct pedestrian connections to the primary street shall be provided; vehicular entrances and exits shall not be overly emphasized, shall be architecturally integrated into the building, and shall protect pedestrian traffic at street level.

### **d. Landscaping, Lighting and Signage.**

#### **(1) Landscaping.**

[a] Landscaping shall be required in accordance with a plan conceived for each site as a whole. All areas of a site not occupied by buildings, parking lots, other improvements or textured paving shall be planted with trees, shrubs, hedges, ground covers and/or grasses. Perennials and annuals are encouraged. Landscaping shall be integrated with other functional and ornamental site design elements, where appropriate, such as recreational facilities, ground paving materials, paths and walkways, trellises, pergolas, and gazebos, fences and walls, street furniture, art and sculpture.

[b] Plant suitability including use of native plants, regular maintenance programs including replacement as needed, and compatibility with site and construction features shall be required in the design of landscaping.

[c] Shade trees shall be provided along each side of all streets, public or private, existing or proposed. On streets where healthy and mature shade trees currently exist they shall be protected and preserved

## **Regular Meeting Minutes – October 13, 2010**

and the requirements for providing new trees may be waived or modified.

[d] Shade trees shall have a minimum caliper of three and a half (3.50") inches at time of planting, and a maximum spacing of thirty (30') feet on center, with exact spacing to be evaluated on a site-specific basis.

[e] Shade tree species shall be reviewed and approved by the Shade Tree Management Board.

[f] Landscape plans shall be prepared by a certified landscape architect or certified professional in the field for building additions/renovations or new construction of 1,000 square feet of gross floor area or more.

[g] See Sections 195-25.3, 195-25.4, 195-24.5 for additional design standards.

### **(2) Lighting.**

[a] Streets and sites shall provide adequate lighting, while minimizing adverse impacts, such as glare and overhead sky glow, on adjacent properties and the public right-of-way.

[b] The exterior of a site, as well as parking areas, driveways and interior walkways, shall provide pedestrian-scale decorative lamp posts, spaced at regular intervals.

[c] Lighting fixtures shall be compatible with the building's style.

[d] Lights shall be concealed through shielding or installed behind features to eliminate glare and spillage.

[e] See Section 195-25.6 for additional standards.

### **(3) Signage.**

[a] Master Signage Plans are required per Section 195-34.B (2). Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors and details of the building, as well as with other signs used on the building or its vicinity

[b] Signs shall fit within the existing façade features, and shall not interfere with door and window openings, conceal any architectural details or obscure the composition of the facade where they are located.

[c] In older buildings, signs shall be placed on a facade only in an historically appropriate fashion. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only, and not directly into brick or stone.

[d] Wood and painted metal are the preferred materials for signs. Flat signs should be framed with raised edges. Signs using wood shall use only high-quality exterior grade finishes.

[e] Sign colors should be limited in number and compatible with the colors of the building facade and of nearby signs.

**Regular Meeting Minutes – October 13, 2010**

[f] Internally illuminated signs, including backlit channel lettering affixed directly to a building facade, are discouraged.

[g] See section 195-34 and Schedule IV for additional requirements.

e. Other Standards.

(1) Street Furniture and Utility Boxes.

[a] Elements of street furniture, such as benches, waste containers, planters, bicycle racks and bollards should be carefully selected to ensure compatibility with the character of the area and the site. Consistency in the location of the various elements of street furniture is critical, for maximum effect and functional usage.

[b] Utilitarian elements such as utility boxes should be concealed and screened from public view.

(2) Pedestrian Circulation, Sidewalks and Walkways.

[a] Walkway design shall promote pedestrian activity and safety within each site and throughout the district; walkways shall be separate and distinct from motor vehicle circulation to the greatest extent possible, provide a pleasant route for users, and promote pedestrian safety.

[b] Walkways shall be constructed of brick, slate, colored/textured concrete pavers or slabs, or some combination thereof that is compatible with the style, materials, colors and details of the surrounding buildings as well as with the public sidewalks.

(3) Walls and Fences.

[a] Walls and fences shall be designed to create visual interest, define space, differentiate public, semi-public and private space, provide a sense of enclosure, and guide pedestrian circulation, as well as for ornamental functions.

[b] Walls and fences shall be made of durable materials, and shall be compatible in style, materials and color with the surrounding buildings. Brick walls with a stone or cast stone cap are encouraged. Board on board type wooden fences, with reinforced corners and entrance poles, are permitted in rear and side yards only. Chain link, split rail, highway-style guard rail, stockade or contemporary security fencing such as barbed wire or razor wire are prohibited. Landscaping and creative use of materials are encouraged to improve the appearance of walls.

(4) Design and Screening of Loading Areas & Mechanical Equipment.

[a] Loading areas and their driveways shall be effectively screened from adjacent properties and from the public right-of-way through a combination of walls, fences and landscaping. Screening and landscaping shall also mitigate spill-over glare, noise or exhaust fumes generated by loading activities.

[b] All air conditioning units, HVAC components,

**Regular Meeting Minutes – October 13, 2010**

mechanical systems exhaust pipes or stacks, elevator or stair bulkheads and other similar appurtenances shall be thoroughly screened from public view, by using walls, roof elements, penthouse-type screening devices or landscaping, that are architecturally compatible with the style, materials, colors, and details of the building.

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

Ms. Baillie moved that Ordinance 57-2010, which the Borough Clerk read by title, be adopted. Mr. Conley seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

**ORDINANCE 58-2010**

**ORDINANCE OF THE BOROUGH OF MADISON ESTABLISHING THE MADISON 2020 ADVISORY COMMITTEE**

**WHEREAS**, the Mayor and Council wish to make permanent the Madison 2020 Advisory committee; and

**WHEREAS**, the Council has determined that it is in the best interest of the Borough of Madison to establish such a committee.

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

**SECTION 1:** The Madison Borough Code is amended to include the following Chapter 26 entitled “Madison 2020 Advisory Committee”:

**Chapter 26 : Madison 2020 Advisory Committee.**

**§26-1. Establishment.**

The Madison 2020 Advisory Committee is hereby established to be known as “the Madison 2020 Advisory Committee of the Borough of Madison.” (hereafter referred to as “the Committee”). The Committee shall consist of ten (10) members.

**§26-2. Purpose and Responsibilities.**

- A. To make recommendations to the Mayor and Council to help the municipality achieve sustainable smart growth land-use policies which balance economic, environmental and societal needs.
- B. The Committee will provide education and outreach on sustainability to the community, all Borough Committees, Boards and Commissions, and the Mayor and Council.

## **Regular Meeting Minutes – October 13, 2010**

- C. The Committee will encourage the town to reduce its carbon footprint through education and action.
- D. The Committee will assist the efforts of the Planning Board, the Madison Environmental Commission, the Shade Tree Management Board, the Parks Advisory Committee, and the Recreation Advisory Committee in their efforts to promote smart land use planning, energy and resource conservation, green design, sustainability, a green element for the Master Plan, and a sustainability plan for the future of the Borough of Madison.
- E. The Committee will seek grants to achieve these goals.
- F. The Committee will submit a report to the Mayor and Council at the end of each calendar year, including specific budget requests for on-going activities.
- G. The Committee will hold a minimum of six (6) public meetings annually which shall be open to the public and shall take place at the Madison Municipal Building unless otherwise noted.

### **§26-3 Membership**

All members of the Committee shall be residents of the Borough of Madison except for the Purchasing Agent and the Recycling Coordinator. All members shall serve without compensation. The Committee shall be comprised of the following persons, appointed by the Mayor with the advice and consent of the Council:

- A. One (1) liaison member of the Council,
- B. One (1) Purchasing Agent of the Borough of Madison,
- C. One (1) Recycling Coordinator,
- D. One (1) member of the Planning Board,
- E. One (1) member of the Madison Environmental Commission,
- F. One (1) member of the Parks Committee,
- G. Four (4) members who are residents of the Borough.

The Committee shall have the right to appoint non-voting advisory members with special abilities and expertise beneficial to the Committee's objectives.

### **§26-4. Terms of Office.**

- A. The Council liaison shall serve annually.
- B. The four (4) resident members shall serve for a term of three years (staggered terms). The terms of office shall commence upon the day of each members appointment, unless otherwise specified at the time

## **Regular Meeting Minutes – October 13, 2010**

of appointment, and be for the initial respective periods of one, two, and three years (two members shall initially be appointed for three years). The term of each appointee shall be designated in his or her appointment. All subsequent appointments, except to fill vacancies, shall be for the full three-year term, to take effect on January 1 next succeeding such appointment.

- C. All other members shall serve annually.
- D. The Mayor shall, initially, designate one of the members, as Chairperson, and the Committee shall select a Secretary to record minutes. Thereafter, in subsequent years, the Committee shall annually select a Chairperson and Secretary. The Chairperson shall call the initial meeting of the Committee within thirty (30) days of the adoption of this Ordinance. Thereafter, the Committee shall establish its meeting schedule, which shall be duly published.

### **§26-5. Vacancies**

Any vacancy occurring by reason of the death, resignation or removal of any member shall be filled for the unexpired term by the Mayor with advice and consent of the Council. In the event that the mayor fails to make a nomination at least 15 days prior to the date of the second regular public meeting of the Council after a position becomes vacant or the Borough Council fails to confirm a nomination, then the appointment shall be made by the Borough Council by the vote of a majority of the members present at the meeting, provided that at least three affirmative votes shall be required, with the Mayor to have no vote thereon except in the case of a tie.

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

Ms. Baillie moved that Ordinance 58-2010, which the Borough Clerk read by title, be adopted. Mr. Conley seconded the motion. Following Council discussion, the motion failed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mr. Cerciello

Nays: Mrs. Tsukamoto, Dr. Esposito, Mr. Links, Mayor Holden

Mayor Holden asked that the subject matter be brought back at the next Borough Council meeting. The Mayor asked that a subcommittee be formed to consider alternatives to establishing the Madison 2020 Advisory Committee.

### **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. Tsukamoto 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:

**Regular Meeting Minutes – October 13, 2010**

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

**R 263-2010 RESOLUTION OF THE BOROUGH OF MADISON RENEWING CONTRACT WITH ROBERT KOPACZ FOR FILMING OF BOROUGH COUNCIL MEETINGS AND SPECIAL EVENTS FOR TELEVISION**

**WHEREAS**, the Borough of Madison previously solicited quotes for filming of Borough Council meetings and special events for television for the year 2010 (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-6.1, et seq. and awarded a contract to Robert Kopacz; and

**WHEREAS**, the Borough Administrator has recommended that the Contract should be renewed for 2011 to Robert Kopacz as a media consultant on the same terms and conditions as 2010, in the amount of \$450 per Borough Council meeting and \$100 per hour for consulting services as may be agreed upon, as well as courtesy rental space at the Hartley Dodge Memorial or other Borough-owned property; and

**WHEREAS**, the Borough Council has determined to renew said contract to Robert Kopacz for the year 2011; and

**WHEREAS**, the Director of Finance has attested that funds will be available in an amount not to exceed \$450 per Borough Council meeting and \$100 per hour for consulting services for this purpose, from the 2011 budget.

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

1. The Contract with Robert Kopacz, of Summit, NJ as a media consultant is hereby renewed for the year 2011 based upon his quote in the amount of \$450 per Borough Council meeting for filming of Borough Council meetings for television and \$100 per hour for other consulting services the Borough may request, as well as courtesy rental space at the Hartley Dodge Memorial or other Borough-owned property.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the renewal Contract with Robert Kopacz of Summit, NJ in a form acceptable to the Borough Attorney.

**R 264-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING 2010 TAXI DRIVER'S PERMIT NO. 11 FOR MAYRA DUARTE OF MADISON SQUARE TRANSPORTATION INC.**

**Regular Meeting Minutes – October 13, 2010**

**WHEREAS**, in compliance with the provisions of Chapter 173 of the Borough Code, application for a Taxi Driver's Permit for Madison Square Transportation Inc. has been made by Mayra Duarte, Peapack, New Jersey; and

**WHEREAS**, the above applicant has complied with all requirements of the State Law and above-mentioned Ordinance;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Taxi Driver's Permit No. 11 be issued to Mayra Duarte effective upon Council approval and through December 31, 2010.

R 265-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY MADISON EDUCATION FOUNDATION, THURSDAY MORNING CLUB AND PTO MADISON JR. SCHOOL

**BE IT RESOLVED** by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following applications for Raffles Licenses, to be held as listed below, be and the same are hereby approved:

MADISON EDUCATION FOUNDATION  
I.D. No. 274-5-36429  
R.A. No. 1172 – On Premise  
November 13, 2010

THURSDAY MORNING CLUB  
I.D. No. 274-8-12803  
R.A. No. 1173 – On Premise  
November 13, 2010

PTO MADISON JR. SCHOOL  
I.D. No. 274-5-26391  
R.A. No. 1174 – Off Premise  
February 18, 2011

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the Legalized Games of Chance Control Commission.

R 266-2010 item removed and the # retired

R 267-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AGREEMENT WITH CAMP DRESSER & MCKEE INC. TO SERVE AS LICENSED BACKUP OPERATOR OF THE MADISON WASTEWATER COLLECTION SYSTEM

**Regular Meeting Minutes – October 13, 2010**

**WHEREAS**, the Borough Administrator has recommended that the Borough of Madison enter into an agreement with Camp Dresser & McKee, Inc., to serve as licensed backup operator of the Madison Wastewater Collection System; and

**WHEREAS**, Camp Dresser & McKee, Inc. will be paid at the rate of \$150.00 per hour for such duties; and

**WHEREAS**, the Director of Finance has attested that funds will be available for this purpose in the Operating Budget.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Mayor is authorized to sign an agreement with Camp Dresser & McKee, Inc., to serve as the licensed backup operator of the Madison Wastewater Collection System, in a form approved by the Borough Attorney.

Mrs. Tsukamoto moved adoption of Resolution R 268-2010, which Mr. Mezzacca read in full for the record. Mr. Conley seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

**R 268-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING APPOINTMENT OF FIREFIGHTER BRUCE BARRIOS AND FIREFIGHTER JAMES BLAIR AS UCC FIRE INSPECTORS**

**WHEREAS**, the Fire Chief has recommended that Bruce Barrios and James Blair be appointed UCC Fire Inspectors; and

**WHEREAS**, Bruce Barrios and James Blair each have obtained the New Jersey State License to be UCC Fire Inspectors; and

**WHEREAS**, each UCC Fire Inspector will receive a \$1,100.00 stipend per year for these additional duties which are funded by inspection fees.

**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 Bruce Barrios as UCC Fire Inspector and James Blair as UCC Fire Inspector, for which each shall receive a \$1,100.00 stipend per year, is hereby approved effective immediately.

***INVITATION FOR DISCUSSION (2 of 2)***

Mayor Holden opened the meeting to the public for their opportunity to ask questions and make comments on any subject. The Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet

**Regular Meeting Minutes – October 13, 2010**

provided for the record. **He/she shall limit his/her statement to three (3) minutes or less.**

**Marlene Dolan, Sherwood Avenue**, Nurse in the Madison Health Department, reminded residents of the availability of flu shots offered by the Health Department on Thursday, October 14<sup>th</sup>, and Wednesday, October 20, 2010.

**Abby Kalan, Millburn, NJ**, reference librarian at the Madison Public Library, raised concern regarding asbestos at the Public Library. Ms. Kalan asked if the Borough of Madison has reported the condition to the State of New Jersey and when.

**Pat Rowe, Pine Avenue**, thanked the Council for introducing an ordinance regarding zoning of the Green Village Road School property, noting that this is a major milestone for both the Borough and the Madison Board of Education.

**Peggy Harlan, Albright Circle**, employee at the Madison Public Library, stated that air testing for asbestos exposure at the Public Library was only done in the Technical Services area and that other areas were not tested.

**Irene Knobloch, Brooklake Road**, inquired about the progress of a proposed community garden on Borough of Chatham property bordering Brooklake Road. Mrs. Knobloch provided a statement from resident Rosemary Frank of Brooklake Road.

**Tim Harrington, Cross Gates Road**, commended the Madison Police for running down on foot a suspected bicycle thief. Mr. Harrington raised concern regarding the ragweed at the Madison Public Library. Mr. Harrington noted that the introduced ordinance regarding zoning of the Green Village Road School property was very important to the Borough. Mr. Harrington asked that perhaps port-a-johns could be added to the introduced ordinance regarding temporary exterior storage units. Mr. Harrington indicated his mixed emotions regarding an ordinance to establish the Madison 2020 Committee.

**UNFINISHED BUSINESS** - None

**APPROVAL OF VOUCHERS**

On motion by Mrs. Tsukamoto, seconded by Ms. Baillie 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.

Public Safety	\$40,208.60
Health & Public Assistance	5,943.62
Public Works & Engineering	127,849.75
Community Affairs	1,481.10
Finance & Borough Clerk	594,969.11
Utilities	<u>72,000.03</u>
Total	<u>\$842,452.21</u>

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

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto  
Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

**Regular Meeting Minutes – October 13, 2010**

**NEW BUSINESS** - None

**ADJOURN**

There being no further business to come before the Council, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Elizabeth Osborne  
Borough Clerk  
Approved October 25, 2010 (EO)