

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

November 8, 2010 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 8th day of November 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
Robert Catalanello, Council Member-Elect

AGENDA REVIEW

One Potential Litigation Matter was 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 October 25, 2010

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

CONTRACT MATTERS (4)
PUBLIC LIBRARY
HDM

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HATCH MOTT MACDONALD
JOINT COURT

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

PERSONNEL MATTERS (5)
FIREFIGHTER
CIVILIAN POLICE DISPATCHER
DPW TRUCK DRIVER
P/T METER READERS
SUBSTITUTE CROSSING GUARD

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

LITIGATION MATTERS (1)
COUGAR FIELD

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

POTENTIAL LITIGATION MATTERS (1)
BOROUGH OF CHATHAM

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 p.m. in the 3rd 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 October 25, 2010**. Mrs. Tsukamoto seconded the motion, which passed by the following roll call vote:

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

Ms. Baillie moved approval of the **Regular Meeting Minutes of October 25, 2010**. Mrs. Tsukamoto seconded the motion, which passed by the following roll call vote:

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

GREETINGS TO PUBLIC

Proclamation - Public Health Nurse of the Year Award – Marlene Dolan

Mayor Holden read and presented the following Proclamation to Marlene Dolan, Nurse for the Borough of Madison:

Proclamation
of the
Borough of Madison
Honoring
Marlene
Dolan, RN, BSN
Public Health Nurse of the Year Award

WHEREAS, the governing body of the Borough of Madison recognizes Marlene Dolan for receiving the Public Health Nurse of the Year Award on Saturday, October 23, 2010 at the New Jersey Local Boards of Health Association meeting; and

WHEREAS, Marlene has been employed as a part-time Public Health Nurse in the Madison Health Department for 16 years, as well as working at the student health center at Drew University and occasionally substituting as a school nurse; and

WHEREAS, Marlene has been in charge of the Madison Health Department's routine immunization programs as well as special immunization-related programs for 60,000 residents of Madison and five contract towns; and

WHEREAS, she brings energy, enthusiasm and expertise to immunization advocacy efforts through education and communication, working to share information with colleagues and the public; and

WHEREAS, in her second term as Vice President/Education Coordinator for the Greater Passaic Valley Public Health Nurses' Association, Marlene is responsible for securing continuing education credits for four to eight programs per year in conjunction with the organization's meetings; and

WHEREAS, Marlene recently accepted a position on the Advisory Board of the New Jersey Center for Public Health Preparedness at UMDNJ's School of Public Health as Vice President;

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the governing body, do hereby congratulate Marlene Dolan for being named Public Health Nurse of the Year. On behalf of the community, I extend thanks and appreciation for her contributions to nursing.

Mary-Anna Holden, Mayor

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Oath of Office 4 Volunteer Firefighters – Oath Administered by Borough Attorney

Mrs. Tsukamoto moved adoption of Resolutions R 272-2010, R 273-2010 and R 275-2010. 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

R 272-2010 RESOLUTION OF THE BOROUGH OF MADISON CONFIRMING MEMBERSHIP OF JOHN P. DUNNE IN THE MADISON HOSE COMPANY

WHEREAS, the Fire Chief has advised that John P. Dunne was voted into the Madison Hose Company as a volunteer firefighter; and

WHEREAS, Section 18-27 of the Madison Borough Code requires that each person so voted shall be confirmed as a member of such division by the Council of the Borough of Madison.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that John P. Dunne is hereby confirmed as a member of the Madison Hose Company effective immediately.

R 273-2010 RESOLUTION OF THE BOROUGH OF MADISON CONFIRMING MEMBERSHIP OF DOMINIC C. DEROSA IN THE MADISON HOSE COMPANY

WHEREAS, the Fire Chief has advised that Dominic C. DeRosa was voted into the Madison Hose Company as a volunteer firefighter; and

WHEREAS, Section 18-27 of the Madison Borough Code requires that each person so voted shall be confirmed as a member of such division by the Council of the Borough of Madison.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Dominic C. DeRosa is hereby confirmed as a member of the Madison Hose Company effective immediately.

R 274-2010 item removed and the # retired

R 275-2010 RESOLUTION OF THE BOROUGH OF MADISON CONFIRMING MEMBERSHIP OF THOMAS M. BOYLAN IN THE MADISON HOOK & LADDER COMPANY #1

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WHEREAS, the Fire Chief has advised that Thomas M. Boylan was voted into the Madison Hook & Ladder Company #1 as a volunteer firefighter; and

WHEREAS, Section 18-27 of the Madison Borough Code requires that each person so voted shall be confirmed as a member of such division by the Council of the Borough of Madison.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Thomas M. Boylan is hereby confirmed as a member of the Madison Hook & Ladder Company #1 effective immediately.

Oath of Office Volunteer Firefighters John P. Dunne, Dominic C. DeRosa and Thomas M. Boylan Administered by Borough Attorney

REPORTS OF COMMITTEES

Community Affairs

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

Ms. Baillie announced that on November 5, 2010, the Borough of Madison was recognized by Sustainable Jersey as a sustainable community attaining a Bronze level of certification and will receive that award at the New Jersey League of Municipalities Conference in Atlantic City on November 16th. Ms. Baillie thanked the members of the Madison 2020 Committee. Ms. Baillie announced that holiday gift certificates, to use in any Madison business, are once again on sale sponsored by the Downtown Development Commission and the Madison Chamber of Commerce.

Finance and Borough Clerk

Mr. Conley, Chair of the Committee, no report.

Public Safety

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

Mrs. Tsukamoto thanked residents for their support in granting her the opportunity to serve another three years on the Madison Council. The Madison Fire Department will hold a two-day confined spaces drill, both in Madison and Chatham. Mrs. Tsukamoto thanked the Madison Police Department for sponsoring youth programs on Mischief Night, noting that there were no incidents reported. Mrs. Tsukamoto reminded residents to participate in the Medicine Chest Challenge at the Madison Police Department to dispose of unused prescription drugs on Saturday, November 13th, from 10 a.m. to 2 p.m.

Utilities

Dr. Esposito, Chair of the Committee, no report.

Public Works and Engineering

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

Mr. Cerciello complimented the Public Works Department on the leaf removal this season. Mr. Cerciello raised concern regarding reconstruction on Lincoln Place.

Health & Public Assistance

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

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Mr. Links congratulated Madison Health Nurse Marlene Dolan on receiving the Public Health Nurse of the Year award from the New Jersey Local Boards of Health Association. Mr. Links announced that the Madison Health Department will receive a Municipal Alliance grant in the amount of \$11,774.00 for the year 2011. Mr. Links stated that the Madison Public Library will be monitored for asbestos this Thursday, November 11, 2010, when the library is closed in observance of Veterans Day. The Borough expects to receive a complete survey and abatement recommendation shortly after testing.

Mayor Holden made the following comments:

Employees of the Month for November are Jim Sanderson and Ajay Rangu of the Technology Department for their work on various projects, including system management during the power failure, implementation of the non-profit section of Gov.Rosenet, work on the Board of Health time-tracking system and managing the HDM technology issues.

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.**

John Morris, Madison Chamber of Commerce, raised concern regarding the design guidelines in the proposed Green Village Road zoning ordinance.

Rebecca Fields asked for an explanation of the incentives portion of the proposed Green Village Road zoning ordinance with regards to community theatre, suggesting perhaps ~~performing~~ performing arts theatre is a better term.

AGENDA DISCUSSIONS

11/08/2010-1 2011 BUDGET HEARING SCHEDULE

The Mayor and Council agreed to schedule 2011 budget hearings for Monday, November 29, 2010, at 7 p.m. and Monday, December 6, 2010, at 6 p.m.

11/08/2010-2 RENEW MEMBERSHIP IN MORRIS COUNTY JOINT INSURANCE FUND

Madison Chief Financial Officer Robert Kalafut explained renewal for a three year term in the Morris County Joint Insurance Fund. There was no objection to listing a resolution on the Consent Agenda.

Resolution R 280-2010 is prepared for Consent Agenda.

11/08/2010-3 ABATEMENT OF LOCAL PROPERTY TAXES FOR IMPROVEMENTS TO HISTORIC-DESIGNATED PROPERTIES

Steve Whitehorn, Chair of the DDC's Public Improvement Committee, addressed the Mayor and Council asking for the enactment of legislation to improve the downtown areas for all residents. Mr. Whitehorn explained the five-year phase in tax credit and noted how other municipalities have used these incentives.

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11/08/2010-4 ELECTRIC UTILITY EMERGENCY APPROPRIATION

Mr. Kalafut explained that the higher temperatures, congestion charges and estimating have caused an additional need to authorize an emergency appropriation for the Electric Utility Fund. Following discussion, there was consensus to list on the Consent Agenda.

Resolution R 283-2010 is prepared for Consent Agenda.

11/08/2010-5 WATER UTILITY RATE INCREASE

Mr. Kalafut explained that in order to continue to fund capital water projects and maintain a surplus, an increase in the water utility rates is necessary in 2011. Mr. Codey noted that there was no increase in rates from 1990 until 2008. Mr. Kalafut stated that the effective date would be February 1, 2011. Following Council discussion, there was agreement to continue discussion at the November 22, 2010 meeting of the Mayor and Council.

ADVERTISED HEARINGS

The Clerk made the following statement:

Ordinances 55-2010, 56-2010 and 57-2010 scheduled for hearing were introduced by title and passed on first reading at a Regular Meeting of the Council held on Wednesday, October 13, 2010; Ordinances 59-2010 and 60-2010 scheduled for hearing were introduced and passed on first reading at a Regular Meeting of the Council held on October 25, 2010; all were posted and filed according to law, and copies were made available to the general public requesting same.

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 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.

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.....

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 tucks, 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;
- (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;

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- (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.

- [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

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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.
- (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.

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- (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.

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.

Mayor Holden opened up the public hearing on Ordinance 55-2010. Since no member of the public wished to be heard, the public hearing was closed.

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Ms. Baillie moved that Ordinance 55-2010 be finally 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

Mayor Holden declared the aforementioned adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 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

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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

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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 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.

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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:

§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-

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- 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
 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

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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

.....

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.

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[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.

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.

Mayor Holden opened up the public hearing on Ordinance 56-2010. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 56-2010 be finally 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

Mayor Holden declared the aforementioned adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 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

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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 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:

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- (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 feet elevation, based on the Topographic Map of the Borough of Madison, prepared by VEP Associates, dated 4/13/93. No building shall contain 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 feet 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

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(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 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

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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

(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.

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- (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 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:

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- (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 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

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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.

(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

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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, 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.

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(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.

(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:

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§ 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.

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

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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 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.

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(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.

[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

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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 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,

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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 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

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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 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.

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(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.

(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.

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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 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.

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[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.

[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

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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, 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.

Mayor Holden opened up the public hearing on Ordinance 57-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Mezzacca explained that the Madison Planning Board proposed amendments to Ordinance 57-2010 were substantive changes and should be referred back to the Planning Board. Following discussion, there was consensus to re-introduce Ordinance 57-2010 and advertise for a hearing on December 13, 2010.

ORDINANCE 59-2010

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 147 OF THE BOROUGH CODE ENTITLED “FEES”

WHEREAS, pursuant to New Jersey State Assembly Bill 559 and Senate Bill 1212, the Borough Clerk has recommended that the fees for copies of public records be amended; and

WHEREAS, the Borough Council has determined that there is a need to approve such increase.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Section 147-1 of the

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Borough Code entitled "Fees for copies of particular records and documents" shall be amended as follows:

SECTION 1:

§ 147-1 Fees for copies of particular records and documents.

....

C. Police records.

(1) Copies of motor vehicle accident reports obtained during regular business hours in person: \$0.05 per page for letter-size copies and \$0.07 per page for legal-size copies, unless otherwise specified by law.

....

(3) All other records in printed form which are available pursuant to law: \$0.05 per page for letter-size copies and \$0.07 per page for legal-size copies, unless otherwise specified by law.

....

D. General records.

(1) All records in printed form which are available pursuant to law: \$0.05 per page for letter-size copies and \$0.07 per page for legal-size copies, unless otherwise specified by law.

....

(3) Press proofs of ordinances (if available): \$0.05 per page for letter-size copies and \$0.07 per page for legal-size copies.

....

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

Mayor Holden opened up the public hearing on Ordinance 59-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 59-2010 be finally adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mayor Holden declared the aforementioned adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 60-2010
ORDINANCE OF THE BOROUGH OF MADISON AUTHORIZING GRANT OF
UTILITY EASEMENT TO JERSEY CENTRAL POWER & LIGHT ON BLOCK
1401, LOT 5.02 LOCATED IN THE BOROUGH OF FLORHAM PARK AND
OWNED BY THE BOROUGH OF MADISON**

WHEREAS, the Borough of Madison owns certain property located in the Borough of Florham Park known as Block 1401, Lot 5.02, which is about to be annexed into the Borough of Madison and will be known as Block 601, Lot 15; and

WHEREAS, the subject property is already subject to easement access along the existing driveway via the Declaration of Reciprocal Easements (~~%DRE~~); and

WHEREAS, Jersey Central Power & Light has requested that their easement form be executed by the Borough of Madison to confirm the right to put the easement through the DRE in order to deliver power to the new access gate owned by Rock-GW, LLC, which gate is to be moved as required by the agreement between the parties; and

WHEREAS, the Borough of Madison has determined to grant an easement to Jersey Central Power & Light for installation of underground utility lines through the existing driveway and area described in the recorded DRE, such property currently known as Block 1401, Lot 5.02 in the Borough of Florham Park in the County of Morris and about to be annexed into the Borough of Madison, which will become known as Block 601, Lot 15 on the Borough of Madison tax map, such easement to be located within the existing right-of-way known as the DRE.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Mayor and Borough Clerk are authorized to execute a utility easement agreement consistent with the terms hereof, in a form approved by the Borough Attorney.

Mayor Holden opened up the public hearing on Ordinance 60-2010. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 60-2010 be finally 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

Mayor Holden declared the aforementioned adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

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INTRODUCTION OF ORDINANCE

The Ordinance scheduled for introduction and first reading tonight will have a hearing during the meeting of December 13, 2010, in the 3rd 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 ordinance 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 the ordinance for first reading and asked the Clerk to read said ordinance by title:

**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”**

Ms. Baillie moved that Ordinance 57-2010, which the Borough Clerk read by title, be adopted. Mr. Conley seconded the motion. There was no further 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

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 Resolutions R 276-2010 through R 281-2010 and R 283-2010 through R 288-2010 listed on the Consent Agenda. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

R 276-2010 RESOLUTION OF THE BOROUGH OF MADISON IN SUPPORT OF DRAFT LEGISLATION TO CREATE A MUNICIPAL SHARED SERVICES ENERGY COMPANY

WHEREAS, the Borough of Madison owns and operates a not-for-profit electric utility that is owned by the customers it serves; and

WHEREAS, the Borough's electric utility is one of ten (10) such utilities commonly referred to as public power utilities that are located throughout the State of New Jersey; and

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WHEREAS, the Borough desires to ensure that our customers receive reliable electricity at consistently competitive prices by maximizing its strengths through shared services with other New Jersey public power utilities; and

WHEREAS, management of shared services through a municipal shared services energy company will provide increased opportunities for success in all facets of power supply procurement as well as other electric utility endeavors; and

WHEREAS, enabling legislation is required to establish a municipal shared services energy company to coordinate action in the wholesale electricity markets on behalf of public power utilities that choose to become members.

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 Borough of Madison supports the concept of a municipal shared services energy company as embodied in the DRAFT legislation attached hereto.

2. The Borough will join in efforts to seek passage of said legislation upon its availability in final form for local review and introduction in the New Jersey General Assembly.

3. The Borough expects to receive and will seek detailed information in order to thoroughly evaluate membership in the shared services energy company.

R 277-2010 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING ANDREW ATCHISON TO THE POSITION OF PROBATIONARY FIREFIGHTER

WHEREAS, the Fire Chief has recommended the appointment of Andrew Atchison to the position of probationary firefighter in the paid division of the Madison Borough Fire Department; and

WHEREAS, the Fire Chief certified that Andrew Atchison is a fully qualified firefighter; and

WHEREAS, the Mayor and Council have reviewed the recommendation and accept the Fire Chief's representations that Andrew Atchison has met all requirements to be a probationary firefighter in the paid division.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Andrew Atchison is hereby appointed to the position of probationary firefighter in the paid division of the Madison Borough Fire Department, effective January 1, 2011.

BE IT FURTHER RESOLVED, that he be compensated in accordance with the terms of the Collective Bargaining Agreement between the Firemen's Mutual Benevolent Association Local No. 74 and the Borough.

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R 278-2010 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING BENJAMIN R. KEENAN TO THE POSITION OF DISPATCHER

WHEREAS, the Chief of the Madison Police Department recommends the appointment of Benjamin R. Keenan to the position of Dispatcher; and

WHEREAS, the Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that Benjamin R. Keenan is hereby appointed to the position of Dispatcher effective immediately; and

BE IT FURTHER RESOLVED, that Benjamin R. Keenan be compensated at the annual salary of \$38,200.00.

R 279-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING JACOB HENRY PERKINS TRUST DISBURSEMENT

WHEREAS, the Borough Administrator recommended a grant to pay quarterly property tax payments from the Jacob Henry Perkins Trust (hereafter Perkins Trust) on behalf of C.J., a Borough resident for the year 2011; and

WHEREAS, the Borough Administrator has advised the Borough Council that C.J. meets the criteria for a Perkins Trust grant; and

WHEREAS, the Borough Council has determined to approve the request for a Perkins Trust grant to pay the quarterly property taxes for the year 2011; and

WHEREAS, the Borough Administrator recommends approving the disbursement of the grant for the above cited purpose.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that a grant is hereby approved from the Perkins Trust to pay the quarterly property taxes, for the year 2011, for the benefit of C.J., so long as C.J. meets the criteria of Perkins Trust and continues to reside in the Borough of Madison.

R 280-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RENEWAL OF MEMBERSHIP IN THE MORRIS COUNTY JOINT INSURANCE FUND

WHEREAS, the Borough of Madison is a member of the Morris County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2010 unless earlier renewed by agreement between the Borough and the Fund; and

WHEREAS, the Borough desires to renew said membership for a three year period commencing January 1, 2011 and ending at 12:01 a.m. on January 1, 2014.

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

1. The Borough of Madison agrees to renew its membership in the Morris County Municipal Joint Insurance Fund for a three year period commencing January 1, 2011 and ending at 12:01 a.m. on January 1, 2014, and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.

2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Morris County Municipal Joint Insurance Fund evidencing the Borough's intention to renew its membership.

R 281-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY ST. VINCENT MARTYR CHURCH AND PTSO MADISON HS

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:

ST. VINCENT MARTYR CHURCH
I.D. No. 274-1-812
R.A. No. 1178 – Off Premise
December 22, 2010

PTSO MADISON HS
I.D. No. 274-5-33795
R.A. No. 1179 – Off Premise
March 22, 2011

BE IT FURTHER RESOLVED that a certified copy of this

Resolution be forwarded to the Legalized Games of Chance Control Commission.

R 283-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AN EMERGENCY APPROPRIATION IN THE BOROUGH OF MADISON ELECTRIC UTILITY FUND

WHEREAS, an emergency has arisen with respect to the cost for Purchased Power in the Electric Utility Administration Budget for the cost of wholesale purchased power and no adequate provision was made in the 2010 budget for the aforesaid purpose; and

WHEREAS, N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

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WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is \$900,000.00; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey (not less than two thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48:

1. An emergency appropriation be and the same is hereby made for Electric Utility Budget . Wholesale Purchased Power in the amount of \$900,000.00;
2. That said emergency appropriation shall be provided for in full in the 2011 budget and is requested to be excluded for CAPS pursuant to N.J.S.A. 40A:4-45.3c(1);
3. That two certified copies of this resolution be filed with the Director of Local Government Services.

R 284-2010 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING ED PEHOWIC, JR TO THE POSITION OF METER READER, PART-TIME

WHEREAS, the Purchasing/Personnel Officer recommends the appointment of Ed Pehowic, Jr., to the position of Meter Reader, Part-Time, effective November 10, 2010; and

WHEREAS, the Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that Ed Pehowic, Jr., is hereby appointed to the position of Meter Reader, Part-Time, effective November 10, 2010; and

BE IT FURTHER RESOLVED, that Ed Pehowic, Jr., will be compensated at the hourly rate of \$12.00 per hour.

R 285-2010 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING KAREN SAINATO TO THE POSITION OF METER READER, PART-TIME

WHEREAS, the Purchasing/Personnel Officer recommends the appointment of Karen Sainato, to the position of Meter Reader, Part-Time, effective November 12, 2010; and

WHEREAS, the Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, that Karen Sainato is

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hereby appointed to the position of Meter Reader, Part-Time, effective November 12, 2010; and

BE IT FURTHER RESOLVED, that Karen Sainato will be compensated at the hourly rate of \$12.00 per hour.

R 286-2010 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING ELIZABETH TWILLMAN OF MADISON, NEW JERSEY TO THE POSITION OF SUBSTITUTE CROSSING GUARD

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that Elizabeth Twillman of Madison, New Jersey is hereby appointed to the position of substitute crossing guard, effective immediately.

BE IT FURTHER RESOLVED, by the Council of the Borough of Madison, that he be compensated in accordance with the Borough Resolution establishing the salaries for part-time, school crossing guards.

R 287-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXTENDED PARKING HOURS FOR THE HOLIDAY SEASON

WHEREAS, the Assistant Business Administrator has recommended that 2 hour parking be permitted in all 1 hour parking spaces on Main Street and Waverly Place from Thanksgiving through Christmas.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that 2 hour parking shall be permitted in all 1 hour parking spaces on Main Street and Waverly Place, effective November 25, 2010 and extending through December 25, 2010.

R 288-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF MUNICIPAL JOINT COURT AGREEMENT

WHEREAS, the Borough has been in discussions with neighboring towns for use of the soon to be completed municipal court facility in the Hartley Dodge Memorial to be a joint municipal court; and

WHEREAS, Chatham Township and Harding Township have indicated their intent to enter into an agreement with the Borough of Madison for the joint municipal court, and Chatham Borough is considering such joint agreement and has indicated it will discuss it at its Council meeting tonight and advise the Borough of Madison promptly thereafter; and

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WHEREAS, a proposed joint municipal court agreement has been circulated among the municipalities of Chatham Township, Harding Township and Chatham Borough; and

WHEREAS, the Borough of Madison wishes to submit the draft joint municipal court agreement arrived at with Chatham Township and Harding Township and likely Chatham Borough to the Honorable B. Theodore Bozonelis, A.J.S.C., for consideration and approval; and

WHEREAS, the Council wishes to grant such authorization.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that the Mayor is authorized to execute a letter to submit a draft municipal joint court agreement with Chatham Township, Harding Township and Chatham Borough upon its consent, to the Honorable B. Theodore Bozonelis, A.J.S.C., for consideration and approval, such agreement to be in a form approved by the Madison Borough Attorney.

Mrs. Tsukamoto moved adoption of Resolution R 282-2010 listed on the Consent Agenda. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

R 282-2010 RESOLUTION OF THE BOROUGH OF MADISON AWARDING A CONTRACT FOR THE REMOVAL OF UNDERGROUND STORAGE TANKS ON BOROUGH OWNED PROPERTY TO HATCH MOTT MACDONALD IN AN AMOUNT NOT TO EXCEED \$24,150.00

WHEREAS, the Borough Administrator has recommended that the Borough obtain professional services from Hatch Mott MacDonald, Inc. for removal of underground storage tanks on Borough-owned property on Orchard Street (hereinafter the ~~%Contract+~~); and

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

WHEREAS, the Borough Administrator has determined and certified in writing that the value of this acquisition will exceed \$17,500.00; and

WHEREAS, the Borough Administrator has recommended that the Borough Council award the Contract to Hatch Mott MacDonald, Inc., in an amount not to exceed \$24,150.00, for removal of underground storage tanks on Borough-owned property on Orchard Street; and

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WHEREAS, Hatch Mott MacDonald, Inc., must submit to the Borough Purchasing/Personnel Officer the required documents to satisfy the requirements of N.J.S.A. 19:44A-20.5, since this matter may be awarded without competitive bidding; and

WHEREAS, Hatch Mott MacDonald, Inc., must complete and submit a Business Entity Disclosure Certification which certifies that Hatch Mott MacDonald, Inc., has not made any reportable contributions to a political or candidate committee in the Borough of Madison in the previous one year, and that the contract will prohibit Hatch Mott MacDonald, Inc., from making any reportable contributions through the term of the contract; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$24,150.00 for this purpose, which funds are available from the General Capital Improvement Fund.

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. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from Hatch Mott MacDonald, Inc., the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Hatch Mott MacDonald, Inc., for removal of underground storage tanks on Borough-owned property on Orchard Street in an amount not to exceed \$24,150.00, such contract to be in a form approved by the Borough Attorney.

2. When received, the Business Disclosure Entity Certification, Political Contribution Disclosure Form and the Determination of Value shall be placed on file with this resolution.

3. The Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough of Madison within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.

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

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Jim Finelli, Water Utility Department, asked for an explanation of the water use in the Borough, noting a large water loss would be seen somewhere in the Borough. Mr. Finelli suggested looking at billing, not pumping, to discover discrepancies.

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	\$24,764.33
Health & Public Assistance	26,192.96
Public Works & Engineering	139,472.18
Community Affairs	7,169.81
Finance & Borough Clerk	5,929,038.92
Utilities	<u>268,267.88</u>
Total	<u>\$6,394,906.08</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

NEW BUSINESS - None

ADJOURN AND RECONVENE EXECUTIVE SESSION

There being no further business to come before the Council, the meeting was adjourned at 9:55 p.m. and the Executive Session immediately reconvened.

RECONVENE AND ADJOURN

The Regular Meeting reconvened at 10:35 p.m. and immediately adjourned.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved November 22, 2010 (EO)