

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

December 13, 2010 - 6 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 13th day of December 2010. Mayor Holden called the meeting to order at 6 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
James Burnet, Assistant Business Administrator
Elizabeth Osborne, Borough Clerk
Joseph Mezzacca, Jr., Borough Attorney
Robert Catalanello, Council Member-Elect

AGENDA REVIEW

There was approval of the Regular and Executive Agenda, with one item added to the Regular 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 November 22, 2010

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

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CONTRACT MATTERS (6)
STOP & SHOP SUPERMARKETS, LLC
BOROUGH OWNED PROPERTY
JOINT MUNICIPAL COURT
MUSEUM OF EARLY TRADES & CRAFTS
MORRIS HABITAT FOR HUMANITY, INC. HOME APPLICATION
42 LINCOLN PLACE

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

PERSONNEL MATTERS (1)
APPOINTMENTS OF BOARDS AND COMMITTEES FOR 2011

Date of public disclosure 90 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 November 22, 2010**. Mrs. Tsukamoto seconded the motion, which passed by the following roll call vote:

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

Ms. Baillie moved approval of the **Regular Meeting Minutes of November 22, 2010**, with the following amendment:

Page 3 under Reports of Committees, Utilities:

...Dr. Esposito suggested considering ~~little or no~~ a **lower** increase in water rates this coming year.

The motion was seconded by Mrs. Tsukamoto and passed with the following roll call vote recorded:

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

GREETINGS TO PUBLIC

Mayor Holden made the following comments:
Borough offices temporarily located at the former Bayley-Ellard High School building will be returning to the newly renovated Hartley Dodge Memorial building. The move will take place Tuesday, December 14th, through Thursday, December 16th. To commemorate this magnificent building and the return of the Borough offices, and to

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benefit the Madison Athletic Foundation, a Christmas ornament has been produced with the image of the HDM building.

Employee of the Month for December is Elizabeth Crescibene of the Purchasing/Personnel Department for her work as co-chair of the HDM Relocations Committee, as Negotiating Committee member for the seven (7) collective bargaining units, as a Qualified Purchasing Agent which allows the Borough more flexibility in purchasing activities, as coordinator of the transition of the Borough health plan from the commercial market to the North Jersey Municipal Employees Benefit Fund and as chair of the Borough Safety Committee resulting in fewer employee accidents and injuries thus reducing insurance costs to the Borough.

Mayor Holden also announced that this is the last Regular Council Meeting for Council Member Astri Baillie, who did not seek reelection this past November. Mayor Holden remarked that she has enjoyed working with Ms. Baillie especially on zoning issues, noting that with Ms. Baillie's help the Borough has attained Sustainable Jersey designation and increased the open space inventory of the Borough. Mayor Holden thanked Ms. Baillie for her services to the community.

Mayor Holden noted that the Oath of Office of two Volunteer Firefighters listed on the agenda has been postponed to a future Council meeting.

REPORTS OF COMMITTEES

Community Affairs

Ms. Baillie, Chair of the Committee, made the following comments:
Ms. Baillie announced a celebration to be held December 17th to recognize the newly reconstructed Lincoln Place and also to celebrate the Madison High School football and volleyball state championship wins, as well as the High School marching band's recent success. More details will follow on the Borough website. Babysitting services will be provided December 18th by the Madison Venture Crew at the Elks Lodge for \$20.00 for four hours, including games, a movie and healthy refreshments. Taste of Madison will be held January 18, 2011. Ms. Baillie reminded residents that the downtown area has two-hour free parking and to support area merchants.

Finance and Borough Clerk

Mr. Conley, Chair of the Committee, made the following comments:
Mr. Conley noted that a letter regarding the move back to the Hartley Dodge Memorial building was sent to all residents and included a presentation of the Borough's fiscal challenges regarding the coming year's budget. Mr. Conley praised Ms. Baillie's record as a Council Member and noted that she will be truly missed.

Public Safety

Mrs. Tsukamoto, Chair of the Committee, made the following comments:
Mrs. Tsukamoto offered her congratulations to Ms. Baillie. Mrs. Tsukamoto noted that the Madison Police Department is still collecting unwrapped toys for the "Toys for Tots" campaign through next Friday. The Police Department is also increasing their presence in the downtown area during this holiday season. Mrs. Tsukamoto wished the residents of Madison a safe and happy holiday season.

Utilities

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

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Dr. Esposito thanked Ms. Baillie for her dedication and service to the Borough of Madison. Dr. Esposito noted that the Kings Road substation was out of service recently due to problems with transmission from JCP&L. New light fixtures will be installed along Lincoln Place. Dr. Esposito congratulated the Madison High School football team on their 12 and 0 season.

Public Works and Engineering

Mr. Cerciello, Chair of the Committee, made the following comments:
Mr. Cerciello thanked Ms. Baillie for being a mentor. Mr. Cerciello noted that NJ Transit is removing debris from along the train tracks on Kings Road. Mr. Cerciello asked that the order of business for Council Meetings be changed to include comments from the public at the beginning of a meeting. Mr. Cerciello asked for an explanation of a gas leak at the corner of Lincoln Place and Prospect Street, to which the Mayor noted that PSE&G will be repairing the leak and returning the roadway condition, once completed. Mr. Cerciello noted problems at the Hartley Dodge Memorial building. Mayor Holden asked that Mr. Cerciello report on the Engineering and Public Works Departments.

Health & Public Assistance

Mr. Links, Chair of the Committee, made the following comments:
Mr. Links congratulated Ms. Baillie. Mr. Links read a letter from the Library Board of Trustees regarding asbestos found at the Public Library. The Trustees have received a report on the survey as to where and the type of asbestos found. It does confirm the presence of asbestos and notes that the Public Library is a safe place to work and visit, with asbestos found only in those areas where flecking occurred, where the roof leaked and by the air conditioning system. The Trustees are working with the consultant firm to continue to monitor the condition of the building and will coordinate all efforts with the Borough Administrator and the Council.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:
An email dated December 13, 2010, from Bob Jennings of Albright Circle regarding Council meeting procedures and Lincoln Place reconstruction costs.

INVITATION FOR DISCUSSION (1 of 2)

Mayor Holden opened the meeting to the public for their opportunity to ask questions and make comments on those items listed on the Agenda only. The Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record. **He/she shall limit his/her statement to three (3) minutes or less.**

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

AGENDA DISCUSSIONS

12/13/2010-1 CANCELLATION OF UNCLAIMED BALANCES IN ESCROW ACCOUNTS

Mr. Mezzacca recommended that cancellation of unclaimed balances in escrow accounts be further reviewed.

Resolution R 307-2010 was removed from the Consent Agenda.

12/13/2010-2 AUTHORIZE BUDGET TRANSFERS

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Mr. Codey explained that at the request of the Borough's Chief Financial Officer and the recommendation of the Auditor, funds that were previously collected by the Recreation Department and deposited to an account not under the Borough's control, once discovered, that practice is now discontinued. The fees collected for various sports events are now deposited directly with the Finance Department. The corresponding expenditure was not accounted for in the 2010 budget, and this transfer will remedy the situation. Resolution R 318-2010 is listed on the Consent Agenda.

12/13/2010-3 Discussion removed

12/13/2010-4 AMEND RESOLUTION FOR TREE REMOVAL SERVICES

Mr. Codey explained that this is a request to authorize payment to Tree King Inc. of Landing, New Jersey, for additional tree removal services funded in the 2010 municipal budget that needs Council approval. Resolution R 319-2010 is listed on the Consent Agenda.

12/13/2010-5 MADISON RECREATION CENTER

Mr. Links provided an update on the MRC project. Mr. Links offered an explanation that discussion with the Board of Education was not getting closer to a shared agreement on the use of Phase 1A and/or Phase 1B fields. The recommendation is to change emphasis to Phase 1B, which is entirely on Borough property. Now we will take the T&M Associates design and redesign in-house to incur no further costs, and to stay away from the wetlands and any DEP problem. We are now close to a final design. This is an attempt to move forward with the project before the end of the year. Mr. Conley noted that the project has to be separated because the Board of Education's portion is tied to the sale of the Green Village Road School property, and also asked about the passive recreation portion of the project. Mr. Cerciello asked about T&M Associates, including the cost, and indicated that he would like to be included in this project. Mr. Links indicated that Mr. Cerciello will be given every opportunity to participate once a design plan is in place. Mr. Codey added that the annexation of the property is on the agenda for the Council meeting in Florham Park, and noted all groups involved in the planning phase.

ADVERTISED HEARINGS

The Borough Clerk made the following statement:

Ordinance 57-2010 scheduled for hearing was introduced by title and passed on first reading at a Regular Meeting of the Council held on Monday, November 8, 2010, Ordinance 61-2010 scheduled for hearing was introduced by title and passed on first reading at a Regular Meeting of the Council held on November 22, 2010; all were posted and filed according to law, and copies were made available to the general public requesting same.

Mayor Holden called up Ordinances for second reading and asked the Clerk to read said ordinances 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" AND AMEND SECTION 24.2 ENTITLED "DESIGN AND BUILDING LAYOUT."

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

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

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

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

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

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

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(b) Buildings shall not exceed the maximum height/stories under Section E(2)a;

(c) No surface parking shall be located within 25 feet of any property line with the exception of an interior lot line between Sub-Zone I and II which shall have no required setback;

D. Sub-Zone I: Accessory uses:

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

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

(1) Minimum lot area: 80,000 sq. ft.

(2) Maximum height/stories:

(a) Maximum building heights shall be governed by a combination of the sky exposure plane (as illustrated in Figure 1 and defined as the theoretical inclined plane connecting a point five feet above grade plane elevation at the top of the curb of the eastern side of Kings Road and traveling westward) and elevation based on the "Topographic Map of the Borough of Madison," prepared by VEP Associates, dated 4/13/93. Buildings shall not project above the sky exposure plane as noted in Figure 1 nor shall they exceed 323.5' elevation, based on the "Topographic Map of the Borough of Madison," prepared by VEP Associates, dated 4/13/93. No building shall contain more than four (4) stories, without incentives.

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

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

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

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structure of the floor above.

- (3) Minimum setbacks for all buildings:
 - (a) Setback along westerly property line: 100 feet
 - (b) Perimeter setback (all other yards): 25 feet
 - (c) Building separation: 25 feet minimum if both structures are three (3) stories or less; 35 feet if over three (3) stories
 - (d) Setback from Green Village Road: 175 feet
- (4) Setbacks for accessory buildings: 20 feet to any side or rear yard; no accessory buildings allowed in any front yard.
- (5) Maximum impervious coverage: 50%
- (6) Minimum number of buildings per tract or lot: 2 buildings (exclusive of accessory structures)
- (7) Maximum building coverage: 30%
- (8) Maximum density: 20 units per base acre with the option for the Reviewing Board to grant density/height bonuses based on the following, provided that the Applicant meets at least two of the following standards:
 - (a) Incorporation of green building/design techniques to achieve at least a LEED certified project under the LEED ND Program or provision of an engineered green roof occupying at least 50% of rooftop area or 6,000 square feet, whichever is greater: Bonus of 20% density over base density and a half 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

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shared parking.

F. Sub-Zone II: Principal Permitted Uses:

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

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

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

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

G. Sub-Zone II: Accessory Uses

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

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

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

(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

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underside of the structure of the floor above.

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

(3) Minimum yards (setbacks):

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

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

(4) Maximum impervious coverage: 85%

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

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

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

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

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

- I. The [Zoning Map](#) is amended as follows:
 - (1) GVRSU Zone I: Part of Block 3001, Lot 8 (see attached map).
 - (2) GVRSU Zone II: Block 3001, Lot 7, 9 and the remainder of Lot 8 (see attached map).
- J. Supplemental requirements and design standards for Sub-Zone I:
 - (1) Parking
 - (a) At least 75% of the off-street parking shall be contained within the principal structures. No parking garages shall be permitted in the required front yard, nor face a public street. No single story accessory garages shall be permitted.
 - (b) Areas for bicycle storage shall be provided within all parking garages or designated storage areas, as well as in any public plaza or along the primary internal access drive serving the site.
 - (2) Landscaping & Fencing
 - (a) A minimum twenty-five foot landscaped buffer shall be required along the western property line and a ten-foot 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.

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Landscaping shall contain a mix of deciduous and evergreen plantings sufficient to screen the view of vehicles in all seasons.

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

(3) Vehicular Access

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

(4) Building arrangement and design:

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

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

(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

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and horizontal articulation through slight variations in build-to-lines along, incorporation of front entries and porches, variations in roof pitch, careful selection of materials, the use of windowed projections, and similar architectural treatments to improve the visual appearance of the buildings.

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

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

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

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

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

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

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

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

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

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

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

(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

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other sections of Chapter 195, Land Development, shall apply. In the event of inconsistencies between standards elsewhere in Chapter 195 and in this section, the more restrictive standard shall apply.

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

§ 195-24.2. Design and building layout.

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

(1) Purpose and Intent.

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

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

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

(2) Applicability.

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;

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- (2) Generally enhance the development plan;
- (3) Generally enhance the streetscape and neighborhood.
- (4) District Design Standards and Guidelines.

- a. Context, Continuity, Massing & Scale

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

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

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

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

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

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

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

(2) Architectural Style.

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

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

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

[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.

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

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

(4) Massing and Scale.

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

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

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

[d] Infill and additions.

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

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

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(6) Fenestration.

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

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

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

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

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

(7) Materials, Colors and Details.

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

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

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a building and shall be architecturally compatible with the building's style, materials, colors and details.

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

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

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

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

(9) Awnings and Canopies.

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

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

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

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

(2) Parking Lot Design & Landscaping.

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

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

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

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

(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

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property line, landscaping with trees, shrubs and/or climbing plants shall be provided. Planters and “green” vegetative walls are encouraged, both along ground floor and upper levels, in order to soften the edges and openings.

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

d. Landscaping, Lighting and Signage.

(1) Landscaping.

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

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

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

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overhead sky glow, on adjacent properties and the public right-of-way.

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

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

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

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

(3) Signage.

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

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

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

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

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

[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

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vehicle circulation to the greatest extent possible, provide a pleasant route for users, and promote pedestrian safety.

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

(3) Walls and Fences.

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

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

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

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

[b] All air conditioning units, HVAC components, 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.

Ms. Baillie moved that Ordinance 57-2010, which was read by title, be finally adopted. Mr. Conley seconded the motion. Following Council discussion, the motion passed with the following roll call vote recorded:

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

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Mayor Holden declared Ordinance 57-2010 adopted and finally passed, and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

ORDINANCE 61-2010

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$24,150.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR REMEDIATION OF 22 ORCHARD STREET

WHEREAS, the Borough Administrator has recommended that the Borough appropriate \$24,150.00 from the General Capital Improvement Fund for removal of underground storage tanks on Borough-owned property at 22 Orchard Street; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$24,150.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$24,150.00 from the General Capital Improvement Fund for removal of underground storage tanks on Borough-owned property at 22 Orchard Street; and

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

SECTION 1: The amount of \$24,150.00 is hereby appropriated from the General Capital Improvement Fund for removal of underground storage tanks on Borough-owned property at 22 Orchard Street.

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

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

Mr. Cerciello moved that Ordinance 61-2010, which was read by title, be finally adopted. Mrs. Tsukamoto seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mayor Holden declared Ordinance 61-2010 adopted and finally passed, and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

INTRODUCTION OF ORDINANCES - None

CONSENT AGENDA RESOLUTIONS

The Clerk made the following statement:

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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 303-2010 through R 306-2010, R 308-2010 through R 312-2010, R 316-2010, and R 318-2010 through R 320-2010 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 303-2010 RESOLUTION OF THE MADISON BOROUGH COUNCIL
AWARDING ELECTRIC MATERIALS BID TO TURTLE & HUGHES IN THE
AMOUNT OF \$14,902.05 AND SPECTRUM POWER PRODUCTS IN THE
AMOUNT OF \$5,996.05

WHEREAS, the Borough of Madison publicly advertised for bids for the purchase of Electric Department materials in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, three bids were received for various electric materials for the Electric Department; and

WHEREAS, one of the bids received was not signed by a corporate officer, and the bid must be therefore rejected; and

WHEREAS, two qualified bids were received from Turtle & Hughes, Inc., of Bridgewater, New Jersey, and Spectrum Power Products, LLC of Bath, Pennsylvania; and

WHEREAS, the Electric Utility Supervisor has recommended that the Borough Council award a contract for certain electric materials to Turtle & Hughes, Inc., for the Electric Department in an amount not to exceed \$14,902.05 and a contract for certain electric materials to Spectrum Power Products, LLC in an amount not to exceed \$5,996.05; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$20,898.10 for this purpose.

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

1. The contract for the purchase of certain electric materials for the Electric Department is hereby awarded to each of the following: Turtle & Hughes, Inc. in an amount not to exceed \$14,902.05; and Spectrum Power Products, LLC in an amount not to exceed \$5,996.05.

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2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into contracts with Turtle & Hughes, Inc., and Spectrum Power Products, LLC, in a form acceptable to the Borough Attorney.

R 304-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOR THE DEVELOPMENT BY STOP & SHOP SUPERMARKET COMPANY, LLC ON BLOCK 2601, LOTS 4, 9 AND 10 (ALSO KNOWN AS 133 MAIN STREET AND 10-14 PROSPECT STREET) UPON CERTIFICATION BY BOROUGH ENGINEER THAT ALL PUNCHLIST ITEMS ARE COMPLETE

WHEREAS, Stop & Shop Supermarket Company, LLC, through their attorneys, has requested release of the balance of the Performance Guaranty held by the Borough in regard to uncompleted items to site improvements located at 133 Main Street and 10-14 Prospect Street, Block 2601, Lots 4, 9 and 10; and

WHEREAS, the Borough has retained \$25,000.00 of the Performance Guaranty pursuant to R 176-2009; and

WHEREAS, it appears that one item on the site plan is not complete; and

WHEREAS, the Borough Council wishes to authorize the release of the Performance Guaranty upon certification by the Borough Engineer that the punchlist for the site work improvements are complete.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Performance Guaranty in the amount of \$25,000.00 may be released to Stop & Shop Supermarket Company, LLC, upon completion of the punchlist items for all site improvements including the one item, a light pole, that is not yet installed, when certified to by the Borough Engineer that all such punchlist items and site improvements are complete.

R 305-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY BULLPEN CLUB INC. AND KIWANIS CLUB OF THE CHATHAMS

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, which raffles are to be held as listed below, be and the same are hereby approved:

**BULLPEN CLUB INC.
I.D. No. 274-5-35149
R.A. No. 1181 – Off Premise
February 15, 2011**

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KIWANIS CLUB OF THE CHATHAMS
I.D. No. 76-8-35388
R.A. No. 1182 – On Premise
R.A. No. 1183 – On Premise
February 24, 2011

BULLPEN CLUB INC.
I.D. No. 274-5-35149
R.A. No. 1184 – Off Premise
February 4, 2011

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

R 306-2010 RESOLUTION OF THE BOROUGH OF MADISON RENEWING THEATER LICENSE FOR CLEARVIEW MADISON4 FOR 2011

BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Theater License renewal be approved for the year 2011:

Company Name: CLEARVIEW CINEMAS
Name of Theater: CLEARVIEW MADISON 4
Location of Theater: 14 LINCOLN PLACE
MADISON, NEW JERSEY

R 307-2010 ITEM REMOVED AND THE # RETIRED

R 308-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SIGNATURE ON MADISON HOUSING AUTHORITY SUBMISSION OF COMMUNITY DEVELOPMENT BLOCK GRANT

WHEREAS, the Executive Director of the Madison Borough Housing Authority has recommended to the Borough Council that a 2011 County of Morris Community Development Block Grant (CDBG) as described herein be submitted to the Morris County Division of Community Development; and

WHEREAS, the Executive Director of the Madison Borough Housing Authority has recommended that a CDBG application in the amount of \$100,000.00 be filed for the purchase of 22 Orchard Street by the Madison Affordable Housing Corporation from the Borough of Madison; and

WHEREAS, the recommendation has been considered at the Regular Public Meeting of the Borough Council on December 13, 2010.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris and State of New Jersey, that the Executive Director of the Madison Housing Authority is hereby authorized to file the above-described

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Community Development Block Grant Application and the Mayor is authorized to sign the certification of the Housing Authority Grant application.

R 309-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING APPLICATION TO MORRIS COUNTY HOME INVESTMENT PARTNERSHIP PROGRAM BY MADISON HOUSING AUTHORITY

WHEREAS, the Executive Director of the Madison Borough Housing Authority has recommended to the Borough Council that a 2011 County of Morris Home Investment Partnership (HOME) Program application as described herein be submitted to the Morris County Division of Community Development; and

WHEREAS, the Executive Director of the Madison Affordable Housing Corporation has recommended that a HOME application in the amount of \$300,000.00 be filed for the purchase of 22 Orchard Street by the Madison Affordable Housing Corporation from the Borough of Madison; and

WHEREAS, the recommendation has been considered at the Regular Public Meeting of the Borough Council on December 13, 2010.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris and State of New Jersey, that the Executive Director of the Madison Borough Housing Authority is hereby authorized to file the above-described County of Morris Home Investment Partnership (HOME) Program application and the Mayor is authorized to sign the certification of the Housing Authority Grant application.

R 310-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING EXECUTION OF OPTION AGREEMENT GRANTING THE MADISON AFFORDABLE HOUSING CORPORATION AN OPTION TO PURCHASE PROPERTY KNOWN AS BLOCK 4312, LOT 14, 15 & 16, 22 ORCHARD STREET

WHEREAS, the director of the Madison Housing Authority has requested that the Borough execute an Option Agreement granting the Madison Affordable Housing Corporation the right to purchase the property and building at Block 4312, Lot 14, 15 and 16, 22 Orchard Street, for development of affordable housing; and

WHEREAS, the Option would be for a eighteen (18) month period; and

WHEREAS, the Option would provide for a sale at a price to be determined by the Borough Council based on an appraisal by a Certified Real Estate Appraiser selected by the Borough; and

WHEREAS, the Council has determined that a sale as authorized by N.J.S.A. 40A:12A-39 to the Madison Affordable Housing Corporation for use for Affordable Housing is appropriate; and

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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 Council hereby determines that the premises are not needed for public purposes, and that it is in the public interest to sell the property to the Madison Affordable Housing Corporation.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter in an Option Agreement with the Madison Affordable Housing Corporation on the terms set forth herein in a form acceptable to the Borough Attorney.

R 311-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE EXECUTION OF A COOPERATION AGREEMENT BETWEEN THE BOROUGH OF MADISON AND THE MADISON HOUSING AUTHORITY

WHEREAS, there exists a history of cooperation between the Borough of Madison and the Housing Authority of the Borough of Madison; and

WHEREAS, several Cooperation Agreements were executed between the Borough of Madison and the Madison Housing Authority since 1971, providing for cooperation in the construction of low-income housing and senior housing, which projects have been completed; and

WHEREAS, the Borough of Madison and the Housing Authority of the Borough of Madison now wish to cooperate in a project for ten (10) units of low income, for-sale affordable housing on property located at 22 Orchard Street, Block 4312, Lots 14, 15 and 16; and

WHEREAS, the United States Department of Housing and Urban Development requires submission of a Cooperation Agreement in order to review the application of the Housing Authority of the Borough of Madison for funding of the project; and

WHEREAS, the Cooperation Agreement is expressly authorized by the provisions of the Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*

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 Cooperation Agreement attached hereto is hereby approved.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute the Cooperation Agreement on behalf of the Borough.

R 312-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PARTICIPATION IN THE JOINT MUNICIPAL COURT

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WHEREAS, the Borough of Chatham, the Township of Chatham and the Township of Harding have all indicated a desire to participate in a joint municipal court agreement with the Borough of Madison for use of the court facilities at the Hartley Dodge Memorial at Kings Road in Madison; and

WHEREAS, the Borough Administrator recommends that the Borough Council authorize entry into an agreement for the joint municipal court; and

WHEREAS, the Honorable B. Theodore Bozonelis, Assignment Judge of the Superior Court of New Jersey, Morris County, has reviewed a draft agreement and approved same subject to certain modifications; and

WHEREAS, the Borough Council deems it appropriate to authorize entry into an agreement for a joint municipal court with the Borough of Chatham, the Township of Chatham and the Township of Harding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Mayor is authorized to execute an agreement for a joint municipal court as described herein and as reviewed and approved by the Honorable B. Theodore Bozonelis, Assignment Judge of the Superior Court of New Jersey.

BE IT FURTHER RESOLVED, that upon execution of the agreement as modified by the Honorable B. Theodore Bozonelis, it shall be forwarded to Judge Bozonelis together with a copy of this authorizing resolution.

R 315-2010 ITEM REMOVED AND THE # RETIRED

R 316-2010 RESOLUTION OF THE BOROUGH OF MADISON CONFIRMING MEMBERSHIP OF PETER C. CERAVOLO IN THE MADISON HOOK & LADDER COMPANY #1

WHEREAS, the Fire Chief has advised that Peter C. Ceravolo 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 Peter C. Ceravolo is hereby confirmed as a member of the Madison Hook & Ladder Company #1 effective immediately.

R 317-2010 ITEM REMOVED AND THE # RETIRED

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R 318-2009 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING
2010 BUDGET TRANSFERS

WHEREAS, There appears to be insufficient funds in the following accounts (excepting the appropriation for Contingent Expenses or Deferred Charges) to meet the demands for the balance of the Current Year in Recreation – Other Expenses, and;

WHEREAS, There appears to be surplus in the following accounts (excepting the appropriation for Contingent Expenses, Deferred Charges, Cash Deficit of Preceding Year, Reserve for Uncollected Taxes, Down Payments, Capital Improvement Fund, or Interest and Debt Redemption Charges), over and above the demand deemed to be necessary for the balance of the Current Year, in Recreation – Salaries & Wages and Public Works – Salaries & Wages.

NOW, THEREFORE, BE IT RESOLVED, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provision of R.S. 40A:4-58, part of the surplus in the account heretofore mentioned be and the same are hereby transferred to the account (excepting the appropriation for Contingent Expenses or Deferred Charges) mentioned as being insufficient, to meet the current demands, and;

BE IT FURTHER RESOLVED, that the Chief Financial Officer be and is hereby authorized and directed to make the following transfers:

CURRENT FUND

Recreation	\$40,000	Public Works	\$24,000
Other Expenses		Salaries & Wages	
		Recreation	\$16,000
		Salaries & Wages	
Total Current Fund	<u>\$40,000</u>		<u>\$40,000</u>

R 319-2010 RESOLUTION OF THE BOROUGH OF MADISON AMENDING
RESOLUTION R 148-2010 INCREASING AMOUNT

WHEREAS, Resolution 148-2010 awarded a contract to Tree King Inc., of Landing, New Jersey in an amount not to exceed \$30,000.00, for tree removal; and

WHEREAS, the Superintendent of Public Works has recommended that the Borough amend Resolution 148-2010 to increase the award amount by \$15,800.00 to \$45,800.00; and

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WHEREAS, the Director of Finance has attested that funds will be available in an additional amount not to exceed \$15,800.00, which funds are available in the operating budget.

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

1. Resolution 148-2010 is amended to increase the contract award amount by \$15,800.00 to \$45,800.00.
2. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, an amended purchase order and contract to Tree King Inc., of Landing, New Jersey, for tree removal at a total price not to exceed \$45,800.00, in a form acceptable to the Borough Attorney.

R 320-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CANCELLATION OF OPEN UTILITY CHARGES FOR 42 LINCOLN PLACE

WHEREAS, a certain agreement was entered into in August 2010 between the Borough of Madison and Dominick Romanelli and Joe Chiarolanzio, who own property at 42 Lincoln Place; and

WHEREAS, pursuant to said agreement, the Borough of Madison agreed that upon Romanelli and Chiarolanzio having the underground storage tank removed and obtaining documents evidencing acceptance by the New Jersey Department of Environmental Protection, the Borough of Madison would release Romanelli and Chiarolanzio from any liability for payment of the electric bill owed by their former tenant in the amount of \$4,000.00, account number 10-567; and

WHEREAS, the underground storage tank was removed prior to the reconstruction of Lincoln Place.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Borough Administrator is authorized to have the sum of \$4,000.00 owed by the former tenant of Romanelli and Chiarolanzio for account number 10-567 forgiven upon receipt of satisfactory documentation evidencing acceptance of the underground storage tank removal by the New Jersey Department of Environmental Protection.

Mrs. Tsukamoto moved adoption of Resolution R 313-2010. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

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Abstain: Ms. Baillie

R 313-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING LEASE AGREEMENT WITH THE MUSEUM OF EARLY TRADES & CRAFTS

WHEREAS, the Museum of Early Trades & Crafts has requested that the Borough extend its Lease of the James Library Building in order to accommodate a requirement by potential grantors that the building will be available to the Museum for at least 20 years; and

WHEREAS, the Borough Council has determined to approve a new 25-year Lease agreement; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison County of Morris, State of New Jersey, that the Mayor and Borough Clerk are hereby authorized to execute a new 25-year Lease Agreement with the Museum of Early Trades and Crafts in a form approved by the Borough Attorney.

Mrs. Tsukamoto moved adoption of Resolution R 314-2010. 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, Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

Abstain: Mrs. Tsukamoto

R 314-2010 RESOLUTION OF THE BOROUGH OF MADISON ENDORSING HOME APPLICATION TO MORRIS COUNTY COMMUNITY DEVELOPMENT BY MORRIS HABITAT FOR HUMANITY, INC.

WHEREAS, Morris Habitat for Humanity, Inc. is submitting a HOME application to Morris County Community Development for funding to purchase property on Walnut Street; and

WHEREAS, Morris Habitat for Humanity, Inc., would construct a combination of for-sale affordable and market rate housing on the subject parcel; and

WHEREAS, Morris Habitat for Humanity, Inc., requests that the Council authorize the Mayor to sign their application to confirm the Borough's awareness of the application; and

WHEREAS, the recommendation has been considered at the Regular Public Meeting of the Borough Council on December 13, 2010.

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

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supports and endorses the above-described HOME application to Morris County Community Development by Morris Habitat for Humanity, Inc., and the Mayor is authorized to sign the application on behalf of the Borough of Madison.

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.**

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

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	\$25,268.52
Health & Public Assistance	9,445.24
Public Works & Engineering	294,436.00
Community Affairs	16,932.48
Finance & Borough Clerk	428,994.11
Utilities	<u>416,830.42</u>
Total	<u>\$1,191,906.77</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

There being no further business to come before the Council, the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk