CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 25th day of January, 2021. Mayor Conley called the meeting to order at 7:00 p.m. via Teleconference in the Council Chamber of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

The Borough Clerk read the statement pursuant to the Open Public Meetings Act:

“In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by transmitting a copy of the meeting notice to the Madison Eagle and Morris County Daily Record, posting a copy on the bulletin board at the main entrance of the Hartley Dodge Memorial, and filing a copy in the office of the Clerk, all on January 7, 2021. This Notice was made available to members of the general public.”

ROLL CALL

The Borough Clerk called the roll and the following acknowledged their presence:

Mayor Robert H. Conley

Council Members:
Astri J. Baillie
Maureen Byrne
John F. Hoover
Debra J. Coen
Rachael Ehrlich
Robert Landrigan

Also Present:
Raymond M. Codey, Borough Administrator
James E. Burnet, Assistant Borough Administrator
Elizabeth Osborne, Borough Clerk
Matthew J. Giacobbe, Esq. Borough Attorney

AGENDA REVIEW

There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Ms. Byrne moved:

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

MINUTES FOR APPROVAL (1)
January 11, 2021
Date of public disclosure 60 days after conclusion, if disclosure required.

LITIGAION MATTERS (2)
AFFORDABLE HOUSING UPDATE
TAX APPEALS – GIRALDA 3, GIRALDA 5
Date of public disclosure 60 days after conclusion, if disclosure required.
**Regular Meeting Minutes – January 25, 2021**

**CONTRACT MATTERS (3)**
- HDM RENOVATIONS
- MASONIC LODGE
- HDM FOUNDATION

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

Seconded: Ms. Baillie  
Vote: Approved by voice vote

**RECONVENE VIA TELECONFERENCE**

Mayor Conley reconvened the Regular Meeting at 8 p.m. via teleconference with all members present. The Pledge of Allegiance was recited by all.

**APPROVAL OF MINUTES**

Ms. Baillie moved approval of the *Reorganization Meeting Minutes of January 2, 2021*. Ms. Byrne seconded the motion, which passed with a unanimous voice call vote recorded.

Ms. Baillie moved approval of the *Executive Minutes of January 11, 2021*. Ms. Byrne seconded the motion, which passed with a unanimous voice call vote recorded.

Ms. Baillie moved approval of the *Regular Meeting Minutes of January 11, 2021*. Ms. Coen seconded the motion, which passed with a unanimous voice call vote recorded.

**GREETINGS TO PUBLIC**

Mayor Conley made the following comments:

Mayor Conley asked for a moment of silence for the passing of life long residents Palmina Rose DeBiasse and Mary Flood.

Mayor Conley noted the inauguration this week of Joseph Biden as the 46th President of the United States, adding that this is a time to celebrate our democracy. Mayor Conley also noted that it has been two weeks since the attack on our Nation’s Capital and those responsible should be held responsible.

**REPORTS OF COMMITTEES**

**Public Safety**

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

The Madison Fire Chief has indicated that all firefighter/EMT’s have received their 2nd COVID vaccine. The remaining firefighters have received their 1st Covid vaccine shot and will be getting their 2nd shot in February. The Fire Department has taken delivery of new, battery operated, hydraulic extrication tools. They will be relocated to the new Rescue/Pumper when delivered later this year. The Fire Department is looking to increase the dangerously low Volunteer ranks. If you are interested in joining the Department as a Volunteer Firefighter, please go to www.MadisonFD.com for more information on how to join. On January 6, 2021 the Madison Police Department holding facility was inspected for compliance under the authority of the NJ Department of Corrections. As a result of the inspection the department was found to be in full compliance with the requirements of New Jersey Administrative Code.
Finance and Borough Clerk
Ms. Baillie, Chair of the Committee, made the following comments:
Ms. Baillie reminded residents that the first quarter property taxes are due February 1st and can be paid by mail or online at the Borough’s website. The Borough Administration and staff continue work on the 2021 municipal budget. Listed on tonight’s agenda for introduction are ordinances for the 2021 road improvement program, as well as a presentation on the borough utilities from the Director of Public Works regarding the water utility and the Superintendent of the Electric Utility. The municipal budget planning began this August and after presentations at eight Council meetings, introduction is scheduled for March 22nd.

Public Works and Engineering
Mr. Hoover, Chair of the Committee, made the following comments:
The Department of Public works is preparing for two possible snow storms this coming week. They will continue sewer jetting, depending on the weather. Two road improvement capital appropriations will be introduced tonight to assure road projects are bid on a schedule and to allow for construction over the summer months. Morris County Cooperative Vendors will be used for the majority of resurfacing work. Anthony Drive and Wayne Blvd reconstruction projects will be bid independently and advertised in February. An updated Stormwater Management Ordinance mandated by the State of New Jersey is listed for adoption this evening. This action will allow the Borough of Madison to meet compliance deadlines associated with its current Tier A Municipal Stormwater General Permit issued by the Department of Environmental Protection. An $80k grant application under the Morris County Community Development Block Grant Program for Rehabilitation of Public Facilities within an approved census tract was submitted on January 5th in advance of the County deadline. A leaking water main beneath Greenwood Ave Bridge Overpass on Interstate 24 was repaired successfully last Wednesday during the day by Matina & Son Utility Contractors working under the emergency contract provisions of Local Public Contracts Law. Late morning traffic was affected in the eastbound lane but the subcontract traffic vendor and state police worked together to assure safe operations. A confirming resolution is on the agenda this evening. Reporting for the Recreation Advisory Committee, Mr. Hoover noted that that they are hoping for expanded indoor sports in the near future. The Spring and Summer sports schedule has been generated. A tri-town community garage sale is scheduled for Saturday, April 17th.

Community Affairs
Ms. Coen, Chair of the Committee, made the following comments:
The Downtown Development Commission held their reorganization meeting on January 21st, with two new members joining the Commission. Commuter parking permit renewal is ongoing. The Chamber of Commerce will be issuing new Loyalty Awards cards. The Red Cross will hold a blood drive at the Community Arts Center on February 9th and Madison Arts and Culture Alliance (MACA) will meet February 17th to discuss writing a grant for the hanging wall lighting system for the Community Arts Center.

Utilities
Ms. Ehrlich, Chair of the Committee, made the following comments:
Last year for the first time, the Electric Department self-performed the annual tree trimming for line clearance. Analyzing the 2020 labor and costs vs. the 2019 work performed by an outside contractor, Superintendent Jim Mattina found that in 2020, the department worked 4 weeks for a total of 69 hours on trimming trees on 30 streets, at a cost of $21,540.62. In 2019 the contractor performing worked three
times as long, for 12-plus weeks for a total of 483 hours, trimming 35 streets for $72,450.00—over three times the cost of our own department performing the work. The Electric Department crews upgraded service at DeHart Place and Cedar Street as part of infrastructure maintenance, setting set new poles, a new transformer, and new hardware. They also set two new poles for a secondary service feed at 15 Fairview Avenue. The Water Department repaired, diagnosed, or assisted in the repair of three water leaks, including the repair of a water leak on the 8 inch main that hangs under the Greenwood Avenue Bridge on Route 24. In that case a leaky joint was repaired and traffic was restored to normal.

Health
Mr. Landrigan, Chair of the Committee, made the following comments: Mr. Landrigan reminded residents that 2021 Pet Licensing fees are due before the end of January. To date there have been reported 509 cases of COVID-19 in the Borough of Madison with 49 active cases. January has seen the highest numbers since the pandemic began last spring. Travel outside the tristate area is discouraged. Information regarding the COVID-19 vaccine is available on a new NJ State hotline. Information is available on the Borough’s website.

COMMUNICATIONS AND PETITIONS- None

INVITATION FOR DISCUSSION (1 of 2)
Mayor Conley opened the meeting to the public for their opportunity to ask questions and make comments on those items listed on the Agenda only. Mayor asked that, upon recognition by the Meeting Moderator, each person give his/her name and address in an audible tone of voice, for the record. **He/she shall limit his/her statement to three (3) minutes or less.**

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

AGENDA DISCUSSIONS
01/25/2021-1 BUDGET HEARING – ELECTRIC UTILITY, WATER UTILITY AND PUBLIC WORKS
Mr. Burnet provided a presentation regarding Public Works, Utilities and Utilities Financial Performance. Jim Mattina, Electric Utilities Superintendent and Ken O’Brien, Director of Public works explained their department’s 2020 accomplishments, 2021 goals and capital budgets. Mr. Burnet noted that the municipal budget includes three entities, current fund, electric utility and water utility. Mr. Burnet provided residential rate comparisons for the utilities, noting a water rate increase should be considered.

ADVERTISED HEARINGS
The Clerk made the following statement:
Ordinances scheduled for hearing tonight were submitted in writing at a Regular meeting of the Mayor and Council held on February 8, 2021, were introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

Mayor Conley called up Ordinances for second reading and asked the Clerk to read said ordinances by title:
ORDINANCE 1-2021
ORDINANCE OF THE BOROUGH OF MADISON
ADOPTING A REDEVELOPMENT PLAN FOR LOT 1.01 IN BLOCK 1601
IN ACCORDANCE WITH
N.J.S.A. 40A:12A-7

WHEREAS, on December 28, 2020, the Mayor and Council adopted
Resolution No. 304-2020 which determined that the property designated as Lot
1.01 in Block 1601 was an area in need of redevelopment as defined in
N.J.S.A. 40A:12A-3 (hereafter the “Community Place Redevelopment Area”); and

WHEREAS, pursuant to that same Resolution, the Mayor and Council
authorized the finalization of a Redevelopment Plan for the Community Place
Redevelopment Area; and

WHEREAS, the Borough Planner, Susan Blickstein, AICP/PP, PhD prepared
a Redevelopment Plan dated January 6, 2021 (the “Community Place
Redevelopment Plan”), attached to this Ordinance; and

WHEREAS, upon introduction of this Ordinance, the Ordinance and the
Community Place Redevelopment Plan were referred to the Madison Planning Board
for review; and

WHEREAS, on January 19, 2021, the Madison Planning Board voted to
recommend to the Mayor and Council the adoption of the Community Place
Redevelopment Plan, pursuant to N.J.S.A. 40A:12A-7; and

WHEREAS, the proposed Community Place Redevelopment Plan meets all
of the requirements of N.J.S.A. 40A:12A-7; and

WHEREAS, the area governed by the Community Place Redevelopment Plan
is the same area as described in Resolution No. 304-2020.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the
Borough of Madison, County of Morris, State of New Jersey, that the Community
Place Redevelopment Plan prepared by Susan G. Blickstein, AICP/PP, PhD dated
January 6, 2021 is hereby adopted.

Mayor Conley opened up the public hearing on Ordinance 1-2021. Since no
member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 1-2021, which was read by title, be finally
adopted. Ms. Byrne seconded the motion. There was no Council discussion, and
the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Ms. Byrne, Mr. Hoover,
Ms. Coen, Ms. Ehrlich, Mr. Landrigan
Nays: None
Mayor Conley declared Ordinance 1-2021 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 2-2021
ORDINANCE OF THE BOROUGH OF MADISON AMENDING ARTICLE VI OF THE MADISON LAND DEVELOPMENT ORDINANCE REGARDING STORMWATER MANAGEMENT

WHEREAS, the Madison Planning Board has recommended that the Borough amend Article VI of the Madison Land Development Ordinance entitled “Stormwater, Wetland Protection, Steep Slopes and Flood Control”; and

WHEREAS, the Madison Planning Board has duly considered revisions to the Madison Land Development Ordinance regarding stormwater management; and

WHEREAS, the Madison Planning Board has adopted a resolution recommending to the governing body of the Borough that an ordinance amending Article VI of the Madison Land Development Ordinance regarding stormwater management be enacted; and

WHEREAS, the Borough Council has determined to make such recommended amendments.

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

SECTION 1. that Article VI of the Madison Land Development Ordinance, being Section 195-37 of the Borough Code, is amended as follows:

ARTICLE VI ENVIRONMENTAL PROTECTION

§ 195-37. Definitions:

The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

“Campus Redevelopment” means a redevelopment that involves multiple adjacent contiguous lots under common ownership of multiple structures on the same lot which already contains development or in which the applicant proposes to phase redevelopment over a period of time.

“Community basin” means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.
“Compaction” means the increase in soil bulk density.

“Contributory drainage area” means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“County review agency” means an agency designated by the Board of County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or
2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” means the Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A 4:1C-1 et seq.

“Disturbance” means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.
“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally constrained area” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

“Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

“Empowerment Neighborhoods” means neighborhoods designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

“Green infrastructure” means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

"HUC 14" or "Hydrologic Unit Code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Lead planning agency” means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.
“Low Impact Development Techniques” means utilizing strategies and measures that manage stormwater runoff quantity and quality to supplement or replace structural stormwater measures. Examples include minimize site disturbance, preserve natural vegetation and drainage features, reduce and disconnect impervious cover, reduce ground slopes, reduce turf grass, enhance water absorption and filtration.

“Major development” means an individual “development,” as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

“Minor development” means any development that results in an increase in impervious surface of 5,000 square feet but does not meet the definition of Major Development. Minor development may include public projects as authorized by the governing body of the Borough of Madison.

“Motor vehicle” means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

“Motor vehicle surface” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

“Municipality” means any city, borough, town, township, or village.

providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Redevelopment” means development activity that results in creation, addition or replacement of impervious surface area on an already improved lot such as expansion of building footprint, addition to building, and replacement of impervious surface area that is not part of routine maintenance activity.
“Regulated impervious surface” means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

“Regulated motor vehicle surface” means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

“Routine maintenance” means periodic programmatic preservation activity such as driveway or parking lot sealing, milling and repaving work, roof, deck or patio repairs, but does not include replacement of roof framing of existing structures or complete re-construction of impervious surfaces.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.
“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater management BMP” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management planning agency” means a public body authorized by legislation to prepare stormwater management plans.

“Stormwater management planning area” means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient
to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.


“AREA OF SPECIAL FLOOD HAZARD” means the land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year.

“BASEMENT” means any area of a building having its floor subgrade (below ground level) on all sides.

“BREAKAWAY WALL” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

“ELEVATED BUILDING” means a non-basement building which is built, in the case of a building in an area of special flood hazard, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers) or sheer walls parallel to the flow of the water and which is adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In an area of special flood hazard, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

“HIGHEST ADJACENT GRADE” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“HISTORIC STRUCTURE” means any structure that is:

A. Listed individually in the State or National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the State Historic Preservation Officer as meeting the eligibility requirements on the State or National Register;

B. Certified or preliminarily determined by the State Historic Preservation Officer as contributing to the historical significance of a registered historic district preliminarily determined by the State Historic Preservation Officer to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the State Historic Preservation Officer; or (2) Directly by the Secretary of the Interior.

“LOWEST FLOOR” means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's "lowest floor," provided that such enclosure is not built so to render the structure in violation of other applicable requirements.

“MANUFACTURED HOME” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home” also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home” does not include park trailers, travel trailers and other similar vehicles.

“START OF CONSTRUCTION” includes substantial improvement and means the date that the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“SUBSTANTIAL DAMAGE” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

§ 195-37.1. Scope and Purpose:

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including
green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major or minor development,” as defined below.

C. Applicability

1. This ordinance shall be applicable to the following developments:
   a. Residential and Non-residential major developments; and
   b. Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
   c. Residential and Non-residential minor developments;

2. This ordinance shall guide development undertaken by government entities in the Borough of Madison subject to applicable legal jurisdiction and approval.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

E. General Requirement

1. Any application for a building permit shall include sufficient information to carry out the intent and purpose of this section, which shall be administered by the Borough Engineer, except that applications for
additions or alterations of less than 400 square feet to one- and two-family residences are regulated under 195-37.11 Drywell Reqs.

2. Evaluation shall be made of the individual drainage structures proposed, the entire site runoff, the off-site subwatershed(s) of which the site is a part, down-gradient properties, and the receiving stream channel capacities. A point of confluence shall be maintained so that valid comparisons of time of concentration can be made between existing and proposed conditions.

3. Control of water quality in surface water, soil erosion, transport of sediment, and nonpoint source pollution related to development activities shall be demonstrated and promote natural and nonstructural management approaches and which maximize prevention of stormwater generation as well as mitigation of unavoidable stormwater impacts wherever possible.

§ 195-37.2. Design and Performance Standards for Stormwater Management Measures

A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:

2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

B. The standards in this ordinance apply to new major or minor development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

§ 195-37.3. Stormwater Management Requirements for Major Development

A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development.

B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’s Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150,
particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnbergi* (bog turtle).

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements, existing structures currently in use, such as homes and buildings, would need to be condemned; and
4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under D3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements that were not achievable onsite.

E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices (BMP) Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified. When designed in accordance with the most current version of the New Jersey Stormwater BMP Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Amendments may be published in the New Jersey Register with a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be
found on the Department’s website at: https://njstormwater.org/bmp_manual2.htm.

F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

<table>
<thead>
<tr>
<th>Best Management Practice</th>
<th>Stormwater Runoff Quality</th>
<th>Stormwater Runoff Quantity</th>
<th>Groundwater Recharge</th>
<th>Minimum Separation from Seasonal High Water Table (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cistern</td>
<td>0</td>
<td>Yes</td>
<td>No</td>
<td>--</td>
</tr>
<tr>
<td>Dry Well(^{(a)})</td>
<td>0</td>
<td>No</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Grass Swale</td>
<td>50 or less</td>
<td>No</td>
<td>No</td>
<td>(\frac{2}{1})((^{e}))(^{f})</td>
</tr>
<tr>
<td>Green Roof</td>
<td>0</td>
<td>Yes</td>
<td>No</td>
<td>--</td>
</tr>
<tr>
<td>Manufactured Treatment Device(^{(a)})(^{(g)})</td>
<td>50 or 80</td>
<td>No</td>
<td>No</td>
<td>Dependent upon the device</td>
</tr>
<tr>
<td>Pervious Paving System(^{(a)})</td>
<td>80</td>
<td>Yes</td>
<td>Yes(^{(b)}) No(^{(c)})</td>
<td>(\frac{2}{1})((^{b}))(^{c})</td>
</tr>
<tr>
<td>Small-Scale Bioretention Basin(^{(a)})</td>
<td>80 or 90</td>
<td>Yes</td>
<td>Yes(^{(b)}) No(^{(c)})</td>
<td>(\frac{2}{1})((^{b}))(^{c})</td>
</tr>
<tr>
<td>Small-Scale Infiltration Basin(^{(a)})</td>
<td>80</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Small-Scale Sand Filter</td>
<td>80</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Vegetative Filter Strip</td>
<td>60-80</td>
<td>No</td>
<td>No</td>
<td>--</td>
</tr>
</tbody>
</table>

(Notes corresponding to annotations \(^{(a)}\) through \(^{(g)}\) are found below)
### Table 2
**Green Infrastructure BMPs for Stormwater Runoff Quantity**
(or for Groundwater Recharge and/or Stormwater Runoff Quality
with a Waiver or Variance from N.J.A.C. 7:8-5.3)

<table>
<thead>
<tr>
<th>Best Management Practice</th>
<th>Stormwater Runoff Quality</th>
<th>Stormwater Runoff Quantity</th>
<th>Groundwater Recharge</th>
<th>Minimum Separation from Seasonal High Water Table (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bioretention System</td>
<td>80 or 90</td>
<td>Yes</td>
<td>Yes^{(b)}</td>
<td>2^{(b)}</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No^{(c)}</td>
<td>1^{(c)}</td>
</tr>
<tr>
<td>Infiltration Basin</td>
<td>80</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Sand Filter^{(b)}</td>
<td>80</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Standard Constructed Wetland</td>
<td>90</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>Wet Pond^{(d)}</td>
<td>50-90</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
</tbody>
</table>

(Notes corresponding to annotations \(^{(b)}\) through \(^{(d)}\) are found below)

### Table 3
**BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or**
**Stormwater Runoff Quantity**
only with a Waiver or Variance from N.J.A.C. 7:8-5.3

<table>
<thead>
<tr>
<th>Best Management Practice</th>
<th>Stormwater Runoff Quality</th>
<th>Stormwater Runoff Quantity</th>
<th>Groundwater Recharge</th>
<th>Minimum Separation from Seasonal High Water Table (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blue Roof</td>
<td>0</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>Extended Detention Basin</td>
<td>40-60</td>
<td>Yes</td>
<td>No</td>
<td>1</td>
</tr>
<tr>
<td>Manufactured Treatment Device^{(h)}</td>
<td>50 or 80</td>
<td>No</td>
<td>No</td>
<td>Dependent upon the device</td>
</tr>
<tr>
<td>Sand Filter^{(c)}</td>
<td>80</td>
<td>Yes</td>
<td>No</td>
<td>1</td>
</tr>
<tr>
<td>Subsurface Gravel Wetland</td>
<td>90</td>
<td>No</td>
<td>No</td>
<td>1</td>
</tr>
<tr>
<td>Wet Pond</td>
<td>50-90</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Notes to Tables 1, 2, and 3:
(a) subject to the applicable contributory drainage area limitation specified;
(b) designed to infiltrate into the subsoil;
(c) designed with underdrains;
(d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
(e) designed with a slope of less than two percent;
(f) designed with a slope of equal to or greater than two percent;
(g) manufactured treatment devices that meet the definition of green infrastructure;
(h) manufactured treatment devices that do not meet the definition of green infrastructure.

G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department. Alternative stormwater management measures may be used to satisfy the requirements only if the measures meet the definition of green infrastructure. Alternative stormwater management measures that function in a similar manner to a BMP are subject to the contributory drainage area limitation specified for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance is granted.

H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
I. Design standards for stormwater management measures are as follows:

1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);

2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements;

3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;

4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs; and

5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.

J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure may be used only under the circumstances specified.

K. Any application for a new agricultural development that meets the definition of Major Development shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards shall be met in each drainage area, unless the runoff from the drainage
areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Morris County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded in the Office of the Morris County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

2. To satisfy the groundwater recharge and stormwater runoff quality standards, the design engineer shall utilize green infrastructure BMPs
identified in Table 1 and/or an alternative stormwater management measure approved in accordance with the Section. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

<table>
<thead>
<tr>
<th>Best Management Practice</th>
<th>Maximum Contributory Drainage Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dry Well</td>
<td>1 acre</td>
</tr>
<tr>
<td>Manufactured Treatment Device</td>
<td>2.5 acres</td>
</tr>
<tr>
<td>Pervious Pavement Systems</td>
<td>Three times the area occupied by the BMP</td>
</tr>
<tr>
<td>Small-scale Bioretention Systems</td>
<td>2.5 acres</td>
</tr>
<tr>
<td>Small-scale Infiltration Basin</td>
<td>2.5 acres</td>
</tr>
<tr>
<td>Small-scale Sand Filter</td>
<td>2.5 acres</td>
</tr>
</tbody>
</table>

3. To satisfy the stormwater runoff quantity standards, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with the Section.

4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with the Section may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards, unless the project is granted a waiver from strict compliance in accordance with the Section.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations, either:

   i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
   ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.

4. The following types of stormwater shall not be recharged:
   i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
   ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.

2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
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i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.

ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

iii. If the runoff from the development is within a watershed having a regulated Total Maximum Daily Load (TMDL) the regulated pollutant level shall be removed to the target TMDL reduction or the maximum extent practicable.

3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.

4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.
Table 4 - Water Quality Design Storm Distribution

<table>
<thead>
<tr>
<th>Time</th>
<th>Cumulative Rainfall (Inches)</th>
<th>Time</th>
<th>Cumulative Rainfall (Inches)</th>
<th>Time</th>
<th>Cumulative Rainfall (Inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0.00166</td>
<td>41</td>
<td>0.1728</td>
<td>81</td>
<td>1.0906</td>
</tr>
<tr>
<td>2</td>
<td>0.00332</td>
<td>42</td>
<td>0.1796</td>
<td>82</td>
<td>1.0972</td>
</tr>
<tr>
<td>3</td>
<td>0.00498</td>
<td>43</td>
<td>0.1864</td>
<td>83</td>
<td>1.1038</td>
</tr>
<tr>
<td>4</td>
<td>0.00664</td>
<td>44</td>
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<td>84</td>
<td>1.1104</td>
</tr>
<tr>
<td>5</td>
<td>0.00830</td>
<td>45</td>
<td>0.2000</td>
<td>85</td>
<td>1.1170</td>
</tr>
<tr>
<td>6</td>
<td>0.00996</td>
<td>46</td>
<td>0.2117</td>
<td>86</td>
<td>1.1236</td>
</tr>
<tr>
<td>7</td>
<td>0.01162</td>
<td>47</td>
<td>0.2233</td>
<td>87</td>
<td>1.1302</td>
</tr>
<tr>
<td>8</td>
<td>0.01328</td>
<td>48</td>
<td>0.2350</td>
<td>88</td>
<td>1.1368</td>
</tr>
<tr>
<td>9</td>
<td>0.01494</td>
<td>49</td>
<td>0.2466</td>
<td>89</td>
<td>1.1434</td>
</tr>
<tr>
<td>10</td>
<td>0.01660</td>
<td>50</td>
<td>0.2583</td>
<td>90</td>
<td>1.1500</td>
</tr>
<tr>
<td>11</td>
<td>0.01828</td>
<td>51</td>
<td>0.2783</td>
<td>91</td>
<td>1.1550</td>
</tr>
<tr>
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</tr>
<tr>
<td>13</td>
<td>0.02164</td>
<td>53</td>
<td>0.3183</td>
<td>93</td>
<td>1.1650</td>
</tr>
<tr>
<td>14</td>
<td>0.02332</td>
<td>54</td>
<td>0.3383</td>
<td>94</td>
<td>1.1700</td>
</tr>
<tr>
<td>15</td>
<td>0.02500</td>
<td>55</td>
<td>0.3583</td>
<td>95</td>
<td>1.1750</td>
</tr>
<tr>
<td>16</td>
<td>0.03000</td>
<td>56</td>
<td>0.4116</td>
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<td>1.1800</td>
</tr>
<tr>
<td>17</td>
<td>0.03500</td>
<td>57</td>
<td>0.4650</td>
<td>97</td>
<td>1.1850</td>
</tr>
<tr>
<td>18</td>
<td>0.04000</td>
<td>58</td>
<td>0.5183</td>
<td>98</td>
<td>1.1900</td>
</tr>
<tr>
<td>19</td>
<td>0.04500</td>
<td>59</td>
<td>0.5717</td>
<td>99</td>
<td>1.1950</td>
</tr>
<tr>
<td>20</td>
<td>0.05000</td>
<td>60</td>
<td>0.6250</td>
<td>100</td>
<td>1.2000</td>
</tr>
<tr>
<td>21</td>
<td>0.05500</td>
<td>61</td>
<td>0.6783</td>
<td>101</td>
<td>1.2050</td>
</tr>
<tr>
<td>22</td>
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5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

\[ R = A + B - \frac{(A \times B)}{100}, \]

Where

- \( R \) = total TSS Percent Load Removal from application of both BMPs, and
- \( A \) = the TSS Percent Removal Rate applicable to the first BMP
- \( B \) = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards.

7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.

9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.

10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.

2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations, complete one of the following:

   a. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not
exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

iv. For green infrastructure purposes, the site may also be designed to manage the 95th percentile storm through the utilization of one or more green infrastructure techniques in combination with runoff rate controls above.

3. The stormwater runoff quantity standards shall be applied at the site’s boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

S. Low Impact Development Techniques

1. The development design shall limit the creation of stormwater runoff through implementation of Low Impact Development Techniques to the extent technically practicable without increasing overall constraints on the development proposal.

§ 195-37.4. Calculation of Stormwater Runoff and Groundwater Recharge:

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:

   i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:
2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “runoff coefficient” applies to both the NRCS methodology above and the Rational and Modified Rational Methods. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds or other methods may be employed.

5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at
N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:


§ 195-37.5. Solids and Floatable Materials Control Standards:

A. Site design features identified under the Section above, or alternative designs in accordance with the Section above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see the Section below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

   i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or

   ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

   iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear
spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in A.1. above does not apply:
   i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
   ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
   iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
      a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
      b. A bar screen having a bar spacing of 0.5 inches.
   iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
   v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§ 195-37.6. Safety Standards for Stormwater Management Basins:

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.

B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards for trash racks, overflow grates, and escape provisions at outlet structures.
C. Requirements for Trash Racks, Overflow Grates and Escape Provisions

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:

   i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
   ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
   iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
   iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

   i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
   ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
   iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

3. Stormwater management BMPs shall include escape provisions as follows:

   i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;
   ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and
iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontals to one vertical.

D. Variance or Exemption from Safety Standard
A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View – Basin Safety Ledge Configuration

§ 195-37.7. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan below as part of the submission of the application for approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

3. The applicant shall submit three copies of the materials listed in the checklist for site development stormwater plans in accordance with this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality’s review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.
C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

   The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1”=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

   A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

   A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

   This plan shall provide a demonstration of how the goals and standards are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

   The following information, illustrated on a map of the same scale as the topographic base map, shall be included:
i. Total area to be disturbed, paved or built upon, proposed surface
contours, land area to be occupied by the stormwater
management facilities and the type of vegetation thereon, and
details of the proposed plan to control and dispose of
stormwater.

ii. Details of all stormwater management facility designs, during
and after construction, including discharge provisions, discharge
capacity for each outlet at different levels of detention and
emergency spillway provisions with maximum discharge capacity
of each spillway.

6. Calculations

i. Comprehensive hydrologic and hydraulic design calculations for
the pre-development and post-development conditions for the
design storms specified in this ordinance.

ii. When the proposed stormwater management control measures
depend on the hydrologic properties of soils or require certain
separation from the seasonal high water table, then a soils report
shall be submitted. The soils report shall be based on onsite
boring logs or soil pit profiles. The number and location of
required soil borings or soil pits shall be determined based on
what is needed to determine the suitability and distribution of
soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall
meet the maintenance requirements of this ordinance.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this
ordinance may, in consultation with the municipality’s review
engineer, waive submission of any of the requirements of this
ordinance when it can be demonstrated that the information requested
is impossible to obtain or it would create a hardship on the applicant
to obtain and its absence will not materially affect the review process.

§ 195-37.8. Maintenance and Repair:

A. Applicability

Projects subject to review in this ordinance shall comply with these
requirements.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the
stormwater management measures incorporated into the design of a
major development.

2. The maintenance plan shall contain specific preventative maintenance
tasks and schedules; cost estimates, including estimated cost of
sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity’s agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

5. If the party responsible for maintenance identified above is not a public agency, the maintenance plan and any future revisions based on the Section below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

7. The party responsible for maintenance above shall perform all of the following requirements:

   i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
   ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
   iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority
over the site, the maintenance plan and the documentation required by this ordinance.

8. The requirements do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department. Maintenance and inspection guidance can be found on the Department’s website at:


9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

§ 195-37.9. Minor Development:

A. Control of water quantity, quality and recharge will be addressed as follows:

1. For each square foot of new impervious surface one gallon of stormwater runoff shall be managed using one or more green infrastructure BMP including Grass Swale, Vegetative Filter Strip, Sand Filter, Cistern, Drywell, Green Roof, Pervious Paver, Bioretention Basin, or Infiltration Basin.

2. Applicant shall confirm that all additional runoff created by development is controlled in accordance with best management practices and does not generate adverse impact to adjoiners.

3. Mitigation of adverse impact may consider as a last resort the redirection of a concentrated discharge of stormwater to a public or private storm sewer, gutter, swale or other conveyance avoiding direct impact to adjoiners.

4. If adverse impact to adjoiners cannot be avoided by development activity the rate of retention shall be increased to avoid impact or the additional impervious coverage of the development must be reduced.
B. Onsite Soil Testing to confirm soil permeability, depth of water table, and depth to seasonal high water table must be performed in conjunction with stormwater control measures.

C. Stormwater management measures shall be located and protected from encroachment by location on a recent property survey, specific references in the stormwater maintenance manual, or legal filing similar to that required for Major Development.

D. Technical Waiver from strict compliance with the requirements above for Minor Development may be granted by the approving authority where there is public environmental detriment or the scope of compliance with this section clearly exceeds one quarter the scope of the development.

§ 195-37.10. Sources for Technical Guidance:

A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department’s website at:


1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

2. Additional maintenance guidance is available on the Department’s website at:


B. Submissions required for review by the Department should be mailed to:

The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

Mayor Conley opened up the public hearing on Ordinance 2-2021. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Hoover moved that Ordinance 2-2021, which was read by title, be finally adopted. Ms. Coen seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Ms. Byrne, Mr. Hoover, Ms. Coen, Ms. Ehrlich, Mr. Landrigan
Nays: None
Mayor Conley declared Ordinance 2-2021 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 3-2021**

**ORDINANCE OF THE BOROUGH OF MADISON RESCINDING CHAPTER 195-11, SECTION A THROUGH H OF THE BOROUGH CODE ENTITLED “APPEAL TO GOVERNING BODY” PERMITTING REVIEW BY BOROUGH COUNCIL OF BOARD OF ADJUSTMENT FINAL DECISIONS**

**WHEREAS,** Chapter 195, Section 11, A through H of the Borough Code, adopted October 14, 1998, permits review of Board of Adjustment Final Decisions by the Borough Council; and

**WHEREAS,** the Borough Attorney has recommended that Chapter 195, Section 11, A through H be rescinded as the more appropriate forum for appeals of land use decisions is the judicial system.

**NOW, THEREFORE BE IT RESOLVED,** by the Council of the Borough of Madison, in the County of Morris and the State of New Jersey that Chapter 195, Section 11, A through H of the Borough Code be rescinded; and

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

**SECTION 1:** That Chapter 195, Section 11, A through H entitled “Appeal to Governing Body” of the Borough code be amended to remove Chapter 195, Section 11, A through H in its entirety.

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

Mayor Conley opened up the public hearing on Ordinance 3-2021.

*Sandy Kosakowski; Park Avenue,* raised objection to the adoption of Ordinance 3-2021, and asked for the clarification on the reasons for removing from the Borough Code.

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

Mr. Hoover moved that Ordinance 3-2021, which was read by title, be finally adopted. Ms. Coen seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

**Yeas:** Ms. Baillie, Ms. Byrne, Mr. Hoover,
Ms. Coen, Ms. Ehrlich, Mr. Landrigan

**Nays:** None

Mayor Conley declared Ordinance 3-2021 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.
INVITATION FOR DISCUSSION (2 of 2)
Mayor opened the meeting to the public for their opportunity to ask questions and make comments on any subject. Mayor asked that, upon recognition by the Meeting Moderator, each person give his/her name and address in an audible tone of voice, for the record. He/she shall limit his/her statement to three (3) minutes or less.

Claire Whitcomb; Fairwood Road, expressed interest about the Electric Department annual budget report and asked is streetlights with sensors can be installed throughout the Borough.

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

INTRODUCTION OF ORDINANCES
The Clerk made the following statement:
Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of February 8, 2021 in the 2nd Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinances will be published in the Madison Eagle, be posted at the main entrance to the Borough offices and be made available to members of the public requesting same, as required by law.

Mayor Conley called up Ordinances for first reading and asked the Clerk to read said ordinance by title:

ORDINANCE 4-2021 ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING $26,720.00 FROM THE MUNICIPAL OPEN SPACE TRUST FUND FOR ARCHITECTURAL PLANS AND SPECIFICATIONS AT THE MADISON MASONIC LODGE No.93

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough to provide for architectural plans and specifications for restoration of the Madison Masonic Lodge No.93 and

WHEREAS, the Borough Council has determined that the Borough should appropriate $12,040.00 from the Open Space Trust Fund to satisfy a twenty (20%) percent match requirement for the Morris County Historic Preservation Trust grant by adopting Ordinance 11-2020; and

WHEREAS, the County of Morris approved a grant of $21,440.00 leaving a funding gap of $26,720.00; and

WHEREAS, the Open Space Advisory Committee will consider ratification of this funding recommendation at their next regularly scheduled meeting, if applicable; and
WHEREAS, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed $26,720.00 for this purpose in the Open Space Trust Fund.

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 $26,720.00 is hereby appropriated from the Open Space Trust Fund to supplement the award of a Morris County Historic Preservation Trust grant for the Madison Masonic Lodge No. 93.

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

Ms. Baillie moved that Ordinance 4-2021, which the Borough Clerk read by title, be adopted. Ms. Byrne seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

ORDINANCE 5-2021  ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 94 ATTACHMENT 3, APPENDIX C ENTITLED “ELECTRIC UTILITY DEPARTMENT RULES AND REGULATIONS”

BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF MADISON IN THE COUNTY OF MORRIS AND THE STATE OF NEW JERSEY, as follows:

Chapter 94 Attachment 3, Appendix C entitled “Electric Utility Department Rules and Regulations” of the “Code of the Borough of Madison” SECTION 2.13, 2.17, 2.31, and 3.34 are hereby amended to read as follows:

(Text with strikethrough is omitted, additions are in bold italics.)

SERVICE PROVIDED
2.13 In the case of Commercial or Industrial customers with a connected load of 250KW or more that requires a primary line extension on private property, the Borough will furnish and install the overhead line to a 100-foot distance onto the customer’s property at the customer’s expense. Underground primary lines, will be installed, owned and maintained at the expense of the customer. Transformer installations on poles will be charged to the contractor. Transformer installations with ratings up to 300 KVA (three-phase only) will be installed at the Borough’s expense. Transformer installations with ratings up to 300 KVA (three-phase only) may be required to be padmount, at the discretion of the Borough’s Electric Department and will be installed at the Owner’s expense. All commercial and industrial transformers on pads, in vaults, or inside buildings will be installed, owned and maintained at the owner’s expense. Transformers up to 300 KVA, that are located outside of buildings, will be supplied by the owner and become the property of the Borough of Madison will remain property of the Customer upon acceptance, transformers larger than 300 KVA will be supplied by owner and remain the property of the
customer. Transformer installations underground or inside of buildings, if of the submersible type, would be installed at the expense of the customer, within the ratings above stipulated.

2.17 For new apartment houses, condominiums, townhouses, and association housing complexes requiring pole lines on private property or on non-accepted streets, the owner will install all street lights, lampposts, transformers, ducts, and cable underground. Upon completion the system will be dedicated to the Borough to become part of its distribution system to be maintained, enlarged or extended. All transformers will be supplied by the contractor. Transformers up to 300 KVA will become the property of the Borough of Madison upon acceptance of the development, may be required to be padmount, at the discretion of the Borough’ Electric Department, and will be owned and maintained by the Association. Transformers larger than 300 KVA will be owned and maintained by the association. All condominiums, townhouses, and association housing installations underground secondary ducts and cable originating at the transformer and connecting at the meter pan. All underground street lighting and associated duct and cable will be installed owned and maintained by the association. Contractor must provide the Borough of Madison with a spare transformer, fuses, lamppost, fixture, and accurate as built drawings upon completion of project. All transformers shall meet or exceed Borough of Madison specifications.

**Four-Wire, Three-Phase, 120/248 Volts**

2.31 Four-wire, three-phase 120/208 volt service will be supplied only for large installations requiring a heavy electrical energy consumption for lighting and power load or as otherwise determined by the Division. Borough of Madison will provide current transformers, CT rated meter pans, and pole stand-offs. Contractor will supply current transformers and C.T. rated meter pans. Borough of Madison will provide pole stand-offs only.

**SERVICE ENTRANCE**

3.34 The Contractor will furnish and install meter cabinets. The contractor will also install the service conduit and all conductors from the point of attachment of the service drop wires through the meter cabinet and into the structure. The Borough Contractor will furnish C.T. rated meter pans only, with cost to the customer. On all primary services, the Borough Contractor will furnish all Current Transformers and Potential Transformers. **The customer will be charged for the labor to wire the current transformers to the meter pan.** Owner will supply all C.T. and P.T. cabinets, at the owner’s expense.

Ms. Ehrlich moved that Ordinance 5-2021, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

**Yeas:** Ms. Baillie, Ms. Byrne, Mr. Hoover, Ms. Coen, Ms. Ehrlich, Mr. Landrigan
**Nays:** None
ORDINANCE 6-2021     ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 195-27 OF THE MADISON BOROUGH CODE ENTITLED
“LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF MADISON”
REGARDING CHANGES IN ELEVATION

WHEREAS, the Borough Engineer has recommended that the Madison Land
Development Ordinance be supplemented to require a framing elevation survey.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of
Madison, in the County of Morris and the State of New Jersey, that Chapter 195, “The Land
Development Ordinance of the Borough of Madison,” of the Revised General Code of the
Borough of Madison is hereby amended and supplemented as follows:

SECTION 1: Section 195-27G(4) entitled “Changes in Elevation” shall be
supplemented as follows:

... Immediately following the completion of the framing
for any new principal structure and prior to the
commencement of any subsequent construction, a
framing elevation survey shall be submitted to the
Municipal Engineer, Zoning Officer and Construction
Official for purposes of confirming (a) the bulk height
requirement of the zone; and (b) compliance with the
individual lot grading plan and building plans approved
by the municipality for the specific development. The
survey shall be certified by a New Jersey licensed
professional land surveyor and show the elevation of
the highest point (peak, ridgeline or highest point of
flat roof) of the framing with reference to the approved
existing grade plane elevation and proposed building
height.

SECTION 2: If any section or provision of this Ordinance is 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
separable from the remainder or any portion thereof.

SECTION 3: All ordinances or parts thereof which are inconsistent or in conflict
with the provisions of this ordinance or any part thereof are hereby repealed to the extent of
said inconsistency or conflict.

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

Mr. Hoover moved that Ordinance 6-2021, which the Borough Clerk read by title, be
adopted. Ms. Coen seconded the motion. There was no Council discussion, and the
motion passed with the following roll call vote recorded:

Yeas:  Ms. Baillie, Ms. Byrne, Mr. Hoover,
       Ms. Coen, Ms. Ehrlich, Mr. Landrigan
Nays:  None
ORDINANCE 7-2021  ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING $1,000,000.00 FROM THE GENERAL CAPITAL
IMPROVEMENT FUND FOR THE 2021 ROAD RECONSTRUCTION PROJECTS,
RELATED WORK AND MISCELLANEOUS PROJECTS

WHEREAS, the Borough Engineer has recommended that the Borough
appropriate $1,000,000.00 from the General Capital Improvement Fund for 2021
Road Reconstruction Projects, including new pavement, traffic calming, curbing and
pedestrian sidewalk improvements, related work and miscellaneous projects
throughout the Borough; and

WHEREAS, the Chief Financial Officer has attested to the availability of the
funds in the General Capital Improvement Fund in an amount not to exceed
$1,000,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should
appropriate $1,000,000.00 from the General Capital Improvement Fund for the 2021
Road Reconstruction Projects, related work and miscellaneous projects throughout
the Borough.

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 $1,000,000.00 is hereby appropriated
from the General Capital Improvement Fund for the 2021 Road Reconstruction
Projects, related work and miscellaneous projects throughout the Borough.

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

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

Mr. Hoover moved that Ordinance 7-2021, which the Borough Clerk read by title, be
adopted. Ms. Coen seconded the motion. There was no Council discussion, and the
motion passed with the following roll call vote recorded:

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

ORDINANCE 8-2021  ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING $575,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR 2021 MILLING AND OVERLAY PROJECTS

WHEREAS, the Borough Engineer has recommended that the Borough
appropriate $575,000.00 from the General Capital Improvement Fund for 2021
Milling and Overlay projects, including mill, overlay, signage, striping, curb, sidewalk
and crack sealing improvements, related work and miscellaneous projects throughout town; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed $575,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate $575,000.00 from the General Capital Improvement Fund for the 2021 Milling and Overlay projects, signage, striping, curb, sidewalk and crack sealing improvements, related work and miscellaneous projects throughout town.

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 $575,000.00 is hereby appropriated from the General Capital Improvement Fund for the 2021 Milling and Overlay projects, signage, striping, curb, sidewalk and crack sealing improvements, related work and miscellaneous projects throughout town.

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

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

Mr. Hoover moved that Ordinance 8-2021, which the Borough Clerk read by title, be adopted. Ms. Coen seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Ms. Byrne, Mr. Hoover, Ms. Coen, Ms. Ehrlich, Mr. Landrigan
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.

Ms. Byrne moved adoption of the Resolutions listed on the Consent Agenda. Ms. Baillie seconded the motion. Mr. Landrigan abstained from voting on Resolution 47-2021. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Ms. Byrne, Mr. Hoover, Ms. Coen, Ms. Ehrlich, Mr. Landrigan
Nays: None
R 47-2021 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING ROBERT LANDRIGAN TO THE POSITION OF EMERGENCY MANAGEMENT COORDINATOR FOR A THREE YEAR TERM THROUGH DECEMBER 31, 2023

BE IT RESOLVED by the Borough of Madison in the County of Morris and State of New Jersey that Robert Landrigan is hereby appointed to the position of Emergency Management Coordinator for the Borough of Madison for a three-year term through December 31, 2023.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to Keith Heimburg, Morris County Office of Emergency Management Deputy Coordinator.

R 48-2021 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING A SPECIAL EVENT PERMIT TO ALLOW THE USE OF SUMMERHILL PARK BY BOY SCOUTS OF AMERICA PATRIOTS PACK 7 AND TROOP 7

WHEREAS, the Patriots’ Pack 7 and Troop 7 of Madison have requested permission to use public property various dates throughout 2021; and

WHEREAS, the Borough Administrator has granted such advance permission; and

WHEREAS, the Patriots’ Pack 7 and Troop 7 have submitted Special Event Permit Applications to the Borough and has provided a Certificate of Liability Insurance naming the Borough of Madison as an additional insured; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Patriots’ Pack 7 and Troop 7 of Madison are hereby given permission to use Summerhill Park and other public facilities, various Mondays and Saturdays throughout 2021, for Cub Scout activities subject to approval of the Madison Fire Department and Recreation Department.

R 49-2021 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING A SPECIAL EVENT PERMIT TO ALLOW THE USE OF SUMMERHILL PARK BY ST. VINCENT MARTYR CHURCH FOR A PRAYER SERVICE

WHEREAS, the Patriots’ Pack 7 and Troop 7 of Madison has requested permission to use public property on Saturday, February 6, 2021; and

WHEREAS, the Borough Administrator has granted such advance permission; and
WHEREAS, the St. Vincent Martyr Church has submitted Special Event Permit Applications to the Borough and has provided a Certificate of Liability Insurance naming the Borough of Madison as an additional insured; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that St. Vincent Martyr Church of Madison is hereby given permission to use Summerhill Park, Saturday, February 6, 2021, for a campfire prayer service, subject to approval of the Madison Fire Department.

R 50-2021 RESOLUTION OF THE BOROUGH OF MADISON SUPPORTING THE MADISON ENVIRONMENTAL COMMISSION GREEN VISION FORUM

WHEREAS, the Madison Environmental Commission wishes to hold a Green Vision Forum on Wednesday, March 24 from 6:30 to 8pm virtually via Zoom to facilitate a dialogue on sustainability and green practices with community members and Borough representatives; and

WHEREAS, a Green Vision Forum, consisting of a panel of active youth from Madison schools as well as students from Drew University, and Borough employees will address issues on green activities in the schools and in the community.

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 of Madison supports the Madison Environmental Commission’s Green Vision Forum.

R 51-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE FUNDING OF A RESERVE FOR SUSTAINABILITY AND INFRASTRUCTURE IMPROVEMENTS WITHIN THE ELECTRIC UTILITY CAPITAL FUND

WHEREAS, there is a projected need for the financing of sustainability and infrastructure improvements to the Borough’s Electric Utility; and

WHEREAS, the 2020 Electric Utility budget had unspent funds available as of December 31st, 2020; and

WHEREAS, the unspent balance of the 2020 Electric Utility budget will otherwise lapse into fund balance as of January 1st, 2022; and

WHEREAS, the Chief Financial Officer has reserved $200,000 of the 2020 Electric Utility budget.

NOW, BE IT RESOLVED, by the Mayor and Council of the Borough of Madison that the Chief Financial Officer is hereby retroactively authorized, as of December 31st 2020, to reserve $200,000 from the 2020 Electric Utility budget for
the purposes of creating a Reserve for Sustainability and Infrastructure improvements.

R 52-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING PAYMENT IN THE AMOUNT OF $15,236.36 TO MATINA & SON, INC. FOR WATER MAIN WORK COMPLETED ON AN EMERGENCY BASIS

WHEREAS, the Borough Engineer has advised the Council that the water main on Greenwood Avenue at the Interstate 24 overpass required emergency repair in order to protect the health and welfare of the public; and

WHEREAS, the Borough Engineer estimates $15,236.36 will be required to repair the water main on an emergency basis, pursuant to N.J.S.A 40A:11-6, and

WHEREAS, the Borough Engineer engaged the services of Matina & Son, Inc., to perform the emergency work; and

WHEREAS, the Borough Engineer has requested that the Borough authorize payment to Matina & Son, Inc. in the amount of $15,236.36 for such work which payment is authorized pursuant to N.J.S.A 40A:11-6(b); and

WHEREAS, the Borough Council has determined to authorize payment in the amount of $15,236.36 for the emergency services; and

WHEREAS, the Chief Financial Officer has attested that funds are available in the amount of $15,236.36 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, that payment in the amount of $15,236.36 is authorized to be made to Matina & Son, Inc. for the emergency services it performed as described herein.

R 53-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING SUBMISSION OF APPLICATION FOR NEW JERSEY TRANSIT 5310 GRANT FOR AN ELECTRIC BUS

WHEREAS, the Borough Administrator has recommended that the Borough Council support the submission of a New Jersey Transit 5310 grant for an electric minibus; and

WHEREAS, NJ Transit’s Local Program and Minibus Support (LPS) Department administers several Federal Transit Administration programs including funds for electric minibuses; and

WHEREAS, the Borough Council has determined that it is in the public interest of the Borough to approve said grant application.
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 hereby authorized to a New Jersey Transit 5310 grant for an electric minibus.

R 54-2021 RESOLUTION OF THE BOROUGH OF MADISON CONFIRMING MEMBERSHIP OF PATRICK T. COLLIGAN IN THE MADISON HOOK & LADDER COMPANY #1

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

R 55-2021 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING USE OF COMMUNITY POOL PUBLIC PARKING LOT BY THE CUB SCOUT PACK 226 ON JANUARY 23, 2021

WHEREAS, the Wolves in Cub Scout Pack 226 previously requested permission to use the public parking lot at the Madison Community Pool on Saturday, January 23, 2021, between the hours of 12:00 p.m. and 1:00 p.m. for a den meeting; and

WHEREAS, the Borough Administrator has recommended that upon submission of an application and insurance such permission be granted; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Wolves in Cub Scout Pack 226 den meeting at the Madison Community Pool public parking lot held January 23, 2021, between the hours of 12:00 p.m. and 1:00 p.m. is hereby ratified subject to such safety requirements as were directed by the Madison Police Department and/or Fire Department.
R 56-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING
THE SETTLEMENT OF CERTAIN TAX APPEALS

WHEREAS, appeals of the real property tax assessments of the following properties
have been filed in the Tax Court of New Jersey:

<table>
<thead>
<tr>
<th>PROPERTY OWNER</th>
<th>BLOCK</th>
<th>LOT</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allergan Sales, LLC</td>
<td>3202</td>
<td>5</td>
<td>Madison Avenue</td>
</tr>
</tbody>
</table>

; and

WHEREAS, the Borough Tax Assessor, Attorney and Appraisal expert are
in the opinion that it is in the best interest of the Borough to settle these appeals.

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

1. The settlement of the following tax appeals filed at the Tax Court of New
Jersey are hereby authorized as follows:

<table>
<thead>
<tr>
<th>PROPERTY OWNER</th>
<th>YEAR</th>
<th>ORIGINAL ASSESSMENT</th>
<th>PROPOSED SETTLEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allergan Sales, LLC</td>
<td>2019</td>
<td>$76,237,500</td>
<td>$76,237,500</td>
</tr>
<tr>
<td>Allergan Sales, LLC</td>
<td>2020</td>
<td>$76,237,500</td>
<td>$75,000,000</td>
</tr>
</tbody>
</table>

2. All municipal officials are hereby authorized to take whatever actions
may be necessary to implement the terms of this Resolution.

3. This Resolution shall take effect immediately.

R 57-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING
EXECUTION OF A GRANT AGREEMENT WITH THE HARTLEY DODGE
MEMORIAL FOUNDATION

WHEREAS, the Borough of Madison has negotiated the terms of a
reimbursement grant from the Trustees of the Hartley Dodge Memorial Foundation for
a 1099 contractor to help with maintenance and upkeep of the Hartley Dodge
Memorial, in which the Borough would identify the contractor and direct the day to day
work; and

WHEREAS, the Borough Council approves such an agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of
Madison, in the County of Morris in the State of New Jersey that the above referenced
grant is hereby accepted and that the Mayor is hereby authorized to execute grant
documents as the authorized representative for the Borough of Madison.
R 58-2021    RESOLUTION OF THE BOROUGH OF MADISON CONFIRMING MEMBERSHIP OF RANDY VARGAS IN THE MADISON HOOK & LADDER COMPANY #1

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

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS
On motion by Ms. Byrne, 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.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Fund</td>
<td>$3,892,240.62</td>
</tr>
<tr>
<td>General Capital Fund</td>
<td>14,160.53</td>
</tr>
<tr>
<td>Electric Operating Fund</td>
<td>561,050.23</td>
</tr>
<tr>
<td>Electric Capital Fund</td>
<td>0.00</td>
</tr>
<tr>
<td>Water Operating Fund</td>
<td>1,925.37</td>
</tr>
<tr>
<td>Water Capital Fund</td>
<td>0.00</td>
</tr>
<tr>
<td>Trusts</td>
<td>24,309.75</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4,493,686.50</strong></td>
</tr>
</tbody>
</table>

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

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

NEW BUSINESS
Mayor Conley announced the following appointment and requests Council confirmation:

Board of Education Representatives to the following committees,

Complete Streets - Tom Piskula
Recreation Advisory Committee - David Irwin
DDC - Stephen Tindall - Unexpired term of John Regan
Sustainable Madison - Sarah Fischer
Regular Meeting Minutes – January 25, 2021

Ms. Baillie moved confirmation of the foregoing appointments. Ms. Byrne seconded the motion, which passed with a unanimous voice call vote recorded.

ADJOURN
There being no further business to come before the Council, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved February 8, 2021 (EO)