

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

April 27, 2020 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 27th day of April, 2020. Mayor Conley called the meeting to order at 6:00 p.m. via teleconference.

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 10, 2020. 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:

Carmela Vitale

Astri J. Baillie

Maureen Byrne

John F. Hoover

Debra J. Coen

Rachael Ehrlich

Also Present:

Raymond M. Codey, Borough Administrator

James E. Burnet, Assistant Borough Administrator

Elizabeth Osborne, Borough Clerk

Marina Stinely for Matthew J. Giacobbe, Esq. Borough Attorney

AGENDA REVIEW

There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Ms. Baillie moved:

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

MINUTES FOR APPROVAL (1)

March 30, 2020

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

LITIGATION MATTERS (1)

AFFORDABLE HOUSING UPDATE

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

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CONTRACT MATTERS (2)
2020 ROAD IMPROVEMENTS PROGRAM
PSE&G MILLING & OVERLAY

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

PERSONNEL MATTERS (1)
FIREFIGHTER

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

Seconded: Mrs. Vitale
Vote: Approved by voice vote

RECONVENE VIA TELECONFERENCE

Mayor Conley reconvened the Regular Meeting at 7 p.m. via teleconference with all members present. The Pledge of Allegiance was recited by all.

The Mayor and Council gave the following shout outs of thanks to:

Eric Range, Board of Health President, who has volunteered full time at the Health Department, doing everything from answering phones to providing the leadership as Board president
Funeral Directors
Mary Carson of JanPro, for providing disinfecting to first responder
\$100k Anonymous Donor to help those in need of food
Diane Fastiggi. For coordinating the Food Programs
Alex Jennings, Barbara Hughes, for providing food for those in need and masks.
Christine Preston, Enid Smith-Helck for making masks and providing them to anyone who needs one.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Executive Minutes of March 30, 2020**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

Ms. Baillie moved approval of the **Regular Meeting Minutes of March 30, 2020**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

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

GREETINGS TO PUBLIC

Mayor Conley made the following comments:
Mayor Conley remembered the following Madison residents that passed away recently, asking for a moment of silence:
Richard Holden, husband of former Mayor Mary Anna Holden
Marge Ann Ryan
Rose Ann Esposito
Pasquale "Pat" L. Lepre

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Marie Gloria Sapio
Janis Duaro

PROCLAMATIONS:

Mayor Conley virtually presented the following Proclamations:

To Marlene Dolan, Public Health Nurse, National Nurses Week Proclamation.

To Nancy Bruce and Gene Cracovia, of the Shade Tree Management Board, an Arbor Day Proclamation.

To Mrs. Osborne, Borough Clerk, the Municipal Clerks' Week, May 3 through May 9, 2020 Proclamation.

REPORTS OF COMMITTEES

Finance and Borough Clerk

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

Mrs. Vitale reminder residents that the 2nd quarter taxes are due May 1st. Jacqueline Cardini, new Tax Assessor for the Borough, will be in the office each Friday. The Borough has launched a new online utility billing system with information available on the Borough's website. A hearing and adoption of the municipal budget will be held later this evening.

Public Safety

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

During the past month the Madison Police Department responded to 1,334 calls for service including 61 medical emergencies. Madison police officers are working hard to maintain the safety of our community and ask that Madison residents do their part and keep vigilant with social distancing protocols. Residents are reminded that cars are still traveling the street and to be careful. The Fire Department is working on a modified schedule. The Madison Volunteer Ambulance Squad has been strained to cover all shifts since the beginning of this Pandemic. Madison Career Firefighters and Morris County EMS have been utilized to cover the voids in shifts in an effort to maintain that at least 1 staffed Ambulance is available 24/7 for medical calls in Madison. The Fire Department thanks our Madison residents and local businesses for their show of support for all 1st responders by the generous donations of food and PPE.

Public Works and Engineering

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

The Department of Public Works has saved the Borough over \$20,000 by demolishing the old Dodge field house in anticipation of the new building. Benches will be installed, as well as flower baskets in the downtown area. The Engineering Department reports milling work was initiated April 27th in the parking lots along Kings Road with the intent to complete parking lot resurfacing and restriping this week. Resurfacing work this month will also include Cedar, DeHart, Walnut, Alexander and other roads listed on the Mill Overlay Capital Plan. Paving was completed on the new Madison recycling center last week which will allow it to be opened to the public by the end of the month.

Community Affairs.

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

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The senior shopping network now has over 200 volunteers. The Downtown Development Commission has begun a 'GoFundMe' campaign to raise funds for Madison's businesses, including a match of up to \$50,000. MACA is working on a new webpage including live streaming from the Arts Center. Softball has been canceled. Lacrosse and soccer are still being considered. Residents should continue to monitor recreation information on rosenet. Fall sport schedules should be published soon.

Health

Ms. Coen, Chair of the Committee, made the following comments: State wide the number of new COVID-19 cases is beginning to flatten. The Health Department, located on Walnut Street, continues to be open. Long term care facilities continue to be a concern. The Health Director, Michael Fitzpatrick has made several unannounced visits. The Morris County testing site at the Morris county Community College remains open, as well as Atlantic Health. Residents are reminded to stay at home, practice social distancing, wear face masks when out, and stay home if you don't feel well. Madison parks are open, but residents must follow social distancing. Parents need to set good examples.

Utilities

Ms. Ehrlich, Chair of the Committee, made the following comments: The Electric Department staff continues repairs of downed power lines due to recent storms. Ne electric has been installed at the municipal lot on Kings Road for a new electric vehicle charging station. The Water Department continues routine service and assisted the engineering with the Dodge field house demolition.

BUDGET HEARING

Mayor Conley opened the meeting to the public for their opportunity to ask questions and make comments on the proposed municipal budget.

Pat Rowe; Pine Avenue, expressed disappointment that Council was passing the budget this evening and asked that the Attorney clarify that debt service has to be covered.

***R 125-2020* RESOLUTION OF THE BOROUGH OF MADISON FINALLY ADOPTING THE 2020 BUDGET AND TAX RESOLUTION**

Mrs. Vitale thanked the CFO and Administrator for their work on the municipal budget, noting difficulties during the pandemic. Mr. Burnet noted that all presentations on the municipal budget are available on the Borough's website. Mayor Conley noted that not all towns are in Madison' position and thanked the Council and Administration for their diligence. There was no further Council discussion, and the motion passed with the following roll call vote recorded:

Mrs. Vitale moved approval of the 2020 municipal budget be adopted. Ms. Byrne seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Ms. Baillie, Ms. Byrne,
Mr. Hoover, Ms. Coen, Mrs. Ehrlich

Nays: None

COMMUNICATIONS AND PETITIONS - None

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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

04/27/2020-1 ADDITIONAL 2020 ROADWAY MILL & OVERLAY PROJECTS
Mr. Codey requested authorization for paving of certain roads requiring repair due to utility work, including Dehart Road, Walnut Street, Cedar Road and Alexander Avenue. The Borough will be reimbursed by PSE&G. Mr. Codey also recommended approval of work on several parking lots, now empty due to the pandemic. There was agreement to move forward with paving projects.

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 March 9, 2020 and April 13, 2020, 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 9-2020
ORDINANCE OF THE BOROUGH OF MADISON ESTABLISHING
CHAPTER 195-36.1 OF THE MADISON LAND DEVELOPMENT
ORDINANCE, ENTITLED “SOLAR ENERGY SYSTEMS”**

WHEREAS, the Borough of Madison Planning Board has recommended that the Madison Land Development Ordinance Section 195-36.1 be established to regulate solar energy facilities and structures; and

WHEREAS, the Borough Council has determined to adopt such amendment.

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

SECTION 1: Chapter 195 of the Madison Land Development Ordinance, entitled “Land Development”, Section 195-36.1 entitled “Solar Energy Systems” is hereby established as follows:

I. ADD NEW SECTION 195-37. SOLAR ENERGY SYSTEMS.

A. The purpose of this ordinance is:

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- 1) To amend and supplement the Land Development Code of the Borough of Madison to regulate solar photovoltaic energy facilities and structures and balance the objective of providing reasonable opportunities for on-site solar or photovoltaic electric generation for on-site electricity consumption with protection of the natural and built environment.
- 2) To promote the conservation of energy through the use of planning policies and practices designed to reduce energy consumption and to provide for utilization of renewable energy sources accessory to and directly supportive of a use permitted by Madison Land Development Ordinance.

B. Definitions.

- 1) **Solar Photovoltaic Energy System, Accessory.** A system of solar photovoltaic modules, panels or arrays for the collection, storage, and distribution of solar energy for space heating or cooling, for water heating (including heat exchange systems with exterior panels), or for electricity, that:
 - a) Is located on the electric consumer's premises;
 - b) Is designed and intended to offset part of the electric consumer's on-site electric energy consumption; and
 - c) Is accessory, subordinate and incidental to the electric consumer's principal use of the premises for other lawful purpose(s).
- 2) **Building-Integrated Solar Energy Systems.** A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems shall include photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, and skylights that do not visually differ from conventional building materials.
- 3) **Community Solar System.** Local solar facilities shared by multiple community subscribers who receive credit on their electricity bills for their share of the power produced.
- 4) **Ground Mounted Solar Energy System.** Systems which are not mounted on existing structures. This does not include parking canopy systems.
- 5) **Public View.** The view by the public of a building from any point on a street or walkway which is used as a public thoroughfare, either vehicular or pedestrian.
- 6) **Roof Mounted Solar Energy System.** A solar energy system consisting of solar collectors that are installed directly on the roof of a home, commercial building, and/or a permitted accessory structure, such as a garage, pergola, and/or shed.
- 7) **Solar Collector.** A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical or electrical energy.
- 8) **Solar Collector Surface.** Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.
- 9) **Solar Mounting Device.** Racking, frames or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

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- C. Applicability. This section applies to solar energy systems to be installed and constructed after the effective date of the ordinance. Solar energy systems constructed prior to the effective date of this ordinance shall not be required to meet the requirement of this section, provided however, that any upgrades, modifications, or changes that alter the size or placement of existing solar energy systems shall comply with the provisions of this section. Community solar systems operated by the Borough of Madison or a third party contracted by the Borough of Madison are not subject to this ordinance.
- D. Permitted Accessory Use. Solar energy systems shall be allowed as an accessory use, subject to the requirements set forth within this section.
- E. General Regulations.
 - 1) In order to maintain a desirable visual environment throughout Madison by preserving and promoting the small town and historical characteristics of the Borough, it is the intention of this section that the installation of solar photovoltaic energy systems be installed in as inconspicuous and unobtrusive a manner as reasonably possible.
 - 2) The design of solar systems shall conform to all applicable local, state and national solar codes and standards. A building permit review by department staff shall be obtained and all design and installation work shall comply with all applicable provisions in the National Electric Code (NEC), the International Residential Code (IRC), International Commercial Building Code, State Fire Code, and any additional requirements set forth by the local utility for grid-connected systems.
 - 3) Electrical wiring connecting solar panel arrays, system transformers, inverters, and utility service shall be installed as flush as possible on structures upon which panels are mounted or installed underground.
 - 4) All connections from solar systems to the grid shall be underground where existing electric service is underground.
 - 5) Panels shall be darkish blue, grey or other neutral color and may not include any integrated graphics.
 - 6) A power disconnect and system shut-down device accessible to emergency services personnel shall be installed and marked conspicuously with a sign, which shall identify an emergency contact person and an emergency contact telephone number. The property owner shall make the property available to local emergency first responders for annual training on power disconnect and system shut down procedures that may be required in the case of an emergency. System diagrams shall be provided to local emergency first responders upon installation and updated when alterations to the system are completed.
 - 7) Installations proposed within the Bottle Hill Historic District and Civic Commercial Historic District shall be subject to the following provisions:
 - a) Solar panels shall not alter a historic site's character defining features.
 - b) All modifications to a historic site must be entirely reversible, allowing alterations to be removed or undone to reveal the original appearance of the site.
 - c) Exposed solar energy equipment must be consistent with the color scheme of the underlying structure.

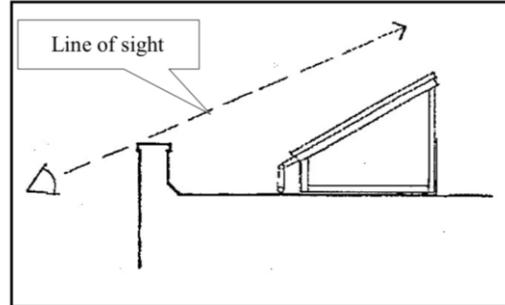
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- d) Solar installations in these historic districts shall be subject to review by the Historic Preservation Commission.
 - 8) All solar photovoltaic equipment, except for roof-mounted solar photovoltaic panels as permitted herein, shall be effectively screened from public rights-of-way, with indigenous deer resistant evergreen plantings, and, to the greatest extent feasible, shall blend with the immediately surrounding area.
 - 9) Building integrated solar energy systems may be visible from the public view and are subject only to the screening and setback requirements for supporting equipment.
 - 10) Solar collectors shall be oriented and/or screened so that any glare is directed away from any adjoining properties and streets.
 - 11) All supporting equipment shall not be located any closer than twenty feet (20') to any other building or structure, except as permitted herein.
 - 12) Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. No such signs shall exceed one square foot in area. In no case shall any identification be visible from the property line.
 - 13) No solar energy system shall be lit. Parking lots under solar canopy systems may be lighted in accordance with Borough lighting regulations.
- F. Roof mounted solar photovoltaic energy systems. Installation or construction of roof mounted solar photovoltaic energy systems shall be subject to the following requirements:
- 1) A roof mounted solar photovoltaic energy system may not be placed on any lot which does not contain a permitted principal structure. A roof mounted system may be installed upon permitted principal and accessory buildings.
 - 2) A roof mounted solar photovoltaic energy system shall serve only the lot where it is located. All supporting ancillary equipment not attached to the structure housing solar arrays shall be located in the rear yard unless evidence is provided from a solar entity that such equipment cannot be feasibly located in the rear yard location (conforming to rear yard setback as noted herein), the applicant may then place supporting equipment in alternative areas, as follows:
 - a) Fifty percent of the actual rear yard setback or a minimum of twenty (20) feet, whichever is greater.
 - b) Side yard with a minimum setback that is equal to the respective minimum zone requirements or fifty (50%) percent of the actual setback line; whichever is greater.
 - 3) Roof mounted solar photovoltaic energy system panels shall not extend above the existing height of the roof: more than 12” on structures with pitched roofs with 3% slope or greater; or from 24” to a maximum of 48” on structures with flat roofs (flat roof shall be defined as a roof pitch less than 3% slope) provided a minimum four-foot perimeter setback is provided. Roof-mounted solar energy systems shall not exceed the maximum permitted height in the zone district for the structure or building on which they are mounted. For roof-mounted solar energy systems installed on a sloped roof, the system must be installed at the same angle as the roof on which it is installed with a maximum distance,

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measured perpendicular to the roof, of 12 inches between the roof and highest edge or surface of the system. In no instance shall it extend above the ridge of a peaked roof.

- 4) Panels shall not overhang or otherwise extend beyond any rooftop structure.
- 5) Exterior piping associated with the roof-mounted solar energy system shall be allowed to extend beyond the perimeter of the building on any facade of an accessory structure. Where exterior cables or piping are visible from any public right-of-way, they shall be treated architecturally to blend in with the building color and materials.
- 6) No system shall cover more than 80% of the entire roof area.
- 7) No system shall be mounted to a fence.
- 8) Where parapets are in place and rooftop orientation allows, solar collectors mounted on flat roofs shall be mounted behind a building parapet, below the line of sight from the nearest edge of the right-of-way adjacent to front- and street-side yards (see below Illustration).



G. Parking lot roof canopy mounted solar photovoltaic energy systems. Installation or construction of roof canopy mounted solar photovoltaic energy systems shall be subject to the following requirements:

- 1) Site plan approval is required
- 2) An applicant for a parking lot roof canopy mounted solar photovoltaic energy system shall obtain all permits required by the Uniform Construction Code.
- 3) Parking lot roof canopy mounted solar photovoltaic energy systems shall be constructed above parking spaces and shall not be located in a front yard or any area between the front façade of a principal building and the street.
- 4) A minimum 10-foot wide buffer, consisting of plantings, fencing, berming or some combination thereof, shall be required adjacent to any residential property line to serve as a year-round buffer.
- 5) The maximum permitted height of the system shall be twenty-two feet, as measured from the grade plane to the highest point of the mounting equipment, structure and/or panels, whichever is greatest.
- 6) The parking lot roof canopy mounted solar photovoltaic energy system shall serve only the lot upon which it is located and may not serve any other lot either in common ownership or otherwise. All supporting equipment, such as transformers, inverters, power line interconnections, etc. shall be installed only in the rear or side yard area of any lot.

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- 7) The proposed location for all supporting equipment shall conform to the rear yard and side yard setback requirements for an accessory building or the requirements for parking setback in the zone (whichever is greater) in which the property is located (and in no case shall be located in the front yard).
- H. Ground-mounted solar photovoltaic energy systems. Where permitted, a ground-mounted solar photovoltaic energy system may be installed subject to the following requirements:
- 1) Accessory to principal permitted use.
 - 2) A ground-mounted solar photovoltaic energy system shall not be constructed on any lot which does not contain a permitted principal structure.
 - 3) A ground-mounted solar photovoltaic energy system shall serve only the permitted principal structure and permitted accessory buildings located on the tax lot upon which the energy system is located.
 - 4) Ground mounted solar photovoltaic energy systems shall require site plan approval.
 - 5) Ground-mounted systems shall be designed to minimize impacts on critical habitat areas, especially habitats of threatened and endangered species.
 - 6) Issuance of a construction permit. An applicant for a ground-mounted solar or photovoltaic energy system permit shall obtain all permits required by the Uniform Construction Code (UCC).
 - 7) Access. No new driveway access shall be created. Access shall be provided utilizing existing driveways. Any interior access road required between and among ground-mounted solar photovoltaic energy system arrays and components shall be designed as grassed roadways to minimize the extent of soil disturbance, water runoff and soil compaction.
 - 8) Maximum height. The maximum height of solar panel arrays from existing ground level shall not exceed 8 (eight) feet. System components shall not exceed the maximum permitted height for an accessory structure in the zone in which located.
 - 9) Ground mounted systems shall not be counted in the calculation of maximum impervious coverage unless the area under the panels, excluding any footings, consists of an impervious material.
 - 10) Ground mounted systems shall not exceed five (5)% of the total land area of the tract on which it is located. The area of the system shall be measured by the aggregate of all land on which the system is located, excluding transmission lines and subsurface elements.
 - 11) Yard placement & visual buffering. All components of a ground-mounted solar photovoltaic energy system (solar panel arrays, supporting equipment including transformers, inverters, electric utility line connections, etc.) shall be installed only in yards not facing public rights-of-way and shall not be located closer to the side property line than the existing side yard/perimeter setback (whichever is greater) of the principal building upon the lot, subject to the following visual compatibility, placement and design standards.
 - a) The ground mounted system and its components shall be shielded by a minimum ten-foot wide landscaped buffer of plantings and/or

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plantings and berming around the perimeter of the facility. The buffer shall screen the system from view from adjoining residences, preserved open space, the public traveled way, including public rights-of-way, roads and publicly accessible trails.

- b) Perimeter landscaped screen buffer. Landscaped screen buffer plantings shall be indigenous evergreen species for year-round screening, which shall grow to sufficient height within five (5) years to completely screen the system from off-site view. The landscaped screen buffer plantings shall be continually maintained to provide a permanent visual screen of the facility.
- c) Where existing features may effectively serve to shield portions of the installation and its components from view, such features may be substituted for portions of the required perimeter landscaped buffer. Such features include, but are not limited to:
 - [1] Existing hedgerows or forested areas, which may be supplemented with additional plantings to achieve year-round effective visual screening of the installation and its components;
 - [2] Existing buildings, such as barns, garages, greenhouses, outbuildings, etc;
 - [3] Existing topographic features or structures such changes in elevation, ridgelines, retaining walls and similar features.
- d) Where any of the above features may be substituted for the required perimeter landscaped buffer, such features shall be maintained for as long as ground-mounted solar or photovoltaic energy system remains on site. Where such features may be removed over time by will or act of God, the required perimeter landscaped buffer shall be provided within either two (2) months of the removal of such features.

12) Solar panel array ground mounting. To minimize land disturbance and facilitate future site rehabilitation, solar panel arrays shall be mounted to the ground through the use of earth screws, auger driven piers or a similar system that does not require the use of bituminous or concrete material.

13) Grading. The ground-mounted system and its components should be designed to follow the natural topography to the greatest extent possible to minimize the disturbance of soils.

14) Soil erosion control, soil stabilization. All ground areas occupied by the ground-mounted solar photovoltaic energy system shall be planted and maintained with shade tolerant grasses for the purpose of soil stabilization. A seed mixture of native, non-invasive shade tolerant grasses shall be utilized to promote biodiversity and natural habitat.

I. Review process.

- 1) No installation of solar energy systems shall be permitted without a zoning permit.
- 2) For site plans, the Zoning Officer shall issue a denial of zoning permit and shall refer the application to the Planning Board for review.
- 3) In the event that an application is made pursuant to the terms of this article for premises that are located in the Bottle Hill or Civic

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Commercial Historic District, approval must be obtained from the Madison Historic Preservation Commission (HPC). Applicants shall submit plans to the Zoning Officer for review, and, if appropriate, a zoning permit may be issued, conditioned upon HPC review and approval.

- J. Decommissioning, removal, restoration. All ground mount or parking lot canopy solar photovoltaic energy systems shall be maintained in continuous operation. A decommissioning plan shall accompany all applications for ground-mounted or parking canopy systems.
- 1) Solar photovoltaic energy facilities and structures (roof or ground) which have not been in active and continuous service for a period of eighteen (18) months shall be decommissioned and removed from the property to a place of safe and legal disposal.
 - 2) Upon cessation of activity and as part of decommissioning any ground-mount or parking lot canopy system, the Applicant shall submit a performance bond in a form and manner satisfactory to the Borough Engineer to ensure availability of adequate funds to restore the site to a useful condition. The Applicant shall further:
 - a) Deactivate, disconnect and remove all structures, unless otherwise noted herein.
 - b) Restore the surface grade and soil after removal of aboveground structures and equipment, including but not limited to removal of all components of the system including footings.
 - c) Replace soil, as necessary, within the top 12 inches of the soil profile, which shall be comprised of topsoil meeting the texture of loam as described in the USDA soil classification system, and the pH shall be in the range of 6.5 to seven. Tests shall be reviewed and approved by the Borough.
 - d) Decompact land where necessary to promote healthy plant growth prior to installation of topsoil and vegetation. Tests shall be reviewed and approved by the Borough.
 - e) Restore soil areas with native grasses, agricultural crops or plant species suitable to the area and which do not include any invasive species.
 - f) Provide quantity takeoffs, unit prices and overall cost estimates for decommissioning in current dollars.
 - g) Provide for the retention of buffers and plantings.
 - h) Restore parking areas and their surfaces for any parking under decommissioned canopy solar installations.
 - 3) If the property owner fails to remove the system and restore the system in accordance with the decommissioning plan, the Borough may perform the work in place of the owner. All costs incurred by the Borough in connection with the same shall be a lien on the property upon which the work is performed. In the event that the Borough incurs any additional costs in enforcing the lien or collecting the money owed, the owner shall be obligated to reimburse the Borough for the additional costs and expenses, including reasonable attorneys' fees.
 - 4) The Borough of Madison expressly reserves the right to require the removal of any solar energy system, or portion thereof, which is

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improperly constructed or maintained or which poses an imminent safety hazard. In the event that the Borough incurs any additional costs in enforcing the lien or collecting the money owed, the owner shall be obligated to reimburse the Borough for the additional costs and expenses, including reasonable attorneys' fees.

K. Permitted Accessory Solar Energy Systems.

- 1) Building integrated systems are permitted as accessory uses in all zoning districts.
- 2) Roof mounted systems are permitted as accessory uses in all zoning districts.
- 3) Parking lot canopy systems are permitted accessory uses in the following districts in the rear yard only as regulated herein:
 - a) R-5 District
 - b) R-5A District
 - c) CC District
 - d) OR District
 - e) PCD-O District
 - f) Gateway District
 - g) P District
 - h) OSGU District
 - i) University District
- 4) Ground mounted systems shall be permitted as accessory uses only in the PCD-O and OSGU Districts, upon finding by the reviewing Board that rooftop and/or parking lot canopy systems are not reasonably feasible due to specific site/building conditions. Community solar systems operated by the Borough of Madison or a third party contracted by the Borough of Madison are not subject to the 5% land area cap.
- 5) Additional Submission Requirements. In addition to the application requirements in all applicable construction codes and the Borough Land Use Ordinance, all applications for solar energy systems shall be accompanied by a property survey showing the proposed location or locations of the solar energy system and distance from property lines. In addition, photographs showing the property from the public view, and the location of the proposed solar energy system, must be submitted so as to determine compliance with the visibility and other provisions of this ordinance.

L. Abandonment.

- 1) Where a solar energy system is out of service for a continuous eighteen-month period, there shall be a rebuttable presumption that the system has been abandoned.
- 2) The Borough may issue a notice of abandonment to the owner of a renewable energy system that is deemed to have been abandoned. The notice shall be sent return receipt requested.
- 3) The owner shall have the right to respond to the notice of abandonment within 30 days from notice receipt date.
- 4) If the owner provides information that demonstrates the renewable energy system has not been abandoned, the Borough shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn.

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- 5) If the Borough determines that the renewable energy system has been abandoned, the owner of the renewable energy system shall remove the renewable energy system and properly dispose of the components at the owner's sole expense within six months after the owner receives the notice of abandonment.
- 6) In the event that the owner fails to remove the renewable energy system, the Borough or its employees or contractors may enter the property to remove the renewable energy system (but shall not be obligated to remove the same), and in the event that the Borough performs the removal, all costs of such removal shall be reimbursed to the Borough by the owner. In the event the owner fails to reimburse the Borough, the Borough may place a lien on the property in the amount of the costs of said removal. In the event that the Borough incurs any additional costs in enforcing the lien or collecting the money owed, the owner shall be obligated to reimburse the Borough for the additional costs and expenses, including reasonable attorneys' fees.

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

Mayor Conley opened up the public hearing on Ordinance 9-2020. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Baillie moved that Ordinance 9-2020, which was read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mayor Conley declared Ordinance 9-2020 adopted and fully passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

Ordinances 10-2020, 11-2020 and 12-2020 were adopted April 13, 2020

**ORDINANCE 13-2020
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING
\$675,000.00 FROM THE WATER UTILITY CAPITAL IMPROVEMENT
FUND FOR MAIN, VALVE AND HYDRANT REPLACEMENT**

WHEREAS, the Borough Engineer has recommended capital water infrastructure replacement projects for mains, valves and hydrants; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Water Utility Capital Improvement Fund in an amount not to exceed \$675,000.00 for this purpose; and

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WHEREAS, the Borough Council has determined that the Borough should appropriate \$675,000.00 from the Water Utility Capital Improvement Fund for replacement projects for mains, valves and hydrants.

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 \$675,000.00 is hereby appropriated from the Water Utility Capital Improvement Fund for replacement projects for mains, valves and hydrants.

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

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

Mayor Conley opened up the public hearing on Ordinance 13-2020. Since no member of the public wished to be heard, the public hearing was closed.

Ms. Byrne moved that Ordinance 13-2020, which was read by title, be finally adopted. Mr. Hoover seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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

Mayor Conley declared Ordinance 13-2020 adopted and fully 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.**

Since no 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 x, 2020 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.

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

ORDINANCE 14-2020 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$200,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT
FUND FOR ADDITIONAL 2020 MILLING AND OVERLAY PROJECTS

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$200,000.00 from the General Capital Improvement Fund for additional 2020 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 \$200,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$200,000.00 from the General Capital Improvement Fund for additional 2020 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 \$200,000.00 is hereby appropriated from the General Capital Improvement Fund for additional 2020 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.

Ms. Byrne moved that Ordinance 14-2020, which the Borough Clerk read by title, be adopted. Mr. Hoover seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Ms. Baillie, Ms. Byrne,
Mr. Hoover, Ms. Coen, Mrs. Ehrlich
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.

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Mrs. Vitale moved adoption of the Resolutions listed on the Consent Agenda. Ms. Baillie seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Vitale, Ms. Baillie, Ms. Byrne,
Mr. Hoover, Ms. Coen, Mrs. Ehrlich

Nays: None

R 126-2020 RESOLUTION OF THE MADISON BOROUGH COUNCIL
AWARDING CONTRACT TO MIDWEST CONSTRUCTION, INC. IN THE AMOUNT
OF \$782,990.45 FOR THE 2020 ROAD IMPROVEMENT PROGRAM

WHEREAS, the Borough of Madison publicly advertised bids for the 2020 Road Improvement Program; and

WHEREAS, the lowest qualified bid was submitted by MidWest Construction, Inc. in the amount of \$782,990.45 for the base bid, plus certain bid alternates; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the contract to MidWest Construction, Inc. in the amount of \$782,990.45 for the base bid, plus bid alternates; and

WHEREAS, funds are available in Ordinance 1-2020 and 2-2020 or in any other account that may be deemed appropriate by the Chief Financial Officer or his designee.

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

1. The contract for the 2020 Road Improvement Program is hereby awarded to MidWest Construction, Inc. based upon its bid in the amount of \$782,990.45 for the base bid, plus bid alternates.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with MidWest Construction, Inc. in a form acceptable to the Borough Attorney.

R 127-2020 RESOLUTION OF THE MADISON BOROUGH COUNCIL
APPOINTING BRYAM CASTANO TO THE POSITION OF PROBATIONARY
FIREFIGHTER

WHEREAS, Fire Chief Lou DeRosa has recommended the appointment of Bryam Castano, as replacement for Lieutenant/EMT Brian Tappen, retiring May, 2020, to the position of probationary firefighter in the paid division of the Madison Borough Fire Department; and

WHEREAS, Fire Chief Lou DeRosa has certified that Bryam Castano is a fully qualified firefighter on the existing promotional list; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Bryam Castano is hereby appointed to the position of probationary firefighter in the paid division of the Madison Borough Fire Department, effective April 27, 2020.

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

R 128-2020 RESOLUTION OF THE BOROUGH OF MADISON RATIFYING APPROVAL OF THE MADISON-CHATHAM JOINT MEETING AGENDA ITEMS FROM THE CANCELED APRIL 21, 2020 JOINT MEETING

WHEREAS, the Madison-Chatham Joint Meeting regularly scheduled meeting on April 21, 2020 was canceled due to the COVID19 pandemic; and

WHEREAS, the following items of business listed on the agenda now require approval:

1. Approval of the operating budget check registry totaling \$102,987.48
2. Approval of the general capital budget check registry totaling \$37,081.90

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 Council hereby approves the above listed actions for the Madison-Chatham Joint Meeting.

R 129-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A SPECIAL EVENT PERMIT TO ALLOW THE USE OF THE PUBLIC PARKING AT 28 WALNUT STREET BY THE ROTARY CLUB OF MADISON ON MAY 2, 2020

WHEREAS, the Rotary Club of Madison has requested permission to use the public parking at 28 Walnut Street on Saturday, May 2, 2020, between the hours of 9:00 a.m. and 3:00 p.m. for an 'EndHunger' event; and

WHEREAS, the Borough Administrator has recommended that such permission be granted; and

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WHEREAS, the Rotary Club has submitted a Special Event Permit Application to the Borough as well as 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 the Rotary Club of Madison is hereby given permission to hold an 'EndHunger' event at Madison public parking at 28 Walnut Street, on May 2, 2020, between the hours of 9:00 a.m. and 3:00 p.m. subject to such safety requirements as may be directed by the Madison Police Department and/or Fire Department.

R 130-2020 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CANCELLATION OF \$239.65 IN LATE FEES FOR REAL PROPERTY TAX PAYMENT

WHEREAS, the Borough Administrator has recommended approval of a request to cancel \$239.65 in late fees due to extraordinary circumstances for delinquent payment of first quarter 2020 taxes on property at 72 Main St. Block 1802 Lot 5; and

WHEREAS, the Council has determined to cancel said late fees and interest thereon.

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 Tax Collector is authorized to cancel the late fees in the amount of \$239.65 regarding Tax Block 1802, Lot 5.

R 131-2020 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING A COMMISSIONER TO THE NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND

BE IT RESOLVED by the Borough Council of the Borough of Madison in the County of Morris in the State of New Jersey that James E. Burnet, CFO/Assistant Borough Administrator is hereby appointed as the Borough Commissioner to the North Jersey Municipal Employee Benefits Fund.

BE IT FURTHER RESOLVED that Sandra Emmerich be and is appointed as Borough's Alternate Fund Commissioner to the North Jersey Municipal Employee Benefits Fund effective April 27, 2020.

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R 132-2020 RESOLUTION OF THE BOROUGH OF MADISON ADJUSTING INTEREST AND PENALTIES ON DELINQUENT UTILITY ACCOUNTS

WHEREAS, the global health pandemic has caused certain financial pressures on Borough of Madison water and electric utility customers; and

WHEREAS, the current fund, water utility, and electric utility collectively have sufficient fund balance; and

WHEREAS, the Mayor and Council wish to minimize the financial strain on Borough of Madison utility customers by temporarily reducing interest and penalty charges.

NOW, THEREFORE BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that retroactive to March 13, 2020 that interest and penalties not be charged on water and electric utility accounts that have balances of under \$1,000.00. On August 1, 2020 the interest rates and penalties shall revert back to the original percentages and dollar amounts as per Borough of Madison Municipal Code, unless further extended by action of the governing body.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mrs. Vitale, 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.

Current Fund	\$3,894,584.34
General Capital Fund	18,135.17
Electric Operating Fund	586,007.85
Electric Capital Fund	15,778.96
Water Operating Fund	19,802.05
Water Capital Fund	0.00
Trusts	<u>15,837.23</u>
Total	<u>\$4,550,145.60</u>

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

Yeas: Mrs. Vitale, Ms. Baillie, Ms. Byrne,
Mr. Hoover, Ms. Coen, Mrs. Ehrlich

Nays: None

NEW BUSINESS - None

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 8:35 p.m.

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Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved June 8, 2020 (EO)