

**MAYOR AND COUNCIL
WORK SESSION/REGULAR MEETING
BOROUGH HALL ANNEX
May 16, 2011
7:30pm**

1. **FLAG SALUTE**

2. **ROLL CALL** Mayor Heveran, Councilpersons Raucci, Choi, De Simone, Hawkins. Knott, Whitter. Brian Giblin, Borough Attorney, Jack Terhune, Borough Administrator, Fran Lehmann, Borough Clerk

3. **OPEN MEETING STATEMENT**

Conditions of the Open Meeting Act have been met by Notice placed on the Bulletin Board at Borough Hall and notice sent to the Official Newspaper

4. **COMMENTS FROM THE PUBLIC**

Limited to two (2) minutes per speaker (20-minute duration)

5. **PRESENTATION**

6. **APPOINTMENTS**

7. **APPROVAL OF MINUTES**

Council Meeting Minutes

May 2, 2011

8. **RESOLUTIONS**

- 11-111 Authorizing Budget Amendment for 2011 Budget
- 11-112 Public Hearing and Adoption of the 2011 Municipal Budget
- 11-113 Authorizing the Dedication of Funds – Animal Control Trust
- 11-114 Authorizing the Dedication of Funds – Community Policing Trust
- 11-115 Authorizing the Dedication of Funds- Off-Duty Trust
- 11-116 Authorizing the Dedication of Funds – Parking Adjudication Act Trust
- 11-117 Authorizing the Dedication of Funds – Fire Prevention Penalties Trust
- 11-118 Authorizing Tax Appeal Settlement Block 1217, Lot 13
- 11-119 Authorizing Tax Appeal Settlement Block 802, Lot 9
- 11-120 Authorizing the Cancellation of Checks to Municipal Revenue not Anticipated Current Fund
- 11-121 Authorizing the Treasurer to Pay Claims against the 2010 Budget Reserves and the 2011 Temporary Municipal Budget
- 11-122 Authorizing the Request for Medical Leave of Absence

A motion was made by Councilperson _____ seconded by Councilperson _____ to approve Resolutions

ROLL CALL Councilperson, Raucci (), Choi () De Simone (), Hawkins () Knott () Whitter

9. REPORTS

Standing Committees

Finance Administration & Personnel
Laws & Ordinances
Police
Fire
Ambulance
Public Works
Borough Administrator
Mayor
Special Bodies

10- INTRODUCTION OF ORDINANCE

Introduction of Ordinance 09-11 entitled:

A motion was made by Councilperson _____ seconded by Councilperson _____ to approve

ROLL CALL Councilperson, Raucci (), Choi (), De Simone (), Hawkins () Knott () Whitter

11 ADOPTION OF ORDINANCE

Adoption of Ordinance 07-11 entitled:

AN ORDINANCE TO ADOPT SUSTAINABLE BUILDING STANDARDS FOR THE CONSTRUCTION OF NEW COMMERCIAL BUILDINGS IN THE BOROUGH OF LEONIA

Public Hearing

A motion was made by Councilperson _____ seconded by Councilperson _____ to approve Ordinance 07-11

ROLL CALL Councilperson, Raucci (), Choi (), De Simone (), Hawkins () Knott () Whitter

12. UNFINISHED BUSINESS

a)

13 NEW BUSINESS

a)

14. COMMENTS FROM THE PUBLIC

Limited to five (5) per speaker at the discretion of the Chair (duration 30 minutes)

15 **CORRESPONDENCE**

16 **CLOSED SESSION (C)**
a) *Personnel* –

17. **ADJOURNMENT** (10:00pm unless motion to extend)

FORMAL ACTION ON ANY BOROUGH BUSINESS MAY BE TAKEN

BOROUGH OF LEONIA, NEW JERSEY
ORDINANCE NO. 07-11

**AN ORDINANCE TO ADOPT SUSTAINABLE BUILDING STANDARDS
FOR THE CONSTRUCTION OF NEW COMMERCIAL BUILDINGS IN THE BOROUGH OF
LEONIA**

WHEREAS, the Mayor and Council of the Borough of Leonia finds that it is the Borough's desire to create a more sustainable community; and

WHEREAS, on September 9, 2009, the Mayor and Council adopted Resolution No. 09-184, which adopted a policy of sustainable land use, which, "pledged to incorporate the principles of green design and renewable energy generation when updating our site plan and subdivision requirements. Green design strategies not only improve the environmental performance of buildings, but lessens the impact of those buildings on the surrounding environment. Such strategies including energy efficiency, water conservation, indoor environmental quality, use of recycled renewable materials, construction waste reduction, reduced auto use, tree preservation, native planting and avoidance of environmentally sensitive features."; and

WHEREAS, the Borough of Leonia, Master Plan Reexamination Report of February 1, 2010, Section 5, Item 4: Sustainability Plan Element states: "On August 5, 2008, Assembly Bill A1559 was signed into law by Governor Jon S. Corzine, amending the Municipal Land Use Law (MLUL) to authorize local planning boards to include a "green buildings and environmental sustainability plan element" in their master plans. The purpose of this new element is to encourage and promote the efficient use of natural resources and minimize the impact of buildings on the local, regional and global environment through site orientation and design.

The Borough should prioritize the preparation and adoption of a sustainability plan element. This is especially important given the expected availability of energy-saving incentive grant programs under the current Federal Administration. In particular, this element should address the Borough's desire to reduce energy consumption in light of rising energy costs and the possibilities of using alternative energy sources to reduce the Borough's carbon footprint. In the interim, the Borough should proactively seek and explore current and upcoming opportunities for retrofitting existing municipal buildings with energy-saving devices, Integration of hybrid and alternative fuel vehicles, such as the one acquired by the Fire Department, in its municipal fleet, and establishing a policy of building new and substantially renovated municipal building space to a specified standard, such as the US Green Building Council's LEED Silver, Gold or Platinum standards."

WHEREAS, the Mayor and Council finds that green building measures applied to the design, construction, and maintenance of buildings would achieve the following goals:

1. To encourage resource conservation;
2. To reduce the waste generated by construction projects;
3. To increase energy efficiency; and
4. To promote the health and productivity of residents, workers, and visitors to the Borough; and

WHEREAS, the Mayor and Council find that:

1. Green building practices referenced herein are designed to encourage resource conservation, to reduce the waste generated by construction projects, to increase energy efficiency, and to promote the health and productivity of residents, workers, and visitors to the Borough;
2. Green design and construction decisions made by the Borough in the construction and remodeling of Borough and other buildings can result in significant cost savings to the Borough over the life of the buildings;
3. In recent years, green building design, construction, and operational techniques have become increasingly widespread. Many homeowners, businesses, and building professionals have voluntarily sought to incorporate green building techniques into their projects;
4. At the national level, the U.S. Green Building Council (USGBC), developer of the Leadership in Energy and Environmental Design (LEED®) Green Building Rating System, has become a leader in promoting and developing green building practices;
5. The USGBC LEED® Rating System has been used to design buildings in New Jersey.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Leonia that the Code of the Borough shall be amended by adding a new section to the Chapter 95 titled "Building Construction" to be known as Article IV Sustainable Building Standards.

§95-14 Adoption of codes by reference.

SECTION 1: The "Leadership in Energy & Environmental Design Rating System for New Construction & Major Renovations (LEED - NC)", Version 3, adopted November 2002, revised April 27, 2009, and the "Leadership in Energy & Environmental Design – EB Green Building Rating System for Existing Building, Upgrades, Operations and Maintenance", Version 3, adopted October 2004, updated April 27, 2009, both promulgated by the U.S. Green Building Council ("USGBC") are hereby adopted by reference and incorporated into this Chapter.

The Borough supports the use of green building practices and adopts the use of the USGBC's Leadership in Energy Design ("LEED") Rating System for the design and construction of new buildings and major renovations and additions to existing commercial buildings.

The Borough will evaluate developer's life-cycleⁱ and total cost accountingⁱⁱ criteria in the design, construction, maintenance and use, demolition and disposal of all newly constructed commercial buildings within the Borough.

Green Technology Requirements

The Borough adopts a policy that new construction, major renovations and additions to commercial buildings achieve a minimum LEED® "Silver" Scorecard points. While U.S. Green

Building Council certification or equivalent rating certification is not required, it is encouraged. Applicants are encouraged to submit items numbered 1, 2 and 3 herein at the time permits are applied for and are encouraged to submit the information sought in item number 4 with the site plan application.

1. All new commercial development located within the Borough, additions which are 50% or greater than the existing gross floor area, shall meet a minimum LEED™ Silver or higher Scorecard points.
2. All building projects shall have a LEED-accredited professional, or equivalent, as a principal member of the design team from the beginning of the project.
3. Energy Star: Appliances and fixtures; programmable thermostats; light fixtures; windows and doors; and HVAC systems must meet United States Environmental Protection Agency's (EPA's) Energy Star Standards. Applicants are also encouraged to meet or exceed the New Jersey Energy Master Plan mandates for alternative energy and related goals.
4. All new building projects must include the following:
 - a. All lighting fixtures located in parking lots must utilize LED lighting systems.
 - b. For commercial buildings in Zones OB (office) and L1 (commercial light industry) no less than fifteen percent (15%) of the property (excluding existing and proposed road rights-of-way) shall be devoted to conservation, open space, drainage and/or recreational purposes and may include vegetated roofs and pedestrian plazas. For Zone D (Business) where there is no coverage restriction, if 15% of the property is not devoted to conservation, open space, drainage and/or recreational purposes a description of how those building objectives were evaluated and rejected should be provided.
 - c. Water efficiency technologies such as Rooftop Water retention, collection and irrigation systems shall specifically be evaluated for any project and in conjunction with obtaining USGBC LEED or equivalent scoring points. Water efficiency technologies prevent waste, preserve a precious natural resource, promote education and ultimately reduce the lifecycle costs of building ownership and maintenance.
 - d. Building envelope technologies such as Aerated Concrete Walls, including but not limited to; alternative energy, thermal recovery, ventilation systems shall specifically be evaluated for any project and in conjunction with obtaining USGBC LEED or equivalent scoring points. Building envelope technologies enhance acoustic, insulation and fire/heat retardant building performance properties.
 - e. Porous pavement consisting of porous asphalt, porous concrete, or pervious pavement units shall be specifically evaluated for any project and in conjunction with obtaining USGBC LEED or equivalent scoring points. Porous pavement beds typically consists of a porous surface course underlain by a stone bed of uniformly graded and clean-washed course aggregate, 1-1/2 to 2-1/2 inches in size, with a void space of at

least 40%. Stormwater drains through the surface, is temporarily held in the voids of the stone bed, and then slowly exfiltrates into the underlying, uncompacted soil mantle. Porous systems have been very effective in reducing contaminants such as total suspended solids, metals, and oil and grease. Porous pavement with underlying infiltration systems can dramatically reduce both the rate and volume of runoff, recharge the groundwater, and improve water quality.

f. Construction Waste Management Plan: Prepare and implement a construction waste management plan. The plan must outline where waste will be sent for recycling, reuse, reprocessing, or disposal. Letter from each of the recipient facilities must be included. A minimum of 50% of the waste materials by weight shall be diverted from landfill disposal and reused, reprocessed or recycled.

SECTION 2. Three copies of the Leadership in Energy & Environmental Design Rating System for New Construction & Major Renovations (LEED - NC) Version 3, adopted November 2002, revised April 27, 2009, and three copies of Leadership in Energy & Environmental Design – EB Green Building Rating System for Existing Building, Upgrades, Operations and Maintenance", Version 3, adopted October 2004, updated April 27, 2009, both promulgated by the U.S. Green Building Council ("USGBC") shall be maintained on file in the Office of the Borough Clerk.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 4. If any portion of this ordinance shall be determined to be invalid; such determination shall not affect the validity of the remaining portions of said ordinance.

SECTION 5. This ordinance shall take effect upon final passage and publication in accordance with law.

Attest:

Approved:

Fran Lehmann,
Borough Clerk

Mary Heveran,
Mayor

Introduced: , 2011
Adopted: , 2011

¹ **Life-cycle:** Building life cycle refers to the view of a building over the course of its entire life - in other words, viewing it not just as an operational building, but also taking into account the design, installation, commissioning, operation and decommissioning phases. ...

¹¹ **Full Cost Accounting (FCA):** A means by which environmental considerations can be integrated into business decisions. FCA for a building incorporates environmental and other internal costs, with external impacts and costs/benefits of the building's activities on the environment and on human health. In cases where the external impacts cannot be monetized, qualitative evaluations are used.