

1. Borough Of Pompton Lakes Regular Council Meeting

Documents:

FEBRUARY 14, 2018.PDF

1.1. February 14, 2018 Meeting Ordinances

Documents:

18-07 LAKESIDE COMMONS TAX EXEMPT PILOT BL 6200 L1.PDF

18-08 NORTH JERSEY POLICE RADIO TOWER LEASE AGREEMENT.PDF

18-06 AMENDING PROVISIONS OF CHAPTER 190 ZONE DUPLEX.PDF

PLEASE TURN OFF PAGERS AND CELL PHONES

**AGENDA
REGULAR MEETING
February 14, 2018**

The following is the Agenda for the Regular Meeting of the Mayor and Council of the Borough of Pompton Lakes, Passaic County, to be held in the Pompton Lakes Municipal Building, 25 Lenox Ave., Pompton Lakes, NJ, Wednesday, February 14, 2018 beginning at 7:30 pm.

1. CALL TO ORDER – Mayor Michael Serra

PRAYER

SALUTE TO FLAG

STATEMENT OF COMPLIANCE: “In conformance with the Open Public Meetings Law, Public Law 1975, Chapter 231, adequate notice of this Meeting setting forth the time, date, place and purpose of this regular Meeting through notice posted on the Bulletin Board in the Municipal Building, mailed to all who had requested and paid for same, and published in the Suburban Trends.

ROLL CALL:

Mayor Michael Serra
Council President Terri Reicher
Councilman William Baig
Councilman Christian Barranco
Councilman Erik DeLine
Councilman Frank Jaconetta
Councilman Ekamon Venin

Borough Officers:

Joseph Ragno, Borough Attorney
Kevin Boyle, Borough Administrator
Elizabeth Brandsness, Municipal Clerk

MAYOR PRESENTATIONS AND UPDATES:

Presentation – Participants River / Trail Clean-up

2. MEETING OPEN FOR PUBLIC COMMENTS:

Motion to open the Meeting for Public Comments ___Second___ All in favor ___Nays___
Motion to close the Meeting for Public Comments ___Second___ All in favor ___Nays___

3. APPROVAL OF MINUTES:

Motion to approve the following Minutes ___Second___. All in favor___, Nays___.

Regular Meeting Minutes of January 24, 2018

4. AUTHORIZED BILLS AND CLAIMS: Motion to approve the following Bill Lists ___Second___. All in favor ___Nays___.

Current Fund	\$ 4,811,710.70
Capital Fund	\$ 7,423.37
Recreation Trust	\$ 227.57
Open Space Trust	\$ -0-
Clerk Trust	\$ -0-
Other Trust	\$ 19.20
Unemployment Trust	\$ 17,059.57
Dog Trust	\$ -0-
PLMAC #2	\$ -0-

5. PRESENTATION OF PETITIONS: None

6. CONSENT AGENDA – RESOLUTIONS:

(Does Any Councilperson Require Any Consent Agenda Item To Be Pulled For Separate Actions?)

WHEREAS, the Mayor and Council of the Borough of Pompton Lakes has reviewed the Consent Agenda consisting of various proposed Resolutions; and

WHEREAS, the Mayor and Council of the Borough of Pompton Lakes (*does / does not*) desire to remove Resolutions for individual action from that Agenda.

NOW, THEREFORE, BE IT RESOLVED that the following resolutions on the Consent Agenda are hereby approved:

1. Resolution 18-66 Resolution Pursuant To NJSA 40A:20-8 Approving The Application Of Lakeside Commons Urban Renewal, LLC For Long Term Tax Exemption
2. Resolution 18-67 Authorizing A Contract For The Acquisition Of Goods Or Services Pursuant To NJSA 19:44A-204 and/or NJSA 19:44A-20.5 With Maraziti Falcon, LLP To Serve as Attorney To The Zoning Board
3. Resolution 18-68 Authorizing A Contract For The Acquisition Of Goods Or Services Pursuant To NJSA 19:44A-20.4 and/or NJSA 19:44A-20.5 With Ralph Tango, PE Of Maser Consulting P.A. To Serve As Engineer To The Zoning Board
4. Resolution 18-69 Approving Appointment Of Class II Special Police Officers
5. Resolution 18-70 Appointment Of Michael Gavin To The Position Of Laborer I With The Department Of Public Works
6. Resolution 18-71 Authorizing The Mayor To Execute Change Order #1 (Final) And Approval Of Estimate #2 (Final) In Connection With The Riverdale Boulevard Roadway Resurfacing Project With Smith-Sondy Asphalt Construction Co., Inc.

7. RESOLUTIONS FOR SEPARATE ACTION (ROLL CALL):

8. INTRODUCTION OF ORDINANCES—FIRST READING AND INTRODUCTION:
(Ordinance will be presented for second reading and final adoption on February 28, 2018)

ORDINANCE 18-07

AN ORDINANCE AUTHORIZING TAX EXEMPTION AND PAYMENT IN LIEU OF TAXES IN CONNECTION WITH THE REDEVELOPMENT PLAN FOR PART OF BLOCK 6200 LOT 1 AND ADOPTING AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT FOR PAYMENT IN LIEU OF TAXES WITH LAKESIDE COMMONS URBAN RENEWAL, LLC IN ACCORDANCE WITH NJSA 40A:20-1 ET SEQ

Motion to Approve Ordinance No. 18-07 for Introduction____, Second____.
Roll Call:

ORDINANCE 18-08

AN ORDINANCE AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE TOWER LEASE AGREEMENT AND REPEATER UTILIZATION AGREEMENT WITH NORTH JERSEY POLICE RADIO ASSOCIATION PURSUANT TO NJSA 40A:12-5 (a)(1)

Motion to Approve Ordinance No. 18-08 for Introduction____, Second____.
Roll Call:

9. ORDINANCES FOR SECOND READING AND FINAL ADOPTION:
(These ordinances have been advertised and posted on the Municipal Bulletin Board)

ORDINANCE 18-06

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE BOROUGH ZONING AND LAND USE PROVISIONS OF THE BOROUGH CODE

Motion to open the Meeting for public comments on Ordinance # 18-06 ____, Second____.
All in favor____, Nays____.

Motion to close the Meeting for public comments on Ordinance # 18-06 ____, Second____.
All in favor ____, Nays ____.

Motion to approve Ordinance # 18-06 for Final Adoption ____, Second____.
Roll Call:

10. MAYOR REPORT:

Motion to appoint the following members to the Open Space Committee:

- Mayor - Mike Serra
 - Mayor’s Alternate – Councilman Erik DeLine
 - Environmental Officer – Ed Merrill
 - Chair, Planning Board – Andy Silverstein
 - Chair, Zoning Board – Frank Russo
 - Recreation President – Michael Barbera
 - Chair, Environmental Protection Committee – Maria Kent
 - Chair, Flood Advisory Board – Julie Doncoes
 - Chair, Shade Tree Commission – Anne Tacinelli
 - Member, 1st Voting District – *open position*
 - Member, 2nd Voting District – Orlando Mundaca
 - Member, 3rd Voting District – Mike Riga
 - Member, 4th Voting District – Tim Troast
 - Member, 5th Voting District – Lauren Venin
- (term to 12/31/18) ____, Second____. All in favor ____, Nays ____.

11. COUNCIL COMMITTEE REPORTS:

Council President Reicher:

Councilman DeLine:

Councilman Jaconetta:

Councilman Venin:

Councilman Baig:

Councilman Barranco:

Professional Reports:

12. TABLED ITEMS: None

13. MEETING OPEN FOR PUBLIC COMMENTS:

Motion to Open Meeting for Public Comments __Second__ All in favor __Nays__.
Motion to Close Meeting for Public Comments __Second__ All in favor __Nays__.

14. PRIVILEGE OF THE FLOOR:

15. ADJOURN TO EXECUTIVE SESSION WHEN REQUIRED:

Motion to Adjourn __Second__. All in favor __Nays__.

Closed Session Time _____ Open Session Time _____

Motion to Open __Second__. All in favor __Nays__.

16. ADJOURNMENT: Motion to Adjourn __Second__. All in favor __Nays__.
Adjourn Time ____.

ORDINANCE NO.: 18-07

AN ORDINANCE AUTHORIZING TAX EXEMPTION AND PAYMENT IN LIEU OF TAXES IN CONNECTION WITH THE REDEVELOPMENT PLAN FOR PART OF BLOCK 6200 LOT 1 AND ADOPTING AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT FOR PAYMENT IN LIEU OF TAXES WITH LAKESIDE COMMONS URBAN RENEWAL, LLC IN ACCORDANCE WITH NJSA 40A:20-1 ET SEQ

WHEREAS, on July 21, 2010, the Borough of Pompton Lakes adopted Resolution 10-137 designating a portion of the Borough, including the property located at 30-32 Colfax Avenue, identified as Block 6200 Lot 1 (“the Premises”), as an area in need of redevelopment pursuant to NJSA 40A:12A-1 et seq; and

WHEREAS, on April 22, 2009, pursuant to Ordinance 09-01, the Mayor and Council adopted a redevelopment plan for the property known as the “Downtown Pompton Lakes Redevelopment Area” (“the Redevelopment Plan”); and

WHEREAS, Lakeside Commons Realty, LLC currently owns the Premises; and

WHEREAS, Lakeside Commons Realty, LLC formed an urban renewal entity called Lakeside Commons Urban Renewal, LLC (“the Entity”), pursuant to the Long Term Tax Exemption Law, NJSA 40A:20-1 et seq, as amended and supplemented (the “Exemption Law”); and

WHEREAS, the Entity will own the Premises or ground lease the Premises from an affiliate of Lakeside Commons Realty, LLC; and

WHEREAS, the Premises will be developed with a multi-use facility with 52 residential units on the Premises (the “Project”), which will be leased to individual Tenants; and

WHEREAS, the Project is consistent with the goals of the Redevelopment Plan; and

WHEREAS, the Entity has applied to the Borough for a long term tax exemption pursuant to Exemption Law with respect to the Project (the “Application”); and

WHEREAS, the Mayor and Council has recommended the approval of the Application; and

WHEREAS, the Entity has proposed to pay an Annual Service Charge in lieu of taxes on the Project based on gross revenues of the Project, with minimum annual service charges pursuant to NJSA 40A:20-12; and

WHEREAS, the Mayor and Council adopted a Resolution approving the Application of the Entity; and

WHEREAS, the Mayor and Council has determined that it is in the best interest of the Borough to grant a tax exemption and enact this Ordinance to allow the Entity to obtain a program for payments in lieu of taxes, and to approve a financial agreement, in the form attached hereto and incorporated herein as Exhibit A (the “Financial Agreement”), as a means of facilitating the same; and

WHEREAS, the Mayor and Council has determined that the Project will result in significant benefits to the Borough, including the redevelopment of an existing structure, and the creation of jobs during construction and new business that will contribute to the economic growth of the Borough, and the Project can result in significant benefits to the Borough which are far greater to the Borough than the cost, if any, associated with the grant of a tax exemption for the Property.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey that the Financial

Agreement between the Borough and Lakeside Commons Urban Renewal, LLC, attached hereto as Exhibit A, is approved pursuant to the Long Term Tax Exemption Law, NJSA 40A:20-1 et seq, and , further, the Mayor and Council approves the Annual Service Charge set forth in the Financial Agreement, and hereby authorizes and directs the Mayor and Clerk to execute such Financial Agreement.

BE IT FURTHER ORDAINED as follows:

A certified copy of this Ordinance and the fully executed Financial Agreement shall be provided by the Clerk to the Assessor immediately upon adoption according to law.

A certified copy of this Ordinance and the fully executed Financial Agreement shall be provided by the Clerk to the Chief Financial Officer of the County and the County Counsel within 10 days of adoption of this Ordinance or the full execution of the Financial Agreement, whichever is later, for informational purposes only.

All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

This Ordinance shall take effect after approval of the Mayor or in accordance with law and publication and passage according to law.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building on the 14th day of February, 2018, and the same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 28th day of February, 2018, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after approval by the Mayor or in accordance with law.

Approved:

Michael Serra, Mayor

Elizabeth Brandsness, Borough Clerk

ORDINANCE NO.: 18-08

AN ORDINANCE AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE TOWER LEASE AGREEMENT AND REPEATER UTILIZATION AGREEMENT WITH NORTH JERSEY POLICE RADIO ASSOCIATION PURSUANT TO NJSA 40A:12-5 (a)(1)

WHEREAS, the Borough of Pompton Lakes has a need to lease tower space to provide for a location to operate public safety radio communications; and

WHEREAS, the Borough desires to enter into a tower lease agreement and repeater utilization agreement with North Jersey Police Radio Association (NJPRA) for a radio tower owned by the NJPRA and located in Pompton Lakes; and

WHEREAS, NJSA 40A:12-5(a)(1) requires that the acquisition of leased property by a municipality be authorized by ordinance; and

WHEREAS, the Treasurer of the Borough has certified that funds are available to pay for the yearly rental cost associated with the lease.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute a one year tower lease agreement and repeater utilization agreement with North Jersey Police Radio Association, effective January 1, 2018, for the purpose of providing a location for the operation of public safety communications.
2. The cost of said tower lease agreement shall not exceed \$11,427.48 annually.
3. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
4. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
5. This Ordinance shall take effect after approval of the Mayor or in accordance with law and publication and passage according to law.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building on the 14th day of February, 2018, and the same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 28th day of February, 2018 at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after approval by the Mayor or in accordance with law.

APPROVED::

MICHAEL SERRA, MAYOR

**ELIZABETH BRANDSNESS, RMC
MUNICIPAL CLERK**

ORDINANCE NO.: 18-06

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE BOROUGH ZONING AND LAND USE PROVISIONS OF THE BOROUGH CODE

BE IT ORDAINED by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey as follows:

1. §190-4 Definitions shall be amended to adding the following definition:

DUPLEX – A single structure with two apartments (dwelling units) either side by side or one on top of the other, and with separate entrances for each of the apartments (dwelling units).

2. §190-16 (J) (2) (g) shall be added as follows:

(g) Notwithstanding any other language in the Code to the contrary, swimming pools are provided with a separate maximum coverage percentage of 20% apart from building coverage.

3. §190-16 (Q) (7) (c) shall be amended as follows:

The last sentence shall be replaced with “The total sign arear for signs in the window shall not exceed 30% of the area of the face of the window upon which said sign is attached, including the windows of glazed doors. Door signage shall be limited to information related to store hours, address and credit card information which is accepted for payment.”

4. §190-76 (F) (1) (b) shall be amended as follows:

“Permanent. Permanent window graphics/signage may not occupy more than 30% of the total area of the window in which displayed, including the windows of glazed doors. Door graphics/signage shall be limited to information related to store hours, addresses and credit card information which is accepted for payment.”

5. The Borough Clerk is hereby directed to give notice at least ten days prior to the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to NJSA 40:55D-15 and NJSA 40:55D-63 (if required). Upon the adoption of this ordinance after public hearing thereon, the Borough Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Passaic County Planning Board as required by NJSA 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Assessor as required by NJSA 40:49-2.1.

6. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

7. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

8. This Ordinance shall take effect after approval of the Mayor or in accordance with law and publication and passage according to law.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building on the 24 day of January, 2018, and the same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 14th day of February, 2018, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after approval by the Mayor or in accordance with law.

Approved:

Michael Serra, Mayor

Elizabeth Brandsness, Borough Clerk