

1. Borough Of Pompton Lakes Regular Council Meeting

Documents:

FEBRUARY 28, 2018.PDF

1.1. February 28, 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

PLEASE TURN OFF PAGERS AND CELL PHONES

AGENDA REGULAR MEETING February 28, 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 28, 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:

PRESENTATIONS

- 1. Passaic County Open Space Farmland Preservation Trust Fund Application
Morris Canal Greenway Ramapo River**
- 2. Lake Management Plan**

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 February 14, 2018

4. AUTHORIZED BILLS AND CLAIMS: Motion to approve the following Bill

Lists ___Second__. All in favor___Nays___.

Current Fund	\$ 408,088.83
Capital Fund	\$ 133,404.11
Recreation Trust	\$ -0-
Open Space Trust	\$ -0-
Clerk Trust	\$ -0-
Other Trust	\$ -0-
Unemployment Trust	\$ -0-
Dog Trust	\$ 1,096.20
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 18-72 Pompton Lakes Sustainable Land Use Pledge Resolution
2. Resolution 18-73 Approving The Submission Of The Passaic County Open Space And Farmland Preservation Trust Fund Application Pompton Lake Morris Canal Greenway Ramapo River
3. Resolution 18-74 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 Solitude Lake Management
4. Resolution 18-75 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 Stormwater Compliance Solutions, LLC
5. Resolution 18-76 Affirming The Borough Of Pompton Lakes Support Of Title VIII Of The Civil Rights Act Of 1968 And New Jersey Law Against Discrimination
6. Resolution 18-77 Approving An Application For A Passaic County Community Development Block Grant F.Y. 2018 ADA Compliant Curb Cuts
7. Resolution 18-78 Authorizing Refund Of Other Lien Block 100 Lot 32
8. Resolution 18-79 Authorizing Refund Of Other Lien Block 3000 Lot 33

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 _____)

None

9. ORDINANCES FOR SECOND READING AND FINAL ADOPTION:

(These ordinances have been advertised and posted on the Municipal Bulletin Board)

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 open the Meeting for public comments on Ordinance # 18-07 ____, Second____.

All in favor____, Nays____.

Motion to close the Meeting for public comments on Ordinance # 18-07 ____, Second____.

All in favor____, Nays____.

Motion to approve Ordinance # 18-07 for Final Adoption____, 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 open the Meeting for public comments on Ordinance # 18-08 ____, Second____.

All in favor___, Nays___.

Motion to close the Meeting for public comments on Ordinance # 18-08 ____, Second___.

All in favor___, Nays___.

Motion to approve Ordinance # 18-08 for Final Adoption___, Second___.

Roll Call:

10. MAYOR REPORT:

11. COUNCIL COMMITTEE REPORTS:

Council President Reicher:

Councilman Jaconetta:

Councilman Venin:

***Ordinance Discussion* – AN ORDINANCE AMENDING CHAPTER 190 OF THE BOROUGH ADMINISTRATIVE CODE TO CREATE A HYBRID INDUSTRIAL (H-I) ZONE.**

Councilman Baig:

Councilman Barranco:

Motion to approve request for Cub Scout Pack 88 and 9038 to close Hershfield Park Place between Ramapo Avenue and Arcadia Road for the Soapbox Derby scheduled for Saturday, May 12, 2018 (rain date Saturday, May 26, 2018) from 9:00am to 4:00pm – Pompton Lakes/Riverdale First Aid Squad not on duty. Police to assist with traffic control – traffic cones and barricades. Board of Education confirmed that no events or activities are scheduled at Hershfield Park. (notify Police/Fire/First Aid) ___Second___. All in favor___Nays___.

Councilman DeLine:

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 (NJPRRA) for a radio tower owned by the NJPRRA 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.

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APPROVED::

MICHAEL SERRA, MAYOR

**ELIZABETH BRANDSNESS, RMC
MUNICIPAL CLERK**