

BOROUGH OF MOUNTAIN LAKES
BOROUGH HALL, 400 BOULEVARD, MOUNTAIN LAKES
973-334-3131
www.mtnlakes.org

NOVEMBER 24, 2014
7:30 PM EXECUTIVE SESSION
8:00 PM PUBLIC SESSION

MINUTES

1. CALL TO ORDER; OPENING STATEMENT

This meeting is being held in compliance with Public Law 1975, Chapter 231, Sections 4 and 13, as notice of this meeting and the agenda thereof had been reported to The Citizen and the Morris County Daily Record and The Star Ledger on January 8, 2014 and posted in the municipal building.

Mayor Happer called the meeting to order at 7:30 p.m. in the municipal building.

2. ROLL CALL ATTENDANCE

Ms. Reilly called the roll. All Council members were present except for Councilman Lester, who arrived at 7:48, and Councilman Borin, who was absent. Also in attendance were Borough Manager Robert Tovo, Borough Attorney Robert Oostdyk, Borough Clerk Michele Reilly, Police Chief Shawn Bennett, Fire Chief Matt DeSantis, Acting Chief Financial Officer D. Timothy Roberts, and Department of Public Works Director Mark Prusina.

3. PLEDGE OF ALLEGIANCE

Mayor Happer led the salute to the flag.

**4. EXECUTIVE SESSION
RESOLUTION R133-14**

Matters Relating to Litigation, Negotiations, and the Attorney-Client Privilege:

-Tax Appeal Settlement: Stokes, Kenneth R. and Dana E. Simpson-Stokes v. Borough of Mountain Lakes– Block 56, Lot 66

Motion made by Deputy Mayor Holmberg, second by Councilwoman Bravo, to enter into Executive Session with all members in favor signifying by "Aye".

Motion made by Councilman McWilliams second by Councilman Albergo, to close the Executive Session and return to the public portion of the meeting with all members in favor signifying by "Aye".

5. COMMUNITY ANNOUNCEMENTS

Mayor Happer announced the upcoming ribbon cutting ceremony which will be held on November 26th at 3:30 pm to celebrate the opening of the new Haswell Field playground on Midvale Road.

Mayor Happer wished all in attendance a Happy Thanksgiving.

Mayor Happer mentioned these upcoming Borough sponsored events: the rabies clinic to be held on December 6th from 9:00 am to 10:00 am in the fire station, the Christmas Tree lighting to be held on Sunday, December 7th, at 5:00 pm at Kaufmann Park and the Menorah Lighting to be held on Sunday, December 21st at 5:00 pm at Kaufmann Park.

Mayor Happer stated that the last Borough Council meeting for 2014 would be held on December 8th, and that this would be retiring Councilwoman Blair Bravo's last meeting.

Deputy Mayor Holmberg announced that the Mountain Lakes Hall of Fame held an induction ceremony on November 21st, show casing several impressive high school alumni.

Councilman Lester said that the Mountain Lakes High School football team had made it to the State playoff game. Mr. Tovo said the game would be held on December 7th at 10:00 am.

6. PUBLIC COMMENT

Please state your name and address for the record. Each speaker is limited to one (1) comment of no more than five (5) minutes and no yielding of time to another person.

Mayor Happer opened the public comment portion of the meeting with the consent of the Council. Mayor Happer explained the Council's policy of limiting each speaker to five (5) minutes and no yielding of time to another person.

Fred Kanter – Hanover Road

Mr. Kanter offered compliments on Cove Park and said it looked very nice. Mr. Kanter also said that the Borough cannot issue limousine driver's licenses as driver's licenses are issued by the State. He said he felt the Borough's legal counsel was inadequate.

With no one else wishing to be heard, Mayor Happer closed the public comment portion of the meeting.

7. SPECIAL PRESENTATION

PROCLAMATION

PR02-14 A Proclamation Honoring Elizabeth Yerkes

Mayor Happer offered congratulations to Betty Yerkes on the occasion of her retirement after twenty-three (23) years of service as a school crossing guard and read the following proclamation:

Whereas, the Borough Council of the Borough of Mountain Lakes, County of Morris, State of New Jersey, wish to recognize and honor the dedication of **Elizabeth "Miss Betty" Yerkes** on the occasion of her retirement; and

Whereas, **Elizabeth Yerkes** was hired as a school crossing guard by Police Chief Charles McCoy in March of 1991; and

Whereas, **Elizabeth Yerkes** continued a family tradition of service as her mother was also a crossing guard on Route 202 in Lincoln Park; and

Whereas, **Elizabeth Yerkes** has served the children and residents of Mountain Lakes with pride and professionalism for twenty-three (23) years; and

Whereas, **Elizabeth Yerkes** is known for her sense of humor, her kindness, her smile, and her love of hats; and

Whereas, **Elizabeth Yerkes** has looked after the children and parents of Briarcliff School and Wildwood School with love and diligence; and

Whereas, **Elizabeth Yerkes** will be greatly missed by the police, school staff, parents and especially the children; and

Now Therefore Be It Proclaimed, by the Borough Council of the Borough of Mountain Lakes, County of Morris, State of New Jersey, that the Borough Council, on behalf of the Borough and all the residents of the Borough, hereby honor and recognize **Elizabeth "Betty" Yerkes** for her dedication and commitment to the community and extend their sincerest gratitude and appreciation to her for her service to the Borough of Mountain Lakes.

Mrs. Yerkes thanked the Council and received a standing ovation from those in attendance and the Borough Council members.

8. DISCUSSION ITEMS

-Junior Basketball League

Mr. Tovo recommended postponing the discussion until representatives from the Junior Basketball League could be present to answer Council questions. The Council agreed with Mr. Tovo's suggestion.

9. ORDINANCE 11-14

ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES AND PROVIDING FOR THE ISSUANCE OF LIMOUSINE VEHICLE AND OPERATOR LICENSES

BE IT ORDAINED by the Borough Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey, as follows:

Section 1. The Revised General Ordinances of the Borough of Mountain Lakes shall be amended by the inclusion of new Chapter 140 to be entitled "Limousine Vehicle and Operator Licenses" and read, in its entirety, as follows:

CHAPTER 140

LIMOUSINE VEHICLE AND OPERATOR LICENSES

140-1

DEFINITIONS

As used in this Section:

Cruising shall mean the driving of a limousine on the streets or public places of the Borough in search of or soliciting prospective passengers for hire.

Driver shall mean any person who drives a limousine on the streets of the Borough of Mountain Lakes.

Holder shall mean a person to whom a limousine owner's license has been issued.

Limousine shall mean any motor vehicle, which is not a taxi or a bus, used in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated charter basis that is not conducted or scheduled on a regular route and with a seating capacity of no more than fourteen (14) passengers, not including the driver, beyond the maximum passenger seating capacity of the vehicle, not including the driver, at the time of manufacture (other than a motor vehicle used in the conduct of a funeral).

Limousine Driver's License shall mean the permission granted any person in accordance with the provisions of this Section to drive a limousine upon the streets of the Borough of Mountain Lakes as long as the limousine's owner/operator is the holder of a valid limousine license. The term "driver's license" shall not be construed to mean a driver's license issued by the State of New Jersey Motor Vehicle Commission.

Limousine License shall mean the permission granted any person in accordance with the provisions of this Section to conduct limousine operations upon the streets of the Borough of Mountain Lakes.

Limousine/Livery Service shall mean and includes the business of carrying pre-arranged fares from point A to point B for hire by limousine.

Limousine Operations shall mean conducting a limousine service on the streets of the Borough of Mountain Lakes when the limousine service has its principal place of business located in the Borough of Mountain Lakes or has a business address in the Borough of Mountain Lakes.

Operator shall mean any person who owns, directs, conducts, or is in charge of any limousine operations or of any limousine, either as an owner, manager, dispatcher, driver or otherwise.

Owner shall mean any person who holds legal title to any limousine, any conditional vendee or lessee, or any other person having an interest in a limousine which shall entitle him to the immediate possession thereof.

Person shall mean and includes any individual, co-partnership, association, corporation or joint stock company, their lessees, trustees or receivers appointed by any court whatsoever.

Principal place of business shall mean the location of the main place of business of the limousine service from which limousines services are conducted, dispatched and where operators report for duty.

Street shall mean and include any street, avenue, park, parkway, highway or other public place.

Borough shall mean the Borough of Mountain Lakes.

Transfer shall mean to sell, transfer or in any other manner dispose of a license. Where the license is in the name of a corporation or other legal entity, any change in the majority ownership of the corporation or other legal entity shall constitute a transfer of the license held in the name of the corporation or other legal entity.

140-2

LIMOUSINES TO BE OPERATED IN COMPLIANCE WITH LAW

No person shall conduct a limousine operation, as defined herein, on the streets of the Borough of Mountain Lakes unless all aspects of such operation are in compliance with the provisions of this Section and with the provisions of state law governing the operation of limousine. (N. J.S.A. 48:16-13 to N.J.S.A. 48:16-22)

No person shall conduct limousine operations, as defined herein, on the streets of the Borough of Mountain Lakes without first obtaining a license in accordance with the provisions of this Section. All limousine licenses shall expire March 31 of the year after the license was issued, unless sooner suspended or revoked by the Borough Clerk.

No person shall drive a limousine for a limousine operation, as defined herein, on the streets of the Borough of Mountain Lakes unless such person shall have first obtained a limousine driver's license issued for such purpose in accordance with the provisions of this Section.

140-3

TYPES OF LIMOUSINE LICENSES

There are hereby established two classes of limousine licenses, to be known as a "limousine license" and a "limousine driver's license".

140-4

LIMOUSINE LICENSE CLASSIFICATION

A. Principal place of business in Mountain Lakes Borough.

Whenever the owner of a limousine has its principal place of business located within the Borough of Mountain Lakes, said owner shall annually file for a license for each such owned limousine to be issued by the Borough in accordance with N.J.S.A. 48:16-17. The Borough of Mountain Lakes shall issue such license upon the owner's satisfaction of all of the requirements set forth in this Section.

B. Foreign limousine registration with a business address in the Borough of Mountain Lakes.

Whenever the owner of a limousine maintains a business address in the Borough of Mountain Lakes, owns a limousine that is registered in another state or in the District of Columbia, and has satisfied all of the requirements set forth in this Section and desires to obtain a license for each such limousine from the Borough of Mountain Lakes, said owner shall annually file for a license for each such owned limousine to be issued in duplicate by the Borough in accordance with N.J.S.A. 48:16-22.4.a. The Borough of Mountain Lakes shall issue such license upon the owner's satisfaction of all of the requirements set forth in this Section.

140-5

FEES

A. Licensing fee. A separate license application shall be filed and a separate license fee shall be paid for each vehicle. The annual owner's license fee per vehicle shall be \$50.

B. Verification fee. The applicant shall annually pay to the Borough of Mountain Lakes a nonrefundable, nontransferable fee for verification of the accuracy of its license application information as follows:

1. Whenever the applicant represents that its principal place of business is located within the Borough of Mountain Lakes, the Borough shall conduct its own investigation to confirm whether such a principal place of business exists within the Borough of Mountain Lakes. The verification fee for this investigation shall be \$10.00 for each such limousine and each such business address each license year.

2. Whenever the applicant represents that it maintains a business address in the Borough of Mountain Lakes and owns a limousine that is registered in another state or the District of Columbia, the Borough shall conduct its own investigation to confirm both the Mountain Lakes business address and the validity of the foreign registration of each limousine. The verification fee shall be \$10.00 for each such limousine and each such business address each license year.

140-6

APPLICATION FOR LIMOUSINE LICENSE

A. No limousine license shall be issued for the use of any vehicle in a limousine operation until the owner of the limousine operation files an application for a limousine license setting forth the character of the vehicles proposed (including VIN numbers) to be utilized in the limousine operation, the correct name of the owner and all majority shareholders thereof, identification of all other business interests of the owner and all majority shareholders thereof, the residence and address of the principal place of business of such owner, a statement confirming the applicant's United States citizenship, a statement as to whether the applicant has been convicted of a crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed and a complete schedule of the rates proposed to be charged and such other facts as the Borough Council may require. The application for license shall be made in duplicate to the Borough Clerk on forms provided by the municipality.

B. All applicants must submit a letter of qualification issued by the Motor Vehicle Commission after being fingerprinted through the State approved vendor.

C. All applicants must submit a letter of clearance issued by the MVC or other applicable authority as proof of having satisfactorily complied with the fingerprint requirement as established by N.J.S.A. 48:16-22.3a before a license will be issued.

D. Proof that each and every vehicle proposed to be utilized in a limousine operation has been inspected when due by a state-authorized inspection facility and that each and every vehicle has passed all required inspections.

E. Submission of an original insurance policy pursuant to the provisions of N.J.S.A. 48:16-4 which the Clerk will copy and release the original to the applicant.

F. Submission of an original power of attorney pursuant to N.J.S.A. 48:16-5 which the Clerk will copy and release the original to the applicant.

G. For limousine license applicants whose principal place of business is within Mountain Lakes Borough, Zoning Officer approval confirming compliance with zoning ordinances is required.

H. The annual application for renewal of limousine licenses shall be filed not later than thirty (30) days prior to the expiration date.

I. Changes in Application or Submission information shall be provided to the Borough Clerk within seventy-two (72) hours of said change.

J. Proof of compliance with all other statutes, rules, regulations, and ordinances, as same may apply.

140-7

INVESTIGATION OF APPLICANT

A. After the application identified in 140-6 is properly filled out and signed by the applicant, the original and duplicate thereof shall be filed with the Borough Clerk. The Clerk shall refer the duplicate to the Chief of Police, who shall make, or cause to be made, such investigation of the applicant's business responsibility and moral character as he deems necessary for the protection of the public good. The duplicate shall be kept on file in the Police Department upon completion of the investigation. The investigation shall include a criminal history name search identification check pursuant to N.J.S.A. 53:1-20.5 et seq. The criminal history check results shall be kept confidential. For the purposes of this check, the Mountain Lakes Borough Police Department is hereby authorized to have access to the criminal history record information file through the State Bureau of Investigation.

B. As a result of such investigation, the Chief of Police shall note on the application his/her recommendation and his reasons therefore and return the application to the Borough Clerk. Such recommendation shall be returned to the Borough Clerk within 20 days of the Police Department's receipt of the duplicate application. Any recommendation by the Chief of Police that a license should not be issued to the applicant shall be based on one or more of the following findings with respect to the applicant:

1. Any criminal history disqualifications as outlined in the Statutes of New Jersey.
2. Unethical business practices adverse to the operation of a taxicab or limousine.
3. Conclusive evidence that the applicant has within four months of the application been addicted to the habitual use of drugs or intoxicating liquors. Pursuant to N.J.S.A. 48:16-22.3b, the owner is responsible for testing their drivers for any controlled dangerous substance and for keeping the records of such.

140-8

INSURANCE REQUIREMENTS

A. No limousine operation shall be conducted on any street in the Borough of Mountain Lakes unless such limousine operation is being undertaken in compliance with the insurance provisions of N.J.S.A. 48:16-14.

B. The owner of the limousine operation shall file with the Borough Clerk an insurance policy which shall be issued by an admitted insurance company duly licensed to transact business under the insurance laws of this State or a company registered to do business in this State, the policy providing for not less than the State statutory requirement.

C. The statutory insurance policy issued for the term of the license shall be delivered to the Borough Clerk with every application for or renewal of a limousine license. Before issuance of a limousine license or renewal thereof, the insurance policy submitted with any application shall first be approved as to form by the Borough Attorney. The Borough of Mountain Lakes shall be named as additional insured on the insurance policy and the policy shall contain an endorsement requiring the insurance carrier to provide written notice to the Borough of any changes made to the policy at any time and with 30 days advance notice of any proposed cancellation/termination of the policy.

D. No ACCORD certificates will be accepted. The original full policy, including the declaration page setting forth each and every vehicle and every driver which is insured by such policy, and all subsequent endorsements issued by the insurance company are required to be submitted with each application for a license and/or renewal thereof which the Clerk will copy and release the original to the applicant

E. The license shall be effective only so long as the statutory insurance policy shall remain in full force to the full and collectible policy limits as required by Statute.

F. In the event of the expiration, cancellation, or other termination of the statutorily required insurance, any and all limousine licenses or limousine drivers' licenses having been issued by the Borough of Mountain Lakes shall terminate immediately and automatically upon the effective date of the expiration, cancellation or other termination of such insurance or upon the Borough's notice thereof, whichever comes first. If within two business days of the termination of any such licenses the holder provides the Borough Clerk with notice in writing from the insurance company of record with the Borough that the insurance coverage has been reinstated or with notice consistent with the provisions of 5:8-6.5 a, b, c & d that a new policy of insurance has been purchased, the Borough Clerk may, with the approval of the Borough Attorney, reinstate the terminated licenses for the remainder of the licensing period.

G. This section shall not abrogate or relieve a license holder from any duty or requirement of the insurance laws or the motor vehicle financial responsibility laws of this State.

140-9

LIMOUSINE LICENSE APPROVAL

A. If after review of an application and after receipt of a recommendation from the Chief of Police, the Borough Clerk finds that an application is in compliance with the licensing provisions of this Section and with all other applicable statutes, rules, and regulations, then the Borough Clerk shall issue a limousine license stating the name(s) and address(es) of the holder, operator, and/or owner, the date of the issuance of the license and the record owner, year, type and model of each and every vehicle which the holder is licensed to operate as part of a limousine operation in the Borough of Mountain Lakes.

B. If after review of an application and after the receipt of a recommendation from of the Chief of Police, the Borough Clerk finds that an application is not in compliance with the licensing provisions of this Section or with all other applicable rules and regulations, the application shall be denied and no license shall be issued.

140-10

LIMOUSINE LICENSE CONTENTS AND REQUIREMENTS

A. Limousine licenses shall be numbered consecutively and shall contain the following information:

1. The number and effective dates of the license.
2. The name and address of the limousine owners business.
3. The make, model, year, New Jersey Motor Vehicle registration number, and vehicle identification number of the vehicle.
4. The insurance company name, policy number, the effective date, and the date of expiration.
5. The maximum number of passengers permitted in the vehicle.

B. The Borough Clerk shall keep a register of all limousine licenses granted which register shall contain the details required by this section.

C. The limousine license shall be clearly displayed within the vehicle at all times.

D. The Borough Council may, by resolution, make such rules and regulations in relation to the operation of limousines and the conduct of operators thereof as it may determine to be necessary and proper in the best interests of the Borough. A certified copy of any such resolution shall be forwarded to all licensees within 10 days following the final passage of such resolution.

140-11

LIMOUSINE LICENSE DURATION, REVOCATION AND REINSTATEMENT

A. Duration. Limousine licenses shall expire annually on March 31 of every year.

B. Revocation. A limousine license shall be revoked by the Borough Clerk under any of the following circumstances:

1. Upon lapse of the insurance required above in section 140-8.
2. Upon failure of the State inspection of any vehicle operating under such license.
3. Upon violation of or nonconformance with any of the requirements of this section
4. In addition, a limousine license may be revoked by the Borough Clerk upon violation of or nonconformance with the requirements of this Ordinance or with other applicable law.

5. Notice of a revocation of a limousine license shall be provided in writing Via Regular mail, or via facsimile, or email of record, to the licensee's principal place of business. However, direct oral communication by the Borough Clerk or the Clerk's designee to the holder or owner of such license or to a driver employed thereby shall be sufficient notice to terminate the limousine licensee's operation within the Borough before the written notice aforesaid is transmitted by the Borough.

C. Reinstatement. Subject to the time provisions set forth in 140-8 a limousine license may be reinstated by the Borough Clerk upon the holder's submission of proof of insurance and pursuant to 140-11(B)(2) upon submission of proof of passing the State inspection requirements; and upon submission of proof of compliance with all the requirements of this section. Reinstatement fee: The fee for reinstatement of a limousine license shall be the same as the fee for the initial application for a limousine license.

140-12

TRANSFER OF LIMOUSINE LICENSE

No limousine license may be transferred.

140-13

VEHICLE KEPT IN CLEAN AND SANITARY CONDITION

Every vehicle operating under this Section shall be kept in a clean and sanitary condition in accordance with the rules and regulations promulgated by the State and the Borough of Mountain Lakes.

140-14

LIMOUSINE HOLDER'S RESPONSIBILITY FOR OPERATION

Every holder of a limousine license shall be responsible for the operation of each vehicle for which the holder's limousine license has been granted regardless of the legal relationship between such holder and the driver of one of the holder's limousines.

140-15

LIMOUSINE DRIVER'S LICENSE APPLICATION FEE

No limousine driver's license application shall be considered unless the applicant has paid the annual fee of fifty (\$50.00) dollars to the Borough Clerk with the application. The fee for a duplicate driver's license is twenty-five (\$25.00) dollars. If, after review of the application, the Borough Clerk deems the application not in compliance, the fee is nonrefundable. If the applicant desires to submit a revised application, a \$50.00 fee must accompany said revised application.

140-16

MINIMUM QUALIFICATIONS

No limousine operator's license shall be issued or renewed unless the applicant complies with the following:

A. Furnish satisfactory evidence that he/she is the holder for at least one (1) year prior to the date of application, a valid automobile driver's license issued by the State of New Jersey, Motor Vehicle Commission;

B. Is at least twenty-one (21) years of age;

C. Has been a resident of the State of New Jersey for one (1) year or more;

D. Is able to read, write and speak the English language;

E. Is a citizen or legal alien of the United States

F. Furnishes proof to the Borough that he/she has adequately provided for the safety of children under the age of five (5) years, who may be passengers in a limousine owned or operated by him/her.

140-17

APPLICATION FOR LIMOUSINE DRIVER'S LICENSE; CONTENTS; ACCOMPANYING ITEMS

A. An application for a limousine driver's license shall be filed with the Borough Clerk upon forms provided by the Borough. The application shall include the following information:

1. Name and address of the applicant.
 2. Places of residence for the preceding five (5) years.
 3. Age, height, color of eyes and color of hair.
 4. Business and home telephone numbers.
 5. Social Security number.
 6. Employer's name and business address
 7. Whether the applicant has ever been convicted of a crime, disorderly persons offense or petty disorderly offense or of a felony, a high misdemeanor, or misdemeanor, or of a prior violation of a limousine Ordinance, including but not limited to crimes, disorderly person, petty disorderly person, felonies, high misdemeanors, misdemeanors, or violations which occurred either in or outside of New Jersey.
 8. Whether a driver's license, issued by any State license to him/her, has been suspended or revoked, and for what cause.
 9. Whether a limousine vehicle operator's license issued to him/her, has been suspended or revoked, and for what cause.
- B. The application shall be accompanied by two (2) passport-type photographs of the applicant taken within thirty (30) days of the application, front view, size two inches by two (2x2) inches.
- C. The application must be accompanied by a copy of the operator's "Qualification Certification" issued by the State of New Jersey approved fingerprinting agency.
- D. The application must be accompanied by a copy of a State of New Jersey Driver's abstract issued by New Jersey Motor Vehicle Commission having an issuance date of no longer than 7 days prior submission of the proposed vehicle operator's application to the Borough.
- E. Each application shall also be accompanied by the limousine driver's license fee set forth in 140-15
- F. Changes in any Application or Submission information shall be provided to the Borough Clerk within seventy-two (72) hours of said change.

140-18

INVESTIGATION OF APPLICATION; CONSIDERATION

Upon the filing of an application for a limousine driver's license, the Borough Clerk shall refer the same to the Chief of Police who shall conduct or cause to be conducted an investigation of each applicant for a limousine driver's license. Said investigation shall be conducted in accordance with the considerations set forth in Section 140-7 and shall include but not be limited to Police review of the applicant's criminal record, business record, and driving record.

Any applicant who has been convicted of operating a motor vehicle while under the influence of drugs or alcohol or reckless driving within ten (10) years preceding the date of the application or has more than six (6) motor vehicle points or whose license is suspended or revoked on or after the date of the application shall not be issued a limousine driver's license.

Further, if an applicant's motor vehicle abstract reveals a history of multiple violations the Borough may refuse to issue such an applicant a limousine driver's license.

140-19

LIMOUSINE DRIVER'S LICENSE APPROVAL

A. If after review of an application and after receipt of a recommendation from the Chief of Police, the Borough Clerk finds that an application is in compliance with the licensing provisions of this Section and with all other applicable statutes, rules, and regulations, then the Borough Clerk shall issue a limousine driver's license to the applicant.

B. If after review of an application and after the receipt of a recommendation from of the Chief of Police, the Borough Clerk finds that an application is not in compliance with the licensing provisions of this Section or with all other applicable rules and regulations, the application shall be denied and no license shall issue.

140-20

ISSUANCE OF LIMOUSINE DRIVER'S LICENSE; CONTENTS

A. Limousine Driver's Licenses shall be numbered consecutively and shall contain the following information:

1. The number and effective dates of the driver's license;
2. The name and address of the driver;
3. A current and clear picture of the driver with a description of the driver including age, height, hair color and eye color
4. The name, address and telephone number of driver's employer.

B. The Borough Clerk shall keep a register of all limousine drivers' licenses issued, which register shall contain the details required by this subsection.

C. The limousine driver's license shall be clearly displayed within the vehicle at all times.

140-21

LIMOUSINE DRIVER'S LICENSE DURATION, REVOCATION AND REINSTATEMENT

A. Duration. Limousine drivers' licenses shall expire annually on March 31 of every year.

B. Revocation. A limousine driver's license shall be revoked by the Borough Clerk under any of the following circumstances:

1. Upon the limousine driver's conviction of operating a motor vehicle while under the influence of drugs or alcohol or reckless driving;
2. Upon the limousine driver's obtaining more than six (6) motor vehicle points on his/her driving record;
3. Upon revocation of said limousine driver's New Jersey driving privileges by the New Jersey Motor Vehicle Commission.

4. Upon revocation of said operator's driving privilege in any state having motor vehicle law reciprocity with New Jersey vis-a-vis the Interstate Compact codified in NJSA 39:5D-1 et seq.

5. Upon violation of or noncompliance with any of the requirements of this Ordinance.

C. Notice of a revocation of a limousine driver's license shall be provided in writing via regular mail, or via facsimile, or email of record of the limousine driver or of the limousine driver's employer. However, direct oral communication by the Borough Clerk or the Clerk's designee to the limousine driver or to the limousine driver's employer shall be sufficient notice to terminate the limousine driver's operation of a limousine within the Borough before the written notice aforesaid is transmitted by the Borough.

D. Reinstatement: A limousine driver's license may be reinstated by the Borough Clerk upon the driver's compliance with all of the requirements of this section.

E. Reinstatement Fee: The fee for reinstatement of a limousine driver's license shall be the same as the application fee for the initial limousine driver's license.

140-22

RECORD KEEPING; INSPECTION OF RECORDS

The holder of a limousine driver's license and the holder of a limousine license shall keep or cause to be kept a daily record upon which all trips shall be recorded. The daily record shall show the limousine license number of the driver, specific hours of duty, time and place of origin and destination of each trip and the amount of fare received for each trip. All such records shall be retained for one (1) year.

140-23

DISPLAY; RECEIPTS; CRUISING

A. Display of license. Every holder of a limousine driver's license shall have such license, with the photograph attached, openly, clearly and conspicuously exhibited in the vehicle he is driving, which is to be placed next to the limousine license.

B. Receipt for fares. Every limousine driver shall, when requested, give a passenger a receipt for the fare paid.

C. Cruising. No person shall drive or cause or allow a limousine to be driven on the streets or public places of the Borough in search of or soliciting prospective passengers for hire. For the purposes of this section "in search of or soliciting of prospective passengers" shall mean picking up a passenger or attempting to pick up a passenger who has not previously made arrangements by telephone or other communication for a limousine pickup at a specific time and location

140-24

RECORD KEEPING; INSPECTION OF RECORDS

The Borough of Mountain Lakes Police Department is authorized and instructed to observe the operations of the holders of a limousine operator for the purpose of enforcing compliance with the provisions of this Chapter.

140-25

NO TRANSFER OF LIMOUSINE DRIVER'S LICENSE

No limousine driver's license shall be transferred.

Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

If adopted this Ordinance shall take effect after publication and passage as provided by law.

PUBLIC HEARING

Mayor Happer opened the public hearing on the Ordinance with the consent of the Council. Mayor Happer explained the Council's policy of limiting each speaker to five (5) minutes and no yielding of time to another person.

Fred Kanter – Hanover Road

Mr. Kanter said he felt certain portions of the Ordinance were beneficial to the town but that he was trying to figure out what the Borough hoped to accomplish with the issuance of driver's licenses. He said there were enforcement issues with the way the Ordinance was written. He said the Council received poor advice from the Borough Attorney.

With no one else wishing to be heard, Mayor Happer closed the public hearing on the Ordinance.

Mr. Oostdyk addressed the Council questions that were posed at the November 10th meeting regarding 140-16, Section F, specifically the age requirements for car seats and what might constitute required proof of adequate safety provisions. Mr. Oostdyk recommended removing this section completely as car seat regulations are set by the State and if they change, the Borough's Ordinance would also require a change. He said the intent of including the language in the Ordinance was to advise the applicant that he/she must properly provide for the transportation of those requiring special seating arrangements. He recommended including a statement on the application to this effect.

Mr. Oostdyk also addressed Council questions about licensing limousine drivers/operators. He said that the State has taken over aspects of limousine driver licensing and does require that a limousine driver obtain a special driver's license designation. He said the State requires a criminal background check for limousine driver's but allows local municipalities the discretion to determine any additional actions. He said the municipality was not issuing its own driver's license but was instead issuing what amounted to a permit for a limousine driver.

The Council discussed the need to regulate limousine drivers in addition to the need to regulate the business. Mayor Happer reminded the Council that municipal regulations concerning limousine licenses were being considered due to the fact that a limousine business had opened in the Borough and that the owner had contacted the Borough Clerk in order to obtain a license.

VOTE AS INTRODUCED NOVEMBER 10, 2014

VOTE NOVEMBER 24, 2014

Council Member	By:	2 nd :	Yes	No	Abstain	Absent	By:	2 nd :	Yes	No	Abstain	Absent
Albergo		X	X							X		
Borin			X									X
Bravo			X				X			X		
Lester					X					X		
McWilliams	X		X							X		
Holmberg			X					X		X		
Happer			X						X			

The Ordinance was defeated and the Council consensus was that the municipal regulations concerning limousine licenses should pertain to businesses and not to drivers/operators. The Council requested that the Borough Attorney revise the Ordinance for reintroduction in 2015.

10. ORDINANCE 12-14

ORDINANCE AMENDING CHAPTER 111 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES AND REVISING THE FEE SCHEDULE

BE IT ORDAINED by the Borough by the Borough Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey, as follows:

SECTION 1. Chapter 111, Section 111-3 entitled "Fee Schedules," shall be amended to read in its entirety as follows:

111-3. Fee Schedules. The following fees shall be charged by the Borough for services rendered or licenses/permits issued. All license fees shall be annual, unless otherwise noted.

	FEE	REF CODE
A. BOROUGH CLERK		
1. Amusement devices, each machine	\$100.00	75-5

2. Animals

<u>Annual Cat License:</u>		79-18
Neutered or Spayed	\$17.00	
Unneutered or Unspayed	\$20.00	
Late Charge effective February 1st	\$25.00	
Replacement Tag	\$5.00	79-18

<u>Annual Dog License:</u>		
Neutered or Spayed	\$17.00	
Unneutered or Unspayed	\$20.00	
Late Charge effective February 1st	\$25.00	
Replacement Tag	\$5.00	

Kennel license 79-9D

*The fee for a kennel license shall be the maximum fee authorized by the State of New Jersey

*Maintenance, per day	Fee set by Contract	79-5B
*Pet Shop License	\$25.00	79-9D
*Recovery, each incident	Fee set by Contract	79-5B

3. Lake encroachment permit (new construction) \$150.00 137-3

4. Parking

The fees for parking at the Railroad Station are as follows:

<u>Annual Permit:</u>		
*Per motor vehicle owned by Borough Resident or by owner or employee of business located in Borough, provided that employee status, as such, is certified by owner	\$25.00	229-4D
*Per motor vehicle owned by non-Borough Resident	\$100.00	

<u>Daily Permit:</u>		229-4J
Resident	\$5.00	
Non-Resident	\$10.00	

Romaine Parking Area: 229-4I

*Per motor vehicle owned by Borough Resident or by owner or employee of business located in Borough, provided that employee status, as such, is certified by owner	\$25.00	
--	---------	--

Fee for replacement of any parking sticker	\$5.00	229-4F
--	--------	--------

5. Peddlers and solicitors: 177-4

Licensing processing, per year	\$100.00	
--------------------------------	----------	--

6. Raffle License

*The fee for a raffle license shall be the maximum fee authorized by the State of New Jersey

B. CONSTRUCTION CODE

1. New Structure Fees:

All use groups , Volume of Building Cubic Feet x 0.07=Volume Fee

2. Renovations, alterations, repairs and minor work

*Estimated cost up to \$50,000 per \$1000.00 \$20.00

*Portion of cost over \$50,000 per \$1000.00 \$12.00

*For combination of work involving new structures and existing structure work, the sum of the fees are computed separately as renovations/alterations/repairs and volume fees

*Abandonment of storage tanks up to 550 gallons for R3/R4 \$75.00

*Over 500 gallons \$100.00

*Installation of underground or a above storage tanks \$75.00

*Minimum Fee \$75.00

3. Plumbing Fees

*Total number of fixtures, per fixture \$15.00

*Total number of special devices \$15.00

Editor's Note: Special devices include grease traps, oil separator, refrigeration units, utility service connections, backflow preventers, steam boilers, hot water boilers, active solar systems, sewer pumps, interceptors, per device

*Minimum Fee \$75.00

4. Electrical Fees

*Electrical fixtures and devices, first 50 \$75.00

*Increments of 25 additional fixtures and devices *Editor's Note:* \$12.00

Fixtures and devices to be counted for these items include lighting outlets, wall switches, smoke detectors, fluorescent fixtures, convenience receptacles or similar fixtures and motors or devices of one horsepower (hp) or one kilowatt (kw) or less.

For calculating the following electrical fees, all motors except those plug-in appliances shall be counted, including control, equipment, generators, transformers and all heating, cooking or other devices consuming or generating electrical current

For each motor or electrical device greater than on hp and less than or equal to 10 hp and for transformers and generators greater than 1 kw and less than or equal to 10 kw \$20.00

For each motor or electrical device greater than 10hp and less than or equal to 50 hp for each service panel, service entrance or subpanel less than or equal to 200 amperes and for all the transformers and generators greater than 10 kw and for each utility load management device \$50.00

For each motor or electrical device greater than 50 hp and less than or equal to 100hp, for each service panel, service entrance or subpanel greater than or equal to 400 amperes and for all the transformers and generators greater than 45 kw and less than or equal to 112.5 kv \$92.00

For each motor or electrical device greater than 100 hp, for each service panel, service entrance or subpanel greater than 1,000 amperes, and for each transformer or generator greater than 112.5 kw \$457.00

5. Asbestos Abatement Fee

*Abatement fee	\$70.00
*Plus certificate of occupancy	\$14.00

6. Standpipe fee

Each standpipe	\$229.00
----------------	----------

7. Variation:

Variation granted:

Residential purposes	\$65.00
Commercial purposes	\$100.00

8. Lead hazard abatement

*Lead Abatement	\$140.00
*Lead Abatement clearance certificate	\$28.00

9. Miscellaneous fees:

*For cross connections, backflow preventors, public swimming pools, spas and hot tubs that are subject to testing and require annual inspections	\$75.00
*All suspension of permits pursuant to N.J.A.C 5:23-2.16(b) will not be refunded in whole or in part	
*Replacement of residential one and two-family dwelling mechanical equipment	\$75.00
*Installation of aboveground swimming pools	\$200.00

10. State training fees:

Fees shall be pursuant to current regulations of N.J.A.C. 5:23-4.19

11. Engineering fees:

Engineering review	\$200.00
--------------------	----------

12. Fire Equipment and hazardous equipment

Smoke detectors, heat detectors and carbon monoxide detectors:

1 to 10	\$35.00
---------	---------

Sprinkler heads:

1 to 20	\$65.00
21 to 100	\$120.00
101 to 200	\$229.00
201 to 400	\$594.00
Over 400	\$900.00

*Independent pre-engineered	\$92.00
-----------------------------	---------

*Gas or oil-fired appliance which is not connected to plumbing system, per appliance	\$46.00
--	---------

*Kitchen exhaust system	\$50.00
-------------------------	---------

*Incinerators, per incinerator	\$65.00
--------------------------------	---------

*Crematoriums, per crematorium	\$365.00
*Minimum Fee	\$75.00

13. Demolition or removal of permits

*For a structure less than 5,000 square feet in area and less 30 feet in height, or for one-and two-family residences (R-3, R-4 use)	\$500.00
*All other structures	\$1,000.00

14. Signs:

Per square foot of sign double-face signs fee will be based on one side of face	\$2.00
---	--------

15. Certificate of occupancy fees:

*Additions	\$50.00
*New Construction	\$200.00
*New Commercial	\$250.00

16. Research that entails extraordinary effort on behalf of the public agency	\$25.00 per hour
--	------------------

C. DEPARTMENT OF PUBLIC WORKS

1. Curb lowering permit	\$25.00	204-25B
2. Driveway or private road construction permit	\$25.00	
3. Sewer connection permits:		191-10B
*Residential and commercial, includes inspection	\$50.00	191-13C
*Industrial waste produced	\$100.00	
4. Sewer Connection Fee:		191-13C
Per Dwelling Unit	\$5,000.00	
5. Water Services Fee:		237-9
*Turning Water on	\$50.00	
*Turning Water off	\$50.00	
*Remove Meter	\$50.00	
*Set meter, 5/8 inch or 3/4 inch, includes meter	\$300.00	
*Set meter, one inch or larger, plus meter	\$350.00	
*Special meter reading	\$50.00	237-8
*Test Meter	\$50.00	
*Testing fire-protection apparatus	No Fee	237-3E
*Temporary water service to new construction, renewable after 60 days	\$60.00	
*Hydrant standby/flow test	\$100.00	

**BOROUGH OF MOUNTAIN LAKES
NOVEMBER 24, 2014
PAGE SEVENTEEN**

*Meter deposit, service outside Borough limits, deposit to be returned when services is discontinued, meter returned, all outstanding charges paid in full	\$100.00
*Pit meter installation	\$150.00
*Water connection fee, per dwelling unit	
*1 inch or smaller	\$2,000.00
*1 1/2 inch or larger	\$3,000.00

6. Water rates (effective January 1, 2015)

Water Meters per 100 Gallons

Residential:

Up to 11968 Gallons	\$0.3770
From 11969 to 22440 Gallons	\$0.3947
From 22441 to 37400 Gallons	\$0.4058
From 37401 to 59840 Gallons	\$0.4252
From 59841 to 74800 Gallons	\$0.4412
From 74801 Gallons and Above	\$0.4652

Commercial/Industrial:

Up to 11968 Gallons	\$0.4010
From 11969 to 22440 Gallons	\$0.4363
From 22441 to 37400 Gallons	\$0.4572
From 37401 to 59840 Gallons	\$0.5134
From 59841 to 74800 Gallons	\$0.5615
From 74801 Gallons and Above	\$0.6096

Sprinkler Meters per 100 Gallons

Residential:

Up to 11968 Gallons	\$0.4812
From 11969 to 22440 Gallons	\$0.5680
From 22441 to 37400 Gallons	\$0.6224
From 37401 to 59840 Gallons	\$0.6674
From 59841 to 74800 Gallons	\$0.8182
From 74801 Gallons and Above	\$1.0524

Commercial:

Up to 11968 Gallons	\$0.5214
From 11969 to 22440 Gallons	\$0.6080
From 22441 to 37400 Gallons	\$0.6625
From 37401 to 59840 Gallons	\$0.7091
From 59841 to 74800 Gallons	\$0.8406
From 74801 Gallons and Above	\$1.0909

*Minimum charges, pro rata when meter is connected for less than a quarter

*Residential Water Meter	\$45.12 per quarter
*Residential Sprinkler Meter	\$57.60** per quarter
*Commercial water meter	\$47.99 per quarter
*Commercial sprinkler meter	\$62.40** per quarter

**Sprinkler meters are billed only 2nd and 3rd quarters

*Pavement replacement, per square yard	\$15.00
*Sprinkler standby rental, per quarter	\$25.00
*Late charge on delinquent	8%

7. Sewer	Rate per 100 gallons	Min Fee
*Residential	0.53141	63.60
*Commercial/Industrial	0.57653	69.00
*Base sewer rates based on water usage by water meter.		
**Pro rata when meter is connected for less than a quarter		
*Late charge on delinquent sewer bills	8%	

8. Solid Waste Rates

a. Bag charges for garbage collection (sold in quantities of 10)	
15 gallon capacity	\$12.50
30 gallon capacity	\$25.00
b. Garbage and recycling collection base rate, per quarter for non-resident	\$88.50
c. Trash Day Charges	
Car	\$20.00
Station wagon, minivan, small SUV	\$30.00
Large SUV, small pickup	\$40.00
Large pickup, full-size van	\$60.00
Exterior items	\$20.00
Trailer ("U-Haul" type):	
5 feet x 5 feet x 4 feet	\$100.00
10 feet x 6 feet x 6 feet	\$350.00
20 feet x 6 feet x 6 feet	\$700.00
22 feet x 6 feet x 6 feet	\$1,400.00
24 feet x 8 feet x 8 feet	\$1,500.00
*An additional fee of \$10.00 will be charged for trash that extends beyond the vehicle interior and/or is attached to the exterior of the vehicle	
*Late penalty on delinquent garbage/recycling bill per quarter or part thereof	8%

9. Street opening, driveway connection or curb opening permit	\$100.00	204-8
--	----------	-------

*In addition to the fee for a street opening permit, there shall be an additional fee charged for street openings which occur earlier than five years from completion of the street improvement as follows:

a. During the first year following completion of street improvement	\$1,000.00
b. During the second year following completion of street improvement	\$900.00
c. During the third year following completion of street improvement	\$800.00
d. During the fourth year following completion of street improvement	\$700.00
e. During the fifth year following completion of street improvement	\$600.00

10. Soil erosion and sediment control certification fees shall be as follows:

*Individual single-family residential products	\$200.00 per project \$500.00 base fee plus \$100.00 per lot
*Residential subdivisions	\$1000.00 base fee plus \$50.00 per dwelling unit
*Residential developments and site plans	\$1000.00 base fee plus \$100.00 per acre
*Nonresidential development and site plans	

11. Boat/Watercraft Removal Fee

a. Minimum charge	\$50.00
b. After December 15th	an additional \$5.00 per day up to

D. ALCOHOLIC BEVERAGES

Club License	\$188.00	71-3D
Plenary retail consumption license	\$2,500.00	
Plenary retail distribution license	\$2,500.00	
Liquor Permit (one day)		71-3D
*Civic, religious or educational organization	\$50.00	
*All other organizations	\$75.00	

E. (Reserved) Editor's Note: Former Subsection E, recreational facilities, as amended, was repealed 10-24-2005 by Ordinance

No. 18-05. Said fees are established by the Recreation Commission and are on file in the Borough offices.

F. SOIL MOVING

1. Minor soil moving permit	\$100.00
2. Major soil moving permit	\$300.00
3. Soil Moving Escrow	\$1,250.00

G. PLANNING BOARD

1. Minor subdivision	\$350.00	40-32
2. Major subdivision		
a. Preliminary plat	\$600.00	
Additional fee, each lot	\$100.00	
Resubmission within one year, 50% of original fee		
Minimum fee	\$500.00	
b. Final plat	\$300.00	
Additional fee, each lot	\$75.00	
c. Engineering inspection	\$200.00	
Plus % of cost of improvements	5%	
d. Additional fee for variance, per application	\$250.00 per variance	

3. Site plan

a. Basic	\$300.00
b. Per 1,000 square feet of land	\$5.00
c. Per 1,000 square feet of building floor area	\$50.00
d. Resubmission within one year, of original fee	50%
Minimum Fee	\$200.00
e. Engineering inspection, plus	\$200.00
Plus % of cost improvements	4%
f. Amended Site Plan	50% of Original Fee

4. Conditional use or change in use

Application	\$400.00
-------------	----------

5. Escrow Fees

40-33

Residential subdivision	\$2,500.00
Residential Site Plan	\$750.00
Non-residential Subdivision	\$4,000.00
Non-residential Site Plan	\$2,500.00
Per Review and/or testimony by outside consultants or experts	\$2,000.00

6. Compiled and certified list of property owners in Borough \$10.00

7. When the applicant request that an application can be carried to another meeting

there shall be an additional charge of 10% of the particular fee paid

8. Research that entails extraordinary effort on behalf of the public agency \$25.00 per hour

H. ZONING BOARD OF ADJUSTEMENT

1. Appeals \$250.00 40-32

2. C Variances [N.J.S.A. 40:55D-70©] For structural additions and alterations to the principle structure \$250.00 per variance

3. C Variances [N.J.S.A. 40:55D-70©] For non-structural additions or alterations to the principle structure such as decks, patios, compressor, etc. \$150.00 per variance

4. D Variances [N.J.S.A. 40:55D-70(d)(1)(2)(3)] \$500.00 per variance

5. D Variances [N.J.S.A. 40:55D-70(d)(4)(5)(6)] \$250.00 per variance

6. Interpretations \$250.00

7. Issuance of Permit [N.J.S.A. 40:55D-34]	\$250.00	
8. Escrow fees		
a. D Variances [N.J.S.A. 40:55D-70 (d)(1)(2)(3)]	\$1,000.00	40-33
b. Per Review and/or testimony by outside consultants or experts	\$2,000.00	
c. Residential subdivision	\$2,500.00	
Residential Site Plan	\$750.00	
Non-residential Subdivision	\$4,000.00	
Non-residential Site Plan	\$2,500.00	
9. Subdivision, Site Plan, or Conditional Use Approval Pursuant to code 40-21A(7)	Same as Planning Bd. Fees Code 111-3G	
10. Compiled and certified list of property owners in Borough	\$10.00	40.36
11. Research that entails extraordinary effort on behalf of the public agency	\$25.00	

I. BOARD OF HEALTH

1. Retail food establishment		268-4B
<i>For each premises or establishment licensed, or approval of existing permit:</i>		
Non-restaurant establishments where food items are sold	\$75.00	
Institutions	\$75.00	
Temporary establishments	\$50.00	
<u>Restaurants:</u>		
1-99 Seats	\$100.00	
100+ Seats	\$125.00	
Food Plan Review	\$100.00	
Late Fee if not renewed by June 30th	\$25.00	
2. Individual and semipublic water supply:		307-4D
*Filing application and plans for permit to locate and construct a water supply	\$100.00	
*Filing application and plans for a permit to alter an existing water supply	\$100.00	
*Issuance of permit to locate and construct or alter a water supply	\$50.00	
*Each reinspection of a water supply or part thereof caused by the failure of the permittee to locate and construction the same in accordance with the terms of the permit issued or the terms of the code	\$50.00	

3. Individual sewage disposal:

290-4D

*Filing application and plans for a permit to locate and construct an individual sewage disposal system issuance of a license and permit to locate and construct an individual sewage disposal system for issuance of a license and permit to locate and construct or alter an individual sewage disposal system	\$100.00
*Each reinspection of an individual sewage disposal system or part thereof caused by the failure of permittee to locate and construct or alter same in accordance with the terms of the permit issued or the terms of the code	\$50.00
*Issuance or renewal of a license to a person or corporation engaged in the business of cleaning or emptying receptacles for the reception and storage of human excrement or other putrescible material, each vehicle or conveyance	\$100.00
*Issuance of a permit to clean or empty any receptacle used for the reception or storage of human excrement or other putrescible matter	\$100.00

4. Garbage, ashes and rubbish license, per operator

\$100.00

294-2C

5. Keeping of animals or poultry

\$25.00

257-3B

6. Vital Statistics

Certified copy of birth, death, marriage, and civil union recorded

1-10 Copies	\$15.00 each
11-20 Copies	\$5.00 each
21 + Copies	\$2.50 each
Marriage or civil union license (\$25 to state, \$3 to Borough)	\$28.00
Burial or removal permit	\$1.00
Transit Permit	\$1.00

J. COPIES OF DOCUMENTS

1. Master Plan

\$30.00

2. Land Use Ordinances

\$30.00

3. Tax map, per sheet

\$5.00

4. Natural Resources Inventory

\$2.00

5. Police Accident Reports

\$5.00 plus

Fees for copies shall be the maximum authorized by the State of NJ

per page copy charge

6. Copy Fees

Fees for copies shall be the maximum authorized by the State of NJ

7. Special service charges

- a. Where the nature, format, manner of collation or volume of printed matter is such that it cannot be reproduced by ordinary document copying equipment in ordinary business size or where such record requires an extraordinary expenditure of time and effort to accommodate a request for inspection or copying of documents, a special service charge shall be imposed, in addition to the actual costs of duplicating the record. A special service charge will also be applied with the custodian changes the medium in which the record is normally kept in order to comply with the request. \$28.00
- b. The special service charge shall be paid to the Borough of Mountain Lakes at the following rates:
1. For all services performed by employees of the Borough, the actual hourly rate of compensation for each clerical and supervisory employee performing the service plus the copying or reproduction cost and actual mailing cost, when applicable.
 2. Postage will be added to the fee for records requested by mail
 3. All fees must be paid prior to the release of any copies. The custodian of the records may require a deposit of all documents for inspection where it is estimated that the records requested will cost in excess of \$5.00 to reproduce
- c. For reasons of security, the use of a floppy disk, CD, videotape or audiotape provided by the requestor is prohibited. All electronic reproduction materials shall be supplied by the Borough of Mountain Lakes.
- d. If the request for access to a government record would substantially disrupt municipal operation, the custodian of the records may deny access to the records after attempting to reach a reasonable solution with the requestor that accommodates the interests of the requestor and the municipality.
- e. In the event that the requestor of the documents objects to any charges permitted by this chapter and no resolution of the objection may be reasonably accomplished, the custodian of records shall not incur any charges on behalf of the Borough to fulfill the document request.
- f. Nothing in this section or any other Ordinance of the Borough shall be constructed as requiring the Borough of Mountain Lakes to furnish copies of any privileged documents or other documents which have been determined to be exempt from the requirements of the Open Public Records Act or otherwise nondisclosable in accordance with any provision of law.

K. UNIFORM FIRE SAFETY CODE

Permit	
Type 1	\$42.00
Type 2	\$166.00
Type 3	\$331.00
Type 4	\$497.00
Blasting Permit	\$250.00
Certificate of compliance for residential smoke alarms and carbon monoxide alarms	\$100.00
Non-life hazard uses	
0 - 2,000 square feet in area	\$35.00
2,001 - 5,000 square feet in area	\$50.00
5,001 - 10,000 square feet in area	\$150.00
10,001 plus square feet in area	\$200.00

L. ZONING

When review by the Zoning Officer is necessary in connection with the issuance of a permit, there shall be a zoning review of \$35.00 added to the permit fee. When professional engineering review is required in conjunction with the issuance of zoning permit, the applicant shall post an engineering escrow of \$300.00, which shall be used to pay for engineering review. This escrow shall be replenished, if necessary, to complete the engineering review.

M. POLICE

Police Vehicle Use of Outside Detail \$100.00 Per Day
Police Outside Duty Administrative Fee for Processing 15% Total Cost

N. TAX COLLECTOR

Initial Request for Duplicate Tax Bill \$5.00 54:4-64
Each Subsequent Request for Duplicate Tax Bill (in same fiscal year) \$25.00

Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provision of this Ordinance, except so far as the section or provisions so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

If adopted this Ordinance shall take effect after publication and passage as provided by law.

PUBLIC HEARING

Mayor Happer opened the public hearing on the Ordinance with the consent of the Council. Mayor Happer explained the Council's policy of limiting each speaker to five (5) minutes and no yielding of time to another person.

With no one wishing to be heard, Mayor Happer closed the public hearing on the Ordinance.

VOTE AS INTRODUCED NOVEMBER 10, 2014

VOTE NOVEMBER 24, 2014

Council Member	By:	2 nd :	Yes	No	Abstain	Absent	By:	2 nd :	Yes	No	Abstain	Absent
Albergo			X						X			
Borin			X									X
Bravo			X						X			
Lester	X		X				X		X			
McWilliams			X					X	X			
Holmberg		X	X						X			
Happer			X						X			

11. ***RESOLUTIONS:**
R134-14 Resolution Authorizing the Settlement of a Tax Appeal – Kenneth Stokes & Dana E. Simpson-Stokes v. Borough of Mountain Lakes – Block 56, Lot 66
R135-14 Resolution Relating to Continuing Disclosure Matters Applicable to Bonds and Notes of The Borough of Mountain Lakes and Authorizing Certain Actions in Connection Therewith
R136-14 Resolution Authorizing the Payment of Bills

12. ***MINUTES:**
November 10, 2014 (Regular)

13. *DEPARTMENT REPORTS:

Construction Department	October 2014
Department of Public Works	October 2014
Fire Department	October 2014
Health Department	October 2014
Police Department	October 2014
Recreation Department	October 2014
Tax Department	October 2014

14. *BOARD AND COMMITTEE AND COMMISSION APPOINTMENTS NONE

Prior to the Consent Agenda vote Mayor Happer requested that Resolution 135-14, Resolution Relating to Continuing Disclosure Matters Applicable to Bonds and Notes of The Borough of Mountain Lakes and Authorizing Certain Actions in Connection Therewith, be considered separately from the Consent Agenda.

Deputy Mayor Holmberg said he was disappointed to note that the Black Bear Presentation given by Chief Bennett had been poorly attended. He asked the Chief to consider presenting the program in the schools next year in addition to presenting the evening program. Councilman Albergo requested that the presentation be posted to the Borough website. Chief Bennett said he would approach the schools next year and he would have the presentation posted to the website.

Council Member	By:	2 nd :	Yes	No	Abstain	Absent
Albergo			X			
Borin						X
Bravo			X			
Lester		X	X			
McWilliams			X			
Holmberg	X		X			
Happer			X			

Resolution 135-14

Mr. Tovo explained that the Securities and Exchange Commission (SEC) has recently required all municipalities in the country to certify their full compliance with financial disclosure requirements relating to the issuance of municipal debt. He said that the Borough hired a firm, NW Financial, to review the past five (5) years of financial documents in order to identify any areas of noncompliance or misstatements and in order to assist in completing the questionnaire distributed by the SEC. Mr. Tovo pointed out that question 5 was prepared by the Bond Counsel, Robert Beinfeld. Mr. Roberts stated that he would be filing the questionnaire on the national database, EMMA, as required by the SEC.

Mr. Tovo and Mr. Roberts reviewed the answers to the SEC questionnaire with the Borough Council. Mr. Tovo said that the Borough was in compliance with SEC requirements for financial disclosure. Mr. Tovo mentioned that he and Mr. Roberts would be submitting a policy to the Council at the second meeting in January and that this policy would set forth stipulations in order to ensure continued compliance and accountability.

Mayor Happer asked Mr. Roberts to speak to the issuance of debt in 2009. Mr. Roberts said that the SEC had placed a five (5) year statute of limitations on the reporting and compliance requirements, dating back to September 10, 2009. Mr. Roberts explained that the Borough had issued debt on September 9, 2009 and that the financial disclosure contained a misstatement relating to certifying compliance with all reporting requirements. However, since the issuance of debt occurred prior to the dates set by the SEC for certifying compliance, this was not reported on the questionnaire that was recently filed with the SEC.

Council Member	By:	2 nd :	Yes	No	Abstain	Absent
Albergo			X			
Borin						X
Bravo			X			
Lester			X			
McWilliams	X		X			
Holmberg		X	X			
Happer			X			

15. ATTORNEY REPORT

Mr. Oostdyk had nothing to report.

16. MANAGER'S REPORT

Mr. Tovo reported that he was close to finishing filing the paperwork required by FEMA in order to obtain reimbursement on expenses incurred during the 2011 pre-Halloween snowstorm. He said the FEMA process had been quite challenging and that the multiple points of contact with FEMA had complicated the process. He said he would begin the filing for Hurricane Sandy reimbursement as soon as the pre-Halloween reporting was complete. Mr. Tovo said he would expect the FEMA reimbursement process to be closed out by the end of the year and that he will report the dollar amounts for the pre-Halloween snowstorm to the Council at the next meeting.

Mr. Tovo mentioned that he had started conversations with both the Town of Boonton and the Township of Parsippany-Troy Hills in reference to providing the Borough with excess firm capacity in the event that the Borough has an increase in development. Mr. Tovo said the excess firm capacity would be in a range of up to 150,000 gallons of water a day purchased at a bulk purchase price. Mr. Tovo said that a bulk water purchase would be the only method considered acceptable by the Department of Environmental Protection (DEP) towards increasing the firm capacity allotted by the DEP to the Borough. Mr. Tovo said he will report back to the Council with updates as conversations continue.

Mr. Tovo asked the Council for approval to facilitate an intergovernmental transfer of the Borough's old tire balancer to the Town of Boonton for use by their Department of Public Works (DPW). He said the Borough has already purchased a new tire balancer and that the old one had almost no value. He explained that the transfer agreement would include a provision requiring the Town of Boonton to return the balancer to the Borough once it was no longer needed by them. Mr. Tovo mentioned that he had also given permission for the Town of Boonton to balance their larger tires using the equipment at the Borough's DPW facility. The Council consensus was to allow Mr. Tovo to make the transfer in the spirit of shared services.

17. COUNCIL REPORTS

Shade Tree Commission – Deputy Mayor Holmberg said the Commission recently sent out letters to homeowners advising them of tree issues noticed by Commissioners during the annual audit. Deputy Mayor Holmberg commended the Commissioners for providing this service.

18. PUBLIC COMMENT

Please state your name and address for the record. Each speaker is limited to one (1) comment of no more than five (5) minutes and no yielding of time to another person.

Mayor Happer opened the public comment portion of the meeting with the consent of the Council. Mayor Happer explained the Council's policy of limiting each speaker to five (5) minutes and no yielding of time to another person.

Fred Kanter – Hanover Road

Mr. Kanter said he felt there had been a good process tonight regarding the limousine Ordinance. Also, he said he had misunderstood that every driver would need a municipal drivers license.

With no one else wishing to be heard, Mayor Happer closed the public comment portion of the meeting.

19. ADJOURNMENT at 9:27 PM

Motion made by Councilman Lester, second by Deputy Mayor Holmberg, to adjourn the meeting at 9:27p.m., with all members in favor signifying by "Aye".

***Indicates Consent Agenda Item**

Matters listed as Consent Agenda Items are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item be removed for consideration.

ATTEST: NOVEMBER 24, 2014

Michele Reilly, RMC, Borough Clerk

Daniel J. Happer, Mayor