



**MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES
 NOVEMBER 13, 2019
 HELD AT BOROUGH HALL, 400 BOULEVARD, MOUNTAIN LAKES, NJ 07046**

George Jackson – 20 Sherwood Drive, feels that the changes in the Zone B ordinance make sense, but he is concerned with the height standards. He feels that the height standard will not be consistent with the businesses that are in that zone presently. Mr. Jackson does feel there should be an exception for the height for hotels.

Mr. Jackson commented on the Board of Education leaving Borough Hall for a new location. He feels that this is disturbing and does not make sense.

Mayor Barnett explained that the Board of Education feels it makes sense for them to relocate. The Borough has communicated with the Board of Education closely and has volunteered to do whatever is in the best interest of the tax payers.

Mimi Kaplan - 89 Lake Drive, is concerned about the possibility of another gas station being placed in the wellhead protection area. She is worried about pollutants getting into the ground water. Ms. Kaplan would like to see more sustainable businesses in Zone B.

James Bailey – 111 Kenilworth Road, is concerned with the traffic safety issues around the high school. He feels there is an overwhelming amount of traffic and he has emailed the Borough Council and the School Acting Superintendent.

Mayor Barnett asked the Borough Manager to follow up with the School Superintendent about the traffic safety issues.

BOROUGH COUNCIL DISCUSSION ITEMS

East-Bound Route 46 Ordinance

Mountain Lakes Borough Planner Paul Phillips and the Borough Council discussed the draft ordinance of Business Zone B. Mr. Phillips reviewed the new use definitions, the height restrictions, parking standards, design standards, and pre-existing conditional uses and other portions of the existing ordinance.

The wellhead protection areas were also discussed. The Council decided that they would like to have the Environmental Commission review the ordinance and the wellhead protection area. They would like to consult with an expert and get an opinion about the safety of underground storage tanks and that the NJ Department of Environmental Protection has properly regulated that safety of the tanks.

Developer's Fee Ordinance

The Borough Council discussed the Developer's Fee Ordinance. The Borough Council decided from the floor that the imposed developer's fees would be that developers or owners of new residential development shall pay a fee of 1.5% of the equalized assessed value for the new residential development. Developers or owners of any residential property which has an addition or other improvement to an existing residential structure shall pay a fee of 1% of the equalized assessed value improvement. No fee, however, shall be charged for any addition or improvement to an existing residential structure as long as the addition or improvement does not increase the equalized assessed value of the existing structure (the improvement value only) by more than 50%. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure (improvement value only).

ORDINANCE NO. 14-19, AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES AND ESTABLISHING AFFORDABLE HOUSING DEVELOPMENT FEES

A motion was made by Council Member Lane, seconded by Deputy Mayor Shepherd to introduce ordinance 14-19 for first reading. Roll call was taken.

Council member	M	2nd	Yes	No	Abstain	Absent
Happer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Horst	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Korman	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Menard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Shepherd	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barnett	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES
 NOVEMBER 13, 2019
 HELD AT BOROUGH HALL, 400 BOULEVARD, MOUNTAIN LAKES, NJ 07046**

- a) **Third Quarter 2019 Current Budget Report**
- b) **Third Quarter 2019 Water Budget Report and Third Quarter 2019 Sewer Budget Report**
- c) **Trust Balances**
- d) **Capital Account Balances**

The Borough Council discussed the 2019 third quarter budget reports.

MANAGER'S REPORT

Board of Education – Borough Hall Occupancy

Manager Mitchell Stern reported that the Board of Education has decided not to participate in the renovation / expansion of Borough Hall and instead relocate their administration to available space at the Mountain lakes High School. The Board of Education has advised that they expect to relocate on or before April 30, 2020.

Beach Renovation Project

Manager Stern reported that work continues at the garage at Birchwood Lake. A new roof, soffit and building trim should be completed within the next week or two, at which time the building exterior will be refinished to match the newly renovated building.

At Island Beach, trees that were identified by the Borough's Arborist and shade Tree Commission as needing to be removed due to the health of the trees or to accommodate the planned new building are being brought down. Work will continue through the beginning of next week. Once completed, temporary fencing will be erected to secure the work zone and then excavation for the new building will begin.

Manager Stern reported that a scam email was sent to several Borough employees.

RESOLUTION

**R147-19 Resolution Endorsing the Adoption of Green Building Practices for Municipal Buildings and Facilities
 Approval of Resolution R147-19**

After a discussion by Borough Council with input from residents, a resolution was introduced and ultimately adopted with a vote of 5 ayes, 2 nays.

Council member	M	2nd	Yes	No	Abstain	Absent
Happer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Horst	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Korman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Menard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shepherd	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barnett	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

***CONSENT AGENDA ITEMS**

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.

RESOLUTIONS

- a. *R148-19 Resolution Authorizing the Payment of Bills*
- b. *R149-19 Resolution Authorizing the Transfer of Appropriations*
- c. *R150-19 Resolution Authorizing Membership in the Mountain Lakes Volunteer Fire Department*

***APPROVAL OF MINUTES**

10/14/2019 (Regular)
 10/14/2019 (Executive)
 10/28/2019 (Regular)

***BOARD, COMMITTEE AND COMMISSION APPOINTMENTS**

Meghan Leininger to the Green Team Committee

***APPROVAL OF CONSENT AGENDA**

Council member	M	2nd	Yes	No	Abstain	Absent
Happer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Horst	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Korman	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lane	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Menard	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shepherd	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barnett	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COUNCIL REPORTS

Council Member Happer reported that the Finance Advisory Committee reviewed the 2019 third quarter budget reports.

Council Member Happer reported that the Lakes Management Committee's two student members coordinated a project cleaning up weeds and invasive plants at "the snake pit" at Birchwood Lake.

Council Member Happer reported that on Tuesday, December 3rd at 7:30 p.m. Solitude will present their annual presentation at the Borough Hall.

Council Member Lane reported that the Board of Education is currently reevaluating the Biotech program because of the financial costs. The Board of Education hired an outside consulting firm to review all of their policies.

Council Member Horst reported that the Green Team is filtering through their Sustainable Jersey points they have earned to date. The Green Team is hoping to achieve the bronze level certification.

Council Member Korman reported that the Affordable Housing Commission inquired if the Borough Council would like to have a discussion item on a future agenda to discuss the rules for dealing with accessory apartments. The Borough Council will set a date in the future to have that discussion.

Deputy Mayor Shepherd reported that the Economic Development Advisory Committee is looking at properties on Route 46, that are in need of redevelopment, to bring before the Borough Council.

Council Member Korman reported that the Whippany River Water Shed Action Committee Highland's Coalition has a list of the types of grants that are available.

Council Member Korman reported that the Health Commission is very active in Stigma Free. They are planning a mental health initiative that will be reported on at the next meeting.

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 Barnett opened the meeting to the public.

James Bailey – 111 Kenilworth Road, gave a brief history of Route 46. Mr. Bailey spoke about a right of way that may take away a lane on Route 46. Mr. Bailey feels that if the Borough Council approves the zoning ordinance they will have to worry about where the water will come from for big projects.

NEXT STEPS AND PRIORITIES

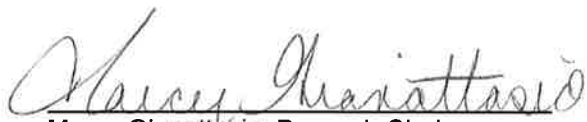
Mayor Barnett reviewed the following next steps and priorities:

Next Step	Completed by	Completion date
Contact Dr. Azar about school traffic issues	Manager	
Send the zoning ordinance to the Environmental Commission for review	Manager	
Explore the Redevelopment Zone		
Look at minutes from other towns	Council	
Budgeting for affordable Housing	Financial Advisory Committee	
Check for any construction after the adoption of the Developers Fee ordinance in May	Manager	

ADJOURNMENT at 11:17 P.M.

Motion made by Council Member Korman, seconded by Council Member Menard to adjourn the meeting at 11:17 p.m., with all members in favor signifying by "Aye".

Respectfully Submitted


Marcy Gianattasio, Borough Clerk

Memo for November 13, 2019 Borough Council Meeting

Re: Developer Fee Ordinance Amendment Discussion

Questions for Borough Council to consider relate to residential properties:

What types of residential projects should be included?

1. All Improvements?
2. New Construction, or Additions/Renovations that Increase the Home's Assessed Value by 50% or More *
3. New Construction Only?
4. None (No developer fees for residential projects)? **

*Per the attached 10/16/19 memo, this option was the Borough's Affordable Housing Advisory Committee's consensus recommendation.

**The committee did not vote on this option of eliminating developer fees for residential projects, although it did come up both in Committee discussion and Council discussion.

What developer fee % should be used for residential projects?

1. 1.5%? *
2. 1.0%? **
3. Other?

* A 1.5% fee is what is in our current ordinance.

** A 1.0% fee is what is used in Madison's ordinance, which the Affordable Housing Committee used as a model for what types of residential projects should be included.

**Economic Development Advisory Committee
Borough Council Update 11-13-2019**

Next Steps from 9-23-19 Borough Council Update

- Provided update to Borough Council, 9-23-19
- Forward draft ordinance for review by Borough Attorney/Planner/Mgr
- Provided draft ordinance to Council for discussion
- Provided draft ordinance to Planning Board for review and determination of consistency with the Master Plan

Post 9-23-2019 Meeting

-
- Planning board provided comments, assessment of master plan compliance will be addressed after ordinance introduction.
- Met with DEP at PB request to determine what has changed since the 70/80's with underground tanks

10-14-2019

- The draft of the Eastbound rt.46 proposed update is enclosed-no changes from last draft
- Also enclosed STOT EPA document
- Planner is still working on revisions/update. He has indicated that he is supportive in substance and will be providing his updates next week.

Next steps from 10-14-2019

- Post Attorney/Planner review, provide draft ordinance to Council for review and discussion

11-13-2019

- Draft ordinance provided to Council for discussion
- Review of Borough Planner updates to the draft
 - New Use Definitions
 - Height
 - Parking
 - Design Standards
 - Pre-existing conditional uses and other portions of the existing ord.

- Review of Wellhead Protection Areas
 - Review of Tiers- Tier 1 (2yr), Tier 2 (5yr), Tier 3 (12yr)
 - Tiers 1 and 2 do not allow change of on-site land use



Planning & Real Estate Consultants

Memorandum

To: David Shepard, Robert Oostdyk, Esq.
From: Paul Phillips, P.P., AICP
Date: October 30, 2019
Re: **Draft of "B" Zone Amendments**

Attached please find the draft of the "B" zone amendments as discussed. Several points should be highlighted.

First, I have incorporated the definitions I had previously provided for the new permitted uses into the ordinance amendment. Second, I have provided additional definitions for adult day care and satellite dry cleaning establishment. Third, I have added a parking standard for new uses where appropriate. Fourth, I have tweaked the EDAC draft text to better dovetail with existing ordinance and especially the "Definitions" section (i.e., for a clearer and consistent read but without modifying any of the substance). Fifth, several of the conditional use standards had to be modified or stricken to comport with both sound planning principles and relevant case law. Conditional use standards cannot be discretionary. Rather, they must be definitive enough such that the question of jurisdiction (i.e., Planning vs. Zoning Board) can be determined at the time of the application for development. In that vein, I sought to make the design standards as definitive as possible. Finally, I did not delete the existing section of the ordinance dealing with automotive service stations as this is a defined term in the ordinance and such use is presently permitted in the Business "A" Zone.

Please contact me if you have any questions or comments.

19176

Section 1. Amend § 40-3 of Chapter 40, Land Use Administration, by adding the following:

ADULT DAY CARE FACILITY

A nonresidential facility typically operating several hours per day, providing meals, social and recreational activities, transportation, personal care and counseling under general supervision for elderly persons and/or persons with disabilities.

EDUCATIONAL PLAY CENTER

A multipurpose children’s activity space devoted to learning, recreation and entertainment, which may offer classes and organized events such as birthday parties, and which may include accessory retail sales.

HEALTH AND FITNESS FACILITY

An establishment open to the public on a membership basis which provides facilities for personal training, aerobic exercise, running and jogging, weight training and strength conditioning, game courts, swimming facilities and exercise equipment and which may include accessory sauna/steam rooms, showers, lockers, spa treatments including massage, snack/juice bars and accessory retail sales of related sports apparel and equipment.

INDOOR COMMERCIAL RECREATION USE

An establishment where entertainment or recreation services are provided to the general public, and for which user fees are charged. Uses include, but are not limited to roller and ice skating rink, indoor climbing gyms, gymnastics centers, bowling alleys, arcades, escape rooms, billiards and virtual experience centers.

INSTRUCTIONAL SCHOOLS AND STUDIOS

Establishments which provide classes and workshops for dance, yoga, pilates, culinary arts and crafts, music, martial arts, academics and athletics.

PET CARE AND GROOMING FACILITY

An establishment that provides temporary boarding, training, grooming and care for dogs, cats or other domestic animals or household pets. This shall not include overnight boarding of pets, the breeding or sale of animals or veterinary services customarily offered at an animal clinic or hospital.

SATELLITE DRY CLEANING ESTABLISHMENT

An establishment where clothes and other types of fabrics are dropped off and picked up before and after dry cleaning, which process is conducted entirely off-premises.

SELF-STORAGE FACILITY

A building or group of buildings containing individual and private storage spaces of varying sizes available for lease or rent for varying periods of time and where the occupants have access to the facility only to store and remove their personal property.

Section 2. Amend §245-11 Business Zone B as follows [deletions are indicated as strike-throughs and additions are underlined.]

A. Permitted principal uses are the same as in § 245-10A ("Business Zone A") except that automobile service stations, dry cleaning establishments, motels, hotels and businesses using hazardous substances shall be excluded. In addition, the following principal uses shall be permitted:

- (1) Adult day care facility

- (2) Educational play center
- (3) Health and fitness facility
- (4) Indoor commercial recreation use
- (5) Instructional schools and studios
- (6) Pet care and grooming facility
- (7) Satellite dry cleaning establishment
- (8) Self-storage facility

B. Permitted accessory uses. Same as § 245-10B. In addition, electric car charging stations shall be permitted as an accessory use.

C. Conditional uses.

- (1) Sexually oriented establishments in accordance with the following standards:
 - (a) The establishment shall be located at least 500 feet from the boundary of any residential zone within the Borough of Mountain Lakes and from any existing and/or approved but not yet existing house of worship, day-care center and school.
 - (b) In order to avoid a concentration of sexually oriented establishments, such establishment shall be located at least 1,000 feet from any other existing and/or approved but not yet existing sexually oriented establishment.
 - (c) The foregoing distance limitations shall be measured by a straight line drawn from the nearest point of the lot boundary on which the proposed use is to be located to the nearest point of the lot or district boundary, as the case may be, of the other use or district, and those uses, district boundary lines and dimensions shall be indicated on the submitted site plan.
 - (d) The building housing the sexually oriented establishment shall have a minimum front setback of 75 feet and a minimum side or rear setback of 25 feet. The building and associated parking area shall be surrounded by a perimeter landscape buffer of at least 20 feet in width, consisting of landscape plantings designed and installed to the satisfaction of the Planning Board.
 - (e) Every sexually oriented establishment shall be located in a single-occupant, freestanding building.
 - (f) No sexually oriented establishment shall be permitted in a building having a capacity to accommodate 50 or more occupants.

- (g) Off-street parking requirements for a sexually oriented establishment are one space for every 200 square feet of gross floor area or portion thereof, plus one space for each employee, provided that a minimum of 10 parking spaces shall be provided.
 - (h) All other requirements of the Land Use Ordinance, including but not limited to the business zone requirements, shall be met.
- (2) Hotels in accordance with the following standards:
- (a) The minimum lot size shall be three acres.
 - (b) The maximum building height shall be ~~five~~ three stories/~~60~~ 48 feet.
 - (c) The minimum lot frontage along Route 46 shall be 300 feet.
 - (d) Ancillary facilities/amenities, including a restaurant/lounge, meeting facilities and ballroom space(s), shall be permitted.
 - (e) The architectural design shall incorporate the following: vertical and horizontal articulation of the building facades; changes in façade plane, size and rhythm of window spacing and surface material and pattern; and a contrasting roofline.
- (3) Automobile service stations in accordance with the following standards:
- (a) No hammering, welding or painting repair work on cars shall be permitted or other work of the type usually conducted by and at automobile body shops in repairing damaged motor vehicles.
 - (b) A gasoline service station may also include a retail business.
 - (c) A minimum of one off-street parking space shall be provided for every 125 square feet of building floor area.
 - (d) No outdoor or open display of merchandise or wares shall be permitted.
 - (e) All pumps, islands and canopies serving to protect customers while fueling shall be located a minimum of 40 feet from any lot or street line. Canopies, pumps and islands shall be considered accessory structures and not a second principal structure.
 - (f) All lifts, greasing racks and other similar equipment shall be within the building. The underground storage of petroleum products shall meet federal and state codes, as applicable, to protect the Borough's groundwater.
 - (g) The minimum frontage requirement shall be 300 feet.
 - (h) Motor vehicles may be parked upon the lot but only insofar as reasonably incident and accessory to the operation of an automotive service station and only in such a manner and location which neither interferes with ingress and egress to the premises nor creates any

hazardous condition. No storage of motor vehicles, and no unsightly accumulation of vehicles or parts thereof, shall be permitted.

- (i) No banners, pennants, moving or fixed display devices, or other items of an advertising nature shall be erected on the lot or affixed to the exterior of the building or any improvement on the lot with the exception of signs authorized by § 245-17.
- (4) Drive-in restaurants or restaurants with drive-through facilities where food or drink is served to customers in vehicles at a drive-through window in accordance with the following standards:
- (a) The pick-up window shall be located on the side or rear of the building to limit visibility from the primary road frontage.
 - (b) No driveway shall open upon a public street within 150 feet of an intersecting public street, measured from the intersection of the tangents of the adjacent curblines.
 - (c) One off-street parking space shall be provided for every two-seats.
- (5) Self-storage facilities in accordance with the following standards:
- (a) Self-storage facilities shall be at least 2 stories in height and shall be designed architecturally to incorporate features typical of new multi-family residential or office building construction, including but not limited to façade articulation and treatment materials.
 - (b) The minimum frontage requirement shall be 200 feet.
 - (c) The only activities permitted in individual storage units shall be the rental of the unit and the pickup and deposit of goods and/or property in dead storage. Storage units shall not be used for the following activities:
 - [1] Residences, offices, workshops, studios, or hobby or rehearsal areas.
 - [2] Manufacturing, fabrication, or processing of goods; service or repair of vehicles, engines, appliances or other electrical equipment; or any other similar activities.
 - [3] Conducting retail sales of any kind, including garage or estate sales or auctions, or any other commercial activity; provided that the operator of the self-storage unit may conduct a sale or otherwise liquidate the contents of any storage unit to satisfy and settle an account of unpaid rent or other charges, through public or private sales, in a manner provided by law.
 - [4] Storage of flammable, perishable or hazardous materials or the keeping of animals.
 - (d) The rental of trucks, trailers or moving equipment, as well as the installation of trailer hitches, shall be prohibited.

- (e) Sale of boxes or packing materials shall be permitted, but only if accessory to the self-storage facility.
- (f) Self-storage facilities shall not operate or allow tenant access between the hours of 12:00 midnight and 6:00a.m.
- (g) All goods and property in a self-storage facility shall be stored in an enclosed building. No outdoor storage of any kind, including but not limited to storage of boats, RVs, vehicles, trailers or similar vehicles, or storage in outdoor storage pods or shipping containers, shall be permitted.
- (h) All storage units above grade and all storage units visible from residential areas shall gain access from the interior of the building(s) only; no unit doors, loading bays, or docks may face or be visible from any adjacent residential areas.
- (i) Electrical service to storage units shall be for lighting and climate control only. No electrical outlets are permitted inside individual storage units. Lighting fixtures and switches shall be of a secure design that will not allow tapping such fixtures for other purposes.

Section 3. Amend § 245 Attachment 1, Schedule I Bulk Requirements, as follows [deletions are indicated as strike-throughs and additions are underlined]

ZONING

245 Attachment 1

Borough of Mountain Lakes Schedule I Bulk Requirements

[Amended by Ord. No. 9-82; Ord. No. 1-92; Ord. No. 27-97; 10-8-2018 by Ord. No. 6-18]

Zone	Minimum Lot Size ^{9,10}			Minimum Setback (feet) ¹⁴			Maximum Height (stories/feet) ¹⁷	Accessory Structures Maximum Height (feet)	Maximum Coverage (percent)		
	Area (square feet)	Frontage (feet)	Depth (feet)	Front ^{11,12}	Side ¹¹	Rear ¹¹			Buildings	FAR	Improved
R-AA	22,500	150	150	40	25	25	2 1/2	20	--	13	20
R-A	15,000	100	150	40	25	25	2 1/2	20	--	17	25
R-1	10,000	100	100	30	10 ¹⁵	15	2 1/2	20	--	20	25
R-2	8,000	75	100	30	10 ¹⁶	15	2 1/2	20	--	20	25
RC-1	22,500	150 ⁷	150	40	25 ⁷	25	2 1/2	20	--	15	20
Conventional Clustering	15,000	100 ⁷	150	40	20 ⁷	25	2 1/2	20	--	--	--
RC-2	15,000	100 ⁷	150	40	25 ⁷	25	2 1/2	20	--	20	25
Conventional Clustering	10,000	100 ⁷	100	30	20 ⁷	15	2 1/2	20	--	--	--
RC-3	15,000	100 ⁷	150	40	25 ⁷	25	2 1/2	20	--	20	25
Conventional Clustering ¹³	4 dw/a	100 ⁷	100	30	20 ⁷	15	2 1/2	20	--	--	--
R-AH3 Overlay Zone	5 acres	350	400	50	--	--	3	20	30	--	60
A	6,500	--	--	20	20 ¹	20	2	35 ⁴	40	--	70
B	20,000	100	200	50 ³	20	20	2 3/4	20	3040	--	80
OL-1	one lot ⁴	--	--	100 ⁵	150 ⁶	150 ⁶	2	35	30	--	65
OL-2	5 acres	400	400	80 ⁵	100 ⁶	100 ⁶	2	35	30	--	60

NOTES:

- 1 From residential boundary; no side setback required from nonresidential boundary.
- 2 Above highest street if property faces two streets.
- 3 Landscaped area of not less than 10 feet depth along right-of-way, except for driveways.
- 4 This zone is fully developed.
- 5 Landscaped area of not less than 20 feet along right-of-way, except for driveways.
- 6 There shall be a one-hundred-foot landscaped buffer abutting residential areas or zones. Side and rear setbacks may be reduced to 50 feet along nonresidential boundaries. See § 245-16G for zero lot options.
- 7 Lot frontage for lots at a cul-de-sac turnaround shall not be less than 50 feet, provided that the distance along the setback line shall meet the frontage requirements.
- 8 The minimum lot size may be affected by regulations in § 245-20C, D and E.
- 9 In a residential zone, the shortest distance between the side lines shall not be less than 90% of the required frontage, except as in Note 8 above.
- 10 See § 245-20A and B.
- 11 A corner lot shall have front yard setback on all streets.
- 12 RC-3 clustering townhouses, see § 245-16H.
- 13 In R-1 and R-2 Zones, setback for any buildings shall not be less than stated setbacks or equal to the height of the accessory building, whichever is greater.
- 14 Minimum combined setback for both side yards is 30 feet.
- 15 Minimum combined setback for both side yards is 25 feet.
- 16

In all residential zones, the building shall not exceed 2 ½ stories and 35 feet in height facing any street, nor three stories facing any other direction. A basement in which, in any elevation, the exposed distance from finished grade to the floor above exceeds six feet for 50% or more of the length of the elevation shall be considered a story only for the purposes of determining the number of stories in that elevation. The maximum average height of the nonstreet frontage building elevation shall be 38 feet. The nonstreet frontage average building height shall be measured as the vertical distance from the average finished grade along all nonstreet fronting building elevations, to the highest point of the roof, excluding chimneys. The average elevation shall be determined by taking measures at approximately ten-foot intervals, six feet from the

Section 4. Amend § 245 Attachment 3, Schedule III Minimum Off-Street Parking Requirements by adding the following:

Land Use	Requirement
Adult care facility	1 space per 200 square feet of floor area
Education play center	1 space per 200 square feet of floor area
Health and fitness facility	1 space per 200 square feet of floor area
Indoor commercial recreation use	1 space per 200 square feet of floor area
Instructional schools and studios	1 space per 100 square feet of floor area
Pet care and grooming facility	1 space per 200 square feet of floor area
Self-storage facility	1 space per 200 square feet of office area, plus 1 space per 5,000 square feet of storage/warehouse area.

*Borough of Mountain Lakes, NJ
Tuesday, November 5, 2019*

Chapter 102. Environmental Factors; Soil, Water and Trees

Article VI. Wellhead Protection Area Regulations

[Added by Ord. No. 10-92; amended 8-25-2014 by Ord. No. 04-14]

§ 102-30. Findings.

The governing body of Mountain Lakes finds that:

- A. The groundwater underlying this municipality is a major source of existing and future water supplies, including drinking water.
- B. The groundwater aquifers are integrally connected with, are recharged by, and flow into the surface waters, lakes and streams, which also constitute a major source of water for drinking, commercial and industrial needs.
- C. Accidental spills and discharges of toxic and hazardous materials may threaten the quality of these groundwater supplies and related water sources.
- D. Contaminated water from any source is a detriment to the health, welfare and comfort of the residents of this municipality, and other users of these water resources.
- E. Spills or discharges of hazardous substances or hazardous wastes may contaminate or pollute water. As a preventive measure, the proximity of such materials to sources of water supplies, such as public community wells, should be restricted so that there will be sufficient time to find and clean up such spills or discharges before water supplies become contaminated.

§ 102-31. Purpose.

The purpose of this article is to protect the public health, safety and welfare through the protection of our wellheads underlying the municipality to ensure a supply of safe and healthful drinking water for the present and future generations of local residents, employees and the general public in this municipality, as well as users of these water supplies outside this municipality. Areas of land surrounding each public community well, known as "Wellhead Protection Areas" (WPAs), from which contaminants may move through the ground to be withdrawn in water taken from the well, have been delineated. Through regulation of land use, physical facilities and other activities within these areas, the potential for groundwater contamination can be reduced. The purpose of the regulations contained in this article is to prevent the migration of potential pollutants from areas within a WPA into groundwater that is withdrawn from a public community well.

§ 102-32. Statutory authority.

The Borough of Mountain Lakes is empowered to regulate these activities under the provisions of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., which authorizes each municipality to plan and regulate land use to secure a safe and adequate drinking water supply for its residents. With the authority to implement the Water Resource Ordinance, Mountain Lakes Borough is also obligated to insure that its provisions are carried out in a manner which is consistent with N.J.A.C. 7:14B. The Health Department of this municipality has autonomous power granted by the State Legislature to develop this article to protect public health, safety and welfare, as set forth in the New Jersey Local Boards of Health Law, N.J.S.A. 26:3-1 et seq., and the New Jersey County Environmental Health Act, N.J.S.A. 26:3A2-21 et seq.

§ 102-32.1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ADMINISTRATIVE AUTHORITY

The Planning Board or Board of Adjustment and the Health Department, acting jointly and in consultation, with all of the powers delegated, assigned, or assumed by them according to statute or ordinance.

APPLICANT

Person applying to the Health Department, Planning Board, Board of Adjustment or the Construction Office proposing to engage in an activity that is regulated by the provisions of this article that would be located within a regulated Wellhead Protection Area.

AQUIFER

A formation, group of formations, or part of a formation that contains sufficient saturated permeable rock, sand, or gravel which is capable of storing and transmitting usable quantities of water to wells and springs.

BEST MANAGEMENT PRACTICES (BMP)

Performance or design standards established to minimize the risk of contaminating groundwater or surface waters while managing the use, manufacture, handling or storage of hazardous substances or hazardous wastes as set out in § 102-32.4.

CONTAMINATION

The presence of any harmful or deleterious substances in the water supply.

DEVELOPMENT

The carrying out of any construction, reconstruction, alteration of surface or structure or change of land use or intensity of use.

DISCHARGE

Any intentional or unintentional action or omission, unless pursuant to and in compliance with the conditions of a valid and effective federal or state permit, resulting in the releasing, spilling, pumping, pouring, emitting, emptying or dumping of a hazardous substance into the waters or lands of the state or into waters outside the jurisdiction of the state when damage may result to the lands, waters or natural resources within the jurisdiction of the state.

DRY WELL

A subsurface storage facility that receives and temporarily stores roof runoff. A dry well may be either a structural chamber and/or an excavated pit filled with aggregate in accordance with the requirements of the Borough Engineer.

GROUNDWATER

Water contained in interconnected pores of a saturated zone in the ground, also known as "well water." A saturated zone is a volume of ground in which the voids in the rock or soil are filled with water at a pressure greater than atmospheric.

HAZARDOUS SUBSTANCE

Any substance designated under 40 CFR 116 pursuant to Section 311 of the Federal Water Pollution Control Act Amendments of 1972 (Clean Water Act, Public Law 92-500; 33 U.S.C. § 1251 et seq.), the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., or Section 4 of the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-4). Substances listed include petroleum, petroleum products, pesticides, solvents and other substances.

HAZARDOUS WASTE

Any solid waste that is defined or identified as a hazardous waste pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E et seq., N.J.A.C. 7:26-8, or 40 CFR Part 261.

MAXIMUM CONTAMINANT LEVEL

The maximum permissible level of a contaminant in water which is delivered to any user of a public community water system.

NAICS

North American Industrial Classification System pursuant to the North American Free Trade Agreement of 1993.

NJDEP

New Jersey Department of Environmental Protection.

PERSON

Any individual, public or private corporation, company, partnership, firm, association, owner or operator, political subdivision of this state, and any state, federal or interstate agency or an agent or employee thereof.

POLLUTED WATER

In the context of drinking water, water is polluted when a pollutant is present in excess of a maximum contaminant level or bacteriological limit established by law or regulation.

POTENTIAL POLLUTANT SOURCE (PPS)

An activity or land use which may be a source of a pollutant that has the potential to move into groundwater withdrawn from a well. For the purposes of this article, potential pollutant sources are defined in § 102-32.4.

PPS

Potential pollutant source.

PUBLIC COMMUNITY WELL

A public water supply well which serves at least 15 service connections used by year-round residents or regularly serves at 25 - least 25-year-round residents.

SOLE SOURCE AQUIFER

Any drinking water aquifer upon which more than 50% of a population group depends

and for which there is no practicable or affordable alternate water supply, as certified by the United States Environmental Protection Agency.

TIME OF TRAVEL (TOT)

The average time that a volume of water will take to travel in the saturated zone from a given point to a pumping well.

TIER 1 WELLHEAD PROTECTION AREA

That area of land within a WPA from which groundwater may enter the well within two years. (See maps referenced under § 102-32.20.0.

TIER 2 WELLHEAD PROTECTION AREA

That area of land within a WPA from which groundwater may enter the well within five years. (See maps referenced under § 102-32.2.1.

TIER 3 WELLHEAD PROTECTION AREA

That area of land within a WPA from which groundwater may enter the well within 12 years. (See maps referenced under § **102-32.2**.

WELLHEAD

The well borehole and appurtenant equipment.

WELLHEAD PROTECTION AREA (WPA)

An area described in plan view around a well, from which groundwater flows to the well and groundwater pollution, if it occurs, may pose a significant threat to the quality of water withdrawn from the well.

WPA

Wellhead Protection Area.

§ 102-32.2. Establishment of Wellhead Protection Areas and maps.

A. Wellhead Protection Area maps.

- (1) The delineations of Wellhead Protection Areas are shown on a map entitled "Wellhead Protection Area - Borough of Mountain Lakes" dated February 3, 2014, which is adopted herein by reference. A copy of this map is available in the office of the Borough Clerk.
- (2) Wellhead Protection Areas, as shown on the maps described in Subsection **A(1)**, shall be considered to be superimposed over any other established zoning district. Land in a Wellhead Protection Area may be used for any purpose permitted in the underlying district, subject to the additional restriction presented herein.

B. Assignment of restriction within Wellhead Protection Areas. Properties located wholly or partially within a Wellhead Protection Area shall be governed by the restrictions applicable to the Wellhead Protection Area.

§ 102-32.3. Regulation of Wellhead Protection Areas for public community wells.

- A. The Administrative Authority for administering the provisions of this article shall be the Planning Board or Board of Adjustment, Zoning Officer and the Health Department of Mountain Lakes acting jointly and in consultation.
- B. Any applicant for a permit requesting a change in land use or activity, which is subject to review under the provisions of the Municipal Land Use Law and other pertinent regulations of Mountain Lakes and which is located within a delineated WPA, as defined in § **102-32.2**, that involves a potential pollutant source (PPS), as defined in § **102-32.4**, shall comply with the requirements of this article.
- C. Any applicant for a permit requesting a change in land use or activity, which is subject to the requirements of this article, shall file an operations and contingency plan, as required by § **102-32.6**, with the administrative authority. No permit that allows a change in land use or activity, which is subject to the requirements of this article, shall be granted unless an operations and contingency plan for the proposed change has been approved by the administrative authority. Any plan approved by the administrative authority shall be kept on file in the office of the Health Department of Mountain Lakes, and shall be available to the public for inspection.
- D. Any change in on-site land use or activity that adds a major or minor potential pollutant source (PPS), as defined in § **102-32.4**, shall be prohibited within a Tier 1 WPA.
- E. Any change in on-site land use or activity that adds a major PPS, as defined in § **102-32.4**, shall be prohibited within a Tier 2 WPA.
- F. Any change in on-site land use or activity that involves any PPS, as defined in § **102-32.4**, within any WPA, that is not prohibited pursuant to Subsection **D** or **E** of this § **102-32.3**, shall comply with the best management practice standards, as defined in § **102-32.5**.
- G. Exemptions:
 - (1) Retail sales establishments that store and handle hazardous materials for resale in their original containers. This exemption shall not preclude the submission of a best management practices and the operations and contingency plan in accordance with §§ **102-32.5** and **102-32.6**.
 - (2) Police, fire and emergency medical service facilities (subject to the preparation of a best management practices and operations and contingency plan in accordance with §§ **102-32.5** and **102-32.6**).
 - (3) Municipal, county and state government facilities (subject to the preparation of a best management practices and operations and contingency plan in accordance with §§ **102-32.5** and **102-32.6**).
 - (4) The use of any hazardous material solely as fuel in a vehicle fuel tank or as a lubricant in a vehicle.
 - (5) The transportation of a hazardous material through the WPA, provided that the transporting vehicle is in transit and meets all state and federal requirements for the transportation of such hazardous material.
 - (6) Preexisting facilities, but not expansion of same, that would qualify as a continuance of an existing nonconforming use.

- (7) A NJDEP-approved discharge to groundwater permit (DGW) for remediation of groundwater clean up in any Tier WPA.
- H. This article is supplementary to other laws and ordinances in this municipality. Where this article or any portion thereof imposes a greater restriction than is imposed by other regulations, the provisions of this article shall supersede. These rules and regulations shall in no way affect the limitations or requirements applicable in the underlying municipal land use and zoning districts.
- I. The use limitations noted herein shall be considered as limitations stipulated in the permitted list of uses in each zone. The activities regulated herein shall be considered limitations accessory to permitted uses in each zone.

§ 102-32.4. Potential pollutant sources.

The following are major and minor potential pollutant sources (PPS) subject to the requirements of this article. This listing is consistent with the New Jersey Safe Drinking Water Act, N.J.A.C. 7:10-11.7 through 12.12.

A. Major PPSs include:

- (1) Permanent storage or disposal of hazardous wastes, industrial or municipal sludge or radioactive materials, including solid waste landfills.
- (2) Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous materials, and radioactive materials.
- (3) Any use or activity requiring the underground storage of a hazardous substance or waste greater than an aggregate total of 50 gallons and regulated by NJDEP under provisions of the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 et seq.).
- (4) Aboveground storage facility for a hazardous substance or waste with a cumulative capacity greater than 2,000 gallons.
- (5) Any industrial treatment facility lagoon.
- (6) Automotive service center (repair and maintenance).
- (7) Landfill.
- (8) Dry-cleaning facility (except retail distribution only of dropoff and pickup of dry cleaning only).
- (9) Road salt storage facility.
- (10) Cemetery or funeral homes or such facilities with embalming facilities.
- (11) Truck or bus maintenance yard.
- (12) Site for storage and maintenance of heavy construction equipment and materials.
- (13) Site for storage and maintenance of equipment and materials for landscaping.
- (14) Livestock operation.

- (15) Quarrying and/or mining facility.C
- (16) Asphalt and/or concrete manufacturing facility.
- (17) Junkyard/auto recycling and scrap metal facility.
- (18) Farm or residential underground storage of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes.
- (19) Underground heating oil storage tank for on-site consumption with a capacity greater than 2,000 gallons.
- (20) Transmission pipelines, including hazardous substance transmission pipelines, as defined by Chapter **245**.
[Amended 11-14-2016 by Ord. No. 10-16]

B. Minor PPSs include:

- (1) Any use or activity requiring the underground storage of hazardous substance or waste of 50 gallons or less.
- (2) Underground heating oil storage tank for on-site consumption with a capacity of 2,000 gallons or less.
- (3) Sewage treatment facility.
- (4) Sanitary sewer system, including sewer line, manhole, or pump station within 100 feet of a regulated well. (See conditions in Subsection **C**.)
- (5) Industrial waste line. (See conditions in Subsection **C**.)
- (6) Septic leaching field.
- (7) Facility requiring a groundwater discharge permit issued by the NJDEP pursuant to N.J.S.A. 7:10-14A et seq.
- (8) Stormwater line within 100 feet of a regulated well. (See conditions in Subsection **C**.)
- (9) Waste oil collection, storage and recycling facility.
- (10) Agricultural chemical bulk storage and mixing or loading facility, including crop dusting facilities.
- (11) Aboveground storage of hazardous substance or waste in quantities of 2,000 gallons or less. (See conditions in Subsection **C**.)
- (12) Any facility with a NAICS Code number included under the New Jersey Safe Drinking Water Act Regulations at N.J.A.C. 7:10A-1.14, Table II(N)A, with a toxicity number of II or greater.

C. Conditions:

- (1) Sanitary sewer lines, industrial waste lines and stormwater lines may be located no closer than 100 feet to a regulated well, and only if they are constructed of watertight construction (that is steel, reinforced concrete, PVC or other suitable

material as approved by the Borough utility authority).

- (2) Manhole and/or connections to a sanitary sewer system are restricted within 100 feet of a regulated well.
- (3) Dry wells dedicated to roof runoff and serving residential properties or commercial or industrial properties with NAICS codes not listed in Appendix A may be located no closer than 100 feet to a regulated well.
- (4) Aboveground heating oil storage tanks, 2,000 gallons or less, shall be permitted in any tier subject to approval by the approving authority of containment provisions in accordance with § 102-32.5 herein and shall be located no closer than 100 feet to a regulated well. The new aboveground tank and containment measures as specified herein shall be exempt from impervious coverage requirements for the zone. The aboveground containment measures shall be no larger than required to contain a spill of the contents of an aboveground tank. The aboveground tank is permitted within any side or rear yard but shall conform to the minimum setback requirement for accessory structures. The aboveground tank shall also include fencing or landscaping sufficient to provide a screen of the proposed aboveground tank and containment apparatus from adjacent properties.
- (5) An aboveground fuel storage tank for emergency electrical generators with maximum fuel storage capacity of 2,000 gallons shall be permitted in any tier subject to approval by the approving authority of containment provisions in accordance with § 102-32.5 herein and shall be located no closer than 100 feet to a regulated well.

§ 102-32.5. Best management practice performance standards.

Any applicant proposing any change in land use or activity that involves any PPS, as defined in § 102-32.4, that would be located either wholly or partially within any WPA shall comply with and operate in a manner consistent with the following best management practices, and Mountain Lakes Borough is also obligated to insure that its provisions are not carried out in a manner which is inconsistent with N.J.A.C. 7:14B:

- A. All portions or areas of a facility in which hazardous substances or hazardous wastes are stored, processed, manufactured or transferred outdoors shall be designed so that the discharges of hazardous substances will be prevented from overflowing, draining, or leaching into the groundwater or surface waters.
- B. Outdoor storage, dispensing, loading, manufacturing or processing areas of hazardous substances or hazardous wastes must be protected from precipitation, stormwater flows or flooding.
- C. Secondary containment structures.
 - (1) Wherever hazardous substances are stored, processed, manufactured or transferred outdoors, the design features shall include secondary containment and/or diversionary structures which may include but not be limited to:
 - (a) Containers, dikes, berms or retaining walls sufficiently impermeable to contain spilled hazardous substances, for the duration of a spill event.

- (b) Curbing.
 - (c) Gutter, culverts and other drainage systems.
 - (d) Weirs, booms and other barriers.
 - (e) Lined diversion ponds, lined lagoons and lined retention basins, holding tanks, sumps, sloop tanks and other collecting systems.
 - (f) Drip pans.
- (2) All secondary containment and diversionary structures for underground storage tanks shall be consistent with N.J.A.C. 7:14B.
- D. Secondary containment and diversionary systems, structure or equipment must meet the following standards:
- (1) The system must block all routes by which spilled hazardous substances could be expected to flow, migrate, or escape into the groundwater or surface waters.
 - (2) The system must have sufficient capacity to contain or divert the largest probable single discharge that could occur within the containment area, plus an additional capacity to compensate for any anticipated normal accumulation of rainwater.
 - (3) In order to prevent the discharge of hazardous substances into groundwater, all components of the system shall be made of or lined with impermeable materials sufficient to contain the substance for the duration of a spill event. Such material or liner must be maintained in an impermeable condition.
 - (4) No manufacturing area, processing area, transfer area, dike storage area, or other storage area, or secondary containment/diversion system appurtenant thereto shall drain into a watercourse, or into a ditch, sewer, pipe or storm drain that leads directly or indirectly into a surface or subsurface disposal area, unless provision has been made to intercept and treat any spilled hazardous substances in an NJDEP-approved industrial wastewater treatment or pretreatment facility, or other NJDEP-approved facility. Exceptions to this provision shall be for retail gasoline, diesel fuel and residential home heating oil dispensing wherein the procedures are in conformance with NJDEP standards and contain stormwater runoff controls in conformance with NJDEP requirements.
 - (5) Catchment basins, lagoons and other containment areas that may contain hazardous substances should not be located in a manner that would subject them to flooding by natural waterways.
- E. Stormwater shall be managed so as to prevent contamination of groundwater, and so as to be in accordances with applicable laws and regulations of the State of New Jersey, and of Mountain Lakes.

§ 102-32.6. Operations and contingency plan.

- A. Any applicant proposing any change in land use or activity that involves any PPS, as defined in § 102-32.4, that would be located either wholly or partially within any WPA shall submit an operations and contingency plan to the administrative authority. This operations and contingency plan shall inform the administrative authority about the

following aspects of the proposal:

- (1) Types of PPS proposed for the site;
 - (2) Types and quantities of hazardous substances or hazardous wastes that may be used or stored on site;
 - (3) Means to be employed to contain or restrict the spillage or migration of hazardous substances or hazardous wastes from the site into groundwater;
 - (4) Means to be used to contain or remediate accidental spillage of such materials;
 - (5) Means to notify the administrative authority about any accidental spillage of such materials;
 - (6) Demonstration that the proposed use and/or activity would employ, to the maximum extent possible, best management practices as set forth in § 102-32.5, to protect groundwater quality in the WPA and minimize the risk of potential groundwater contamination.
- B. The administrative authority shall review and shall approve or reject any operations and contingency plan prior to approving or denying the application for a land use change or activity.
- C. Any operations and contingency plan submitted shall be available for public review and comment.

§ 102-32.7. Enforcement.

A prompt investigation shall be made by the appropriate personnel of the Health Department of Mountain Lakes, of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this article is discovered, a civil action in the Special Civil Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this article shall be construed to preclude a municipality's right, pursuant to N.J.S.A. 26:3A-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this article shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this article. Each day a violation continues shall be considered a separate offense.

Map Showing
WELLHEAD PROTECTION AREA
 Borough of Mountain Lakes

Ord. 04 - 14



KEY

- NJDEP WELLHEAD PROTECTION AREA
12 YEAR TIER*
- NJDEP WELLHEAD PROTECTION AREA
5 YEAR TIER*
- NJDEP WELLHEAD PROTECTION AREA
2 YEAR TIER*

* WELLHEAD PROTECTION AREA (WHPA) REGULATIONS, NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, NEW JERSEY ADMINISTRATIVE CODE, N.J.A.C. 7:27, 2008. WELLHEAD PROTECTION AREA FOR UNDERGROUND COMMUNITY WATER SUPPLY WELLS IN NEW JERSEY. DATE 08/15/2008. OTHER ADOPTIONS TO ENVIRONMENTAL PROTECTION, NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, NEW JERSEY ADMINISTRATIVE CODE, N.J.A.C. 7:27, 2008.



BOROUGH OF MOUNTAIN LAKES

ORDINANCE NO. -2019

AN ORDINANCE AMENDING CHAPTERS 40 AND 245 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES

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. Chapter 40, "Land Use Administration," Section 40-3, "Definitions," of the Revised General Ordinances of the Borough of Mountain Lakes, shall be amended by the inclusion of the following additional definitions:

ADULT DAY CARE FACILITY

A nonresidential facility typically operating several hours per day, providing meals, social and recreational activities, transportation, personal care and counseling under general supervision for elderly persons and/or persons with disabilities.

EDUCATIONAL PLAY CENTER

A multipurpose children's activity space devoted to learning, recreation and entertainment, which may offer classes and organized events such as birthday parties, and which may include accessory retail sales.

HEALTH AND FITNESS FACILITY

An establishment open to the public on a membership basis which provides facilities for personal training, aerobic exercise, running and jogging, weight training and strength conditioning, game courts, swimming facilities and exercise equipment and which may include accessory sauna/steam rooms, showers, lockers, spa treatments including massage, snack/juice bars and accessory retail sales of related sports apparel and equipment.

INDOOR COMMERCIAL RECREATION USE

An establishment where entertainment or recreation services are provided to the general public, and for which user fees are charged. Uses include, but are not limited to roller and ice skating rink, indoor climbing gyms, gymnastics centers, bowling alleys, arcades, escape rooms, billiards and virtual experience centers.

INSTRUCTIONAL SCHOOLS AND STUDIOS

Establishments which provide classes and workshops for dance, yoga, pilates, culinary arts and crafts, music, martial arts, academics and athletics.

PET CARE AND GROOMING FACILITY

An establishment that provides temporary boarding, training, grooming and care for dogs, cats or other domestic animals or household pets. This shall not include overnight boarding of pets, the breeding or sale of animals or veterinary services customarily offered at an animal clinic or hospital.

**Resolution 146-19
RESOLUTION TO ENTER INTO AN EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss:

- Matters made confidential by state, federal law or rule by court
- Matters in which the release of information would impair the right to receive funds from the Government
- Matters involving individual privacy
- Collective bargaining
- Purchase or lease of property, setting of bank rates, investment of public funds if disclosure would harm the public interest
- Public safety
- Pending, ongoing or anticipated litigation or contract negotiation
- Personnel matters
- Civil penalty or loss of license

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW THEREFORE BE IT RESOLVED that the public be excluded from this meeting.

XX

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on November 13, 2019.



Marcy Gianattasio, Municipal Clerk

Name	Motion	Second	Aye	Nay	Absent	Abstain
Happer						
Horst						
Korman						
Lane	X					
Menard						
Shepherd		X				
Barnett						

ALL WERE IN FAVOR TO ENTER INTO EXECUTIVE SESSION

SATELLITE DRY CLEANING ESTABLISHMENT

An establishment where clothes and other types of fabrics are dropped off and picked up before and after dry cleaning, which process is conducted entirely off-premises.

SELF-STORAGE FACILITY

A building or group of buildings containing individual and private storage spaces of varying sizes available for lease or rent for varying periods of time and where the occupants have access to the facility only to store and remove their personal property.

Section 2. Chapter 245, "Zoning," Section 245-11, "Business Zone B," of the Revised General

Ordinances of the Borough of Mountain Lakes, shall be amended to read in its entirety as follows:

A. Permitted principal uses are the same as in § 245-10A ("Business Zone A") except that automobile service stations, dry cleaning establishments, motels, hotels and businesses using hazardous substances shall be excluded. In addition, the following principal uses shall be permitted:

- (1) Adult day care facility
- (2) Educational play center
- (3) Health and fitness facility
- (4) Indoor commercial recreation use
- (5) Instructional schools and studios
- (6) Pet care and grooming facility
- (7) Satellite dry cleaning establishment
- (8) Self-storage facility

B. Permitted accessory uses. Same as § 245-10B. In addition, electric car charging stations shall be permitted as an accessory use.

C. Conditional uses.

- (1) Sexually oriented establishments in accordance with the following standards:
 - (a) The establishment shall be located at least 500 feet from the boundary of any residential zone within the Borough of Mountain Lakes and from any existing and/or approved but not yet existing house of worship, day-care center and school.

- (b) In order to avoid a concentration of sexually oriented establishments, such establishment shall be located at least 1,000 feet from any other existing and/or approved but not yet existing sexually oriented establishment.
 - (c) The foregoing distance limitations shall be measured by a straight line drawn from the nearest point of the lot boundary on which the proposed use is to be located to the nearest point of the lot or district boundary, as the case may be, of the other use or district, and those uses, district boundary lines and dimensions shall be indicated on the submitted site plan.
 - (d) The building housing the sexually oriented establishment shall have a minimum front setback of 75 feet and a minimum side or rear setback of 25 feet. The building and associated parking area shall be surrounded by a perimeter landscape buffer of at least 20 feet in width, consisting of landscape plantings designed and installed to the satisfaction of the Planning Board.
 - (e) Every sexually oriented establishment shall be located in a single-occupant, freestanding building.
 - (f) No sexually oriented establishment shall be permitted in a building having a capacity to accommodate 50 or more occupants.
 - (g) Off-street parking requirements for a sexually oriented establishment are one space for every 200 square feet of gross floor area or portion thereof, plus one space for each employee, provided that a minimum of 10 parking spaces shall be provided.
 - (h) All other requirements of the Land Use Ordinance, including but not limited to the business zone requirements, shall be met.
- (2) Hotels in accordance with the following standards:
- (a) The minimum lot size shall be three acres.
 - (b) The maximum building height shall be ~~five~~ three stories/~~60~~ 48 feet.
 - (c) The minimum lot frontage along Route 46 shall be 300 feet.
 - (d) Ancillary facilities/amenities, including a restaurant/lounge, meeting facilities and ballroom space(s), shall be permitted.
 - (e) The architectural design shall incorporate the following: vertical and horizontal articulation of the building facades; changes in façade plane, size and rhythm of window spacing and surface material and pattern; and a contrasting roofline.

- (3) Automobile service stations in accordance with the following standards:
- (a) No hammering, welding or painting repair work on cars shall be permitted or other work of the type usually conducted by and at automobile body shops in repairing damaged motor vehicles.
 - (b) A gasoline service station may also include a retail business.
 - (c) A minimum of one off-street parking space shall be provided for every 125 square feet of building floor area.
 - (d) No outdoor or open display of merchandise or wares shall be permitted.
 - (e) All pumps, islands and canopies serving to protect customers while fueling shall be located a minimum of 40 feet from any lot or street line. Canopies, pumps and islands shall be considered accessory structures and not a second principal structure.
 - (f) All lifts, greasing racks and other similar equipment shall be within the building. The underground storage of petroleum products shall meet federal and state codes, as applicable, to protect the Borough's groundwater.
 - (g) The minimum frontage requirement shall be 300 feet.
 - (h) Motor vehicles may be parked upon the lot but only insofar as reasonably incident and accessory to the operation of an automotive service station and only in such a manner and location which neither interferes with ingress and egress to the premises nor creates any hazardous condition. No storage of motor vehicles, and no unsightly accumulation of vehicles or parts thereof, shall be permitted.
 - (i) No banners, pennants, moving or fixed display devices, or other items of an advertising nature shall be erected on the lot or affixed to the exterior of the building or any improvement on the lot with the exception of signs authorized by § 245-17.
- (4) Drive-in restaurants or restaurants with drive-through facilities where food or drink is served to customers in vehicles at a drive-through window in accordance with the following standards:
- (a) The pick-up window shall be located on the side or rear of the building to limit visibility from the primary road frontage.
 - (b) No driveway shall open upon a public street within 150 feet of an intersecting public street, measured from the intersection of the tangents of the adjacent curblines.

- (c) One off-street parking space shall be provided for every two-seats.
- (5) Self-storage facilities in accordance with the following standards:
- (a) Self-storage facilities shall be at least 2 stories in height and shall be designed architecturally to incorporate features typical of new multi-family residential or office building construction, including but not limited to façade articulation and treatment materials.
 - (b) The minimum frontage requirement shall be 200 feet.
 - (c) The only activities permitted in individual storage units shall be the rental of the unit and the pickup and deposit of goods and/or property in dead storage. Storage units shall not be used for the following activities:
 - [1]Residences, offices, workshops, studios, or hobby or rehearsal areas.
 - [2]Manufacturing, fabrication, or processing of goods; service or repair of vehicles, engines, appliances or other electrical equipment; or any other similar activities.
 - [3]Conducting retail sales of any kind, including garage or estate sales or auctions, or any other commercial activity; provided that the operator of the self-storage unit may conduct a sale or otherwise liquidate the contents of any storage unit to satisfy and settle an account of unpaid rent or other charges, through public or private sales, in a manner provided by law.
 - [4]Storage or flammable, perishable or hazardous materials or the keeping of animals.
 - (d) The rental of trucks, trailers or moving equipment, as well as the installation of trailer hitches, shall be prohibited.
 - (e) Sale of boxes or packing materials shall be permitted, but only if accessory to the self-storage facility.
 - (f) Self-storage facilities shall not operate or allow tenant access between the hours of 12:00 midnight and 6:00a.m.
 - (g) All goods and property in a self-storage facility shall be stored in an enclosed building. No outdoor storage of any kind, including but not limited to storage or boats, RVs, vehicles, trailers or similar vehicles, or storage in outdoor storage pods or shipping containers, shall be permitted.

- (h) All storage units above grade and all storage units visible from residential areas shall gain access from the interior of the building(s) only; no unit doors, loading bays, or docks may face or be visible from any adjacent residential areas.
- (i) Electrical service to storage units shall be for lighting and climate control only. No electrical outlets are permitted inside individual storage units. Lighting fixtures and switches shall be of a secure design that will not allow tapping such fixtures for other purposes.

Section 3. Chapter 245, "Zoning," Attachment 1, Schedule I, of the Revised General Ordinances of the Borough of Mountain Lakes, shall be amended to read in its entirety as follows:

ZONING

245 Attachment 1

Borough of Mountain Lakes Schedule I Bulk Requirements

[Amended by Ord. No. 9-82; Ord. No. 1-92; Ord. No. 27-97; 10-8-2018 by Ord. No. 6-18]

Zone	Minimum Lot Size ^{8,9,10}			Minimum Setback (feet) ¹⁴			Maximum Height (stories/feet) ¹⁷	Accessory Structures Maximum Height (feet)	Maximum Coverage (percent)		
	Area (square feet)	Frontage (feet)	Depth (feet)	Front ^{11,12}	Side ¹¹	Rear ¹¹			Buildings	FAR	Improved
R-AA	22,500	150	150	40	25	25	2 1/2	20	--	13	20
R-A	15,000	100	150	40	25	25	2 1/2	20	--	17	25
R-1	10,000	100	100	30	10 ¹⁵	15	2 1/2	20	--	20	25
R-2	8,000	75	100	30	10 ¹⁶	15	2 1/2	20	--	20	25
RC-1											
Conventional Clustering	22,500	150 ⁷	150	40	25 ⁷	25	2 1/2	20	--	15	20
	15,000	100 ⁷	150	40	20 ⁷	25	2 1/2	20	--	--	--
RC-2											
Conventional Clustering	15,000	100 ⁷	150	40	25 ⁷	25	2 1/2	20	--	20	25
	10,000	100 ⁷	100	30	20 ⁷	15	2 1/2	20	--	--	--
RC-3											
Conventional Clustering ³	15,000	100 ⁷	150	40	25 ⁷	25	2 1/2	20	--	20	25
	4 dw/a	100 ⁷	100	30	20 ⁷	15	2 1/2	20	--	--	--
R-AHS Overlay Zone	5 acres	350	400	50	50	3	3	20	30	60	70
A	6,500	--	--	20	20 ¹	20	2	20	40	--	80
B	20,000	100	200	100 ³	20	20	3	20	40	--	80
OL-1	one lot ⁴	--	--	100 ⁵	150 ⁶	150 ⁶	2	20	30	--	65
OL-2	5 acres	400	400	80 ⁵	100 ⁶	100 ⁶	2	20	30	--	60

NOTES:

- 1 From residential boundary, no side setback required from nonresidential boundary.
- 2 Above highest street if property faces two streets.
- 3 Landscaped area of not less than 10 feet depth along right-of-way, except for driveways.
- 4 This zone is fully developed.
- 5 Landscaped area of not less than 20 feet along right-of-way, except for driveways.
- 6 There shall be a one-hundred-foot landscaped buffer abutting residential areas or zones. Side and rear setbacks may be reduced to 50 feet along nonresidential boundaries. See § 245-16G for zero lot options.
- 7 Lot frontage for lots at a cul-de-sac turnaround shall not be less than 50 feet, provided that the distance along the setback line shall meet the frontage requirements.
- 8 The minimum lot size may be affected by regulations in § 245-20C, D and E.
- 9 In a residential zone, the shortest distance between the side lines shall not be less than 90% of the required frontage, except as in Note 8 above.
- 10 See § 245-20A and B.
- 11 A corner lot shall have front yard setback on all streets.
- 12 RC-3 clustering townhouses, see § 245-16H.
- 13 In R-1 and R-2 Zones, setback for any buildings shall not be less than stated setbacks or equal to the height of the accessory building, whichever is greater.
- 14 Minimum combined setback for both side yards is 30 feet.
- 15 Minimum combined setback for both side yards is 25 feet.
- 16 In all residential zones, the building shall not exceed 2 1/2 stories and 35 feet in height facing any street, nor three stories facing any other direction. A basement in which, in any elevation, the exposed distance from finished grade to the floor above exceeds six feet for 50% or more of the length of the elevation shall be considered a story only for the purposes of determining the number of stories in that elevation. The maximum average height of the nonstreet frontage building elevation shall be 38 feet. The nonstreet frontage average building height shall be measured as the vertical distance from the average finished grade along all nonstreet fronting building elevations, to the highest point of the roof, excluding chimneys. The average elevation shall be determined by taking measures at approximately ten-foot intervals, six feet from the
- 17

Marcy Gianattasio, Borough Clerk

Lauren Barnett, Mayor



BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

TO: Mitchell Stern; Borough Manager

FROM: Steven M. Gluck; Construction Official

RE: Assessed Value vs. Construction Costs

DATE: November 12, 2019

The following information is provided, as requested, to illustrate the past issuance of permits for both new construction and additions for single family dwellings. These are permits issued between January 1, 2018 and November 12, 2019. The permit number, address, construction cost (provided by the applicant) and the assessed value of the structure is listed. The permits for new construction do not yet have an assessed value given.

PERMIT No.	ADDRESS	CONST. COST	ASSESSED VALUE
18-186	58 Briarcliff Road	\$90,000	\$341,000
18-105	12 Center Drive	\$150,000	\$120,300
18-118	57 Briarcliff Road	\$55,000	\$210,900
18-126	29 Hillcrest Road	\$163,501	\$261,400
18-171	46 Lakewood Drive	\$197,000	\$110,600
18-275	63 Briarcliff Road	\$96,800	\$306,200
18-306	6 Tower Hill Road	\$365,000	\$224,300
18-307	44 Hillcrest Road	\$76,000	\$776,900
18-355	8 Rainbow Trail	\$443,975	
19-074	17 Crystal Road	\$546,600	
19-076	80 Boulevard	\$428,000	
19-141	32 Condit Road	\$2,017,000	
19-289	108 Intervale Road	\$200,000	
19-015	65 Lake Drive	\$47,500	\$535,900

19-033	53 Lake Drive	\$300,000	\$424,600
19-117	29 Pollard Road	\$38,800	\$364,800
19-122	44 Melrose Road	\$252,000	\$160,100
19-197	120 Kenilworth Road	\$28,300	\$291,700
19-242	9 Yorke Road	\$34,600	\$232,800
19-250	70 Tower Hill Road	\$66,000	\$221,700
19-255	74 Kenilworth Road	\$91,800	\$134,900
19-291	4 Fox Hill Lane	\$116,500	\$78,400

Not included in this study are the new single family attached homes in the Enclave development by Pulte Homes. Only one Certificate of Occupancy has been issued at this development. The development will also include six (6) units of low and moderate income dwellings.

During this time period, there were no permits issued to non-residential use groups for either new construction or additions. The only notable project was the alterations at 100 Route 46 East for the establishment of a child care facility.

19-151	100 Route 46 East	\$565,000	\$1,627,000
19-152	100 Route 46 East	\$530,000	\$1,627,000

Contact me if any questions arise concerning the above information.

Memo for November 13, 2019 Borough Council Meeting

Re: Developer Fee Ordinance Amendment Discussion

Questions for Borough Council to consider relate to residential properties:

What types of residential projects should be included?

1. All Improvements?
2. New Construction, or Additions/Renovations that Increase the Home's Assessed Value by 50% or More *
3. New Construction Only?
4. None (No developer fees for residential projects)? **

*Per the attached 10/16/19 memo, this option was the Borough's Affordable Housing Advisory Committee's consensus recommendation.

**The committee did not vote on this option of eliminating developer fees for residential projects, although it did come up both in Committee discussion and Council discussion.

What developer fee % should be used for residential projects?

1. 1.5%? *
2. 1.0%? **
3. Other?

* A 1.5% fee is what is in our current ordinance.

** A 1.0% fee is what is used in Madison's ordinance, which the Affordable Housing Committee used as a model for what types of residential projects should be included.

<u>1.5%</u>	<u>1%</u>
<p>1. Roxbury- New construction + Single family additions less than 1,000 sf are exempt</p>	<p>2. Summit- Development fees shall be collected for any development which requires major or minor site plan and/or major or minor subdivision approval and/or planned research office development approval from either the Planning Board or Zoning Board of Adjustment. Development fees shall also be collected from any new single-family or two-family dwelling construction eligible for new home warranty otherwise exempt from site plan or subdivision approval.</p>
<p>3. Randolph Only new construction.</p>	<p>4. Madison – New construction on additions/renovations that increase the home’s assessed value by 50% or more</p>
<p>5. Chatham Borough - Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure. Developers of developments with one or two owner-occupied dwelling units.</p>	<p>6. Boonton Only new construction. All single-family residential additions, renovations and accessory structures shall be exempt; however, all new residential dwelling units shall be subject to a development fee.</p>
<p>7. Boonton Twp. - Improvements or additions to existing one- and two-family dwellings on individual lots shall not be required to pay a development fee, but a development fee shall be charged for any new dwelling constructed as a replacement for a previously existing dwelling on the same lot that was or will be demolished, unless the owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit. Where a development fee is charged for a replacement dwelling,</p>	<p>8. Mendham Borough- Only new construction Development fees shall not be imposed and collected when an existing structure undergoes a change to a more intense use or is expanded.</p>

<p>the development fee shall be calculated on the increase in the equalized assessed value of the new structure as compared to the previous structure.</p>	
<p>9. Denville – New construction + Developers that expand or increase the intensity of use of an existing residential structure or reconstruct a residential structure on a previously developed lot shall be required to pay a development fee. All other forms of new construction are subject to development fees.</p>	
<p>10. Fairfield- New construction + when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement.</p> <p>The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.</p>	

October 16, 2019

Memo

To: Borough Council

From: The Mountain Lakes Affordable Housing Advisory Committee

Re: Development Fee Ordinance recommendation amendment to Ord. 7-19

Background:

The Borough of Mountain Lakes must fund its Municipal Affordable Housing Trust Fund (MATF) account as per the adopted Settlement Agreement.

The council considered and passed Ord. 7-19 Development Fees on May 29, 2019 along with a Spending Plan, Ord. 8-19*. Ord 7-19 includes fees for new commercial development (set by the state) as well as fees collected for new home construction only. Since the state does not have a model ordinance on residential development/improvements, the Borough can determine the terms of how the residential fee is collected.

In discussions last spring, the MLAHC committee agreed that a fee should be imposed on new home construction and discussed whether fees should be on residential additions and/or renovations. There was concern that a fee on renovations might discourage people from improving their properties. Demolition of historic structures might happen because the fee could inhibit renovation. It was decided to revisit the ordinance in the fall. At its October 15, 2019 MLAHC meeting, the committee considered the options of how the Borough will raise MATF funding.

*Ordinance 08-19 Spending Plan projects the construction of 3 new homes/year and the construction of 5,000 s.f. of commercial space/year to fund the MATF.

Discussion on funding the Development Fee Ordinance included two options and a construction report from Construction Code Official Steven Gluck:

- **Option 1:** Borough responsibility to fund. Commercial new construction and improvement; new home construction only. Shortfall funded through general tax base.
- **Option 2:** Commercial new construction and improvement; new home construction and residential improvements

- **Construction Code Official Steven Gluck provided a construction report for activity in 2018:**
 - a. Commercial: no additions made that would affect the assessed value - only minor upgrades; churches are exempted.
 - b. Residential: 12 additions; 2 new single-family homes (multi home projects not included because the project satisfied the affordable housing obligation through inclusionary zoning. Steve reported that 4 new single-family homes built have been to date in 2019.

The Committee considered the following Development Fee Options for residential new and renovation improvements only. In weighing the options, the committee considered that value of construction on a building permit does not correlate to the increased assessed value, which will be much higher. The tax assessor would determine the calculation of increased value.

1. Any improvements
2. Only new construction **2**
3. Treating historic structures/homes separately by modifying the Historic Preservation ordinance rather than inserting language for historic homes into the Developer Fee ordinance
4. **'Madison' option:**
 - a. **Fees apply on new home construction, or on additions/ renovations that increase the home's assessed value by 50% or more.** **5**
 - b. Extra fee for variances: 6% fee of value of improvement
5. 'Mtn. Lakes' option: hybrid TBD **1**
6. Additional square footage added to home renovation **1**

Committee members consideration of options (in red).

Recommendation: Consensus from committee is to recommend the 'Madison option' (a) to be incorporated into the Borough's Development Fee Ordinance.

Committee agreed that the current ordinance requirement for commercial properties is appropriate and no changes are recommended.

Memo for November 13, 2019 Borough Council Meeting

Re: Developer Fee Ordinance Amendment Discussion

Questions for Borough Council to consider relate to residential properties:

What types of residential projects should be included?

1. All Improvements?
2. New Construction, or Additions/Renovations that Increase the Home's Assessed Value by 50% or More *
3. New Construction Only?
4. None (No developer fees for residential projects)? **

*Per the attached 10/16/19 memo, this option was the Borough's Affordable Housing Advisory Committee's consensus recommendation.

**The committee did not vote on this option of eliminating developer fees for residential projects, although it did come up both in Committee discussion and Council discussion.

What developer fee % should be used for residential projects?

1. 1.5%? *
2. 1.0%? **
3. Other?

* A 1.5% fee is what is in our current ordinance.

** A 1.0% fee is what is used in Madison's ordinance, which the Affordable Housing Committee used as a model for what types of residential projects should be included.

BOROUGH OF MOUNTAIN LAKES

ORDINANCE NO. 7-19

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES AND ESTABLISHING AFFORDABLE HOUSING DEVELOPMENT FEES

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 addition of the following new Chapter 65 which shall be entitled "Development Fees" and shall read, in its entirety, as follows:

Chapter 65 Affordable Housing Development Fees.

§65-1 Purpose.

- A. In *Holmdel Builder's Association v. Holmdel Borough*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the "Act"), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's ("COAH's") adoption of rules.
- B. Pursuant to P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2), and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have an approved spending plan may retain fees collected from nonresidential development.
- C. This article establishes standards for the collection, maintenance and expenditure of development fees pursuant Court approval since the Borough has sought and received a Declaratory Judgment approving its affordable housing plan and in accordance P.L. 2008, c. 46, Sections 8 and 32 through 38. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. This article shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

~~**§ 65-2 Basic requirements.**~~

~~A. This article shall not be effective until approved by the Superior Court.~~

~~B. The Borough of Mountain Lakes shall not spend development fees until the Superior Court has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.~~

§ 65-32. Definitions.

The following terms, as used in this article, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one hundred-percent-affordable development.

COAH or THE COUNCIL The New Jersey Council on Affordable Housing or a successor to be established under State law which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state.

DEVELOPER The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT FEE Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97- 8.3.

EQUALIZED ASSESSED VALUE The ~~assessed~~ value of a property **determined by the municipal tax assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of issuance of a building permit may be obtained utilizing estimates for construction cost. Final equalized value will be determined at project completion by the municipal tax assessor.** ~~divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35e).~~

§ 65-3 Nonresidential development fees.

Nonresidential development fees shall be collected in accordance with The New Jersey Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 8.8.

§ 65-4 Residential development fees.

A. Imposed fees.

- (1) ~~Within all residential zoning districts), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1 1/2% of the equalized assessed value for residential development, provided no increased density is permitted. Developers or owners of residential housing within all zone districts, which shall include any new residential development or any addition or other improvement to an existing residential structure, shall pay a fee of 1% of the equalized assessed value for the new residential development or improvement. Development fees shall be imposed and collected when an existing structure is expanded or undergoes an improvement subject to the provisions of Paragraph (2) below. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.~~
- (2) ~~When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.~~

- (2) No fee shall be charged pursuant to this section for any addition or improvement to an existing residential structure as long as the addition or improvement does not increase the equalized assessed value of the existing structure by more than 50%.**

~~Example. If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1 1/2% of the equalized assessed value on the first two units; and the specified higher percentage up to 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.~~

B. Eligible ~~exactions, ineligible exactions and~~ exemptions for residential development.

- (1) Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- (2) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. ~~The fee percentage shall be vested on the date that the building permit is issued~~

- (3) Residential structures demolished and replaced as a result of a natural disaster shall be exempt from paying a development fee.** ~~Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.~~

~~— (4) Developers of developments with one or two owner-occupied dwelling units or residential structures demolished and replaced as a result of a natural disaster shall be exempt from paying a development fee.~~

~~§ 65-5 Nonresidential development fees.~~

~~A. Imposed fees.~~

- ~~(1) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots. 23 of 27~~
- ~~(2) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.~~
- ~~(3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.~~

~~B. Eligible exactions, ineligible exactions and exemptions for nonresidential development.~~

- ~~(1) The nonresidential portion of a mixed-use inclusionary or market-rate development shall be subject to the two and one-half percent development fee, unless otherwise exempted below.~~

- ~~(2) The two and one half percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.~~
- ~~(3) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF, "State of New Jersey Nonresidential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.~~
- ~~(4) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46, shall be subject to it at such time as the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.~~
- ~~(5) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable 24 of 27 Form N-RDF, "State of New Jersey Nonresidential Development Certification/Exemption," to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.~~

§ 65-65 Procedure for collection of development fees

- A. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- B. Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- C. The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- D. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- E. Should the Borough of Mountain Lakes fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D8.6).
- F. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- G. Appeal of development fees.

- (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough of Mountain Lakes. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- (2) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough of Mountain Lakes. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

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.

Introduced:

Adopted:

Council Member	By:	2 nd	Yes	No	Abstain	Absent	By	2 nd	Yes	No	Abstain	Absent
Barrett												
Happer												
Horst												
Korman												
Shepherd												
Barnett												
Holmberg												

 Marcy Gianattasio, , Borough Clerk

 Lauren Barnett, Mayor

BOROUGH OF MOUNTAIN LAKES

ORDINANCE NO. 7-2019

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES AND ESTABLISHING AFFORDABLE HOUSING DEVELOPMENT FEES

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 addition of the following new Chapter 65 which shall be entitled "Development Fees" and shall read, in its entirety, as follows:

Chapter 65 Affordable Housing Development Fees.

§ 65-1 Purpose.

- A. In *Holmdel Builder's Association v. Holmdel Borough*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the "Act"), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's ("COAH's") adoption of rules.
- B. Pursuant to P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2), and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a approved spending plan may retain fees collected from nonresidential development.
- C. This article establishes standards for the collection, maintenance and expenditure of development fees pursuant Court approval since the Borough has sought and received a Declaratory Judgment approving its affordable housing plan and in accordance P.L. 2008, c. 46, Sections 8 and 32 through 38. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. This article shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

§ 65-2 Definitions.

The following terms, as used in this article, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one hundred-percent-affordable development.

COAH or THE COUNCIL The New Jersey Council on Affordable Housing or a successor to be established under State law which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state.

DEVELOPER The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT FEE Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97- 8.3.

EQUALIZED ASSESSED VALUE The value of a property determined by the municipal tax assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of issuance of a building permit may be obtained utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the municipal tax assessor.

§ 65-3 Nonresidential development fees.

Nonresidential development fees shall be collected in accordance with The New Jersey Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 8.8.

§ 65-4 Residential development fees.

A. Imposed fees.

- (1) Developers or owners of residential housing within all zone districts, which shall include any new residential development or any addition or other improvement to an existing residential structure, shall pay a fee of 1% of the equalized assessed value for the new residential development or improvement. Development fees shall be imposed and collected when an existing structure is expanded or undergoes an improvement subject to the provisions of Paragraph (2) below. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- (2) No fee shall be charged pursuant to this section for any addition or improvement to an existing residential structure as long as the addition or improvement does not increase the equalized assessed value of the existing structure by more than 50%.

B. Eligible exemptions for residential development.

- (1) Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- (2) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning

and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose.

- (3) Residential structures demolished and replaced as a result of a natural disaster shall be exempt from paying a development fee.

§ 65-5 Procedure for collection of development fees

- A. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- B. Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- C. The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- D. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- E. Should the Borough of Mountain Lakes fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D8.6).
- F. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- G. Appeal of development fees.
 - (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough of Mountain Lakes. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - (2) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough of Mountain Lakes. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

BOROUGH OF MOUNTAIN LAKES

ORDINANCE NO. 14-19

**AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF MOUNTAIN LAKES AND ESTABLISHING
AFFORDABLE HOUSING DEVELOPMENT FEES**

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 addition of the following new Chapter 65 which shall be entitled "Development Fees" and shall read, in its entirety, as follows:

Chapter 65 Affordable Housing Development Fees.

§ 65-1 Purpose.

- A. In *Holmdel Builder's Association v. Holmdel Borough*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the "Act"), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's ("COAH's") adoption of rules.
- B. Pursuant to P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2), and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a approved spending plan may retain fees collected from nonresidential development.
- C. This article establishes standards for the collection, maintenance and expenditure of development fees pursuant Court approval since the Borough has sought and received a Declaratory Judgment approving its affordable housing plan and in accordance P.L. 2008, c. 46, Sections 8 and 32 through 38. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. This article shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

§ 65-2 Definitions.

The following terms, as used in this article, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one hundred-percent-affordable development.

COAH or THE COUNCIL The New Jersey Council on Affordable Housing or a successor to be established under State law which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state.

DEVELOPER The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT FEE Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97- 8.3.

EQUALIZED ASSESSED VALUE The value of a property determined by the municipal tax assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of issuance of a building permit may be obtained utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the municipal tax assessor.

§ 65-3 Nonresidential development fees.

Nonresidential development fees shall be collected in accordance with The New Jersey Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 8.8.

§ 65-4 Residential development fees.

A. Imposed fees.

- (1) Developers or owners of new residential development shall pay a fee of 1.5% of the equalized assessed value for the new residential development.
- (2) Developers or owners of any property which has an addition or other improvement to an existing residential structure shall pay a fee of 1% of the equalized assessed value improvement. No fee, however, shall be charged for any addition or improvement to an existing residential structure as long as the addition or improvement does not increase the equalized assessed value of the existing structure (the improvement value only) by more than 50%. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure (improvement value only).

B. Eligible exemptions for residential development.

- (1) Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- (2) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose.

- (3) Residential structures demolished and replaced as a result of a natural disaster or a fire shall be exempt from paying a development fee.

§ 65-5 Procedure for collection of development fees

- A. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- B. Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- C. The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- D. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- E. Should the Borough of Mountain Lakes fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D8.6).
- F. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- G. Appeal of development fees.
 - (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough of Mountain Lakes. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - (2) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough of Mountain Lakes. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

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.

Introduced: November 13, 2019

Adopted: November 25, 2019

Council Member	By:	2 nd	Yes	No	Abstain	Absent	By	2 nd	Yes	No	Abstain	Absent
Happer			X						X			
Horst			X						X			
Korman			X				X		X			
Lane	X		X					X	X			
Menard					X						X	
Shepherd		X	X						X			
Barnett			X						X			

Council Member Menard recused himself from the vote for final adoption.


 Marcy Gianfattasio, Borough Clerk


 Lauren Barnett, Mayor

**BOROUGH OF MOUNTAIN LAKES
INTEROFFICE MEMORANDUM**

TO: Mitchell Stern, Borough Manager
SUBJECT: Third Quarter 2019 Current Budget Report
DATE: October 17, 2019

Attached is the third quarter budget report for the current fund budget:

Revenues: The majority of our revenue accounts as of 9/30/19 are either at or above 75% collected of the budgeted amount.

- Other Licenses – These fees are for raffle, food handlers, and solicitors’ permits, they can vary from year to year.
- Other Fees & Permits – The realized revenue as of 9/30/19 is over the budgeted amount, the other fees and permits consist of: soil erosion permits, tree removal permits, Planning Board fees, and Zoning Board of Adjustment fees. These fees are based on applications submitted and can vary from year to year.
- Court Revenue – The revenue is down compared to 2018, we will probably have a shortage at year end.
- Interest & Costs – Tax Collection – The revenue collected is at 69.75% of the amount anticipated however, on 12/4/19 the Tax Collector will be having the annual tax sale and additional interest and costs will be realized. I think we will realize the anticipated budget amount.
- Board of Education Field Lease and Board of Education portion of Solid Waste fees – We have received the first and second quarters and will receive the third and fourth quarters in October.
- Trash Bag Receipts – Compared to the 2018 revenue as of 9/30 the revenue is up by \$7,829. I am estimating that we will realize the budget amount for the year.
- The tax collection percentage was 99.55% in the first quarter, 99.18% in the second quarter, and 97.22% in the third quarter. The tax sale is set for 12/4/19 and as of 10/15/19 5 tax accounts and 17 utility accounts are on the list.

Expenditures:

- All Salary & Wage accounts – All salary and wage accounts have the first pay in October charged to them since the funds were transferred on 9/27/19.
- General Administration Other Expenses – As of 9/30/19 the budget expenditures are under budget however, the Borough has not been billed for postage from the Board of Ed since 3/31/19, payment is still due for the Borough website maintenance contract, a grant writer was not hired this year, and additional service contract payments will still be made before year end.
- Mayor & Council Other Expenses – Funds will have to be transferred to this line item to cover line items; seminars, dues and memberships, and womens’ club donation.

- Municipal Clerk Other Expenses – The funds budgeted for the agenda management program were not spent and the codification of ordinances and election expenses for the second half of the year have not been paid yet.
- Annual Audit – The State mandated that the audit and corresponding reports be submitted on the FAST system. This will incur more auditing costs so funds will have to be transferred into this account.
- Computer Services – The percentage expended as of 9/30/19 is low however, the police support contract is not paid until December, we have only paid the invoices for the IT maintenance through July, and our software costs for this year will be over budget by about \$2,000. Therefore, we will need to transfer about \$2,000 to this account.
- Tax Collector – Other Expense - Funds are remaining because not as much was spent on seminars as budgeted.
- Tax Assessor – Other Expense – No bills have been submitted for tax map revisions this year.
- Planning Board Other Expenses – This account might need some funds transferred into it to cover the legal bills. The payments are through August.
- Board of Adjustment Other Expenses – The percentage is 98.36 but that includes the legal contract encumbrance for the remainder of the year.
- Uniform Construction Code – Other Expense – Funds are remaining in the office supplies, mileage, seminars, and equipment and repair line items. Purchase orders will be put in for these accounts before year end. During 2019 an additional seat was purchased for Spatial Data and this was not budgeted for so \$1,500 will have to be transferred into this account.
- Code Enforcement Other Expenses – This account is used predominantly for uniform purchases and not as much was needed so far this year.
- Insurance – Liability, Worker’s Compensation, and Unemployment Compensation – All three of these are paid out for the year. There are funds remaining in the liability insurance account because we received a reimbursement for the risk management fees.
- Group Insurance – The account is up to date, we should have some funds left at the end of the year for transfers.
- Police Salary & Wage – The police overtime salary and wage account is approaching the budget amount, the Chief has adjusted schedules to minimize the overtime and he and the Manager are monitoring it closely.
- Police Other Expenses – This account is under budget because nothing has been submitted for education expenses this year.
- Inter local Service Agreements – Both accounts are encumbered for the entire year.
- Emergency Management Other Expenses – Chief Bennett is reviewing with the Emergency Management Team as to what equipment is needed and purchase requisitions will be submitted soon.
- Fire Department Other Expenses – The budget is at 40.04% but additional purchase orders will be encumbered before year end. There will be some funds remaining in the training line item that can be used for transfers.
- Volunteer Ambulance Squad Contribution – The contract for ambulance services is encumbered through the end of the year.
- Streets & Roads Salary & Wage – There are some funds remaining in the part time salaries line item that can be used for transfers, approximately \$4,500.
- Shade Tree Other Expenses – The Shade Tree Commission is working with the Borough Manager to finalize the list of trees to be removed.

- Solid Waste Other Expenses – The entire contract for the garbage and recycling is encumbered for the remainder of the year. All other subaccounts are on target for the year.
- Recycling Tax – The tax is only paid through August but this account should be within budget.
- Vehicle Repairs & Maintenance – The oil and antifreeze subaccount is over by \$1,000.00 and to make it through the end of the year we will need additional funds. The fire department subaccount is going to be over by about \$4,000.00 due primarily to air conditioning repairs on both trucks and engine filter clogged on both trucks. The DPW subaccount is over by \$4,580.88 as of 9/30/19 due to major repairs on trucks ML12 and ML 10 totaling \$7,253.71. I am estimating having to transfer about \$11,000.00 to the entire vehicle maintenance account.
- Board of Health Other Expenses – The contract for the year is encumbered.
- Environmental Committee – The majority of funds paid against this account are for the geese management plan, the Committee has not submitted many other requisitions for the other budget line items.
- Woodland Committee – Requisitions have not been submitted by the Committee.
- Dog Regulation – If we run out of funds in the dog trust account then the expenses will be charged to this line item. We will not know until later in the year.
- Recreation Salary & Wage – There will be funds available because the Assistant Beach Director position was not filled this year and the part time lifeguard salaries were slightly under the budgeted amount. There is a total of \$11,000.00 that can be used for transfers.
- Maintenance of Parks – The sampling program for the lakes is to be determined the amount budgeted for this was \$15,495.00 and under the nutrient inactivation line item only \$2,880.00 has been spent from the total budget of \$53,000.00.
- Aid to Public Library – This is encumbered for the entire year.
- Accumulated Leave Compensation – Salary & Wage – These funds have been moved to the trust account.
- Celebration of Public Events – All of the budgeted funds were spent on the Memorial Day Parade and Mountain Lakes Day.
- Electricity and Street Lighting – The electricity and street lighting are paid through August.
- Natural Gas – The account should be within budget.
- Telecommunications – The account should be within budget.
- Petroleum Products – This account should be within budget.
- Reserve for Salary Adjustment Salary & Wage – This amount can be used for transfers.
- PERS – There are funds remaining in this account, but we will need an additional \$1,000.00 to cover the employers' bill for the retro salaries for 2019.
- PFRS – There are funds remaining in this account, but we will need an additional \$800.00 to cover the employers' bill for the retro salary for 2019.
- Length of Service Awards – This is for the volunteer fire department members and will be paid out in 2020 for all members who qualified during 2019.
- DCRP – Employer Share – The amount paid every pay period is based on the hours worked by the part time employees who are in the DCRP program. This varies from pay to pay. The Borough hired a new part time employee this year and funds were not budgeted for these hours therefore, funds will need to be transferred into this account.
- Capital Improvement Fund – The entire amount was transferred to the general capital account to be used as down payment money for capital ordinances.

- Grant Expenditures – All amounts are transferred to the grant account and the individual charges are made against the grant fund.
- Deferred Charges – These are funds budgeted for deficits in the general capital account. These are paid out for the entire year.



Monica Goscicki
Chief Financial Officer

Borough of Mountain Lakes Budget Comparison

Current Fund - Expenditure Budgets

Activity to 9/30/2019

Activity to 9/30/2018

Table with columns: Account Number, Description, Budget, Activity, Encumbered, Balance, % Expended, Budget, Activity, Encumbered, Balance, % Expended, % Expended & Encumbered.

10/17/2019

Borough of Mountain Lakes Budget Comparison
Current Fund - Expenditure Budgets

Account Number	Description	Activity to 9/30/2019					Activity to 9/30/2018				
		Budget	Activity	Encumbered	Balance	% Expended & Encumbered	Budget	Activity	Encumbered	Balance	% Expended & Encumbered
01-201-26-300-020	SHADE TREE COMMISSION - O/E	\$91,520.00	\$5,758.14	\$10,925.00	\$74,836.86	18.23%	\$44,650.00	\$620.00	\$38,013.16	1.39%	14.86%
01-201-26-305-001	SOLID WASTE - SALARY & WAGES	\$7,244.00	\$3,625.17	\$0.00	\$3,618.83	50.04%	\$7,102.00	\$5,622.38	\$1,479.62	79.17%	79.17%
01-201-26-305-020	SOLID WASTE - OTHER EXPENSES	\$621,500.00	\$305,743.89	\$227,903.38	\$87,852.73	49.19%	\$601,450.00	\$353,300.60	\$171,540.04	58.74%	87.26%
01-201-26-306-020	RECYCLING TAX	\$4,700.00	\$2,218.92	\$308.97	\$2,172.11	47.21%	\$4,200.00	\$1,941.75	\$2,258.25	46.23%	46.23%
01-201-26-310-020	BLDG & GROUNDS - MUNIC BLDG	\$22,100.00	\$15,621.62	\$5,920.12	\$558.26	70.69%	\$22,100.00	\$7,043.24	\$14,702.06	31.87%	33.47%
01-201-26-315-020	VEHICLE REPAIRS & MAINTENANCE	\$50,500.00	\$29,120.16	\$16,231.39	\$5,148.45	97.47%	\$48,000.00	\$31,337.15	\$11,796.90	65.29%	89.86%
01-201-27-330-001	BOARD OF HEALTH - SALARY/WAGE	\$5,000.00	\$3,958.27	\$0.00	\$1,041.73	79.17%	\$5,000.00	\$3,958.31	\$1,041.69	79.17%	79.17%
01-201-27-330-020	BOARD OF HEALTH - OTHER EXP.	\$25,678.00	\$19,258.50	\$6,419.50	\$0.00	75.00%	\$25,500.00	\$19,068.00	\$6,356.00	74.78%	99.70%
01-201-27-337-020	ENVIRONMENTAL COMM - OTHER EXP	\$8,710.00	\$2,036.55	\$0.00	\$6,673.45	23.38%	\$5,460.00	\$3,949.44	\$1,510.56	72.33%	72.33%
01-201-27-340-020	WOODLAND COMMITTEE - OTHER EXPENSE	\$900.00	\$266.16	\$0.00	\$633.84	29.57%	\$750.00	\$69.00	\$681.00	9.20%	9.20%
01-201-27-360-020	DOG REGULATION - OTHER EXPENSE	\$2,000.00	\$0.00	\$0.00	\$2,000.00	0.00%	\$2,000.00	\$0.00	\$1,796.00	0.00%	18.36%
01-201-27-360-020	CONTRIB TO SENIOR CITIZENS	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$1,000.00	\$0.00	\$1,000.00	0.00%	0.00%
01-201-28-370-001	RECREATION DEPT - SALARY/WAGE	\$89,650.00	\$71,724.76	\$0.00	\$17,925.24	80.01%	\$88,498.00	\$73,060.72	\$15,437.28	82.56%	82.56%
01-201-28-370-020	PARKS & PLAYGROUNDS OTHER EXP.	\$34,800.00	\$21,786.96	\$179.00	\$12,834.04	62.61%	\$37,550.00	\$24,911.80	\$12,136.98	66.34%	67.68%
01-201-28-375-020	MAINT OF PARKS (BEACHES/LAKES)	\$148,740.00	\$59,003.84	\$24,114.51	\$65,621.65	39.67%	\$132,070.00	\$75,578.21	\$40,810.01	57.23%	69.10%
01-201-29-390-020	AID TO PUBLIC LIBRARY	\$274,292.00	\$228,576.68	\$45,715.32	\$0.00	83.33%	\$263,000.00	\$219,166.63	\$43,833.37	83.33%	100.00%
01-201-30-415-010	ACCUMULATED LEAVE COMPENSATION - S&W	\$10,000.00	\$10,000.00	\$0.00	\$0.00	100.00%	\$10,000.00	\$0.00	\$10,000.00	0.00%	0.00%
01-201-31-435-020	ELECTRICITY - ALL DEPARTMENTS	\$7,500.00	\$6,859.02	\$0.00	\$640.98	91.45%	\$2,500.00	\$1,706.34	\$793.66	68.25%	68.25%
01-201-31-436-020	ELECTRICITY - STREET LIGHTING	\$52,500.00	\$28,073.25	\$0.00	\$24,426.75	53.47%	\$52,500.00	\$39,962.18	\$7,779.40	76.12%	85.18%
01-201-31-437-020	NATURAL GAS	\$47,000.00	\$26,518.32	\$0.00	\$20,481.68	56.42%	\$45,000.00	\$12,754.94	\$32,245.06	28.34%	28.34%
01-201-31-440-020	TELECOMMUNICATIONS	\$25,000.00	\$16,078.77	\$0.00	\$8,921.23	64.32%	\$25,000.00	\$13,766.30	\$10,792.92	55.07%	56.83%
01-201-31-447-020	PETROLEUM PRODUCTS	\$22,500.00	\$13,172.39	\$4,338.81	\$4,988.80	58.54%	\$22,500.00	\$13,207.60	\$8,696.53	58.70%	61.35%
01-201-31-456-010	RESERVE FOR SALARY ADJUSTMENT - S&W	\$37,500.00	\$15,690.18	\$5,245.19	\$16,564.63	41.84%	\$37,500.00	\$21,198.80	\$13,963.99	56.53%	93.77%
01-201-36-471-020	PERS	\$15,500.00	\$0.00	\$0.00	\$15,500.00	0.00%	\$15,500.00	\$0.00	\$15,500.00	0.00%	0.00%
01-201-36-472-020	SOCIAL SECURITY (O.A.S.I.)	\$152,598.00	\$151,062.93	\$0.00	\$1,535.07	98.99%	\$106,163.00	\$107,647.59	\$0.00	101.40%	101.40%
01-201-36-475-000	PPRS - CONTRIBUTION	\$111,443.00	\$87,707.08	\$0.00	\$23,735.92	78.70%	\$110,432.00	\$92,929.63	\$17,502.37	84.15%	84.15%
01-201-36-476-020	LENGTH OF SVS AWARDS (LOSAP)	\$417,067.00	\$416,768.46	\$0.00	\$298.54	99.93%	\$372,968.00	\$373,314.32	\$0.00	100.00%	100.00%
01-201-36-477-020	DCRP - EMPLOYER SHARE	\$22,500.00	\$0.00	\$0.00	\$22,500.00	0.00%	\$22,500.00	\$0.00	\$22,500.00	0.00%	0.00%
01-201-41-700-000	GRANT EXPENDITURES	\$5,500.00	\$4,545.79	\$0.00	\$954.21	82.65%	\$8,165.00	\$4,192.53	\$3,972.47	51.35%	51.35%
01-201-44-901-020	CAPITAL IMPROVEMENT FUND	\$22,998.86	\$22,998.86	\$0.00	\$0.00	100.00%	\$49,158.27	\$49,158.27	\$0.00	100.00%	100.00%
01-201-45-920-020	PAYMENT OF BOND PRINCIPAL	\$148,198.00	\$148,198.00	\$0.00	\$0.00	100.00%	\$38,865.00	\$38,865.00	\$0.00	100.00%	100.00%
01-201-45-925-020	PAYMENT OF BAN PRINCIPAL	\$1,020,000.00	\$740,000.00	\$0.00	\$280,000.00	72.55%	\$1,015,000.00	\$735,000.00	\$280,000.00	72.41%	72.41%
01-201-45-930-020	INTEREST ON BONDS	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00		
01-201-45-935-020	INTEREST ON NOTES	\$228,425.00	\$214,425.00	\$0.00	\$0.00	93.87%	\$261,125.00	\$241,058.34	\$20,066.66	92.32%	92.32%
01-201-46-880-020	DEFERRED CHARGES	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00		
01-201-50-899-020	RESERVE FOR UNCOLLECTED TAXES	\$20,887.00	\$20,887.00	\$0.00	\$0.00	100.00%	\$86,510.00	\$86,510.00	\$0.00	100.00%	100.00%
		\$1,455,361.00	\$1,455,361.00	\$0.00	\$0.00	100.00%	\$1,412,153.35	\$1,412,153.35	\$0.00	100.00%	100.00%
TOTALS		\$9,570,967.86	\$7,311,934.96	\$496,336.07	\$1,762,696.83	76.40%	\$9,365,051.62	\$7,264,701.53	\$1,659,962.95	77.57%	82.27%

Current Fund - Revenue Budgets										
Account Number	Description	Activity to 9/30/2019			Activity to 9/30/2018			Received %	Balance	Received %
		Budget	Activity	Balance	Budget	Activity	Balance			
01-190-07-200-000	AMOUNT TO BE RAISED BY TAXATION	\$6,651,119.00	-\$24,129,938.52	\$30,781,057.52	\$6,381,185.35	-\$23,741,251.59	\$30,122,436.94	-362.80%		
01-192-08-101-000	ANTICIPATED SURPLUS	\$1,459,338.00	\$1,459,338.00	\$0.00	\$1,564,338.00	\$1,564,338.00	\$0.00	100.00%		
01-192-08-103-004	CAPITAL SURPLUS - GENERAL CAPITAL	\$55,000.00	\$55,000.00	\$0.00	\$5,000.00	\$5,000.00	\$0.00	100.00%		
01-192-08-103-000	LICENSES - LIQUOR	\$12,000.00	\$12,688.00	-\$688.00	\$12,000.00	\$12,688.00	\$0.00	105.73%		
01-192-08-104-000	OTHER LICENSES	\$500.00	\$2,140.00	-\$1,640.00	\$500.00	\$12,688.00	\$(688.00)	428.00%		
01-192-08-105-000	FEES & PERMITS	\$21,500.00	\$27,330.09	-\$5,830.09	\$19,000.00	\$24,908.79	\$(1,240.00)	127.12%		
01-192-08-106-010	CLERK'S FEES & PERMITS	\$3,000.00	\$4,889.00	-\$1,889.00	\$3,500.00	\$1,938.00	\$(5,908.79)	162.97%		
01-192-08-110-000	MUNICIPAL COURT FINES & COSTS	\$31,000.00	\$20,262.50	\$10,737.50	\$31,000.00	\$34,712.18	1,562.00	65.36%		
01-192-08-112-000	INTEREST & COSTS-TAX COLLECTION	\$42,000.00	\$29,293.37	\$12,706.63	\$42,500.00	\$26,866.04	\$(3,712.18)	69.75%		
01-192-08-113-000	INTEREST ON INVESTMENTS	\$20,500.00	\$16,615.93	\$3,884.07	\$15,000.00	\$38,172.30	15,633.96	81.05%		
01-192-08-115-000	CABLE FRANCHISE FEES	\$18,619.00	\$18,619.00	\$0.00	\$20,477.00	\$20,477.00	\$(0.76)	100.00%		
01-192-08-118-000	RECREATION FEES & INCOME	\$60,000.00	\$60,653.00	-\$653.00	\$60,000.00	\$63,139.00	\$(3,139.00)	101.09%		
01-192-08-119-000	RENT FROM RAILROAD STATIONS	\$33,000.00	\$27,810.00	\$5,190.00	\$33,000.00	\$27,000.00	6,000.00	84.27%		
01-192-08-120-000	T-MOBILE CELL TOWER LEASE	\$64,000.00	\$50,870.52	\$13,129.48	\$64,000.00	\$48,913.99	15,086.01	79.49%		
01-192-08-121-000	SPRINT/NEXTEL LEASE-1/2 DUE T-MOBILE	\$18,000.00	\$16,151.22	\$1,848.78	\$18,000.00	\$15,680.79	2,319.21	89.73%		
01-192-08-122-000	BOARD OF EDUCATION-FIELD LEASE	\$45,000.00	\$22,500.00	\$22,500.00	\$45,000.00	\$22,500.00	22,500.00	50.00%		
01-192-08-123-000	VERIZON GROUND LEASE (AS OF 1/1/17)	\$29,500.00	\$26,601.97	\$2,898.03	\$29,500.00	\$23,174.91	6,325.09	90.18%		
01-192-08-125-000	SOLID WASTE FEES	\$53,600.00	\$30,542.00	\$23,058.00	\$53,600.00	\$29,271.00	24,329.00	56.98%		
01-192-08-126-000	TRASH BAG RECEIPTS	\$186,000.00	\$136,417.50	\$49,582.50	\$190,000.00	\$128,588.25	61,411.75	73.34%		
01-192-08-160-000	UNIFORM CONSTRUCTION CODE FEES	\$141,000.00	\$109,635.00	\$31,365.00	\$125,000.00	\$73,766.00	51,234.00	77.76%		
01-192-09-000-000	STATE AID REVENUE (NON-GRANT)	\$417,293.00	\$317,998.75	\$99,294.25	\$417,293.00	\$317,998.75	99,294.25	76.21%		
01-192-10-000-000	FEDERAL & STATE GRANT REVENUE	\$22,998.86	\$22,998.86	\$0.00	\$49,158.27	\$49,158.27	\$0.00	100.00%		
01-192-15-499-000	RECEIPTS DELINQUENT TAX	\$186,000.00	\$186,727.10	-\$727.10	\$186,000.00	\$169,762.90	16,237.10	100.39%		
01-192-18-001-000	CURRENT YEAR TAXES RECEIVED	\$0.00	\$23,591,202.91	-\$23,591,202.91	\$0.00	\$18,754,701.17	\$(18,754,701.17)	100.00%		
01-192-20-200-000	UNANTICIPATED REVENUES (MRNA)	\$0.00	\$58,162.18	-\$58,162.18	\$0.00	\$57,565.56	\$(57,565.56)	100.00%		
TOTALS		\$9,570,967.86	\$2,174,508.38	\$7,396,459.48	\$9,365,051.62	-\$2,229,189.93	11,594,241.55			

BOROUGH OF MOUNTAIN LAKES
INTEROFFICE MEMORANDUM

TO: Mitchell Stern, Borough Manager

SUBJECT: Third Quarter 2019 Water Budget Report
Third Quarter 2019 Sewer Budget Report

DATE: October 15, 2019

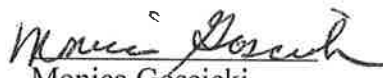
Attached are the third quarter budget reports for the water operating and sewer operating budgets:

Water Operating:

- The total Water Operating budget for 2019 is \$864,788.00, of that amount \$755,446.00 is from water usage fees. Based on the total budget, three quarters' revenue of the water rents would be \$566,584.50. Our receipts through the third quarter were \$565,832.36 which is 60.29% of the budgeted revenue. The percentage collected for what was billed during the third quarter plus the beginning balance was 95.96%. In October the Borough collected a \$60,000.00 water connection fee from Sunrise Development. Our revenue collections should exceed our budgeted amount for the year with the excess going to fund balance. As of 10/18/19 \$298,518.62 has been billed for the third quarter.
- The expenditures paid or charged as of 9/30/19 are 72.04% of the total budget. The salaries and wages and social security are slightly under 75% of the budgeted amount, due to some turnover of employees in the DPW. The other expenses are at 70.55% expended, the electric bills are only paid through August.
- The PERS employer bill for 2019 has been paid in full but we will be receiving a bill for the 2019 salary increase in 2020.

Sewer Operating:

- The total Sewer Operating budget is \$900,178.00, of that amount \$873,178.00 is from sewer usage fees. Based on the total budget, three quarters' revenue of the sewer usage fees would be \$654,883.50. Our receipts through the third quarter were \$627,904.77 which is 71.91% of the budgeted revenue. The percentage collected for what was billed during the third quarter plus the beginning balance was 87.3%. In October the Borough collected a \$100,000.00 sewer connection fee from Sunrise Development. Our revenue collections for the year should exceed the budget amount with the excess going to fund balance. As of 10/18/19 \$258,783.48 has been billed for the third quarter.
- The expenditures paid or charged as of 9/30/19 are 87.95% of the total budget. They are on target for the year. The salaries and wages and social security are slightly under 75% due to turnover of some employees in the DPW. The total other expenses are at 96.05% expended because the funds due to Parsippany are encumbered for the entire year.
- The PERS employer bill for 2019 has been paid in full but we will be receiving a bill for the 2019 salary increase in 2020.


Monica Goscicki
Chief Financial Officer

Borough of Mountain Lakes
 Water and Sewer - Billing and Revenue
 Third Quarter 2019

	July	August	Sept
Water:			
Beginning Balance	\$9,702.17	\$138,625.62	\$21,062.41
Adjustments (+/-)			-\$38.89
Billed - Including Adjustments	\$202,410.55	\$3,954.23	\$3,449.15
Receipts - Including Adjustments	-\$73,487.10	-\$121,517.44	-\$15,643.98
Ending Balance	\$138,625.62	\$21,062.41	\$8,828.69
Sewer:			
Beginning Balance	\$39,240.54	\$175,507.10	\$44,500.88
Adjustments (+/-)			\$38.89
Billed - Including Adjustments	\$226,895.57	\$317.18	\$1,365.94
Receipts - Including Adjustments	-\$90,629.01	-\$131,323.40	-\$11,875.45
Ending Balance	\$175,507.10	\$44,500.88	\$34,030.26

Borough of Mountain Lakes

Water Operating - Revenue Budgets

Activity to 9/30/2019

Activity to 9/30/2018

Account Number	Description	Activity to 9/30/2019			Activity to 9/30/2018				
		Budget	Activity	Balance	% Received	Budget	Activity	Balance	% Received
05-192-08-501-000	ANTICIPATED SURPLUS	\$109,342.00	\$109,342.00	\$0.00	100.00%	\$93,324.00	\$93,324.00	\$0.00	100.00%
05-192-17-000-000	WATER OPERATING REVENUES	\$755,446.00	\$455,430.96	\$300,015.04	60.29%	\$734,000.00	\$457,646.75	\$276,353.25	62.35%
05-192-17-100-000	MRNA - INTEREST EARNED	\$0.00	\$1,059.40	-\$1,059.40		\$0.00	\$896.13	-\$896.13	
TOTALS		\$864,788.00	\$565,832.36	\$298,955.64	65.43%	\$827,324.00	\$551,866.88	\$275,457.12	66.71%

Water Operating - Expenditure Budgets

Activity to 9/30/2019

Activity to 9/30/2018

Account Number	Description	Activity to 9/30/2019			Activity to 9/30/2018						
		Budget	Activity	Encumbered	Balance	% Expended	Budget	Activity	Encumbered	Balance	% Expended
05-201-55-510-001	Water Operating - Salary & Wages	\$424,373.00	\$316,714.33	\$0.00	\$107,658.67	74.63%	\$429,862.00	\$314,553.18	\$0.00	\$115,308.82	73.18%
05-201-55-520-520	Water Operating - Other Expenses	\$372,227.00	\$212,365.08	\$50,248.55	\$109,613.37	70.55%	\$319,793.00	\$185,317.67	\$38,816.90	\$95,658.43	70.09%
05-201-55-527-000	Water - Capital Outlay	\$15,000.00	\$0.00	\$0.00	\$15,000.00	0.00%	\$15,000.00	\$14,405.54	\$0.00	\$594.46	96.04%
05-201-55-531-000	Water - Social Security	\$32,465.00	\$23,214.82	\$0.00	\$9,250.18	71.51%	\$30,971.00	\$23,004.20	\$0.00	\$7,966.80	74.28%
05-201-55-532-000	Water - P.E.R.S.	\$20,723.00	\$20,426.12	\$0.00	\$296.88	98.57%	\$14,417.00	\$14,417.00	\$0.00	\$0.00	100.00%
05-201-55-534-000	Water - Emergency						\$17,281.00	\$17,280.67	\$0.00	\$0.33	100.00%
TOTALS		\$864,788.00	\$572,720.35	\$50,248.55	\$241,819.10	72.04%	\$827,324.00	\$568,978.26	\$38,816.90	\$219,528.84	73.47%

Borough of Mountain Lakes

Sewer Operating - Revenue Budgets

Account Number	Description	Activity to 9/30/2019			Activity to 9/30/2018		
		Budget	Activity	% Received	Budget	Activity	% Received
07-192-08-501-000	ANTICIPATED SURPLUS	\$0.00	\$0.00		\$34,507.00	\$34,507.00	100.00%
07-192-17-000-000	SEWER OPERATING REVENUES	\$873,178.00	\$627,904.77	71.91%	\$863,000.00	\$624,433.73	72.36%
07-192-17-001-000	SEWER - MISCELLANEOUS FEES	\$27,000.00	\$13,167.99	48.77%	\$20,000.00	\$1,888.31	90.56%
07-192-17-003-000	SEWER REVENUE - CURRENT DEFICIT FUNDING	\$0.00	\$0.00		\$65,623.00	\$0.00	
TOTALS		\$900,178.00	\$641,072.76	71.22%	\$983,130.00	\$742,675.42	75.54%

Sewer Operating - Expenditure Budgets

Account Number	Description	Activity to 9/30/2019			Activity to 9/30/2018		
		Budget	Activity	% Expended	Budget	Activity	% Expended
07-201-55-510-001	Sewer Operating - Salary & Wages	\$247,394.00	\$179,004.52	72.36%	\$249,973.00	\$170,724.07	68.30%
07-201-55-520-520	Sewer Operating - Other Expenses	\$608,787.00	\$402,106.38	66.05%	\$581,423.00	\$380,864.78	65.50%
07-201-55-527-000	Sewer Operating - Capital Outlay	\$10,000.00	\$0.00	0.00%	\$10,000.00	\$0.00	0.00%
07-201-55-531-000	Sewer Operating - Social Security	\$18,926.00	\$13,120.63	69.33%	\$18,741.00	\$12,351.74	65.91%
07-201-55-532-000	Sewer Operating - P.E.R.S.	\$15,071.00	\$14,855.36	98.57%	\$10,485.00	\$10,485.19	100.00%
07-201-55-533-001	Sewer Operating - Deferred Charges				\$112,508.00	\$112,507.11	
TOTALS		\$900,178.00	\$609,086.89	67.65%	\$983,130.00	\$686,932.89	69.87%

Water and Sewer Billing by Quarter 2012-2019
In Gallons

	1Q		2Q		3Q		4Q		Total		Total Water & Sewer	Total Water Res & Comm
	Water	Sewer	Water	Sewer	Water	Sewer	Water	Sewer	Water	Sewer		
2012												
Residential	24,927,303.04	24,423,827.04	27,326,681.88	26,720,475.04	34,394,308.80	31,264,929.52	26,317,988.16	23,624,846.60	112,966,281.88	106,034,078.20	219,000,360.08	112,966,281.88
Yard	3,476,109.80	3,753,274.80	4,400,476.88	3,670,254.32	8,447,819.32	5,060,474.52	4,523,466.04	3,723,491.20	32,789,730.48	32,789,730.48	32,789,730.48	32,789,730.48
Commercial	28,403,412.84	28,177,101.84	41,964,937.84	30,390,729.36	63,870,613.48	36,325,404.04	32,293,567.08	27,348,337.80	166,532,531.24	122,241,573.04	36,964,013.72	20,776,518.88
2013												
Residential	23,995,314.12	23,686,518.92	28,201,059.32	26,465,732.04	27,753,454.56	27,001,854.76	25,645,581.48	25,090,318.64	105,535,409.48	102,244,424.36	207,779,833.84	105,535,409.48
Yard	62,996.56	62,996.56	11,531,301.00	11,531,301.00	15,032,515.64	144,900.24	144,900.24	3,957,981.96	26,771,713.44	26,771,713.44	26,771,713.44	26,771,713.44
Commercial	2,962,869.68	3,094,069.68	3,206,565.00	5,090,365.08	22,629,530.00	20,117,161.12	3,673,481.96	3,957,981.96	32,472,446.64	32,269,577.84	64,742,024.48	32,472,446.64
2014												
Residential	26,961,180.36	26,780,588.60	42,938,925.32	31,556,097.12	65,415,500.20	47,119,015.88	29,463,963.68	29,058,300.60	164,779,569.56	134,514,002.20	299,293,571.76	138,007,856.12
Yard	25,980,397.32	24,885,773.72	23,574,126.28	23,060,619.60	29,409,547.12	28,250,088.52	24,491,385.04	24,121,539.60	103,455,455.76	100,318,021.44	203,773,477.20	103,455,455.76
Commercial	86,827.84	86,827.84	10,554,092.84	1,949,776.00	18,132,628.72	4,198,476.88	156,067.68	3,874,224.80	28,929,617.08	15,135,775.84	28,929,617.08	27,075,951.80
2015												
Residential	29,523,719.12	28,503,117.68	36,077,995.12	26,506,349.80	51,756,645.84	32,448,565.40	26,966,868.72	27,995,764.40	144,325,228.80	115,453,797.28	259,779,026.08	115,395,611.72
Yard	26,103,722.04	25,212,817.04	27,215,618.72	26,066,436.28	31,359,052.64	29,622,529.00	29,374,097.04	28,844,291.68	114,052,490.44	109,746,074.00	223,798,564.44	114,052,490.44
Commercial	15,596.04	15,596.04	13,772,653.24	4,061,678.84	20,890,566.40	4,717,580.00	266,534.84	3,515,369.68	34,945,350.52	14,821,584.84	34,945,350.52	18,071,568.60
2016												
Residential	3,700,402.04	3,862,147.04	45,049,950.80	28,692,924.40	59,121,256.48	34,340,109.00	33,078,482.16	32,459,661.36	167,069,409.56	124,567,658.84	291,637,068.40	132,124,059.04
Yard	17,993,622.04	18,346,543.28	29,706,092.56	28,887,308.08	32,663,837.32	31,481,829.24	23,951,436.80	24,309,167.04	104,314,988.72	102,824,847.64	207,139,836.36	104,314,988.72
Commercial	2,195,989.00	2,263,151.00	19,739,595.16	4,109,352.36	22,902,957.24	6,218,734.84	572,504.24	2,946,819.44	43,244,438.08	43,244,438.08	43,244,438.08	43,244,438.08
2017												
Residential	20,219,992.48	20,609,594.28	54,244,163.16	32,796,660.44	61,785,529.40	35,753,124.04	27,283,719.48	27,255,986.48	153,533,404.52	116,415,465.24	279,948,869.76	153,533,404.52
Yard	22,830,865.00	22,888,733.84	25,549,138.96	24,771,044.08	25,109,834.20	24,246,142.36	21,901,129.88	22,293,119.52	96,390,968.04	94,199,039.80	189,590,007.84	96,390,968.04
Commercial	155,968.52	155,968.52	13,855,956.68	3,263,013.28	16,339,274.68	3,183,025.80	178,372.04	3,052,957.92	30,529,571.92	13,125,283.16	26,609,213.68	13,483,930.52
2018												
Residential	3,139,238.04	3,363,538.04	3,609,992.88	3,263,013.28	3,504,578.64	3,183,025.80	3,130,120.96	3,315,706.04	13,483,930.52	13,125,283.16	26,609,213.68	13,483,930.52
Yard	26,126,071.56	26,252,271.88	43,015,088.52	28,034,057.36	45,053,687.52	27,429,168.16	25,209,622.88	25,608,825.56	139,404,470.48	107,324,322.96	246,728,793.44	108,874,898.56
Commercial	22,446,514.44	23,300,720.20	21,776,923.76	21,640,726.32	27,307,292.16	26,872,337.56	20,798,653.72	21,224,128.40	92,329,384.08	93,037,912.48	185,367,296.56	92,329,384.08
2019												
Residential	33,709.00	33,709.00	12,321,982.44	17,198,510.32	19,100.00	3,229,948.36	3,058,505.36	3,229,948.36	29,573,301.76	14,498,271.16	29,573,301.76	29,573,301.76
Yard	3,226,183.48	3,147,937.00	5,651,948.24	3,187,636.00	5,885,141.04	4,933,749.80	23,886,259.08	24,454,076.76	17,831,778.12	14,498,271.16	32,331,049.28	17,831,778.12
Commercial	25,706,406.92	26,448,657.20	39,750,854.44	24,828,362.32	50,390,943.52	31,806,087.36	23,886,259.08	24,454,076.76	139,734,463.96	107,537,183.64	247,271,647.60	110,161,162.20
2020												
Residential	20,962,108.84	20,860,361.96	22,743,753.68	22,384,406.92	26,179,373.44	24,992,783.76	26,179,373.44	24,992,783.76	69,885,235.96	68,237,552.64	138,122,788.60	69,885,235.96
Yard	3,184,787.68	3,271,117.96	9,717,477.60	17,016,834.56	17,016,834.56	6,659,473.88	17,016,834.56	17,016,834.56	26,734,312.16	26,734,312.16	26,734,312.16	26,734,312.16
Commercial	24,146,896.52	24,131,479.92	38,193,586.68	27,290,404.68	51,135,923.84	31,652,257.64	51,135,923.84	31,652,257.64	113,476,407.04	83,074,142.24	196,550,549.28	16,856,858.92

Note:
 1st Quarter use is January-March current year
 2nd Quarter use is April-June current year
 3rd Quarter use is July-September current year
 4th Quarter use is October-December current year

BOROUGH OF MOUNTAIN LAKES
INTEROFFICE MEMORANDUM

TO: Mitchell Stern, Borough Manager

SUBJECT: Trust Balances

DATE: October 18, 2019

Below are the balances in the Reserve for Tax Appeals and the Various Trust Accounts:

The Storm Recovery Trust Account balance as of 1/1/19 was \$131,401.18. On 2/8/2019 the Borough received \$30,021.91 from FEMA for the storm dated 3/6/18-3/7/18 for emergency protective means. On 5/16/19 the Borough received \$57,366.95 from FEMA for the storm dated 3/6/18-3/7/18 for debris removal. The balance in the Reserve account is \$218,790.04. The balance in the 2018 current reserve budget for storm emergency is \$40,475.57. Before year end the finance committee will evaluate whether or not to move these funds into the trust account.

The Accumulated Absences Trust balance is \$50,000.00. Our actual liability as shown in the User Friendly Budget at 12/31/2018 is \$76,367.37.

The Liability Insurance Trust balance is \$50,000, which is at the targeted amount.

The Reserve for Tax Appeals on the Current Fund trial balance was \$442,858.17 as of 1/1/19, of this amount \$432,858.17 is earmarked for the future payments on the Fairfield Industries tax appeal. The second payment to Fairfield Industries in the amount of \$216,429.09 was paid. There was \$100,000.00 transferred into the reserve from the 2019 current fund budget. During the first quarter of 2019, \$74,126.00 has been paid out of the reserve for settled tax appeals. The remaining available balance is \$35,874.00.

During the third quarter, \$6,000.00 was deducted from the Capital Improvement Fund for the down payment on ordinance 10-19, Morris Avenue.


Monica Gosciński
Chief Financial Officer

Borough of Mountain Lakes
2019 Reserve Accounts

	Balance 12/31/2018	1st Qtr 2019		2nd Qtr 2019		3rd Qtr 2019		4th Qtr 2019		Balance
		Increases	Decreases	Increases	Decreases	Increases	Decreases	Increases	Decreases	
Reserve for Tax Appeals	\$442,858.17 **		\$74,126.00	\$100,000.00	\$216,429.09 ***					\$252,303.08
Reserve for Storm Recovery	\$131,401.18	\$30,021.91		\$57,366.95						\$218,790.04
Reserve for Accum. Absences	\$40,000.00			\$10,000.00						\$50,000.00
Reserve for Liability Insurance	\$50,000.00									\$50,000.00
Capital Improvement Fund	\$73,944.91			\$148,198.00	\$148,198.00	\$6,000.00				\$67,944.91
Premium on Bonds	\$96,339.90 *				\$5,000.00					\$91,339.90

* Premium on Bonds is part of the General Capital Fund Balance. The balance as of 12/31/2018 is the premium from the 2017 bond sale.

** \$432,858.17 of the Reserve for Tax Appeals balance at 12/31/18 is for the settled tax appeal for Fairfield Industries.

*** Decrease in Reserve for Tax Appeals is the second payment to Fairfield Industries.

Borough of Mountain Lakes

Fund Number	Capital and Trust Accounts	Cash Balance 9/30/2019
4	General Capital	\$ 823,411.65
	Subaccounts - Part of the cash balance	
	Capital Improvement Fund Balance	67,944.91
	Premium on Bonds - Part of Fund Balance	91,339.90
6	Water Capital	\$ 13,919.52
8	Sewer Capital	\$ 39,718.81
12	Payroll Agency	\$ 29,162.11
13	Animal Control	\$ 1,552.18
14	Unemployment	\$ 24,559.54
17	Developer's Escrow	\$ 63,632.02
18	Other Trust	\$ 428,139.57
	Subaccounts:	
	Reserve for Municipal Alliance	7,674.76
	Reserve for Parking Offenses Adj. Act	210.69
	Fire Marshall Trust	4,532.55
	Tax Sale Premiums	70,100.00
	Police - Special Funds	500.00
	Spruce Edge Parks/Walkways	24,404.44
	Video Systems for Police Cars	850.00
	Reserve for Accumulated Absences	50,000.00
	Reserve for Storm Recovery	218,790.04
	Reserve for Liability Insurance	50,000.00
19	Police Outside Services	\$ 78,783.82
20	Affordable Housing	\$ 1,958.73
23	Police Forfeiture of Assets	\$ 9,893.84
26	Flexible Spending	\$ 669.29
32	Shade Tree	\$ 4,440.87
33	Recreation	\$ 238,157.19
	Subaccounts:	
	Historic Preservation Comm.	27,686.05
	Mountain Lakes Centennial Comm.	15,997.97
	Various Recreation Programs	191,473.17
49	Net Payroll	48.96

Capital Ordinances General Capital

Activity to 9/30/2019

*ACTIVITY = Budget - (Balance + Encumbered) (You can include the break out by journal from the report options)

Account Number	Description	Budget	Activity	Encumbered	Balance
04-215-55-975-000	BOND ORDINANCE #06-11: VAR CAP IMPROVE				
04-215-55-975-001	ADMINISTRATION EQUIPMENT: FUNDED	750.00	4,392.00	-	(4,392.00)
04-215-55-975-002	ADMINISTRATION EQUIPMENT: UNFUNDED	14,250.00	750.00	-	-
04-215-55-975-003	FIRE DEPT EQUIPMENT: FUNDED	1,250.00	14,250.00	-	-
04-215-55-975-004	FIRE DEPT EQUIPMENT: UNFUNDED	23,750.00	1,250.00	-	-
04-215-55-975-005	POLICE DEPT EQUIPMENT: FUNDED	1,750.00	23,750.00	-	-
04-215-55-975-006	POLICE DEPT EQUIPMENT: UNFUNDED	33,250.00	1,750.00	-	-
04-215-55-975-007	DPW EQUIPMENT: FUNDED	675.00	33,250.00	-	-
04-215-55-975-008	DPW EQUIPMENT: UNFUNDED	12,825.00	675.00	-	-
04-215-55-975-009	INFRASTRUCTURE REPAIR/MAINT: FUNDED	216,500.00	12,825.00	-	-
04-215-55-975-010	INFRASTRUCTURE REPAIR/MAINT: UNFUNDED	313,500.00	216,500.00	-	1,080.00
04-215-55-975-011	BLDGS & GROUNDS REPAIR/MAINT: FUNDED	87,999.59	313,500.00	-	-
04-215-55-975-012	BLDGS & GROUNDS REPAIR/MAINT: UNFUNDED	82,000.00	84,687.59	-	3,312.00
04-215-55-975-013	WATER/SEWER UTIL EQUIPMENT: FUNDED	2,450.00	82,000.00	-	-
04-215-55-975-014	WATER/SEWER UTIL EQUIPMENT: UNFUNDED	46,550.00	2,450.00	-	-
04-215-55-975-015	LAKES MANAGEMENT: FUNDED	1,750.00	46,550.00	-	-
04-215-55-975-016	LAKES MANAGEMENT: UNFUNDED	33,250.00	1,750.00	-	-
		872,499.59	872,499.59	-	-
04-215-55-976-000	2012 Bond Ordinance 17-12				
04-215-55-976-010	Facility Improvements	202,000.00	94,582.22	-	107,417.78
04-215-55-976-011	Borough Computer	15,000.00	15,000.00	-	-
04-215-55-976-012	Road Resurfacing	285,000.00	285,000.00	-	-
04-215-55-976-013	Reconstruction of Curbs & Sidewalks	110,000.00	110,000.00	-	-
04-215-55-976-014	Stormwater Drainage System	65,000.00	65,000.00	-	-
04-215-55-976-015	Water Supply - Well #4, hydrants, shed	141,000.00	141,000.00	-	-
04-215-55-976-016	Equipment Purchases	93,425.00	93,425.00	-	-
		911,425.00	804,007.22	-	107,417.78

Capital Ordinances General Capital Activity to 9/30/2019

* ACTIVITY = Budget - (Balance + Encumbered) (You can include the break out by journal from the report options)

Account Number	Description	Budget	Activity	Encumbered	Balance
04-215-55-978-000	2014 CAPITAL PROGRAM				
04-215-55-978-001	ACQUISITION OF VARIOUS EQUIPMENT	80,100.00	80,100.00	-	-
04-215-55-978-002	IMPROVEMENT OF MUNICIPAL FACILITIES	251,000.00	251,000.00	-	-
04-215-55-978-003	ACQUISITION OF COMPUTER EQUIPMENT	4,000.00	4,000.00	-	-
04-215-55-978-004	VARIOUS ROAD IMPROVEMENTS	406,300.00	406,300.00	-	-
04-215-55-978-005	CONST & RECONST OF CURBS & SIDEWALKS	100,000.00	100,000.00	-	-
04-215-55-978-006	IMPROVEMENT OF STORM WATER DRAINAGE SYS	65,000.00	64,339.82	-	660.18
04-215-55-978-007	IMPROV OF WATER SUPPLY & DISTRIBUTION	30,000.00	29,907.80	-	92.20
		936,400.00	935,647.62		752.38
04-215-55-982-000	2016 CAPITAL ORDINANCE 06-16				
04-215-55-982-001	Police - Recording System	3,500.00	3,500.00	-	-
04-215-55-982-002	Police - Pole Cameras	18,500.00	18,500.00	-	-
04-215-55-982-003	Fire - General Equipment	25,000.00	25,000.00	-	-
04-215-55-982-004	Public Works - Street Signs	18,000.00	18,000.00	-	-
04-215-55-982-005	CERT/Police - Radios	5,000.00	5,000.00	-	-
04-215-55-982-006	Public Works - Road Paving	270,000.00	227,813.85	-	42,186.15
04-215-55-982-007	Public Works - Road Paving State Aid	160,000.00	160,000.00	-	-
04-215-55-982-008	Public Works - Curbs & Sidewalks	50,000.00	50,000.00	-	-
04-215-55-982-009	Public Works - Storm Drain System	38,000.00	20,021.94	-	17,978.06
04-215-55-982-010	Water Utility - Insertion Valve	23,000.00	23,000.00	-	-
04-215-55-982-011	Water Utility - Hydrant Replacement	12,000.00	12,000.00	-	-
04-215-55-982-012	Public Works - Jet Vac	16,000.00	16,000.00	-	-
04-215-55-982-013	Bldgs & Grds - Borough Hall Roof	35,000.00	35,000.00	-	-
04-215-55-982-014	Bldgs & Grds - Railroad Station Steps	55,000.00	23,550.75	-	31,449.25
04-215-55-982-015	Bldgs & Grds - Esplanade Steps	12,000.00	12,000.00	-	-
04-215-55-982-016	Recreation - Midvale Boat Dock	15,000.00	15,000.00	-	-
04-215-55-982-017	Public Works - Blvd Traf. Light Generato	6,000.00	6,000.00	-	-
04-215-55-982-018	Recreation - Midvale Park Improvements	26,000.00	20,535.00	-	5,465.00
04-215-55-982-019	Manager - Annual Computer Upgrades	17,100.00	8,096.02	-	9,003.98
04-215-55-982-020	Manager - Server Upgrade - ECM	45,000.00	30,700.45	-	14,299.55
04-215-55-982-021	Police - Scheduling Software	3,300.00	3,300.00	-	-
04-215-55-982-022	Recreation - Island Beach Improv.	641,350.00	5,505.68	15,075.00	620,769.32
04-215-55-982-023	Recreation - Birchwood Lake Improv.	716,250.00	311,433.48	26,504.60	378,311.92

Capital Ordinances General Capital

Activity to 9/30/2019

* ACTIVITY = Budget - (Balance + Encumbered) (You can include the break out by journal from the report options)

Account Number	Description	Budget	Activity	Encumbered	Balance
04-215-55-982-024	Sec.20 - Architect & Eng. Beach Projects	165,400.00	161,189.05	-	4,210.95
04-215-55-982-025	Public Works - HD Pick-up	52,000.00	46,464.64	-	5,535.36
2017 CAPITAL ORDINANCE 05-17		2,428,400.00	1,257,610.86	41,579.60	1,129,209.54
04-215-55-983-000					
04-215-55-983-001	Police - Dash Cam System	57,300.00	48,161.27	-	9,138.73
04-215-55-983-002	Fire - Personal Protective Gear (6 sets)	7,488.00	7,488.00	-	-
04-215-55-983-003	Fire - Pagers (2)	900.00	900.00	-	-
04-215-55-983-004	Fire - Positive Pressure Fan	4,900.00	-	-	-
04-215-55-983-005	Public Works-Street Sign Replacement	18,000.00	16,357.94	-	4,900.00
04-215-55-983-006	Public Works - Pollard Rd. Paving	50,000.00	50,000.00	-	1,642.06
04-215-55-983-007	Public Works - Road Milling @Gas Co Proj	25,000.00	-	-	-
04-215-55-983-008	Public Works - Pollard Rd. Water Main	375,000.00	375,000.00	-	25,000.00
04-215-55-983-009	Bldg & Grds-Eng & Design Sunset Lake Dam	99,000.00	55,215.58	-	-
04-215-55-983-010	Public Works - Aeration System-Birchwood	20,000.00	20,000.00	-	43,784.42
04-215-55-983-011	Public Works-Pick up Truck Replacement-2	43,000.00	43,000.00	-	-
04-215-55-983-012	Fire - Jaws of Life & Telescopic Ram	11,712.00	11,712.00	-	-
2018 CAPITAL ORDINANCE 4-18		712,300.00	627,834.79	-	84,465.21
04-215-55-984-000					
04-215-55-984-001	Police Weapon Replacement	10,000.00	5,670.00	-	-
04-215-55-984-002	Fire Personal Protective Gear	9,600.00	9,600.00	4,067.05	262.95
04-215-55-984-003	Fire Pager Replacement	900.00	900.00	-	-
04-215-55-984-004	Fire Other Equipment	4,900.00	4,451.73	-	448.27
04-215-55-984-005	Public Works Repair Concrete Pad - Recyc	40,000.00	-	20,300.00	19,700.00
04-215-55-984-006	Public Works Drainage Projects	19,400.00	17,941.08	-	1,458.92
04-215-55-984-007	Pub Wks Rd Repav N.Pocono, Cres. & Gro	575,000.00	535,754.07	39,419.21	(173.28)
04-215-55-984-008	Public Works Curbs and Sidewalks	141,000.00	141,000.00	-	-
04-215-55-984-009	Water System Fire Hydrant Replace.	25,000.00	23,824.22	-	1,175.78
04-215-55-984-010	Water System Entry Door - Well #3	3,500.00	3,328.00	-	172.00
04-215-55-984-011	Water System Chlorine Injection Well #2	5,000.00	5,000.00	-	-
04-215-55-984-012	Water System Mag Meters Well #2,3,4	20,000.00	19,710.00	-	290.00

Capital Ordinances General Capital Activity to 9/30/2019

*ACTIVITY = Budget - (Balance + Encumbered) (You can include the break out by journal from the report options)

Account Number	Description	Budget	Activity	Encumbered	Balance
04-215-55-984-013	Manager Borough Hall Architect	50,000.00	11,710.00	1,590.00	36,700.00
04-215-55-984-014	Public Works Engine Replac. 2006 Pick up	3,000.00	3,000.00	-	-
04-215-55-984-015	Public Works Replace 1997 Utility Truck	49,000.00	45,735.30	-	3,264.70
04-215-55-984-016	Public Works Replace 1997 Toro Tractor	43,000.00	43,925.00	-	(925.00)
04-215-55-984-017	Public Works Replace 2006 Code/Bldg Veh	35,000.00	35,000.00	-	-
04-215-55-984-018	Police On Board Computers	30,000.00	27,600.47	-	2,399.53
04-215-55-984-019	Manager Lightning Detection System	20,000.00	-	-	20,000.00
04-215-55-984-020	Public Works Repair Fence - Recycling	17,900.00	-	-	17,900.00
04-215-55-984-021	Park Maintenance Cove Park Improvements	16,500.00	-	-	16,500.00
04-215-55-984-022	Park Maintenance Playground Safety Imp.	9,500.00	-	-	9,500.00
04-215-55-984-023	Finance Section 20 Costs	50,000.00	15,001.95	-	34,998.05
2019 CAPITAL ORDINANCE 2-19		1,178,200.00	949,151.82	65,376.26	163,671.92
04-215-55-985-000					
04-215-55-985-001	POLICE LIVESCAN FINGERPRINT STATION	35,000.00	34,868.00	-	-
04-215-55-985-002	POLICE ELEC. SIGNBOARD/SPEED TRAILER	15,385.00	15,385.00	-	132.00
04-215-55-985-003	FIRE PERSONAL PROTECTIVE EQUIPMENT	28,800.00	4,413.00	-	-
04-215-55-985-004	FIRE OTHER EQUIPMENT	4,900.00	-	-	24,387.00
04-215-55-985-005	PUBLIC WORKS VEHICLE LIFT	72,250.00	72,202.27	-	4,900.00
04-215-55-985-006	PUBLIC WORKS RD REPAVING POCONO, MIDVALE	428,966.00	215,257.48	150,385.85	47.73
04-215-55-985-007	PUBLIC WORKS CURBS AND SIDEWALKS	141,000.00	7,939.25	-	63,322.67
04-215-55-985-008	MANAGER SUNSET LAKE DAM	2,100,000.00	-	-	133,060.75
04-215-55-985-009	PUBLIC WORKS DUMP TRUCK	195,000.00	-	-	2,100,000.00
04-215-55-985-010	PUB WORKS ASBESTOS ABATEMENT DPW FAC.	34,500.00	-	194,471.00	529.00
04-215-55-985-011	PARKS TENNIS COURT SURFACE REPAIRS	14,000.00	-	15,240.00	19,260.00
04-215-55-985-012	PARKS TENNIS COURT FENCE	21,000.00	-	-	14,000.00
04-215-55-985-013	PARKS MIDVALE PARK AED INSTALL	6,500.00	-	-	21,000.00
04-215-55-985-014	ENGINEERING - SECTION 20 COSTS	5,000.00	2,899.92	-	6,500.00
04-215-55-985-015	FINANCE - SECTION 20 COSTS	83,655.00	-	-	2,100.08
		3,185,956.00	352,964.92	360,096.85	2,472,894.23

Capital Ordinances General Capital Activity to 9/30/2019

* ACTIVITY = Budget - (Balance + Encumbered) (You can include the break out by journal from the report options)

Account Number	Description	Budget	Activity	Encumbered	Balance
04-215-55-986-000	2019 CAPITAL ORDINANCE 10-19	-	-	-	-
04-215-55-986-001	ROAD REPAVING, MORRIS AVE.	598,690.00	34,743.85	10,485.70	553,460.45
04-215-55-986-002	SECTION 20 COSTS - FINANCE COSTS	11,310.00	-	-	11,310.00
		610,000.00	34,743.85	10,485.70	564,770.45
=====					
TOTALS		10,835,180.59	5,834,460.67	477,538.41	4,523,181.51



BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

Mitchell Stern
Borough Manager
mstern@mtnlakes.org

400 Boulevard
Mountain Lakes, NJ 07046
P -973-334-3131 ext .2006
F -973-402-5595

TO: Honorable Mayor and Borough Council
SUBJ: Manager's Report
CC: Marcy Gianattasio, Borough Clerk
Robert Oostdyk, Borough Attorney

The following represents the Manager's report for the Borough Council meeting of
November 15, 2019.

Board of Education - Borough Hall Occupancy - The Board of Education has decided not to participate in the renovation / expansion of Borough Hall and instead relocate their administration to available space at Mountain Lakes High School. The Board has advised that they expect to relocate on or before April 30, 2020.

Beach Renovation Project - Work continues on the garage at Birchwood Lake. A new roof, soffit and building trim should be completed within the next week or two, at which time the building exterior will be refinished to match the newly renovated building.

At Island Beach, trees that were identified by the Borough's Arborist and Shade Tree Commission as needing to be removed due to the health of the tree or to accommodate the planned new building are being brought down. Work will continue through the beginning of next week. Once completed, temporary fencing will be erected to secure the work zone and then excavation for the new building will begin.

Please reach out with questions or concerns.

Mitchell

**BOROUGH OF MOUNTAIN LAKES
COUNTY OF MORRIS**

RESOLUTION R147-19

**RESOLUTION ENDORSING THE ADOPTION OF GREEN BUILDING PRACTICES
FOR MUNICIPAL BUILDINGS AND FACILITIES**

WHEREAS, buildings account for 39% of CO2 emissions – more than either the transportation or industrial sectors. In addition, buildings accounts for nearly 12% of potable water use, 65% of waste output, and 71% of electricity consumption in the U.S. (U.S. Green Building Council); and

WHEREAS, the Borough’s Master Plan references the Environmental Resources Inventory (ERI) completed in 2011. “In the future a periodic review of this inventory should be performed to properly report the nature and character of the community and to determine if changes should be made to the development regulations to address environmental concerns; and

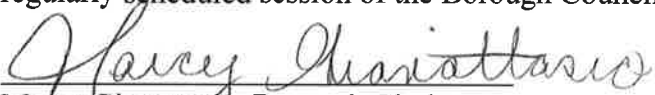
WHEREAS, green building – also referred to as sustainable or high-performance building – is a collection of design, construction and operating practices that have the potential to reduce or eliminate the negative impacts of development on the environment and on human health. There are many examples of green building programs and guidelines that have been propagated at national, state, and municipal levels. They commonly address energy efficiency and carbon emission reduction, water conservation, waste reduction, healthy and sustainably produced materials, indoor air quality, occupant productivity and health, and other components of green building and sustainable development; and

WHEREAS, the purpose of this resolution is to enhance the public welfare and encourage development that is consistent with the Borough of Mountain Lake’s desire to create a more sustainable community by incorporating, when feasible, green building measures into the design, construction, operation and maintenance of its municipal buildings and facilities and to encourage green design in the private sector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey, that the Borough of Mountain Lakes hereby implements a Green Building Policy to consider opportunities to incorporate green building measures into the design, construction, operation and maintenance of municipal buildings and facilities and to encourage Borough officials, employees, and volunteers to pursue educational opportunities that support this initiative.

Council Member	By:	2 nd	Yes	No	Abstain	Absent
Happer				X		
Horst			X			
Korman		X	X			
Lane				X		
Menard	X		X			
Shepherd			X			
Barnett			X			

I, Marcy Gianattasio, RMC, Borough Clerk of the Borough of Mountain Lakes, in the County of Morris, in the State of New Jersey, certify this to be a true copy of the Resolution adopted at the regularly scheduled session of the Borough Council held on November 13, 2019.


 Marcy Gianattasio, Borough Clerk

- INTRODUCTION -
Resolution on Green Building Practices

Submitted by: Councilmember Janet Horst

Background

According to the U.S. Green Building Council, buildings and construction account for 39% of CO2 emissions – more than either the transportation or industrial sectors. In addition, buildings account for nearly 12% of potable water use, 65% of waste (landfill) output, and 71% of electricity consumption in the U.S. *Footnotes: (1), (2)*

The Borough of Mountain Lakes can demonstrate leadership by passing a Green Building Policy Resolution that encourages Green design features specifically in municipal buildings and facilities, but also in school, commercial and residential construction projects.

The Green Building Policy Resolution seeks to realize the following environmental, economic, health and community benefits: *Footnote (6)*

- Enhance and protect local ecosystems
- Improve indoor and outdoor air and water quality
- Utilize natural light
- Reduce solid waste
- Reduce operating costs (i.e. electric and water use)
- Improve employee productivity and satisfaction
- Improve air and thermal environments

Sustainable Jersey Action Points (5): To meet Sustainable Jersey requirements, at a minimum, our Green Building Policy Resolution needs to include language to this effect: *...The Borough of Mountain Lakes hereby implements a Green Building Policy that will consider opportunities to incorporate green building measures into the design, construction, operation and maintenance of municipal buildings and facilities.* *Footnote (6)*

Island Beach Renovation:

By way of example, this resolution would encourage adopting measures to reduce storm water runoff (away from Mountain Lake); purchasing water efficient toilets and adopting a landscape plan that promotes parking lot and picnic area tree shade.

New Borough Hall Design:

We have an opportunity to achieve a LEED “certified level” for this project.

Footnote (4)

Why Does Mountain Lakes Need a Resolution on Green Building Policy?

- To reference in future Master Plans *Footnote (5)* and Planning and Zoning Board reviews
- To include in future municipal RFP contract bids
- To encourages the hiring of professionals with green building *experience (LEED certification not required)*
- To showcases our Borough’s commitment to optimizing life-cycle economic performance (e.g. light bulbs); reduce solid waste (e.g. hand dryers in bathrooms); improve air quality for all employees (e.g. air circulation via A/C and heating); enhancing employee comfort and health (e.g. air filters, window sun screening)
- To encourage design features that minimize the strain on local infrastructure: (e.g. bicycle racks, parking lot electric car charging station(s), run-off into storm water catch-bins)

Footnotes:

(1) Global Alliance for Building and Construction: 2018 Global Statistic Report

<https://globalabc.org/uploads/media/default/0001/01/f64f6de67d55037cd9984cc29308f3609829797a.pdf>

(2) Inventory of U.S. Greenhouse Gas Emissions and Sinks* (April/2019)

<https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks>

*Sinks: Carbon dioxide emissions that are removed from the atmosphere be “sinks” through the uptake of carbon and storage in forests, vegetation and soils

(3) How We Use Water

<https://www.epa.gov/watersense/how-we-use-water#CII%20uses>

(4) Sample LEED for New Construction and Major Renovation 2009

<http://hlmssustainability.com/leed-certification-levels/>

LEED Certification out of 110 Possible Points

Certified: 40-49 pts

Silver: 50-59 pts

Platinum: 80-110 pts

(5) Mountain Lakes Master Plan, Adopted October 24, 2003

(6) Sustainable Jersey

<http://www.sustainablejersey.com/actions-certification/>

- a. 203 communities in NJ are certified
- b. 50 communities have adopted the Green Building Policy Resolution

(7) Global Status Report 2017; UN Environment

https://www.worldgbc.org/sites/default/files/UNEP%20188_GABC_en%20%28web%29.pdf

GREEN BUILDING PRACTICES: A Photographic Gallery



Improve Water Conservation



Sustainable Building Materials – Bamboo



Sustainable Materials: Wool Carpeting



Efficient Lighting – LED Bulbs



Renewable Energy – Roof Solar Paneling



Efficient Windows



Rain Gardens to Catch Storm Water Runoff



Improve Indoor Air Quality with Planting Stations



Electric Car Recharging



**

Landscaping to Reduce Maintenance



High R-Factor Insulation



Hand Dryers to Eliminate Paper



Innovative Green Vertical Fence Design



Green Roofs to Reduce Storm Water Runoff, Reduce Building Energy Use and Promote Cleaner Air



LEED v4 for BD+C: New Construction and Major Renovation Project Checklist

Project Name:
Date:

Y	?	N	Credit	Integrative Process	1
0	0	0	0	Location and Transportation	16
			Credit	LEED for Neighborhood Development Location	16
			Credit	Sensitive Land Protection	1
			Credit	High Priority Site	2
			Credit	Surrounding Density and Diverse Uses	5
			Credit	Access to Quality Transit	5
			Credit	Bicycle Facilities	1
			Credit	Reduced Parking Footprint	1
			Credit	Green Vehicles	1
0	0	0	0	Sustainable Sites	10
			Prereq	Construction Activity Pollution Prevention	Required
			Credit	Site Assessment	1
			Credit	Site Development - Protect or Restore Habitat	2
			Credit	Open Space	1
			Credit	Rainwater Management	3
			Credit	Heat Island Reduction	2
			Credit	Light Pollution Reduction	1
0	0	0	0	Water Efficiency	11
			Prereq	Outdoor Water Use Reduction	Required
			Prereq	Indoor Water Use Reduction	Required
			Prereq	Building-Level Water Metering	Required
			Credit	Outdoor Water Use Reduction	2
			Credit	Indoor Water Use Reduction	6
			Credit	Cooling Tower Water Use	2
			Credit	Water Metering	1
0	0	0	0	Energy and Atmosphere	33
			Prereq	Fundamental Commissioning and Verification	Required
			Prereq	Minimum Energy Performance	Required
			Prereq	Building-Level Energy Metering	Required
			Prereq	Fundamental Refrigerant Management	Required
			Credit	Enhanced Commissioning	6
			Credit	Optimize Energy Performance	18
			Credit	Advanced Energy Metering	1
			Credit	Demand Response	2
			Credit	Renewable Energy Production	3
			Credit	Enhanced Refrigerant Management	1
			Credit	Green Power and Carbon Offsets	2
0	0	0	0	Materials and Resources	13
			Prereq	Storage and Collection of Recyclables	Required
			Prereq	Construction and Demolition Waste Management Planning	Required
			Credit	Building Life-Cycle Impact Reduction	5
			Credit	Building Product Disclosure and Optimization - Environmental Product Declarations	2
			Credit	Building Product Disclosure and Optimization - Sourcing of Raw Materials	2
			Credit	Building Product Disclosure and Optimization - Material Ingredients	2
			Credit	Construction and Demolition Waste Management	2
0	0	0	0	Indoor Environmental Quality	16
			Prereq	Minimum Indoor Air Quality Performance	Required
			Prereq	Environmental Tobacco Smoke Control	Required
			Credit	Enhanced Indoor Air Quality Strategies	2
			Credit	Low-Emitting Materials	3
			Credit	Construction Indoor Air Quality Management Plan	1
			Credit	Indoor Air Quality Assessment	2
			Credit	Thermal Comfort	1
			Credit	Interior Lighting	2
			Credit	Daylight	3
			Credit	Quality Views	1
			Credit	Acoustic Performance	1
0	0	0	0	Innovation	6
			Credit	Innovation	5
			Credit	LEED Accredited Professional	1
0	0	0	0	Regional Priority	4
			Credit	Regional Priority: Specific Credit	1
			Credit	Regional Priority: Specific Credit	1
			Credit	Regional Priority: Specific Credit	1
			Credit	Regional Priority: Specific Credit	1
0	0	0	0	TOTALS	Possible Points: 110

Certified: 40 to 49 points, Silver: 50 to 59 points, Gold: 60 to 79 points, Platinum: 80 to 110

BOROUGH OF MOUNTAIN LAKES
COUNTY OF MORRIS, NJ

RESOLUTION 148-19

“RESOLUTION AUTHORIZING THE PAYMENT OF BILLS”

WHEREAS, the Borough Manager has reviewed and approved purchase orders requested by the Department Heads; and


WHEREAS, the Finance Office has certified that funds are available in the proper account; and

WHEREAS, the Borough Treasurer has approved payment, upon certification from the Borough Department Heads that the goods and/or services have been rendered to the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mountain Lakes, County of Morris, State of New Jersey, that the current bills, dated November 13, 2019 and on file and available for public inspection in the Office of the Treasurer and approved by him for payment, be paid.

XX

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on November 13, 2019.


Marcy Gianattasio, Municipal Clerk

Name	Motion	Second	Aye	Nay	Absent	Abstain
Happer	X		X			
Horst		X	X			
Korman			X			
Lane			X			
Menard			X			
Shepherd			X			
Barnett			X			

List of Bills - CLAIMS/CLEARING CHECKING ACCOUNT

Meeting Date: 11/13/2019 For bills from 10/24/2019 to 11/06/2019

Check#	Vendor	Description	Payment	Check Total
16450	196 - ALLIED OIL	PO 21155 DPW: UNLEADED FUEL - BLANKET(4)	382.75	382.75
16451	2428 - ALPINE PAINTING & SANDBLASTING	PO 21107 WATER DEPARTMENT - WATER TANKS & WE	22,350.00	22,350.00
16452	3861 - SYNCB/AMAZON	PO 21049 ORDER# 113-0631308-2037836	47.25	
		PO 21072 PRINTER: ORDER#113-6022327-1997026	112.00	
		PO 21072 PRINTER: ORDER#113-6022327-1997026	112.00	
		PO 21072 PRINTER: ORDER#113-6022327-1997026	111.99	
		PO 21103 ORDER# 112-2877799-7247402	65.97	
		PO 21115 COMPUTER EQUIP: ORDER# 112-1191513-	39.18	488.39
16453	3861 - SYNCB/AMAZON	PO 21128 POLICE: ORDER# 113-6710022-7738616	69.00	69.00
16454	189 - ANCHOR ACE HARDWARE	PO 20833 PARKS & RECREATION - GENERAL MAINTNE	131.97	
		PO 20971 WATER DEPARTMENT - MATERIALS/SUPPLI	2.36	134.33
16455	189 - ANCHOR ACE HARDWARE	PO 20844 DPW - TOOLS/MATERIALS/SUPPLIES - BL	688.36	688.36
16456	102 - ANDERSON & DENZLER ASSOC., INC	PO 21252 SEPTEMBER 2019 PROFESSIONAL SERVICE	1,261.08	
		PO 21252 SEPTEMBER 2019 PROFESSIONAL SERVICE	8,179.95	
		PO 21252 SEPTEMBER 2019 PROFESSIONAL SERVICE	163.30	
		PO 21252 SEPTEMBER 2019 PROFESSIONAL SERVICE	1,469.70	11,074.03
16457	3957 - ATLANTIC COAST FIBERS, LLC	PO 21192 RECYCLING CHARGE - BLANKET 4TH QTR	1,385.14	1,385.14
16458	3799 - CIFELLI & SON GENERAL CONSTRUCTION,	PO 20604 NO POCONO RD IMPROVEMENT PROJECT -	162,795.74	162,795.74
16459	3783 - CINTAS CORPORATION #111	PO 21248 DPW - UNIFORM RENTALS - SEPTEMBER 2	245.78	245.78
16460	4090 - CLEAN MAT SERVICES, LLC	PO 21198 BORO/P.D/DPW - MATS - OCT 2019	195.00	
		PO 21253 BORO/P.D/DPW - MATS - NOV 1, 2019	195.00	390.00
16461	1481 - CORE & MAIN, LP	PO 21125 WATER DEPT: 4" WATER MAINS	4,680.00	4,680.00
16462	4077 - COUREL ENGINEERING, LLC	PO 21242 SUNSET LAKE DAM ENGINEERING SERVICE	6,160.00	6,160.00
16463	436 - CY DRAKE LOCKSMITH, INC.	PO 21147 DPW: BIRCHWOOD	311.80	
		PO 21184 STREETS AND ROADS - BUILDING MAINTNE	126.00	437.80
16464	653 - GANNET NEW JERSEY NEWSPAPERS	PO 20422 BOA/PLANNING - ADVERTISING - ACCT# 3	10.32	
		PO 20791 CLERK - 2019 ADVERTISING ACCT#31471	187.56	197.88
16465	506 - DAN COMO & SONS, INC	PO 21203 SOLID WASTE - LEAF & BRUSH REMOVAL	4,500.00	4,500.00
16466	3820 - DANIEL CACCIABEVE	PO 21217 POLICE DEPT: TRAINING REIMBURSEMENT	250.00	250.00
16467	778 - FAIRFIELD MAINTENANCE, INC.	PO 21108 DPW: FUEL TANK CLEANING	2,100.00	
		PO 21186 DPW - STREETS & ROADS - DIESEL TANK	3,840.00	5,940.00
16468	3396 - FLASHLIGHT DISTRIBUTOR.COM	PO 20336 DPW - SAFETY EQUIPMENT - BLANKET	211.00	211.00
16469	2952 - GLANDER ELECTRIC CO., INC.	PO 21216 BOROUGH HALL MAINTENANCE	209.48	209.48
16470	3991 - GRM INFORMATION MANAGEMENT SERVICES	PO 20574 2019 ARCHIVE STORAGE - BLANKET	65.00	65.00
16471	3817 - IL TORRENTE PIZZA	PO 21220 STREET & ROADS - MEALS - BLANKET	35.88	35.88
16472	859 - JCP&L	PO 21233 ACCT#100 075 505 725 - BILL PRD: 9/	3.06	
		PO 21255 ACCT#100 050 702 156 - BILL PRD: 9/	5.03	
		PO 21254 MASTER ACCT# 200 000 569 000 - 10/2	3,612.52	
		PO 21259 MAST ACCT#200 000 054 011/ BILL DAT	5.60	3,626.21
16473	1074 - JW PIERSON CO.	PO 21199 DIESEL FUEL - 4TH QTR BLANKET	802.34	802.34
16474	1082 - KIWANIS AMBULANCE SERVICE	PO 20975 2019 KIWANIS AMBULANCE SERVICE - B	3,750.00	3,750.00
16475	3588 - MCELROY, DEUTSCH, MULVANEY & CARPEN	PO 21247 SEPTEMBER 2019 PROFESSIONAL SERVICE	1,400.00	1,400.00
16476	3926 - MITCHELL STERN	PO 21222 REIMBURSEMENT:	1,658.54	1,658.54
16477	3648 - MONMOUTH TELECOM	PO 20430 2019 TELEPHONE SERVICES / ACCT# 362	1,329.84	1,329.84
16478	3132 - MORRIS CO. LEAGUE OF MUNICIPALITIES	PO 21202 2019 Morris County League Luncheon	200.00	
		PO 21200 CLERK: NJ LEAGUE OF MUNICIPALITIES	100.00	
		PO 21240 COUNCIL: NJ LEAGUE OF MUNICIPALITIE	50.00	
		PO 21237 STREETS & ROADS - TRAINING & CONFER	100.00	450.00
16479	1062 - MR. JOHN, INC	PO 21159 POLICE: Halloween Safety Zone - POR	245.00	245.00
16480	1371 - MTN. LAKES BOARD OF EDUCATION	PO 21197 2019 PAYMENT#2 - POSTAGE METER	3,531.58	3,531.58
16481	1371 - MTN. LAKES BOARD OF EDUCATION	PO 21251 NOV 2019 MTN LAKES SCHOOL DISTRICT	1,782,856.50	1,782,856.50
16482	1472 - MURPHY, MCKEON P.C.	PO 20447 2019 RETAINER FEES - BLANKET	4,166.66	4,166.66
16483	3388 - NEW JERSEY REGISTRAR'S ASSOCIATION	PO 21140 NJRA 2019 Fall Conference Cara Fox	80.00	80.00
16484	2745 - STATE OF NEW JERSEY	PO 21235 3Q2019 UNEMPLOYMENT REIMURSABLE	1,781.13	1,781.13
16485	1562 - NJLM	PO 21201 CLERK: 104th Annual League Conferen	65.00	65.00
16486	3844 - NJSLOM	PO 21239 STREETS & ROADS - 104TH NJLM ANNUAL	65.00	
		PO 21238 STREETS & ROADS - 104TH NJLM ANNUAL	65.00	130.00
16487	2727 - ONE CALL CONCEPTS, INC.	PO 20130 2019 JAN - DEC BLANKET / ACCT# 12-B	318.02	318.02
16488	3236 - ONE SOURCE OF NEW JERSEY, LLC	PO 20576 DPW - EQUIPMENT REPAIR - BLANKET 20	810.60	810.60
16489	2968 - OPTIMUM	PO 19899 2019 DPW INTERNET SERVICES ACCT# 07	123.05	123.05
16490	2968 - OPTIMUM	PO 19900 2019 DPW: ACCT# 07876-414565-01-0	11.74	11.74
16491	3173 - OPTIMUM	PO 20425 FIRE: ACCT# 07876-603439-01-8 CABLE	71.69	71.69
16492	479 - PARKER PUBLICATIONS	PO 21067 ACCT# 010902 - ZBOA/PLANNING BRD -	35.72	35.72
16493	3113 - PHILLIPS PREISS GRYGIEL LEHENY HUGH	PO 21224 SEPTEMBER 2019 ESCROW PROFESSIONAL	465.00	465.00

List of Bills - CLAIMS/CLEARING CHECKING ACCOUNT

Meeting Date: 11/13/2019 For bills from 10/24/2019 to 11/06/2019

Check#	Vendor	Description	Payment	Check Total
16494	1741 - PWANJ	PO 21160 DPW - PUBLIC WORKS ASSOCIATION MEMB	75.00	75.00
16495	1787 - R & J CONTROL, INC.	PO 21243 DPW - BUILDING MAINTENANCE - 4TH QU	689.86	689.86
16496	2397 - ROCKAWAY AUTO RESOURCES, LLC	PO 20966 DPW - VEHICLE MAINTENANCE & REPAIRS	1,148.48	1,148.48
16497	114 - SOLITUDE LAKE MANAGEMENT	PO 20440 2019 LAKE MANAGEMENT - BLANKET - CU	5,805.00	
		PO 21258 2019 AQUATIC MANAGEMENT PROGRAM - B	36,000.00	41,805.00
16498	2774 - STAPLES BUSINESS ADVANTAGE	PO 21153 ORDER# 7301162792	50.69	
		PO 21181 DPW: ORDER# 7301305448	72.24	122.93
16499	2961 - SYN-TECH SYSTEMS, INC	PO 21185 DPW - TRAINING AND EDUCATION - SYNT	33.75	33.75
16500	2108 - THE UPS STORE 4650	PO 21208 CLERK: OPRA COPIES/POSTAGE	108.40	108.40
16501	2186 - W.E. TIMMERMAN CO., INC	PO 21225 DPW - EQUIPMENT REPAIR	536.00	536.00
16502	832 - W.W. GRAINGER, INC	PO 20360 DPW - DEPARTMENT SUPPLIES - BLANKET	282.50	282.50
16503	2228 - WATER WORKS SUPPLY CO, INC	PO 19979 WATER DEPARTMENT - EQUIPMENT & TOOL	187.84	187.84

TOTAL

2,075,388.94

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-201-20-100-020	GENERAL ADMIN - OTHER EXPENSE	5,607.52			
01-201-20-120-020	MUNICIPAL CLERK - OTHER EXP'S	540.96			
01-201-20-130-020	FINANCE - OTHER EXPENSES	76.18			
01-201-20-140-020	COMPUTER SERVICES	123.74			
01-201-20-155-020	LEGAL SERVICES - OTHER EXPENSE	4,166.66			
01-201-20-165-020	ENGINEERING SERVICES	1,261.08			
01-201-21-180-020	PLANNING BOARD - OTHER EXPENSE	1,894.59			
01-201-21-185-020	BD OF ADJUST - OTHER EXPENSES	16.45			
01-201-25-240-020	POLICE DEPT - OTHER EXPENSES	564.00			
01-201-25-255-020	FIRE DEPT - OTHER EXPENSES	71.69			
01-201-25-260-020	VOL. AMBULANCE SQUAD CONTRIB	3,750.00			
01-201-26-290-020	STREETS & ROADS - OTHER EXP.	10,414.53			
01-201-26-305-020	SOLID WASTE - OTHER EXPENSES	5,885.14			
01-201-26-310-020	BLDG & GROUNDS - MUNIC BLDG	209.48			
01-201-26-315-020	VEHICLE REPAIRS & MAINTENANCE	1,148.48			
01-201-28-375-020	MAINT OF PARKS (BEACHES/LAKES)	42,248.77			
01-201-31-435-020	ELECTRICITY - ALL DEPARTMENTS	13.69			
01-201-31-436-020	ELECTRICITY - STREET LIGHTING	3,612.52			
01-201-31-440-020	TELECOMMUNICATIONS	1,329.84			
01-201-31-447-020	PETROLEUM PRODUCTS	1,185.09			
01-203-26-290-020	(2018) STREETS & ROADS - OTHER EXP.		100.00		
01-207-55-000-000	LOCAL SCHOOL TAXES PAYABLE			1,782,856.50	
01-260-05-100	DUE TO CLEARING			0.00	1,867,076.91
TOTALS FOR	Current Fund	84,120.41	100.00	1,782,856.50	1,867,076.91
04-215-55-982-000	2016 CAPITAL ORDINANCE 06-16			743.85	
04-215-55-985-000	2019 CAPITAL ORDINANCE 2-19			170,534.49	
04-215-55-986-000	2019 CAPITAL ORDINANCE 10-19			5,857.35	
04-260-05-100	DUE TO CLEARING			0.00	177,135.69
TOTALS FOR	General Capital	0.00	0.00	177,135.69	177,135.69
05-201-55-520-520	Water Operating - Other Expenses	29,119.92			
05-260-05-100	DUE TO CLEARING			0.00	29,119.92
TOTALS FOR	Water Operating	29,119.92	0.00	0.00	29,119.92

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
07-201-55-520-520	Sewer Operating - Other Expenses	275.29			
07-260-05-100	DUE TO CLEARING			0.00	275.29
TOTALS FOR	Sewer Operating	275.29	0.00	0.00	275.29
14-260-05-100	Due to Clearing			0.00	1,781.13
14-300-60-000-000	RESERVE FOR UNEMPLOYMENT INSUR			1,781.13	
TOTALS FOR	Unemployment Trust	0.00	0.00	1,781.13	1,781.13

Total to be paid from Fund 01 Current Fund	1,867,076.91
Total to be paid from Fund 04 General Capital	177,135.69
Total to be paid from Fund 05 Water Operating	29,119.92
Total to be paid from Fund 07 Sewer Operating	275.29
Total to be paid from Fund 14 Unemployment Trust	1,781.13
	<u>2,075,388.94</u>

Checks Previously Disbursed

16449	TOWNSHIP OF DENVILLE	PO# 21249 4Q19 PROPERTY TAXES - TOWPATH	1,108.97 11/04/2019
		<i>PD CK# 16449</i>	<u>1,108.97</u>

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 01 Current Fund		1,867,076.91	1,867,076.91
Fund 04 General Capital		177,135.69	177,135.69
Fund 05 Water Operating	1,108.97	29,119.92	30,228.89
Fund 07 Sewer Operating		275.29	275.29
Fund 14 Unemployment Trust		1,781.13	1,781.13
BILLS LIST TOTALS	1,108.97	2,075,388.94	<u>2,076,497.91</u>

**List of Bills - (1710101001002) Escrow - Developers - Checking
Developer's Escrow**

Meeting Date: 11/13/2019 For bills from 10/24/2019 to 11/06/2019

Check#	Vendor	Description	Payment	Check Total
5167	102 - ANDERSON & DENZLER ASSOC., INC	PO 21205 SEPTEMBER 2019 PROFESSIONAL SERVICE	3,069.98	
		PO 21223 SEPTEMBER 2019 PROFESSIONAL SERVICE	1,633.00	4,702.98
	TOTAL			4,702.98

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
17-101-01-001-002	Escrow - Developers - Checking			0.00	4,702.98
17-500-00-050-231	Sunrise Senior Living Management			1,633.00	
17-500-00-050-308	NEW LAND MT. LAKES - INSPECTION FEES			298.58	
17-500-00-091-310	PULTE GROUP - ENCLAVE SITE INSPEC. FEE			2,771.40	
TOTALS FOR	Developer's Escrow	0.00	0.00	4,702.98	4,702.98

Total to be paid from Fund 17 Developer's Escrow

4,702.98

=====

4,702.98

List of Bills - (3310101001001) CASH - RECREATION

Recreation Trust

Meeting Date: 11/13/2019 For bills from 10/24/2019 to 11/06/2019

Check#	Vendor	Description	Payment	Check Total
5322	3861 - SYNCB/AMAZON	PO 21070 REC: ORDER# 113-3464599-1581864	27.47	27.47
5323	3728 - JAKE DENOYER	PO 21241 2019 MLSA BOAT REPAIRS	1,345.17	1,345.17
TOTAL				1,372.64

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
33-101-01-001-001	CASH - RECREATION			0.00	1,372.64
33-600-00-090-000	Recreation Trust Reserves			1,372.64	
TOTALS FOR	Recreation Trust	0.00	0.00	1,372.64	1,372.64

Total to be paid from Fund 33 Recreation Trust

1,372.64

1,372.64

**BOROUGH OF MOUNTAIN LAKES
COUNTY OF MORRIS, NJ**

RESOLUTION R149 -19

“RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS”

WHEREAS, there were excess appropriations to the 2019 Appropriation Budget for the Current Fund; and


WHEREAS, other appropriations are insufficient to meet current needs.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey that, as authorized by N.J.S.A. 40A:4-58, the Chief Financial Officer (CFO) is hereby authorized and directed to make the following transfers:

FROM:		
<u>ACCOUNT NO.</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
<u>OTHER EXPENSES:</u>		
01-201-23-210-020	LIABILITY INSURANCE	\$ 4,000.00
01-201-28-370-001	RECREATION S&W	\$11,000.00
01-201-26-290-001	STREETS & ROADS S&W	\$ 4,500.00
	TOTAL	<u>\$19,500.00</u>

TO:		
<u>ACCOUNT NO.</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
<u>OTHER EXPENSES:</u>		
01-201-26-315-020	VEHICLE REPAIR & MAINTENANCE	\$11,000.00
01-201-22-195-020	UNIFORM CONSTRUCTION CODE O/E	\$ 1,500.00
01-201-20-135-020	AUDIT	\$ 2,000.00
01-201-20-110-020	MAYOR AND COUNCIL O/E	\$ 1,200.00
01-201-20-140-020	COMPUTER SERVICES	\$ 2,000.00
01-201-36-471-020	PERS	\$ 1,000.00
01-201-36-475-000	PFRS	\$ 800.00
	TOTAL	<u>\$19,500.00</u>

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on November 13, 2019.


Marcy Gianattasio, Municipal Clerk

Name	Motion	Second	Aye	Nay	Absent	Abstain
Happer	X		X			
Horst		X	X			
Korman			X			
Lane			X			
Menard			X			
Shepherd			X			
Barnett			X			

**BOROUGH OF MOUNTAIN LAKES
BUDGET TRANSFERS 2019
EXPLANATION OF TRANSFERS**

Current Budget:

Funds Available

Liability Insurance O/E

The Borough received reimbursements from the Joint Insurance Fund for the risk management fees during 2019, therefore there are funds remaining in this account. 4,000

Recreation S&W

There are funds available because the Assistant Beach Director position was not filled and the lifeguard hours were under budget. 11,000

Streets & Roads S&W

There are funds remaining in the part time salaries & wages line item. 4,500

Funds Needed

Vehicle Repairs & Maintenance

Due to air conditioner repairs on the two fire trucks and major repairs on two DPW trucks for brakes and rear leaf spring replacement. 6,000

Uniform Construction Code O/E

An additional seat had to be purchased for our Spatial Data Logic program this year. 1,500

Audit

Due to a new State mandate; the audit report and corresponding reports had to be put onto the FAST system by the auditors which will increase the audit fee. 2,000

Mayor & Council O/E

A transfer is needed to cover costs for seminars and classes for council members that exceeded the budget as well as membership dues and a donation to the womens' club. 1,200

Computer Services

The software costs this year exceeded the budget amount. 2,000

PERS

Funds are needed to cover the employer's share for the retro salary adjustments. 1,000

PFRS

Funds are needed to cover the employer's share for the retro salary adjustments. 800

**BOROUGH OF MOUNTAIN LAKES
COUNTY OF MORRIS, NJ**

RESOLUTION 150-19

**“RESOLUTION AUTHORIZING MEMBERSHIP IN THE
MOUNTAIN LAKES VOLUNTEER FIRE DEPARTMENT”**

WHEREAS, the following individual has applied for membership in the Mountain Lakes Volunteer Fire Department and has submitted the required documentation; and

WHEREAS, the Fire Department recommends this individual for membership; and

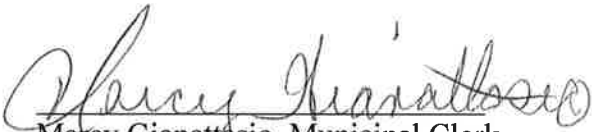
WHEREAS, a copy of the application has been filed with the Borough Clerk.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mountain Lakes, County of Morris, State of New Jersey, that the Borough of Mountain Lakes approves the application for the following individual(s):

Thomas Jenkins Moran 290 Morris Avenue Mountain Lakes

XX

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on November 13, 2019.


Marcy Gianattasio, Municipal Clerk

Name	Motion	Second	Aye	Nay	Absent	Abstain
Happer	X		X			
Horst		X	X			
Korman			X			
Lane			X			
Menard			X			
Shepherd			X			
Barnett			X			

MOUNTAIN LAKES VOLUNTEER FIRE DEPARTMENT
BOROUGH COUNCIL APPROVAL FORM

NAME: Thomas Jenkins Moran

ADDRESS 890 Morris Avenue

TOWN: Mountain Lakes

PHONE: [REDACTED]

DOB 11/06/01

BIRTHPLACE New York, New York

SSN: [REDACTED]

OCCUPATION: STUDENT

STATE OF NEW JERSEY COUNTY OF MORRIS

ELIZABETH J. MORAN BEING DULY SWORN, DO TH DEPOSE
APPLICANTS NAME THOMAS J. MORAN

AND SAYS THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF
THEIR KNOWLEDGE AND BELIEF. SWORN TO BEFORE ME THIS _____
DAY OF NOV 7 2019.

Elizabeth Moran
SIGNATURE OF NOTARY PUBLIC

8.21.22
EXPIRATION DATE

MUNICIPAL APPROVAL

WE HEREBY CERTIFY THAT THIS APPLICANT WAS ADMITTED TO ACTIVE
MEMBERSHIP IN THE MOUNTAIN LAKES VOLUNTEER FIRE DEPARTMENT
AND HAS BEEN APPROVED BY THE GOVERNING BODY OF MOUNTAIN
LAKES ON THE _____ DAY OF _____ 200____

SIGNATURE OF MUNICIPAL CLERK

SIGNATURE OF FD CHIEF