



**AGENDA FOR THE COUNCIL MEETING OF THE BOROUGH OF MOUNTAIN LAKES
HELD AT THE BOROUGH HALL, 400 BOULEVARD, MOUNTAIN LAKES, NJ 07046**

APRIL 22, 2019

EXECUTIVE CLOSED SESSION – BEGINS AT 7:00 PM

PUBLIC SESSION – BEGINS AT 8:00 PM

1) CALL TO ORDER AND OPEN PUBLIC MEETINGS ACT STATEMENT – Mayor

This meeting is being held in compliance with Public Law 1975, Chapter 231, Sections 4 and 13, as notice of this meeting and the agenda thereof had been reported to The Citizen and the Morris County Daily Record and The Star Ledger on January 9, 2019 and posted in the municipal building.

2) ROLL CALL ATTENDANCE - Clerk

3) FLAG SALUTE – Mayor

4) EXECUTIVE CLOSED SESSION

R98-19 Resolution providing for a meeting not open to the public in accordance with the provisions of the new Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

Matters of litigation: Tax Appeals

5) COMMUNITY ANNOUNCEMENTS

6) SPECIAL PRESENTATIONS

- 1) ACS Relay for Life
- 2) Developer Presentation – 372 Route 46 – Block 2, Lot 2 (Zeris Inn Property)

7) REPORTS OF BOROUGH ESTABLISHED BOARDS, COMMISSIONS AND COMMITTEES

8) 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.

9) BOROUGH COUNCIL DISCUSSION ITEMS

Affordable Housing Plan Implementation Ordinances:

- 1) Affordable Housing Ordinance, Including Mandatory Set-Aside Plan
- 2) Affirmative Marketing Plan
- 3) Spending Plan
- 4) Overlay Zoning
- 5) Accessory Apartments Plan and Zoning
- 6) Development Fee Ordinance

10) ATTORNEY'S REPORT

11) MANAGER'S REPORT

12) *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.

13) *RESOLUTIONS

R99-19 Resolution Authorizing the Payment of Bills

BOROUGH OF MOUNTAIN LAKES

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14) *APPROVAL OF MINUTES

April 8, 2019 (Executive) All Eligible

April 8, 2019 (Regular) All Eligible

15) *APPROVAL OF REPORTS FOR FILING *(reports are included only if checked)*

- ☒ Construction Department
 - ☒ Department of Public Works
 - ☒ Fire Department
 - ☒ Health Department
 - ☒ Police Department
 - ☒ Recreation Department
 - ☒ Code Enforcement
-

16) COUNCIL REPORTS

17) 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.

18) NEXT STEPS AND PRIORITIES

19) ADJOURNMENT

Resolution 98-19
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 April 22, 2019.

Marcy Gianattasio, Municipal Clerk

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

COUNTY BOARD TAX APPEALS

HEARINGS MAY 15, 2019

10:00 A.M.

APPEALS LISTING - SORTED BY APPEAL NUMBER							Page: 1		Already
04/04/19 12:35:54 District: 25 MT Appeal#	Owner / Property Location	Attorney / Comments	Ofa	Block	Lot	Land	Impr	Net	Settled
25-1900001D	YEH, ELIZABETH C 033 EAST SHORE RD		2	23	9	\$150	637300	579100	1,216,400
25-1900002L	LAU, WILLIAM 080 POCONO RD	GREGORY MASCERA, ESQ.	2	115	16	\$100	355100	319700	674,800
25-1900003L	MARCK, MACIEJ & RITA 022 YORKE RD	ROBERT E. SPIOTTI, ESQ.	2	123	4	\$25	240400	203100	443,500
25-1900004D	POND, MAUREEN 009 BRIARCLIFF RD		2	78	9.02	\$150	951600	615800	1,567,400
25-1900005D	PIGDEN, GARNET E & DIANE LETNE 091 LOOKOUT RD		2	43	6.02	\$150	531000	763200	1,294,200
25-1900006L	ANGLUM, PETER K/ANGELA C 011 BRIARCLIFF RD	JENNIFER JACOBUS, ESQ.	2	78	12	\$150	847100	503400	1,350,000 / \$1,150,000
25-1900007L	DE BENEDETTO, JAN/LIANTONIO, COO 006 COVE PL	JENNIFER JACOBUS, ESQ.	1	100.02	84	\$100	861500	0	861,500 / \$754,000
25-1900008L	TARKANPOUR, FEREDOUN AZIZI 035 NORTH BRIARCLIFF ROAD	JENNIFER JACOBUS, ESQ.	2	57	28	\$100	544700	118300	663,000 / \$475,000
25-1900009L	KOWALSKI, MICHAEL 060 LAUREL HILL RD	JENNIFER JACOBUS, ESQ.	2	57	24.01	\$100	344800	461600	806,400 / \$639,000
25-1900010L	BOCKENHEIDE, MARK & DIANA J. 106 BALL RD	ROBERT A. WIANECKI, ESQ.	2	103	68	\$150	490200	579200	1,069,400
25-1900011D	SHRINGARPURE, NILESH/RASIKA 015 RAYNOLD RD		2	114	10	\$25	339300	147100	486,400
25-1900012L	VERIZON-NJ PROPERTY TAX DEPT.	ALEX PAUL GENATO, ESQ.	6A	90002	1	\$100	889677	9028	803,200
25-1900013A	LOBIONDO, LEONARD 105 LAKE DR		2	101	41	\$0	1060100	699200	1,759,300
25-1900014A	LOBIONDO, ELIZABETH 105 LAKE DR		1	101	44	\$0	973300	0	973,300
25-1900015L	NIX, PETER D/JOAN P 011 HILLCREST RD	JENNIFER JACOBUS, ESQ.	2	95	42	\$100	470100	474000	944,100 / \$775,000
25-1900016D	LABEAU, TIMOTHY R 074 TOWER HILL RD		2	40	9	\$150	668500	831500	1,500,000
25-1900017L	35 POLLARD ROAD LLC 088 RAINBOW TRL	TIMOTHY MIDDLETON, ESQ.	2	7	2	\$25	279500	113200	392,700
25-1900018D	JACKS, MARIANNE 005 CRESTVIEW RD		2	45	6	\$150	549900	550100	1,100,000
25-1900019L	RINGO SUPPLY CO 380 ROUTE 46	JOSEPH A O'NEILL, ESQ.	4A	2	1	\$25	205000	34200	239,200
25-1900020L	ENDE, LEIGH STARR TRUSTEE 091 EAST SHORE RD	ROBERT E SPIOTTI, ESQ.	2	23	5	\$100	654100	337800	991,900
25-1900021L	CHERRY, MOHAMAD A/IBRAHIM, MAY 067 LOOKOUT RD	ROBERT E SPIOTTI, ESQ.	2	44	5	\$100	561600	396000	957,600
25-1900022L	LOWELL, BARRY 159 LAUREL HILL RD	ROBERT E SPIOTTI, ESQ.	2	53	24	\$100	551300	429100	980,400

TOTAL APPEALS: 22

TOTAL ASSESSMENTS: \$21,075,200

TAXES ON THESE APPEALS: \$553,856 (BASED ON 2018 RATE)

NUMBER SETTLED ALREADY: 5

AVERAGE REDUCTION: 18%

EXPOSURE BASED ON 15% IS \$83,078

**BOROUGH OF MOUNTAIN LAKES
EXPOSURE ON OPEN CASES APRIL, 2019**

PLAINTIFF	YEARS	BLOCK/LOT	ASSESSMENT	Recommended reservation through 2018	COMMENTS
13300-255 Amerda Hess Corp by Speedway LLC (062 Route 46)	2015-2017	5/1	\$1,656,300	\$57,000	Reservation recommendation based on Taxpayer offer of settlement made in 2017 rejected by Assessor
13300-265 Bhatia, Shaan (144 Lookout Road)	2016-2018	51/17	\$1,262,800	\$20,000	Reservation recommendation based upon taxpayers offer to settle rejected by Assessor in 2018.
13300-190 Brown, Zane & Donalee 15 Point View Place	2016-2017	100.02/87	\$2,732,700	\$25,000	Reservation recommendation based on taxpayers' value of \$2,500,000 market value
13300-192 Deluxe Mfg Operations Inc. (105 Route 46)	2010-2018	116/6	\$5,818,600 2010-13 \$5,236,700 2014-17	\$175,000	Appraisal exposure plus interest is \$509,000. Reservation recommendation based on settlement offer from Taxpayer rejected by Assessor.
13300-276 ETLSLN-US LLC (400 Bloomfield)	2016-2017	118.04/1	\$8,450,000	0	Included in the analysis for GIM Investors as a related matter
13300-251 HLF Midvale 1, LLC (000 Midvale Road)	2014-2017	106/2&1	\$1,306,000/\$21,500	\$40,000	Based on a 2017 sale price of \$950,000 Difference \$377,500
13300-297 Jurovitsky, Alexander 248 Jane Drive	2018	2206/2.02	\$2,698,900	\$8,000	Based on a 10% reduction with ratio applied
13300-272 Labeau, Timothy & Ann (074 Tower Hill Road)	2017-2018	40/9	\$1,795,300	0	Rick believes that this appeal will be withdrawn and has no merit.
13300-242 Markowitz, Daniel & Angela (041 Crane Road)	2014-2018	100.02/95	\$1,445,500	\$15,000	Reservation recommendation based on taxpayer's offer of settlement in 2018 - rejected by Assessor
13300-220 Markowitz, Michael & Kathy (10 Crystal Road)	2012-2018	33/21	\$1,474,300	\$60,000	Reservation recommendation based upon Taxpayer offer rejected by Assessor
13300-187 Mountain Lakes Club (018 Lake Drive)	2014 & 2018	100/1	\$4,000,000	No recommendation	This appeal has not been prosecuted and any adjustment would likely be based on considerations beyond litigation exposure

PLAINTIFF	YEARS	BLOCK/LOT	ASSESSMENT	Recommended reservation through 2018	COMMENTS
13300-183 Mountain Lakes GIM Investors (1 Bloomfield Avenue)	2010-2018	118.04/2 118.04/2.02 118.04/2.01	\$8,450,000 118.04/1 \$6,750,000 118.04/2 (2010-2012) in 2013 the lots were subdivided and now there is 118.04/2.01 and 2.02	\$225,000	If we applied the 10%, we would be looking at \$450,000 on all the lots combined. As the result of a recent sale this seems excessive. Recommending \$225,000 at this time (5%) pending further evaluation of the sale.
13300-271 Mountain Lakes Properties, Inc. (068 Bloomfield Avenue)	2017-2018	4/23	\$1,128,600	\$8,350	Based on a 10% reduction with ratio applied
13300-196 New Land Mt Lakes LLC (100 Route 46)	2010-2019	4/17.02	\$2,250,000	\$110,000	Taxpayers appraisal would result in around a \$215,000 refund. Borough appraisal sustains assessment.
13300-281 Russell, Pamela (015 Cove Place)	2018	100.02/82	\$1,676,100	\$6,450	Based on a 10% reduction with ratio applied.
13300-233 Verizon New Jersey Inc.	2012-2018	90002/1	\$1,274,842	\$190,000	There is a distinct possibility that this will be reduced to 0.
13300-275 VREP-2.01 BLOOMFIELD LLC (1 Bloomfield Avenue)	2017-2018	118.04/2.01	\$2,718,300	0	Included in the GIM Investors analysis as a related property.
13300-199 Zorlas, James & Barbara (035 Crystal Road)	2016-2018	31/27	\$1,600,000	\$8,000	Reservation recommendation based upon offer from taxpayer to settle which was rejected by Assessor

BOROUGH OF MOUNTAIN LAKES

COUNTY BOARD TAX APPEALS

Year	Total Number of County Board Appeals	Total Reductions*
2013	27	\$152,600.00
2014	28	\$1,201,700.00
2015	15	\$1,042,900.00
2016	19	\$1,465,100.00
2017	16	\$407,600.00
2018	28	\$4,069,900.00
2019	22	

*Based on County records
which may be incomplete.

BOROUGH OF MOUNTAIN LAKES**NEW 2019 OPEN APPEALS IN STATE TAX COURT**

PLAINTIFF	BLOCK/LOT	ASSESSMENT
13300-304 Cherepakhov, Dana Marie Trustee 009 Oak Lane	80/53	\$1,302,800
13300-313 DeBiao, Elaine 166 Laurel Hill Road	55/17	\$1,533,000
13300-315 Lakin, Pyylis (8 Roberts Drive)	24/9	\$1,192,600
13300-303 Ludlam, William & Suzanne 030 Oak Lane	81/11	\$1,195,600
13300-307 Menack, Stephen (049 Briarcliff Rd)	78/30	\$2,300,000
13300-306 Michaels, Jeffrey A Trust (147 Boulevard)	58/1	\$1,974,000
13300-311 Miles, Alex (321 Morris Avenue)	103/15.02	\$1,109,500
13300-314 Miller, Robert & Toufie (48 Ball Road)	97/7	\$1,242,100
13300-317 Purcell, Andrew (005 Ball Road)	96/28	\$1,340,000
13300-310 Sabino, Charles Chirichella, Debra (350 Boulevard)	100/67.02	\$1,596,500
13300-300 Scott, Craig & Heather 095 Cobb Road	57/3.02	\$1,112,300
13300-312 Sen, Tapas & Sondra 29 Arden Road	25/7	\$1,032,900
13300-305 Sylvester, Daniel & Sueanne (33 Hanover Road)	62/1	\$1,428,300
13300-309 Tellie, Wesley & Cara (019 Midvale Road)	97/1	\$1,237,300
13300-301 Thompson, Dean & Kelly (303 Morris Avenue)	103/24	\$1,339,600
13300-316 Walsh, Justin & Bridgid (30 Tower Hill Road)	38/7.02	\$1,136,900
13300-318 Walsh, William & Lisa (100 Ball Road)	103/64	\$1,776,000
13300-299 Weinstein, Bert & Dora (34 West Shore Road)	31/80.02	\$1,585,900
13300-308 Wexler, Jeffrey (001 Briarcliff Road)	78/7	\$1,824,600
13300-302 Zucker, Barry & Donna	49/30	\$2,248,200

TOTAL NUMBER OF TAX COURT APPEALS – NEW 2019: 20

TOTAL ASSESSMENTS UNDER APPEAL - NEW 2019: \$29,508,100

TOTAL TAXES ON PROPERTIES UNDER APPEAL - \$775,473 (based on 2018 rates)

EXPOSURE AT 15% - \$116,321

Memo



To: Mayor and Council, Borough of Mountain Lakes
From: Robert H. Oostdyk, Jr., Esq.
Date: April 17, 2019
Re: Implementation of Affordable Housing Declaratory Judgment Court Order

The Court Judgment obtained by the Borough approving of the Fair Share Plan of the Borough of Mountain Lakes requires the Borough to implement the terms of the agreement with Fair Share Housing by the adoption of several Ordinances consistent with the agreement and the Judgment. As a discussion item tonight, the Borough Council has been provided with six draft Ordinances which, if adopted, should satisfy the requirements to implement the terms of the Judgment. These six Ordinances have been prepared by a combination of Paul Philips, the subcommittee working on accessory apartments, and I. This memo summarizes the six Ordinances.

1. Overlay Ordinance

This is a draft ordinance which places overlay zoning on 6 sites that are identified in the Borough's Settlement Agreement with Fair Share Housing Center. The six sites are permitted a density of up to 14 dwelling units per acre. If the units are rental units then 15 percent of them must be set-aside as affordable units. If the units are for-sale units then 20 percent of them must be set-aside as affordable units.

2. Affordable Accessory Apartment Ordinance

This is a draft ordinance which permits affordable accessory apartments in any Residential District and in the A Business District. Adopting an Affordable Accessory Apartment ordinance is required pursuant to the Settlement Agreement. This ordinance was drafted by the Affordable Accessory Apartment Committee with minor tweaks for formatting and consistency by Phillips Preiss. These changes include the following:

- Using the term "Administrative Agent" instead of "Housing Administrator" to be consistent with the rules of UHAC and the draft Affordable Housing Ordinance.
- The removal of definitions which are in the draft Affordable Housing Ordinance and do not need to be repeated.
- Section E.(2) the phrase "or until the Borough elects to release the unit from the requirements of the deed restriction" was removed after 10 years because in order for the units to count as affordable units according to NJAC 5:93-1 et seq. they must be deed restricted for at least 10 years.
- Section E.(3)(a) the phrase "or a successor entity" was added after COAH.

- Section F.(2) “conformance with COAH’s requirements” was changed to “conformance with the requirements of NJAC 5:93-1 et seq.”

3. Affordable Housing Ordinance

This is a draft ordinance which would replace the Affordable Housing Ordinance that is currently in the Zoning Code. An “essential term” of the Settlement Agreement with Fair Share Housing Center is that the Borough will within 120 days of the Court’s approval of the Agreement introduce and adopt an ordinance providing for the amendment of the Borough’s Affordable Housing Ordinance to implement the terms of the Agreement. Among the provisions of this ordinance is the establishment of the Borough-wide mandatory set-aside requirement. The ordinance also outlines the positions of Municipal Housing Liaison and Administrative Agent.

4. Affirmative Marketing Plan

The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. The Administrative Agent oversees the Affirmative Marketing Plan. Per the Borough’s Settlement Agreement with Fair Share Housing Center, the Borough is required to add several community and regional organizations to the Affirmative Marketing Plan. These organizations have been incorporated in to section 3f of the Affirmative Marketing Plan.

5. Development Fee Ordinance

State law allows municipalities to require the payment of development fees to be used toward the implementation of affordable housing in municipalities which have either received approval from COAH or from the Courts of an affordable housing plan. Mountain Lakes did have a development fee ordinance and did collect funds under earlier affordable housing rounds but eliminated the development fee several years ago when the decision was made to cease involvement with COAH. The decision to now seek Court approval of an Affordable Housing Plan means that the Borough is again entitled to collect development fees and use those fees to implement our Affordable Housing Plan. This Ordinance would reestablish development fees consistent with State Law. The spending plan which is established under a separate Ordinance sets forth how the fees collected will be spent. The accessory apartment program established under the Plan will require a financial contribution which can be funded through development fees.

6. Spending Plan Ordinance

This is a draft Spending Plan. Per the terms of the Settlement Agreement the Borough shall prepare a Spending Plan within 120 days of the Court’s approval of the Agreement. The Plan estimates development fees coming from residential and non-residential development that will be spent on the Affordable Accessory Apartment program, Affordability Assistance (30 percent is required), and Administration (up to 20 percent is permitted). Pursuant to the Fair Housing Act, the funds are committed for expenditures within four years of the date of collection.

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**BOROUGH OF MOUNTAIN LAKES
MORRIS COUNTY, NEW JERSEY**

ORDINANCE #XX-19

AMENDING

**AN ORDINANCE AMENDING CHAPTER 245, ZONING OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES AND
ESTABLISHING ARTICLE VI, AFFORDABLE HOUSING**

IT IS HEREBY ORDAINED by the Borough Council of the Borough of Mountain Lakes,
Morris County, State of New Jersey, as follows:

Section 1: Chapter 245, Article III, "Affordable Housing Overlay," Article VI, "Affordable
Housing Regulations," Article VII, "Municipal Housing Liaison," of the Code is hereby
repealed.

Section 2: Chapter 245, Article VI is hereby added to the Code to read as follows:

Article VI

Affordable Housing

§245-21. Purpose

- A. This Ordinance sets forth regulations regarding the low- and moderate-income housing units in the Borough consistent with the provisions known as the "Substantive Rules of the New Jersey Council on Affordable Housing," N.J.A.C. 5:93 et seq., the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 et seq., and the Borough's constitutional obligation to provide a fair share of affordable housing for low- and moderate-income households. In addition, this section applies requirements for very low income housing established in P.L. 2008, c.46 (the "Roberts Bill").
- B. This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- C. The Mountain Lakes Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways the

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Borough of Mountain Lakes shall address its fair share for low- and moderate-income housing as determined by the Superior Court and documented in the Housing Element.

- D. This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:93, as may be amended and supplemented.
- E. The Borough shall file monitoring reports with the Superior Court and place the reports on its municipal website.

§245-22. Monitoring and Reporting Requirements

The Borough of Mountain Lakes shall comply with the following monitoring and reporting requirements regarding the status of its implementation of its Court-approved Housing Element and Fair Share Plan and N.J.A.C. 5:93.

- A. Beginning on January 29, 2020, and on every anniversary of that date through January 29, 2025, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center (FSHC), using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the FSHC.
- B. By July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.
- C. By January 29, 2022, and every third year thereafter, as required by N.J.S.A. 52:27D-329.1, the Borough will post on its municipal website, with a copy provided FSHC, a status report as to its satisfaction of its very low-income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low-income housing obligation under the terms of this settlement.

§245-23. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

“Accessory apartment” means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

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“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:93 and N.J.A.C. 5:80-26.1 et seq.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:93-7.4; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means 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 100 percent affordable development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, approved for crediting by the Court and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80 percent of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Alternative living arrangement” a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternate living arrangements includes, but are not limited to: transitional facilities for the homeless, Class A, B, C, D, and E boarding homes, as regulated by the New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the

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proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the regional median household income by household size.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable county, as adopted annually by COAH or approved by the New Jersey Superior Court.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

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“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a Class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by/approved regional income limits.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHOP or MONI.

“Special Master” means an expert appointed by a judge to make sure that judicial orders are followed. A master’s function is essentially investigative, compiling evidence or documents to inform some future action by the court.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the median household income.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

§245-24. Borough-wide Mandatory Set-Aside

- A. Any future multi-family residential development providing a minimum of five (5) new housing units or more is required to include an affordable housing set-aside of 20% if the affordable units will be for sale and 15% if the affordable units will be for rent. This requirement shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more. This requirement does not give any developer the right to any

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such rezoning, variance or other relief, or establish any obligation on the part of Mountain Lakes to grant such rezoning, variance or other relief. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement.

- B. This requirement shall not apply to any sites or specific zones otherwise identified in the Borough's Settlement Agreement with Fair Share Housing Center dated January 29, 2019, or in the Borough's Housing Element and Fair Share Plan, adopted by the Borough Planning Board and endorsed by the Borough Council, for which density and set-aside standards shall be governed by the specific standards set forth therein.

§245-25. Accessory Apartment Program

Accessory apartments created under this program shall abide by the regulations in this chapter and those outlined in Chapter 245, Article VI, Affordable Accessory Apartments.

§245-26. New Construction

The following general guidelines apply to all newly constructed developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

- A. Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for low- and moderate-income units.

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25%	0%
25% +1	10%
50%	50%
75%	75%
90%	100%

- B. Design. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- C. Off-site construction. A developer may construct affordable units off-site at the discretion of either the Planning or Zoning Board, whichever is the applicable reviewing entity, in accordance with N.J.A.C. 5:93.
- D. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.
- E. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
- (1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.

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- (2) In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
- (3) Within rental developments, of the total number of affordable rental units, at least 13% shall be affordable to very low-income households.
- (4) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - (b) At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - (c) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - (d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
- (5) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

F. Accessibility Requirements:

- (1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
- (2) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - (a) An adaptable toilet and bathing facility on the first floor;
 - (b) An adaptable kitchen on the first floor;
 - (c) An interior accessible route of travel on the first floor;
 - (d) An interior accessible route of travel shall not be required between stories within an individual unit;
 - (e) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Borough has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

[1.] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

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- [2.] To this end, the builder of restricted units shall deposit funds within the Borough's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
- [3.] The funds deposited under subsection [b] above shall be used by the Borough for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
- [4.] The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Borough of Mountain Lakes.
- [5.] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to Mountain Lakes' affordable housing trust fund in care of the Borough's Chief Financial Officer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
- [6.] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

G. Maximum Rents and Sales Prices

- (1) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and by the Superior Court, utilizing the regional income limits established.
- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
- (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units. At least 13 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income.
- (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type. At least 13 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of

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median income. These very low-income units shall be part of the low-income requirement.

- (5) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half person household;
 - (c) A two-bedroom unit shall be affordable to a three-person household;
 - (d) A three-bedroom unit shall be affordable to a four and one-half person household; and
 - (e) A four-bedroom unit shall be affordable to a six-person household.
- (6) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
 - (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half person household; and
 - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (9) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
- (10) The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rent increases for units

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constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

- (11) Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.
- (12) Condominium and Homeowners Associates Fees. For any affordable housing unit that is part of a condominium association and/or homeowner's association, the Master Deed shall reflect that the association fee assessed for each affordable housing unit shall be established at 100 percent of the market rate fee.

§245-27. Occupancy Standards.

- A. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - (1) Provide an occupant for each bedroom;
 - (2) Provide children of different sex with separate bedrooms; and
 - (3) Prevent more than two persons from occupying a single bedroom.
- B. Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

§245-28. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until Mountain Lakes elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- D. At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- E. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code

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standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§245-29. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- A. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- B. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- D. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

§245-30. Buyer Income Eligibility.

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- B. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

§245-31. Limitations on indebtedness secured by ownership unit; subordination.

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- B. With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

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B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

- (1) The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
- (2) The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
- (3) The household is currently in substandard or overcrowded living conditions;
- (4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
- (5) The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

C. The applicant shall file documentation sufficient to establish the existence of the circumstances in (2)(a) through (e) above with the Administrative Agent, who shall counsel the household on budgeting.

§245-35. Municipal Housing Liaison.

- A. The position of Municipal Housing Liaison (MHL) for Mountain Lakes is established by this ordinance. The MHL shall be appointed by duly adopted resolution of the Borough Council and be subject to the approval by the Superior Court.
- B. The MHL must be either a full-time or part-time employee of the Borough of Mountain Lakes.
- C. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.
- D. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Mountain Lakes, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - (1) Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - (2) The implementation of the Affirmative Marketing Plan and affordability controls.
 - (3) When applicable, supervising any contracting Administrative Agent.
 - (4) Monitoring the status of all restricted units in the Borough of Mountain Lakes' Fair Share Plan;
 - (5) Compiling, verifying and submitting annual reports as required by the Superior Court;

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§245-32. Control Periods for Restricted Rental Units

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the [insert name of municipality] elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of [insert name of county]. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- C. A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
 - (1) Sublease or assignment of the lease of the unit;
 - (2) Sale or other voluntary transfer of the ownership of the unit; or
 - (3) The entry and enforcement of any judgment of foreclosure.

§245-33. Price Restrictions for Rental Units; Leases

- A. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- C. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

§245-34. Tenant Income Eligibility.

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - (1) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 - (2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 - (3) Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.

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- (6) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
- (7) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Superior Court.

§245-36. Administrative Agent.

- A. The Borough shall designate by resolution of the Borough Council, subject to the approval of the Superior Court, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:93 and UHAC.
- B. An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Superior Court. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- C. The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
 - (1) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Superior Court;
 - (2) Affirmative Marketing;
 - (3) Household Certification;
 - (4) Affordability Controls;
 - (5) Records retention;
 - (6) Resale and re-rental;
 - (7) Processing requests from unit owners; and
 - (8) Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
 - (9) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

§245-37. Affirmative Marketing Requirements

- A. Mountain Lakes shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- B. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 2 and covers the period of deed restriction.

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- C. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 2 comprised of Essex, Morris, Union and Warren Counties.
- D. The Administrative Agent designated by Mountain Lakes shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- E. In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- F. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- G. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by Mountain Lakes.
- H. Selection of Occupants of Affordable Housing Units.
 - (1) The administrative agent shall use a random selection process to select occupants of low- and moderate-income housing.
 - (2) A waiting list of all eligible candidates will be maintained in accordance with the provisions of N.J.A.C. 5:80-26 et seq.

§245-38. Enforcement of Affordable Housing Regulations

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - (1) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - (a) A fine of not more than \$500 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;

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- (b) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Mountain Lakes Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - (c) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
- (2) The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- (a) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
 - (b) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
 - (c) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

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- (d) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (e) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (f) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Section 3: 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 4: All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5: This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced:

Adopted:

, Borough Clerk

Lauren Barnett, Mayor

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AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For Affordable Housing in **(REGION 2)**

I. APPLICANT AND PROJECT INFORMATION

(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number		1b. Development or Program Name, Address	
1c. Number of Affordable Units: Number of Rental Units: Number of For-Sale Units:	1d. Price or Rental Range From To	1e. State and Federal Funding Sources (if any)	
1f. ☐ Age Restricted ☐ Non-Age Restricted	1g. Approximate Starting Dates Advertising: Occupancy:		
1h. County Essex, Morris, Union, Warren		1i. Census Tract(s):	
1j. Managing/Sales Agent's Name, Address, Phone Number			
1k. Application Fees (if any):			

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

II. RANDOM SELECTION

2. Describe the random selection process that will be used once applications are received.
 1. An initial deadline date, no less than 60 days after the start of the marketing process, will be established. All of the preliminary applications received by the Administrative Agent, on or before the initial deadline date, shall be deemed received on that date.
 2. Households that apply for very low-, low- and moderate-income housing will be prescreened by the Administrative Agent for preliminary income eligibility by comparing their total income and household size to the very low-, low- and moderate-income limits adopted by the Court, COAH or its successors and other program restrictions that may apply. All households will be notified as to their preliminary status.
 3. A drawing (using a web-based randomizer) will be held under the direction of the Administrative Agent to determine the priority order of the pre-qualified applications received on or before the initial deadline date. All preliminary applications received after the initial deadline will be processed on a "first come, first served" basis after the applicants who were in the random selection.
 4. In order to ensure an adequate supply of qualified applicants, the advertising phase will continue until there are at least ten (10) pre-qualified applicants for each very low-, low- and moderate-income unit available, or until all of the affordable units within the development have been rented.

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5. Final applications will be mailed by the Administrative Agent to an adequate number of pre-qualified applicants, in priority order, for each available affordable unit. The final application will require the applicants to supply documents to verify their identity and household composition as well as their income and assets.
6. Completed final applications will be forwarded to the Administrative Agent. The Administrative Agent will make a determination as to their eligibility for an affordable unit.
7. Applicants will receive a letter from the Administrative Agent with respect to the status of their application each time a review is performed.
8. Applicants will be reviewed by the Landlord for compliance with the tenant selection criteria set for the property. The tenant selection criteria shall comply with all fair housing standards and be set forth in a policy statement made available to all applicants by the Landlord. The Landlord will be responsible for the assessment of all criteria beyond the income and household size criteria set forth by the affordable housing criteria.
9. Certified applicants will be given a pre-determined amount of time to sign a lease agreement with the Landlord.

III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)			
☐ White (non-Hispanic) ☒ Black (non-Hispanic) ☒ Hispanic ☐ American Indian or Alaskan Native ☒ Asian or Pacific Islander ☐ Other group:			
3b. HOUSING RESOURCE CENTER (www.njhousing.gov) A free, online listing of affordable housing ☒ BOROUGH OF MOUNTAIN LAKES (https://mtnlakes.org/) ☒			
3c. Commercial Media (required) (Check all that applies)			
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
TARGETS ENTIRE HOUSING REGION 2			
Daily Newspaper			
☒	Once at start of Affirmative Marketing Process with additional monthly advertising if necessary.	Star-Ledger	
☐		New York Times	
TARGETS PARTIAL HOUSING REGION 2			
Daily Newspaper			
☒	Once at start of Affirmative Marketing Process with additional monthly advertising if necessary.	Daily Record	Morris
☐		Express Times	Warren
Weekly Newspaper			

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☐		Belleville Post	Essex
☐		Belleville Times	Essex
☐		Bloomfield Life	Essex
☐		East Orange Record	Essex
☐		Glen Ridge Paper	Essex
☐		Glen Ridge Voice	Essex
X	Once at start of Affirmative Marketing Process with additional monthly advertising if necessary.	Independent Press	Essex
X	Once at start of Affirmative Marketing Process with additional monthly advertising if necessary.	Worrall Community Newspapers, Inc. 1291 Stuyvesant Avenue PO Box 3639 Union, NJ 07083 P: (908) 686-7700 F: (908) 688-0401	Essex, Union
☐		Irvington Herald	Essex
☐		Item of Millburn and Short Hills	Essex
☐		Montclair Times	Essex
☐		News-Record	Essex
☐		Nutley Journal	Essex
☐		Nutley Sun	Essex
☐		Observer	Essex
☐		Orange Transcript	Essex
☐		Progress	Essex
☐		Vailsburg Leader	Essex
☐		Verona-Cedar Grove Times	Essex
☐		West Essex Tribune	Essex
☐		West Orange Chronicle	Essex
☐		Atom Tabloid & Citizen Gazette	Middlesex, Union
☐		Chatham Courier	Morris
☐		Chatham Independent Press	Morris
X	Once at start of Affirmative Marketing Process with additional monthly advertising if necessary.	Citizen of Morris County	Morris
☐		Florham Park Eagle	Morris

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☐		Hanover Eagle	Morris
☐		Madison Eagle	Morris
☒	Once at start of Affirmative Marketing Process with additional monthly advertising if necessary.	Morris News Bee	Morris
☐		Mt. Olive Chronicle	Morris
☐		Neighbor News	Morris
☐		Randolph Reporter	Morris
☐		Roxbury Register	Morris
☐		Parsippany Life	Morris
☐		Clark Patriot	Union
☐		Cranford Chronicle	Union
☐		Echo Leader	Union
☐		Elizabeth Reporter	Union
☐		Hillside Leader	Union
☐		Leader of Kenilworth & Roselle Park	Union
☐		Madison Independent Press, The	Union
☐		Millburn and Short Hills Independent Press	Union
☐		News Record	Union
☐		Record-Press	Union
☐		Scotch Plains Times (Fanwood Times)	Union
☐		Spectator Leader	Union
☐		Union Leader	Union
☒	Once at start of Affirmative Marketing Process with additional monthly advertising if necessary.	Warren Reporter	Warren

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING REGION 2			
☐		2 WCBS-TV Cbs Broadcasting Inc.	
		3 KYW-TV Cbs Broadcasting Inc.	
☐		4 WNBC NBC Telemundo License Co.	

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		(General Electric)	
☐		5 WNYW Fox Television Stations, Inc. (News Corp.)	
☐		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	
☐		9 WWOR-TV Fox Television Stations, Inc. (News Corp.)	
☐		11 WPIX Wpix, Inc. (Tribune)	
☐		13 WNET Educational Broadcasting Corporation	
☐		25 WNYE-TV New York City Dept. Of Info Technology & Telecommunications	
☐		31 WPXN-TV Paxson Communications License Company, Llc	
☐		41 WXTV Wxtv License Partnership, G.p. (Univision Communications Inc.)	
☐		47 WNJU NBC Telemundo License Co. (General Electric)	
☐		50 WNJN New Jersey Public Broadcasting Authority	
☐		52 WNJT New Jersey Public Broadcasting Authority	
☐		54 WTBY-TV Trinity Broadcasting Of New York, Inc.	
☐		58 WNJB New Jersey Public Broadcasting Authority	
☐		62 WRNN-TV Wrnn License Company, Llc	
☐		63 WMBC-TV Mountain Broadcating Corporation	
☐		68 WFUT-TV Univision New York Llc	Spanish
TARGETS PARTIAL HOUSING REGION 2			
☐		42 WKOB-LP Nave Communications, Llc	Essex
☐		22 WMBQ-CA Renard Communications Corp.	Essex, Morris, Union
☐		66 WFME-TV Family Stations Of New Jersey, Inc.	Essex, Morris, Union
☐		21 WLIW Educational Broadcasting Corporation	Essex, Union
☐		60 W60AI Ventana Television, Inc	Essex, Union

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☐		36 W36AZ New Jersey Public Broadcasting Authority	Morris
☐		6 WPVI-TV American Broadcasting Companies, Inc (Walt Disney)	Morris, Union, Warren
☐		65 WUVP-TV Univision Communications, Inc.	Morris, Union, Warren
☐		23 W23AZ Centenary College	Morris, Warren
☐		28 WBRE-TV Nexstar Broadcasting, Inc.	Morris, Warren
☐		35 WYBE Independence Public Media Of Philadelphia, Inc.	Morris, Warren
☐		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	Morris, Warren
☐		44 WVIA-TV Ne Pa Ed Tv Association	Morris, Warren
☐		56 WOLF-TV Wolf License Corp	Morris, Warren
☐		60 WBPH-TV Sonshine Family Television Corp	Morris, Warren
☐		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Morris, Warren
☐		10 WCAU NBC Telemundo License Co. (General Electric)	Warren
☐		16 WNEP-TV New York Times Co.	Warren
☐		17 WPHL-TV Tribune Company	Warren
☐		22 WYOU Nexstar Broadcasting, Inc.	Warren
☐		29 WTXF-TV Fox Television Stations, Inc. (News Corp.)	Warren
☐		38 WSWB Mystic Television of Scranton Llc	Warren
☐		48 WGTW-TV Trinity Broadcasting Network	Warren
☐		49 W49BE New Jersey Public Broadcasting Authority	Warren
☐		55 W55BS New Jersey Public Broadcasting Authority	Warren
☐		57 WPSG Cbs Broadcasting Inc.	Warren
☐		61 WPPX Paxson Communications License Company, Llc	Warren
	DURATION & FREQUENCY OF OUTREACH	NAMES OF CABLE PROVIDER(S)	BROADCAST AREA

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TARGETS PARTIAL HOUSING REGION 2			
☐		Cablevision of Newark	Partial Essex
☐		Comcast of NJ (Union System)	Partial Essex, Union
☐		Cablevision of Oakland	Partial Essex, Morris
☐		Cable Vision of Morris	Partial Morris
☐		Comcast of Northwest NJ	Partial Morris, Warren
☐		Patriot Media & Communications	Partial Morris
☐		Service Electric Broadband Cable	Partial Morris, Warren
☐		Cablevision of Elizabeth	Partial Union
☐		Comcast of Plainfield	Partial Union
☐		Cable Vision of Morris	Partial Warren
☐		Service Electric Cable TV of Hunterdon	Partial Warren
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING REGION 2			
AM			
☐		WFAN 660	
☐		WOR 710	
☐		WABC 770	
FM			
☐		WFNY-FM 92.3	
☐		WPAT-FM 93.1	Spanish
☐		WNYC-FM 93.9	
☐		WFME 94.7	Christian
☐		WPLJ 95.5	
☐		WQXR-FM 96.3	
☐		WQHT 97.1	
☐		WRKS 98.7	
☐		WAWZ 99.1	Christian
☐		WHTZ 100.3	
☐		WCBS-FM 101.1	

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X	Once at the start of Affirmative Marketing Process with additional monthly advertising if necessary.	WKXW-FM 101.5	
☐		WQCD 101.9	
☐		WNEW 102.7	
☐		WKTU 103.5	
☐		WAXQ 104.3	
☐		WWPR-FM 105.1	
☐		WLTW 106.7	
TARGETS PARTIAL HOUSING REGION 2			
AM			
☐		WWRL 1600	Essex
☐		WXMC 1310	Essex, Morris
☐		WWRV 1330	Essex, Morris (Spanish)
☐		WZRC 1480	Essex, Morris (Chinese/Cantonese)
☐		WMCA 570	Essex, Morris, Union (Christian)
☐		WNYC 820	Essex, Morris, Union
☐		WCBS 880	Essex, Morris, Union
☐		WPAT 930	Essex, Morris, Union (Caribbean, Mexican, Mandarin)
☐		WWDJ 970	Essex, Morris, Union (Christian)
☐		WINS 1010	Essex, Morris, Union
☐		WEPN 1050	Essex, Morris, Union
☐		WKMB 1070	Essex, Morris, Union (Christian)
☐		WBBR 1130	Essex, Morris, Union
☐		WLIB 1190	Essex, Morris, Union (Christian)
☐		WMTR 1250	Essex, Morris, Union
☐		WADO 1280	Essex, Morris, Union (Spanish)
☐		WNSW 1430	Essex, Morris, Union (Portuguese)
☐		WJDM 1530	Essex, Morris, Union (Spanish)
☐		WQEW 1560	Essex, Morris, Union
☐		WWRU 1660	Essex, Morris, Union (Korean)

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☐		WCTC 1450	Union
		WCHR 1040	Warren
		WEEX 1230	Warren
		WNNJ 1360	Warren
		WRNJ 1510	Warren
FM			
☐		WMSC 90.3	Essex
☐		WFUV 90.7	Essex
☐		WBGO 88.3	Essex, Morris, Union
☐		WSOU 89.5	Essex, Morris, Union
☐		WKCR-FM 89.9	Essex, Morris, Union
☐		WFMU 91.1	Essex, Morris, Union
☐		WNYE 91.5	Essex, Morris, Union
☐		WSKQ-FM 97.9	Essex, Morris, Union (Spanish)
☐		WBAI 99.5	Essex, Morris, Union
☐		WDHA -FM 105.5	Essex, Morris, Union
☐		WCAA 105.9	Essex, Morris, Union (Latino)
☐		WBLS 107.5	Essex, Morris, Union
☐		WHUD 100.7	Essex, Morris, Warren
☐		WPRB 103.3	Essex, Union, Warren
☐		WMNJ 88.9	Morris
☐		WJSV 90.5	Morris
☐		WNNJ-FM 103.7	Morris, Warren
☐		WMGQ 98.3	Union
☐		WCTO 96.1	Union, Warren
☐		WNTI 91.9	Warren
☐		WSBG 93.5	Warren
☐		WZZO 95.1	Warren
☐		WAEB-FM 104.1	Warren
☐		WHCY 106.3	Warren

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3d. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters) (Check all that applies)				
	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE	
TARGETS ENTIRE HOUSING REGION 2				
Monthly				
☐	Sino Monthly	North Jersey/NYC area	Chinese-American	
TARGETS PARTIAL HOUSING REGION 2				
Daily				
☐	24 Horas	Bergen, Essex, Hudson, Middlesex, Passaic, Union Counties	Portuguese-Language	
Weekly				
☐	Arab Voice Newspaper	North Jersey/NYC area	Arab-American	
☐	Brazilian Voice, The	Newark	Brazilian-American	
☐	Catholic Advocate, The	Essex County area	Catholic	
☐	La Voz	Hudson, Union, Middlesex Counties	Cuban community	
☐	Italian Tribune	North Jersey/NYC area	Italian community	
☐	New Jersey Jewish News	Northern and Central New Jersey	Jewish	
☐	El Nuevo Coqui	Newark	Puerto Rican community	
☐	Banda Oriental Latinoamérica	North Jersey/NYC area	South American community	
☐	El Especialito	Union City	Spanish-Language	
☐	La Tribuna Hispana	Basking Ridge, Bound Brook, Clifton, East Rutherford, Elizabeth, Fort Lee, Greebrook, Linden, Lydenhurst, Newark, North Plainfield, Orange, Passaic, Paterson, Plainfield, Roselle, Scotch Plains, Union, Union City, West NY	Spanish-Language	
☒	Once at start of Affirmative Marketing Process with additional monthly advertising if necessary.	Reporte Hispano	Regional	Spanish-Language
☐	Ukranian Weekly	New Jersey	Ukranian community	
3e. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)				

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DURATION & FREQUENCY OF OUTREACH		NAME OF EMPLOYER/COMPANY	LOCATION
Essex County			
☐		Newark Liberty International Airport	Newark Airport, Newark, NJ
☐		Verizon Communications	540 Broad St Newark, NJ 07102
☐		Prudential Financial, Inc.	751 Broad St Newark, NJ 07102
☐		Continental Airlines	1 Newark Airport, Newark, NJ
☐		University of Medicine/Dentistry	Office of Marketing & Media Relations 150 Bergen Street Room D347 Newark, NJ 07103
☐		Public Service Enterprise Group	80 Park Plz Newark, NJ 07102
☐		Prudential Insurance	751 Broad Street, Newark, NJ 07102-3777
☐		Horizon Blue Cross & Blue Shield of NJ	3 Raymond Plz W Newark, NJ 07102
☐		Newark Liberty International Airport	Newark Airport, Newark, NJ
☐		Horizon Blue Cross & Blue Shield of NJ	540 Broad St Newark, NJ 07102
Morris County			
☐		Atlantic Health System-Morristown Memorial Hospital	100 Madison Avenue Morristown, NJ 07962
☐		AT&T	295 N Maple Ave, Basking Ridge, NJ and 180 Park Ave, Florham Park, NJ
☐		US Army Armament R&D	21 Picatinny Arsenal, Picatinny Arsnl, NJ
☐		Lucent Technologies	67 Whippany Rd, Whippany, NJ and 475 South St, Morristown, NJ and 5 Wood Hollow Rd, Parsippany, NJ and 24 Mountain Ave, Mendham, NJ
☐		Pfizer	Morris Plains/Parsippany
☐		Novartis Pharmaceutical	59 State Route 10, East Hanover, NJ
☐		Kraft foods	200 Deforest Ave, East Hanover, NJ and 7 Campus Dr, Parsippany, NJ
☐		Mennen Sports Arena	161 E Hanover Ave, Morristown, NJ
☐		Honeywell	101 Columbia Rd Morristown, NJ 07960
☐		Pfizer	5 Woodhollow Rd, Parsippany and 175 Tabor Rd, Morris Plains
☐		St. Clare's Hospital	130 Powerville Road Boonton Township, NJ 07005 and 25 Pocono Road Denville, NJ 07834 and 400 West Blackwell Street Dover, NJ 07801 and 3219 Route 46 East, Suite 110 Parsippany, NJ

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			07054
Union County			
☐		A&M Industrial Supply Co	1414 Campbell St Rahway
☐		A.J. Seabra inc,	574 Ferry St Newark
☐		Bristol-myers Products Research & Dev	1350 Liberty Ave Hillside
☐		Cede Candy Inc	1091 Lousons Road PO Box 271 Union, NJ
☐		Comcast Network	800 Rahway Ave Union, NJ
☐		HoneyWell Inc.	1515 West Blancke Street Bldgs 1501 and 1525 Linden, NJ
☐		IBM Corporation	27 Commerce Drive Cranford, nj
☐		Howard Press	450 West First Ave Roselle,nj
☐		Lucent Technologies	600 Mountain Ave Murray Hill,NJ
☐		Merck & Co. Inc	1 Merck Drive PO Box 2000 (RY60-200E) Rahway, NJ
☐		Rahway Hospital	865 Stone Street Rahway, NJ
☐		Rotuba Extruders, Inc	1401 Park Ave South Linden
☐		Union County College	1033 Springfield Ave Cranford,NJ
Warren County			
☐		Masterfoods USA	800 High Street Hackettstown, NJ
☐		Warren Hospital	185 Roseberry St Phillipsburg, NJ
☐		Roche Vitamins	206 Roche Drive Belvidere, NJ
☐		Hackettstown Hospital	651 Willow Grove St. Hackettstown, NJ
☐		Pechiney	191 Route 31 North Washington, NJ
☐		Lopatcong Care Center	390 Red School Lane Phillipsburg, NJ
☐		Mallinckrodt/Baker, Inc	222 Red School Lane Phillipsburg, NJ

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3f. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach
Fair Share Housing Center	Statewide	Diverse	Once at the start of marketing
The NJ State Conference of the NAACP	Statewide	African-American	Once at the start of marketing
The Latino Action Network	Statewide	Latino	Once at the start of marketing
East Orange NAACP	Region 2	African-American	Once at the start of marketing
Newark NAACP	Region 2	African-American	Once at the start of marketing
Morris County NAACP	Region 2	African-American	Once at the start of marketing
Housing Partnership for Morris County	Region 2	Diverse	Once at the start of marketing
Community Access Unlimited, Inc.	Region 2	Diverse	Once at the start of marketing
Northwest New Jersey Community Action Program, Inc. (NORWESCAP)	Region 2	Diverse	Once at the start of marketing
Homeless Solutions of Morristown	Region 2	Diverse	Once at the start of marketing
Supportive Housing Association	Region 2	Diverse	Once at the start of marketing

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:	
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)	
☒	BUILDING Morris County Library
☒	Warren County Library Headquarters
☒	Essex County/Hall of Records
☒	Union County/Administration Building
LOCATION 30 East Hanover Avenue, Whippany, NJ 07981	
199 Hardwick Street, Belvidere, NJ 07823	
465 Dr. Martin Luther King, Jr. Blvd, Newark, NJ 07102 (973)621-4400	
Elizabethtown Plaza, Elizabeth, NJ 07207 (908)527-4100	
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)	

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Contact Person:

Mountain Lakes Borough Hall

400 Boulevard

Mountain Lakes, NJ 07046

4c. Sales/Rental Office for units (if applicable)

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI/CHOICE funding).

Name (Type or Print)

Title/Municipality

Signature

Date

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Borough of Mountain Lakes, Morris County
Spending Plan for the Third Round Planning Period

April 2019

In consultation with:

Phillips Preiss Grygiel Leheny and Hughes LLC
Planning and Real Estate Consultants
33-41 Newark Street, 3rd Floor, Suite D
Hoboken, NJ 07030

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INTRODUCTION

The Borough of Mountain Lakes, Morris County has prepared a Housing Element and Fair Share Plan in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and N.J.A.C. 5:93-5.1(c). A development fee ordinance creating a dedicated revenue source for affordable housing was adopted by the municipality in 2019. The ordinance establishes the Borough of Mountain Lakes affordable housing trust fund for which this spending plan is prepared.

1. REVENUES FOR CERTIFICATION PERIOD

As of March 31, 2019, the Borough of Mountain Lakes had collected \$33,509.05 and expended \$2,666.41, resulting in a balance of \$30,842.64. All development fees and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Provident Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:93-8.16, as described in the sections that follow.

To calculate a projection of revenue anticipated during the period of third round substantive certification (i.e., 2018-2025), the Borough of Mountain Lakes considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

The Borough does not anticipate collecting any actual and committed payments in lieu (PIL) of construction from developers.

(c) Other funding sources:

The Borough does not anticipate collecting any funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, and proceeds from the sale of affordable units.

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate of 0.40 percent.

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PROJECTED REVENUES – HOUSING TRUST FUND – 2019 THROUGH 2025							
SOURCE OF FUNDS	2019	2020	2021	2022	2023	2024	2025
(a) Development Fees:							
Projected Development							
3 Units/Year	\$35,937	\$35,937	\$35,937	\$35,937	\$35,937	\$35,937	\$35,937
\$798,570 x 1.5% ¹							
5,000 sf x 2.5% ²	\$22,182.50	\$22,182.50	\$22,182.50	\$22,182.50	\$22,182.50	\$22,182.50	\$22,182.50
(b) Payment in Lieu of Construction	\$0	\$0	\$0	\$0	\$0	\$0	\$0
(c) Other Funds (Specify Source(s))	\$0	\$0	\$0	\$0	\$0	\$0	\$0
(d) Interest (0.4% interest rate compounded annually)	\$355.85	\$446.55	\$537.61	\$629.04	\$520.84	\$292.20	\$142.64
Total	\$58,475	\$58,566	\$58,657	\$58,749	\$58,640	\$58,412	\$58,262
							\$409,761.24

¹ Mountain Lakes projects the construction of three new homes per year over the compliance period, averaging an equalized assessed value of \$798,570. This average equalized assessed value is based on an average housing price of approximately \$900,000 and an equalization ratio of 88.73 percent.

² Mountain Lakes projects the construction of 5,000 square feet of commercial space per year over the compliance period. The calculation of equalized assessed value is based on an estimated market value of \$20 per square foot, operating income of 30 percent and a capitalization rate of 7 percent.

The Borough of Mountain Lakes projects a total of \$406,836.50 in development fees to be collected between April 1, 2019 and December 31, 2025. This projected amount, when added to the Borough of Mountain Lakes' trust fund balance as of March 31, 2019 (i.e., \$30,842.64) plus interest earned on the incoming revenue of \$2,924.74 results in an anticipated total amount of \$440,603.88 available to fund and administer its affordable housing plan. All interest earned on the account shall be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by the Borough of Mountain Lakes:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Borough of Mountain Lakes' development fee ordinance for both residential and non-residential developments in accordance with the Department's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

The disbursement of monies in the Borough of Mountain Lakes' affordable housing trust fund is coordinated by its Municipal Housing Liaison in conjunction with the Borough's Chief Financial Officer and the Borough Committee. In some instances, funds will be provided to other entities, such as an entity responsible for administering a program, for eventual disbursement.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:93-8.16)**

The Borough of Mountain Lakes will dedicate \$190,000 to establish an accessory apartment program, as follows:

- \$50,000 for one very low-income unit;
- \$80,000 for two low-income units; and
- \$60,000 for two moderate-income units.

(b) **Affordability Assistance (N.J.A.C. 5:93-8.16)**

Actual development fees thru March 31, 2019		\$32,659.70
Actual interest already earned	+	\$849.35
Development fees projected 04/01/2019-12/31/2025	+	\$406,836.50
Interest projected 04/01/2019-12/31/2025	+	\$2,924.74
Less housing activity expenditures through 6/2/2008	-	\$0.00
Total	=	\$443,270.29
Calculate 30 percent	x .30 =	\$132,981.09
Less Affordability assistance expenditures through 3/31/2019	-	\$0.00
PROJECTED MINIMUM Affordability Assistance Requirement 4/1/2019-12/31/2025	=	\$132,981.09
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 4/1/2019-12/31/2025	÷ 3 =	\$44,327.03

Per N.J.A.C. 5:93-8.16, the Borough of Mountain Lakes must dedicate at least 30 percent of all development fees collected and interest earned to provide affordability assistance to low- and moderate-income households. In addition, at least one-third of the affordability assistance shall be used to provide affordability assistance to very-low income households. The Borough will reserve approximately 37 percent of its total trust fund money (i.e., \$163,926) to render units more affordable, including \$54,642 to render units more affordable to households earning 30 percent or less of median income by region as follows:

- For sale units in the form of emergency repairs, down-payment assistance, homeowner assistance loans for condominium or homeowner association fees, and homeowner assistance loans for mortgage payments up to two months or less in arrears to forestall foreclosure.
- For rent units in the form of security deposit assistance and rental assistance.

(c) **Administrative Expenses (N.J.A.C. 5:97-8.9)**

Actual dev fees and interest thru 3/31/2019		\$33,509.05
Projected dev fees and interest 2019 thru 12/31/2025	+	\$409,761.24
Payments-in-lieu of construction and other deposits thru 7/17/2008	+	\$0
Less RCA expenditures thru 12/31/2019	-	\$0
Total	=	\$443,270.29
Calculate 20 percent	x .20 =	\$88,654.06
Less admin expenditures thru 3/31/2019	-	\$1,976.25
PROJECTED MAXIMUM available for administrative expenses 4/1/2019-12/31/2025	=	\$86,677.81

The Borough of Mountain Lakes projects that \$86,677.81 will be available from the affordable housing trust fund to be used for administrative purposes. However, the Borough of Mountain Lakes proposes to dedicate \$86,674 from the affordable housing trust fund for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

- Provision of professional planning and legal services related to the planning for affordable housing.

4. EXPENDITURE SCHEDULE

The Borough of Mountain Lakes intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units.

PROJECTS/ PROGRAMS	# of Units	PROJECTED EXPENDITURE SCHEDULE 04/01/2019-12/31/2025							Total
		2019	2020	2021	2022	2023	2024	2025	
Rehabilitation	1	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
New Construction									
<i>Accessory Apartments</i>	5	\$0.00	\$0.00	\$0.00	\$0.00	\$50,000.00	\$80,000.00	\$60,000.00	\$190,000.00
Affordability Assistance	-	\$23,418	\$23,418	\$23,418	\$23,418	\$23,418	\$23,418	\$23,418	\$163,926
Administration	-	\$12,382	\$12,382	\$12,382	\$12,382	\$12,382	\$12,382	\$12,382	\$86,674
Total Expenditures		\$35,800	\$35,800	\$35,800	\$35,800	\$85,800	\$115,800	\$95,800	\$440,600

5. EXCESS OR SHORTFALL OF FUNDS

In the event of any expected or unexpected shortfall if the anticipated revenues are not sufficient to implement the plan, the Borough of Mountain Lakes will appropriate funds from general revenue to provide the necessary funds.

In the event more funds than anticipated are collected, projected funds exceed the amount necessary to implement the Fair Share Plan, or the Borough of Mountain Lakes is reserving funds for affordable housing projects to meet a future affordable housing obligation, these excess funds will be used for affordability assistance programs with the Morris County Housing Authority.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with the Borough of Mountain Lakes' Affordable Housing Ordinance in accordance with N.J.A.C. 5:93-8.13 and N.J.A.C. 5:93-8.16.

SUMMARY

The Borough of Mountain Lakes intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:93-8.13 through N.J.A.C. 5:93-8.16 and consistent with the housing programs outlined in the Housing Plan Element adopted March 24, 2016. To the extent that programs described herein are not described in the Housing Plan Element, the Borough of Mountain Lakes will submit an amendment to its Fair Share Plan.

The Borough of Mountain Lakes has a balance of \$30,842.64 as of March 31, 2019 and anticipates an additional \$406,836.50 in revenues and \$2,924.74 in interest through 2025, for a total of \$440,603.88. The Borough will dedicate \$190,000 toward the establishment of an accessory apartment program, \$163,926 to render units more affordable, and \$86,674 to administrative costs. In the event that there is a shortfall of funds, the Borough will adopt an intent to bond. The municipality will dedicate any excess funds or remaining balance toward affordability assistance programs with the Morris County Housing Authority.

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SPENDING PLAN SUMMARY	
Balance as of March 31, 2019	\$30,842.64
PROJECTED REVENUE 04/01/2019-/2025	
Development fees	+ \$406,836.50
Payments in lieu of construction or Other Funds	+ \$0
Interest	+ \$2,924.74
TOTAL REVENUE	= \$440,603.88
PROJECTED EXPENDITURES 04/01/2019-12/31/2025	
Funds used for Rehabilitation	- \$0
Funds used for Accessory Apartment Program	- \$190,000
Affordability Assistance	- \$163,926
Administration	- \$86,674
TOTAL PROJECTED EXPENDITURES	= \$440,600.00
REMAINING BALANCE	= \$3.88

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**BOROUGH OF MOUNTAIN LAKES
MORRIS COUNTY, NEW JERSEY**

**ORDINANCE # XX-19
AMENDING CHAPTER 245, ZONING OF THE CODE OF
THE BOROUGH OF MOUNTAIN LAKES**

IT IS HEREBY ORDAINED by the Borough Council of the Borough of Mountain Lakes, Morris County, State of New Jersey, as follows:

Section 1: Chapter 245, Article II, § 245-4. Zoning Districts is hereby amended to add the following:

OL-1/MF-AHO	Office and Light Industrial Zone/Multi-Family Affordable Housing Overlay
OL-2/MF-AHO	Office and Light Industrial Zone/Multi-Family Affordable Housing Overlay

Section 2: Chapter 245, Article II, § 245-5. Zoning Map is hereby amended to change the zone classification of the following tax lot from OL-1 to OL-1/MF-AHO: Block 7, Lot 7; and to change the zone classification of the following tax lots from OL-2 to OL-2/MF-AHO: Block 7, Lot 8 and Lot 9, Block 6, Lot 14, Block 116, Lots 5.01 through 5.52 and Block 116, Lot 6.

Section 3: Chapter 245, Article IV. Use Regulations is hereby amended by adding the following:

§ 245-14.1 Office and Light Industrial Zone OL-1/Multi-Family Affordable Housing Overlay

A. Permitted principal, accessory and conditional uses

- (1) As set forth under § 245-12.
- (2) Multi-family inclusionary development consisting of townhouses and/or multi-family dwelling units as permitted principal uses with a required set aside for low- and moderate-income households of 20% if such units are for sale and 15% if such units are for rent. Low- and moderate-income units shall comply with the

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provisions of Article VI of this chapter (i.e., Affordable Housing Ordinance) Permitted accessory uses shall include uses which are customarily incidental to the permitted principal use, including, but not limited to, indoor and outdoor recreational facilities and related amenities for the exclusive use of residents and guests.

B. Bulk and Development Standards

- (1) For permitted uses other than multi-family inclusionary development, as set forth in Article V of this chapter for the OL-1 Zone.
- (2) For multi-family inclusionary development, as set forth below.
 - (a) Minimum lot size: 3 acres
 - (b) Minimum lot frontage: 250 feet
 - (c) Maximum density: 14 units per gross acre
 - (d) Maximum building height: 3 stories/40 feet
 - (e) Minimum front yard setback: 75 feet
 - (f) Minimum side yard setback: 50 feet
 - (g) Minimum rear yard setback: 75 feet
 - (h) Maximum building coverage: 25%
 - (i) Maximum improved coverage: 50%
 - (j) There shall be no more than eight (8) townhouse units in any building
 - (k) There shall be no more than sixteen (16) units in any 2-story multi-family building and no more than twenty-four (24) units in any 3-story building.
 - (l) The minimum distance between buildings shall be as follows:
 - i. Windowless wall to windowless wall: 25 feet
 - ii. Window wall to windowless wall: 30 feet
 - iii. Window wall to window wall:
 - Front to front: 75 feet
 - Rear to rear: 50 feet
 - End to end: 35 feet
 - (m) Development shall maintain a minimum fifty (50) landscaped buffer to any residential zone boundary line which shall consist of either existing vegetation or new plantings, or where appropriate, a combination of existing vegetation and new plantings.
 - (n) No parking area shall be located within fifty (50) feet of a front lot line or within twenty-five (25) feet of any other lot line.
 - (o) Parking shall be provided in accordance with New Jersey Residential Site Improvement Standards (RSIS).

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§ 245-14.2 Office and Light Industrial OL-2/Multifamily Affordable Housing Overlay

A. Permitted principal, accessory and conditional uses

- (1) As set forth under § 245-12.
- (2) Multi-family inclusionary development consisting of townhouses and/or multi-family dwelling units as permitted principal uses with a required set aside for low- and moderate-income households of 20% if such units are for sale and 15% if such units are for rent. Low- and moderate-income units shall comply with the provisions of Article VI of this chapter (i.e., Affordable Housing Ordinance). Permitted accessory uses shall include uses which are customarily incidental to the permitted principal use, including, but not limited to, indoor and outdoor recreational facilities and related amenities for the exclusive use of residents and guests.

C. Bulk and Development Standards

- (1) For permitted uses other than multi-family inclusionary development, as set forth in Article V of this chapter for the OL-2 Zone.
- (2) For multi-family inclusionary development, as set forth below.
 - (a) Minimum lot size: 3 acres
 - (b) Minimum lot frontage: 250 feet
 - (c) Maximum density: 14 units per gross acre
 - (d) Maximum building height: 3 stories/40 feet
 - (e) Minimum front yard setback: 75 feet
 - (f) Minimum side yard setback: 50 feet
 - (g) Minimum rear yard setback: 75 feet
 - (h) Maximum building coverage: 25%
 - (i) Maximum improved coverage: 50%
 - (j) There shall be no more than eight (8) townhouse units in any building
 - (k) There shall be no more than sixteen (16) units in any 2-story multi-family building and no more than twenty-four (24) units in any 3-story building.
 - (l) The minimum distance between buildings shall be as follows:
 - i. Windowless wall to windowless wall: 25 feet
 - ii. Window wall to windowless wall: 30 feet
 - iii. Window wall to window wall:
 - Front to front: 75 feet
 - Rear to rear: 50 feet

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- End to end: 35 feet
- (m) Development shall maintain a minimum fifty (50) landscaped buffer to any residential zone boundary line which shall consist of either existing vegetation or new plantings, or where appropriate, a combination of existing vegetation and new plantings.
 - (n) No parking area shall be located within fifty (50) feet of a front lot line or within twenty-five (25) feet of any other lot line.
 - (o) Parking shall be provided in accordance with New Jersey Residential Site Improvement Standards (RSIS).

Section 4: 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 5: All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6: This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced:

Adopted:

, Borough Clerk

Lauren Barnett, Mayor

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BOROUGH OF MOUNTAIN LAKES

MORRIS COUNTY, NEW JERSEY

ORDINANCE #XX-19

AMENDING CHAPTER 245, ZONING OF THE CODE OF THE BOROUGH OF MOUNTAIN LAKES

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES AND ESTABLISHING AN ACCESSORY APARTMENT ORDINANCE

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015). In that decision, the New Jersey Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing (“COAH”) to the New Jersey Superior Court and established a transitional process for municipalities, like the Borough of Mountain Lakes (“Borough”), to file declaratory judgement actions seeking to declare their Housing Element and Fair Share Plans (“HEFSPs”) as being constitutionally compliant and seeking similar protections to what they would have received if they had continued to proceed before COAH; and

WHEREAS, on July 25, 2016, the Borough filed a declaratory judgement action with the New Jersey Superior Court seeking to declare its HEFSP as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation; and

WHEREAS, the Borough negotiated and executed a Settlement Agreement dated January 29, 2019 with the Fair Share Housing Center (“FSHC”), which included agreement on the extent of the Borough’s affordable housing fair share obligation for the period from 1999 to 2025 and the methods the Borough intends to use to satisfy the obligation; and

WHEREAS, Borough zoning rules prohibit the presence of accessory apartments in residential zones, but the Settlement Agreement includes a requirement that the Borough establish five affordable Accessory Apartments

NOW, THEREFORE, the general purpose of this Chapter is to provide an opportunity for the creation of accessory apartments within Residential and “A” Business districts of the Borough, sufficient to meet the terms of the settlement agreement, and to provide the ability for the owner-occupant of a Borough dwelling to apply to provide one such accessory apartment which shall be rented according to the provisions of the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-36.1, et seq.), and administered by the appropriate Borough officer;

IT IS HEREBY ORDAINED by the Borough Council of the Borough of Mountain Lakes, Morris County, State of New Jersey, as follows:

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Section 1: Chapter 245, Article VII, "Municipal Housing Liaison," of the Code is hereby repealed.

Section 2: Chapter 245, Article VII, "Affordable Accessory Apartments" is hereby added to the Code to read as follows:

Article VII

Affordable Accessory Apartments

§245-39. Applicability and purpose.

- A. Applicability. This chapter applies to the establishment of accessory apartments in the Borough, in any Residential District and in the A Business District. Until passage of this ordinance, only single-family housing has been allowed in Residential Districts.
- B. Purpose. It is the purpose of this program to help meet a portion of the Borough's fair share housing obligation and provide a realistic opportunity for the development of affordable housing through creation of up to five (5) accessory apartments for occupancy by very low-income, low-income, or moderate-income households/

§245-40. Definitions.

Definitions pertaining to affordable housing not found below are the same as those definitions that appear in the rules and regulations adopted by the Council on Affordable Housing in N.J.A.C. 5:93-1 et seq. as used in this chapter;

"Applicant" shall mean the person or persons applying to establish an accessory apartment in accordance with the provisions of this chapter.

"Contributing Dwelling" shall mean (1) One of the dwellings covered under Borough Ordinance Chapter 40 Article VI Historic Preservation that (a) was constructed on or before December 31, 1938, (b) is listed as "contributing buildings" within the Mountain Lakes Historic District in the National Register of Historic Places Registration Form for the Mountain Lakes Historic District, and (c) has not been demolished; and (2) such other structures as are designated as "contributing dwellings" by ordinance upon the recommendation of the Mountain Lakes Historic Preservation Committee or successor entities and the Planning Board.

§245-41. Minimum Standards.

- A. An accessory apartment shall be permitted in an existing structure on a property which is in conformity with the regulations of the zoning district in which it is located, including minimum required lot area, lot frontage, lot width, lot depth, maximum floor area ratio (FAR), maximum impervious lot coverage (ILC) and all setback and other bulk requirements. An accessory apartment shall also be permitted in a pre-existing non-conforming property as long as it does not require an additional bulk variance.
- B. Creation of any accessory apartment shall require a building permit prior to construction of additions and/or alterations and issuance of a Certificate of Occupancy prior to signing a lease with a tenant.

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- C. An accessory apartment shall be created within the existing footprint of the existing dwelling or the existing footprint of the existing accessory structure (e.g. detached garage). A new entry door, landing, or covered porch, dormers and modifications to the roof-lines that are architecturally consistent with the details, materials, windows, massing and scale of the existing structure shall be permitted. All additions shall comply with the bulk requirements of the Zone.
- D. An accessory apartment may be created within an existing Contributing Dwelling and shall be eligible for bulk incentives as specified in the latest adopted version of the Borough Ordinance 40-47 Establishing a Historic Preservation Committee and Establishing Special Zoning Requirements for Contributing Dwelling. Any accessory apartment provided within a Contributing Dwellings shall utilize the Historic Mountain Lakes Restoration and Renovation Handbook Design standards.
- E. Accessory apartments shall have living/sleeping space, cooking facilities, a kitchen sink, and complete sanitary facilities for the exclusive use of its occupants. The accessory apartment shall have a private entrance. The ceiling height for habitable spaces shall be no less than 7 feet.
- F. The potable water supply and sewage disposal system for the accessory apartment shall be adequate as evidenced by approval of the Borough Water & Sewer Utility.
- G. The creation of an accessory apartment shall not create a non-conforming condition on the site regarding applicable zoning requirements. An accessory apartment that is detached from the principal dwelling shall conform to all of the accessory building requirements of the zone.
- H. There shall be no more than one (1) accessory apartment located on any (1) lot unless the property is in the A Business zone and has more than one pre-existing apartment.
- I. Off-street parking shall be provided for the occupants of the affordable accessory Apartment in conformance with Chapter 245: Zoning; Article IV-Use Regulations; §245-15(L) Supplementary Use Regulations, and shall be depicted on the submitted sketch or site plan.
- J. Any renovation relative to the creation of an accessory apartment shall be architecturally consistent with the appearance of other structures on the same site. Accessory apartments shall be designed to blend and harmonize with the existing exterior architectural design of the original dwelling unit using similar materials, colors and details. The present exterior architectural design of the original dwelling unit shall be maintained to preserve the residential character of the neighborhood. Any accessory apartment provided within a Contributing Dwelling shall utilize the Historic Mountain Lakes Restoration and Renovation Handbook design standards.
- K. Any dwelling unit created or designated as an accessory apartment pursuant to this section shall be and shall remain permanently accessory to the primary use of the

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property, and shall in no way confer upon the property owner any future rights to subdivide the existing lot.

- L. In the case of an accessory apartment created without proper permits, which the property owner desires to designate as an accessory apartment under this program, all of the requirements of this Ordinance and all requirements of the U.C.C. shall apply.
- M. Any existing code deficiencies in the portion of the building to be devoted to the accessory apartment unit shall be corrected, and the unit shall be brought up to code standard. The standard for evaluating any rehabilitation activity on an existing dwelling unit shall be N.J.A.C. 5:23-2.4 and 5:23-2.5.
- N. Any accessory apartment created within an existing dwelling or an accessory structure (e.g. if provided above a detached garage) shall be fire-separated vertically and/or horizontally from the existing structure in accordance with the New Jersey Uniform Construction Code Rehabilitation Subcode 5 23-6 6(e)12
- O. The owner shall agree to rent the accessory apartment unit only to a moderate, low or very low-income tenant.
- P. The owner shall agree that prior to the issuance of a Certificate of Occupancy for the initial tenant of the accessory apartment, there shall be a recorded deed or declaration of covenants and restrictions applied to the property running with the land that maintains the affordability of the accessory apartment for the minimum 10-year period. A sample deed restriction and/or loan agreement prepared by the Borough Attorney shall be supplied to the applicant.
- Q. The accessory apartments shall adhere to all current building code requirements of the latest adopted editions of (1) the International Residential Code- New Jersey Edition and (2) the New Jersey Uniform Construction Code.

§245-42. Affordability Controls.

- A. Liens on property. An owner who receives financial assistance under the provisions of the accessory apartments program shall be required to place a lien on his or her property. The following requirement shall apply to such liens:
 - (1) The Borough shall be specified as the lienholder.
 - (2) The lien shall specify that the value of the lien equals the Amount of the monetary benefits received by the applicant under the accessory apartments program.
 - (3) A record of the lien will be kept on the property tax record, in the County Clerk's files, in the Administrative Agent's records, and notification to the tax collector with the deed and with the insurance policy, as required by this program.
 - (4) The owner shall notify the Administrative Agent, in writing, of the intent to sell a property that has benefited from the accessory apartments program, if the accessory

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apartment is still under the affordability controls and restrictions required by this program.

- (5) Each time the unit is re-rented, the Administrative Agent will verify that the unit will continue to be occupied by a qualified moderate, low-income or very low-income household and that the rent charged meets the affordability guidelines of the program.
- (6) All properties shall be periodically checked for liens, and any suspected violations of the program shall be reported to the Administrative Agent for further investigation.
- (7) At the termination of the affordability controls, the loan shall be forgiven and the lien shall be discharged by way of a Notice of Lien Discharged filed with the County Clerk.

B. Length of affordability. Owners who utilize the provisions of the accessory apartments program shall accept a deed restriction on the property. The deed restriction shall state that only a moderate, low income, or very low income tenant, as determined by the Administrative Agent, shall occupy the accessory apartment unit. The deed restriction shall be recorded with the County Clerk, and a copy of the recorded deed shall be forwarded to the Administrative Agent. The deed restriction shall go into effect as soon as a certificate of occupancy has been issued and shall apply for a period of ten (10) years.

C. Pricing

- (1) Gross rents, including a utility allowance consistent with the utility allowance approved by HUD for use in New Jersey, shall be set so as not to exceed thirty percent (30%) of the gross monthly income for the appropriate household size and income level. Maximum rents for each household size and income level shall be calculated based on the regional weighted average of the current uncapped Section 8 income limits published by HUD.
- (2) Rents of accessory apartments shall be affordable to very low, low, or moderate income households as per the FHA, COAH or its successor agency, and UHAC regulations.
- (3) Annual indexed increases. The rents of the accessory apartment units may be increased annually in accordance with N.J.A.C. 5:93-9.15.

§245-43. Program Compliance.

- A. The Borough shall designate an Administrative Agent to administer the accessory apartments program. The Administrator's responsibilities shall include advertising the accessory apartments, income qualifying prospective renters, setting rents and annual rent increases, maintaining a waiting list, distributing subsidies as applicable, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions, monitoring reports, and affirmatively marketing the affordable accessory Apartment program in accordance with the UHAC.

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- B. The Administrative Agent shall only deny an application for an accessory apartment if the project is not in conformance with the requirements N.J.A.C. 5:93-1 et seq., and/or the provisions of this ordinance. All denials shall be in writing with the reasons clearly stated.
- C. Violations, defaults, and remedies. In the event of a threatened breach of any of the regulations governing the affordable unit by an Owner of an accessory apartment, the Administrative Agent shall have all the remedies provided at law or equity, including the right to seek injunctive relief or specific performance, it being recognized by both parties that it will cause irreparable harm to the municipality, in light of the public policies set forth in the Fair Housing Act and the obligation for the provision of very low-, low- and moderate-income housing.

§245-44. Sunset Clause.

The provisions of this article permitting accessory apartments shall become null and void, having no further force or effect, upon the issuance of a Certificate of Occupancy for the fifth accessory apartment within the Borough of Mountain Lakes. The administrative provisions shall remain in full force and effect until the last deed restriction expires.

Section 3. 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 4. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced:

Borough Clerk

Adopted:

Lauren Barnett, Mayor

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BOROUGH OF MOUNTAIN LAKES

ORDINANCE NO. 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. 21 of 27

§ 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.

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§ 65-3 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 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 54:1-35c).

§ 65-4 Residential development fees.

A. Imposed fees.

- (1) Within all residential zoning district(s), 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.
- (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.

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.

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- (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) 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

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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.

§ 65-6 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.

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- (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:

, Borough Clerk

Lauren Barnett, Mayor



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 April 22, 2019.

Midvale Road Reconstruction – This project has begun and should take approximately three weeks to complete. DPW and MLPD will coordinate the necessary notifications for road closure and detour information as required.

2019 Manager Goals – Below, please find goals for 2019 as discussed during our recent Personnel sub-committee meeting:

- Implement budget process that includes budget workshop sessions separate from Borough Council meetings.
- Move incomplete infrastructure projects to next significant milestone:
 - Beach Buildings Renovation
 - Sunset Lake Dam
 - Borough Hall Renovation
- Provide onboarding guidance and assistance to our new Borough Clerk.
- Work in partnership with the Board of Education to complete the hiring process for a new DPW Director and provide onboarding guidance and assistance to the new Director.
- Update Personnel Policy Manual (employee handbook) to Joint Insurance Fund standards.

Please reach out with questions or concerns.

Mitchell

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

RESOLUTION 99-19

“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 April 22, 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 April 22, 2019.

Marcy Gianattasio, Municipal Clerk

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

List of Bills - CLAIMS/CLEARING CHECKING ACCOUNT

Meeting Date: 04/22/2019 For bills from 04/04/2019 to 04/17/2019

Check#	Vendor	Description	Payment	Check Total
15591	101 - 84 LUMBER COMPANY	PO 20299 BIRCHWOOD BEACH PROJECT - BLANKET 2	4,944.01	
		PO 20337 BIRCHWOOD BEACH RENOVATION	509.40	5,453.41
15592	4019 - ADVANCED FIREPROOF DOOR, INC	PO 20248 BIRCHWOOD BEACH PROJECT -	929.28	929.28
15593	196 - ALLIED OIL	PO 19943 UNLEADED FUEL - BLANKET 2019	3,762.53	3,762.53
15594	203 - ALVA PLASTICS	PO 20311 2019 BEACH TAGS	1,030.00	1,030.00
15595	2888 - AMC PRECISION GLASS, INC.	PO 19894 CHORINE INJECTION WELL #4 - CAPITAL	220.00	220.00
15596	189 - ANCHOR ACE HARDWARE	PO 19922 POLICE DEPARTMENT/ACCT# 001413 - 20	25.57	
		PO 20304 FIRE DEPT - MISC. SUPPLIES - BLANKE	230.77	
		PO 20405 FIRE DEPT: CLEANING SUPPLIES	160.43	416.77
15597	3828 - BOROUGH OF MADISON	PO 20377 FEBRUARY 2019 IT SERVICES	1,050.60	1,050.60
15598	440 - CDW GOVERNMENT	PO 20174 POLICE: COMPUTER EQUIPMENT/LAPTOPS	3,750.14	
		PO 20224 ADMIN: CARA FOX PRINTER - QUOTE	259.59	
		PO 20255 ADMIN: ETHERNET GEAR - QUOTE	536.62	4,546.35
15599	545 - CERTIFIED SPEEDOMETER SVC., INC	PO 19920 POLICE: VEHICLE CALIBRATION 2019 -	123.00	123.00
15600	3783 - CINTAS, CORP. - UNIFORM RENTALS	PO 20047 DPW - UNIFORM RENTAL - BLANKET 2019	143.56	
		PO 20047 DPW - UNIFORM RENTAL - BLANKET 2019	260.00	
		PO 20047 DPW - UNIFORM RENTAL - BLANKET 2019	372.84	776.40
15601	3184 - CONSTELLATION NEWENERGY, INC	PO 20389 FEB/MAR 2019 STREET LIGHTING: CUST#	572.66	572.66
15602	2396 - COUNTY WELDING SUPPLY CO.	PO 20125 DPW - EQUIPMENT & TOOLS - BLANKET 2	367.85	367.85
15603	2147 - CCTMO LLC	PO 20345 APR 2019 - CELL TOWER REIMBURSEMENT	1,776.80	1,776.80
15604	653 - GANNET NEW JERSEY NEWSPAPERS	PO 19901 CLERK - 2019 ADVERTISING ACCT#31471	138.20	
		PO 20402 CLERK - 2019 ADVERTISING ACCT#31471	138.80	277.00
15605	3586 - DELL MARKETING L.P.	PO 20272 SERVER - QUOTE - CUST# 4765917	6,500.00	6,500.00
15606	1170 - FERGUSON ENTERPRISES #501	PO 19939 WATER DEPARTMENT - TREATMENT OF WEL	390.00	
		PO 20113 WATER DEPARTMENT - EQUIPMENT & TOOL	509.27	899.27
15607	3109 - FERRIERO ENGINEERING, INC	PO 19690 GRUNDENS POND PROPOSAL / PROJECT NO	819.00	
		PO 20461 CLIENT NO: ML100 - MARCH 2019 PROFE	1,197.00	
		PO 20461 CLIENT NO: ML100 - MARCH 2019 PROFE	1,197.00	3,213.00
15608	3396 - FLASHLIGHT DISTRIBUTOR.COM	PO 20336 DPW - SAFETY EQUIPMENT - BLANKET	71.60	71.60
15609	769 - FOREST LUMBER	PO 19937 DPW - EQUIPMENT & TOOLS - BLANKET	23.92	
		PO 20275 BIRCHWOOD BEACH PROJECT	2,377.75	2,401.67
15610	814 - GARDEN STATE HIGHWAY PRODUCTS	PO 20154 DPW - TRAFFIC CONTROL & SAFETY EQUI	805.00	805.00
15611	911 - HOME DEPOT CREDIT SERVICES	PO 20045 DPW - TOOLS & SUPPLIES - BLANKET 20	211.97	211.97
15612	1001 - INSTANT PRINTING, INC.	PO 20393 FIRE SAFETY: BUSINESS CARDS	55.00	55.00
15613	859 - JCP&L	PO 20390 ACCT#100 050 702 156 - BILL PRD: 2/	4.82	
		PO 20391 ACCT#100 075 505 725 - BILL PRD: 2	3.15	
		PO 20392 MAST ACCT#200 000 054 011/ BILL DAT	5.07	
		PO 20441 MASTER ACCT# 200 000 569 000 - 2/22	2,981.90	
		PO 20458 ACCT#100 076 421 971/BILL PRD: MAR	345.61	3,340.55
15614	1074 - JW PIERSON CO.	PO 20008 DIESEL FUEL - BLANKET 2019 ACCT# 32	2,710.57	2,710.57
15615	4002 - KAREN BRENNFLECK	PO 20460 REIMBURSEMENT: EASTER SUPPLIES	54.74	54.74
15616	1090 - KENVIL POWER MOWER	PO 20152 DPW - EQUIPMENT REPAIR - BLANKET 20	257.99	257.99
15617	2838 - LEVITT'S	PO 20044 DPW - SNOW REMOVAL - BLANKET 2019	1,272.00	1,272.00
15618	2308 - MCNERNEY & ASSOCIATES, INC.	PO 19170 LEGAL: APPRAISAL SERVICES FOR TAX A	3,500.00	
		PO 20378 FEB/MARCH 2019 TAX APPEAL LEGAL SER	525.00	
		PO 20462 FEBRUARY 2019 LEGAL SERVICES	600.00	4,625.00
15619	1295 - MORRIS CTY MUNICIPAL UTILITIES	PO 20401 SOLID WASTE DISPOSAL - JANUARY 2019	10,465.60	10,465.60
15620	1442 - MORRIS PLAINS SHOES	PO 20189 DPW - UNIFORM REPLACEMENT/RENTAL	200.00	200.00
15621	2360 - MOUNTAIN LAKES AUTO SPA, CORP.	PO 19923 POLICE DEPARTMENT - 2019 CAR WASHES	35.00	35.00
15622	3922 - MOUNTAIN LAKES BAGEL, INC	PO 20274 DPW - EMERGENCY MEALS - BLANKET 201	275.05	275.05
15623	1394 - MTN. LAKES PUBLIC LIBRARY	PO 20348 MAY 2019 MTN LAKES PUBLIC LIBRARY A	26,621.74	26,621.74
15624	1472 - MURPHY, MCKEON P.C.	PO 20447 2019 RETAINER FEES - BLANKET	4,166.66	4,166.66
15625	1472 - MURPHY, MCKEON P.C.	PO 20459 MARCH 2019 LEGAL SERVICES	3,210.00	3,210.00
15626	1562 - NJLM	PO 20296 FINANCE: AD FOR FINANCE ASST PAYROL	115.00	115.00
15627	3844 - NJSLOM	PO 20438 2019 ANNUAL MEMBERSHIP DUES	497.00	497.00
15628	2500 - NORTON SEWER AND DRAIN	PO 20043 SEWER DEPARTMENT - OPERATING EQUIPM	500.00	500.00
15629	2727 - ONE CALL CONCEPTS, INC.	PO 20130 2019 JAN - DEC BLANKET / ACCT# 12-B	191.17	191.17
15630	3236 - ONE SOURCE OF NEW JERSEY, LLC	PO 20126 DPW - EQUIPMENT REPAIR - BLANKET 20	413.99	413.99
15631	3659 - OPTIMUM	PO 20426 BORO INTERNET SERVICES ACCT# 07876-	140.55	140.55
15632	4030 - MOLLY PITCHER HOTEL	PO 20340 SPRING CONFERENCE - CONFIRMATION# 6	204.12	204.12
15633	3695 - RT 23 PATIO & MASON CENTER, LLC	PO 20238 Birchwood Beach Project Supplies -	1,190.80	
		PO 20273 BIRCHWOOD BEACH PROJECT	289.90	1,480.70
15634	2856 - SENSUS USA, INC	PO 20167 WATER DEPARTMENT - EQUIPMENT	1,949.94	1,949.94
15635	1948 - SHEAFFER SUPPLY, INC.	PO 20321 BIRCHWOOD BEACH PROJECT - BLANKET	472.95	472.95

List of Bills - CLAIMS/CLEARING CHECKING ACCOUNT

Meeting Date: 04/22/2019 For bills from 04/04/2019 to 04/17/2019

Check#	Vendor	Description	Payment	Check Total
15636	3696 - SIMONS SAYS LLC	PO 20394 2019 "AFTER THE FIRE PRESENTATION"	1,000.00	1,000.00
15637	114 - SOLITUDE LAKE MANAGEMENT	PO 20440 2019 LAKE MANAGEMENT - BLANKET - CU	11,610.00	11,610.00
15638	1935 - SPATIAL DATA LOGIC, INC	PO 20439 PUBLIC WORKS ENTERPRISE LICENSE -	925.00	
		PO 20439 PUBLIC WORKS ENTERPRISE LICENSE -	2,750.00	
		PO 20439 PUBLIC WORKS ENTERPRISE LICENSE -	925.00	4,600.00
15639	1963 - STATE TOXICOLOGY LABORATORY	PO 20308 POLICE; 2018 MANDATORY RANDOM TESTI	90.00	90.00
15640	3765 - STRAMA & BROTHERS CONSTRUCTION, LLC	PO 20085 BIRCHWOOD BEACH RENOVATION	26,865.00	26,865.00
15641	4035 - THE SUSSEX COUNTY MUNICIPAL CLERKS ASSOC.	PO 20383 CLERK: VITAL STATISTICS SEMINAR	35.00	
		PO 20384 VITAL STATISTICS SEMINAR - MARCY GI	35.00	70.00
15642	1536 - TREAS, STATE OF NJ - D.O.H.	PO 20395 MARCH 2019 DOG LICENSING FEE	19.20	19.20
15643	1736 - TWP OF PARSIPPANY - TROY HILLS	PO 20346 APRIL 2019 SEWER MAINTENANCE CHARGE	33,373.00	33,373.00
15644	2115 - U.S. DEPT. OF AGRICULTURE	PO 20443 APHIS - GOOSE MANAGEMENT CUST# 6001	201.60	201.60
15645	2669 - POSTMASTER	PO 20429 2019 POSTAGE: WATER/SEWER MAILINGS/	750.00	
		PO 20429 2019 POSTAGE: WATER/SEWER MAILINGS/	750.00	
		PO 20429 2019 POSTAGE: WATER/SEWER MAILINGS/	200.00	1,700.00
15646	2182 - WEST CHESTER MACHINERY & SUPPLY CO.	PO 20191 DPW - EQUIPMENT REPAIR - BLANKET 20	201.72	201.72
15647	2737 - YUCKOS, INC.	PO 20320 CLEAN COMMUNITIES	522.00	522.00
TOTAL				178,913.00

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-201-20-100-020	GENERAL ADMIN - OTHER EXPENSE	463.71			
01-201-20-110-020	MAYOR & COUNCIL - OTHER EXP'S	497.00			
01-201-20-120-020	MUNICIPAL CLERK - OTHER EXP'S	462.00			
01-201-20-140-020	COMPUTER SERVICES	1,171.87			
01-201-20-155-020	LEGAL SERVICES - OTHER EXPENSE	8,501.66			
01-201-20-165-020	ENGINEERING SERVICES	1,197.00			
01-201-22-195-020	UNIFORM CONST - OTHER EXPENSES	2,750.00			
01-201-25-240-020	POLICE DEPT - OTHER EXPENSES	616.47			
01-201-25-266-020	FIRE DEPT - SAFETY - OTHER EXP	1,055.00			
01-201-26-290-020	STREETS & ROADS - OTHER EXP.	4,841.21			
01-201-26-305-020	SOLID WASTE - OTHER EXPENSES	10,465.60			
01-201-26-315-020	VEHICLE REPAIRS & MAINTENANCE	123.00			
01-201-27-335-020	ENVIRONMENTAL COMM - OTHER EXP	201.60			
01-201-28-370-020	PARKS & PLAYGROUNDS OTHER EXP.	1,084.74			
01-201-28-375-020	MAINT OF PARKS (BEACHES/LAKES)	11,633.92			
01-201-29-390-020	AID TO PUBLIC LIBRARY	26,621.74			
01-201-31-435-020	ELECTRICITY - ALL DEPARTMENTS	358.65			
01-201-31-436-020	ELECTRICITY - STREET LIGHTING	3,554.56			
01-201-31-447-020	PETROLEUM PRODUCTS	6,473.10			
01-203-20-155-020	(2018) LEGAL SERVICES - OTHER EXPENSE		3,500.00		
01-203-20-165-020	(2018) ENGINEERING SERVICES		819.00		
01-203-25-240-020	(2018) POLICE DEPT - OTHER EXPENSES		90.00		
01-260-05-100	DUE TO CLEARING			0.00	88,258.63
01-290-55-000-005	DUE TO T-MOBILE - SPRINT FEES			1,776.80	
TOTALS FOR	Current Fund	82,072.83	4,409.00	1,776.80	88,258.63
02-200-40-700-340	Clean Communities Grant			522.00	
02-200-40-700-400	Recycling Tonnage Grant			200.00	
02-260-05-100	DUE TO CLEARING			0.00	722.00
TOTALS FOR	FEDERAL AND STATE GRANTS	0.00	0.00	722.00	722.00

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
04-215-55-982-000	2016 CAPITAL ORDINANCE 06-16			45,954.16	
04-215-55-983-000	2017 CAPITAL ORDINANCE 05-17			1,197.00	
04-215-55-984-000	2018 CAPITAL ORDINANCE 4-18			2,095.07	
04-260-05-100	DUE TO CLEARING			0.00	49,246.23
TOTALS FOR	General Capital	0.00	0.00	49,246.23	49,246.23
05-201-55-520-520	Water Operating - Other Expenses	4,958.99			
05-203-55-520-520	(2018) Water Operating - Other Expenses		16.39		
05-260-05-100	DUE TO CLEARING			0.00	4,975.38
TOTALS FOR	Water Operating	4,958.99	16.39	0.00	4,975.38
07-201-55-520-520	Sewer Operating - Other Expenses	35,691.56			
07-260-05-100	DUE TO CLEARING			0.00	35,691.56
TOTALS FOR	Sewer Operating	35,691.56	0.00	0.00	35,691.56
13-260-05-100	DUE TO CLEARING			0.00	19.20
13-295-56-000-000	DOG LICENSE FEES-DUE STATE NJ			19.20	
TOTALS FOR	Animal Trust	0.00	0.00	19.20	19.20

Total to be paid from Fund 01 Current Fund	88,258.63
Total to be paid from Fund 02 FEDERAL AND STATE GRANTS	722.00
Total to be paid from Fund 04 General Capital	49,246.23
Total to be paid from Fund 05 Water Operating	4,975.38
Total to be paid from Fund 07 Sewer Operating	35,691.56
Total to be paid from Fund 13 Animal Trust	19.20
	178,913.00



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

Meeting Date: 04/22/2019 For bills from 04/04/2019 to 04/17/2019

Check#	Vendor	Description	Payment	Check Total
5144	3941 - TOPOLOGY NJ, LLC	PO 20196 JANUARY 2019 PROF SERVICES - SUNRIS	2,866.25	
		PO 20370 FEBRUARY 2019 PROFESSIONAL SERVICES	980.00	3,846.25

	TOTAL			3,846.25

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
17-101-01-001-002	Escrow - Developers - Checking			0.00	3,846.25
17-500-00-050-231	Sunrise Senior Living Management			3,846.25	
				-----	-----
TOTALS FOR	Developer's Escrow	0.00	0.00	3,846.25	3,846.25
				=====	=====

Total to be paid from Fund 17 Developer's Escrow

3,846.25

3,846.25

**List of Bills - (3310101001001) PROVIDENT BANK
Recreation Trust**

Meeting Date: 04/22/2019 For bills from 04/04/2019 to 04/17/2019

Check#	Vendor	Description	Payment	Check Total
5250	4020 - BRENDA ANN STYNES	PO 20159 WOOD & LAKE: FORMS	150.00	150.00
5251	3480 - LOBELLO ARTS	PO 20357 ML SAILING ASSOC: LAWN SIGNS	184.00	184.00
5252	3358 - SPORTS ENGINE, INC	PO 20363 ACCT # A00006610 March 1-March31, 2	64.00	64.00
5253	4021 - TRISTATE TIMING, LLC	PO 20212 2019 WOOD N LAKE RUN: TIMING SERVIC	1,300.00	1,300.00
TOTAL				1,698.00

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
33-101-01-001-001	PROVIDENT BANK			0.00	1,698.00
33-600-00-090-000	Recreation Trust Reserves			1,698.00	
TOTALS FOR	Recreation Trust	0.00	0.00	1,698.00	1,698.00

Total to be paid from Fund 33 Recreation Trust

1,698.00

1,698.00



MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES
APRIL 8, 2019
HELD AT BOROUGH HALL, 400 BOULEVARD, MOUNTAIN LAKES, NJ 07046

CALL TO ORDER AND OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is being held in compliance with Public Law 1975, Chapter 231, Sections 4 and 13, as notice of this meeting and the agenda thereof had been reported to The Citizen and the Morris County Daily Record and The Star Ledger on January 9, 2019 and posted in the municipal building.

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

ROLL CALL ATTENDANCE

Roll Call	Present	Absent		Present	Absent
Happer	☒	☐	Menard	☒	☐
Horst	☒	☐	Shepherd	☒	☐
Korman	☒	☐	Barnett	☒	☐
Lane	☒	☐			

FLAG

Mayor Barnett led the salute to the flag.

EXECUTIVE CLOSED SESSION

R-91-19, Resolution providing for a meeting not open to the public in accordance with the provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

Matters of Contract Negotiations: BOE Shared Service Agreement

A motion was made by Council Member Happer to go into Executive Session, seconded by Council Member Horst, with all members in favor signifying by "aye"

COMMUNITY ANNOUNCEMENTS

Mayor Barnett announced that Mountain Lakes received a \$499,000 Municipal Aid Grant from the New Jersey Department of Transportation for preservation and sidewalk work on two sections of Morris Avenue.

This week was the first annual New Jersey Local Government week which is a week to celebrate Local Government. The Mayor thanked all of the professionals, employees, police and firefighters, volunteer and elected officials who keep local government running in Mountain Lakes.

This weekend is Mountain Lakes' 57th annual trout stocking and fishing derby.

Friday, April 12th 4:00pm come out and help stock the lake. Bring a large bucket or buy one at the event.

Saturday, April 13th starting at 8:00am is the actual Fishing Derby, anyone age 16 and under and their parents can join the fishing contest. This event is rain or shine.

April 14th 1:00pm to 2:00pm is the annual Easter Egg Hunt. This is at Midvale Park, bring your own basket. Check the township website for weather cancelation.

The Borough Hall is still giving away free radon and lead kits to residents until April 15, 2019.

April 27th and 28th is Community Clean Up Weekend. There will be a sign-up sheet on the Borough website.

April 27th 8am to 3pm is Trash Day and residents can bring their recycling to our Pocono Recycling Center for a charge.

April 27th 10am is the Woods and Lakes Run at Birchwood Lake.

Council Member Korman announced that Morris County has screened compost and double ground mulch for sale. You can get 5 cubic yards of mulch for \$135 or 10 cubic yards for \$190. The screened compost you can get for \$200 for 10 cubic yards. The phone number to call for Morris County is 973-285-8383 or 973-285-8389.

Council Member Happer announced that on April 27, 2019 the Fire Department will be having a Blood Drive along with a shredding and recycling event. Please check the Borough website for the time of this event.

As a warning Council Member Happer made everyone aware that there are people checking out cars in the community and trying to get in them. The police will put out a reminder to lock car doors.

Council Member Horst announced that on April 12, 2019 during the lake stocking, the Green Team will be selling water barrels and composters at cost. Also, the Woodlands Advisory Committee will be giving away over 500 tree saplings.



MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES
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Council Member Horst also wanted to make the Council aware that Pat McElduff is going through a very complicated surgery tomorrow to correct some scoliosis in her back. Pat is a treasured community volunteer and please keep her in our thoughts.

SPECIAL PRESENTATIONS

Arbor Day Proclamation – Arbor Day is Friday, April 26, 2019. The mayor read a proclamation in honor of Arbor Day.

REPORTS OF BOROUGH ESTABLISHED BOARDS, COMMISSIONS AND COMMITTEES

Shade Tree Commission: Proposed Tree Replacement Ordinance

John Biggs, Marnie Vyff and Sandy Batty from the Shade Tree Commission gave a Power Point presentation on the importance and the benefits of the trees in Mountain Lakes as well as how important it is to replace lost trees. The Shade Tree Commission presented the Council with a draft Tree Replacement Ordinance. The Shade Tree Commission and the Council discussed the draft ordinance. The Council asked the Shade Tree Commission questions about the ordinance and requested that a copy of the draft ordinance be distributed to the Council for review. It was decided that the Shade Tree Commission will present the ordinance to the Council in the future.

PUBLIC COMMENT

Mayor Barnett opened the meeting to the public
There was no public comment.

BOROUGH COUNCIL DISCUSSION ITEMS

a) R92-19 – Resolution to Read Budget By Title

Vote to Approve Resolution R92-19

Council member	M	2nd	Yes	No	Abstain	Absent
Happer	☐	☐	☒	☐	☐	☐
Horst	☐	☐	☒	☐	☐	☐
Korman	☐	☐	☒	☐	☐	☐
Lane	☒	☐	☒	☐	☐	☐
Menard	☐	☐	☒	☐	☐	☐
Shepherd	☐	☒	☒	☐	☐	☐
Barnett	☐	☐	☒	☐	☐	☐

b) Public Hearing and Adoption of the 2019 Municipal Budget

Vote to Approve the 2019 Municipal Budget

Council member	M	2nd	Yes	No	Abstain	Absent
Happer	☒	☐	☒	☐	☐	☐
Horst	☐	☐	☒	☐	☐	☐
Korman	☐	☐	☒	☐	☐	☐
Lane	☐	☐	☒	☐	☐	☐
Menard	☐	☐	☒	☐	☐	☐
Shepherd	☐	☒	☒	☐	☐	☐
Barnett	☐	☐	☒	☐	☐	☐

c) R93-19 – Self Examination of Budget Resolution

Vote to Approve Resolution R93-19



MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES
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Council member	M	2nd	Yes	No	Abstain	Absent
Happer	☐	☐	☒	☐	☐	☐
Horst	☐	☐	☒	☐	☐	☐
Korman	☒	☐	☒	☐	☐	☐
Lane	☐	☐	☒	☐	☐	☐
Menard	☐	☒	☒	☐	☐	☐
Shepherd	☐	☐	☒	☐	☐	☐
Barnett	☐	☐	☒	☐	☐	☐

ATTORNEY'S REPORT

Township Attorney Robert Oostdyk reported to the Council that April 1st was the deadline to file property Tax Appeals. He reported that this year Mountain Lakes has 42 residential Tax Appeals. He told the Council that this would be spoken about at the April 22nd Council meeting in Executive Session and the Tax Assessor will be here at that time to discuss the Tax Appeals.

MANAGER'S REPORT – Reported by Manager Mitchell Stern

Infrastructure Project Update – with all of the projects that are in progress or soon to begin, Mr. Stern gave the Council a spreadsheet describing each project and its current status.

Morris Ave DOT Grant Award – the Borough has been approved for a \$499,000 grant for sidewalk and road improvements on two sections of Morris Ave. The estimated cost for the project is \$598,690, leaving the Borough responsible for \$99,960. The Borough is required to put down a minimum of 5% of the \$99,960 which would be \$4998. Mr. Stern let the Council know their options to pay for the balance of this project and he also made a recommendation as to how he feels is the best option for the Borough.

Birchwood Renovation Project – Mr. Stern gave the Council an updated project schedule sheet from the DPW in regards to this project.

Request to Support Project Graduation – Mr. Stern gave the Council an email from Elena Goldthwaite and an event flyer requesting a donation from the Borough to help offset the cost of the Project Graduation Program. He told the Council that in the past the Borough Council has agreed to support the program with a \$1500 donation.

Final Hearing of Ordinance 2-19

BOND ORDINANCE APPROPRIATING \$3,185,956, AND AUTHORIZING THE ISSUANCE OF \$2,815,758 BONDS OR NOTES (INCLUDING THE RECEIPT BY THE BOROUGH OF A LOAN OR LOANS FROM THE NJDEP DIVISION OF DAM SAFETY AND FLOOD CONTROL) OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF MOUNTAIN LAKES, IN THE COUNTY OF MORRIS, NEW JERSEY.

Mayor Barnett opened the meeting to the public
 There was no public comment.

Introduced: March 25, 2019

Council member	M	2nd	Yes	No	Abstain	Absent
Happer	☒	☐	☒	☐	☐	☐
Horst	☐	☐	☐	☐	☐	☒
Korman	☐	☐	☒	☐	☐	☐
Lane	☐	☐	☐	☐	☐	☒
Menard	☐	☒	☒	☐	☐	☐
Shepherd	☐	☐	☐	☐	☐	☒
Barnett	☐	☐	☒	☐	☐	☐



MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES
APRIL 8, 2019
HELD AT BOROUGH HALL, 400 BOULEVARD, MOUNTAIN LAKES, NJ 07046

Adopted: April 8, 2019

Council member	M	2nd	Yes	No	Abstain	Absent
Happer	☐	☐	☐	☐	☐	☐
Horst	☐	☐	☒	☐	☐	☐
Korman	☐	☒	☒	☐	☐	☐
Lane	☐	☐	☒	☐	☐	☐
Menard	☒	☐	☒	☐	☐	☐
Shepherd	☐	☐	☒	☐	☐	☐
Barnett	☐	☐	☒	☐	☐	☐

***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) R94-19 Resolution Authorizing the Payment of Bills
- b) R95-19 Resolution Authorizing the Issuance of Not Exceeding \$1,596,966 Bond Anticipation Notes of the Borough of Mountain Lakes, In the County of Morris, New Jersey
- c) R96-19 Resolution Authorizing 2019 Municipal Employees' Salary
- d) R97-19 Resolution Authorizing the Settlement of a Claim of Dr. Shing Yue Chan

***APPROVAL OF MINUTES**

Regular Minutes

March 25, 2019 (Not Eligible: Horst, Lane, Shepherd)

***Approval of the Consent Agenda**

Council member	M	2nd	Yes	No	Abstain	Absent
Happer	☐	☐	☒	☐	☐	☐
Horst	☒	☐	☒	☐	☐	☐
Korman	☐	☒	☒	☐	☐	☐
Lane	☐	☐	☒	☐	☐	☐
Menard	☐	☐	☒	☐	☐	☐
Shepherd	☐	☐	☒	☐	☐	☐
Barnett	☐	☐	☒	☐	☐	☐

COUNCIL REPORTS

Deputy Mayor Shepherd reported that he was not at the Historic Preservation Committee meeting but the Committee is working on their proposal to bring to the Council for review.

Council Member Menard reported that the Recreation Committee is working on a Camper Code of Conduct for the teen camp. The Recreation Committee was asked by a resident to use the Birchwood facilities on off hours for a walk fundraiser. Also, one of the Track Coaches asked for funds to be released for something the Track team needed and was told there is no more money for the Track team. Council Member Menard also reported that if residents apply for a boat rack, there is a month grace period to get your boat registered.



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Council Member Horst reported that the Woodlands Advisory Committee will be planting 500 tree saplings and they are continuing to clear paths for walking.

Council Member Menard reported on the Public Works Committee stating that the Birchwood Beach project is well underway. They are hoping to have the project complete by Memorial Day and if not then at least fully operational. Council Member Menard mentioned the Memorial Benches. Mayor Barnett reported that the Public Works Committee has been discussing the Borough's recycling program and will present to the Council any recommendations to the recycling program once they are finalized. Possible recommendations include alternating pick-up weeks for commingled and paper recyclables and having the Pocono Recycling Yard staffed and the hours of operation restricted to help monitor what is being recycled. Council Member Lane reported that the Public Works Committee would like to start making plans and a projection for Island Beach. They would like to get an architect involved and make a formal plan.

Mayor Barnett reported that the Planning Board discussed the Fair Share and Housing Master Plan amendment. The public hearing will be at the next Planning Board meeting. Also, the Sunrise application was approved.

Council Member Happer reported on the Lakes Management Advisory Committee stating that the DEP is going to be implementing a permit needed for hydro raking. This is a key part of maintenance for our lakes. The permit will be good for five years and will cost \$15,000 per lake. Council Member Happer has a call into the DEP to find out what can be done about this. He is hoping for a Quick Permit that will require the vendor to be licensed.

Council Member Lane reported that the Zoning Board received a request for a variance of a home.

Council Member Horst reported on the Green Team saying that they will be at the trout stocking event. They will be selling water barrels and composters for \$55.00. They will have a signup sheet for the trash removal weekend which is April 27th. Council Member Horst told the Council Green Team has had a lot of discussions on recycling.

Council Member Lane reported on the Environmental Committee saying at the March 19th meeting they discussed the Green Team initiative. They had a discussion about their 2019 goals as well as trail mapping in Mountain Lakes. Council Member Lane met with Tom Tansey the director of the Morris County Community Development Committee. They discussed the fact that Mountain Lakes should be applying for grants for any ADA Compliance upgrades that are needed in the Borough.

Council Member Lane reported that the Board of Education held the 2nd round of interviews for Principal of Mountain Lakes High School. She also reported that they have accepted the lowest and best bid for the referendum and they are making tweaks to stay within the budget.

Council Member Lane discussed the email she forwarded the Council on tax appeals at the State level. She reached out to Councilmen in Mendham and Boonton and they are going to send the information to their Finance Committees.

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.
There was no public comment.

NEXT STEPS AND PRIORITIES

Mayor Barnett reviewed the following next steps and priorities:

Next Step	Completed by	Completion date
Capital Improvement Fund Questions		

A motion was made by Council Member Lane, seconded by Deputy Mayor Shepherd to go back into Executive Session to continue the discussion of BOE Shared Service Agreement, with all members in favor signifying by "Aye".



**MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES
APRIL 8, 2019
HELD AT BOROUGH HALL, 400 BOULEVARD, MOUNTAIN LAKES, NJ 07046**

ADJOURNMENT at 11:15 P.M.

Motion made by Councilmember Korman, second by Councilmember Menard to adjourn the meeting at 11:15 p.m., with all members in favor signifying by "Aye".

Respectfully Submitted

Marcy Gianattasio Borough Clerk



BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

CONSTRUCTION OFFICE MONTHLY ACTIVITY REPORT

MARCH 2019

ADMINISTRATIVE SUMMARY

After a tough Winter season the temperature finally increased and the precipitation decreased – allowing construction to begin its Spring climb. The number and size of permit applications has also finally started to increase. All aspects of the office have seen marked increases – applications, plan reviews and inspections.

Larger projects are being submitted including new homes and major renovations. Two commercial renovation/alteration projects are also scheduled for this Spring season with initial meetings held with their owners and contractors.

The Enclave at Mountain Lakes is getting ever nearer to the issuance of the first certificates for the complex. Final building inspections, engineering inspections and a list of resolution conditions must be met prior to occupancy.

The inspection staff members are all remotely entering their inspection results into the computer system in real time. The ability to access information remotely is beginning to increase efficiency. Additional features of the software are being put into use as the learning curve allows.



Mountain Lakes Borough
400 BOULEVARD
MOUNTAIN LAKES, NJ 07046

Construction Permit Activity Report

3/1/2019 -> 3/31/2019

Summary

	Cost:	Count:			
New:	\$905,000.00	3	Cubic Footage:	172,451 Cu.ft	Permits Issued: 35
Addition:	\$0.00	0	Square Footage:	10,921 Sq.ft	Updates Issued: 6
Alteration:	\$342,544.00	33			
Demolition:	\$8,450.00	5			
Total:	\$1,255,994.00	41			

Permits	Count	Permit Fees	Admin Fees	Total	Inspections	Passed	Failed	Other
Building:	16	\$16,140.00	\$0.00	\$16,140.00	B 28	21 %75	7 %25	0 %0
Plumbing:	14	\$1,200.00	\$0.00	\$1,200.00	P 20	16 %80	4 %20	0 %0
Electrical:	23	\$1,889.00	\$0.00	\$1,889.00	E 46	29 %63	15 %32.6	2 %4.3
Fire:	7	\$525.00	\$0.00	\$525.00	F 13	12 %92.3	1 %7.7	0 %0
Elevator:	0	\$0.00	\$0.00	\$0.00	V 0	0 %	0 %	0 %
Mechanical:	12	\$975.00	\$0.00	\$975.00	M 24	19 %79.2	2 %8.3	3 %12.5
	72	\$20,729.00	\$0.00	\$20,729.00	131	97	29	5
DCA Training:	2		640		(Note: Does not include result of none)			
DCA State:	35		651	\$700.00				
DCA Minimum:	3		3					
	40		\$1,294					

Variations	Total	Paid	Certificates	Issued Total	Paid Total
Building 0	0	0	CA 27	\$0.00	\$0.00
Plumbing 0	0	0	CCO 0	\$0.00	\$0.00
Electrical 0	0	0	CO 0	\$0.00	\$400.00
Fire 0	0	0	CC 0	\$0.00	\$0.00
Mechanical 0	0	0	TCO 0	\$0.00	\$0.00
Elevator 0	0	0	TCC 0	\$0.00	\$0.00
Total:	\$0.00	\$0.00	Total: 27	\$0.00	\$400.00

NOTE:
Information gathered is based on the Issue date for that item, ie permit issue date, certificate issue date.

This will cause discrepancies between the payments section which uses Payment date. Example you took in money for a CO but the CO has not been issued yet.

Permit Subcode Exempted (State) Fees			Permit Subcode Waived (Local) Fees		
	Record Count	Total Exempted		Record Count	Total Waived
Building	0	\$0	Building	0	\$0
Plumbing	0	\$0	Plumbing	0	\$0
Electrical	1	\$80	Electrical	0	\$0
Fire	0	\$0	Fire	0	\$0
Mechanical	0	\$0	Mechanical	0	\$0
Elevator	0	\$0	Elevator	0	\$0
Total:		\$80	Total:		\$0
Record Count	Total Exempted		Violations	Fines	Paid
DCA Fees 1	\$1		Issued 2	\$2,000.00	\$0.00

Payments (Based on Payment Date)	
Permit (85)	\$23,677.00
NON-UCC (0)	\$0.00
Variation Payments	\$0.00
Penalty (0)	\$0.00
Inspection Payments	\$0.00
Ongoing Invoice	\$0.00
Test Payments	\$0.00
Other Payments	\$0.00
Grand Total	\$23,677.00

BOROUGH OF MOUNTAIN LAKES CONSTRUCTION OFFICE ANNUAL PERMIT FEES

4/8/2019

	2017 COLLECTED	YEAR TO DATE
JANUARY	9,550	9,550
FEBRUARY	16,180	25,730
MARCH	11,015	36,745
APRIL	14,473	51,218
MAY	8,196	59,414
JUNE	16,031	75,445
JULY	18,388	93,833
AUGUST	20,069	113,902
SEPTEMBER	6,698	120,600
OCTOBER	12,736	133,336
NOVEMBER	9,522	142,858
DECEMBER	6,930	149,788
	2018 COLLECTED	YEAR TO DATE
JANUARY	10,958	10,958
FEBRUARY	4,025	14,983
MARCH	3,342	18,325
APRIL	8,802	27,127
MAY	18,270	45,397
JUNE	7,805	53,202
JULY	11,359	64,561
AUGUST	9,355	73,916
SEPTEMBER	9,504	83,420
OCTOBER	23,654	107,074
NOVEMBER	17,709	124,783
DECEMBER	34,113	158,896
	2019 COLLECTED	YEAR TO DATE
JANUARY	12,338	12,338
FEBRUARY	4,042	16,380
MARCH	23,677	40,057
APRIL		
MAY		
JUNE		
JULY		
AUGUST		
SEPTEMBER		
OCTOBER		
NOVEMBER		
DECEMBER		

BOROUGH OF MOUNTAIN LAKES
DEPARTMENT OF PUBLIC WORKS
Department Activity
March 2019

IN HOUSE

All regular work details including building maintenance, vehicle repairs and maintenance, trash and recycling collection, trash bag deliveries, street sweeping, lawn maintenance, leaf and brush disposal, daily maintenance of wells, monthly water testing for Coliform and Chlorine, final water reads, utility mark outs, etc. Additionally:

Streets & Roads Department:

- Pothole repairs borough wide
- Extensive road repairs on Morris Avenue and North Pocono Road
- Repaired fourteen locations of asphalt berms throughout borough
- 147 Laurel Hill – unclogged drainage pipe at rear of residence
- Catch basin cleanouts throughout “Village” area of borough
- Post Office grounds cleanup due to storm debris
- Styrofoam deliveries to Foam Pack Industries
- Eagle Scout meeting in reference to memorial bench inventory
- JIF Safety Class – Bloodborne Pathogens

Water/Sewer Department:

- 209 Boulevard – Camera and jet resident sewer line due to clog
- Well #4
 1. Installed booster pump
 2. Installed chlorinator
 3. Installed window

Recreation:

- Installation of nets at tennis courts
- **Beach Project:**
 1. Framing
 2. Roofing
 3. Electrical
 4. Plumbing
 5. Stucco
 6. Concrete Footings – Pavilion

Board of Education:

- Installed concrete footing for ramp at turf field
- Brook cleanout behind softball field and Wildwood School

Vacation/Sick Time:

- 72 Vacation Hours/40 Sick Hours, 112 Man Hours



BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

Bill Bender
Fire Chief
info@mlvfd.com

400 Boulevard
Mountain Lakes, NJ 07046
P -973-394-1094

TO: Borough Manager Mitchell Stern
DATE: 4/15/19
SUBJECT: March 2019 Report

The following lists the activity for the Mountain Lakes Volunteer Fire Department during the month of March 2019:

FIRE CALLS (10)

LOCATION	DATE	TIME	DESCRIPTION
Morris and Briarcliff	3/3	1:09 AM	Pole/Tree Fire
1 Stonewall Lane	3/7	7:14 AM	Fire Alarm-Malfunction
RFL- Boonton Twp	3/8	2:45 AM	Assist BTFD with Helicopter Landing Zone
West Hill RD BT	3/12	7:54 AM	Assist Boonton Twp FD
99 Laurel Hill Rd	3/12	7:23 PM	Chimney Fire
101 Kenilworth Rd	3/14	9:15 PM	Gas Grill on fire
91 East Shore Rd	3/18	10:20 PM	Fire alarm-Malfunction
15 Old Timber Tr BT	3/20	8:55 AM	Assist BTFD with Fire alarm
1 Old Bloomfield Ave	3/21	10:52 AM	Odor of Gas-Unfounded
BTFD Station 1	3/26	7:15 PM	Stand by at BT firehouse while they were out on working fire

DRILLS (4)

LOCATION	DATE	TIME	DESCRIPTION
Firehouse	3/12	8:00 PM	Senior Drill
High School	3/17	1:00 PM	JFD Drill
Firehouse	3/27	7:00 PM	Helicopter Landing Zone Lecture
High School	3/31	10:00 AM	Helicopter Landing Zone Drill. Atlantic Health landed helicopter on high school field. Instruction on how to transport patient to helicopter. Atlantic gave a tour of the helicopter. Mutual aid from Boonton Twp FD, Boonton FD, Rainbow

Lakes FD, Kiwanis Ambulance

MEETINGS (3)

LOCATION	DATE	TIME	DESCRIPTION
Fire House	3/5	8:00 PM	Officers Meeting
Academy	3/13	7:00 PM	County Chiefs Meeting
Firehouse	3/26	8:00 PM	Business meeting

Truck and Equipment Checks (1)

LOCATION	DATE	TIME	DESCRIPTION
Firehouse	3/26	9:00 PM	Truck checks E1. E2 and R1

COMMUNITY EVENTS: None

ANNOUNCEMENTS:

1. MLVFD Shredding and Blood Drive on Saturday April 27th. 8:00 AM-Noon
2. MLVFD Open House on Saturday May 4th. 11AM-2:00 PM

TOTAL MANHOURS: 425

Borough of Mountain Lakes

BOARD OF HEALTH

400 BOULEVARD • MOUNTAIN LAKES, NEW JERSEY 07046

Telephone: (973) 334-3131 • Fax: (973) 402-5595



March 2019

Administration/Tests:

- Review all swimming pool and spa results – Craig school, YMCA and Sports Care.
- Attended Morris County Public Health Partnership meetings and Health Officer meetings
- Reviewed staff reports and collaborate regarding items or issues of concern.
- Retail food establishment updates and spot checks
- Worked on lead education program and follow up with community health assessment questionnaire.
- Ongoing Supplied lead testing kits and Radon testing Kits.
- Implementation of radon, lead surfaces and water testing was very successful with active resident participation

Environmental Inspections

- Sports Care Pool –pseudomonas found - closed pool.

Nursing

CDC/NJDOH PUBLIC HEALTH ALERTS

Influenza Season Continues with an Increase in Influenza A(H3N2) Activity
CDC Health Advisory

Date: March 29, 2019

Public Health Message Type: ☐ Alert ☒ Advisory ☐ Update ☐ Information Intended Audience: ☐ All public health partners ☒ Healthcare providers ☒ Infection preventionists ☒ Local health departments ☐ Schools/child care centers ☐ ACOs ☐ Animal health professionals ☒ Other

Key Points or Updates:

- (1) New Jersey continues to see high levels of influenza occurring across the state with a large number of influenza AH3N2 detections.
- (2) Early in the 2018-2019 influenza season, influenza A 2009 H1N1 was the predominant virus and the season appeared to have peaked in mid-February.
- (3) A continual increase in influenza AH3N2 virus detections began in late January and is likely responsible for the prolonged high levels of influenza activity.
- (4) Influenza vaccine effectiveness is generally lower against influenza AH3N2 viruses than against A 2009 H1N1 or B viruses. In addition, one genetic clade of AH3N2 viruses, the 3C.3a clade, has recently become predominant among circulating AH3N2 virus and according to laboratory testing these viruses are antigenically distinct (different) from the A H3N2 virus included in this season's vaccine. This means the vaccine may not offer as much protection against these H3 viruses.

National "Off the Pound" Nutrition Health

right Academy of Nutrition
and Dietetics

Eat Right

Food, Nutrition and Health Tips from the Academy of Nutrition and Dietetics

Eating Right on a Budget

Getting the most nutrition for your food budget starts with a little extra planning before you shop. There are many ways to save money on the foods that you eat. Here are some budget-friendly tips for eating right.

Plan what you're going to eat
Before you head for the grocery store, plan your meals and snacks for the week. Review recipes for what ingredients are needed. Check to see what foods you already have and make a list of what you need to buy. When you shop with a list, you will be less likely to buy extra items that are not on it.

Decide how much to make
Making a large batch by doubling a recipe will save time in the kitchen later on. Extra portions can be used for lunches or meals later in the week, or freeze leftovers in individual containers for future use. Plus, foods purchased in bulk are almost always cheaper.

Determine where to shop
Check the local newspaper, online and at the store for sales and coupons, especially when it comes to more expensive ingredients, such as meat and seafood. While at the store, compare prices of different brands and different sizes of the same brand to see which has a lower unit price. The unit price is usually located on the shelf directly below the product.

Shop for foods that are in season
Fresh fruits and vegetables that are in season are usually easier to get and may be a lot less expensive. Your local farmer's market is also a great source of seasonal produce. Just remember that some fresh fruits and vegetables don't last long. Buy small amounts at a time to avoid having to throw away spoiled produce.



right Academy of Nutrition
and Dietetics

Eat Right

Food, Nutrition and Health Tips from the Academy of Nutrition and Dietetics

Smart Snacking for Adults and Teens

Snacks can fit into a healthy eating plan and provide an energy boost between meals, if they're planned right. Choosing nutritious foods from the MyPlate food groups can help increase variety and reduce sources of empty calories and added sugar.

Snacks for people who are less active should be 200 calories or less. To fuel more active teens and adults, snacks can contain 200 to 300 calories per serving.

Make snacking a smart habit by:

- **Snacking only when you're hungry.**
Eating out of boredom or for emotional reasons can lead to weight gain. Rate your hunger before reaching for a snack and avoid mindless eating.
- **Having snacks planned and portioned out ahead of time.** Fixing snacks in advance, like washed and cut-up fruits and vegetables, air-popped popcorn, and low-fat cheese, can save time later on.
- **Practicing food safety.** Keep perishable foods refrigerated or in a cooler bag with ice packs to help reduce the risk of food poisoning.

Make snacking simple by substituting different fruits and vegetables, depending on what is in season or on sale. Fresh, frozen, canned (in 100% juice), or dried varieties are all good options.



Keep your snacking lively by including snacks that contain grains, especially whole grains, lean protein and healthy fats. Some examples include fat-free yogurt with fruit, whole-grain crackers with low-fat cheese, or raw veggies with hummus.

Eating different combinations of foods can be very satisfying and help to curb hunger. Snacks that include fruit can also satisfy a craving for something sweet.

The 2018 State Indicator Report on Fruits and Vegetables shows:

- ❖ Only 12.2% of adults meet the daily fruit intake recommendation.
- ❖ Only 9.3% of adults meet daily vegetable intake recommendation.

For more information visit the Academy of Nutrition and Dietetics for handouts and tipsheets on nutrition.



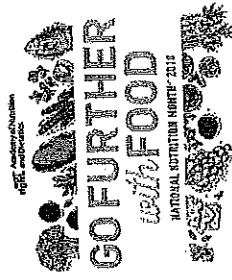
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Sources:

<https://www.cdc.gov/nutrition/downloads/fruits-vegetables/2018/2018-fruit-vegetable-report-508.pdf>
<https://www.eatright.org/food/resources/national-nutrition-month/nnm-handouts-and-tipsheets-for-families-and-communities>

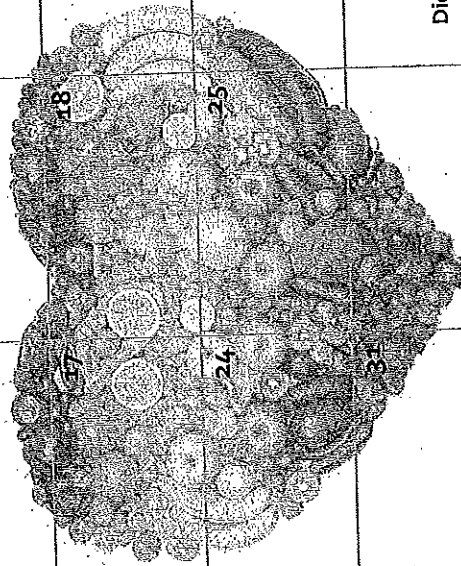
March

2019



Nutrition "Off the Pound" Month

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
3 https://www.eatright.org/food/resources/national-nutrition-month/nmm-handouts-and-tipsheets-for-families-and-	4	5	6	7	8	9
10	11	12	13	14	15	16
		19	20	21	22	23
		26	27	28	29	30
		Fun Fact: Did you know that access to farmers markets improve fruit and vegetable intake?		Farmers markets help connect local farms to underserved neighborhoods or rural areas		https://www.cdc.gov/nutrition/downloads/fruits-vegetables/2018/2018-fruit-vegetable-report-508.pdf



(1) Clinicians should consider influenza as a possible diagnosis for patients with respiratory illness while influenza activity levels remain high.

Action Items:

(1) All hospitalized, severely ill, and high-risk patients with suspected or confirmed influenza should be treated with antivirals – s attached CDC Health Advisory for more information.

(2) Clinical judgment—considering the patient's disease severity and progression, age, likelihood of influenza, and time since onset of symptoms—is important when making antiviral treatment decisions for outpatients who are not at increased risk for influenza complications.

(3) Clinical benefit is greatest when antiviral treatment is administered as early as possible after illness onset. Therefore, antiviral treatment should be started as soon as possible after illness onset and should not be delayed, even for a few hours to wait for the results of testing. Ideally, treatment should be initiated within 48 hours of symptom onset. However, antiviral treatment initiated later than 48 hours after illness onset can still be beneficial for some patients.

References and Resources:

- NJ Respiratory Virus Surveillance Report
<https://www.nj.gov/health/cd/statistics/flu-stats/>

-CDC Influenza Antiviral Medications
<https://www.cdc.gov/flu/professionals/antivirals/index.htm>

-CDC Health Advisory: Influenza Season Continues with an Increase in Influenza A(H3N2) Activity. Attached and at:
<https://emergency.cdc.gov/han/han00419.asp>

Monthly Activities

CDRSS is checked, at minimum, twice daily to review for newly listed communicable diseases. This is accomplished by all nursing staff. Upon the listing of a new disease, investigation of disease is initiated by PHN NJLINC checked daily. Health alerts and advisories are reviewed by all Public Health nurses.

Screenings This Month

No screenings this month.

Seasonal Flu Activities

We continue to disseminate the message to the public that individuals who did not receive the vaccine that doses are still available and appropriate to receive via newsletters, social media and the township website.
Influenza activity as reported by NJDOH surveillance is **high** for this region for week ending March 23rd 2019.

Disease Prevention - Well Child Program – 2 months thru 18 years of age - L. Gearhart, PHRN

No patients this month for the Well Child Program.

Childhood Lead Poisoning Prevention Program – T. Fucci, PHRN

No cases from Mountain Lakes reported to our office during this month. Lead case management monitoring occurs twice daily at a minimum for jurisdiction within the NJDOH Welligent LeadTrax Monitoring system.

TB Control Program – T. Fucci, PHRN

No Mantoux tests were administered this month.

Perinatal Hepatitis B Prevention Program, T. Fucci, PHRN

No PNHBV cases from Mountain Lakes reported to our office during this month.

Communicable Disease

The classifications for the cases listed below are based on the investigation conducted by the PHN, laboratory evaluation and NJDOH case definition. All investigation information is entered into CDRSS; NJDOH reads entries, comments on individual cases, will send PHN email requesting more data. Once NJDOH is satisfied with investigation methods, the case is approved and closed.

Patient Status is based on pt s/s, lab result interpretation and NJDOH Case Definition which is found in the NJDOH Communicable Disease Manual

March 2019

New Cases: 1	Ongoing Cases: 0
1- Influenza- case confirmed & closed.	

Heath Education

- See attached

Respectfully Submitted by:



F. Michael Fitzpatrick, Health Officer

Time Used/Overtime by Month

	Sick Time Hours							Vacation/Comp Hours/Pers Day/Bureau							Court Overtime					Department Overtime					Training/School Hours										
	2013	2014	2015	2016	2017	2018	2019	2013	2014	2015	2016	2017	2018	2019	2013	2014	2015	2016	2017	2018	2019	2013	2014	2015	2016	2017	2018	2019	2013	2014	2015	2016	2017	2018	2019
Jan	12	104	106	58	236	216	79	12	60	64	127.5	22	15	14	\$0	\$0	\$0	\$0	\$0	\$158	\$0	\$15,522	\$9,344	\$2,989	\$3,164	\$2,998	\$4,159	\$4,348	0	6	60	50	48	51	86
Feb	72	80	104	142	226	252	86	36	45	34	11	84	104	220	\$0	\$221	\$0	\$0	\$0	\$0	\$210	\$6,262	\$10,162	\$4,641	\$7,750	\$7,009	\$4,927	\$2,138	30	112	75	125	103	15	15
March	60	128	82	82	238	310	110	156	36	96	139	198	148.5	163	\$0	\$180	\$0	\$0	\$151	\$0	\$0	\$16,524	\$7,282	\$6,541	\$7,689	\$12,822	\$29,829	\$6,254	87	52	15	91	115	59	57
April	60	36	72	46	209.5	0		60	165	218	138	154	250		\$0	\$360	\$271	\$0	\$0	\$0	\$0	\$4,355	\$1,563	\$8,942	\$4,657	\$5,399	\$12,146		59	37	85	60	44	0	
May	96	94	188	69	128	204		132	220	322	192	254	178		\$0	\$0	\$0	\$0	\$0	\$0	\$13,769	\$10,958	\$11,708	\$16,276	\$12,700	\$24,263		33	45	42	120	54	3		
June	96	104	144	85	140	130		204	257	152	299	288	208		\$0	\$0	\$0	\$0	\$193	\$0	\$19,603	\$9,640	\$18,386	\$6,362	\$17,917	\$21,572		53	106	240	95	40	24		
July	72	68	128	140	318	152		407	520	428	592	518	524		\$0	\$0	\$0	\$0	\$158	\$0	\$31,478	\$11,237	\$27,256	\$31,836	\$31,018	\$24,005		20	48	85	105	12	39		
August	72	120	114	182	272	94		600	674	585	528	606	682		\$0	\$0	\$0	\$140	\$193	\$0	\$32,665	\$20,462	\$30,377	\$20,059	\$21,042	\$18,754		22	0	128	115	48	62		
Sept	94	116	71.5	92	276	94		100	131	228	364.5	294	375.5		\$0	\$0	\$0	\$354	\$0	\$0	\$12,410	\$6,874	\$13,746	\$12,484	\$21,047	\$16,316		157	118	66	150	47	58		
Oct	96	92	82	94	332	106		163	146	302	414	125	208		\$0	\$266	\$0	\$0	\$0	\$0	\$12,150	\$8,543	\$16,914	\$15,755	\$12,876	\$14,514		40	120	43	253	36	41		
Nov	72	94	96.5	188	346	148		292	256	145	164	274.5	235.5		\$0	\$0	\$0	\$0	\$246	\$0	\$21,516	\$8,762	\$8,770	\$11,241	\$18,359	\$15,103		80	76	40	290	24	179.5		
Dec	106	164	121	392	392	254		168	175	157.5	217.5	171	346.5		\$0	\$0	\$0	\$0	\$302	\$0	\$18,515	\$15,512	\$5,481	\$19,991	\$18,360	\$20,920		10	145	114	167	100	46		
Total	908	1200	1309	1570	3114	1960	275	2395	2685	2732	3187	2969	3275	402	\$0	\$1,028	\$271	\$354	\$593	\$947	\$210	\$190,769	\$121,318	\$155,753	\$157,266	\$181,548	\$206,506	\$12,740	591	863	993	1621	671	577.5	159

MLPD Monthly Activity Report

Month/Year	Alarms	False Alarm Charges	False Alarm Collected	Total Arrests	Juv. Arrests	CDS (Drug) Arrests	L.O. Violations	M.V. Stops	M.V. Summonses	M.V. Accidents	Animal Complaints	Medical	Thefts	Assaults	Burglary/Robbery	Murder	Total Call Volume
January-11	35	N/A	N/A	4	0	2	1	1	51	17	13	22	3	0	0	0	651
January-12	39	\$ 400.00	-	4	0	1	0	0	86	13	4	18	6	0	3	0	557
January-13	26	\$ -	-	3	0	0	0	1	65	37	6	21	2	1	0	0	533
January-14	18	\$ -	-	6	1	1	5	2	186	69	13	12	2	1	2	0	767
January-15	21	\$ -	\$ 850.00	3	0	3	0	0	135	48	5	16	3	0	0	0	614
January-16	14	\$ -	-	7	0	1	0	3	166	51	13	8	5	0	2	0	647
January-17	19	\$ -	\$ 50.00	11	0	7	0	2	223	72	6	6	4	0	0	0	832
January-18	15	\$ -	-	8	0	2	1	4	164	76	13	14	1	0	0	0	858
January-19	23	\$ -	-	5	1	1	0	0	117	51	6	14	2	0	0	0	918
February-11	20	N/A	N/A	5	2	0	0	1	138	62	14	10	1	0	0	0	572
February-12	27	\$ -	-	7	0	1	0	4	116	44	11	18	3	0	0	0	584
February-13	17	\$ -	-	6	0	0	0	3	65	55	6	10	0	0	0	0	440
February-14	15	\$ -	-	3	0	0	1	0	217	110	11	8	1	1	0	0	729
February-15	23	\$ 50.00	\$ 400.00	7	0	0	9	3	91	61	11	12	1	0	0	0	535
February-16	18	\$ 50.00	\$ 1,000.00	10	2	3	0	3	201	36	5	9	6	0	1	0	723
February-17	16	\$ 50.00	-	9	0	6	0	2	163	64	10	7	1	1	1	0	682
February-18	14	\$ -	-	8	0	1	2	1	174	63	2	9	2	0	0	0	734
February-19	18	\$ 50.00	\$ 50.00	4	0	0	2	0	76	26	4	15	3	1	0	0	724
March-11	17	N/A	N/A	2	0	0	0	1	127	73	8	13	5	0	0	0	669
March-12	28	\$ -	-	2	0	1	2	0	98	42	6	17	5	1	1	0	584
March-13	21	\$ -	-	2	0	0	2	2	51	33	10	10	1	0	8	0	570
March-14	13	\$ -	-	2	0	0	0	0	264	134	9	16	4	1	0	0	844
March-15	14	\$ 100.00	\$ 50.00	11	1	5	4	2	94	55	11	7	1	1	3	0	610
March-16	12	\$ -	-	16	0	9	0	1	313	91	11	15	4	0	0	0	973
March-17	19	\$ 50.00	\$ 50.00	10	0	3	0	0	174	43	7	11	3	0	1	0	801
March-18	15	\$ -	-	6	0	2	0	2	151	75	10	17	3	1	1	0	1030
March-19	21	\$ -	-	6	0	1	0	0	132	40	8	13	1	1	0	0	797
April-11	27	N/A	N/A	4	0	1	3	0	110	69	9	8	5	1	0	0	560
April-12	30	\$ -	-	5	0	0	2	2	103	45	13	11	5	0	1	0	588
April-13	19	\$ -	-	6	0	1	0	3	44	28	9	13	2	2	3	0	533
April-14	20	\$ 50.00	-	5	1	1	1	1	243	95	9	11	2	0	4	0	784
April-15	17	\$ -	\$ 50.00	2	0	0	1	0	76	44	13	14	4	0	2	0	621
April-16	22	\$ 50.00	-	19	0	12	0	1	267	41	15	8	8	1	0	0	820
April-17	22	\$ 600.00	\$ 650.00	11	0	3	3	1	122	40	5	11	13	8	0	6	737
April-18	14	\$ -	-	7	1	4	0	1	122	58	8	7	3	0	0	0	748
April-19																	
May-11	37	N/A	N/A	5	0	1	7	0	111	141	9	21	2	0	0	0	676
May-12	34	\$ 50.00	-	2	0	1	3	0	65	99	15	19	1	0	0	0	649

MLPD Monthly Activity Report

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May-13	20	\$ 100.00	\$ -	2	0	0	0	0	0	43	15	12	11	16	3	0	1	0	541
May-14	23	\$ -	\$ -	7	2	2	2	0	0	219	88	9	10	7	8	0	4	0	792
May-15	21	\$ 200.00	\$ -	6	0	0	0	1	2	79	43	12	18	11	2	0	1	0	645
May-16	11	\$ 100.00	\$ 50.00	13	1	11	11	0	1	267	38	12	14	13	4	5	0	0	806
May-17	25	\$ -	\$ -	9	0	4	4	0	3	142	48	10	12	14	9	0	8	0	928
May-18	20	\$ -	\$ -	10	0	0	0	7	2	164	94	11	9	14	3	1	0	0	875
May-19																			
June-11	39	N/A	N/A	8	1	0	0	3	0	85	94	9	14	12	4	0	0	0	633
June-12	15	\$ -	N/A	5	2	3	3	5	1	64	59	6	21	12	3	0	1	0	571
June-13	14	\$ -	\$ 50.00	1	0	1	1	0	0	47	21	16	12	9	4	0	0	0	514
June-14	31	\$ 50.00	\$ -	5	1	1	1	0	0	134	56	13	14	14	1	0	1	0	646
June-15	14	\$ 300.00	\$ 200.00	2	0	0	0	1	0	81	7	14	9	17	3	0	0	0	698
June-16	21	\$ -	\$ -	15	0	8	8	4	0	220	70	17	15	9	5	0	1	0	956
June-17	29	\$ -	\$ -	7	1	2	2	0	2	135	39	16	9	14	4	1	0	0	844
June-18	24	\$ -	\$ -	2	0	0	0	0	0	154	68	11	7	15	5	0	2	0	800
June-19																			
July-11	35	N/A	N/A	1	1	1	1	1	0	54	27	10	29	12	4	1	1	0	594
July-12	27	\$ 100.00	\$ -	10	0	1	1	4	3	72	27	15	14	7	1	0	2	0	566
July-13	25	\$ 200.00	\$ -	5	1	3	3	5	0	56	17	10	14	8	2	0	1	0	547
July-14	37	\$ 300.00	\$ -	5	0	0	0	0	2	187	96	8	7	9	3	0	2	0	655
July-15	23	\$ 450.00	\$ 50.00	3	0	0	0	2	1	116	52	13	15	8	11	0	0	0	705
July-16	22	\$ -	\$ 100.00	15	0	8	8	1	0	204	52	14	12	19	12	2	12	0	1012
July-17	20	\$ -	\$ -	7	0	3	3	1	0	138	22	7	12	10	6	2	1	0	693
July-18	16	\$ -	\$ -	7	0	2	2	0	0	128	56	8	5	9	12	2	22	0	828
July-19																			
August-11	44	N/A	N/A	3	0	0	0	0	1	59	32	18	32	19	3	0	0	0	737
August-12	30	\$ 200.00	\$ -	6	2	2	2	1	2	57	23	11	19	14	3	0	1	0	517
August-13	25	\$ 100.00	\$ -	5	0	0	0	2	0	80	27	10	30	8	5	3	0	0	537
August-14	22	\$ -	\$ -	7	0	1	1	0	1	188	74	8	21	9	2	0	27	0	685
August-15	27	\$ 100.00	\$ 800.00	4	0	0	0	0	1	258	82	3	25	13	5	0	4	0	831
August-16	33	\$ -	\$ 250.00	18	0	6	6	1	0	198	56	8	23	13	3	0	1	0	810
August-17	15	\$ -	\$ -	14	1	4	4	3	0	109	25	10	8	9	7	1	2	0	603
August-18	23	\$ -	\$ -	3	0	0	0	0	0	121	44	8	11	17	6	0	3	0	794
August-19																			
September-11	25	N/A	N/A	1	0	0	0	0	1	66	28	15	26	13	5	0	8	0	634
September-12	8	\$ -	\$ -	5	0	0	0	0	2	44	22	12	97	12	1	0	2	0	611
September-13	17	\$ -	\$ -	1	0	0	0	1	0	29	10	9	14	14	2	0	0	0	480
September-14	17	\$ 50.00	\$ 150.00	6	1	1	1	0	0	155	65	7	18	11	3	1	2	0	696
September-15	28	\$ 550.00	\$ 100.00	5	0	0	0	1	1	192	80	9	16	19	14	0	1	0	845

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September-16	20	\$ 200.00	\$ -	9	0	3	0	1	153	40	7	10	10	11	0	11	0	861
September-17	14	\$ -	\$ -	4	1	2	0	1	98	35	12	6	15	1	0	0	0	714
September-18	12	\$ -	\$ -	7	0	2	1	1	78	28	9	5	14	11	0	8	0	795
September-19																		
October-11	45	N/A	N/A	2	0	0	0	0	50	31	15	20	19	1	0	1	2	671
October-12	40	\$ 50.00	N/A	4	0	1	0	0	45	23	14	114	19	3	0	0	0	773
October-13	4	\$ -	\$ 350.00	7	2	0	0	2	66	30	7	33	18	3	2	2	0	667
October-14	24	\$ 150.00	\$ 200.00	4	0	1	0	1	106	52	12	20	10	7	2	1	0	663
October-15	21	\$ 600.00	\$ 550.00	9	0	0	2	3	147	49	11	16	16	2	0	0	0	716
October-16	28	\$ -	\$ -	3	0	2	1	0	105	22	7	13	9	4	0	1	0	708
October-17	25	\$ -	\$ -	5	0	2	0	0	115	48	16	6	15	6	0	1	0	766
October-18	13	\$ -	\$ -	3	0	1	0	1	122	55	15	4	15	8	0	0	1	866
October-19																		
November-11	18	N/A	N/A	1	0	0	0	0	59	35	9	19	17	2	1	2	0	577
November-12	38	\$ 50.00	N/A	4	0	0	0	2	51	35	9	28	12	1	0	1	0	576
November-13	9	\$ -	\$ -	2	0	0	0	1	51	17	10	15	20	6	1	1	0	599
November-14	33	\$ 200.00	\$ 100.00	2	1	0	1	1	107	46	7	14	10	8	1	0	0	625
November-15	28	\$ 550.00	\$ 500.00	7	0	1	0	0	169	42	11	7	13	6	0	2	0	766
November-16	21	\$ -	\$ 200.00	4	0	2	1	0	230	69	10	5	9	4	0	0	0	853
November-17	18	\$ -	\$ -	6	0	2	1	0	79	31	10	1	12	9	1	5	0	701
November-18	20	\$ -	\$ -	4	0	2	0	0	81	27	13	5	10	5	0	3	0	804
November-19																		
December-11	34	N/A	N/A	2	0	0	0	0	76	28	8	14	17	6	0	6	0	541
December-12	17	\$ -	N/A	0	0	0	0	0	73	47	14	17	20	2	2	0	0	581
December-13	22	\$ -	\$ -	5	1	2	0	0	66	28	13	6	14	6	0	1	0	545
December-14	37	\$ 1,350.00	\$ 250.00	10	3	4	0	3	106	52	10	8	11	2	0	1	0	576
December-15	26	\$ 1,200.00	\$ 450.00	2	0	0	4	0	157	45	16	13	15	6	0	1	0	718
December-16	22	\$ 50.00	\$ -	13	0	6	0	2	194	79	13	8	10	0	0	0	0	865
December-17	15	\$ -	\$ -	1	0	1	0	0	100	44	4	4	13	2	0	0	0	690
December-18	25	\$ -	\$ -	3	0	0	0	0	60	21	10	5	16	1	0	0	0	683
December-19																		
2011	376	N/A	N/A	38	4	5	15	5	1025	671	141	215	183	41	3	18	2	7515
2012	333	\$ 850.00	\$ -	54	4	11	17	16	874	510	139	364	179	34	3	12	0	7157
2013	219	\$ 400.00	\$ 400.00	45	4	7	10	12	663	318	122	165	161	36	9	17	0	6506
2014	290	\$ 2,150.00	\$ 700.00	62	10	12	8	11	2112	937	115	162	128	43	7	44	0	8462
2015	263	\$ 4,100.00	\$ 4,000.00	61	1	9	25	13	1595	608	129	160	161	58	1	14	0	8306
2016	244	\$ 450.00	\$ 1,600.00	142	3	71	8	12	2518	645	132	129	132	66	8	29	0	10034
2017	237	\$ 700.00	\$ 750.00	94	3	39	8	11	1603	511	113	85	139	60	6	25	0	8991
2018	211	\$ -	\$ -	68	1	16	11	12	1519	665	118	76	157	60	4	39	1	9815

MLPD Monthly Activity Report

Month/Year	Alarms	False Alarm Charges	False Alarm Collected	Total Arrests	Juv. Arrests	CDS (Drug) Arrests	L.O. Violations	M.V. Stops	M.V. Summonses	M.V. Accidents	Animal Complaints	Medical	Thefts	Assaults	Burglary/Robbery	Murder	Total Call Volume
2019 YTD	62	\$ 50.00	\$ 50.00	15	1	2	2	325	117	18	23	42	6	2	0	0	2439

March 2019

<u>Total Overtime</u>
<u>Hours Paid</u>
82.5

<u>Total</u>			
<u>Total</u>	<u>Vaca/Comp/Perso</u>	<u>nal/Bereave Hrs</u>	<u>% of Hrs Equating to</u>
<u>Vaca/Comp Hrs</u>	<u>Creating OT</u>	<u>OT</u>	
168	0		0.00%

<u>Total Sick Time</u>			
<u>Total Sick Time</u>	<u>Hrs Creating OT</u>	<u>OT</u>	<u>% of Hrs Equating to</u>
<u>Hrs</u>			
110	43.5		39.55%

- * 17 hours mandatory Narcan Recertification Training
- * 8 Hours MCREDS Activation
- * 8 Hours Operation Helping Hands - Opioids
- * 6 Hours DPW Pocono Road Repair

BOROUGH OF MOUNTAIN LAKES

Recreation Department

Department Activity March 2019

The Recreation Commission met on March 26th, 2019. The Commission welcomed the new member – Gary Resnik. The commission was briefed on the upcoming Easter Egg Hunt and Trout Derby. A SignUp was sent out by the Recreation Director to coordinate volunteers. Recreation Commission decided that resident fundraiser walks and similar events should be done before/after lifeguard and beach badge hours. The Commission discussed Code of Conduct changes for next summer's camps. The Director provided updates regarding summer hiring and summer program planning.

- Continued to work with Athletic Director Patrick Brunner to Assisted youth Spring sports including track, girls lacrosse, boys lacrosse and Tri-Town Baseball with field, gym and turf requests and schedule changes amidst the limited field availability due to rain this Spring. Coordinated Turf Light Time for boys and girls lacrosse according to MLSD Policy 7511.
- Continued planning and promoting summer camps including:
 - Summer Recreation Camp with new Yoga Add-On
 - Summer Teen Adventure Camp
 - Tennis Camp
 - Field Hockey Camp
 - Sailing Camp
 - Surfing camp (Buses leave from ML to Asbury Park & home for a 5 days)
 - Teen Adventure Camp (daily excursions to amusement parks, NYC, parks, etc.)
 - Golf Camp
 - Various Sports Camps (supporting MLHS coach camps)
- Assisted residents with various facilities requests.
- Updated and entered all online registrations for Summer Recreation Camps.
- Accepted job applications for: Lifeguards, Camp Directors, Teen Adventure Camp Director, Sailing Camp Director, and Counselor positions.
- Ongoing planning and coordination of volunteer efforts for annual Easter Egg Hunt, Trout Stocking and Derby.
- Confirmed newspaper coverage of above events.
- Planned and executed 55+ event for March and confirmed upcoming events through June. This month was a very successful event featuring resident Mark DiIunno reading from his new book and talking about NJ History.
- Was notified of a 50+ Men's Soccer League in addition to the existing 40+ league. Will work to book the teams for alternate weeks (home/away).
- Began discussion of a Junior Track Board – We will make definitive board after the season.
- Successful Rack/Ring Renewal – new amendment is that new residents who do not own a boat currently, may rent a rack/ring. They then need to purchase and register a boat by May 1 in order to retain the rack/ring.



BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

Joe Mullaney
Code Enforcement Officer
jmullaney@mtnlakes.org

400 Boulevard
Mountain Lakes, NJ 07046
P -973-334-3131 ext.2014
F -973-402-3466

TO: Borough Manager Mitchell Stern
DATE: 4/15/19
SUBJECT: Monthly Report March 2019

The following lists code enforcement/property maintenance issues for the month of March 2019:

3/8: Met with Hanover Road resident regarding sump pump water draining into the street. Owner has rectified the problem

3/12: Follow up on complaint from Hanover Road resident regarding neighbor's sump pump water draining into their yard. Matter resolved.

3/15: Notification to President of Tri Town Little League regarding sign violations at several locations. Signs removed

3/18: Discovered illegal dumping on Boro property. Morris Ave between Powerville Road and Fanny Road. Investigation led to summonses being issued to a Passiac NJ resident and a Stahope NJ resident.

3/19: Follow up on complaint about property maintenance violations at a Tower Hill Road residence under renovation. Spoke with contractor

3/19: Follow up with Rainbow Trail resident regarding property maintenance violations

3/21: Notification to Fernwood Trail resident regarding property maintenance violations

3/21: Notification to owner of property on Route 46 regarding property maintenance violations

3/22: Follow up on complaint from a Lakewood Drive resident regarding the property for sale at the intersection of Route 46 and Fox Hill Road

3/22: Spoke with Bill Ryden regarding water issue on Kenilworth Road

3/28: Follow up on second complaint about property maintenance violations on Tower Hill road. Spoke with owner about fixing the fence around the property so debris does not blow into the neighbor's property

SMOKE AND CO DETECTOR INSPECTIONS:

Date:	Location	Pass/Fail
3/7	35 N. Briarcliff	Pass
3/14	6 Center	Pass
3/14	9 Briarcliff RD	Pass
3/19	348 Morris Ave	Pass
3/21	16 Robinhood Dr	Pass
3/28	170 Morris Ave	Pass
3/28	10 N Crane Rd	Pass
3/28	1 Esplanade	Pass
3/28	261 Morris Ave	Pass
3/29	28 Park Place	Pass
3/29	104 Pollard Rd	Pass

SIGN ENFORCEMENT – With the spring season upon us and numerous town events planned, I will continue to monitor the placement and the timing of when the signs are put out to ensure compliance with the sign ordinance.

Parking Enforcement: Several landscapers reminded about parking on the Boulevard. Will continue to monitor for compliance

Memo



To: Mayor and Council, Borough of Mountain Lakes
From: Robert H. Oostdyk, Jr., Esq.
Date: April 17, 2019
Re: Implementation of Affordable Housing Declaratory Judgment Court Order

The Court Judgment obtained by the Borough approving of the Fair Share Plan of the Borough of Mountain Lakes requires the Borough to implement the terms of the agreement with Fair Share Housing by the adoption of several Ordinances consistent with the agreement and the Judgment. As a discussion item tonight, the Borough Council has been provided with six draft Ordinances which, if adopted, should satisfy the requirements to implement the terms of the Judgment. These six Ordinances have been prepared by a combination of Paul Philips, the subcommittee working on accessory apartments, and I. This memo summarizes the six Ordinances.

1. Overlay Ordinance

This is a draft ordinance which places overlay zoning on 6 sites that are identified in the Borough's Settlement Agreement with Fair Share Housing Center. The six sites are permitted a density of up to 14 dwelling units per acre. If the units are rental units then 15 percent of them must be set-aside as affordable units. If the units are for-sale units then 20 percent of them must be set-aside as affordable units.

2. Affordable Accessory Apartment Ordinance

This is a draft ordinance which permits affordable accessory apartments in any Residential District and in the A Business District. Adopting an Affordable Accessory Apartment ordinance is required pursuant to the Settlement Agreement. This ordinance was drafted by the Affordable Accessory Apartment Committee with minor tweaks for formatting and consistency by Phillips Preiss. These changes include the following:

- Using the term "Administrative Agent" instead of "Housing Administrator" to be consistent with the rules of UHAC and the draft Affordable Housing Ordinance.
- The removal of definitions which are in the draft Affordable Housing Ordinance and do not need to be repeated.
- Section E.(2) the phrase "or until the Borough elects to release the unit from the requirements of the deed restriction" was removed after 10 years because in order for the units to count as affordable units according to NJAC 5:93-1 et seq. they must be deed restricted for at least 10 years.
- Section E.(3)(a) the phrase "or a successor entity" was added after COAH.

- Section F.(2) “conformance with COAH’s requirements” was changed to “conformance with the requirements of NJAC 5:93-1 et seq.”

3. Affordable Housing Ordinance

This is a draft ordinance which would replace the Affordable Housing Ordinance that is currently in the Zoning Code. An “essential term” of the Settlement Agreement with Fair Share Housing Center is that the Borough will within 120 days of the Court’s approval of the Agreement introduce and adopt an ordinance providing for the amendment of the Borough’s Affordable Housing Ordinance to implement the terms of the Agreement. Among the provisions of this ordinance is the establishment of the Borough-wide mandatory set-aside requirement. The ordinance also outlines the positions of Municipal Housing Liaison and Administrative Agent.

4. Affirmative Marketing Plan

The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. The Administrative Agent oversees the Affirmative Marketing Plan. Per the Borough’s Settlement Agreement with Fair Share Housing Center, the Borough is required to add several community and regional organizations to the Affirmative Marketing Plan. These organizations have been incorporated in to section 3f of the Affirmative Marketing Plan.

5. Development Fee Ordinance

State law allows municipalities to require the payment of development fees to be used toward the implementation of affordable housing in municipalities which have either received approval from COAH or from the Courts of an affordable housing plan. Mountain Lakes did have a development fee ordinance and did collect funds under earlier affordable housing rounds but eliminated the development fee several years ago when the decision was made to cease involvement with COAH. The decision to now seek Court approval of an Affordable Housing Plan means that the Borough is again entitled to collect development fees and use those fees to implement our Affordable Housing Plan. This Ordinance would reestablish development fees consistent with State Law. The spending plan which is established under a separate Ordinance sets forth how the fees collected will be spent. The accessory apartment program established under the Plan will require a financial contribution which can be funded through development fees.

6. Spending Plan Ordinance

This is a draft Spending Plan. Per the terms of the Settlement Agreement the Borough shall prepare a Spending Plan within 120 days of the Court’s approval of the Agreement. The Plan estimates development fees coming from residential and non-residential development that will be spent on the Affordable Accessory Apartment program, Affordability Assistance (30 percent is required), and Administration (up to 20 percent is permitted). Pursuant to the Fair Housing Act, the funds are committed for expenditures within four years of the date of collection.