



**AGENDA FOR THE COUNCIL MEETING OF THE BOROUGH OF MOUNTAIN LAKES  
HELD AT ML HIGH SCHOOL, 96 POWERVILLE ROAD, MOUNTAIN LAKES, NJ 07046  
NOVEMBER 13, 2023  
PUBLIC SESSION – BEGINS AT 7PM**

**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 has been reported to The Citizen and the Morris County Daily Record and The Star Ledger on January 9, 2023 and posted in the municipal building.

**2) ROLL CALL ATTENDANCE - Clerk**

**3) FLAG SALUTE – Mayor**

**4) EXECUTIVE SESSION**

**5) COMMUNITY ANNOUNCEMENTS**

**6) SPECIAL PRESENTATIONS**

- a. Halloween Safe Zone 2023 - Lauren Brickner-McDonald

**7) REPORTS OF BOROUGH ESTABLISHED BOARDS, COMMISSIONS AND COMMITTEES**

**8) BOROUGH COUNCIL DISCUSSION ITEMS**

- a. Third Quarter 2023 Current Budget Report
- b. Third Quarter 2023 Water Budget Report and Third Quarter 2023 Sewer Budget Report
- c. Trust Balances
- d. Capital Account Balances
- e. Continued Discussion - Highlands Regional Master Plan Conformance

**9) PUBLIC COMMENT**

**Please state your name 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.

**10) ATTORNEY'S REPORT**

**11) MANAGER'S REPORT**

**12) RESOLUTIONS**

**13) ORDINANCES TO INTRODUCE**

- a. 15-23, An Ordinance of the Borough of Mountain Lakes, County of Morris, State of New Jersey, Providing for the Establishment of Stormwater Control, of the Borough Code to Establish NJDEP-Mandated Regulations for Privately Owned Salt Storage

**14) ORDINANCES TO ADOPT**

**15) \*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. R199-23, Authorizing the Payment of Bills
- b. R200-23, Authorizing the Discretionary Award of a Contract for Sidewalk and Curbing to E. Andre Construction Services Inc. in an Amount that May Exceed \$17,500 but Will be Less than \$44,000
- c. R201-23, Awarding a Contract for Hydro-raking Services to Paragon Integrated Services Group, LLC
- d. R202-23, Authorizing the Transfer of Appropriations
- e. R203-23, Authorizing Shared Services Agreement for Styrofoam Recycling

**\*APPROVAL OF MINUTES**

10/23/23 (Regular)

**\*BOARD, COMMITTEE AND COMMISSION APPOINTMENTS**

**16) DEPARTMENT REPORTS SUBMITTED FOR FILING**

- ☐ Construction Department
- ☐ Department of Public Works
- ☐ Fire Department
- ☐ Health Department
- ☐ Police Department
- ☐ Recreation Department
- ☐ Code Enforcement/Property Maintenance

**17) COUNCIL REPORTS**

**18) PUBLIC COMMENT**

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

**19) NEXT STEPS AND PRIORITIES**

**20) ADJOURNMENT**

## HALLOWEEN SAFE ZONE 2023

### LOGISTICS

#### **Candy/Treat Breakdown:**

##### **MLPD -**

**\$2,374.00 purchase at Costco = 17,400 pieces**

##### **Mountain Lakes Residents -**

**Library Donation Drop Off = 20,904 pieces**

**Wildwood School Halloween Trailer = 18,529 pieces**

-----

**Trick or Treat Collection Total = 56,833 pieces**

**\*\*Teal Pumpkins = 41 Teal buckets**

**Mtn Lakes Residents contributed  
\$175.00 and non-candy treats at Library  
& WW Trailer; 41 buckets with 100 items/  
bucket**

#### **Doing the math:**

2023: 1,187 Trick or Treaters on Center Dr.; Tuesday night, clear 47 degrees  
Each home received 860 pieces. Last day drop offs of about 3,000 pieces  
enabled extras for residents throughout Halloween night.  
Additional cost: Port-o-johns \$126

2022: 1,239 Trick or Treaters on Center Dr.; Monday night, clear 55 degrees  
Donated candy was 45,600 pieces. (11,233 pieces more in '23)  
41 Teal Pumpkins

---

---

**BOROUGH OF MOUNTAIN LAKES  
INTEROFFICE MEMORANDUM**

---

---

**TO:** Mitchell Stern, Borough Manager

**SUBJECT:** Third Quarter 2023 Current Budget Report

**DATE:** October 26, 2023

---

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

**Summary:**

Revenues: Most revenues are at or above 75% collected as of 9/30/2023. Depending on the activity through the end of the year will determine if we realize the budget amounts for both the fees and permits and the Uniform Construction Code revenues.

Expenditures: After reviewing all of the budget line items the line items of concern are:

- Administration S&W – Due to the hiring of a new full time Recreation/Administrative Assistant, funds will be transferred from the salary adjustment line item to this account for approximately \$4,000.
- Due to the tax collector retiring we have a new employee doing the day-to-day work but we had to also hire a certified tax collector until the current employee becomes certified. We will need to transfer about \$2,000 to this account to cover the overage.
- Police Salaries and Wages – Overtime – The staffing levels in the department are currently down 1 employee. In order to maintain minimum staffing levels overtime was needed to cover vacation, sick, and mandatory training for the officers. The crossing guards salaries and wages might be slightly over budget. It is estimated that \$110,000.00 will have to be transferred into this account.
- Solid Waste Other Expenses – Depending on the tipping fees and the recycling expenses for the remainder of the year funds may have to be transferred into this account.
- Dog Regulation – A transfer will be needed in the amount of \$800.00 to cover expenses through the end of the year.

Revenues: The majority of our revenue accounts as of 9/30/23 are either at or above 75% collected of the budgeted amount.

- The fees and permits was at 66.96% of the total budget amount.
- The Uniform Construction Code was at 70.09% of the total budget amount.
- The rent from the Station is at 66.67% which is showing 8 months received, reviewing and following up on this.
- The tax collection percentage was 99.65% in the first quarter, 99.53% in the second quarter, and 99.11% in the third quarter. The tax sale was to be held on 10/20/23 but all accounts were paid off so no sale was needed.

Expenditures:

- All Salary & Wage accounts –All accounts were charged through 9/30/23. All part time hourly employees are paid after they work, so the amounts charged to those accounts will be lower. The Streets & Roads S&W is under budget due to funds primarily remaining in the overtime line item. Funds are remaining

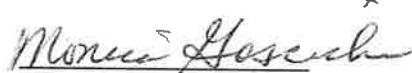


in the solid waste S&W for extra hours needed at the recycling center during the fall. Funds are remaining in the Recreation S&W from the lifeguards line item.

- General Administration Other Expenses – As of 9/30/23 the budget expenditures are under budget. The majority of the Condo service act reimbursement line item has not been spent and will be charged out in 2024. Also, the human resources program, printing services, office equipment, and audit/grant writing lines items have not been charged.
- Mayor & Council Other Expenses – There are funds remaining in the seminars, books/supplies, and volunteer recognition line items. The volunteer recognition line item will be expended in December.
- Municipal Clerk Other Expenses – The codification of ordinances and election expenses line item have not been completely paid for yet.
- Annual Audit – The amount budgeted is for the 2022 audit completed in 2023. It is paid in full.
- Computer Services – The software costs and maintenance line items are under budget.
- Tax Assessor – Other Expense – The funds are encumbered for the annual reassessment. No bills have been submitted for tax map revisions this year.
- Reserve for Tax Appeals – Other Expenses – The entire budget amount was transferred to the Reserve account in the Trust account.
- Legal – Other Expense – The attorney's retainer has been encumbered for the year. Nothing has been expended for litigation and the majority of the funds in the tax appeals appraisals line item is still unspent.
- Engineering – Other Expenses – The engineering bills are paid through August. Depending on the engineering bills for the remainder of the year we will have to determine if a transfer is needed.
- Planning Board Other Expenses – The legal expense line item is encumbered through the end of the year. There are funds remaining in the consultant and engineering line items.
- Board of Adjustment Other Expenses – The percentage expended and encumbered is 81.16%, that includes the legal contract encumbered for the remainder of the year and the planner review of ordinances contract.
- Uniform Construction Code Other Expenses – The software maintenance is paid for the entire year. All other line items are within budget.
- Code Enforcement Other Expenses – These funds are primarily used to clean up maintenance violations. There have not been any so far this year.
- Group Insurance – As of 9/30/23 the group health insurance is paid through September 2023. We are within budget for this account.
- Insurance – Liability, Worker's Compensation, and Unemployment Compensation – All three of these are paid out for three quarters. There are additional funds remaining in the liability insurance account because we received a reimbursement for the risk management fees.
- Health Insurance Benefit Waiver – Due to turnover of employees this amount has decreased.
- Unemployment Compensation – The entire budget amount has been transferred to the unemployment trust account. All claims are paid from the trust account.
- Police – Other Expense – There are funds remaining in the computer expenses line item, educational reimbursement, and accreditation. Some of these funds will be expended before year end.
- Traffic and Safety Committee – Other Expense – The remainder of the budget was expended in October.
- Interlocal Service Agreements – Both accounts are encumbered for the entire year.
- Emergency Management Other Expenses – The budget will be expended by year end.
- Fire Department – Other Expense – Items are purchased as needed, it will just depend on what other expenses arise before year end.
- Fire Department – Safety – Other Expense – The \$1,000.00 remaining in the training line item will not be spent this year.

- Streets & Roads - Other Expense – There are funds remaining in most other expense line items. The snow removal line item has \$58,623.33 remaining because we had mild weather in the beginning of the year. There are funds remaining in the tree removal line item in the amount of \$29,725.00, some will be spent by year end.
- Shade Tree Other Expenses – The Shade Tree Commission is working with the Borough Manager to finalize the list of trees to be removed.
- Solid Waste Other Expenses – The entire contract for the garbage and recycling is encumbered for the remainder of the year. The tipping fees are billed separately and may go over budget. The recycling expense line item is over by \$8,664.36. depending on the expenses for the remainder of the year, a transfer will probably have to be made into this account.
- Recycling Tax – The tax is only paid through August but it has an encumbrance that will hopefully cover the tax through the end of the year. If not then a transfer will be needed.
- Building & Grounds – Municipal Building – Funds remaining will be spent by year end for supplies needed at the new building.
- Vehicle Repairs & Maintenance – The police and fire department line items are over budget but the DPW line item is under budget. We will continue to monitor the account.
- Board of Health Other Expenses – The current contract is on a month by month basis. The budgeted amount should be sufficient.
- Environmental Committee – Funds are remaining in a number of line items. Funds are expended as needed.
- Woodland Committee Other Expenses – The restorative vegetation and education line items are the only lines that have expenditures so far this year. Requisitions have not been submitted for the reconstruction of trails line item.
- Dog Regulation – The entire budget amount has been transferred to the trust account. Additional funds will be needed to cover the remaining expenses for 2023 which is approximately \$800.00.
- Recreation – Other Expense – The total budget is at 85.63% expended and encumbered. The overall budget should be sufficient to get through the end of the year.
- Maintenance of Parks – Funds are remaining in this accounts for hydro raking, nutrient inactivation, and lake treatment program. Hydro raking will be completed by year end and there are still outstanding invoices for the lake treatment program.
- Aid to Public Library – This is encumbered through the end of the year.
- Accumulated Leave Compensation – Salary & Wage – These funds have been moved to the trust account.
- Celebration of Public Events – Expenses for the year have been paid.
- Electricity and Street Lighting – The electricity and street lighting are paid through August.
- Natural Gas & Telecommunications – These accounts should be within budget.
- Petroleum Products – This account shows a balance of \$25,800.13, however \$4,400.00 is due to the police trust for outside service details. We will continue to monitor this account to ensure we will be within the budget.
- Reserve for Salary Adjustment Salary & Wage – \$4,000.00 will be transferred to the Administration S&W account for the new Recreation Director. The balance can be used for other transfers.
- PERS – There are funds remaining in this account to cover the employers' bill for the retro salaries for 2023.
- PFRS – There are funds remaining in this account to cover the employers' bill for the retro salary for 2023.
- Social Security – This is based on the total salaries & wages. This account should be sufficient to cover the salaries through the end of the year.

- Length of Service Awards – This is for the volunteer fire department members and will be paid out in 2024 for all members who qualified during 2023.
- Capital Improvement Fund – The budgeted amount was transferred to the general capital account to be used as down payment money for capital ordinances.
- Grant Expenditures – All amounts are transferred to the grant account and the individual charges are made against the grant fund.
- Debt Service – Payments are made in accordance with the debt service schedule, we will be within budget.
- Deferred Charges – These funds are budgeted to pay for the 5-year reassessment emergency.
- Reserve for Uncollected Taxes – A journal entry was made to charge out the full budget amount and credit Amount to be Raised by Taxation.

  
Monica Goscicki  
Chief Financial Officer

| Current Fund - Revenue Budgets |   |                       |                 |                  |               |                       |                  |                  |               |
|--------------------------------|---|-----------------------|-----------------|------------------|---------------|-----------------------|------------------|------------------|---------------|
| Account Number                 | Description                                 | Activity to 9/30/2023 |                 |                  |               | Activity to 9/30/2022 |                  |                  |               |
|                                |   | Budget                | Activity        | Balance          | %<br>Received | Budget                | Activity         | Balance          | %<br>Received |
| 01-190-07-200-000              | AMOUNT TO BE RAISED BY TAXATION             | \$6,981,087.33        | \$1,242,781.38  | \$5,738,305.95   | 17.80%        | \$6,752,338.83        | -\$26,369,392.09 | \$33,121,730.92  | -390.52%      |
| 01-192-08-101-000              | ANTICIPATED SURPLUS                         | \$1,750,000.00        | \$1,312,500.00  | \$437,500.00     | 75.00%        | \$1,400,000.00        | \$1,050,000.00   | \$350,000.00     | 75.00%        |
| 01-192-08-101-004              | CAPITAL SURPLUS - GENERAL CAPITAL           | \$5,000.00            | \$5,000.00      | \$0.00           | 100.00%       | \$5,000.00            | \$5,000.00       | \$0.00           | 100.00%       |
| 01-192-08-103-000              | LICENSES - LIQUOR                           | \$12,500.00           | \$10,438.00     | \$2,062.00       | 83.50%        | \$12,000.00           | \$13,188.00      | -\$1,188.00      | 109.90%       |
| 01-192-08-104-000              | OTHER LICENSES                              | \$1,500.00            | \$4,015.00      | -\$2,515.00      | 267.67%       | \$1,500.00            | \$1,585.00       | -\$85.00         | 105.67%       |
| 01-192-08-105-000              | FEES & PERMITS                              | \$45,616.00           | \$30,545.16     | \$15,070.84      | 66.96%        | \$41,500.00           | \$37,697.70      | \$3,802.30       | 90.84%        |
| 01-192-08-106-010              | CLERK'S FEES & PERMITS                      | \$3,500.00            | \$4,364.00      | -\$864.00        | 124.69%       | \$3,500.00            | \$6,626.00       | -\$3,126.00      | 189.31%       |
| 01-192-08-110-000              | MUNICIPAL COURT FINES & COSTS               | \$32,500.00           | \$29,211.22     | \$3,288.78       | 89.88%        | \$12,500.00           | \$29,292.47      | -\$16,792.47     | 234.34%       |
| 01-192-08-112-000              | INTEREST & COSTS-TAX COLLECTION             | \$50,000.00           | \$47,751.86     | \$2,248.14       | 95.50%        | \$42,000.00           | \$39,503.15      | \$2,496.85       | 94.06%        |
| 01-192-08-113-000              | INTEREST ON INVESTMENTS                     | \$40,000.00           | \$143,962.06    | -\$103,962.06    | 359.91%       | \$20,500.00           | \$21,051.53      | -\$551.53        | 102.69%       |
| 01-192-08-115-000              | CABLE FRANCHISE FEES                        | \$18,000.00           | \$17,833.62     | \$166.38         | 99.08%        | \$18,085.00           | \$18,085.43      | -\$0.43          | 100.00%       |
| 01-192-08-116-000              | UTILITY FUND BALANCE                        | \$45,947.00           | \$45,947.00     | \$0.00           | 100.00%       | \$145,947.00          | \$145,947.00     | \$0.00           | 100.00%       |
| 01-192-08-118-000              | RECREATION FEES & INCOME                    | \$85,000.00           | \$89,757.00     | -\$4,757.00      | 105.60%       | \$75,000.00           | \$95,550.00      | -\$20,550.00     | 127.40%       |
| 01-192-08-119-000              | RENT FROM RAILROAD STATIONS                 | \$41,733.00           | \$27,822.64     | \$13,910.36      | 66.67%        | \$39,338.00           | \$30,388.77      | \$8,949.23       | 77.25%        |
| 01-192-08-120-000              | T-MOBILE CELL TOWER LEASE                   | \$80,050.00           | \$66,357.74     | \$13,692.26      | 82.90%        | \$73,500.00           | \$63,805.50      | \$9,694.50       | 86.81%        |
| 01-192-08-121-000              | T-MOBILE CELL LEASE-1/2 DUE TO CROWN CASTLE | \$45,000.00           | \$33,750.00     | \$11,250.00      | 75.00%        | \$21,000.00           | \$15,650.15      | \$5,349.85       | 74.52%        |
| 01-192-08-122-000              | BOARD OF EDUCATION-FIELD LEASE              | \$36,090.00           | \$26,866.08     | \$9,223.92       | 74.44%        | \$45,000.00           | \$24,441.59      | \$20,558.41      | 54.31%        |
| 01-192-08-123-000              | VERIZON GROUND LEASE (AS OF 1/1/17)         | \$101,060.00          | \$76,306.08     | \$24,753.92      | 75.51%        | \$33,500.00           | \$29,068.65      | \$4,431.35       | 86.77%        |
| 01-192-08-125-000              | SOLID WASTE FEES                            | \$0.00                | \$6,172.50      | -\$6,172.50      |               | \$53,600.00           | \$32,282.36      | \$21,317.64      | 60.23%        |
| 01-192-08-126-000              | TRASH BAG RECEIPTS                          | \$28,800.00           | \$24,216.00     | \$4,584.00       | 84.08%        | \$190,000.00          | \$158,737.50     | \$31,262.50      | 83.55%        |
| 01-192-08-160-000              | UNIFORM CONSTRUCTION CODE FEES              | \$140,000.00          | \$98,123.00     | \$41,877.00      | 70.09%        | \$141,000.00          | \$95,617.00      | \$45,383.00      | 67.81%        |
| 01-192-09-000-000              | STATE AID REVENUE (NON-GRANT)               | \$441,944.62          | \$341,929.72    | \$100,014.90     | 77.37%        | \$417,293.00          | \$317,998.75     | \$99,294.25      | 76.21%        |
| 01-192-10-000-000              | FEDERAL & STATE GRANT REVENUE               | \$348,111.51          | \$348,111.51    | \$0.00           | 100.00%       | \$210,484.41          | \$210,484.41     | \$0.00           | 100.00%       |
| 01-192-15-499-000              | RECEIPTS DELINQUENT TAX                     | \$446,500.00          | \$496,473.70    | -\$49,973.70     | 111.19%       | \$205,000.00          | \$196,162.08     | \$8,837.92       | 95.69%        |
| 01-192-18-001-000              | CURRENT YEAR TAXES RECEIVED                 | \$0.00                | \$26,517,996.32 | -\$26,517,996.32 |               | \$0.00                | \$25,669,360.72  | -\$25,669,360.72 |               |
| 01-192-20-200-000              | UNANTICIPATED REVENUES (MRNA)               | \$0.00                | \$62,265.74     | -\$62,265.74     |               | \$0.00                | \$94,901.28      | -\$94,901.28     |               |
| TOTALS                         |   | \$10,779,939.46       | \$31,110,497.33 | -\$20,330,557.87 |               | \$9,959,586.24        | \$2,033,032.95   | \$7,926,553.29   |               |

| Borough of Mountain Lakes Budget Comparison |   |                       |                |             |              |            |                |                       |                |             |              |            |                |
|---|---|-----------------------|----------------|-------------|--------------|------------|----------------|-----------------------|----------------|-------------|--------------|------------|----------------|
| Current Fund - Expenditure Budgets          |   |                       |                |             |              |            |                |                       |                |             |              |            |                |
| Account Number                              | Description                             | Activity to 9/30/2023 |                |             |              |            |                | Activity to 9/30/2022 |                |             |              |            |                |
|   |   | Budget                | Activity       | Encumbered  | Balance      | % Expended | % & Encumbered | Budget                | Activity       | Encumbered  | Balance      | % Expended | % & Encumbered |
| 01-201-20-100-001                           | GENERAL ADMIN - SALARY & WAGES          | \$129,372.02          | \$91,365.89    | \$0.00      | \$38,006.13  | 70.62%     | 70.62%         | \$139,057.99          | \$110,260.64   | \$0.00      | \$28,797.35  | 79.29%     | 79.29%         |
| 01-201-20-100-020                           | GENERAL ADMIN - OTHER EXPENSE           | \$93,234.00           | \$29,056.76    | \$7,598.98  | \$56,578.26  | 31.17%     | 39.32%         | \$92,600.00           | \$35,082.90    | \$13,811.09 | \$43,706.01  | 37.89%     | 52.80%         |
| 01-201-20-110-020                           | MAYOR & COUNCIL - OTHER EXP'S           | \$6,100.00            | \$1,615.50     | \$494.00    | \$3,990.50   | 26.48%     | 34.58%         | \$6,100.00            | \$1,710.00     | \$315.00    | \$4,075.00   | 28.03%     | 33.20%         |
| 01-201-20-120-001                           | MUNICIPAL CLERK - SALARY/WAGE           | \$50,840.00           | \$38,129.96    | \$0.00      | \$12,710.04  | 75.00%     | 75.00%         | \$39,407.56           | \$30,978.37    | \$0.00      | \$8,429.19   | 78.61%     | 78.61%         |
| 01-201-20-120-020                           | MUNICIPAL CLERK - OTHER EXP'S           | \$23,200.00           | \$7,408.36     | \$1,426.78  | \$14,364.86  | 31.93%     | 38.08%         | \$21,700.00           | \$5,383.87     | \$2,142.48  | \$14,173.65  | 24.81%     | 34.68%         |
| 01-201-20-130-001                           | FINANCE - SALARY & WAGE                 | \$70,451.42           | \$49,277.25    | \$0.00      | \$21,174.17  | 69.95%     | 69.95%         | \$68,732.41           | \$50,721.38    | \$0.00      | \$18,011.03  | 73.80%     | 73.80%         |
| 01-201-20-130-020                           | FINANCE - OTHER EXPENSES                | \$14,565.00           | \$8,621.25     | \$2,109.62  | \$3,834.13   | 59.19%     | 73.68%         | \$12,112.00           | \$9,471.31     | \$1,565.05  | \$1,075.64   | 78.20%     | 91.12%         |
| 01-201-20-135-020                           | ANNUAL AUDIT                            | \$24,525.00           | \$24,525.00    | \$0.00      | \$0.00       | 100.00%    | 100.00%        | \$24,059.00           | \$24,058.50    | \$0.00      | \$0.50       | 100.00%    | 100.00%        |
| 01-201-20-140-020                           | COMPUTER SERVICES                       | \$51,700.00           | \$28,823.99    | \$1,909.03  | \$20,966.98  | 55.75%     | 59.44%         | \$40,700.00           | \$28,733.33    | \$1,261.99  | \$10,704.68  | 70.60%     | 73.70%         |
| 01-201-20-145-001                           | TAX COLLECTOR - SALARY & WAGE           | \$38,355.09           | \$30,522.88    | \$0.00      | \$7,832.21   | 79.58%     | 79.58%         | \$37,419.52           | \$29,623.90    | \$0.00      | \$7,795.62   | 79.17%     | 79.17%         |
| 01-201-20-145-020                           | TAX COLLECTOR - OTHER EXPENSES          | \$11,775.00           | \$7,106.25     | \$1,536.37  | \$3,132.38   | 60.35%     | 73.40%         | \$6,325.00            | \$4,905.95     | \$90.00     | \$1,329.05   | 77.56%     | 78.99%         |
| 01-201-20-150-001                           | TAX ASSESSOR - SALARY & WAGE            | \$23,523.75           | \$17,642.85    | \$0.00      | \$5,880.90   | 75.00%     | 75.00%         | \$22,950.00           | \$18,168.75    | \$0.00      | \$4,781.25   | 79.17%     | 79.17%         |
| 01-201-20-150-020                           | TAX ASSESSOR - OTHER EXPENSES           | \$22,700.00           | \$14,195.00    | \$6,000.00  | \$2,505.00   | 62.53%     | 88.96%         | \$22,600.00           | \$11,143.31    | \$9,900.00  | \$1,556.69   | 49.31%     | 93.11%         |
| 01-201-20-151-020                           | RESERVE FOR TAX APPEALS - OTHER EXPENSE | \$100,000.00          | \$100,000.00   | \$0.00      | \$0.00       | 100.00%    | 100.00%        | \$100,000.00          | \$100,000.00   | \$0.00      | \$0.00       | 100.00%    | 100.00%        |
| 01-201-20-155-020                           | LEGAL SERVICES - OTHER EXPENSE          | \$120,000.00          | \$63,862.84    | \$12,499.98 | \$43,637.18  | 53.22%     | 63.64%         | \$120,000.00          | \$82,269.02    | \$16,666.64 | \$21,064.34  | 68.56%     | 82.45%         |
| 01-201-20-165-020                           | ENGINEERING SERVICES                    | \$35,700.00           | \$20,559.45    | \$0.00      | \$15,140.55  | 57.59%     | 57.59%         | \$49,300.00           | \$6,891.10     | \$15,800.00 | \$26,608.90  | 13.98%     | 46.03%         |
| 01-201-21-180-001                           | PLANNING BOARD - SALARY & WAGE          | \$13,543.03           | \$8,962.19     | \$0.00      | \$4,580.84   | 66.18%     | 66.18%         | \$13,230.72           | \$8,342.14     | \$0.00      | \$4,888.58   | 63.05%     | 63.05%         |
| 01-201-21-180-020                           | PLANNING BOARD - OTHER EXPENSE          | \$15,700.00           | \$5,637.21     | \$3,259.55  | \$6,803.24   | 35.91%     | 56.67%         | \$12,750.00           | \$5,550.95     | \$370.06    | \$6,828.99   | 43.54%     | 46.44%         |
| 01-201-21-185-001                           | BD OF ADJUST - SALARY & WAGE            | \$13,543.03           | \$8,962.13     | \$0.00      | \$4,580.90   | 66.18%     | 66.18%         | \$13,230.72           | \$8,342.10     | \$0.00      | \$4,888.62   | 63.05%     | 63.05%         |
| 01-201-21-185-020                           | BD OF ADJUST - OTHER EXPENSES           | \$39,050.00           | \$8,811.86     | \$22,881.84 | \$7,356.30   | 22.57%     | 81.16%         | \$38,260.00           | \$8,031.44     | \$22,247.70 | \$7,980.86   | 20.99%     | 79.14%         |
| 01-201-22-195-001                           | UNIFORM CONST CODE-SALARY/WAGE          | \$145,062.50          | \$91,421.81    | \$0.00      | \$53,640.69  | 63.02%     | 63.02%         | \$132,799.84          | \$98,086.75    | \$0.00      | \$34,713.09  | 73.86%     | 73.86%         |
| 01-201-22-195-020                           | UNIFORM CONST - OTHER EXPENSES          | \$20,639.00           | \$15,191.92    | \$903.26    | \$4,543.82   | 73.61%     | 77.98%         | \$17,650.00           | \$12,775.28    | \$595.00    | \$4,279.72   | 72.38%     | 75.75%         |
| 01-201-22-196-001                           | CODE ENFORCEMENT - SALARY & WAGE        | \$53,696.08           | \$39,367.52    | \$0.00      | \$14,328.56  | 73.32%     | 73.32%         | \$46,918.56           | \$38,538.11    | \$0.00      | \$8,380.45   | 82.14%     | 82.14%         |
| 01-201-22-196-020                           | CODE ENFORCEMENT - OTHER EXPENSE        | \$500.00              | \$0.00         | \$0.00      | \$500.00     | 0.00%      | 0.00%          | \$500.00              | \$0.00         | \$0.00      | \$500.00     | 0.00%      | 0.00%          |
| 01-201-23-210-020                           | INSURANCE - LIABILITY                   | \$125,795.20          | \$84,504.55    | \$0.00      | \$41,290.65  | 67.18%     | 67.18%         | \$110,553.03          | \$69,680.06    | \$5,180.00  | \$35,692.97  | 63.03%     | 67.71%         |
| 01-201-23-215-020                           | WORKERS COMPENSATION                    | \$91,546.70           | \$68,659.59    | \$0.00      | \$22,887.11  | 75.00%     | 75.00%         | \$87,136.08           | \$65,352.06    | \$0.00      | \$21,784.02  | 75.00%     | 75.00%         |
| 01-201-23-220-020                           | GROUP INSURANCE PLANS-EMPLOYEE          | \$505,173.18          | \$300,290.29   | \$7,906.17  | \$196,976.72 | 59.44%     | 61.01%         | \$362,321.55          | \$264,166.99   | \$12,296.32 | \$85,858.24  | 72.91%     | 76.30%         |
| 01-201-23-222-020                           | HEALTH BENEFIT WAIVER                   | \$6,467.83            | \$833.78       | \$0.00      | \$5,634.05   | 12.89%     | 12.89%         | \$6,998.66            | \$6,973.11     | \$0.00      | \$25.55      |            |                |
| 01-201-23-225-020                           | INSURANCE - UNEMPLOYMENT COMPENSATION   | \$10,000.00           | \$10,000.00    | \$0.00      | \$0.00       | 100.00%    | 100.00%        | \$10,000.00           | \$10,000.00    | \$0.00      | \$0.00       | 100.00%    | 100.00%        |
| 01-201-25-240-001                           | POLICE DEPT - SALARY & WAGE             | \$1,820,858.10        | \$1,366,241.68 | \$0.00      | \$454,616.42 | 75.03%     | 75.03%         | \$1,805,782.43        | \$1,402,822.97 | \$282.98    | \$402,676.48 | 77.69%     | 77.70%         |
| 01-201-25-240-020                           | POLICE DEPT - OTHER EXPENSES            | \$111,725.00          | \$56,008.46    | \$3,615.68  | \$52,100.86  | 50.13%     | 53.37%         | \$112,810.00          | \$51,523.53    | \$18,079.14 | \$43,207.33  | 45.67%     | 61.70%         |
| 01-201-25-241-020                           | TRAFFIC & SAFETY COMM. - OTHER EXPENSE  | \$1,600.00            | \$1,088.56     | \$0.00      | \$511.44     | 68.04%     | 68.04%         | \$1,600.00            | \$0.00         | \$0.00      | \$1,600.00   | 0.00%      | 0.00%          |
| 01-201-25-250-020                           | INTERLOCAL SERVICES: MC DISPATCH - OE   | \$105,789.69          | \$79,342.26    | \$26,447.43 | \$0.00       | 75.00%     | 100.00%        | \$105,989.69          | \$79,492.26    | \$26,497.42 | \$0.01       | 75.00%     | 100.00%        |
| 01-201-25-251-020                           | INTERLOCAL SERVICES: DENVER COURT - OE  | \$61,880.00           | \$45,787.00    | \$15,141.00 | \$952.00     | 73.99%     | 98.46%         | \$59,500.00           | \$44,625.00    | \$14,875.00 | \$0.00       | 75.00%     | 100.00%        |
| 01-201-25-252-001                           | EMERGENCY MGMT - SALARY & WAGE          | \$5,500.00            | \$4,125.06     | \$0.00      | \$1,374.94   | 75.00%     | 75.00%         | \$5,500.00            | \$4,354.23     | \$0.00      | \$1,145.77   | 79.17%     | 79.17%         |
| 01-201-25-252-020                           | EMERGENCY MGMT - OTHER EXPENSE          | \$4,100.00            | \$0.00         | \$0.00      | \$4,100.00   | 0.00%      | 0.00%          | \$4,100.00            | \$233.74       | \$0.00      | \$3,866.26   | 5.70%      | 5.70%          |
| 01-201-25-255-001                           | FIRE DEPT - SALARY & WAGE               | \$7,500.00            | \$5,625.00     | \$0.00      | \$1,875.00   | 75.00%     | 75.00%         | \$7,500.00            | \$5,937.50     | \$0.00      | \$1,562.50   | 79.17%     | 79.17%         |
| 01-201-25-255-020                           | FIRE DEPT - OTHER EXPENSES              | \$33,100.00           | \$7,988.12     | \$7,929.48  | \$17,182.40  | 24.13%     | 48.09%         | \$32,800.00           | \$17,518.21    | \$4,565.27  | \$10,716.52  | 53.41%     | 67.33%         |
| 01-201-25-265-001                           | FIRE DEPT - SALARY & WAGE               | \$15,985.10           | \$11,988.24    | \$0.00      | \$3,996.86   |            | 75.00%         | \$15,703.68           | \$12,432.43    | \$0.00      | \$3,271.25   | 79.17%     | 79.17%         |
| 01-201-25-265-020                           | FIRE DEPT - SAFETY - OTHER EXP          | \$1,500.00            | \$60.00        | \$0.00      | \$1,440.00   | 4.00%      | 4.00%          | \$1,500.00            | \$136.88       | \$0.00      | \$1,363.12   | 9.13%      | 9.13%          |
| 01-201-26-290-001                           | STREETS & ROADS - SALARY/WAGE           | \$375,302.18          | \$262,042.04   | \$0.00      | \$113,260.14 | 69.82%     | 69.82%         | \$365,433.37          | \$263,212.56   | \$0.00      | \$102,220.81 | 72.03%     | 72.03%         |
| 01-201-26-290-020                           | STREETS & ROADS - OTHER EXP.            | \$248,560.00          | \$52,458.69    | \$27,420.77 | \$168,680.54 | 21.11%     | 32.14%         | \$229,340.00          | \$103,009.25   | \$52,024.49 | \$74,306.26  | 44.92%     | 67.60%         |
| 01-201-26-300-020                           | SHADE TREE COMMISSION - O/E             | \$60,245.00           | \$30,439.00    | \$0.00      | \$29,806.00  | 50.53%     | 50.53%         | \$56,045.00           | \$12,024.70    | \$356.20    | \$43,664.10  | 21.46%     | 22.09%         |



| Borough of Mountain Lakes Budget Comparison |   |                       |                |              |                |            |                         |                       |                |              |                |            |                         |
|---|---|-----------------------|----------------|--------------|----------------|------------|-------------------------|-----------------------|----------------|--------------|----------------|------------|-------------------------|
| Current Fund - Expenditure Budgets          |   |                       |                |              |                |            |                         |                       |                |              |                |            |                         |
| Account Number                              | Description                             | Activity to 9/30/2023 |                |              |                |            |                         | Activity to 9/30/2022 |                |              |                |            |                         |
|   |   | Budget                | Activity       | Encumbered   | Balance        | % Expended | % Expended & Encumbered | Budget                | Activity       | Encumbered   | Balance        | % Expended | % Expended & Encumbered |
| 01-201-26-305-001                           | SOLID WASTE - SALARY & WAGES            | \$21,422.10           | \$13,739.60    | \$0.00       | \$7,682.50     | 64.14%     | 64.14%                  | \$26,422.48           | \$16,570.47    | \$0.00       | \$9,852.01     | 62.71%     | 62.71%                  |
| 01-201-26-305-020                           | SOLID WASTE - OTHER EXPENSES            | \$1,018,250.00        | \$667,341.97   | \$316,257.42 | \$34,650.61    | 65.54%     | 96.60%                  | \$650,550.00          | \$409,579.59   | \$180,593.09 | \$60,377.32    | 62.96%     | 90.72%                  |
| 01-201-26-306-020                           | RECYCLING TAX                           | \$4,900.00            | \$2,781.87     | \$1,676.84   | \$441.29       | 56.77%     | 90.99%                  | \$4,700.00            | \$2,259.00     | \$2,211.89   | \$229.11       | 48.06%     | 95.13%                  |
| 01-201-26-310-020                           | BLDG & GROUNDS - MUNIC BLDG             | \$23,500.00           | \$8,460.57     | \$4,213.49   | \$10,825.94    | 36.00%     | 53.93%                  | \$22,600.00           | \$6,576.13     | \$1,341.43   | \$14,682.44    | 29.10%     | 35.03%                  |
| 01-201-26-315-020                           | VEHICLE REPAIRS & MAINTENANCE           | \$55,000.00           | \$23,181.00    | \$11,616.62  | \$20,202.38    | 42.15%     | 63.27%                  | \$55,080.00           | \$24,485.53    | \$10,463.79  | \$20,130.68    | 44.45%     | 63.45%                  |
| 01-201-27-330-001                           | BOARD OF HEALTH - SALARY/WAGE           | \$5,000.00            | \$3,749.94     | \$0.00       | \$1,250.06     | 75.00%     | 75.00%                  | \$5,000.00            | \$3,958.27     | \$0.00       | \$1,041.73     | 79.17%     | 79.17%                  |
| 01-201-27-330-020                           | BOARD OF HEALTH - OTHER EXP.            | \$30,500.00           | \$17,989.36    | \$0.00       | \$12,510.64    | 58.98%     | 58.98%                  | \$26,984.00           | \$13,492.00    | \$13,492.00  | \$0.00         | 50.00%     | 100.00%                 |
| 01-201-27-335-020                           | ENVIRONMENTAL COMM - OTHER EXP          | \$1,825.00            | \$664.04       | \$0.00       | \$1,160.96     | 36.39%     | 36.39%                  | \$2,600.00            | \$458.23       | \$0.00       | \$2,141.77     | 17.62%     | 17.62%                  |
| 01-201-27-337-020                           | WOODLAND COMMITTEE - OTHER EXPENSE      | \$3,400.00            | \$399.00       | \$0.00       | \$3,001.00     | 11.74%     | 11.74%                  | \$2,850.00            | \$800.00       | \$147.00     | \$1,903.00     | 28.07%     | 33.23%                  |
| 01-201-27-340-020                           | DOG REGULATION - OTHER EXPENSE          | \$3,000.00            | \$3,000.00     | \$0.00       | \$0.00         | 100.00%    | 100.00%                 | \$3,900.00            | \$3,900.00     | \$0.00       | \$0.00         | 100.00%    | 100.00%                 |
| 01-201-28-370-001                           | RECREATION DEPT. - SALARY/WAGE          | \$117,285.05          | \$81,323.62    | \$0.00       | \$35,961.43    | 69.34%     | 69.34%                  | \$114,552.06          | \$111,571.85   | \$0.00       | \$2,980.21     | 97.40%     | 97.40%                  |
| 01-201-28-370-020                           | PARKS & PLAYGROUNDS OTHER EXP.          | \$55,917.00           | \$47,513.13    | \$368.40     | \$8,035.47     | 84.97%     | 85.63%                  | \$44,225.00           | \$34,210.50    | \$946.12     | \$9,068.38     | 77.36%     | 79.49%                  |
| 01-201-28-375-020                           | MAINT OF PARKS (BEACHES/LAKES)          | \$189,125.00          | \$50,324.01    | \$6,210.13   | \$132,590.86   | 26.61%     | 29.89%                  | \$142,809.00          | \$58,958.21    | \$24,275.36  | \$59,575.43    | 41.28%     | 58.28%                  |
| 01-201-29-390-020                           | AID TO PUBLIC LIBRARY                   | \$371,235.00          | \$309,360.50   | \$61,874.50  | \$0.00         | 83.33%     | 100.00%                 | \$312,051.00          | \$260,042.50   | \$52,008.50  | \$0.00         | 83.33%     | 100.00%                 |
| 01-201-30-415-010                           | ACCUMULATED LEAVE COMPENSATION - S&W    | \$10,000.00           | \$10,000.00    | \$0.00       | \$0.00         | 100.00%    | 100.00%                 | \$10,000.00           | \$10,000.00    | \$0.00       | \$0.00         | 100.00%    | 100.00%                 |
| 01-201-30-420-020                           | CELEBRATION OF PUBLIC EVENTS - O/E      | \$2,000.00            | \$1,500.00     | \$0.00       | \$500.00       | 75.00%     | 75.00%                  | \$7,050.00            | \$1,580.90     | \$0.00       | \$5,469.10     | 22.42%     | 22.42%                  |
| 01-201-31-435-020                           | ELECTRICITY - ALL DEPARTMENTS           | \$45,000.00           | \$14,800.88    | \$0.00       | \$30,199.12    | 32.89%     | 32.89%                  | \$48,110.00           | \$15,071.44    | \$900.00     | \$32,138.56    | 31.33%     | 33.20%                  |
| 01-201-31-436-020                           | ELECTRICITY - STREET LIGHTING           | \$47,940.00           | \$28,246.58    | \$0.00       | \$19,693.42    | 58.92%     | 58.92%                  | \$47,940.00           | \$26,530.44    | \$0.00       | \$21,409.56    | 55.34%     | 55.34%                  |
| 01-201-31-437-020                           | NATURAL GAS                             | \$31,200.00           | \$13,967.31    | \$0.00       | \$17,232.69    | 44.77%     | 44.77%                  | \$30,200.00           | \$16,394.46    | \$0.00       | \$13,805.54    | 54.29%     | 54.29%                  |
| 01-201-31-440-020                           | TELECOMMUNICATIONS                      | \$25,000.00           | \$8,376.07     | \$5,145.65   | \$11,478.28    | 33.50%     | 54.09%                  | \$25,000.00           | \$11,552.35    | \$3,110.95   | \$10,336.70    | 46.21%     | 58.65%                  |
| 01-201-31-447-020                           | PETROLEUM PRODUCTS                      | \$73,500.00           | \$28,725.68    | \$18,974.19  | \$25,800.13    | 39.08%     | 64.90%                  | \$54,000.00           | \$21,644.37    | \$15,759.30  | \$16,596.33    | 40.08%     | 69.27%                  |
| 01-201-31-456-010                           | RESERVE FOR SALARY ADJUSTMENT - S&W     | \$70,000.00           | \$0.00         | \$0.00       | \$70,000.00    | 0.00%      | 0.00%                   | \$15,500.00           | \$0.00         | \$0.00       | \$15,500.00    | 0.00%      | 0.00%                   |
| 01-201-36-471-020                           | PERS                                    | \$137,073.00          | \$133,023.00   | \$0.00       | \$4,050.00     | 97.05%     | 97.05%                  | \$137,001.00          | \$134,314.00   | \$0.00       | \$2,687.00     | 98.04%     | 98.04%                  |
| 01-201-36-472-020                           | SOCIAL SECURITY (O.A.S.I.)              | \$118,520.01          | \$81,497.90    | \$0.00       | \$37,022.11    | 68.76%     | 68.76%                  | \$116,102.53          | \$88,278.04    | \$0.00       | \$27,824.49    | 76.03%     | 76.03%                  |
| 01-201-36-475-000                           | PFRS - CONTRIBUTION                     | \$577,961.00          | \$573,120.54   | \$0.00       | \$4,840.46     | 99.16%     | 99.16%                  | \$532,151.00          | \$531,573.53   | \$0.00       | \$577.47       | 99.89%     | 99.89%                  |
| 01-201-36-476-020                           | LENGTH OF SVS AWARDS (LOSAP)            | \$22,500.00           | \$0.00         | \$0.00       | \$22,500.00    | 0.00%      | 0.00%                   | \$22,500.00           | \$0.00         | \$0.00       | \$22,500.00    | 0.00%      | 0.00%                   |
| 01-201-36-477-020                           | DCRP - EMPLOYER SHARE                   | \$8,000.00            | \$7,986.54     | \$0.00       | \$13.46        | 99.83%     | 99.83%                  | \$8,000.00            | \$5,716.47     | \$0.00       | \$2,283.53     | 71.46%     | 71.46%                  |
| 01-201-41-700-000                           | GRANT EXPENDITURES                      | \$348,111.51          | \$348,111.51   | \$0.00       | \$0.00         | 100.00%    | 100.00%                 | \$229,263.66          | \$229,263.66   | \$0.00       | \$0.00         | 100.00%    | 100.00%                 |
| 01-201-44-901-020                           | CAPITAL IMPROVEMENT FUND                | \$327,484.26          | \$327,484.26   | \$0.00       | \$0.00         | 100.00%    | 100.00%                 | \$52,248.62           | \$52,248.62    | \$0.00       | \$0.00         | 100.00%    | 100.00%                 |
| 01-201-45-920-020                           | PAYMENT OF BOND PRINCIPAL               | \$755,000.00          | \$755,000.00   | \$0.00       | \$0.00         | 100.00%    | 100.00%                 | \$845,000.00          | \$845,000.00   | \$0.00       | \$0.00         | 100.00%    | 100.00%                 |
| 01-201-45-925-020                           | PAYMENT OF BAN PRINCIPAL                | \$0.00                | \$0.00         | \$0.00       | \$0.00         |            |                         | \$0.00                | \$0.00         | \$0.00       | \$0.00         |            |                         |
| 01-201-45-930-020                           | INTEREST ON BONDS                       | \$302,106.25          | \$302,106.25   | \$0.00       | \$0.00         | 100.00%    | 100.00%                 | \$324,157.00          | \$324,156.25   | \$0.00       | \$0.75         | 100.00%    | 100.00%                 |
| 01-201-45-935-020                           | INTEREST ON NOTES                       | \$0.00                | \$0.00         | \$0.00       | \$0.00         |            |                         | \$0.00                | \$0.00         | \$0.00       | \$0.00         |            |                         |
| 01-201-46-875-020                           | DEFERRED CHARGES-SPECIAL EMERG. 5 YEARS | \$25,000.00           | \$25,000.00    |              |                |            | 100.00%                 | \$25,000.00           | \$25,000.00    | \$0.00       | \$0.00         | 100.00%    | 100.00%                 |
| 01-201-46-880-020                           | DEFERRED CHARGES                        | \$0.00                | \$0.00         | \$0.00       | \$0.00         |            |                         | \$493.64              | \$493.64       | \$0.00       | \$0.00         |            |                         |
| 01-201-50-899-020                           | RESERVE FOR UNCOLLECTED TAXES           | \$1,242,781.38        | \$1,242,781.38 | \$0.00       | \$0.00         | 100.00%    | 100.00%                 | \$1,556,528.44        | \$1,556,528.44 | \$0.00       | \$0.00         | 100.00%    | 100.00%                 |
| TOTALS                                      |   | \$10,779,939.46       | \$8,230,106.70 | \$575,417.18 | \$1,974,415.58 | 76.35%     | 81.68%                  | \$9,959,586.24        | \$7,984,773.47 | \$524,171.26 | \$1,450,641.51 | 80.17%     | 85.43%                  |

---

---

**BOROUGH OF MOUNTAIN LAKES  
INTEROFFICE MEMORANDUM**

---

---

**TO:** Mitchell Stern, Borough Manager

**SUBJECT:** Third Quarter 2023 Water Budget Report  
Third Quarter 2023 Sewer Budget Report

**DATE:** October 26, 2023

---

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

Water Operating:

- The total Water Operating budget for 2023 is \$986,262.17 of that amount \$880,000.00 is from water usage fees. Based on the total budget, three quarters' revenue of the water rents would be \$660,000.00. Our receipts through the third quarter were \$631,555.50 which is 64.04% of the budgeted revenue. The percentage collected for what was billed during the third quarter plus the beginning balance was 94.07%. Any revenue collections that exceed our budgeted amount for the year will go into fund balance. As of 9/30/23 \$270,756.86 has been billed for the third quarter.
- The expenditures paid or charged as of 9/30/23 are 66.17% of the total budget. The salaries and wages and social security are slightly under 60% of the budgeted amount, due to some personnel changes during the year. The other expenses are at 74.84% expended and encumbered. The electric bills are only paid through August, the liability and workmen's compensation insurance is not paid for the 4<sup>th</sup> quarter, and the funds budgeted for the water meter maintenance contract will be charged to the account in October. There were a number of unexpected expenses in 2023 that were not budgeted for. There was a pump repair in the amount of \$18,292.00 and another pump repair for \$28,296.00 will have to be done before year end. For that pump repair, \$15,000.00 will be charged to the capital outlay account, and \$13,296.00 to the other expense account. An engineering study in the amount of \$29,600.00 for remediation of PPOA/PFAS compounds at well #4 was approved and will be encumbered in October against the water budget. The Borough had to conduct a risk and resiliency assessment, to be in compliance with the America's Water Infrastructure Act. The cost of this study is \$15,000.00 and it will be encumbered in October. As of 9/30/23 the fire hydrant line item was over budget due to an accident by a landscaping company. We received the reimbursement from their insurance company in October in the amount of \$20,330.57 which will be credited back to the water budget. Depending on the other expenses, through the end of the year we might have to transfer funds from salaries & wages to other expenses. The overall budget should be alright but a smaller than usual balance will be left to flow into the reserve budget in 2024. This will affect our fund balance at the end of 2024.
- The Capital Outlay line item will be encumbered in October for the pump repair on the well as discussed above.
- The PERS employer bill for 2023 has been paid in full but we will be receiving a bill for the 2023 salary increase in 2024.

Sewer Operating:

- The total Sewer Operating budget is \$906,964.95 of that amount \$840,000.00 is from sewer usage fees. Based on the total budget, three quarters' of the revenue would be

\$680,223.72. Our receipts through the third quarter were \$674,878.49 which is 74.41% of the budgeted revenue. The percentage collected for what was billed during the third quarter plus the beginning balance was 87.43%. Any revenue collections that exceed the budgeted amount for the year will go into fund balance. As of 9/30/23 \$221,411.96 has been billed for the third quarter.

- The expenditures paid or charged as of 9/30/23 are 80.56% of the total budget. The salaries and wages and social security are about 70% of the budgeted amount. This is slightly under budget due to changes in personnel during the year. The total other expenses are at 86.23% expended and encumbered because the funds due to Parsippany are encumbered for the entire year.
- The PERS employer bill for 2023 has been paid in full but we will be receiving a bill for the 2023 salary increase in 2024.



Monica Goscicki  
Chief Financial Officer



| Borough of Mountain Lakes             |                                  |                       |              |              |              |                         |              |              |             |              |                         |
|---------------------------------------|----------------------------------|-----------------------|--------------|--------------|--------------|-------------------------|--------------|--------------|-------------|--------------|-------------------------|
| Water Operating - Revenue Budgets     |                                  |                       |              |              |              |                         |              |              |             |              |                         |
|                                       |                                  | Activity to 9/30/2023 |              |              |              | Activity to 9/30/2022   |              |              |             |              |                         |
| Account Number                        | Description                      | Budget                | Activity     | Balance      | % Received   | Budget                  | Activity     | Balance      | % Received  |              |                         |
| 05-192-08-501-000                     | ANTICIPATED SURPLUS              | \$106,262.17          | \$79,696.62  | \$26,565.55  | 75.00%       | \$54,840.79             | \$54,840.79  | \$0.00       | 100.00%     |              |                         |
| 05-192-17-000-000                     | WATER OPERATING REVENUES         | \$880,000.00          | \$544,144.09 | \$335,855.91 | 61.83%       | \$860,000.00            | \$524,797.77 | \$335,202.23 | 61.02%      |              |                         |
| 05-192-17-100-000                     | MRNA - INTEREST EARNED           | \$0.00                | \$7,714.79   | -\$7,714.79  |              | \$0.00                  | \$1,177.56   | -\$1,177.56  |             |              |                         |
| TOTALS                                |                                  | \$986,262.17          | \$631,555.50 | \$354,706.67 | 64.04%       | \$914,840.79            | \$580,816.12 | \$334,024.67 | 63.49%      |              |                         |
|                                       |                                  |                       |              |              |              |                         |              |              |             |              |                         |
|                                       |                                  |                       |              |              |              |                         |              |              |             |              |                         |
| Water Operating - Expenditure Budgets |                                  |                       |              |              |              |                         |              |              |             |              |                         |
|                                       |                                  | Activity to 9/30/2023 |              |              |              | Activity to 9/30/2022   |              |              |             |              |                         |
| Account Number                        | Description                      | Budget                | Activity     | Encumbered   | Balance      | % Expended & Encumbered | Budget       | Activity     | Encumbered  | Balance      | % Expended & Encumbered |
| 05-201-55-510-001                     | Water Operating - Salary & Wages | \$465,319.11          | \$275,560.88 | \$0.00       | \$189,758.23 | 59.22%                  | \$442,562.67 | \$327,029.01 | \$0.00      | \$115,533.66 | 73.89%                  |
| 05-201-55-520-520                     | Water Operating - Other Expenses | \$451,731.15          | \$303,517.84 | \$34,555.78  | \$113,657.53 | 74.84%                  | \$404,817.08 | \$211,966.18 | \$28,169.68 | \$164,681.22 | 59.32%                  |
| 05-201-55-527-000                     | Water - Capital Outlay           | \$15,000.00           | \$0.00       | \$0.00       | \$15,000.00  | 0.00%                   | \$15,000.00  | \$0.00       | \$0.00      | \$15,000.00  | 0.00%                   |
| 05-201-55-531-000                     | Water - Social Security          | \$35,596.91           | \$20,892.45  | \$0.00       | \$14,704.46  | 58.69%                  | \$33,856.04  | \$23,784.44  | \$0.00      | \$10,071.60  | 70.25%                  |
| 05-201-55-532-000                     | Water - P.E.R.S.                 | \$18,615.00           | \$18,065.00  | \$0.00       | \$550.00     | 97.05%                  | \$18,605.00  | \$18,240.00  | \$0.00      | \$365.00     | 98.04%                  |
| TOTALS                                |                                  | \$986,262.17          | \$618,036.17 | \$34,555.78  | \$333,670.22 | 66.17%                  | \$914,840.79 | \$581,019.63 | \$28,169.68 | \$305,651.48 | 66.59%                  |
|                                       |                                  |                       |              |              |              |                         |              |              |             |              |                         |
|                                       |                                  |                       |              |              |              |                         |              |              |             |              |                         |
|                                       |                                  | \$986,262.17          | \$618,036.17 | \$34,555.78  | \$333,670.22 |                         | \$914,840.79 | \$581,019.63 | \$28,169.68 | \$305,651.48 |                         |

| Borough of Mountain Lakes             |                                   |                       |              |              |              |                            |                |              |              |              |                            |
|---------------------------------------|-----------------------------------|-----------------------|--------------|--------------|--------------|----------------------------|----------------|--------------|--------------|--------------|----------------------------|
| Sewer Operating - Revenue Budgets     |                                   |                       |              |              |              |                            |                |              |              |              |                            |
|                                       |                                   | Activity to 9/30/2023 |              |              |              | Activity to 9/30/2022      |                |              |              |              |                            |
| Account Number                        | Description                       | Budget                | Activity     | Balance      | % Received   | Budget                     | Activity       | Balance      | % Received   |              |                            |
| 07-192-08-501-000                     | ANTICIPATED SURPLUS               | \$56,964.95           | \$42,723.72  | \$14,241.23  | 75.00%       | \$177,546.62               | \$177,546.62   | \$0.00       | 100.00%      |              |                            |
| 07-192-17-000-000                     | SEWER OPERATING REVENUES          | \$840,000.00          | \$608,936.75 | \$231,063.25 | 72.49%       | \$824,000.00               | \$609,751.25   | \$194,275.95 | 74.00%       |              |                            |
| 07-192-17-001-000                     | SEWER - MISCELLANEOUS FEES        | \$10,000.00           | \$23,208.02  | -\$13,208.02 | 232.08%      | \$10,000.00                | \$9,255.43     | \$13,648.04  | 92.55%       |              |                            |
| 07-192-17-200-000                     | MISC REVENUE NOT ANTIC (MRNA)     | \$0.00                | \$10.00      | -\$10.00     |              |                            |                |              |              |              |                            |
|                                       |                                   |                       |              |              |              |                            |                |              |              |              |                            |
| TOTALS                                |                                   | \$906,964.95          | \$674,878.49 | \$232,086.46 | 74.41%       | \$1,011,546.62             | \$796,553.30   | \$207,923.99 | 78.75%       |              |                            |
|                                       |                                   |                       |              |              |              |                            |                |              |              |              |                            |
| Sewer Operating - Expenditure Budgets |                                   |                       |              |              |              |                            |                |              |              |              |                            |
|                                       |                                   | Activity to 9/30/2023 |              |              |              | Activity to 9/30/2022      |                |              |              |              |                            |
| Account Number                        | Description                       | Budget                | Activity     | Encumbered   | Balance      | % Expended<br>& Encumbered | Budget         | Activity     | Encumbered   | Balance      | % Expended<br>& Encumbered |
| 07-201-55-510-001                     | Sewer Operating - Salary & Wages  | \$252,852.31          | \$177,667.09 | \$0.00       | \$75,185.22  | 70.27%                     | \$244,062.43   | \$182,432.71 | \$0.00       | \$61,629.72  | 74.75%                     |
| 07-201-55-520-520                     | Sewer Operating - Other Expenses  | \$611,231.44          | \$413,658.35 | \$113,379.11 | \$84,193.98  | 86.23%                     | \$725,282.41   | \$419,214.28 | \$124,362.28 | \$181,705.85 | 74.95%                     |
| 07-201-55-527-000                     | Sewer Operating - Capital Outlay  | \$10,000.00           | \$0.00       | \$0.00       | \$10,000.00  | 0.00%                      | \$10,000.00    | \$0.00       | \$0.00       | \$10,000.00  | 0.00%                      |
| 07-201-55-531-000                     | Sewer Operating - Social Security | \$19,343.20           | \$12,785.48  | \$0.00       | \$6,557.72   | 66.10%                     | \$18,670.78    | \$13,118.25  | \$0.00       | \$5,552.53   | 70.26%                     |
| 07-201-55-532-000                     | Sewer Operating - P.E.R.S.        | \$13,538.00           | \$13,138.00  | \$0.00       | \$400.00     | 97.05%                     | \$13,531.00    | \$13,266.00  | \$0.00       | \$265.00     | 98.04%                     |
|                                       |                                   |                       |              |              |              |                            |                |              |              |              |                            |
| TOTALS                                |                                   | \$906,964.95          | \$617,248.92 | \$113,379.11 | \$176,336.92 | 80.56%                     | \$1,011,546.62 | \$628,031.24 | \$124,362.28 | \$259,153.10 | 74.38%                     |

Water and Sewer Billing by Quarter 2016-2023  
In Gallons

|             | 1Q            |               | 2Q            |               | 3Q            |               | 4Q            |               | Total          |                | Total Water & Sewer | Total Water Res & Comm |
|-------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|----------------|---------------------|------------------------|
|             | Water         | Sewer         | Water         | Sewer         | Water         | Sewer         | Water         | Sewer         | Water          | Sewer          |                     |                        |
| 2016        |               |               |               |               |               |               |               |               |                |                |                     |                        |
| Residential | 17,993,622.04 | 18,346,543.28 | 29,706,092.56 | 28,687,308.08 | 32,663,837.32 | 31,481,829.24 | 23,951,436.80 | 24,309,167.04 | 104,314,988.72 | 102,824,847.64 | 207,139,836.36      | 104,314,988.72         |
| Yard        | 29,381.44     | -             | 19,739,595.16 | -             | 22,902,957.24 | -             | 572,504.24    | -             | 43,244,438.08  | -              | 43,244,438.08       | -                      |
| Commercial  | 2,196,989.00  | 2,263,151.00  | 4,798,475.44  | 4,109,352.36  | 6,218,734.84  | 4,271,294.80  | 2,759,778.44  | 2,946,819.44  | 15,973,977.72  | 13,590,617.60  | 29,564,595.32       | 15,973,977.72          |
|             | 20,219,992.48 | 20,609,694.28 | 54,244,163.16 | 32,796,660.44 | 61,785,529.40 | 35,753,124.04 | 27,283,719.48 | 27,255,986.48 | 163,533,404.52 | 116,415,465.24 | 279,948,869.76      | 120,288,966.44         |
| 2017        |               |               |               |               |               |               |               |               |                |                |                     |                        |
| Residential | 22,830,865.00 | 22,888,733.84 | 25,549,138.96 | 24,771,044.08 | 25,109,834.20 | 24,246,142.36 | 21,901,129.88 | 22,293,119.52 | 95,390,968.04  | 94,199,039.80  | 189,590,007.84      | 95,390,968.04          |
| Yard        | 155,968.52    | -             | 13,855,956.68 | -             | 16,339,274.68 | -             | 178,372.04    | -             | 30,529,571.92  | -              | 30,529,571.92       | -                      |
| Commercial  | 3,139,238.04  | 3,363,538.04  | 3,609,992.88  | 3,263,013.28  | 3,604,578.64  | 3,183,025.80  | 3,130,120.96  | 3,315,706.04  | 13,483,930.52  | 13,125,283.16  | 26,609,213.68       | 13,483,930.52          |
|             | 26,126,071.56 | 26,252,271.88 | 43,015,088.52 | 28,034,057.36 | 45,053,687.52 | 27,429,168.16 | 25,209,622.88 | 25,608,825.56 | 139,404,470.48 | 107,324,322.96 | 246,728,793.44      | 108,874,898.56         |
| 2018        |               |               |               |               |               |               |               |               |                |                |                     |                        |
| Residential | 22,446,514.44 | 23,300,720.20 | 21,776,923.76 | 21,640,726.32 | 27,307,292.16 | 26,872,337.56 | 20,798,653.72 | 21,224,128.40 | 92,329,384.08  | 93,037,912.48  | 185,367,296.56      | 92,329,384.08          |
| Yard        | 33,709.00     | -             | 12,321,982.44 | -             | 17,198,510.32 | -             | 19,100.00     | -             | 29,573,301.76  | -              | 29,573,301.76       | -                      |
| Commercial  | 3,226,183.48  | 3,147,937.00  | 5,651,948.24  | 3,187,636.00  | 5,885,141.04  | 4,933,749.80  | 3,068,505.36  | 3,229,948.36  | 17,831,778.12  | 14,499,271.16  | 32,331,049.28       | 17,831,778.12          |
|             | 25,706,406.92 | 26,448,657.20 | 39,750,854.44 | 24,828,362.32 | 50,390,943.52 | 31,806,087.36 | 23,886,259.08 | 24,454,076.76 | 139,734,463.96 | 107,537,183.64 | 247,271,647.60      | 110,161,162.20         |
| 2019        |               |               |               |               |               |               |               |               |                |                |                     |                        |
| Residential | 20,962,108.84 | 20,860,361.96 | 22,743,753.68 | 22,384,406.92 | 26,179,373.44 | 24,992,783.76 | 24,748,316.12 | 24,986,100.32 | 94,633,552.08  | 93,223,652.96  | 187,857,205.04      | 94,633,552.08          |
| Yard        | -             | -             | 9,717,477.60  | -             | 17,016,834.56 | -             | 4,488.00      | -             | 26,738,800.16  | -              | 26,738,800.16       | -                      |
| Commercial  | 3,184,787.68  | 3,271,117.96  | 5,732,355.40  | 4,905,997.76  | 7,939,715.84  | 6,659,473.88  | 3,954,193.24  | 3,843,173.24  | 20,811,052.16  | 18,679,762.84  | 39,490,815.00       | 20,811,052.16          |
|             | 24,146,896.52 | 24,131,479.92 | 38,193,586.68 | 27,290,404.68 | 51,135,923.84 | 31,652,257.64 | 28,706,997.36 | 28,829,273.56 | 142,183,404.40 | 111,903,415.80 | 254,086,820.20      | 115,444,604.24         |
| 2020        |               |               |               |               |               |               |               |               |                |                |                     |                        |
| Residential | 16,901,849.88 | 17,705,309.64 | 28,417,748.60 | 26,505,730.76 | 29,617,417.48 | 28,878,829.56 | 21,933,298.08 | 22,289,529.12 | 96,870,314.04  | 95,379,399.08  | 192,249,713.12      | 96,870,314.04          |
| Yard        | -             | -             | 12,723,972.08 | -             | 19,910,212.16 | -             | 233,414.04    | -             | 32,867,598.28  | -              | 32,867,598.28       | -                      |
| Commercial  | 4,347,081.56  | 4,086,096.56  | 3,583,187.12  | 2,371,519.76  | 6,612,500.56  | 3,700,742.28  | 2,467,370.68  | 2,208,979.68  | 17,010,139.92  | 12,367,338.28  | 29,377,478.20       | 17,010,139.92          |
|             | 21,248,931.44 | 21,791,406.20 | 44,724,907.80 | 28,877,250.52 | 56,140,130.20 | 32,579,571.84 | 24,634,082.80 | 24,498,508.80 | 146,748,052.24 | 107,746,737.36 | 254,494,789.60      | 113,880,453.96         |
| 2021        |               |               |               |               |               |               |               |               |                |                |                     |                        |
| Residential | 21,152,078.80 | 21,384,174.96 | 28,418,898.96 | 27,239,013.00 | 22,507,333.52 | 22,038,915.92 | 23,230,304.56 | 23,318,392.96 | 95,308,615.84  | 93,980,496.84  | 189,289,112.68      | 95,308,615.84          |
| Yard        | 41,074.96     | -             | 15,409,320.48 | -             | 14,898,857.64 | -             | 18,879.60     | -             | 30,368,132.68  | -              | 30,368,132.68       | -                      |
| Commercial  | 4,120,849.84  | 3,857,399.84  | 8,004,680.48  | 4,560,433.92  | 7,212,836.04  | 4,671,035.68  | 3,244,004.36  | 2,929,952.88  | 22,582,370.72  | 16,018,822.32  | 38,601,193.04       | 22,582,370.72          |
|             | 25,314,003.60 | 25,241,574.80 | 51,832,899.92 | 31,799,446.92 | 44,619,027.20 | 26,709,951.60 | 26,493,188.52 | 26,248,345.84 | 148,259,119.24 | 109,999,319.16 | 258,258,438.40      | 117,890,986.56         |
| 2022        |               |               |               |               |               |               |               |               |                |                |                     |                        |
| Residential | 17,974,511.24 | 18,203,204.92 | 26,042,142.60 | 25,338,246.48 | 27,992,694.04 | 27,482,293.08 | 18,335,502.32 | 19,121,036.40 | 90,344,850.20  | 90,144,780.88  | 180,489,631.08      | 90,344,850.20          |
| Yard        | 204.96        | -             | 11,455,515.32 | -             | 22,195,926.92 | -             | 255,094.32    | -             | 33,906,741.52  | -              | 33,906,741.52       | -                      |
| Commercial  | 2,546,152.20  | 2,287,952.20  | 5,554,971.00  | 3,692,778.72  | 8,467,266.76  | 5,253,678.92  | 3,300,478.00  | 3,234,978.00  | 19,868,867.96  | 14,469,387.84  | 34,338,255.80       | 19,868,867.96          |
|             | 20,520,868.40 | 20,491,157.12 | 43,052,628.92 | 29,031,025.20 | 58,655,887.72 | 32,735,972.00 | 21,891,074.64 | 22,356,014.40 | 144,120,459.68 | 104,614,168.72 | 248,734,628.40      | 110,213,718.16         |
| 2023        |               |               |               |               |               |               |               |               |                |                |                     |                        |
| Residential | 17,256,615.56 | 16,129,577.36 | 24,166,664.84 | 23,859,835.60 | 34,274,423.36 | 33,449,431.52 |               |               | 75,697,703.76  | 73,438,844.48  | 149,136,548.24      | 75,697,703.76          |
| Yard        | 711,188.48    | -             | 14,241,554.12 | -             | 28,199,790.12 | -             |               |               | 43,152,532.72  | -              | 43,152,532.72       | -                      |
| Commercial  | 3,022,481.92  | 2,871,621.28  | 5,015,799.28  | 3,076,640.60  | 17,415,319.20 | 14,893,003.12 |               |               | 25,453,600.40  | 20,841,265.00  | 46,294,865.40       | 25,453,600.40          |
|             | 20,990,285.96 | 19,001,198.64 | 43,424,018.24 | 26,936,476.20 | 79,889,532.68 | 48,342,434.64 |               |               | 144,303,836.88 | 94,280,109.48  | 238,583,946.36      | 101,151,304.16         |

\* Note:

1st Quarter use is January-March current year

2nd Quarter use is April-June current year

3rd Quarter use is July-September current year

4th Quarter use is October-December current year

| Borough of Mountain Lakes             |              |               |              |
|---------------------------------------|--------------|---------------|--------------|
| Water and Sewer - Billing and Revenue |              |               |              |
| Third Quarter 2023                    |              |               |              |
|                                       | July         | August        | Sept         |
| Water:                                |              |               |              |
| Beginning Balance                     | \$18,817.80  | \$246,133.36  | \$29,143.61  |
|                                       |              |               |              |
| Adjustments (+/-)                     |              |               |              |
|                                       |              |               |              |
| Billed - Including Adjustments        | \$268,709.26 | -\$3,750.46   | \$5,308.06   |
|                                       |              |               |              |
| Receipts - Including Adjustments      | -\$41,393.70 | -\$213,239.29 | -\$17,311.94 |
|                                       |              |               |              |
| Ending Balance                        | \$246,133.36 | \$29,143.61   | \$17,139.73  |
|                                       |              |               |              |
|                                       |              |               |              |
| Sewer:                                |              |               |              |
| Beginning Balance                     | \$31,052.09  | \$207,180.07  | \$41,703.83  |
|                                       |              |               |              |
| Adjustments (+/-)                     |              |               |              |
|                                       |              |               |              |
| Billed - Including Adjustments        | \$216,470.94 | -\$388.22     | \$5,329.24   |
|                                       |              |               |              |
| Receipts - Including Adjustments      | -\$40,342.96 | -\$165,088.02 | -\$15,292.42 |
|                                       |              |               |              |
| Ending Balance                        | \$207,180.07 | \$41,703.83   | \$31,740.65  |

## 2023 Reserve Accounts

|  | Balance      | 1st Qtr 2023 |              | 2nd Qtr 2023 |              | 3rd Qtr 2023 |             | 4th Qtr 2023 |           | Balance      |
|--|--------------|--------------|--------------|--------------|--------------|--------------|-------------|--------------|-----------|--------------|
|  | 12/31/2022   | Increases    | Decreases    | Increases    | Decreases    | Increases    | Decreases   | Increases    | Decreases |              |
| Reserve for Tax Appeals  | \$288,541.85 |              | \$9,103.70   |              |              | \$100,000.00 |             |              |           | \$379,438.15 |
| Reserve for Storm Recovery   | \$384,998.71 |              |              |              |              |              |             |              |           | \$384,998.71 |
| Reserve for Accum. Absences  | \$60,597.75  |              | \$19,443.60  | \$10,000.00  |              |              | 8922.18     |              |           | \$42,231.97  |
| Reserve for Liability Insurance  | \$50,000.00  |              |              |              |              |              |             |              |           | \$50,000.00  |
| Capital Improvement Fund   | \$233,620.53 |              | \$101,000.00 | \$327,484.26 | \$326,484.00 |              | \$93,250.00 |              |           | \$40,370.79  |
| Premium on Bonds   | \$5,477.91 * |              |              |              | \$5,000.00   |              |             |              |           | \$477.91     |
|  |              | 1st Qtr 2023 |              | 2nd Qtr 2023 |              | 3rd Qtr 2023 |             | 4th Qtr 2023 |           | Total        |
|  |              | Payments     |              | Payments     |              | Payments     |             | Payments     |           |              |
| Tax Appeals paid from fund balance   |              | \$20,366.28  |              | \$7,852.98   |              | \$60,124.21  | **          | \$388,561.88 |           | \$476,905.35 |
| * Premium on Bonds is part of the General Capital Fund Balance. The balance as of 12/31/2022 is the premium from the 2017 bond sale. |              |              |              |              |              |              |             |              |           |              |
| ** Tax Appeal Payments made in October   |              |              |              |              |              |              |             |              |           |              |

| Borough of Mountain Lakes |  |            |  |               |
|---------------------------|--|------------|--|---------------|
| Fund                      | Capital and Trust Accounts               |            |  | Cash Balance  |
| Number                    |  |            |  | 9/30/2023     |
| 4                         | General Capital                          |            |  | \$ 970,213.94 |
|                           | Subaccounts - Part of the cash balance   |            |  |               |
|                           | Capital Improvement Fund Balance         | 40,370.79  |  |               |
|                           | Premium on Bonds - Part of Fund Balance  | 477.91     |  |               |
|                           |  |            |  |               |
| 6                         | Water Capital                            |            |  | \$ 14,031.98  |
| 8                         | Sewer Capital                            |            |  | \$ 40,043.70  |
| 12                        | Payroll Agency                           |            |  | \$ 7,891.86   |
| 13                        | Animal Control                           |            |  | \$ 3,367.36   |
| 14                        | Unemployment                             |            |  | \$ 54,043.21  |
| 17                        | Developer's Escrow - Includes cash bonds |            |  | \$ 131,428.27 |
| 18                        | Other Trust                              |            |  | \$ 578,594.47 |
| 18                        | Other Trust - Due from Current           |            |  | \$ 7,870.58   |
|                           | Subaccounts:                             |            |  |               |
|                           | Reserve for Municipal Alliance           | 6,174.76   |  |               |
|                           | Reserve for Parking Offenses Adj. Act    | 228.69     |  |               |
|                           | Fire Marshall Trust                      | 7,889.76   |  |               |
|                           | Tax Sale Premiums                        | 78,000.00  |  |               |
|                           | Video Systems for Police Cars            | 1,200.00   |  |               |
|                           | Reserve for Accumulated Absences         | 42,231.97  |  |               |
|                           | Reserve for Storm Recovery               | 384,998.71 |  |               |
|                           | Reserve for Liability Insurance          | 50,000.00  |  |               |
|                           |  |            |  |               |
| 19                        | Police Outside Services                  |            |  | \$ 88,943.28  |
| 20                        | Affordable Housing                       |            |  | \$ 60,038.58  |
| 23                        | Police Forfeiture of Assets              |            |  | \$ 3,182.19   |
| 26                        | Flexible Spending                        |            |  | \$ 8,954.08   |
| 32                        | Shade Tree Trust                         |            |  | \$ 21,684.05  |
| 33                        | Recreation                               |            |  | \$ 288,258.16 |
|                           | Subaccounts:                             |            |  |               |
|                           | Historic Preservation Comm.              | 33,629.90  |  |               |
|                           | Mountain Lakes Centennial Comm.          | 21,085.36  |  |               |
|                           | Various Recreation Programs              | 233,542.90 |  |               |
|                           |  |            |  |               |
| 49                        | Net Payroll                              |            |  | 232.91        |

Capital Ordinances  
General Capital  
Activity to 09/30/2023

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

| Account Number    | Description                            | Budget     | Activity   | Encumbered | Balance    |
|-------------------|--|------------|------------|------------|------------|
| =====             | =====                                  | =====      | =====      | =====      | =====      |
| 04-215-55-975-000 | BOND ORDINANCE #06-11: VAR CAP IMPROVE | -          | 4,392.00   | -          | (4,392.00) |
| 04-215-55-975-001 | ADMINISTRATION EQUIPMENT: FUNDED       | 750.00     | 750.00     | -          | -          |
| 04-215-55-975-002 | ADMINISTRATION EQUIPMENT: UNFUNDED     | 14,250.00  | 14,250.00  | -          | -          |
| 04-215-55-975-003 | FIRE DEPT EQUIPMENT: FUNDED            | 1,250.00   | 1,250.00   | -          | -          |
| 04-215-55-975-004 | FIRE DEPT EQUIPMENT: UNFUNDED          | 23,750.00  | 23,750.00  | -          | -          |
| 04-215-55-975-005 | POLICE DEPT EQUIPMENT: FUNDED          | 1,750.00   | 1,750.00   | -          | -          |
| 04-215-55-975-006 | POLICE DEPT EQUIPMENT: UNFUNDED        | 33,250.00  | 33,250.00  | -          | -          |
| 04-215-55-975-007 | DPW EQUIPMENT: FUNDED                  | 675.00     | 675.00     | -          | -          |
| 04-215-55-975-008 | DPW EQUIPMENT: UNFUNDED                | 12,825.00  | 12,825.00  | -          | -          |
| 04-215-55-975-009 | INFRASTRUCTURE REPAIR/MAINT: FUNDED    | 216,500.00 | 215,420.00 | -          | 1,080.00   |
| 04-215-55-975-010 | INFRASTRUCTURE REPAIR/MAINT: UNFUNDED  | 313,500.00 | 313,500.00 | -          | -          |
| 04-215-55-975-011 | BLDGS & GROUNDS REPAIR/MAINT: FUNDED   | 87,999.59  | 84,687.59  | -          | 3,312.00   |
| 04-215-55-975-012 | BLDGS & GROUNDS REPAIR/MAINT: UNFUNDED | 82,000.00  | 82,000.00  | -          | -          |
| 04-215-55-975-013 | WATER/SEWER UTIL EQUIPMENT: FUNDED     | 2,450.00   | 2,450.00   | -          | -          |
| 04-215-55-975-014 | WATER/SEWER UTIL EQUIPMENT: UNFUNDED   | 46,550.00  | 46,550.00  | -          | -          |
| 04-215-55-975-015 | LAKES MANAGEMENT: FUNDED               | 1,750.00   | 1,750.00   | -          | -          |
| 04-215-55-975-016 | LAKES MANAGEMENT: UNFUNDED             | 33,250.00  | 33,250.00  | -          | -          |
|                   |  | -----      | -----      | -----      | -----      |
|                   |  | 872,499.59 | 872,499.59 | -          | -          |
| 04-215-55-982-000 | 2016 CAPITAL ORDINANCE 06-16           | -          | -          | -          | -          |
| 04-215-55-982-001 | Police - Recording System              | 3,500.00   | 3,500.00   | -          | -          |
| 04-215-55-982-002 | Police - Pole Cameras                  | 18,500.00  | 18,500.00  | -          | -          |
| 04-215-55-982-003 | Fire - General Equipment               | 25,000.00  | 25,255.99  | -          | (255.99)   |
| 04-215-55-982-004 | Public Works - Street Signs            | 18,000.00  | 18,000.00  | -          | -          |
| 04-215-55-982-005 | CERT/Police - Radios                   | 5,000.00   | 5,000.00   | -          | -          |
| 04-215-55-982-006 | Public Works - Road Paving             | 270,000.00 | 270,000.00 | -          | -          |
| 04-215-55-982-007 | Public Works - Road Paving State Aid   | 160,000.00 | 160,000.00 | -          | -          |
| 04-215-55-982-008 | Public Works - Curbs & Sidewalks       | 50,000.00  | 50,000.00  | -          | -          |
| 04-215-55-982-009 | Public Works - Storm Drain System      | 38,000.00  | 38,260.00  | -          | (260.00)   |
| 04-215-55-982-010 | Water Utility - Insertion Valve        | 23,000.00  | 23,000.00  | -          | -          |
| 04-215-55-982-011 | Water Utility - Hydrant Replacement    | 12,000.00  | 12,000.00  | -          | -          |
| 04-215-55-982-012 | Public Works - Jet Vac                 | 16,000.00  | 16,000.00  | -          | -          |
| 04-215-55-982-013 | Bldgs & Grds - Borough Hall Roof       | 35,000.00  | 35,000.00  | -          | -          |
| 04-215-55-982-014 | Bldgs & Grds - Railroad Station Steps  | 55,000.00  | 33,280.75  | 13,170.00  | 8,549.25   |
| 04-215-55-982-015 | Bldgs & Grds - Esplande Steps          | 12,000.00  | 12,000.00  | -          | -          |

Capital Ordinances  
General Capital  
Activity to 09/30/2023

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

| Account Number    | Description                              | Budget       | Activity     | Encumbered | Balance   |
|-------------------|--|--------------|--------------|------------|-----------|
| 04-215-55-982-016 | Recreation - Midvale Boat Dock           | 15,000.00    | 15,000.00    | -          | -         |
| 04-215-55-982-017 | Public Works - Blvd Traf. Light Generato | 6,000.00     | 6,000.00     | -          | -         |
| 04-215-55-982-018 | Recreation - Midvale Park Improvements   | 26,000.00    | 26,000.00    | -          | -         |
| 04-215-55-982-019 | Manager - Annual Computer Upgrades       | 17,100.00    | 12,364.77    | -          | 4,735.23  |
| 04-215-55-982-020 | Manager - Server Upgrade - ECM           | 45,000.00    | 30,700.45    | -          | 14,299.55 |
| 04-215-55-982-021 | Police - Scheduling Software             | 3,300.00     | 3,300.00     | -          | -         |
| 04-215-55-982-022 | Recreation - Island Beach Improv.        | 641,350.00   | 624,673.86   | -          | 16,676.14 |
| 04-215-55-982-023 | Recreation - Birchwood Lake Improv.      | 716,250.00   | 687,255.12   | -          | 28,994.88 |
| 04-215-55-982-024 | Sec.20 - Architect & Eng. Beach Projects | 165,400.00   | 161,448.85   | -          | 3,951.15  |
| 04-215-55-982-025 | Public Works - HD Pick-up                | 52,000.00    | 52,000.00    | -          | -         |
|                   |  | 2,428,400.00 | 2,338,539.79 | 13,170.00  | 76,690.21 |
| 04-215-55-983-000 | 2017 CAPITAL ORDINANCE 05-17             | -            | -            | -          | -         |
| 04-215-55-983-001 | Police - Dash Cam System                 | 57,300.00    | 48,161.27    | -          | 9,138.73  |
| 04-215-55-983-002 | Fire - Personal Protective Gear (6 sets) | 7,488.00     | 7,488.00     | -          | -         |
| 04-215-55-983-003 | Fire - Pagers (2)                        | 900.00       | 900.00       | -          | -         |
| 04-215-55-983-004 | Fire - Positive Pressure Fan             | 4,900.00     | -            | -          | 4,900.00  |
| 04-215-55-983-005 | Public Works-Street Sign Replacement     | 18,000.00    | 18,000.00    | -          | -         |
| 04-215-55-983-006 | Public Works - Pollard Rd. Paving        | 50,000.00    | 50,000.00    | -          | -         |
| 04-215-55-983-007 | Public Works - Road Milling @Gas Co Proj | 25,000.00    | 25,000.00    | -          | -         |
| 04-215-55-983-008 | Public Works - Pollard Rd. Water Main    | 375,000.00   | 375,000.00   | -          | -         |
| 04-215-55-983-009 | Bldg & Grds-Eng & Design Sunset Lake Dam | 99,000.00    | 99,000.00    | -          | -         |
| 04-215-55-983-010 | Public Works - Aeration System-Birchwood | 20,000.00    | 20,000.00    | -          | -         |
| 04-215-55-983-011 | Public Works-Pick up Truck Replacement-2 | 43,000.00    | 43,000.00    | -          | -         |
| 04-215-55-983-012 | Fire - Jaws of Life & Telescopic Ram     | 11,712.00    | 11,712.00    | -          | -         |
|                   |  | 712,300.00   | 698,261.27   | -          | 14,038.73 |
| 04-215-55-984-000 | 2018 CAPITAL ORDINANCE 4-18              | -            | -            | -          | -         |
| 04-215-55-984-001 | Police Weapon Replacement                | 10,000.00    | 9,540.15     | 459.85     | -         |
| 04-215-55-984-002 | Fire Personal Protective Gear            | 9,600.00     | 9,600.00     | -          | -         |
| 04-215-55-984-003 | Fire Pager Replacement                   | 900.00       | 900.00       | -          | -         |
| 04-215-55-984-004 | Fire Other Equipment                     | 4,900.00     | 4,900.00     | -          | -         |
| 04-215-55-984-005 | Public Works Repair Concrete Pad - Recyc | 40,000.00    | 40,000.00    | -          | -         |
| 04-215-55-984-006 | Public Works Drainage Projects           | 19,400.00    | 19,400.00    | -          | -         |



Capital Ordinances  
General Capital  
Activity to 09/30/2023

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

| Account Number    | Description                              | Budget       | Activity     | Encumbered | Balance      |
|-------------------|--|--------------|--------------|------------|--------------|
| 04-215-55-984-007 | Pub Wks Rd Repav N.Pocono, Cres. & Gro   | 575,000.00   | 575,000.00   | -          | -            |
| 04-215-55-984-008 | Public Works Curbs and Sidewalks         | 141,000.00   | 141,000.00   | -          | -            |
| 04-215-55-984-009 | Water System Fire Hydrant Replace.       | 25,000.00    | 23,824.22    | 8,073.03   | (6,897.25)   |
| 04-215-55-984-010 | Water System Entry Door - Well #3        | 3,500.00     | 3,500.00     | -          | -            |
| 04-215-55-984-011 | Water System Chlorine Injection Well #2  | 5,000.00     | 5,000.00     | -          | -            |
| 04-215-55-984-012 | Water System Mag Meters Well #2,3,4      | 20,000.00    | 20,000.00    | -          | -            |
| 04-215-55-984-013 | Manager Borough Hall Architect           | 50,000.00    | 43,307.50    | 6,692.50   | -            |
| 04-215-55-984-014 | Public Works Engine Replac. 2006 Pick up | 3,000.00     | 3,000.00     | -          | -            |
| 04-215-55-984-015 | Public Works Replace 1997 Utility Truck  | 49,000.00    | 48,075.00    | -          | 925.00       |
| 04-215-55-984-016 | Public Works Replace 1997 Toro Tractor   | 43,000.00    | 43,925.00    | -          | (925.00)     |
| 04-215-55-984-017 | Public Works Replace 2006 Code/Bldg Veh  | 35,000.00    | 35,000.00    | -          | -            |
| 04-215-55-984-018 | Police On Board Computers                | 30,000.00    | 29,074.51    | -          | 925.49       |
| 04-215-55-984-019 | Manager Lightning Detection System       | 20,000.00    | -            | -          | 20,000.00    |
| 04-215-55-984-020 | Public Works Repair Fence - Recycling    | 17,900.00    | 12,803.83    | -          | 5,096.17     |
| 04-215-55-984-021 | Park Maintenance Cove Park Improvements  | 16,500.00    | -            | -          | 16,500.00    |
| 04-215-55-984-022 | Park Maintenance Playground Safety Imp.  | 9,500.00     | -            | -          | 9,500.00     |
| 04-215-55-984-023 | Finance Section 20 Costs                 | 50,000.00    | 50,000.00    | -          | -            |
|                   |  | 1,178,200.00 | 1,117,850.21 | 15,225.38  | 45,124.41    |
| 04-215-55-985-000 | 2019 CAPITAL ORDINANCE 2-19              | -            | -            | -          | -            |
| 04-215-55-985-001 | POLICE LIVESCAN FINGERPRINT STATION      | 35,000.00    | 35,000.00    | -          | -            |
| 04-215-55-985-002 | POLICE ELEC. SIGNBOARD/SPEED TRAILER     | 15,385.00    | 15,385.00    | -          | -            |
| 04-215-55-985-003 | FIRE PERSONAL PROTECTIVE EQUIPMENT       | 28,800.00    | 28,800.00    | -          | -            |
| 04-215-55-985-004 | FIRE OTHER EQUIPMENT                     | 4,900.00     | 4,900.00     | -          | -            |
| 04-215-55-985-005 | PUBLIC WORKS VEHICLE LIFT                | 72,250.00    | 72,250.00    | -          | -            |
| 04-215-55-985-006 | PUBLIC WORKS RD REPAVING POCONO,MIDVALE  | 428,966.00   | 428,966.00   | -          | -            |
| 04-215-55-985-007 | PUBLIC WORKS CURBS AND SIDEWALKS         | 141,000.00   | 141,000.00   | -          | -            |
| 04-215-55-985-008 | MANAGER SUNSET LAKE DAM                  | 2,100,000.00 | 86,901.46    | -          | 2,013,098.54 |
| 04-215-55-985-009 | PUBLIC WORKS DUMP TRUCK                  | 195,000.00   | 195,000.00   | -          | -            |
| 04-215-55-985-010 | PUB WORKS ASBESTOS ABATEMENT DPW FAC.    | 34,500.00    | 34,500.00    | -          | -            |
| 04-215-55-985-011 | PARKS TENNIS COURT SURFACE REPAIRS       | 14,000.00    | 14,000.00    | -          | -            |
| 04-215-55-985-012 | PARKS TENNIS COURT FENCE                 | 21,000.00    | 21,000.00    | -          | -            |
| 04-215-55-985-013 | PARKS MIDVALE PARK AED INSTALL           | 6,500.00     | -            | -          | 6,500.00     |
| 04-215-55-985-014 | ENGINEERING - SECTION 20 COSTS           | 5,000.00     | 4,805.27     | -          | 194.73       |
| 04-215-55-985-015 | FINANCE - SECTION 20 COSTS               | 83,655.00    | 72,275.74    | -          | 11,379.26    |

Capital Ordinances  
General Capital  
Activity to 09/30/2023

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

| Account Number    | Description                              | Budget       | Activity     | Encumbered | Balance      |
|-------------------|--|--------------|--------------|------------|--------------|
| =====             | =====                                    | =====        | =====        | =====      | =====        |
|                   |  | 3,185,956.00 | 1,154,783.47 | -          | 2,031,172.53 |
| 04-215-55-986-000 | 2019 CAPITAL ORDINANCE 10-19             | -            | -            | -          | -            |
| 04-215-55-986-001 | ROAD REPAVING, MORRIS AVE.               | 598,690.00   | 608,578.38   | -          | (9,888.38)   |
| 04-215-55-986-002 | SECTION 20 COSTS - FINANCE COSTS         | 11,310.00    | 1,421.62     | -          | 9,888.38     |
|                   |  | 610,000.00   | 610,000.00   | -          | -            |
| 04-215-55-987-000 | 2020 CAPITAL ORDINANCE 4-20              | -            | -            | -          | -            |
| 04-215-55-987-001 | FIRE AIR PACK REPLACEMENTS               | 41,673.00    | 41,673.00    | -          | -            |
| 04-215-55-987-002 | FIRE AIR BOTTLE REPLACEMENTS             | 48,852.00    | 48,852.00    | -          | -            |
| 04-215-55-987-003 | PUB WKS 52" MOWER                        | 13,500.00    | 13,500.00    | -          | -            |
| 04-215-55-987-004 | PUB WKS HYDRANT REPLACEMENT              | 15,000.00    | -            | 2,710.00   | 12,290.00    |
| 04-215-55-987-005 | PUB WKS ROAD REPAVING, CURBS & SIDEWALKS | 111,247.00   | 111,247.00   | -          | -            |
| 04-215-55-987-006 | PUB WKS IMPROV. TO STORMWATER DRAINAGE   | 10,000.00    | -            | -          | 10,000.00    |
| 04-215-55-987-007 | POLICE RETROFIT POLICE VEHICLE           | 15,000.00    | 14,528.25    | 471.75     | -            |
| 04-215-55-987-008 | FIRE COMMAND VEHICLE                     | 36,111.00    | 36,111.00    | -          | -            |
| 04-215-55-987-009 | FIRE RETROFIT COMMAND VEHICLE            | 10,000.00    | 10,000.00    | -          | -            |
| 04-215-55-987-010 | PUB WKS 2 MASON DUMP TRUCKS              | 135,000.00   | 135,000.00   | -          | -            |
| 04-215-55-987-011 | ENGINEERING SECTION 20 COSTS             | 10,000.00    | 9,999.99     | -          | 0.01         |
| 04-215-55-987-012 | FINANCE SECTION 20 COSTS                 | 30,571.00    | 30,571.00    | -          | -            |
| 04-215-55-987-013 | PUB WKS CONDIT ROAD                      | 250,000.00   | 250,000.00   | -          | -            |
| 04-215-55-987-014 | PUB WKS MORRIS AVE.                      | 151,323.00   | 151,323.00   | -          | -            |
|                   |  | 878,277.00   | 852,805.24   | 3,181.75   | 22,290.01    |
| 04-215-55-988-000 | 2020 CAPITAL ORDINANCE 7-20              | -            | -            | -          | -            |
| 04-215-55-988-001 | PUB WKS CURBS AND SIDEWALKS              | 6,000.00     | -            | -          | 6,000.00     |
|                   |  | 6,000.00     | -            | -          | 6,000.00     |

Capital Ordinances  
General Capital  
Activity to 09/30/2023

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

| Account Number    | Description                             | Budget     | Activity   | Encumbered | Balance     |
|-------------------|---|------------|------------|------------|-------------|
| =====             | =====                                   | =====      | =====      | =====      | =====       |
| 04-215-55-989-000 | 2020 CAPITAL ORD. 8-20 BORO HALL RENOV. | -          | -          | -          | -           |
| 04-215-55-989-013 | SECTION 20 COSTS - OTHER PROF. SVCS.    | -          | 7,680.82   | -          | (7,680.82)  |
| 04-215-55-989-101 | B.H. S&W DEMOLITION-LOWER LEVEL         | 20,000.00  | 32,419.02  | -          | (12,419.02) |
| 04-215-55-989-102 | B.H. S&W DEMOLITON-UPPER LEVEL          | 20,000.00  | 22,994.64  | -          | (2,994.64)  |
| 04-215-55-989-103 | B.H. S&W DEMOLITION-ROOF                | 10,000.00  | 15,047.85  | -          | (5,047.85)  |
| 04-215-55-989-106 | B.H S&W FOOTING-EXCAVATION              | 15,000.00  | 29,389.09  | -          | (14,389.09) |
| 04-215-55-989-108 | B.H S&W FOOTING-SLABS                   | 30,100.00  | 29,020.87  | -          | 1,079.13    |
| 04-215-55-989-109 | B.H. S&W FOUNDATION-WALLS-BACK ADDITION | 20,000.00  | 20,014.34  | -          | (14.34)     |
| 04-215-55-989-110 | B.H. S&W FOOTING-ENTRANCE               | 31,600.00  | 37,767.08  | -          | (6,167.08)  |
| 04-215-55-989-111 | B.H. S&W FOUNDATION-WALLS-ENTRANCE      | 27,600.00  | 26,376.86  | -          | 1,223.14    |
| 04-215-55-989-112 | B.H. S&W CMU WALLS-LOWER LEVEL          | 100,580.00 | 82,150.65  | -          | 18,429.35   |
| 04-215-55-989-113 | B.H. S&W CMUWALLS-UPPER LEVEL           | 100,698.00 | 24,534.97  | -          | 76,163.03   |
| 04-215-55-989-114 | B.H. S&W WATERPROOFING-FOUNDATION WALL  | 4,820.00   | 5,118.77   | -          | (298.77)    |
| 04-215-55-989-115 | B.H. S&W TPO ROOF                       | 52,000.00  | 31,154.75  | -          | 20,845.25   |
| 04-215-55-989-116 | B.H. S&W METAL STUD WALLS-UPPER LEVEL   | 114,462.00 | 171,392.76 | -          | (56,930.76) |
| 04-215-55-989-117 | B.H. S&W INSTALL DOOR'S FRAMES-UPPER    | 7,000.00   | 8,730.88   | -          | (1,730.88)  |
| 04-215-55-989-118 | B.H. S&W METAL STUDS WALLS-LOWER LEVEL  | 96,231.00  | 118,076.87 | -          | (21,845.87) |
| 04-215-55-989-119 | B.H. S&W INSTALL DOOR'S FRAME-LOWER     | 9,400.00   | 8,559.94   | -          | 840.06      |
| 04-215-55-989-120 | B.H. S&W STONE VENEER                   | 74,300.00  | 73,030.36  | -          | 1,269.64    |
| 04-215-55-989-121 | B.H. S&W EXTENDED ROOF WALL             | 61,200.00  | 60,810.58  | -          | 389.42      |
| 04-215-55-989-122 | B.H. S&W CEMENT FIBER SIDING            | 82,250.00  | 5,258.70   | -          | 76,991.30   |
| 04-215-55-989-123 | B.H. S&W CEILINGS                       | 35,250.00  | 24,762.71  | -          | 10,487.29   |
| 04-215-55-989-124 | B.H. S&W INSULATION                     | 33,500.00  | 24,506.94  | -          | 8,993.06    |
| 04-215-55-989-125 | B.H. S&W STUCCO                         | 48,600.00  | 89,567.96  | -          | (40,967.96) |
| 04-215-55-989-126 | B.H. S&W DOORS                          | 16,550.00  | 1,918.52   | -          | 14,631.48   |
| 04-215-55-989-127 | B.H. S&W SECURITY DOOR                  | 3,000.00   | 400.34     | -          | 2,599.66    |
| 04-215-55-989-128 | B.H. S&W GARAGE DOOR                    | -          | 129.18     | -          | (129.18)    |
| 04-215-55-989-129 | B.H. S&W WINDOWS-STORE FRONT            | 46,300.00  | 40,048.57  | -          | 6,251.43    |
| 04-215-55-989-130 | B.H. S&W WINDOWS SUN SHADES             | 25,000.00  | 3,130.77   | -          | 21,869.23   |
| 04-215-55-989-131 | B.H. S&W ELEVATOR                       | -          | 4,168.04   | -          | (4,168.04)  |
| 04-215-55-989-132 | B.H. S&W ELECTRIC                       | 160,000.00 | 209,370.08 | -          | (49,370.08) |
| 04-215-55-989-133 | B.H. S&W PLUMBING                       | 125,000.00 | 107,715.18 | -          | 17,284.82   |
| 04-215-55-989-134 | B.H. S&W HVAC                           | 165,000.00 | 189,351.58 | -          | (24,351.58) |
| 04-215-55-989-135 | B.H. S&W ALARMS                         | 21,200.00  | 57,500.70  | -          | (36,300.70) |
| 04-215-55-989-136 | B.H. S&W PAINTING                       | -          | 47,479.46  | -          | (47,479.46) |
| 04-215-55-989-137 | B.H. S&W STAIRS AND RAILINGS            | 31,000.00  | 40,340.45  | -          | (9,340.45)  |
| 04-215-55-989-138 | B.H. S&W FLOORS                         | 91,100.00  | 46,937.52  | -          | 44,162.48   |
| 04-215-55-989-139 | B.H. S&W MENS AND WOMENS LACKER ROOMS   | 3,100.00   | -          | -          | 3,100.00    |

Capital Ordinances  
General Capital  
Activity to 09/30/2023

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

| Account Number    | Description                               | Budget     | Activity   | Encumbered | Balance     |
|-------------------|---|------------|------------|------------|-------------|
| 04-215-55-989-141 | B.H. S&W 7 BATHROOMS 2 JANITOR 2 LOCKER   | 53,600.00  | 20,624.82  | -          | 32,975.18   |
| 04-215-55-989-142 | B.H. S&W SITE WORK                        | 20,000.00  | 43,603.64  | -          | (23,603.64) |
| 04-215-55-989-145 | B.H. S&W MISCELLANEOUS                    | -          | 14,971.64  | -          | (14,971.64) |
| 04-215-55-989-146 | B.H. S&W MILLWORK                         | 58,700.00  | 7,799.25   | -          | 50,900.75   |
| 04-215-55-989-147 | B.H. S&W STRUCTURAL STEEL                 | 22,500.00  | 103,154.79 | -          | (80,654.79) |
| 04-215-55-989-148 | B.H. S&W CORRINATION OF WORK              | 34,000.00  | 42,583.69  | -          | (8,583.69)  |
| 04-215-55-989-150 | B.H. S&W IT/TECH                          | -          | 29,717.97  | -          | (29,717.97) |
| 04-215-55-989-151 | B.H. S&W OTHER/RELOCATION/GENERATO        | -          | 6,861.35   | -          | (6,861.35)  |
| 04-215-55-989-155 | B.H. S&W ADMINISTRATIVE ASSISTANT         | 20,000.00  | 55,771.29  | -          | (35,771.29) |
| 04-215-55-989-170 | B.H. S&W CONTINGENCY                      | 10,109.82  | 18,910.34  | -          | (8,800.52)  |
| 04-215-55-989-204 | B.H. O/E DEMOLITON - CONTAINERS           | 11,000.00  | 5,912.15   | -          | 5,087.85    |
| 04-215-55-989-205 | B.H. O/E DEMOLITON - EQUIPMENT            | 10,000.00  | 1,024.05   | -          | 8,975.95    |
| 04-215-55-989-207 | B.H. O/E EQUIPMENT - RENTAL               | 6,000.00   | 4,297.34   | -          | 1,702.66    |
| 04-215-55-989-208 | B.H. O/E FOOTING - SLABS                  | 15,790.00  | 25,789.94  | -          | (9,999.94)  |
| 04-215-55-989-209 | B.H. O/E FOUNDATION - WALLS - BACK ADDIT? | 6,000.00   | 6,817.29   | -          | (817.29)    |
| 04-215-55-989-210 | B.H. O/E FOOTING - ENTRANCE               | 13,375.00  | 12,464.41  | -          | 910.59      |
| 04-215-55-989-211 | B.H. O/E FOUNDTION - WALLS - ENTRANCE     | 14,600.00  | 13,116.82  | -          | 1,483.18    |
| 04-215-55-989-212 | B.H. O/E CMU WALLS - LOWER LEVEL          | 18,200.00  | 12,842.55  | -          | 5,357.45    |
| 04-215-55-989-213 | B.H. O/E CMU WALLS - UPPER LEVEL          | 12,850.00  | 4,952.29   | -          | 7,897.71    |
| 04-215-55-989-214 | B.H O/E WATERPROOFING FOUNDATION WALL     | 4,400.00   | 3,932.84   | -          | 467.16      |
| 04-215-55-989-215 | B.H O/E TPO ROOF                          | 145,010.00 | 124,133.69 | 26,927.00  | (6,050.69)  |
| 04-215-55-989-216 | B.H. O/E METAL STUD WALLS - UPPER LEVEL   | 35,300.00  | 61,968.89  | -          | (26,668.89) |
| 04-215-55-989-218 | B.H. O/E METAL STUDS WALLS - LOWER LEVEL? | 28,006.00  | 53,045.24  | -          | (25,039.24) |
| 04-215-55-989-220 | B.H. O/E STONE VENEER                     | 28,000.00  | 34,560.99  | -          | (6,560.99)  |
| 04-215-55-989-221 | B.H. O/E EXTENDED ROOF WALL               | 14,800.00  | 16,084.56  | -          | (1,284.56)  |
| 04-215-55-989-222 | B.H. O/E CEMENT FIBER SIDING              | 53,350.00  | 17,378.00  | 30,448.38  | 5,523.62    |
| 04-215-55-989-223 | B.H. O/E CEILINGS                         | 12,100.00  | 7,760.52   | 3,000.00   | 1,339.48    |
| 04-215-55-989-224 | B.H. O/E INSULATION                       | 32,420.00  | 36,775.41  | 437.16     | (4,792.57)  |
| 04-215-55-989-225 | B.H. O/E STUCCO                           | 8,100.00   | 36,724.55  | 2,168.14   | (30,792.69) |
| 04-215-55-989-226 | B.H. O/E DOORS                            | 94,250.00  | 55,356.76  | 1,906.92   | 36,986.32   |
| 04-215-55-989-227 | B.H. O/E SECURITY DOOR                    | 7,000.00   | 9,783.72   | 6,030.00   | (8,813.72)  |
| 04-215-55-989-228 | B.H. O/E GARAGE DOOR                      | 6,800.00   | 178.80     | 10,295.00  | (3,673.80)  |
| 04-215-55-989-229 | B.H. O/E WINDOWS - STORE FRONT            | 144,000.00 | 129,317.40 | 38,890.10  | (24,207.50) |
| 04-215-55-989-230 | B.H. O/E WINDOWS SUN SHADES               | 80,000.00  | 2,861.24   | -          | 77,138.76   |
| 04-215-55-989-231 | B.H. O/E ELEVATOR                         | 110,000.00 | 96,679.83  | 10,700.00  | 2,620.17    |
| 04-215-55-989-232 | B.H. O/E ELECTRIC                         | 220,209.20 | 199,389.56 | 6,993.91   | 13,825.73   |
| 04-215-55-989-233 | B.H. O/E PLUMBING                         | 72,089.00  | 66,324.43  | 5,110.10   | 654.47      |
| 04-215-55-989-234 | B.H. O/E HVAC                             | 220,000.00 | 248,501.14 | 10,310.70  | (38,811.84) |

Capital Ordinances  
General Capital  
Activity to 09/30/2023

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

| Account Number    | Description                                    | Budget       | Activity     | Encumbered | Balance     |
|-------------------|--|--------------|--------------|------------|-------------|
| 04-215-55-989-235 | B.H. O/E ALARMS                                | 24,299.98    | 23,257.90    | -          | 1,042.08    |
| 04-215-55-989-236 | B.H. O/E PAINTING                              | 35,000.00    | 20,938.77    | -          | 14,061.23   |
| 04-215-55-989-237 | B.H. O/E STAIRS AND RAILINGS                   | 37,039.00    | 36,281.61    | 3,788.00   | (3,030.61)  |
| 04-215-55-989-238 | B.H. O/E FLOORS                                | 79,600.00    | 55,309.48    | 11,112.22  | 13,178.30   |
| 04-215-55-989-239 | B.H. O/E MENS AND WOMENS LOCKER ROOMS          | 13,100.00    | -            | -          | 13,100.00   |
| 04-215-55-989-241 | B.H. O/E 7 BATHROOMS 2 JANITOR 2 LOCKER        | 31,400.00    | 19,171.30    | -          | 12,228.70   |
| 04-215-55-989-242 | B.H O/E SITE WORK                              | 20,000.00    | 17,020.52    | 1,477.86   | 1,501.62    |
| 04-215-55-989-243 | B.H. O/E RENTAL CONSTR. EQUIP & PURCHASE?      | 120,000.00   | 84,159.62    | 8,955.26   | 26,885.12   |
| 04-215-55-989-244 | B.H. O/E OSHA - SAFETY EQUIPMENT               | 12,000.00    | 4,514.76     | -          | 7,485.24    |
| 04-215-55-989-245 | B.H. O/E MISCELLANEOUS                         | 125,000.00   | 103,176.31   | 10,486.62  | 11,337.07   |
| 04-215-55-989-246 | B.H. O/E MILLWORK                              | 15,000.00    | 5,603.00     | 8,500.00   | 897.00      |
| 04-215-55-989-247 | B.H. O/E STRUCTURAL STEEL                      | 63,061.00    | 99,540.09    | 25,378.75  | (61,857.84) |
| 04-215-55-989-249 | B.H. O/E FURNITURE                             | 81,100.00    | -            | 13,605.31  | 67,494.69   |
| 04-215-55-989-250 | B.H. O/E IT/TECH                               | 69,000.00    | 20,561.51    | -          | 48,438.49   |
| 04-215-55-989-251 | B.H O/E OTHER/RELOCATION/GENERATOR             | 108,000.00   | 156,505.91   | -          | (48,505.91) |
| 04-215-55-989-252 | B.H. O/E ARCHITECT                             | 171,000.00   | 167,938.28   | -          | 3,061.72    |
| 04-215-55-989-253 | B.H. O/E ENGINEERING                           | 25,000.00    | 28,410.05    | -          | (3,410.05)  |
| 04-215-55-989-254 | B.H. O/E FINANCE                               | 30,000.00    | 15,837.59    | -          | 14,162.41   |
| 04-215-55-989-270 | B.H. O/E CONTINGENCY                           | 79,000.00    | -            | -          | 79,000.00   |
| 04-215-55-989-307 | B.H. S&W Unantic. Relocating the square tubing | -            | (0.01)       | -          | 0.01        |
|                   |  | 4,463,000.00 | 4,187,057.68 | 236,521.43 | 39,420.89   |
| 04-215-55-991-000 | 2021 CAPTIAL ORDINANCE 10-21                   | -            | -            | -          | -           |
| 04-215-55-991-001 | ARMORED PLATE CARRIERS                         | 10,511.00    | 9,809.80     | 701.20     | -           |
| 04-215-55-991-002 | AIR PACK REPLACEMENTS                          | 76,951.00    | 76,951.00    | -          | -           |
| 04-215-55-991-003 | TWO SALTERS                                    | 10,000.00    | 11,738.80    | -          | (1,738.80)  |
| 04-215-55-991-004 | CHIPPER  | 55,000.00    | 57,639.56    | -          | (2,639.56)  |
| 04-215-55-991-005 | TRACK HOE - DO NOT USE!!!!!!!!!!               | 150,000.00   | 145,621.64   | -          | 4,378.36    |
| 04-215-55-991-006 | ELECTRONIC MESSAGE BOARD                       | 15,000.00    | 15,000.00    | -          | -           |
| 04-215-55-991-007 | ROAD REPAVING - NORTH GLEN                     | 228,901.00   | 236,140.64   | -          | (7,239.64)  |
| 04-215-55-991-008 | DO NOT USE!!!!!!ROAD REPAVING - OTHER          | 180,561.00   | 175,172.80   | -          | 5,388.20    |
| 04-215-55-991-009 | DRAINAGE IMPROVEMENTS                          | 100,000.00   | 80,752.21    | -          | 19,247.79   |
| 04-215-55-991-010 | RETROFIT POLICE VEHICLE                        | 15,000.00    | 15,000.00    | -          | -           |
| 04-215-55-991-011 | TRAFFIC LIGHT POCONO/N. POCONO                 | 104,000.00   | 103,892.50   | -          | 107.50      |
| 04-215-55-991-012 | ENGINEERING GRUNDENS POND                      | 59,570.00    | 177.32       | 57,650.00  | 1,742.68    |
| 04-215-55-991-013 | WATER METER REPLACEMENT PROG.                  | 745,000.00   | 710,617.13   | 13,025.72  | 21,357.15   |

Capital Ordinances  
General Capital  
Activity to 09/30/2023

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

| Account Number    | Description                           | Budget       | Activity     | Encumbered | Balance    |
|-------------------|---------------------------------------|--------------|--------------|------------|------------|
| 04-215-55-991-014 | ENGINEERING - SECTION 20              | 10,000.00    | 9,312.99     | -          | 687.01     |
| 04-215-55-991-015 | FINANCE - SECTION 20                  | 73,743.00    | 13,972.52    | -          | 59,770.48  |
|                   |                                       | 1,834,237.00 | 1,661,798.91 | 71,376.92  | 101,061.17 |
| 04-215-55-992-000 | 2022 CAPITAL ORDINANCE 2-22           | -            | -            | -          | -          |
| 04-215-55-992-001 | MOBILE VIDEO RECORDERS                | 50,000.00    | -            | 13,495.00  | 36,505.00  |
| 04-215-55-992-002 | TURNOUT GEAR                          | 15,000.00    | 15,000.00    | -          | -          |
| 04-215-55-992-003 | ELECTRONIC MESSAGE BOARD              | 5,000.00     | 5,000.00     | -          | -          |
| 04-215-55-992-004 | BRINE MACHINE/HOLDING TANK            | 23,125.00    | 22,986.26    | -          | 138.74     |
| 04-215-55-992-005 | BRINE SPRAYING TANK                   | -            | -            | -          | -          |
| 04-215-55-992-006 | ROAD REPAVING - INTERVALE RD.         | 481,000.00   | 321,635.84   | 144,076.45 | 15,287.71  |
| 04-215-55-992-007 | ROAD REPAVING - OTHER                 | 250,187.00   | 243,624.77   | -          | 6,562.23   |
| 04-215-55-992-008 | CHIEF'S VEHICLE & RETROFIT            | 60,000.00    | 57,352.71    | 2,647.29   | -          |
| 04-215-55-992-009 | ELECTRIC - SCHOOL RES. OFFIC. VEHICLE | 60,000.00    | 49,733.09    | 6,229.61   | 4,037.30   |
| 04-215-55-992-010 | RETROFIT 2 POLICE VEHICLES            | 30,000.00    | 30,298.00    | 749.95     | (1,047.95) |
| 04-215-55-992-011 | 2 FORD F-350 TRUCKS                   | 80,000.00    | -            | -          | 80,000.00  |
| 04-215-55-992-012 | WATER UTILITY TRUCK                   | 70,000.00    | -            | -          | 70,000.00  |
| 04-215-55-992-013 | DPW BATHROOM RENOVATION               | 15,000.00    | 11,963.88    | 3,237.68   | (201.56)   |
| 04-215-55-992-014 | TENNIS COURT REN. & FENCING           | 80,000.00    | 80,000.00    | -          | -          |
| 04-215-55-992-015 | ENGINEERING - SECTION 20 COSTS        | 10,000.00    | 3,536.88     | -          | 6,463.12   |
| 04-215-55-992-016 | FINANCE - SECTION 20 COSTS            | 47,385.00    | 3,316.13     | -          | 44,068.87  |
|                   |                                       | 1,276,697.00 | 844,447.56   | 170,435.98 | 261,813.46 |
| 04-215-55-993-000 | 2023 CAPITAL ORDINANCE 1-23           | -            | -            | -          | -          |
| 04-215-55-993-001 | REFURBISH TENNIS COURTS               | 210,000.00   | 210,000.00   | -          | -          |
|                   |                                       | 210,000.00   | 210,000.00   | -          | -          |
| 04-215-55-994-000 | 2023 CAPITAL ORDINANCE 2-23           | -            | -            | -          | -          |
| 04-215-55-994-001 | IMPROVEMENT OF TENNIS COURTS          | 311,000.00   | 247,006.40   | 54,993.60  | 9,000.00   |
|                   |                                       | 311,000.00   | 247,006.40   | 54,993.60  | 9,000.00   |

Capital Ordinances  
General Capital  
Activity to 09/30/2023

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

| Account Number    | Description                                   | Budget       | Activity   | Encumbered | Balance    |
|-------------------|---|--------------|------------|------------|------------|
| =====             | =====   | =====        | =====      | =====      | =====      |
| 04-215-55-995-000 | 2023 CAPITAL ORD 6-23 CAP. AMENDMENT          | -            | -          | -          | -          |
| 04-215-55-995-001 | DPW - VEHICULAR EQUIPMENT                     | 16,875.00    | 16,296.11  | -          | 578.89     |
| 04-215-55-995-002 | PERSONAL PROTECTIVE EQUIP.                    | 3,889.00     | 3,889.00   | -          | -          |
|                   |   |              |            |            |            |
|                   |   | 20,764.00    | 20,185.11  | -          | 578.89     |
| 04-215-55-996-000 | 2023 CAPITAL ORDINANCE 8-23                   | -            | -          | -          | -          |
| 04-215-55-996-001 | Bottom End of the Police Boat Motor           | 6,000.00     | 4,585.90   | -          | 1,414.10   |
| 04-215-55-996-002 | Interview Room Recording System               | 6,000.00     | -          | -          | 6,000.00   |
| 04-215-55-996-003 | Men/Women Lockers                             | 30,000.00    | 228.67     | 23,077.19  | 6,694.14   |
| 04-215-55-996-004 | Evidence Lockers and Refrigerators            | 25,000.00    | -          | 18,272.55  | 6,727.45   |
| 04-215-55-996-005 | Armory:Bench, Shelving, Locker, Table, Chairs | 7,000.00     | -          | 7,000.00   | -          |
| 04-215-55-996-006 | Sally Port Pistol Lockers                     | 500.00       | -          | -          | 500.00     |
| 04-215-55-996-007 | PPE Regulators                                | 8,553.00     | 8,553.00   | -          | -          |
| 04-215-55-996-008 | Bobcat Skid Steer                             | 18,288.00    | -          | -          | 18,288.00  |
| 04-215-55-996-009 | New Goals for Midvale                         | 8,500.00     | 8,004.67   | -          | 495.33     |
| 04-215-55-996-010 | New Picnic Tables: Kaufmann and Midvale       | 3,000.00     | -          | -          | 3,000.00   |
| 04-215-55-996-011 | Morris Ave. Section 4                         | 241,490.00   | 22,206.01  | 138,000.00 | 81,283.99  |
| 04-215-55-996-012 | Road Repaving - All Other Roads               | 210,015.00   | 132,998.19 | -          | 77,016.81  |
| 04-215-55-996-013 | Retrofit 2 Police Cars                        | 40,000.00    | -          | -          | 40,000.00  |
| 04-215-55-996-014 | Side by Side ATV                              | 20,000.00    | -          | -          | 20,000.00  |
| 04-215-55-996-015 | Bathymetry Survey                             | 115,000.00   | 57,250.00  | 5,250.00   | 52,500.00  |
| 04-215-55-996-016 | Sidewalks - Library and Lake Drive            | 65,000.00    | -          | -          | 65,000.00  |
| 04-215-55-996-017 | Vehicles for Fire Department                  | 761,708.00   | -          | 595,247.88 | 166,460.12 |
| 04-215-55-996-018 | Computers for Police Vehicles                 | 16,000.00    | -          | 15,218.10  | 781.90     |
| 04-215-55-996-019 | Section 20 Costs - Engineering                | 15,000.00    | 537.75     | -          | 14,462.25  |
| 04-215-55-996-020 | Section 20 Costs - Finance                    | 57,432.00    | -          | -          | 57,432.00  |
|                   |   |              |            |            |            |
|                   |   | 1,654,486.00 | 234,364.19 | 802,065.72 | 618,056.09 |
| 04-215-55-997-000 | CAPITAL ORD. 12-23                            | -            | -          | -          | -          |
| 04-215-55-997-001 | Improvement of Sunset Lake Dam                | 650,000.00   | -          | -          | 650,000.00 |
| 04-215-55-997-002 | Section 20 Costs                              | 200,000.00   | -          | 64,024.99  | 135,975.01 |
|                   |   |              |            |            |            |

Capital Ordinances  
General Capital  
Activity to 09/30/2023

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

| Account Number    | Description                               | Budget       | Activity | Encumbered | Balance      |
|-------------------|---|--------------|----------|------------|--------------|
| =====             | =====                                     | =====        | =====    | =====      | =====        |
|                   |   | 850,000.00   | -        | 64,024.99  | 785,975.01   |
| 04-215-55-998-000 | 2023 CAPITAL ORD. 13-23 BORO HALL RENOV.  | 1,045,000.00 | -        | -          | 1,045,000.00 |
| 04-215-55-998-013 | SECTION 20 COSTS - OTHER PROF. SVCS.      | -            | -        | -          | -            |
| 04-215-55-998-115 | B.H. S&W TPO ROOF                         | -            | 1,534.01 | -          | (1,534.01)   |
| 04-215-55-998-116 | B.H. S&W METAL STUD WALLS-UPPER LEVEL     | -            | -        | -          | -            |
| 04-215-55-998-118 | B.H. S&W METAL STUDS WALLS-LOWER LEVEL    | -            | -        | -          | -            |
| 04-215-55-998-119 | B.H. S&W INSTALL DOOR'S FRAME-LOWER       | -            | 2,941.54 | -          | (2,941.54)   |
| 04-215-55-998-120 | B.H. S&W STONE VENEER                     | -            | -        | -          | -            |
| 04-215-55-998-122 | B.H. S&W CEMENT FIBER SIDING              | -            | 3,382.90 | -          | (3,382.90)   |
| 04-215-55-998-123 | B.H. S&W CEILINGS                         | -            | 1,087.27 | -          | (1,087.27)   |
| 04-215-55-998-125 | B.H. S&W STUCCO                           | -            | 3,771.79 | -          | (3,771.79)   |
| 04-215-55-998-126 | B.H. S&W DOORS                            | -            | -        | -          | -            |
| 04-215-55-998-128 | B.H. S&W GARAGE DOOR                      | -            | 608.22   | -          | (608.22)     |
| 04-215-55-998-129 | B.H. S&W WINDOWS-STORE FRONT              | -            | -        | -          | -            |
| 04-215-55-998-130 | B.H. S&W WINDOWS SUN SHADES               | -            | -        | -          | -            |
| 04-215-55-998-132 | B.H. S&W ELECTRIC                         | -            | 3,520.16 | -          | (3,520.16)   |
| 04-215-55-998-133 | B.H. S&W PLUMBING                         | -            | -        | -          | -            |
| 04-215-55-998-134 | B.H. S&W HVAC                             | -            | 4,802.53 | -          | (4,802.53)   |
| 04-215-55-998-135 | B.H. S&W ALARMS                           | -            | 3,148.76 | -          | (3,148.76)   |
| 04-215-55-998-136 | B.H. S&W PAINTING                         | -            | 2,841.96 | -          | (2,841.96)   |
| 04-215-55-998-137 | B.H. S&W STAIRS AND RAILINGS              | -            | -        | -          | -            |
| 04-215-55-998-138 | B.H. S&W FLOORS                           | -            | 2,918.66 | -          | (2,918.66)   |
| 04-215-55-998-141 | B.H. S&W 7 BATHROOMS 2 JANITOR 2 LOCKER   | -            | 7,126.43 | -          | (7,126.43)   |
| 04-215-55-998-142 | B.H. S&W SITE WORK                        | -            | 297.38   | -          | (297.38)     |
| 04-215-55-998-146 | B.H. S&W MILLWORK                         | -            | -        | -          | -            |
| 04-215-55-998-148 | B.H. S&W CORRDIATION OF WORK              | -            | -        | -          | -            |
| 04-215-55-998-150 | B.H. S&W IT/TECH                          | -            | 3,203.94 | -          | (3,203.94)   |
| 04-215-55-998-155 | B.H. S&W ADMINISTRATIVE ASSISTANT         | -            | 473.66   | -          | (473.66)     |
| 04-215-55-998-216 | B.H. O/E METAL STUD WALLS - UPPER LEVEL   | -            | -        | -          | -            |
| 04-215-55-998-218 | B.H. O/E METAL STUDS WALLS - LOWER LEVEL? | -            | -        | -          | -            |
| 04-215-55-998-220 | B.H. O/E STONE VENEER                     | -            | -        | -          | -            |
| 04-215-55-998-222 | B.H. O/E CEMENT FIBER SIDING              | -            | -        | -          | -            |
| 04-215-55-998-225 | B.H. O/E STUCCO                           | -            | -        | -          | -            |
| 04-215-55-998-226 | B.H. O/E DOORS                            | -            | -        | -          | -            |
| 04-215-55-998-229 | B.H. O/E WINDOWS - STORE FRONT            | -            | -        | -          | -            |
| 04-215-55-998-232 | B.H. O/E ELECTRIC                         | -            | -        | -          | -            |
| 04-215-55-998-233 | B.H. O/E PLUMBING                         | -            | -        | -          | -            |



Capital Ordinances  
General Capital  
Activity to 09/30/2023

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

| Account Number    | Description                               | Budget        | Activity      | Encumbered   | Balance      |
|-------------------|---|---------------|---------------|--------------|--------------|
| =====             | =====                                     | =====         | =====         | =====        | =====        |
| 04-215-55-998-234 | B.H. O/E HVAC                             | -             | -             | -            | -            |
| 04-215-55-998-235 | B.H. O/E ALARMS                           | -             | -             | -            | -            |
| 04-215-55-998-236 | B.H. O/E PAINTING                         | -             | -             | -            | -            |
| 04-215-55-998-237 | B.H. O/E STAIRS AND RAILINGS              | -             | -             | -            | -            |
| 04-215-55-998-238 | B.H. O/E FLOORS                           | -             | -             | -            | -            |
| 04-215-55-998-241 | B.H. O/E 7 BATHROOMS 2 JANITOR 2 LOCKER   | -             | -             | -            | -            |
| 04-215-55-998-242 | B.H O/E SITE WORK                         | -             | -             | -            | -            |
| 04-215-55-998-243 | B.H. O/E RENTAL CONSTR. EQUIP & PURCHASE? | -             | -             | -            | -            |
| 04-215-55-998-244 | B.H. O/E OSHA - SAFETY EQUIPMENT          | -             | -             | -            | -            |
| 04-215-55-998-245 | B.H. O/E MISCELLANEOUS                    | -             | -             | -            | -            |
| 04-215-55-998-249 | B.H. O/E FURNITURE                        | -             | -             | -            | -            |
| 04-215-55-998-250 | B.H. O/E IT/TECH                          | -             | -             | -            | -            |
| 04-215-55-998-251 | B.H O/E OTHER/RELOCATION/GENERATOR        | -             | -             | -            | -            |
|                   |   | -----         | -----         | -----        | -----        |
|                   |   | 1,045,000.00  | 41,659.21     | -            | 1,003,340.79 |
|                   |   |               |               |              |              |
|                   |   | =====         | =====         | =====        | =====        |
| TOTALS            |   | 21,536,816.59 | 15,091,258.63 | 1,430,995.77 | 5,014,562.19 |

**Borough of Mountain Lakes**  
**Discussion Item**  
**Prepared by: Cynthia Korman, Councilmember**  
**November 8, 2023**

**Issue**

Mountain Lakes is one of 88 municipalities located in the New Jersey Highlands. The New Jersey Highlands provides drinking water to more than 300 municipalities that are home to 70% of New Jersey's population, and as such, the Highlands is managed by the State under the New Jersey Highlands Water Protection and Planning Act of 2004 ("The Highlands Act").

The Highlands Act established the New Jersey Highlands Water Protection and Planning Council (Highlands Council) and charged it with the creation and adoption of a regional master plan (the Highlands Regional Master Plan, or HRMP) to protect and enhance the natural resources within the region. The Highlands Council is advised in its actions by its Executive Director and a professional staff of planners, science experts, geographic information specialists and administrative personnel.

The Highlands Act defines two types of areas: "Preservation Areas" and "Planning Areas." Preservation areas are required by law to conform to specific development rules. Planning Areas have much more flexibility, and can choose whether or not to opt in to the HRMP. Planning area municipalities that opt in are asked to comply with various land use rules, but they also gain access to grants and expertise that is paid for by the State instead of local property taxpayers. **Mountain Lakes is a planning area municipality.**

In July 2022, after observing growing expenses that Borough taxpayers are bearing for lakes management, storm water management, water quality protection, and more, I brought to Borough Council's attention that there is opportunity to look to the State for funding under the Highlands Act. Borough Council unanimously agreed to investigate what would be required of Mountain Lakes in exchange for access to this funding. The investigation was to be led by a Highlands Assessment Subcommittee composed of three Councilmembers: me and Councilmembers Richter and Menard.

As the investigation proceeded, Mountain Lakes' Highlands Assessment Subcommittee was fortunate to be able to add Marty Kane, who is chair of our Borough's Planning Board, and coincidentally, has exposure to the experiences of several HRMP-conforming municipalities in western NJ. The Subcommittee also was fortunate to be able to add Sandy Batty to represent the Borough's Affordable Housing Advisory Committee, since part of what the Highlands Council does is support its conforming municipalities in addressing affordable housing obligations in a way that is consistent with the requirements of the Highlands Act. Lastly, recently the subcommittee had the good fortune of being able to add Mimi Kaplan, a longtime member of the Borough's Environmental Commission (EC), since issues that the EC addresses relate to matters addressed by the HRMP, and since funding can become available for EC-related matters if Highlands Plan conformance proceeds. A side-benefit of Mimi's participation has been

her help with digesting and summarizing complex information that's associated with considering HRMP conformance.

The first act of the Highlands Assessment Subcommittee was to arrange for a Highlands Assessment, paid for by the Highlands Council but conducted by a Special Planner that the Subcommittee selected. J Caldwell and Associates, was selected for having had many years of experience working for more than 10 towns that conform to the HRMP.

Planning firm Principal, Jessica Caldwell, led the assessment, which reviewed compatibility between relevant Mountain Lakes goals and objectives and HRMP goals and objectives and provided the assessment report that's included with this Discussion Document. The report findings were presented at the Council Meeting of June 26, 2023, with many members of the public present. Many important concerns were raised by members of the public, and the Highlands Assessment Subcommittee prepared a list of detailed questions based on those concerns. We submitted the questions to the Highlands Council, which provided answers that were made available to the full Borough Council, and are now available to the public as part of tonight's agenda packet.

It is now up to Borough Council to decide whether or not to petition for conformance with the Highlands Regional Master Plan, in exchange for access to funding and expertise where Mountain Lakes goals align with the goals of the HRMP.

### **Current Status/Facts:**

Mountain Lakes' Master Plan (MLMP) and the HRMP are highly consistent. Details about inconsistencies will only become available after a petition for conformance with the HRMP has been submitted to the Highlands Council. If, during the conformance process, Mountain Lakes is told of unacceptable changes that it would need to make, Mountain Lakes can withdraw from the plan conformance process without adverse impact.

Because Mountain Lakes is close to fully developed, and because HRMP rules focus on large properties, inconsistencies between the MLMP and HRMP would have little impact on Borough property owners

The MLMP and HRMP share a commitment to protecting the health of lakes in the Highlands region. Petitioning for conformance with the HRMP would provide access to funding and expertise that can help to address the Borough's Lakes Management needs

Petitioning for conformance would provide access to other funding related to forestry management, recreational land use, storm water management, and more. Funding and technical assistance would also be made available for costs associated with the revision of the Borough master plan and all other conformance activities. Borough taxpayers would not be burdened by the process of HRMP conformance.

Limitations on development and ability to grow the commercial property tax base have been a significant concern when considering whether or not to conform with the HRMP. The Highlands Assessment process has found that if Mountain Lakes conforms to the HRMP, commercial development can proceed, and related planning efforts can be externally funded to

a greater extent than would otherwise be practical. New non-residential development and new residential development of three (3) units or more may be subject to implementation of Highlands standards, but in developed municipalities like Mountain Lakes, the most common implementation standard that is required is for green infrastructure to manage storm water.

Experiences of other municipalities in the Highlands planning area confirm that healthy development proceeds in municipalities that have chosen HRMP conformance.

The Highlands Council will provide guidance related to Affordable Housing as HRMP-conforming municipalities prepare for the 4<sup>th</sup> round of Affordable Housing mandates. This will be helpful in addressing mandates and offsetting Borough expenses related to these mandates.

By opting in to the HRMP, Mountain Lakes would gain a partner in protecting water quality and the natural resources that are basic to the character of the Borough.

The Borough's Highlands Assessment Subcommittee is unanimous in its recommendation that Borough Council approve a resolution to petition for conformance with the Highlands Regional Master Plan.

### **Question for Council:**

**Are you in favor of the resolution of intention to revise the Mountain Lakes Master Plan and development regulations for HRMP plan conformance in exchange for access to Highlands Council funding and expertise?** In answering that question, please keep in mind that we can opt out of Highlands Plan conformance at any time, and that the Borough's Highlands Assessment subcommittee is unanimous in recommending that we proceed with the petition for HRMP conformance.

The proposed Resolution of Intention is in the materials that support this discussion document and that are part of this Council Meeting packet.

### **Backup Information**

- Resolution to petition for conformance with the HRMP
- Grants document
- Q&A document
- Assessment Report summary
- Assessment Report

**BOROUGH OF MOUNTAIN LAKES  
COUNTY OF MORRIS**

**RESOLUTION        -23**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH  
OF MOUNTAIN LAKES OF ITS INTENTION TO REVISE MASTER  
PLAN AND DEVELOPMENT REGULATIONS FOR PLAN  
CONFORMANCE FOR LAND IN THE PLANNING AREA**

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources; and

**WHEREAS**, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region; and

**WHEREAS**, Section 13:20-15.a, of the Highlands Act states that for any municipality located wholly in the Planning Area or for the portion of a municipality lying within the Planning Area, the municipality may, by ordinance, petition the Highlands Council of its intention to revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the Regional Master Plan (Plan Conformance); and

**WHEREAS**, the Borough of Mountain Lakes (the "Borough") is located in the Highlands Region with lands lying within the Planning Area, as defined by Section 7 of the Highlands Act; and

**WHEREAS**, the Highlands Council prepared and distributed to the Highlands municipalities Plan Conformance Guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance which includes a comprehensive package of planning and implementation documents that meet the requirements of the Highlands Act, the Regional Master Plan and the Highlands Plan Conformance Guidelines; and

**WHEREAS**, Plan Conformance by a municipality is strictly voluntary for lands in the Planning Area, and the Borough may at any time voluntarily revise its master plan, development

regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them to the Regional Master Plan; and

**WHEREAS**, at any time during the Plan Conformance process, the Borough may withdraw from the Plan Conformance process and any approvals, rejections or conditions of revised municipal master plan or development regulations recommended by the Highlands Council during the Plan Conformance process, will not be binding on the Borough; and the Borough may choose not to obtain conformance with the Regional Master Plan for the lands lying within the Planning Area; and

**WHEREAS**, should the Borough make the determination that the Borough shall petition the Highlands Council of its intention to revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the Regional Master Plan and Plan Conformance Guidelines, the Borough shall enact an ordinance setting forth such intention, as required by the Highlands Act; and

**WHEREAS**, upon application of the Borough, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to the Borough for the reasonable costs associated with the revision of the master plan, development regulations or other regulations, as applicable to the development and use of land in the Planning Area, which are designed to bring those plans and regulations into conformance with the Regional Master Plan and the Highlands Council shall provide grant funds for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and may also provide grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council; and

**WHEREAS**, should the Borough formally withdraw from the Plan Conformance process, grant funding awarded to the Borough up to the date of withdrawal that has been appropriately utilized in accordance with the Plan Conformance Grant Program and applicable grant agreement shall not be reimbursable to the Highlands Council;

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Mountain Lakes, in the County of Morris, and State of New Jersey, that the Borough of Mountain Lakes hereby submits this resolution of intention to revise its master plan and development regulations for Plan Conformance to the Highlands Council for that portion of our

jurisdiction lying within the Planning Area in accordance with the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance Guidelines.

**BE IT FURTHER RESOLVED**, that all Borough officials and employees are hereby authorized and directed to take all action necessary to effectuate the terms of this Resolution.

Adopted:

| Council Member | By: | 2 <sup>nd</sup> | Yes | No | Abstain | Absent |
|----------------|-----|-----------------|-----|----|---------|--------|
| Barnett        |     |                 |     |    |         |        |
| Cannon         |     |                 |     |    |         |        |
| Korman         |     |                 |     |    |         |        |
| Muilenburg     |     |                 |     |    |         |        |
| Menard         |     |                 |     |    |         |        |
| Richter        |     |                 |     |    |         |        |
| Sheikh         |     |                 |     |    |         |        |

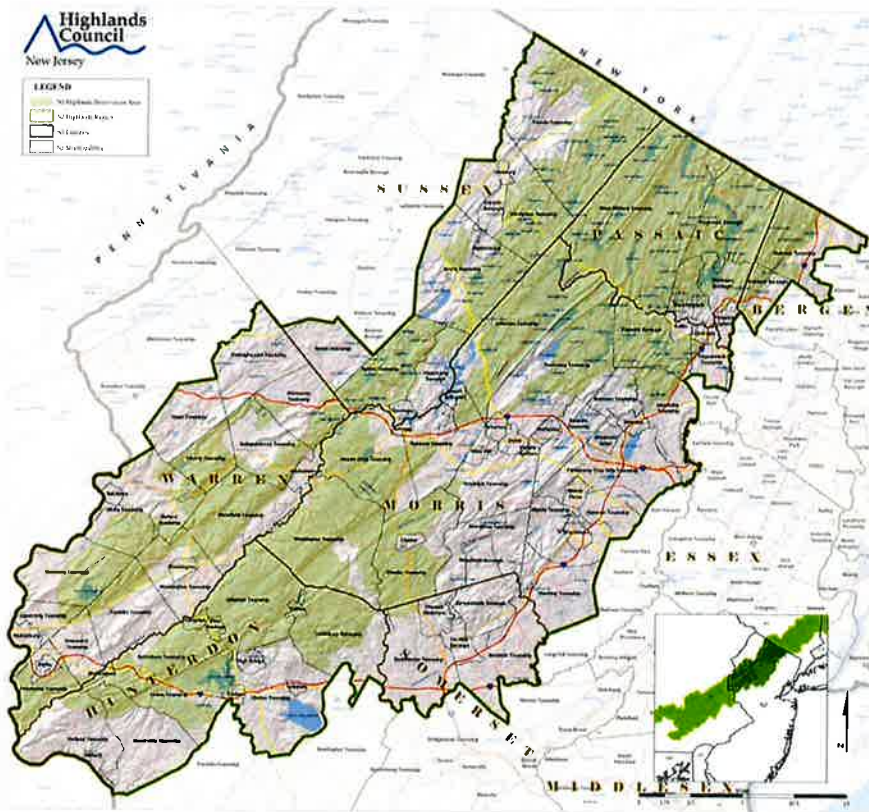
I, Cara Fox, Borough Clerk of the Borough of Mountain Lakes, in the County of Morris, in the State of New Jersey, certify this to be a true copy of the Resolution adopted at the regularly scheduled session of the Borough Council held on \_\_\_\_\_, 2023.

\_\_\_\_\_

# Grant Funding Opportunities

## With the New Jersey Highlands Water Protection and Planning Council

The Highlands Council works in partnership with the 88 municipalities and 7 counties of the Highlands to encourage a regional approach to protecting the sensitive natural and cultural resources of this area. The Highlands Council provides planning grants, technical expertise, and coordination with other state agencies to help Highlands communities maximize the environmental and economic benefits of being located in this important region. Although the Highlands covers less than 15% of the state's land area, it is the source of drinking water for more than 70% of New Jerseyans.



The New Jersey Highlands includes 88 municipalities in parts of 7 counties: Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren. It is also part of the 4-state federal Highlands Region.

### Highlands Council Grants

- ✓ **Non-competitive**
- ✓ **No match required**
- ✓ **No minimum or maximum**
- ✓ **Eligible applicants:** Highlands municipal and county governments
- ✓ **Eligible expenses:** planning, design and engineering costs
- ✓ **Reimbursement-based**

**Technical Assistance  
& State Agency  
Coordination  
Available.**



# Funding available for a wide range of planning activities



## Recreation and Preservation Planning

- ✓ Land Preservation & Stewardship Plans
- ✓ Farmland Preservation & Agriculture Retention Plans
- ✓ Historic Preservation Plan and Cultural Resource Inventory
- ✓ Trails and Recreation Planning
- ✓ Open Space and Recreation Plans



## Resource Management Planning

- ✓ Lake Management Planning
- ✓ Stream Corridor Protection/Restoration
- ✓ Water Quality Monitoring
- ✓ Habitat Conservation & Management
- ✓ Forest Stewardship
- ✓ Environmental Resource Inventories
- ✓ Scenic Resource Management



## Infrastructure Planning

- ✓ Stormwater Management
- ✓ Water Use and Conservation Management Plans
- ✓ Alternative Wastewater Solutions
- ✓ Wastewater Management Plans
- ✓ Septic System Management/Maintenance



## Land Use Planning

- ✓ Sustainable Economic Development
- ✓ Redevelopment Planning
- ✓ Town Center Planning
- ✓ Green Building
- ✓ Municipal Master Plan Reexamination and Updates

## Examples of Funded Projects



**Musconetcong River Streambank Stabilization Plan**  
\$89,000 | Roxbury Township, Morris County



**Municipal Center and Trail Feasibility Plan**  
\$38,000 | Vernon Township, Sussex County



**Circulation Plan**  
\$50,000 | Town of Phillipsburg, Warren County



**Economic Development Plan**  
\$75,000 | Hunterdon County



**Stormwater Infrastructure Mapping**  
\$70,000 | West Milford Township, Passaic County



**Municipal Beach and Watershed Restoration Plan**  
\$60,000 | Mount Arlington Borough, Morris County

Mountain Lakes Questions and Responses re: opting into the Highlands Regional Master Plan  
August 2023

**Objective:** Create a comprehensive list of questions that, when answered, will allow Mountain Lakes Borough Council to decide whether or not to move forward with a Petition for Conformance with the Highlands Regional Master Plan (HRMP).

**Questions:**

**General**

1. If Mountain Lakes (ML) opts in to the HRMP, what restrictions would be imposed on ML, other than the Lake Management Area Standards in Appendix A of the Initial Assessment document? If the restrictions are unknown until after ML submits Plan Conformance Petition materials, please confirm that ML can withdraw its petition if conformance changes go beyond what is comfortable for ML's Borough Council.

Response: Mountain Lakes is free to "opt out" of plan conformance at any time.

As discussed in the Initial Assessment Report, there are a limited number of areas where the Borough may need to modify local standards to conform with the Highlands Regional Master Plan.

All of the existing single family homes in Mountain Lakes will be **exempt** from any Highlands standards.

2. We understand that if ML agrees to conformance with the HRMP, ML can opt out of conformance later on. What would be the process for opting out? And, is it correct that ML would not have to return any grant money that it had received from Highlands Council?

Response: Mountain Lakes is free to "opt out" of plan conformance at any time. Any ordinances that may have been adopted to align municipal regulation with the Highlands Regional Master Plan (HRMP) would be rescinded. Any grant funding that had been received to implement elements of the HRMP would not need to be returned to the Highlands Council.

3. Can Highlands Council provide us with a draft resolution that could act as our Petition for Plan Conformance? And, please confirm that the resolution would eliminate the need for an ordinance to do the same thing. (The Initial Assessment report, p 63, is confusing about this.)

Response: The Highlands Council can provide a template resolution for passage by the Borough as part of their Petition for Plan Conformance, however, the Highlands Act requires that a Planning Area municipality adopt an ordinance to officially conform. The ordinance may be adopted after the Petition is approved by the Highlands Council.

4. Is it correct that if we petition for conformance, our planning and zoning boards would have to learn new rules that need to be followed when they're reviewing applications? If yes:
  - i. What's the typical process for getting volunteers through that learning curve?
  - ii. Would the Highlands Council pay for the hours that it takes for our planning and zoning board professionals to learn the rules that are new to them? If yes, how does the Highlands Council determine the amount of funding that would be available to pay for that?

## Mountain Lakes Questions and Responses re: opting into the Highlands Regional Master Plan August 2023

Response: As discussed in the Initial Assessment Report, there are a limited number of areas where the Borough may need to modify local standards to conform with the Highlands Regional Master Plan.

Many municipalities have adopted an interim ordinance, known as a Referral Ordinance, which would refer any eligible projects to the Highlands Council for staff to review. Highlands Council staff would conduct the review and provide any necessary conditions to the zoning/planning board as appropriate.

Should the Borough find it necessary to update the municipal zoning code to incorporate Highlands standards, the Highlands Council would provide grant funding to cover the costs associated with the new zoning regulations.

5. Is there anything special that any of our town's property owners would need to do if the town were to opt in? For example, would our lakefront property owners have any obligations to plant or do other improvements? (When answering, please do not limit the answer to this example.)

Response: All of the existing single family homes in Mountain Lakes will be **exempt** from any Highlands standards.

Redevelopment or expansion of commercial properties may be exempt from Highlands standards if they stay within 125% of the existing impervious footprint and don't increase impervious surfaces by ¼ acre. This is known as exemption 4 and is often applied in the Highlands.

New non-residential development and new residential development of three (3) units or more may be subject to implementation of Highlands standards. In developed municipalities such as Mountain Lakes, the most common implementation standard is for green infrastructure to manage stormwater.

6. Slide 9 of our Special Planner's presentation talks about HRMP Impacts on Lake Communities and says "Other standards: encouragement of landscaping & garden elements which retain stormwater..." etc. How does the Highlands Council encourage the things that are included on that slide? And, is it correct that "encourage" means that the items that are mentioned are suggestions from the Highlands Council but are not requirements?

Response: The Highlands Council works with our constituent municipalities to implement best practices for stormwater management. As noted above, only the projects that are not exempt would be subject to requirements.

### Development Applications

1. If Mountain Lakes were to petition for conformance with the HRMP, would a developer applying to the Mountain Lakes Planning Board, or a resident applying to the Zoning Board of Adjustment, have to apply to Highlands Council first?

Please answer with two timeframes in mind: i) after the petition but before conformance is complete, and ii) after conformance is complete.



Mountain Lakes Questions and Responses re: opting into the Highlands Regional Master Plan  
August 2023

We note that our Initial Conformance Assessment report includes a Model Planning Area Referral Ordinance as Appendix D. Is it correct that that model ordinance defines all the situations (starting at the bottom of p. 68) that would require Highlands Council review? Would ML Borough Council be able to petition for conformance and apply for Highlands Council grants without passing a Planning Area Referral Ordinance, thereby making it unnecessary for anything to change from the resident and developer perspective, unless and until we update our ordinances for HRMP conformance?

Response: As noted above, many municipalities have adopted a Referral Ordinance which refers any eligible projects to the Highlands Council for staff to review. The Referral Ordinance defines the applicability for when/if a project is subject to it. There is no required timeframe for adoption of the Referral Ordinance.

The Borough may adopt their own ordinance which implements Highlands standards and, in that case, there would be no review by the Highlands Council.

No single family resident would be subject to a review by the Highlands Council.

2. If the answer to question 1, above, is "not always", then what development applications would trigger review by the Highlands Council?

Response: As noted above, the Referral Ordinance defines the applicability for when/if a project is subject to it.

3. ML has some vacant lakefront residential properties. Some had homes that were knocked down, and others may have been vacant since the town was built. All are zoned as single household residential. At least one is probably a bit larger than 1 acre. **Is it correct that these lots would remain as buildable without application to the Highlands Council if Mountain Lakes were to opt into Highlands conformance?**

Response: No single family house on an existing lot is subject to Highlands standards. The answer below is accurate.

**A:** In the Planning Area, the Highlands Council does not get involved in single family house construction on an existing lot. For residential development, the threshold is three (3) dwelling units. So for there to be any Highlands impact, a property would have to be subdivided into at least 3 lots. So I believe that none of the lakefront properties would be affected. Local zoning always applies.

4. What is the typical Highlands Council review process from the developer perspective? And, what is a typical timeframe (in months), from the time of developer submission of an application to the Highlands Council, to the time that Highlands Council completes its review?

Response: When a project is subject to Highlands Council staff review, it is typically completed within 6-8 weeks. Highlands Council recommends that an applicant request a pre-application meeting to discuss any relevant details and thereby expediting the process.

Mountain Lakes Questions and Responses re: opting into the Highlands Regional Master Plan  
August 2023

5. From the commercial or residential developer perspective, are there any benefits to Mountain Lakes opt-in to the HRMP, for example when it comes to the time that it takes to get permits?

Response: In the case of projects that may be subject to NJDEP permitting, the Highlands Council may be helpful in scheduling meetings.

6. Would Highlands conformance change any water use-related constraints on development in ML?

Response: There are no water based constraints that are associated with conformance. The only potential impact may be a requirement for the Borough to develop a Water Use and Conservation Management Plan should a proposed development project need a Water Quality Management Plan (WQMP) amendment or a major modification to a Water Allocation Permit (WAP) from NJDEP. Should such a project be proposed in a subwatershed which is currently listed as having a Net Water Availability deficit, the NJDEP would require preparation of a Water Use and Conservation Management Plan (WUCMP). The Highlands Council would pay for the entire cost of the plan. Development of the WUCMP is an eventual requirement of plan conformance for all Highlands municipalities.

#### Exemption applications and process

1. What situations would cause a residential property owner or a commercial property developer to have to go through the Highlands Act Exemptions process?

Response: A single family homeowner does **not** need to go through any exemption process. They are automatically exempt from Highlands standards.

A commercial project may be exempt if it can stay within 125% of the existing impervious footprint and doesn't increase impervious surfaces by ¼ acre. This is known as exemption 4. The Borough may choose to become certified to issue their own exemptions. The Highlands Council will reimburse the Borough for training.

2. What sort of process do exemption applications go through?

Response: The exemption process is very straightforward. If the proposed project falls within the stated exemption, then it is not subject to Highlands standards. In the Planning Area either the Highlands Council will issue an exemption in writing or, as noted above, the Borough can take on that responsibility.

3. What percent of exemption applications are typically approved?

Response: Because the process is straightforward and is **not** a permit, nearly all are acknowledged to be exempt.

4. Can you give an example of a residential zone exemption application that would not be approved?

## Mountain Lakes Questions and Responses re: opting into the Highlands Regional Master Plan August 2023

Response: The Highlands Council is not a regulatory agency. For projects subject to our review, we issue a consistency determination. Our pre-application process encourages applicants to meet with Council staff early to include any necessary site plan improvements. The Highlands standards discourage clear-cutting of forests, construction on steep slopes, incursion into wetlands buffers, and similar impacts to natural resources.

### Affordable Housing

1. What is the Highlands Council vision of Affordable Housing 4<sup>th</sup> round support for its municipalities?
2. What would be the benefits to ML and other Highlands-conforming towns when it comes to Affordable Housing? (e.g. vacant land adjustment carries greater weight?)
3. Regarding municipalities that were in conformance with the HRMP since the start of the Affordable Housing 3<sup>rd</sup> round: did any face a Builders Remedy lawsuit? If yes, how did Highlands conformance impact the outcome of the lawsuit?
4. If ML were to petition for conformance with the HRMP before the start of the Affordable Housing 4<sup>th</sup> round, and if ML found itself facing a Builders Remedy lawsuit, would Highlands Council funding be available for defending ML in the lawsuit?

Response: The Highlands Council has hired a consultant to assist in developing policies and municipal guidance for the upcoming 4<sup>th</sup> round. At this time no final policy has been developed. We recognize the need to have some guidance in place for municipalities to prepare for the 4<sup>th</sup> round in 2025 and continue to work towards that goal.

### Highlands Council Grants

Below is a list of projects that Mountain Lakes may want to apply for, for funding by the Highlands Council.

1. What would the process be to apply for this funding?

Response: All grant requests are to be accompanied by a detailed scope of work with identified deliverables and associated costs.

2. Would ML be able to apply for funding for one or two items on the list before the work around Highlands Regional Master Plan Conformance is complete? If yes, could a funded project start before completion of the Conformance process, and still get reimbursement from the Highlands Council?

Response: A Highlands municipality may apply for Highlands grant funding without an approved Petition. The Highlands Council would make the final determination as to award of the grant. If a

Mountain Lakes Questions and Responses re: opting into the Highlands Regional Master Plan  
August 2023

project receives Highlands Council grant funding, reimbursement would be tied to completion and submission of deliverables, not plan conformance status.

3. What's the typical timeframe for response from Highlands Council as to whether or not a project is funded?

Response: The Highlands Council approves grants at their regularly scheduled meetings. If a scope of work has been submitted well in advance of the meeting, funding may be approved at the next regular meeting.

4. What sort of restrictions would be imposed on a project based on Highlands Council funding? Consider, for example, a grant application to support development of a Borough-wide Lakes Management Plan

Response: The Highlands Council may fund any project that supports implementation of the Highlands Regional Master Plan. The Council has funded a number of municipal-wide lake management plans already.

5. What sort of oversight does the Highlands Council engage in for funded projects? (See below for project examples.)

Response: As noted above, all funded projects are subject to an approved scope of work and submission of deliverables.

6. What reporting, if any, does the Highlands Council ask for when a municipality conducts a project with Highlands Council funding? There is concern about the town's administrative expense of completing projects through Highlands Council grants.

Response: Any request for grant funding should anticipate the associated costs. The Council may fund municipal staff expenses if appropriate.

Mountain Lakes Projects for funding consideration by the NJ Highlands Council

- i. Creation of a Borough-wide Lakes Management Plan
- ii. Funding for planning the red trail restoration
- iii. Planning and engineering expense for Grunden's Pond dam repair
- iv. Planning expense for the Birchwood swim area docks upgrade (possibly required before June 2024 – used by Hub Lakes Swim Teams).
- v. Planning and engineering expense to improve the functionality of the canal running from Wildwood Lake to Mountain Lake
- vi. Professional planner for community visioning re: Midvale as Highlands Center Designation
- vii. Redevelopment Plan for Route 46 (Highlands Center Designation)
- viii. Affordable Housing Plan for "the Fourth round"
- ix. Gap funding for the state-mandated Watershed Improvement Plan (State is giving \$25,000 to Tier A, \$75,000 to new Tier A municipalities. Highlands Council gives grants on top of that. Yet to be determined is whether ML is in Tier A)

## Mountain Lakes Questions and Responses re: opting into the Highlands Regional Master Plan August 2023

- x. Source point investigation, and remediation planning and engineering associated with PFAS in the town's drinking water. (ML would have to document a scope of work that supports the goals of the Highlands Council?)
- xi. Lead/Galvanized Pipe Replacement Project Planning (ML would have to document a scope of work that supports the goals of the Highlands Council?)
- xii. Brownfields Redevelopment Planning Assistance – a list of ML Brownsites, as of 1/13/21 is below.

| Mountain Lakes Boro |           |                            |               |            |
|---------------------|-----------|----------------------------|---------------|------------|
| Site ID             | PI Number | PI Name                    | Address       | Home Owner |
| 3601                | 127072    | B & V TAILORING & CLEANING | 82 RT 46      | No         |
| 3606                | 008821    | DIXON BROTHERS OIL CO      | 100 POCONO RD | No         |
| 55181               | 025340    | FAITHFUL SOURCE BOOK STORE | 50 RT 46      | No         |
| 49698               | 026487    | MOUNTAIN LAKES GULF        | 326 RT 46     | No         |
| 3603                | 008796    | SPEEDWAY 3463              | 52 RT 46 E    | No         |
| 5 Site Count        |           |                            |               |            |

### Highlands Center Designation

#### 1. What is a Highlands Center?

A Highlands Center is an area delineated through a cooperative process with the Highlands Council in coordination with a Petition for Planning Area Conformance. Development and redevelopment are supported and encouraged within a Highlands Center in order to promote economic development and balance growth within the Highlands Region. The Land Use Capability Zones do not apply within the boundaries of a Highlands Center. The designation of the center boundary is developed through a comprehensive planning process that allows flexibility in creating a tailored development plan for the Center. Highlands Center Designation is incorporated into the Plan Conformance petition process and results in the development of specific regulations for the center to promote appropriate development in the context of community goals and the RMP.

- 2. If ML petitions for conformance it would do so with a request that two non-contiguous parts of ML both receive Highlands Center Designation. Would this be acceptable to the Highlands Council?

Response: The Highlands Council has approved non-contiguous centers in other Highlands municipalities.

### Conformance impact on Borough-owned Properties

- 1. One of ML's small dams (at Grundman's Pond) needs repair. If, in October 2023, ML petitions for conformance with the HRMP, how would the petition impact efforts to repair that dam?

Response: The project would most likely be exempt under an exemption 4. Less than ¼ acre of new impervious and within 125% of the existing impervious.

- 2. How might opt-in impact the Borough properties at Island Beach and Birchwood?



Mountain Lakes Questions and Responses re: opting into the Highlands Regional Master Plan  
August 2023

Among other things, please consider a project that we have, to upgrade the docks and other infrastructure that our swim team and the Hub Lakes league use at Birchwood Lake. The current thinking is that we will change or remove a couple of concrete structures that are within 20 feet of the lake, resurface the existing swim meet docks, and possibly do some other minor changes. Would we need to negotiate our plans with Highlands Council if we petition for HRMP conformance?

Response: The project would most likely be exempt under an exemption 4. Less than ¼ acre of new impervious and within 125% of the existing impervious.

3. If the Borough wanted to use Borough-owned property, for example on Pocono Road, to develop a community garden or pickle ball court or sports playing field, would conformance with the HRMP prevent us from doing this? If not, what process would we follow to move forward with a project?

Response: Conformance would not prevent the Borough from developing municipal recreation or community facilities. The Highlands Council would conduct an advisory review for a capital project of a certain size. The Highlands Act provides that: "Within the planning area, any capital or other project of a State entity or local government unit that provides for the ultimate disturbance of two acres or more of land or a cumulative increase in impervious surface by one acre or more shall be submitted to the council for a nonbinding review and comment." (N.J.S.A. 13:20-16c)

New Jersey Highlands, which is an over 800,000-acre region covering over 1,250 square miles and 88 municipalities in seven (7) counties (Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren). Mountain Lakes is located in the eastern central section of the Highlands Region in Morris County. Mountain Lakes is located within the Planning Area and compliance with the RMP is voluntary.

In order to make a determination regarding Plan Conformance, the Highlands Council identifies the following tasks for the Initial Assessment:

- Review the Highlands Regional Master Plan (RMP) with a focus on a review of compatibility between municipal goals and objectives.
- Identify where there are mutual benefits and where conflicts exist.
- Where conflicts do exist, identify opportunities to create compatibility between municipal goals and goals of the RMP.
- Identify conflicts that cannot be immediately resolved for further investigation.

The Borough identified a number of objectives in their most recent Master Plan that serve as the basis for planning in the community. These goals and objectives are as follows:

- Retain the traditional character of Mountain Lakes;
- Protect and Enhance the Borough's environmental resources;
- Provide for the appropriate development of the Borough;
- Provide for safe and convenient pedestrian and vehicular circulation and access; and
- Maintain the Borough's traditional commitment to education and recreation.

Based on the goals and objectives of the municipality, it is evident the community is committed to protecting and preserving the character and natural resources of the Borough, specifically, the lakes, aquifers and parklands, with an emphasis on connecting the publicly-owned parkland areas.

### **What is the Highlands Regional Master Plan?**

The RMP focuses primarily on protecting the water supply and water quality in the Highlands Region. It is also concerned with:

- Protecting and enhancing the ecosystems throughout the Highlands,
- Protect and preserve habitat for threatened and endangered species.
- Allow for sustainable growth

Ultimately, this report reviews how the Land Use Capability Zone (LUCZ) Map and the Mountain Lakes Borough Zoning Map relate to each other. Section 4 of this document – Consistencies and Inconsistencies – will describe how the Borough's and the RMP goals coincide or potentially conflict.

After reviewing the 2013 Master Plan and subsequent amendments through 2019, the two most pertinent categories with respect to the recommendations for the Master Plan are:

Future Land Use  
Zoning and Conservation & Water Supply.

The **land use recommendations** speak to encouraging more appropriate development within the Borough including:

- 1) Establishing a mix and intensity of uses in the traditional/historic character of the residential neighborhoods;

- 2) Identifying appropriate development and redevelopment opportunities in non-residential areas including provisions for affordable and senior housing;
- 3) Maintaining and protecting the Borough-owned properties and conservation easements to insure dedicated open space and recreation areas;
- 4) Pursuing redevelopment along the Route 46 corridor that encourages a greater intensity of development; and
- 5) Promoting the Midvale Town Center as a community focal point.

The **conservation goals** are to:

- 1) Continue to advocate policies that protect Borough-owned property and preserve dedicated open space, recreation areas and environmentally sensitive features;
- 2) protect the quality of the Borough's water bodies, groundwater and vegetation through ordinances, maintenance standards and community operations; and
- 3) continue to schedule and complete minor improvements throughout the system to maintain a satisfactory quality and quantity of potable water.

### **CONSISTENCIES**

The Borough's goals, objectives and recommendations moving forward, in comparison with those of the RMP, while less extensive, do have a significant amount of commonality upon which to build conformance. While goals and objectives vary between the Highlands RMP and the Borough, the overall objectives of Mountain Lakes to manage growth and preserve open space, specifically, environmentally constrained open space and open water resources, are consistent with the RMP.

### **INCONSISTENCIES**

Potential inconsistencies between the Borough's plan and the RMP are minor in nature, considering that any limitations the RMP may impose generally would apply only to large undeveloped areas and properties. Alternatively, when properties are already developed, one or more Highlands Exemptions typically apply (see Appendix B for the Highlands Model Exemption Ordinance).

Most of the Borough's existing developed properties are designated Existing Community Zone, but a few are designated as being within the Environmentally Constrained Sub-Zone. Issues may potentially arise if property owners wish to expand or extend the public water supply to accommodate any additional development. Some Environmentally Constrained Sub-Zone areas may be further refined if areas have been developed since the time of the initial mapping. Specifically, sites where this has occurred include the Enclave at Mountain Lakes and the Sunrise of Mountain Lakes Assisted Living Facility, both of which are situated in the southeastern corner of the Borough near Route 46. This can be accomplished through RMP updates, where mapping of environmentally constrained areas is updated with new information. **The potential for conflicts appears to be insignificant.**

### **Highlands Center Designation**

The Borough's commercial corridor along Route 46 and the Borough's historic neighborhood commercial area around the train station are two areas where a Highlands Center Designation could be considered with a Planning Area Petition in order to minimize concerns over conflicts with development and redevelopment goals in the Borough's non-residential areas.

Highlands Center is an area delineated through a cooperative process with the Highlands Council in coordination with a Petition for Planning Area Conformance. Development and redevelopment are supported and encouraged within a Highlands Center in order to promote economic development and balance growth within the Highlands Region. The Land Use Capability Zones do not apply within the

boundaries of a Highlands Center. The designation of the center boundary is developed through a comprehensive planning process that allows flexibility in creating a tailored development plan for the Center. Highlands Center Designation is incorporated into the Plan Conformance petition process and results in the development of specific regulations for the center to promote appropriate development in the context of community goals and the RMP.

## **Benefits of Plan Conformance**

The Highlands Council provides for voluntary Plan Conformance in the Highlands Planning Area with the goal of achieving a regional approach to land use planning and to promote coordinated efforts to protect valuable environmental and cultural resources in the Highlands Region. The Highlands Act provides benefits to municipalities that go through Plan Conformance with the RMP. Conforming municipalities are eligible for the following benefits:

### **(a) Planning Grants and Technical Assistance:**

1. The Highlands Council shall make grant funds and other financial and technical assistance available to Highlands municipalities and counties for the reasonable costs of any revision of their master plans, development regulations, or other regulations or plans which are designed to further Goals, Policies and Objectives of the RMP or for the implementation of a Transfer of Development Rights program pursuant to the Highlands Act.
2. Plan Conformance grants shall be awarded to municipalities and counties through the approval of a resolution by the Highlands Council. The Council shall provide grant funds for all mandatory aspects of Plan Conformance and may also provide grant funds for discretionary aspects of Plan Conformance as determined by the Council.

### **(b) State Aid and Assistance for Smart Growth:**

1. Highlands municipalities and counties approved by the Highlands Council as being in conformance with the RMP shall qualify for all State aid, planning assistance, technical assistance, and other State-provided benefits and incentives that may be awarded or provided to municipalities and counties which have received Plan Endorsement from the State Planning Commission or have otherwise been acknowledged by the State as practicing or implementing smart growth strategies and principles. These benefits apply to any conforming municipality in the Preservation Area, and the State Planning Commission has endorsed the RMP so that municipalities that conform in the Planning Area receive all of the benefits of Plan Endorsement. Any such municipality or county shall also qualify for any State aid that may be provided for smart growth projects.
2. Any municipality or county may include in its Petition for Plan Conformance a listing of priority projects or other matters that are fundamental to the provision, improvement, enhancement, or restoration of infrastructure, public facilities, or other matters that may require the funding, implementation, or active participation of a State agency. The Highlands Council may act to coordinate such matters with the appropriate State agency, where such action is consistent with the RMP, to gain agreements with the appropriate State agency to facilitate, approve, fund, or take other actions necessary to implement the matter of local priority.

**(c) Strong Presumption of Validity, Extraordinary Deference, and Burden of Proof.** The master plan and development regulations of any municipality and the county master plan and associated regulations of any county which have been approved by the Highlands Council as in conformance with the RMP shall be entitled to a strong presumption of validity. In any cause of action filed against such a local government unit and contesting an action or decision of the local government unit taken or made under authority granted pursuant to the Municipal Land Use Law, the State Uniform Construction Code Act, or the Highlands Act, the Highlands Act requires that the court shall give extraordinary deference to

the local government unit, provided that the municipal or county master plan and associated regulations have been approved by the Highlands Council as being in conformance with the RMP. The plaintiff shall have the burden of proof to demonstrate by clear and convincing evidence that the act or decision of any such local government unit was arbitrary, capricious, or unreasonable or in patent abuse of discretion.

**(d) Legal Representation.** The Highlands Council shall provide legal representation to any requesting local government unit located in the Highlands Region in any cause of action filed against the local government unit and contesting an action or decision of the local government unit taken or made under authority granted pursuant to the Municipal Land Use Law, the State Uniform Construction Code Act, or the Highlands Act, provided that:

1. The municipal or county master plan and associated regulations that have been adopted by the municipality or county, approved by the Highlands Council as being in conformance with the RMP and the master plan or associated regulations are the subject of the cause of action filed against the local government unit;
2. The Highlands Council determines that the act or decision of the local government unit which is the subject of the cause of action is consistent with the RMP;
3. The act or decision of the local government unit that is the subject of the cause of action involves an Application for Development that provides for the ultimate disturbance of two acres or more of land or a cumulative increase in impervious surface by one acre or more; and
4. In the case of a Planning Area municipality, the municipality shall have adopted a Planning Area Petition Ordinance.

**(e) Plan Conformance deemed equivalent to State Plan Endorsement.** Any municipality or county or portion thereof located in the Preservation Area shall be exempt from the plan endorsement process established in the rules and regulations adopted by the State Planning Commission. The State Planning Commission has endorsed the RMP adopted by the Highlands Council, so that Highlands Council approval of any municipal master plan and development regulations or county master plan and associated regulations through the Plan Conformance process, for lands in the Planning Area, shall be deemed the equivalent of having those plans endorsed by the State Planning Commission and such entities shall be entitled to any applicable plan endorsement benefits.

## Summary

-Working with the Highlands Council through Plan Conformance would help the Borough continue to protect and preserve valuable resources within the community, which would be consistent with both the Borough's and the RMP's goals and objectives.

- -Plan Conformance could also help the Borough achieve its objectives of protecting and enhancing its environmental resources including the lakes, aquifers and parkland into the future by providing for Highlands grants, technical assistance and state aid.
- -Designating a Highlands Center within the Borough offers a method for selecting an area to promote development and redevelopment while preserving and protecting the Borough's residential neighborhoods.
- -Consideration of a Highlands Center Designation may assist Mountain Lakes in continuing to promote development and redevelopment in select areas of the Borough.

Overall, Plan Conformance is likely to assist Mountain Lakes maintains its community character and natural and historic resources.

# **BOROUGH OF MOUNTAIN LAKES HIGHLANDS PLANNING AREA CONFORMANCE INITIAL ASSESSMENT**

---

## **Prepared for:**

Mountain Lakes Borough  
400 Boulevard  
Mountain Lakes, NJ 07046

## **Prepared by:**

J. Caldwell & Associates, LLC  
145 Spring Street, Suite E  
Newton, NJ 07860

**June 2023**

# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

Mountain Lakes Borough

## BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

### MAYOR & BOROUGH COUNCIL

Mayor Khizar Sheikh  
Deputy Mayor Lauren Barnett  
Chris Cannon  
Cynthia Korman  
Thomas Menard  
Melissa Muilenburg  
Chris Richter

### MUNICIPAL ADMINISTRATOR

Mitchell Stern

### STEERING COMMITTEE

Cynthia Korman, Council Member  
Thomas Menard, Council Member  
Chris Richter, Council Member  
Sandy Batty, Shade Tree Commission Chair  
Marty Kane, Planning Board Chair

### HIGHLANDS COUNCIL STAFF

Benjamin L. Spinelli, Executive Director  
Maryjude Haddock-Weiler, Planning Manager

### PROFESSIONAL STAFF

Jessica C. Caldwell Dykstra, PP, AICP, Consulting Planner  
Alison Kopsco, PP, AICP, Consulting Planner



This report was paid for by a grant from the New Jersey Highlands Council.

*The original of this report was signed and sealed pursuant to N.J.A.C. Section 13:41-1.3.b:*

Jessica C. Caldwell Dykstra, P.P., A.I.C.P., Consulting Planner

License No. 5944



# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

### Contents

|   |    |
|---|----|
| 1. Introduction .....   | 4  |
| A. Scope and Purpose .....  | 4  |
| B. Background Information .....   | 5  |
| C. Mountain Lakes Data and Physical Description .....                   | 5  |
| 2. The Highlands Regional Master Plan .....                             | 8  |
| A. Overview .....   | 8  |
| B. The RMP Overlay Designations in Relation to Existing Land Uses ..... | 8  |
| C. Goals Policies and Objectives .....                                  | 12 |
| 3. Mountain Lake Planning Programs and Policies .....                   | 14 |
| A. Overview .....   | 14 |
| B. Objectives, Recommendations, and Planning Documents .....            | 15 |
| C. Existing Land Development / Land Use Patterns .....                  | 16 |
| D. Mountain Lakes Development Regulations .....                         | 19 |
| 4. Natural and Cultural Resources .....                                 | 23 |
| A. Introduction .....   | 23 |
| B. Natural Resources .....  | 23 |
| C. Cultural Resources .....   | 30 |
| An Ideal Planned Community .....  | 33 |
| Architectural Significance .....  | 33 |
| Protections .....   | 34 |
| 5. Consistencies and Inconsistencies .....                              | 35 |
| A. Consistencies .....  | 35 |
| B. Inconsistencies .....  | 35 |
| 6. Highlands Center Designation .....                                   | 36 |
| 7. Benefits of Plan Conformance .....                                   | 36 |
| 8. Summary .....  | 38 |
| Appendix A: Lake Management Area Standards .....                        | 39 |
| Lake Management Areas .....   | 40 |
| Issue Overview: .....   | 40 |
| Program Summary: .....  | 40 |
| Appendix B: Highlands Model Exemption Ordinance .....                   | 47 |
| Appendix C: Plan Conformance Process .....                              | 62 |
| Petition for Plan Conformance – Planning Area .....                     | 63 |
| Appendix D: Model Planning Area Referral Ordinance .....                | 65 |



### 1. Introduction

#### A. Scope and Purpose

Mountain Lakes Borough is in the New Jersey Highlands, which is an over 800,000-acre region covering over 1,250 square miles and 88 municipalities in seven (7) counties (Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren). Mountain Lakes is located in the eastern central section of the Highlands Region in Morris County. The Highlands Council was created by the Highlands Water Protection and Planning Act, adopted by the New Jersey State Legislature in 2004. In 2008, the Highlands Council adopted a Regional Master Plan with the primary purpose of protecting water resources within the Highlands Region.

In preparing this report, a number of sources were consulted, including but not limited to the following:

- The 2008 Highlands Regional Master Plan;
- The 2013 Borough of Mountain Lakes Master Plan;
- The Highlands Land Use Capability Zones for Mountain Lakes Borough;
- The Borough of Mountain Lakes Land Development Regulations (Chapter 245);
- The Highlands Region Interactive Environmental Resource Inventory; and
- The Highlands Council Interactive Map.

The Highlands Regional Master Plan (RMP) established the parameters for future land use decisions within the eighty-eight (88) municipalities and seven (7) counties in the Highlands. The 2004 legislation divides the region into two parts – the Preservation Area and the Planning Area. Mountain Lakes is located within the Planning Area and compliance with the RMP is voluntary. In 2023, the Mountain Lakes Borough Council decided to voluntarily conduct an Initial Assessment to determine if Plan Conformance with the RMP is a viable option for the Borough.

This Initial Assessment is the first step in determining the compatibility of the Borough of Mountain Lakes' planning policies with the RMP goals, policies and objectives and what the potential impacts to the Borough may occur with Plan Conformance.

In order to make a determination regarding Plan Conformance, the Highlands Council identifies the following tasks for the Initial Assessment:

- Review the Highlands Regional Master Plan (RMP) with a focus on a review of compatibility between municipal goals and objectives.
- Identify where there are mutual benefits and where conflicts exist.
- Where conflicts do exist, identify opportunities to create compatibility between municipal goals and goals of the RMP.
- Identify conflicts that cannot be immediately resolved for further investigation.

### B. Background Information

Mountain Lakes was initially designed as a Planned Community conceived by Herbert J. Hapgood, a land developer, and Arthur T. Holton, a landscape engineer, in the early 1900's who were both inspired by the natural beauty of the area and the advantage of having a direct link to New York City by rail. The overall development concept was to create an "ideal planned community" centered around lakes, which provided a focus for the design and quality of life in the community. The natural and human-made landscape also set the development pattern for the road networks and surrounding neighborhoods which contribute to the unique sense of place in the Borough. Mountain Lakes was centered around the theme of creating a park-like atmosphere with lakes, natural brooks and improvements to be placed within the natural boundaries of the landscape. A natural result of this approach and its emphasis on creating a cohesive relationship between residents and nature is the preservation of a significant open space and parks system within the Borough.

As a result of its history as a planned community, Mountain Lakes has actively directed its Master Planning efforts to be consistent with and responsive to the provisions of the New Jersey State Development and Redevelopment Plan, The Morris County Master Plan, and State-mandated affordable housing requirements. The first comprehensive Master Plan for the Borough was adopted in 1963. A number of Master Plans, reexamination reports, elements, and amendments were adopted throughout the years. The most recent Master Plan was adopted in October 2013 with amendments through April 2019, all of which view the Borough of Mountain Lakes as a small, fully-developed community with an established, unique character based on its pattern of development as a planned residential community. The Borough identified a number of objectives in their most recent Master Plan that serve as the basis for planning in the community. These goals and objectives are as follows:

- Retain the traditional character of Mountain Lakes;
- Protect and Enhance the Borough's environmental resources;
- Provide for the appropriate development of the Borough;
- Provide for safe and convenient pedestrian and vehicular circulation and access; and
- Maintain the Borough's traditional commitment to education and recreation.

Based on the goals and objectives of the municipality, it is evident the community is committed to protecting and preserving the character and natural resources of the Borough, specifically, the lakes, aquifers and parklands, with an emphasis on connecting the publicly-owned parkland areas.

### C. Mountain Lakes Data and Physical Description

The Borough of Mountain Lakes is a small community of 3.1 square miles consisting of numerous small lakes created within the valleys associated with glaciated landscapes. The 2020 Census estimated the current population of the Borough as 4,472 residents. The residential population of the Borough peaked in 1970 with a population of 4,739. The population declined through 1990 to a population of 3,847 and has steadily increased since then, while still remaining below the peak in 1970. While population has gone down and household sizes have been shrinking, the number of households in the municipality has grown since 1970 from 1,168 households to 1,373 in 2020. The Borough also

# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

traditionally has had a higher median family income (\$249,615) than both the State of New Jersey (\$104,804) and Morris County (\$143,166).

The Borough's neighborhoods are located around the publicly owned land within the Borough with most of the development between Boulevard (County Route 618) and the Montclair-Boonton Line Railroad right-of-way. There are residential neighborhoods located along U.S. Highway 46, which is along the southern section of the Borough; along the Borough's border with Parsippany-Troy Hills in the eastern section of the municipality; and near Denville in the southwestern portion of the municipality. About 97 percent of the land in the Borough is developed or in public ownership. The developed land, with few exceptions, contains relatively small lots with residential uses comprised of around 1,200 single family residences. The bulk of Borough-owned land provides for community facilities, utilities, open space or constitutes environmentally important conservation areas. Commercial and light industrial land uses are limited to Route 46, within the "Midvale Market Area" which is north of the railroad near the border with Boonton Town and Parsippany-Troy Hills in the northeastern corner of the Borough and at Fanny Road and Morris Avenue.

In the center section of the Borough, towards the west, are the important water features which gave Mountain Lakes its name. These lakes cover just over 150 acres and provide many active and passive recreation opportunities for the Borough's residents.

The New Jersey Department of Environmental Protection's (NJDEP) Land Use / Land Cover map from 2015 indicates the following calculations with respect to land uses in the Borough and are identified in **Exhibit 1**.

| <u>Land Use / Land Cover (2015)</u> | <u>Acreage</u> | <u>Percent of Total Land Cover</u> |
|-------------------------------------|----------------|------------------------------------|
| Urban                               | 1,021.03 ac.   | 54.9%                              |
| Forest                              | 560.75 ac.     | 30.1%                              |
| Water                               | 156.64 ac.     | 8.4%                               |
| Wetlands                            | 122.44 ac.     | 6.6%                               |
| Barren Land                         | 0.26 ac.       | 0.0%                               |

Forested areas are a significant feature of the Borough and there are significant amounts of both water and wetlands scattered throughout the municipality. A majority of Borough (54.9%) land is considered urban, which is consistent with the statement from the master plan that about 97 percent of the land in the Borough is developed or in public ownership.

Mountain Lakes is an established community in terms of its land use pattern. The population of the Borough remains stable and the majority of the Borough is developed or preserved as open space. Most future development is likely to occur as redevelopment or rehabilitation of existing developed areas.

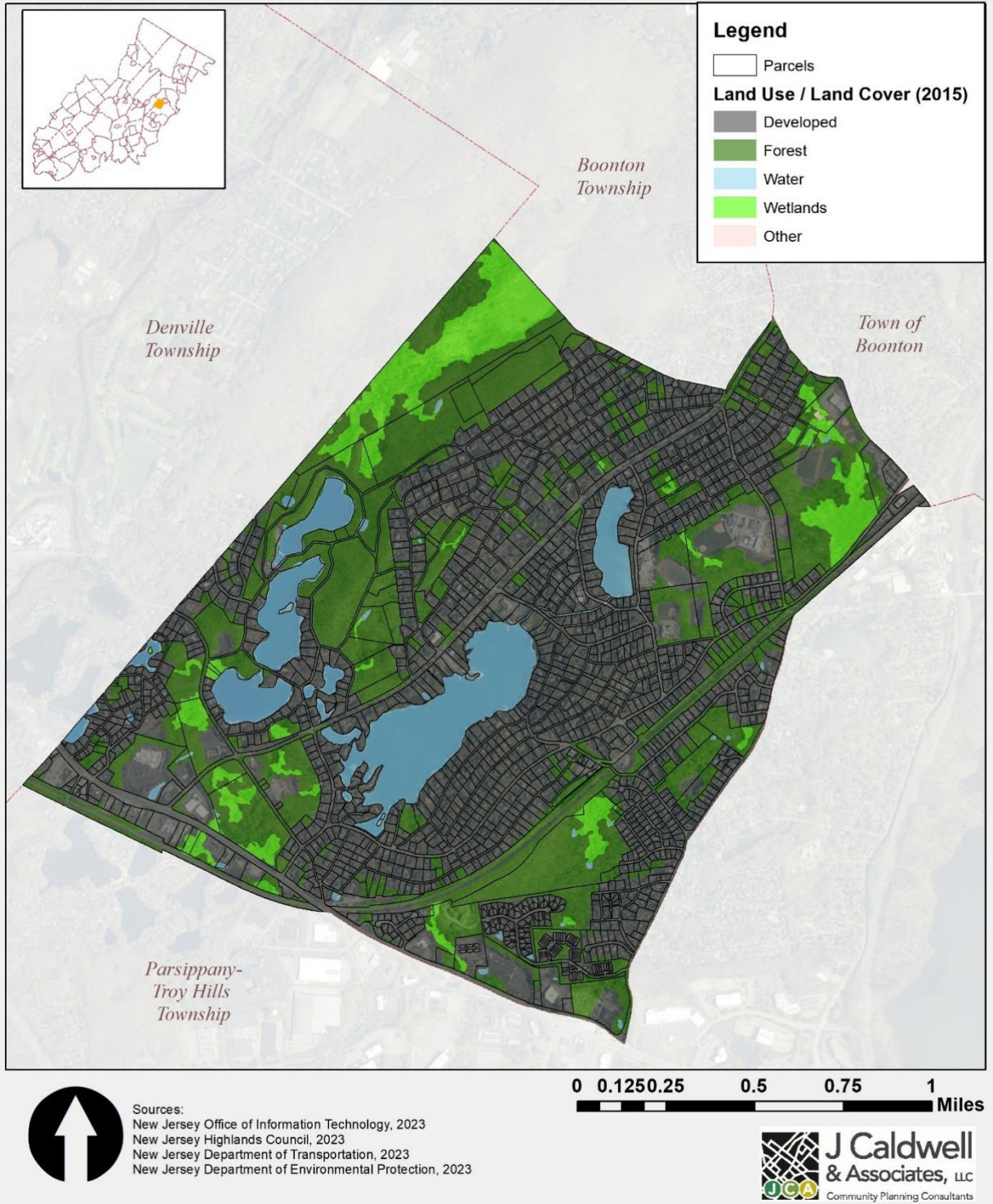
# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

Exhibit 1 - Land Use / Land Cover (2015)

### Land Use / Land Cover (2015)

Borough of Mountain Lakes, Morris County, New Jersey





## 2. The Highlands Regional Master Plan

### A. Overview

The RMP focuses primarily on protecting the water supply and water quality in the Highlands Region, which are important to the future of many of the urban and suburban communities in northern New Jersey. The RMP is also concerned with protecting and enhancing the ecosystems throughout the Highlands, partly because of the relationship between ecosystem preservation, water supply and water quality issues but also because of the need to protect and preserve habitat for threatened and endangered species. The RMP also recognizes the need to allow for sustainable growth in the Highlands and is mindful of the fiscal impacts of the Highlands designation to Highlands communities. The purpose of this document is to review consistency of the RMP to Mountain Lakes Master Plan and to identify any potential impacts associated with inconsistencies. The result will be an initial assessment as to whether Plan Conformance can be mutually beneficial to both the Highlands Council and Mountain Lakes Borough by furthering the goals and objectives of the RMP and the goals and objectives of the Borough's Master Plan.

### B. The RMP Overlay Designations in Relation to Existing Land Uses

The RMP is a Regional Master Plan that established land use zones, similar to a municipal master plan's land use districts. The Land Use Capability Zone Map (the LUCZ map), included in the RMP, created Land Use Capability Zones (LUCZ) that establish the level of land development desired by the RMP. In addition, the RMP also includes a series of goals, policies and objectives, which have a direct correlation to the LUCZ map. According to the RMP, twenty-one indicators were used to determine how the zones and sub-zones were drawn on the LUCZ map. However, in some locations within the Borough, it may be necessary in the future to investigate if, in fact, those indicators were correctly interpreted and if some of the zone and sub-zone designations are correct. If there are questions on the boundaries of LUCZ, RMP map corrections can be submitted to the Highlands Council as part of the Plan Conformance process.

The LUCZ map is divided into three primary zones and four sub-zones. They are identified as follows:

#### Primary Zones

Existing Community Zone

Conservation Zone

Protection Zone

#### Sub Zones

Existing Community – Environmentally  
Constrained Sub-Zone

Lake Community Sub-Zone

Conservation – Environmentally Constrained  
Sub-Zone

Wildlife Management Sub-Zone

The definitions of the LUCZ from the RMP are as follows:

- Existing Community Zone – Areas consisting of extensive and intensive existing development which may have capacity to support additional human development without adversely affecting the ecological value of the Highlands Region.
- Conservation Zone – Areas consisting of significant agricultural lands and limited low-density development interspersed with environmental features that should be preserved whenever possible.
- Protection Zone - Means those areas identified on the Land Use Capability Zone Map consisting primarily of high resource value lands in terms of forest resources, Critical Habitat, water quality and quantity, and ecological function, and having limited or no capacity to support human development without adversely affecting overall ecological function of the Highlands Region.
- Existing Community – Environmentally Constrained Sub-Zone - Means those areas identified on the Land Use Capability Zone Map within the Existing Community Zone that have high resource value and limited or no capacity for on-site human development without adversely affecting the ecological value of the Highlands Region.
- Lake Community Sub-Zone – Areas that are within 1000' of lakes that are ten acres or greater in size. This sub zone has unique policies to prevent degradation of water quality, harm to lake ecosystems and natural aesthetic values. Lake Community Sub-Zones comprise the Highlands Lake Management Area, which provides a tier system. Each tier requires its own policies. A description of Lake Management Areas and associated policies is located in Appendix A.
- Conservation – Environmentally Constrained Sub-Zone – Areas that have significant environmental features that should be preserved and protected from non-agricultural development.
- Wildlife Management Sub-Zone – Areas that are part of a network of lands and waters for conservation, management, and where appropriate, restoration of fish, wildlife and plant resources and their habitats and that permit compatible wildlife dependent recreational uses such as hunting, fishing, wildlife observation and photography, and environmental education and interpretation. These areas are managed by appropriate state and federal agencies.

# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

The Existing Community Zone is the location where most development and redevelopment is envisioned to occur by the RMP. The Conservation Zone and Protection Zone are primarily proposed for protection and preservation. There can be exceptions especially with respect to redevelopment projects and the types of development that fall under a Highlands Exemption. Four (4) of the seven (7) of the above designations are present in Mountain Lakes as shown in **Exhibit 2**. The acreage of each LUCZ is listed below:

| <b>Zone/Subzone</b>                                | <b>Acreage</b>     |
|--|--------------------|
| Existing Community Zone                            | 126                |
| Protection Zone                                    | 42                 |
| Existing Community Zone / Env. Constrained Subzone | 60                 |
| Lake Community Subzone                             | 46                 |
| <i><b>Total</b></i>                                | <i><b>274*</b></i> |

\* Right-of-way acreage not included in total.

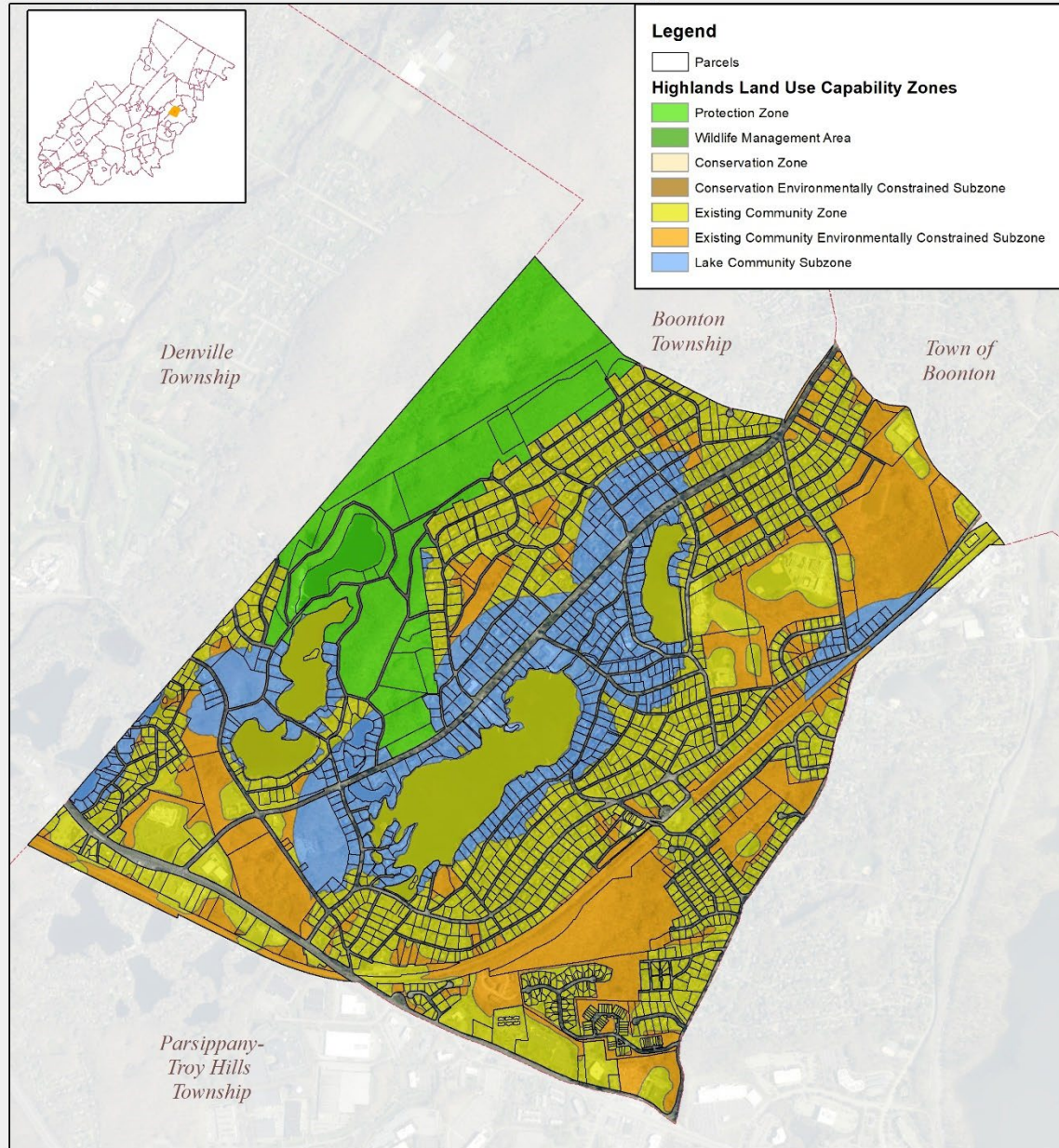
# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

Exhibit 2 - Highlands Land Use Capability Zone Map

### Highlands Land Use Capability Zone Map

Borough of Mountain Lakes, Morris County, New Jersey



Sources:  
New Jersey Office of Information Technology, 2023  
New Jersey Highlands Council, 2023  
New Jersey Department of Transportation, 2023  
New Jersey Department of Environmental Protection, 2023

0 0.1250.25 0.5 0.75 1 Miles





Ultimately, this report reviews how the LUCZ Map and the Mountain Lakes Borough Zoning Map relate to each other. Section 4 of this document – Consistencies and Inconsistencies – will describe how the Borough’s and the RMP goals coincide or potentially conflict. Overall, the Protection Zone coincides with the zoning as all the areas within the zone are in the C-1 Conservation Zone. The community also has Conservation Zones located where many of the Existing Community- Environmentally Constrained Subzones exist. This area is not inclusive of all the areas where the Environmentally Constrained Subzones exist. Many of the Environmentally Constrained Subzones extend beyond the parcel base and are spread throughout the other zones located within the municipality, specifically in the OL-2 Office Zone, Light Industrial Zone, B-Business Zone located near Route 46, and the R-A Residential Single-Family Zone which is in the middle of the Borough. In addition, most of the subzones which are Lake Community Subzones fall within the R-A Residential Zone and R-AA Residential zones.

In terms of available land for development, there are very few parcels that are within the Existing Community Zone which are available for development. There are very few lots in the Borough which are both vacant and located completely within the Existing Community Zone, and which do not encroach upon the Environmentally Constrained Subzone.

The lakes within the Borough are also located within the Existing Community Zone and not the Lake Community Zone or Protection Zone as would be expected. These areas are not developed, nor developable, and owned by the Borough as protected lands.

### C. Goals Policies and Objectives

The goals, policies and objectives of the RMP are both directly and indirectly related to the zone and subzone categories, as depicted on the LUCZ map. To quote from the RMP on page 137 of that document, they “...provide the substantive standards and direction for implementing the goals and requirements of the Highlands Act.” Furthermore, they, “... are used in Chapters 5 and 6 (of the RMP) as the basis for the implementation programs.” (Note: This Initial Highlands Review does not include an analysis of the aforementioned implementation programs, although their importance is recognized and acknowledged). The goals, objectives and policies are contained in Chapter 4 of the RMP and are divided among ten separate categories or parts as follow

- Part 1 - Natural Resources
- Part 2 - Water Resources and Utilities
- Part 3 - Agricultural Resources
- Part 4 - Historic, Cultural, Archeological and Scenic Resources
- Part 5 - Transportation
- Part 6 - Future Land Use
- Part 7 - Land Owner Equity
- Part 8 - Sustainable Economic Development
- Part 9 - Air Quality
- Part 10 - Local Participation

Some parts are further divided into subparts, such as Part 1 - Natural Resources, which is divided into seven separate sub-parts, which include the following – A) Forest Resources B) Open Waters / Riparian Areas C) Steep Slopes D) Critical Habitat E) Land Preservation and Stewardship F) Carbonate Rock and G) Lake Management.

Unlike Natural Resources, other parts such as Part 5 – Transportation, are much less extensive in terms of the amount of space devoted to the corresponding goals, objectives and policies.

Each part and subpart are explained via the specific goals, policies and objectives that pertain to each one. The format used involves stating a goal, which is followed by a description of one or more policies. Each policy is further clarified by one or more objectives. So, using Part 1 – Natural Resources and Part 5 – Transportation as examples, Natural Resources, as already noted, has seven sub parts and Transportation has none. Natural Resources has a total of ten goals associated with its seven sub parts and Transportation five goals. Continuing further, Natural Resources has seventy-three separate policies, which clarify the aforementioned goals and Transportation has twenty-five policies that explain its five goals. Finally, some but not all of the policies are further explained by one or more objectives. Natural Resources has eighty-eight separate objectives associated with it and Transportation has thirteen.

Not surprisingly, the goals, policies and objectives of the RMP are naturally heavily weighted toward environmental protection, including protection of natural resources, cultural resources and water resources. The overarching purpose is essentially to allow development and redevelopment in existing developed areas and to preserve land that is currently undeveloped.

Notwithstanding the focus on environmental protection in the RMP, Part 6 – Future Land Use and Part 8 – Sustainable Economic Development, provide important guidance regarding issues related to development and redevelopment in the Highlands Region. As the RMP indicates there are nearly a million people who reside in the Highlands Region and a substantial amount of existing development already is located there. The Highlands Region is not a pristine natural area. It is mixture of the natural environment and human-made features and this is especially true in Mountain Lakes Borough. In March 2022, the Highlands Council adopted a Highlands Economic Sustainability Plan which “seeks to provide the framework by which to secure the economic future of the Highlands Region, and to do so by means that are compatible with and complementary to the work of the Highlands Council and its partners in protecting and enhancing the natural resources of the Region.”

So, with respect to Mountain Lakes and its relationship to the RMP, it is important to focus on portions of Part 6. In Part 6, sub part A – Land Use Capability Zones, goal 6A states – *Use the Highlands Land Use Capability Map Series as a framework for determining the character, location and magnitude of new growth and development in the Highlands Region.*

Another important goal of sub part A is 6F which states – *Support of compact development mixed use development and redevelopment and maximization of water, wastewater and transit infrastructure investments for future use of land and development within the Existing Community Zone.*

Finally, in Part 6 sub part D – Redevelopment - goal 6J states – *Accommodation of regional growth and development needs through the reuse and redevelopment of previously developed areas, including brownfields, grayfields and underutilized sites.*

These three goals and others, plus numerous policies and objectives associated with them, provide a clear indication that the Borough of Mountain Lakes, as a fully developed community, has limited growth potential that may allow for some redevelopment of existing developed areas where appropriate, subject to environmental constraints that exist.

This last point regarding environmental constraints leads to an important factor, which in the final analysis may be the most controlling in terms of future growth – water availability. The question of water deficits and how those deficits can be mitigated will determine to a large extent how much and where new growth can be accommodated.

### 3. Mountain Lakes Planning Programs and Policies

#### A. Overview

Mountain Lakes Planning Programs and Policies have been in existence since the Borough's creation as a planned residential park community. While the overall development concept was to create an "ideal planned community," the land development pattern in the Borough predates local zoning.

There have been many zoning and planning changes enacted by the Borough over time, as new planning philosophies and goals were established, however, due to the original concept and partly as a result of good planning by the Borough Council over the years, large areas of the Borough have been preserved from development which have contributed substantially to the park-like atmosphere of the Borough. These spaces are a fundamental characteristic of the Borough and should be preserved.

Since 1996, as discussed in the Master Plan, there have been some major events and changes which have occurred and have impacted the Borough. The most recent Master Plan Update identifies the following:

- Between 1996 and 2008 the value of all real estate increased significantly where homeowners began renovating and expanded their homes, increasing the value of the Borough housing stock.
- Residents continue to use landscape planting to enclose their individual properties.
- Many of the community's long-time residents wishing to remain in the Borough have relocated to smaller homes and condominiums. The Fusee property was developed to address this need.
- The Borough's constitutional "fair share" obligation was partially fulfilled in the development of the Fusee property while any future obligation is uncertain and is on hold due to the state review of COAH.
- Minor subdivision development has reduced the amount of available land for general construction.
- The Borough has suffered the loss of some of its tree canopy due to aging for our shade tree stock and an increase in the number of major storms that have occurred. An ordinance was passed and amended to ensure the preservation and protection of street trees and shrubs and protect trees in the setback areas of residential lots.
- The Borough Dams were repaired and updated to comply with state regulations. Debris was removed from the canal connecting Wildwood Lake and Mountain Lake.<sup>1</sup>
- Traffic congestion on Route 46 and within the Borough remains high due to our dependence on the automobile for transportation. Additional sidewalks were installed around the schools to increase the safety of children walking to school.

---

<sup>1</sup> There remains one dam that needs to be replaced in order to meet State standards. Planning and engineering work for that replacement has been in progress for several years, with work scheduled to begin in late 2023.

- Concern about maintaining the water quality of the Borough lakes and water supply aquifers is still a priority for the Borough.

The Borough has consistently attempted to achieve a balance in the potential land development patterns and has accordingly zoned for many different types of residential and non-residential uses as well as conservation uses to preserve the natural landscape of the municipality. The Borough has actively recognized the protection of environmentally constrained lands and has helped to protect them via borough ownership of preserved lands and through zoning and the land development review process.

### **B. Objectives, Recommendations, and Planning Documents**

The 2013 Master Plan and subsequent amendments through 2019 are the best sources for summarizing the intent of the Borough with respect to its future. Additionally, the Borough is in the process of preparing a Master Plan Update. As noted earlier, the Master Plan includes a number of objectives which are the basis for planning in the community and is a reflection of how the community plans to evolve. Many of the objectives listed prior reflect a commonality between the RMP and Mountain Lakes. In addition, the 2013 Master Plan includes a number of findings and recommendations which are divided into the following categories:

#### **Findings:**

- Community Character
- Population Trends
- Residential & Recreational Land Uses
- Non-Residential Land Use
- Vehicular Traffic
- Connections & Pathways
- Commitment to Public Education
- Need for Upgraded Facilities
- Potable Water Supply
- Diverse Recreation Facilities & Programs
- Recycling
- Historic Preservation

#### **Recommendations**

- Future Land Use & Zoning
- Conservation & Water Supply
- Circulation
- Education and Community Facilities
- Recreation
- Historic Preservation

A complete description of the findings and recommendations associated with each category begins on Element XII of the 2013 Document. The two most pertinent categories with respect to the

recommendations for the Master Plan are the Future Land Use & Zoning and Conservation & Water Supply.

The land use recommendations speak to encouraging more appropriate development within the Borough including 1) Establishing a mix and intensity of uses in the traditional/historic character of the residential neighborhoods; 2) Identifying appropriate development and redevelopment opportunities in non-residential areas including provisions for affordable and senior housing; 3) maintaining and protecting the Borough-owned properties and conservation easements to insure dedicated open space and recreation areas; 4) Pursuing redevelopment along the Route 46 corridor that encourages a greater intensity of development; and 5) Promoting the Midvale Town Center as a community focal point.

The conservation goals are to: 1) Continue to advocate policies that protect Borough-owned property and preserve dedicated open space, recreation areas and environmentally sensitive features; 2) protect the quality of the Borough's water bodies, groundwater and vegetation through ordinances, maintenance standards and community operations; and 3) continue to schedule and complete minor improvements throughout the system to maintain a satisfactory quality and quantity of potable water. The Borough's goals, objectives and recommendations moving forward, in comparison with those of the RMP, while less extensive, do have a significant amount of commonality upon which to build conformance.

### C. Existing Land Development / Land Use Patterns

As noted earlier, much of the residential development within the Borough is located between Boulevard (County Route 618) and the Montclair-Boonton Rail right-of-way. There is also a commercial corridor which extends along Route 46 along the southern boundary of the Borough. This area also has single family residential and townhouse developments towards the southeast section of the Borough near the Parsippany Troy Hills border. There is a small industrial development in the northeastern corner of the municipality near Fanny Road in the north along the borders with Parsippany Troy Hills and the Town of Boonton. There are three large parks which define the open space areas in the Borough including: Richard Wilcox Municipal Park, which borders the Tourne County Park of the Morris County Park System located in the northwestern section of the Borough; the Halsey A. Frederick Park located in northeast section of the Borough bordering the Town of Boonton; and the Maple Way Woodlands, located in the southeastern portion of the Borough.

The Existing Land Use Map (**Exhibit 3**) and a corresponding set of acreage figures depicts how the properties within the Borough are being used as of the date of this document plus how much acreage is associated with each land use category. The map was prepared using the tax assessment records and other sources which was supplemented with some aerial imagery interpretation and verification using publicly available mapping resources. The map is divided into thirteen (13) categories (see map legend) and identifies a variety of land use categories based primarily on the tax assessment records with two residential categories (single family residential and townhouses) as well as non-residential categories.

In terms of all the categories, the largest number of lots and acreage is for "Single Family Residential" homes where it is presumed that the overwhelming majority of the Borough's 4,472 residents live within 670.76 acres. There are two sections of the Borough where clusters of townhomes comprise about 52.43 acres of land. The first section is located on the northeastern corner of the Borough which used to be known as the Fusee Site which is an inclusionary development with an affordable housing set-aside. The

# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

second section is located in the southeastern section of the Borough, north of the Route 46 business developments and directly south of the Maple Way Woodlands. This section was called the King of Kings Backlands Lot due to the former owner King of Kings Lutheran Church. The property was zoned and developed as a residential inclusionary development with affordable housing set-asides.

The largest non-residential use category is the commercial category primarily located along the Route 46 corridor. There are a few other non-residential areas including a section known as the Midvale Market area, which is the Borough's traditional town center near the Mountain Lakes train station. There is also an industrial-type development located along Morris Avenue, which is bound by Fanny Road to the north and the Montclair-Boonton line to the southeast. The Borough also has 60.56 acres which are part of the Montclair Boonton Line and its properties.

In terms of open space related categories, about 508.65 acres of land are assessed as Public Property in the Borough. The majority of the public property is located in the three major parks with a number of smaller parcels and groupings of open space areas spread throughout the Borough. These publicly owned properties also include structures owned by the Borough for the upkeep and maintenance of the municipality including the Department of Public Works, Emergency Services and the Borough Hall. The Borough also has approximately 165 acres of open water which include a number of lakes and connecting canals/streams. This water system was part of the original design and inspiration of the creation of this planned community. While there are approximately nine (9) acres of properties assessed as farm land, those lands are subject to approved forest management plans. There are also several other public / quasi-public uses throughout the Borough, including schools (public and private institutions) and churches, as well as 2.31 acres of properties which are considered tax exempt. Approximately 11.57 acres of vacant property is spread throughout the Borough. The approximately 32 vacant properties are privately owned and mostly undersized lots impacted by significant environmental constraints.

The Borough has its commercial focus along Route 46, which is a major United States Highway as well as a traditional smaller commercial downtown focused around the train station. The Borough has continued to retain the traditional character of a community that was deliberately designed to create a park-like atmosphere, emphasizing the preservation and enhancement of the natural features of the Borough.

| Land Use                  | Acres           | Percent of Land |
|---------------------------|-----------------|-----------------|
| Single Family Residential | 670.76          | 39.79%          |
| Public Property           | 508.65          | 30.17%          |
| Water Features            | 165.63          | 9.82%           |
| Commercial                | 107.53          | 6.38%           |
| Public School             | 61.09           | 3.62%           |
| Railroad                  | 60.56           | 3.59%           |
| Townhouse                 | 52.43           | 3.11%           |
| Church Property           | 28.72           | 1.70%           |
| Vacant                    | 11.57           | 0.69%           |
| Farm Assessed             | 9.63            | 0.57%           |
| Industrial                | 4.58            | 0.27%           |
| Private School            | 2.38            | 0.14%           |
| Other Exempt              | 2.31            | 0.14%           |
| <b>Total</b>              | <b>1,685.85</b> | <b>100.00%</b>  |



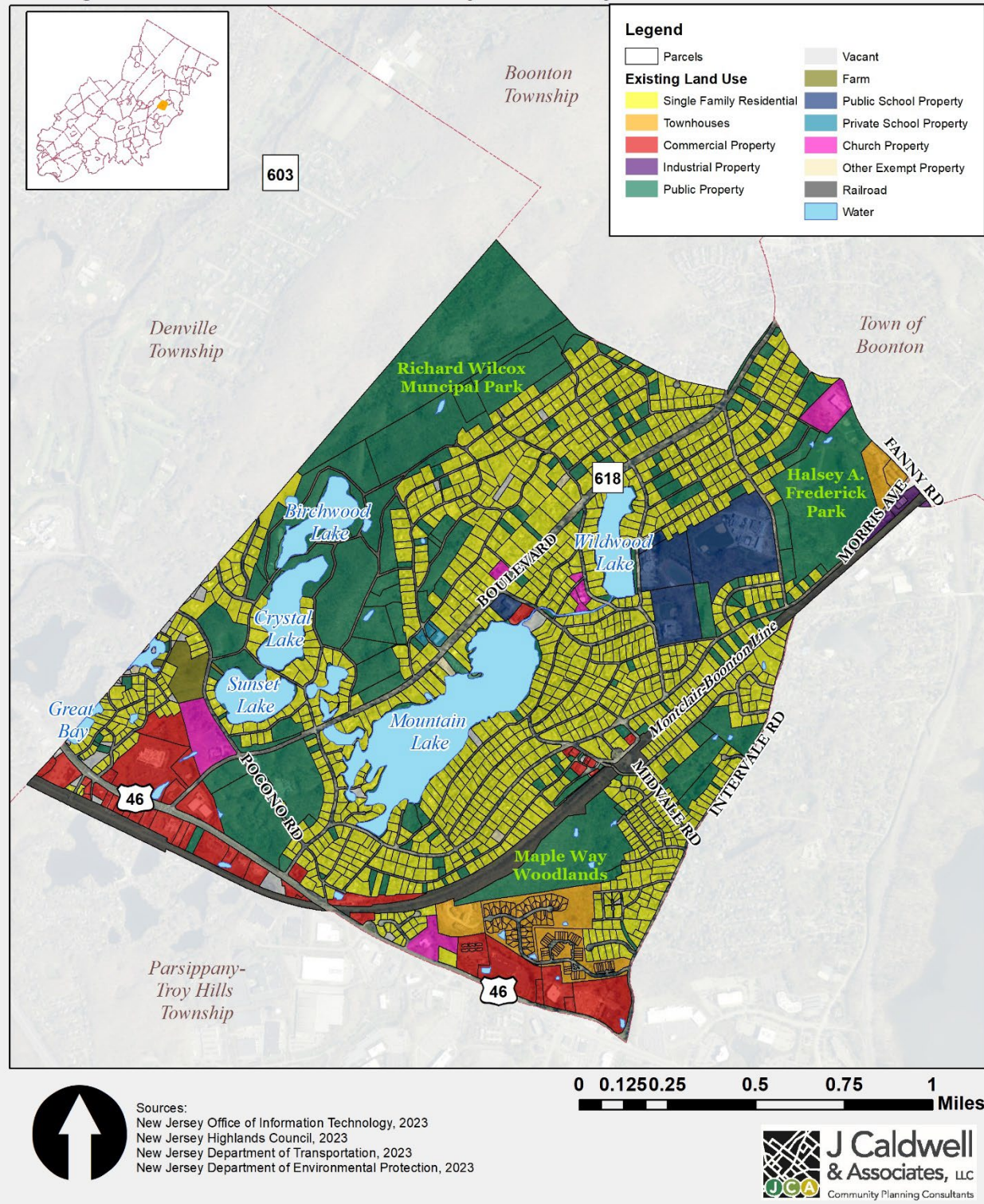
# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

Exhibit 3 : Existing Land Use Map

### Existing Land Use

Borough of Mountain Lakes, Morris County, New Jersey



### D. Mountain Lakes Development Regulations

The Borough's land development regulations can be found in Chapter 245 of the Borough Code. Mountain Lakes is divided into sixteen (16) separate zoning categories as defined by the Official Zoning Map prepared by Anderson & Denzler Associates, dated January 17, 2019.

|          |  |
|----------|--|
| R-AA     | Residential Zone – Single-Family                   |
| R-A      | Residential Zone – Single-Family                   |
| R-AH     | Residential Zone – Affordable Housing              |
| R-AH2    | Residential Zone – Affordable Housing 2            |
| R-AH3    | Residential Zone – Affordable Housing 3            |
| R-1      | Residential Zone – Single-Family                   |
| R-2      | Residential Zone – Single-Family                   |
| RC-2     | Residential Zone – Single-Family Clustering Option |
| RC-3     | Residential Zone – Single-Family Clustering Option |
| A        | Business Zone                                      |
| B        | Business Zone                                      |
| OL-1     | Office, Light Industrial Zone                      |
| OL-2     | Office, Light Industrial Zone                      |
| OL-2/R-1 | Office, Light Industrial Zone / R-1 Residential    |
| C-1      | Conservation Zone – Passive Recreation             |
| C-2      | Conservation Zone – Active Recreation              |

The zoning categories are graphically depicted on the Borough Zoning Map (**Exhibit 4**). The purpose of each zone is relatively self-evident based on their descriptions. Further discussion is warranted regarding the differences between the multiple single-family zones within the Borough as well as how the zone clustering options fit within the zoning as well as the affordable housing zones. There are also some other Multifamily Affordable Housing Overlays which are not shown on the Zoning Map.

The R-AA zone is the most restrictive single family residential zone in the Borough with a minimum lot size of 22,500 square feet, maximum floor area ratio of 13 percent and maximum improved coverage of 20 percent. There are two clusters of the R-AA Zone, both of which are to the north and west of County Route 618. The southernmost R-AA area includes lots near Crystal and Sunset Lakes. The northernmost R-AA cluster is northeast of Birchwood Lake and encompasses Condit Road, Laurel Hill Road, and North Briarcliff Road in addition to the smaller streets which connect those roads. This R-AA Zone cluster forms a “donut” around a small C-1 Zone. Properties in the R-AA Zone consist of single-family residences with public property interspersed throughout.

The R-A Zone is the second most restrictive single family residential zone in the Borough; this zone requires a minimum lot size of 15,000 square feet, a maximum floor area ratio of 17 percent, and maximum improved coverage of 25 percent. This Zone consists of the greatest number of parcels and land area of any residential zone in Mountain Lakes. The Zone is located primarily in the middle of the Borough extending to the northern border with Boonton Township and towards Route 46 in the southern extent of the Borough. There is a small section of R-A zoning in the southeast of the Borough which includes Pickwick Lane.



# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

The R-1 Zone is the next most restrictive single family residential zone with a minimum lot size of 10,000 square feet, a maximum floor area ratio of 20 percent and maximum improved coverage of 25 percent. The R-1 Zone is located in the southwest corner of the municipality and is bound by Denville to the west, Route 46 to the south, the RC-2 and R-A Zones to the north, and the OL-1 and C-1 Zones to the east.

The R-2 Zone is the least restrictive single family residential zone with a minimum lot size of 8,000 square feet although the Zone has the same maximum floor area ratio and improved coverage as the R-1 Zone. This Zone is located between the rail right of way, Maple Way, and the Parsippany-Troy Hills Border.

Within all the residential zones there are very few vacant lots and most of them are located in areas that are not developable due to being bound by water or municipally-owned properties used for open space.

Providing for the Borough's fair share of affordable housing has been the source of the main development pressure within the municipality. The Borough's Master Plan has addressed affordable housing concerns by zoning three areas for affordable housing and two other areas with the option of single-family clustering. The affordable housing zones specifically consist of: the R-AH Zone, which is a townhouse development in the northeastern corner of the Borough (Legacy of Mountain Lakes/Fusee Site); the R-AH2 zone is the location of the recently constructed Enclave at Mountain Lakes by Pulte Homes (the King of Kings Backlands site); and the R-AH3 zone which was developed into an Assisted Living Facility along Route 46. While the R-AH2 and R-AH3 lots were developed in the Environmentally Constrained Subzone of the existing Community Zone, the sites have recently been developed for these uses. The Zoning Code also calls for Multifamily Affordable Housing Overlays on primarily developed sites within the OL-1 and OL-2 zones that exist along Route 46. Most of the locations where this is possible are not located within the Environmentally Constrained Subzone of the Existing Community Zone and would be able to properly support development in these areas, which would be consistent with the Highlands Regional Master Plan.

Of the areas that allow for single-family clustering, the RCC-3 Zone was built into a townhouse development which is located next to the Enclave at Mountain Lakes site and the RC-2 Zone is currently assessed as farmland which is used for private forestry.

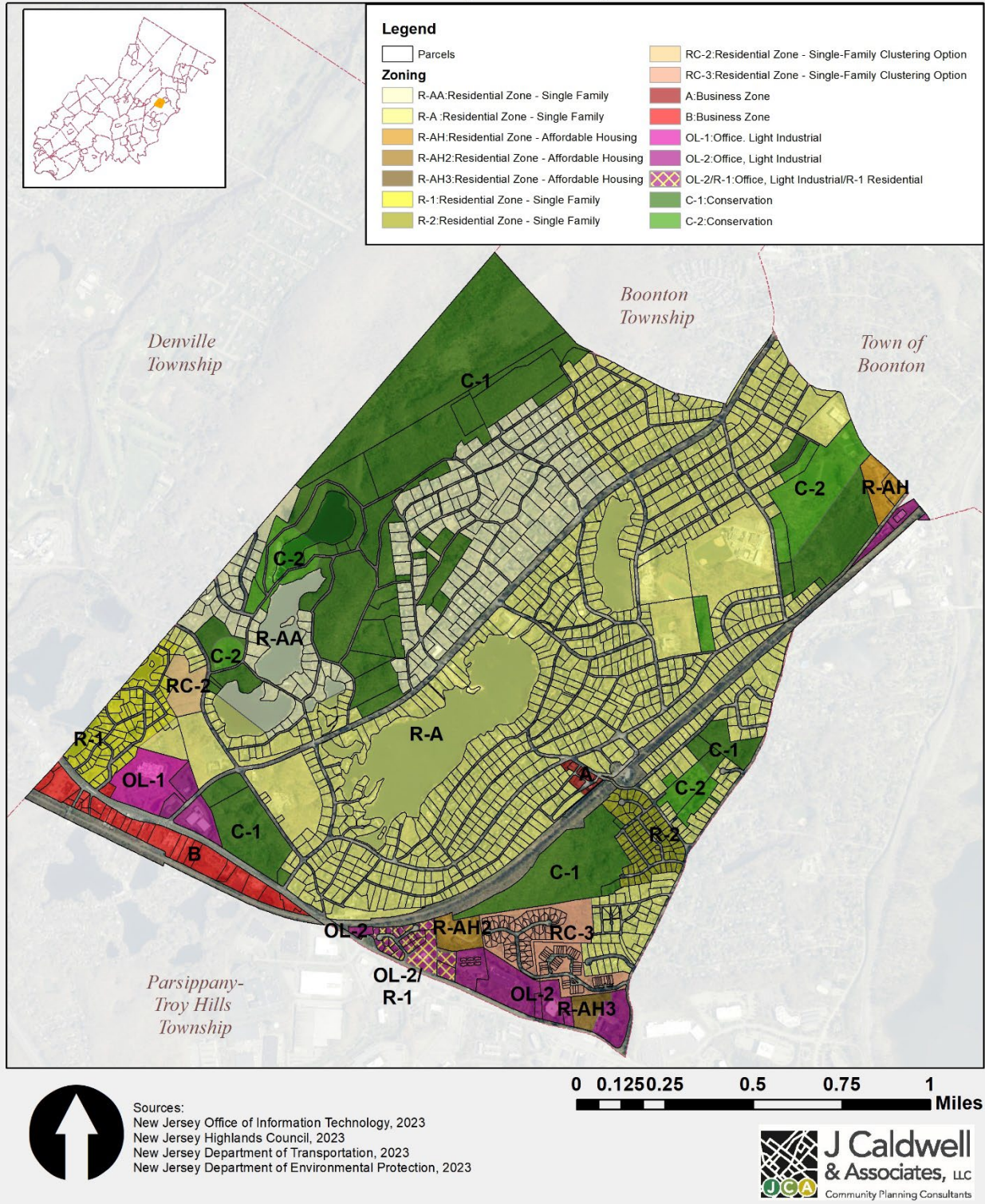
# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

Exhibit 4 - Zoning Map

### Zoning Map

Borough of Mountain Lakes, Morris County, New Jersey



# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

The non-residential zones outside of affordable housing overlays do not provide for a significant number of residential uses within the Borough and are mostly developed or preserved. In order to provide for affordable housing, the Borough created ordinances to allow for overlays that permit these uses in the OL-1 and OL-2 zones so as to not cause further disturbance of the Historic District and historic character of the community. Due to the size and depth of the lots within these zones located on the north side of Route 46, there is enough land area to accommodate residential development. However, it is also noted in the Bulk Requirements that the OL-1 Zone is fully developed.

The remaining zones in the Borough are intended for land conservation. The Conservation Zones are primarily Borough-owned parks and open space areas. The difference between the C-1 and C-2 Zone is that the C-2 Zone allows for more active recreational uses such as playgrounds, tennis courts, athletic fields and other recreational facilities approved by the Borough while the C-1 Zone only allows for recreational uses that involve limited disturbance to the natural environment.

The Borough's zoning regulations, in addition to the zone requirements and limitations, also contain some supplementary bulk regulations which apply, specifically related to the lakefront exceptions. Chapter 245-20A of the Ordinance states as follows for the Lakefront Exceptions:

- (1) It is the intent of this subsection that the view of the lake afforded existing houses or principal buildings on lakefront property shall be maintained to the extent reasonably achievable, balancing the rights of all parties. Where there is a neighboring house or principal building on an adjacent property, the setback distance from the lake of any proposed new house, addition or accessory structure shall be no less than the setback of the neighboring house or principal building, or 25 feet, whichever is greater. Where there are neighboring houses or principal buildings, on each side, on adjacent properties, the new setback distance shall be no less than the setback of a line drawn between the setbacks of the neighboring houses or principal buildings, or 25 feet, whichever is greater. Where the adjacent property is Borough-owned property, the next adjacent neighboring house or principal building shall be used to establish the setback as described above. This provision shall not apply to accessory structures five feet or less in height
- (2) No structure shall be located within 25 feet of the shoreline of a lake, of the bank of a watercourse or within delineated wetlands.

The Borough's vision for the future, its planning documents that clarify that vision, and the Borough Code provisions, which constitute the legal basis for controlling development, are all working to preserve the existing traditional character of the Borough to continue the unique heritage of the Borough. These regulations provide for protecting and enhancing the Borough's environmental resources and its ability to provide for appropriate development within what is a mostly developed or preserved municipality. At this time, there would be little reason why the Borough could not integrate the goals of the Highlands RMP into its plans.



### 4. Natural and Cultural Resources

#### A. Introduction

The preservation and enhancement of the natural environmental features of Mountain Lakes as a planned residential community in the early part of the 20<sup>th</sup> century was a central focus in the development of Mountain Lakes. The borough's original design was to create the lakes as a central focus of the planned new community with large areas left undeveloped as woodlands. The roads and residential neighborhoods were laid out to deliberately create a parklike atmosphere by blending man-made and preserved natural features. The result is a community with distinct character that the Borough and its citizens have conserved and protected in this natural heritage.

The Borough, due to its development as a planned community, has a dedication to the preservation of its many distinctive buildings. Much of the Borough became a historic district listed on the State and National Register of Historic Places which is both a source of pride for the Borough and also protects against intrusive developments. Mountain Lakes qualifies as a historic district under the primary criteria of significance of community planning and development as a planned residential park suburb, and the secondary criteria as significance in architecture for the concentration of Craftsman style homes.

This section of the Initial Highlands Planning Area assessment will identify all the natural and cultural resources within the Borough of Mountain Lakes and a table of protections, either existing, proposed or needed. As a developed town which was a planned community, there has been a significant commitment to protecting these assets which have been identified through previous Environmental Resource Inventories.

#### B. Natural Resources

Mountain Lakes has put considerable effort into preserving and protecting the extensive Borough-owned areas dedicated for parks, open space and conservation purposes. The preservation of these areas is important both for the character of the community as well as preserving the quality of the environmental resources. Many of the areas set aside from development contain environmentally sensitive lands including steep, erosion-prone slopes, detention and water recharge areas, soils with high water tables and natural woods. These areas are located within the passive sections of dedicated parks or within other Borough Owned Land. There are also a couple of parcels within the municipality which are owned by Morris County as well as some privately dedicated land. The map below (**Exhibit 6**) shows the location of the preserved natural resources within the borough and the tables below show the block and lot, address location and the jurisdictional steward of the natural resource area.

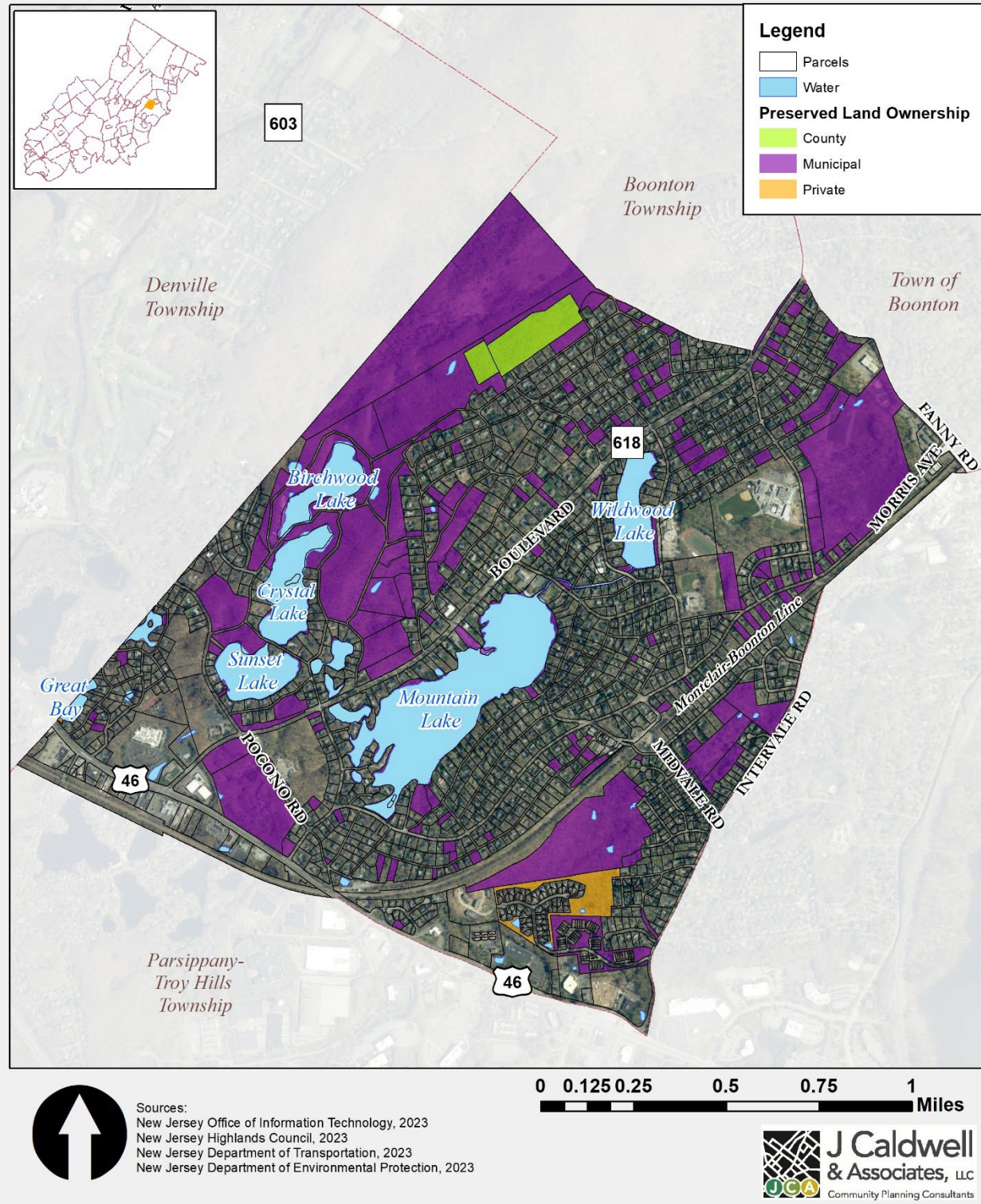
# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

Mountain Lakes Borough

Exhibit 5. Natural Resources

## Natural Resources

Borough of Mountain Lakes, Morris County, New Jersey



# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

Property Designated for the Purposes of Conservation, Park Lands and Open Space in the Borough of Mountain Lakes, preserved by the Borough of Mountain Lakes

| Block | Lot   | Zone | Acres    | Address/Location      |
|-------|-------|------|----------|-----------------------|
| 6     | 1     | C-1  | .83 AC   | 90 Crane Ave          |
| 6     | 12    | C-1  | 23.25 AC | 40 Pocono Rd          |
| 6     | 15    | C-1  | 4.05 AC  | 410 Blvd              |
| 9     | 1     | R-1  | .07 AC   | Bloomfield Ave        |
| 9     | 13    | R-1  | 0.12 AC  | Lakewood Dr           |
| 9     | 14    | R-1  | .31 AC   | 14 Lakewood Dr        |
| 9     | 22    | R-1  | .51 AC   | 8 Fernwood Trl        |
| 15    | 5     | R-1  | .61 AC   | 25 Laurelwood Dr      |
| 17    | 16    | R-1  | .25 AC   | 32 Laurelwood Dr      |
| 21    | 33    | R-A  | .37 AC   | 8 Crane Rd            |
| 21    | 37    | R-A  | .26 AC   | 2 Crane Rd            |
| 21    | 40    | R-A  | .43 AC   | Dorian Rd             |
| 21    | 41    | R-A  | .38 AC   | 55 Pocono Rd          |
| 21    | 42    | R-A  | .20 AC   | 57 Pocono Rd          |
| 22    | 10.01 | R-A  | 2.67 AC  | 160 East Shore Rd     |
| 22    | 20    | R-A  | 1.96 AC  | 401 East Shore Rd     |
| 23    | 39    | C-1  | 3.76 AC  | 2 East Shore Rd       |
| 23    | 56    | C-1  | .55 AC   | 49 North Pocono Rd    |
| 23    | 71    | R-A  | .16 AC   | 25 North Pocono Rd    |
| 24    | 1     | C-2  | 8.69 AC  | 79 North Pocono Rd    |
| 26    | 1     | C-1  | 83.46 AC | Rattlesnake Meadow    |
| 27    | 4     | C-1  | 2.41 AC  | 33 Crestview Rd       |
| 27    | 26    | C-1  | 9.94 AC  | Crestview Rd          |
| 28    | 9     | C-1  | 28.18 AC | Crestview Rd          |
| 29    | 1     | C-1  | 15.57 AC | 49 West Shore Rd      |
| 29    | 2     | C-2  | 2.32 AC  | 45 West Shore Rd      |
| 30    | 1     | C-2  | 8.95 AC  | West Shore Rd         |
| 30    | 66    | C-1  | .70 AC   | West Shore Rd         |
| 30    | 70    | C-2  | 2.00 AC  | Birch Ln              |
| 31    | 29    | C-2  | 7.11 AC  | 56 West Shore Rd      |
| 32    | 1     | C-1  | 22.29 AC | 30 Crystal Rd         |
| 33    | 8.01  | R-A  | .02 AC   | Boulevard & No. Crane |
| 34    | 5     | C-1  | 3.05 AC  | 311 Blvd              |
| 35    | 1     | C-1  | 5.08 AC  | 21 Overlook Rd        |
| 36    | 1     | C-1  | 3.45 AC  | 27 Overlook Rd        |
| 37    | 1     | C-1  | 5.00 AC  | Longview, Locust, Ivy |
| 38    | 12    | C-1  | 2.29 AC  | Woodcliff Rd          |
| 39    | 1     | C-1  | 2.48 AC  | Longview Rd           |
| 39    | 22    | C-1  | 1.78 AC  | Longview Rd           |
| 40    | 1     | C-1  | .42 AC   | 56 Tower Hill Rd      |

# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

| Block | Lot   | Zone | Acres   | Address/Location         |
|-------|-------|------|---------|--------------------------|
| 40    | 19    | C-1  | 6.43 AC | Tower Hill Rd            |
| 41    | 1     | C-1  | 6.67 AC | East Shore Rd North      |
| 42    | 29    | C-1  | .63 AC  | Crestview Rd             |
| 45    | 10    | C-1  | 1.27 AC | Crestview Rd             |
| 46    | 15    | R-A  | .26 AC  | 1 Lookout Rd             |
| 47    | 8     | R-A  | .74 AC  | 27 Laurel Hill Rd        |
| 48    | 28    | R-AA | .58 AC  | 60 Lookout Rd            |
| 50    | 23    | R-AA | .58 AC  | 128 Lookout Rd           |
| 52    | 13    | C-1  | .47 AC  | 73 Tower Hill Rd         |
| 52    | 19.02 | C-1  | .80 AC  | 50 Condit Rd             |
| 52    | 45    | C-1  | 1.76 AC | Ogden Rd                 |
| 52    | 53    | C-1  | 0.42 AC | Ogden Rd                 |
| 52    | 54    | C-1  | .83 AC  | Ogden Rd                 |
| 53    | 1     | R-AA | 2.18 AC | 33 Tower Hill Rd         |
| 53    | 15    | C-1  | 1.20 AC | 175 Laurel Hill Rd       |
| 53    | 52    | C-1  | 6.06 AC | Ogden Rd @ Twr Hill      |
| 54    | 12    | C-1  | .52 AC  | 200 Laurel Hill Rd       |
| 56    | 14    | R-AA | .63 AC  | 187 Blvd                 |
| 56    | 34    | R-AA | .63 AC  | 120 Laurel Hill Rd       |
| 56    | 39    | R-AA | .93 AC  | 110 Laurel Hill Rd       |
| 56    | 52.02 | R-AA | .30 AC  | Laurel Hill Rd           |
| 56    | 58.01 | R-AA | .41 AC  | 30 North Briarcliff Road |
| 57    | 1     | R-AA | .57 AC  | 97 Cobb Rd               |
| 58    | 10    | R-AA | .87 AC  | 129 Blvd                 |
| 58    | 24    | R-AA | .39 AC  | 78B Cobb Rd              |
| 58    | 30    | R-AA | .85 AC  | 82 Cobb Rd               |
| 59    | 39    | R-A  | 1.07 AC | 50 Cobb Rd               |
| 59    | 46    | R-A  | .43 AC  | 60 Cobb Rd               |
| 60    | 5     | R-A  | .42 AC  | 061 Cobb Rd              |
| 60    | 9     | R-A  | .42 AC  | 51 Cobb Rd               |
| 60    | 13    | R-A  | .80 AC  | 41 Cobb Rd               |
| 60    | 27    | R-A  | .64 AC  | 24 Laurel Hill Rd        |
| 61    | 25    | R-A  | .72 AC  | 9 Lowell Ave             |
| 61    | 31    | R-A  | .77 AC  | 21 Lowell Ave            |
| 61    | 38    | R-A  | .58 AC  | 35 Lowell Ave            |
| 61    | 45    | R-A  | .50 AC  | 49 Lowell Ave            |
| 62    | 20.01 | R-A  | .24 AC  | 2 Blvd                   |
| 62    | 25    | R-A  | .93 AC  | 20 Blvd                  |
| 62    | 33    | R-A  | .83 AC  | 30 Blvd                  |
| 62    | 38    | R-A  | .55 AC  | 40 Blvd                  |
| 63    | 11    | R-A  | .46 AC  | 041 Hanover Rd           |
| 63    | 17    | R-A  | .72 AC  | 060 Blvd                 |



# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

| Block | Lot   | Zone | Acres    | Address/Location  |
|-------|-------|------|----------|-------------------|
| 64    | 8     | R-A  | .23 AC   | 059 Melrose Rd    |
| 64    | 11    | R-A  | .57 AC   | 053 Melrose Rd    |
| 64    | 19    | R-A  | .65 AC   | 040 Hanover Rd    |
| 65    | 13    | R-A  | .71 AC   | 001 Melrose Rd    |
| 66    | 16    | R-A  | 3.16 AC  | 024 Melrose Rd    |
| 68    | 4     | R-A  | .73 AC   | 075 Kenilworth Rd |
| 68    | 10    | C-A  | 2.77 AC  | 061 Kenilworth Rd |
| 69    | 11    | C-2  | 2.58 AC  | 064 Kenilworth Rd |
| 70    | 6     | R-A  | .92 AC   | 100 Kenilworth Rd |
| 74    | 4     | R-A  | .52 AC   | 117 Hanover Rd    |
| 74    | 21    | R-A  | .46 AC   | 106 Blvd          |
| 75    | 7     | R-A  | 1.29 AC  | 121 Melrose Rd    |
| 75    | 27    | R-A  | 1.10 AC  | 124 Hanover Rd    |
| 76    | 28    | R-A  | 2.11 AC  | 120 Melrose Rd    |
| 78    | 33    | R-A  | .27 AC   | 055 Briarcliff Rd |
| 78    | 42    | R-A  | .80 AC   | 058 Glen Rd       |
| 78    | 67    | R-A  | .55 AC   | 136 Blvd          |
| 80    | 1     | R-A  | .69 AC   | 160 Blvd          |
| 80    | 28    | R-A  | .64 AC   | 210 Blvd          |
| 81    | 15.02 | R-A  | .21 AC   | 027 Lake Dr       |
| 86.01 | 1     | R-A  | .28 AC   | 149 Morris Ave    |
| 86.01 | 24    | C-2  | 4.09 AC  | Bellvale Rd       |
| 86.01 | 32    | R-A  | .34 AC   | 022 Wilcox Dr     |
| 86.01 | 33    | R-A  | .40 AC   | 026 Wilcox Dr     |
| 86    | 9     | R-A  | .41 AC   | 131 Morris Ave    |
| 86    | 13    | R-A  | .41 AC   | 121 Morris Ave    |
| 86    | 18    | R-A  | .38 AC   | 115 Morris Ave    |
| 86    | 22    | R-A  | .26 AC   | 103 Morris Ave    |
| 86    | 40    | R-A  | .62 AC   | 035 Wilcox Dr     |
| 86    | 41    | R-A  | .86 AC   | 027 Wilcox Dr     |
| 88    | 1     | R-A  | .56 AC   | 101 Morris Ave    |
| 88    | 6     | R-A  | .21 AC   | Morris Ave        |
| 88    | 9     | R-A  | .41 AC   | 85 Morris Ave     |
| 88    | 14    | C-1  | .41 AC   | 79 Morris Ave     |
| 88    | 17    | C-2  | 52.00 AC | 75 Morris Ave     |
| 88    | 21    | C-2  | 2.75 AC  | 101 Powerville Rd |
| 88    | 27    | C-1  | 2.03 AC  | 101 Powerville Rd |
| 91    | 1     | R-A  | .46 AC   | 12 Elm Rd         |
| 91    | 14    | R-A  | .21 AC   | 200 Morris Ave    |
| 91    | 35    | R-A  | .67 AC   | 158 Morris Ave    |
| 91    | 39    | R-A  | .69 AC   | 148 Morris Ave    |
| 91    | 43    | R-A  | .58 AC   | 138 Morris Ave    |

# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

| Block  | Lot   | Zone | Acres    | Address/Location      |
|--------|-------|------|----------|-----------------------|
| 91     | 50.02 | R-A  | .47 AC   | 128 Morris Ave        |
| 91     | 55    | R-A  | .42 AC   | 118 Morris Ave        |
| 94     | 9.01  | R-A  | .21 AC   | 10 Ball Rd            |
| 94     | 16    | R-A  | .38 AC   | 58 Bellvale Rd        |
| 100    | 29    | R-A  | 1.24 AC  | 276 Boulevard & Beach |
| 101    | 30.02 | R-A  | .43 AC   | 85 Lake Dr Beach      |
| 101    | 71    | R-A  | .95 AC   | 163 Lake Dr           |
| 101    | 79    | R-A  | 1.61 AC  | 175 Fernwood Pl       |
| 104    | 44    | R-A  | .28 AC   | 79 Pollard Rd         |
| 104    | 71    | R-A  | .43 AC   | 25 Pollard Rd         |
| 104    | 78    | R-A  | .36 AC   | 11 Pollard Rd         |
| 105    | 15    | R-A  | .51 AC   | 260 Morris Ave        |
| 105    | 27    | R-A  | .14 AC   | 3 Pollard Rd          |
| 107    | 10    | R-A  | .60 AC   | 10 Pollard Rd         |
| 108    | 10    | R-A  | 1.71 AC  | 20 Romaine Rd         |
| 110    | 33    | R-A  | .50 AC   | 92 Pollard Rd         |
| 110    | 40    | R-A  | .13 AC   | Pollard Rd            |
| 110    | 46    | R-A  | .17 AC   | 120 Pollard Rd        |
| 110    | 57    | R-A  | .72 AC   | 140 Pollard Rd        |
| 110    | 61    | R-A  | .62 AC   | 150 Pollard Rd        |
| 111    | 10.02 | R-A  | .35 AC   | 6 Rockaway Ter        |
| 111    | 19    | R-A  | .36 AC   | 178 Lake Dr           |
| 112    | 6     | R-A  | .63 AC   | 366 Morris Ave        |
| 112    | 45    | R-A  | .34 AC   | 107 Pollard Rd        |
| 114    | 1     | R-A  | .17 AC   | 33 Raynold Rd         |
| 114    | 20    | R-A  | .41 AC   | 59 Crane Rd           |
| 116    | 3.06  | OL-2 | .38 AC   | 12 Fox Hill Ln        |
| 118.01 | 35    | RC-3 | 4.72 AC  | Lockley Ct            |
| 118.02 | 6     | RC-3 | .98 AC   | Lockley Ct            |
| 118.03 | 9     | RC-3 | 1.99 AC  | Lockley Ct            |
| 124    | 1     | R-A  | .56 AC   | Scarborough Rd        |
| 127.04 | 13.01 | C-1  | .79 AC   | Maple Way             |
| 127.05 | 6     | R-2  | .22 AC   | 9B Grove Pl           |
| 127.05 | 16    | C-1  | .289 AC  | 5 Crescent Dr         |
| 127.06 | 1     | C-1  | 38.58 AC | 3 Crescent Dr         |
| 129.01 | 18.02 | C-1  | 2.43 AC  | 44 Woodland Ave       |
| 129.01 | 25    | C-2  | .69 AC   | Intervale Rd          |
| 129.02 | 1     | C-2  | 8.27 AC  | Intervale Rd          |
| 129.03 | 13    | C-2  | 3.86 AC  | 119 Midvale Rd        |
| 129    | 1     | C-1  | 6.95 AC  | 56 Woodland Ave       |
| 131    | 2     | R-A  | .26 AC   | Morris Ave            |
| 131    | 3     | R-A  | .31 AC   | Public Beach          |

# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

| Block       | Lot | Zone | Acres     | Address/Location      |
|-------------|-----|------|-----------|-----------------------|
| 138         | 1   | R-A  | .59 AC    | Boulevard & Rock Lane |
| Total Acres |     |      | 478.98 AC |                       |

### Lakes and Water Features Preserved by the Borough of Mountain Lakes

| Block       | Lot | Zone      | Acres     | Location                                       |
|-------------|-----|-----------|-----------|--|
| 79          | 1   | R-A       | 26.13 AC  | Wildwood Lake                                  |
| 81          | 28  | R-A       | .18 AC    | Stream Between Wildwood Lake and Mountain Lake |
| 82          | 36  | R-A       | .545 AC   | Stream Btw Wildwood Lake and Mountain Lake     |
| 131         | 1   | R-A       | 79.26 AC  | Mountain Lake                                  |
| 132         | 1   | R-A       | 2.46 AC   | Grunden's Pond                                 |
| 133         | 1   | R-A       | .97 AC    | Cove Lake                                      |
| 134         | 1   | R-A, R-AA | 3.25 AC   | Olive and Shadow Lakes                         |
| 135         | 1   | R-A, R-AA | 15.67 AC  | Sunset Lake                                    |
| 136         | 1   | R-AA      | 20.43 AC  | Crystal Lake                                   |
| 137         | 1   | R-AA      | 14.27 AC  | Birchwood Lake                                 |
| Total Acres |     |           | 162.12 AC |  |

### County-Owned Open Space Preserved by the Morris County Parks Commission

| Block       | Lot   | Zone | Acres    | Location           |
|-------------|-------|------|----------|--------------------|
| 27          | 16    | C-1  | 15.29 AC | Tourne County Park |
| 129.01      | 18.02 | C-1  | 3.97 AC  | Tourne County Park |
| Total Acres |       |      | 19.26 AC |                    |

### Properties Preserved by Private Entities

| Block       | Lot   | Zone | Acres    | Location                                   |
|-------------|-------|------|----------|--|
| 117.01      | 53    | RC-3 | 10.67 AC | Spruce Edge Townhouse Preserved Open Space |
| 129.01      | 18.02 | RC-3 | 3.97 AC  | Spruce Edge Townhouse Preserved Open Space |
| 12          | 1     | R-1  | 1.92 AC  | Great Bay                                  |
| 12.01       | 1     | R-1  | 2.54 AC  | Bay of Deep Waters                         |
| Total Acres |       |      | 16.59 AC |  |

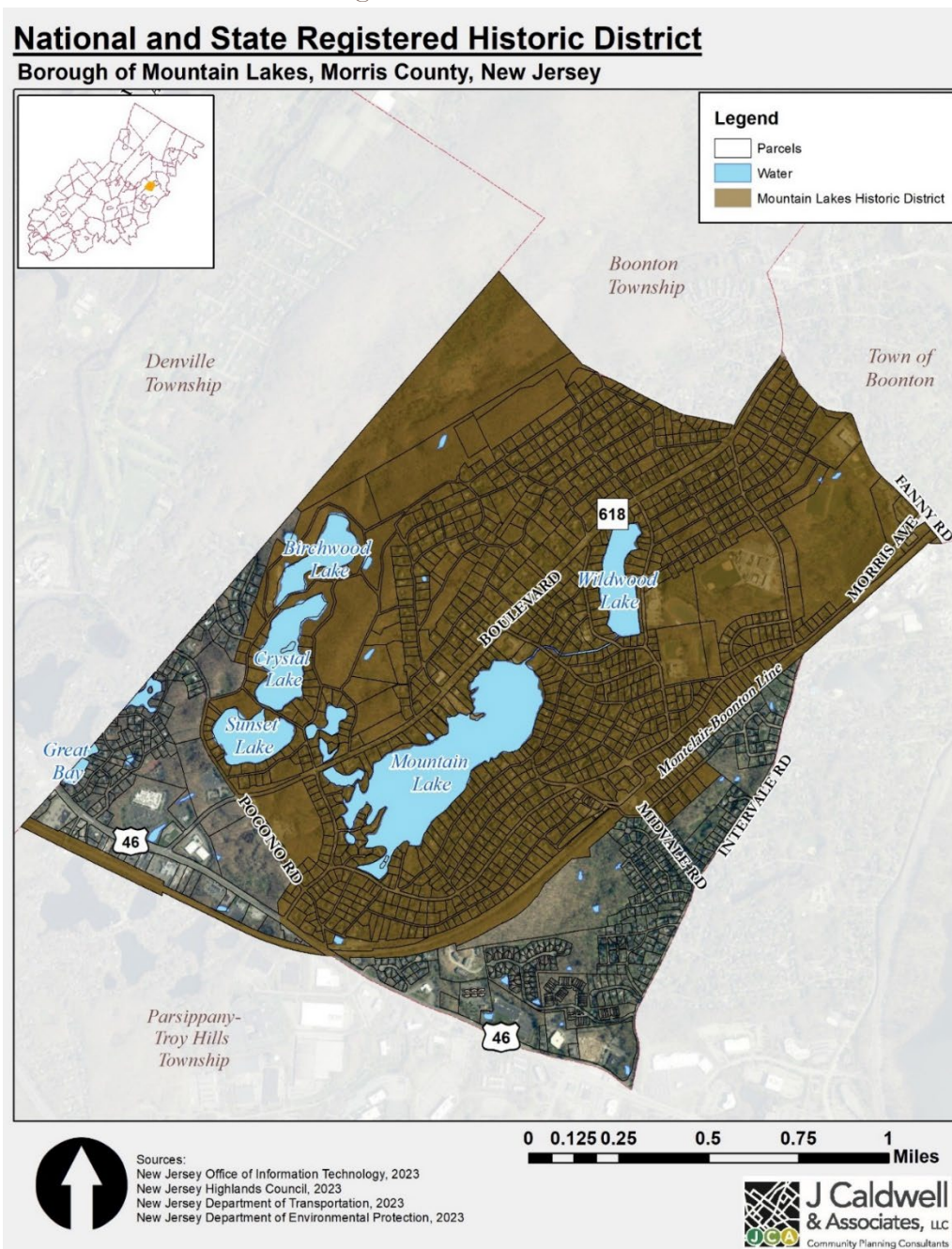
# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

### C. Cultural Resources

The Borough of Mountain Lakes, as a planned community, along with its program to protect the open space of the municipality has also taken great care in preserving the historical integrity of the homes and other significant structures which comprise the community. In order to protect its cultural resources, the majority of the Borough of Mountain Lakes became a historic district listed on the State Register in July of 2005 and the National Register of Historic Places in September 2005. **Exhibit 7** identifies the registered historic buildings in the Borough. Historic sites within the Borough include the Community Church (1914), St. Peter's Episcopal Church (1926), the Boulevard Trees (1930's), Lake Drive School (1914), and the Mountain Lakes Club (1914).

*Exhibit 6. National and State Registered Historic District*



# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

The National Register of Historic Places is the nation's official list of cultural resources worthy of preservation. The National Register was authorized under the National Historic Preservation Act of 1966 to coordinate and support public and private efforts to identify, evaluate and protect our historic and archeological resources. The register, administered by the National Parks Service (part of the U.S. Department of the Interior), is meant to protect properties that are significant in American history, architecture, archeology, engineering or culture. The State Register of Historic Places is a similar program to the National Register and is operated out of the State Historic Preservation Office in Trenton.

The application for Mountain Lakes to be included into the National Historic Registry included the following number of resources which were listed to be a part of the historic district and the following number of buildings were listed to be part of the historic district:

| Resource     | Contributing | Not Contributing | Total        |
|--------------|--------------|------------------|--------------|
| Buildings    | 738          | 444              | 1,182        |
| Sites        | 43           | 0                | 43           |
| Structures   | 306          | 100              | 406          |
| <b>Total</b> | <b>1,087</b> | <b>544</b>       | <b>1,631</b> |

Of the buildings listed, that there are a total of 504 buildings which contribute to the historic district. There are also another 22 dwellings that are contributing which were added as part of the ordinance update of 2017. Those buildings are designated as Hapgoods, Belhalls and other buildings which were misidentified as part of the original historic registration form for the contributing dwellings. Characteristics of each of these style buildings are discussed in greater detail starting on page 37 of this report. The following table shows the distribution of these buildings which contribute to the district.

| Building Type | Contributing Dwellings |
|---------------|------------------------|
| Hapgoods      | 417                    |
| Belhalls      | 61                     |
| Other         | 26                     |
| <b>Total</b>  | <b>504</b>             |

Below (**Exhibit 8**) is a general representation of the location of the contributing buildings within Mountain Lakes.



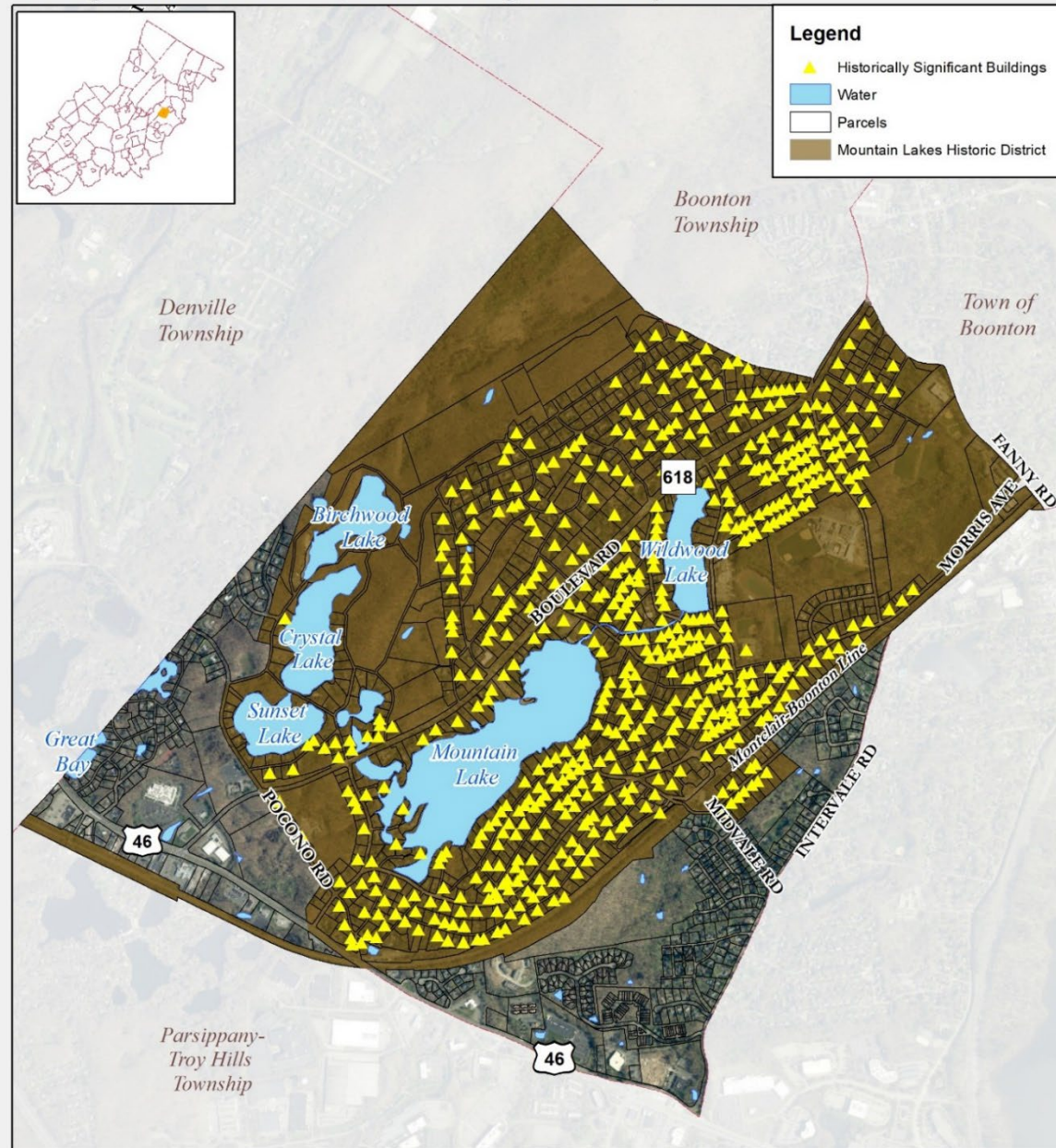
# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

Exhibit 7. Historically Significant Buildings in the Historic District

### Historically Significant Buildings in Historic District

Borough of Mountain Lakes, Morris County, New Jersey



Sources:  
New Jersey Office of Information Technology, 2023  
New Jersey Highlands Council, 2023  
New Jersey Department of Transportation, 2023  
New Jersey Department of Environmental Protection, 2023

0 0.125 0.25 0.5 0.75 1 Miles

**J Caldwell**  
& Associates, LLC  
Community Planning Consultants



# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

Mountain Lakes qualifies as a historic district under two levels of significance, the first being its significance to community planning and development as a planned residential park suburb. The secondary criteria include the Borough's architectural significance for the concentration of Craftsman Style homes present in the municipality. The Borough is also home to several important community and publicly-owned historic structures including: the Community Church (1914), St. Peter's Episcopal Church (1926), Lake Drive School (1914), the Mountain Lakes Train Station (1912) and the Mountain Lakes Club (1914).

### *An Ideal Planned Community*

The planned residential park suburb was designed in the early 1900's by the developer Herbert J. Hapgood and landscape designer Arthur Holton, and the Borough's unique identity has remained to this day. This is visible in the Borough's retention of narrow, meandering streets flanked by houses with large setbacks from the roads even despite continuing residential development that may not be historic. Shortly after the first residents moved into the Borough, the Mountain Lakes Railroad Station was completed and provided direct access to New York City. In addition to that commute, the presence of this station drew in prospective residents and seasonal visitors. The Mountain Lakes Train Station is currently a Borough-owned property occupied by the Station at Mountain Lakes Restaurant.

### *Architectural Significance*

Mountain Lakes residential development combines a number of practical features from several architectural styles but still remains unique with regards to the time of construction. While the residences have a homogeneity and architectural significance, there is a greater significance based on how they interrelate with each other. It is the collection of craftsman homes located within a small planned community which makes Mountain Lakes an important historically significant area.

There are two specific styles of homes that are of importance and significance within the Borough. The first are Hapgood Homes, which were constructed by Herbert J. Hapgood between 1910 and 1923. The second are Belhall Homes, which were constructed between 1923 and 1930. The Belhall Homes are smaller residences that incorporate eclectic ornamentation including Tudor Revival, Colonial Revival and Craftsman styles.

### *Hapgood Homes*

Herbert Hapgood incorporated eclectic architectural stylings consistent with the Craftsman architectural style with Colonial Revival influences. The Craftsman style, born out of the English Arts and Crafts movements of the 19<sup>th</sup> century, emphasized a simple approach to design with an honest expression of the materials used. Hapgood houses fall into two primary style designations: Craftsman and Craftsman Tudor Revival. The Craftsman style was used for the majority of Hapgood houses. The largest number of houses built during Hapgood's years are large, predominately stucco dwellings. The houses have Craftsman features such as deep, overhanging eaves, boulder stone foundations and chimneys, open porches on the first floor and sleeping porches on the second, and a horizontal emphasis delineated by string courses between the first and second floor. Typically, a Craftsman home would be just 1 ½ stories, but the Mountain Lakes version is more often 2 ½ stories high.

Craftsman Tudor Revival refers to a particular variant of Hapgood Craftsman style. In addition to the elements in common with the Craftsman style houses, these houses have a representation of half-timbering, typically only on the second floor. When there is any division of the facade into sections with vertical, horizontal or diagonal sections, this house is termed Craftsman Tudor Revival.

### Belhall Houses

The Belhall houses are small in plan, about 750 square feet on the first floor. Normally, they are 1 ½-stories high, with some 2-stories. There are no 2 ½-story Belhall homes. A common plan includes an entry leading directly into a living room, with a dining room and a kitchen at the rear of the house. The side of a Belhall house typically contains a secondary entry porch with a breezeway connecting to a single car garage. This breezeway is one story and enclosed. The second floor normally has three small bedrooms and one bath. If there is an entry porch it is usually quite small.

The Belhall homes differ from Hapgood homes in several ways. First, they are smaller than all Hapgoods in plan and volume with the exception of Hapgood's Foursquare one plans. Secondly, their detailing is closer to the styles they represent—Craftsman, Colonial Revival, and Tudor Revival. Lastly, the garage is integrated into the house plan and attached to the house at the level of the first floor. Belhall dwellings were designed for the owners to own a car and to enter the home from the garage as often as the front door.

### Protections

The Borough of Mountain Lakes values the unique aspects of the community that provide both historic and cultural assets. As a result, the Borough went beyond registering historic and cultural resources on the National and State Registers of Historic Places. In order to ensure the preservation of these structures and maintain the character of the community, in 2012, the Borough Council approved an ordinance designed to encourage preservation and discourage the demolition of the Mountain Lakes original historic buildings aimed primarily at residential homeowners.

Typically, historic preservation ordinances in New Jersey grant broad power to a historic commission to regulate alterations and demolitions within a historic district; however, the Borough's ordinance operates based on incentives. This allows historic homeowners to increase the size of their homes significantly under the existing zoning ordinance without the need for zoning variances, as long as they maintain the character of the historic home. New limitations on how an owner can ultimately utilize their property are bypassed as a trade-off for not altering the historic character of the home. There are limitations on the types of alterations permitted, which are intended as a the minimum necessary to maintain the historic "streetscape" of the community. The permitted alterations are left to the property owner's architect to evaluate and confirm.

The historic preservation ordinance was developed in response to an increase in demolitions of historic Hapgood and Belhall homes. The number of losses by demolition and fire over the 20 years prior to the adoption of the ordinance were significant. Lost historic homes doubled from those that occurred over the 80 years prior. The ordinance proposes incentives that the Borough hopes will sufficiently enhance

the value of the Borough's original homes so that current and future owners will be discouraged from demolishing these homes and losing the benefits provided by the ordinance.

While there may be instances where an owner wishes to demolish an existing historic home, the ordinance does provide a 90-day notice period to provide an opportunity for the owner to learn about the benefits which will be lost if the home were demolished, allowing for the home to be documented in the historic record before the demolition in order to preserve the record and heritage of the site and lost asset.

In 2017, the Borough Council adopted changes to the historic preservation incentives ordinance in order to encourage owners of historic homes to preserve and invest in maintaining their homes. The changes were as a result of input from Borough officials, architects, builders, and others who have worked with the ordinance since its original adoption in 2012.

## 5. Consistencies and Inconsistencies

### A. Consistencies

The policies of Mountain Lakes and those of the Regional Master Plan (RMP) are generally consistent with one another. Mountain Lakes primary goals to preserve the traditional character of the Borough along with its commitment to preserving open space and natural resources are consistent with the RMP. This is evidenced by the fact that almost all the land within the Borough which is located in the Highlands Protection Zone is municipally zoned for conservation and preserved open space. These lands primarily consist of the Richard Wilcox Municipal Park and Birchwood Lake.

The rest of the Borough is located in the Existing Community Zone and its Environmentally Constrained and Lake Community Subzones. Many of the Environmentally Constrained Subzone areas are also in Conservation Zones within the Borough and/or are publicly owned open spaces, parks, or public-school properties. Of the remaining areas that fall in these zones, specifically the Environmentally Constrained Zone, are parcels which have reached their development capacity, resulting in very few vacant parcels within the municipality that are large enough and otherwise appropriate to support development. Integrating the goals of the RMP could help preserve said parcels further to protect the general character of the Borough and the quality of the groundwater resources.

While goals and objectives vary between the Highlands RMP and the Borough, the overall objectives of Mountain Lakes to manage growth and preserve open space, specifically, environmentally constrained open space and open water resources, are consistent with the RMP.

### B. Inconsistencies

The primary difference between the Mountain Lakes Master Plan and the RMP is that the RMP focuses exclusively on environmental protection of the Highlands Region while the Borough's plan has a much smaller and more specific scope, as a municipal master plan. While both plans encourage appropriate redevelopment within existing communities, the RMP's environmental protection goals cannot account for specific properties within the Borough. Potential inconsistencies between the Borough's plan and the RMP are minor in nature, considering that any limitations the RMP may impose generally would apply only to large undeveloped areas and properties. Alternatively, when properties are already developed,

one or more Highlands Exemptions typically apply (see Appendix B for the Highlands Model Exemption Ordinance).

Most of the Borough's existing developed properties are designated Existing Community Zone, but a few are designated as being within the Environmentally Constrained Sub-Zone. Issues may potentially arise if property owners wish to expand or extend the public water supply to accommodate any additional development. Some Environmentally Constrained Sub-Zone areas may be further refined if areas have been developed since the time of the initial mapping. Specifically, sites where this has occurred include the Enclave at Mountain Lakes and the Sunrise of Mountain Lakes Assisted Living Facility, both of which are situated in the southeastern corner of the Borough near Route 46. This can be accomplished through RMP updates, where mapping of environmentally constrained areas is updated with new information. The potential for conflicts appears to be insignificant.

## 6. Highlands Center Designation

A Highlands Center is an area delineated through a cooperative process with the Highlands Council in coordination with a Petition for Planning Area Conformance. Development and redevelopment are supported and encouraged within a Highlands Center in order to promote economic development and balance growth within the Highlands Region. The Land Use Capability Zones do not apply within the boundaries of a Highlands Center. The designation of the center boundary is developed through a comprehensive planning process that allows flexibility in creating a tailored development plan for the Center. Highlands Center Designation is incorporated into the Plan Conformance petition process and results in the development of specific regulations for the center to promote appropriate development in the context of community goals and the RMP. The Borough's commercial corridor along Route 46 and the Borough's historic neighborhood commercial area around the train station are two areas where a Highlands Center Designation could be considered with a Planning Area Petition in order to minimize concerns over conflicts with development and redevelopment goals in the Borough's non-residential areas.

## 7. Benefits of Plan Conformance

The Highlands Council provides for voluntary Plan Conformance in the Highlands Planning Area with the goal of achieving a regional approach to land use planning and to promote coordinated efforts to protect valuable environmental and cultural resources in the Highlands Region. The Highlands Act provides benefits to municipalities that go through Plan Conformance with the RMP. Conforming municipalities are eligible for the following benefits:

### **(a) Planning Grants and Technical Assistance:**

1. The Highlands Council shall make grant funds and other financial and technical assistance available to Highlands municipalities and counties for the reasonable costs of any revision of their master plans, development regulations, or other regulations or plans which are designed to further

the Goals, Policies and Objectives of the RMP or for the implementation of a Transfer of Development Rights program pursuant to the Highlands Act.

2. Plan Conformance grants shall be awarded to municipalities and counties through the approval of a resolution by the Highlands Council. The Council shall provide grant funds for all mandatory aspects of Plan Conformance and may also provide grant funds for discretionary aspects of Plan Conformance as determined by the Council.

**(b) State Aid and Assistance for Smart Growth:**

1. Highlands municipalities and counties approved by the Highlands Council as being in conformance with the RMP shall qualify for all State aid, planning assistance, technical assistance, and other State-provided benefits and incentives that may be awarded or provided to municipalities and counties which have received Plan Endorsement from the State Planning Commission or have otherwise been acknowledged by the State as practicing or implementing smart growth strategies and principles. These benefits apply to any conforming municipality in the Preservation Area, and the State Planning Commission has endorsed the RMP so that municipalities that conform in the Planning Area receive all of the benefits of Plan Endorsement. Any such municipality or county shall also qualify for any State aid that may be provided for smart growth projects.
2. Any municipality or county may include in its Petition for Plan Conformance a listing of priority projects or other matters that are fundamental to the provision, improvement, enhancement, or restoration of infrastructure, public facilities, or other matters that may require the funding, implementation, or active participation of a State agency. The Highlands Council may act to coordinate such matters with the appropriate State agency, where such action is consistent with the RMP, to gain agreements with the appropriate State agency to facilitate, approve, fund, or take other actions necessary to implement the matter of local priority.

**(c) Strong Presumption of Validity, Extraordinary Deference, and Burden of Proof.** The master plan and development regulations of any municipality and the county master plan and associated regulations of any county which have been approved by the Highlands Council as in conformance with the RMP shall be entitled to a strong presumption of validity. In any cause of action filed against such a local government unit and contesting an action or decision of the local government unit taken or made under authority granted pursuant to the Municipal Land Use Law, the State Uniform Construction Code Act, or the Highlands Act, the Highlands Act requires that the court shall give extraordinary deference to the local government unit, provided that the municipal or county master plan and associated regulations have been approved by the Highlands Council as being in conformance with the RMP. The plaintiff shall have the burden of proof to demonstrate by clear and convincing evidence that the act or decision of any such local government unit was arbitrary, capricious, or unreasonable or in patent abuse of discretion.

**(d) Legal Representation.** The Highlands Council shall provide legal representation to any requesting local government unit located in the Highlands Region in any cause of action filed against the local government unit and contesting an action or decision of the local government unit taken or made under

authority granted pursuant to the Municipal Land Use Law, the State Uniform Construction Code Act, or the Highlands Act, provided that:

1. The municipal or county master plan and associated regulations that have been adopted by the municipality or county, approved by the Highlands Council as being in conformance with the RMP and the master plan or associated regulations are the subject of the cause of action filed against the local government unit;
2. The Highlands Council determines that the act or decision of the local government unit which is the subject of the cause of action is consistent with the RMP;
3. The act or decision of the local government unit that is the subject of the cause of action involves an Application for Development that provides for the ultimate disturbance of two acres or more of land or a cumulative increase in impervious surface by one acre or more; and
4. In the case of a Planning Area municipality, the municipality shall have adopted a Planning Area Petition Ordinance.

**(e) Plan Conformance deemed equivalent to State Plan Endorsement.** Any municipality or county or portion thereof located in the Preservation Area shall be exempt from the plan endorsement process established in the rules and regulations adopted by the State Planning Commission. The State Planning Commission has endorsed the RMP adopted by the Highlands Council, so that Highlands Council approval of any municipal master plan and development regulations or county master plan and associated regulations through the Plan Conformance process, for lands in the Planning Area, shall be deemed the equivalent of having those plans endorsed by the State Planning Commission and such entities shall be entitled to any applicable plan endorsement benefits.

## 8. Summary

Mountain Lakes is a unique community in that it is a small, fully developed community with a rich history that is defined by its lakes and Borough-owned open space land. The Borough has also made an effort in recent years to address the constitutional obligation to provide its “fair share” of affordable housing to the extent feasible which has been a driver in recent development efforts. Most of the development efforts which have occurred have been completed in the RMP’s Existing Community Zone Constrained Areas as there were few other available pieces of land.

Working with the Highlands Council through Plan Conformance would help the Borough continue to protect and preserve valuable resources within the community, which would be consistent with both the Borough’s and the RMP’s goals and objectives. Plan Conformance could also help the Borough achieve its objectives of protecting and enhancing its environmental resources including the lakes, aquifers and parkland into the future by providing for Highlands grants, technical assistance and state aid. Designating a Highlands Center within the Borough offers a method for selecting an area to promote development and redevelopment while preserving and protecting the Borough’s residential neighborhoods. Consideration of a Highlands Center Designation may assist Mountain Lakes in continuing to promote development and redevelopment in select areas of the Borough. Overall, Plan Conformance is likely to assist Mountain Lakes maintains its community character and natural and historic resources.



**Appendix A: Lake Management Area Standards**

### Lake Management Areas

#### Issue Overview:

The RMP provides for the protection and enhancement of Highlands Lakes and their environs, including Highlands lake communities. Overbuilt, damaged and poorly managed shoreland areas can result in the degradation of water quality, harm to the lake ecosystem, the decrease of natural aesthetic values, and the overall loss of property values for lake communities. Lakes can be harmed by pollutant sources in the watershed area draining to them. Most existing lake communities were built out prior to modern environmental requirements. Some have sewer systems, but many rely on septic systems (or even cesspools) on inadequately sized lots. Studies indicate that nearly every public lake (privately owned lakes were not evaluated) in the Highlands is experiencing contamination, often including excessive bacteria and nutrients. Many lake communities have been experiencing intensifying land uses as the original buildings are torn down and replaced by larger structures. The Council seeks to identify redevelopment opportunities to improve community character and value, to both protect natural resources and to enhance and restore the quality of lake environments in the Region.

As discussed in Chapter 3 under the Land Use Capability Zone Map section, the Council has developed a Lake Community Sub-Zone. This sub-zone consists of patterns of community development that are within the ECZ within 1,000 feet of lakes. By definition, lakes within this sub-zone are developed or heavily developed lakes. Developed lakes face particular challenges as compared with undeveloped lake areas. They tend to be shallower in locations that receive sediment loadings, they often feature extensively hardscaped shorelines with limited natural vegetation, and they are frequently more eutrophic than undeveloped lakes. Developed lakes tend to receive higher phosphorous loads due to the fact that urban watersheds produce higher unit area phosphorous loads from stormwater, compared to lesser developed watersheds. In addition, most urban watersheds produce significant secondary phosphorous loads from a diverse range of sources including municipal wastewater discharges, failing septic systems, and sewage overflows.

#### Program Summary:

This program seeks to protect, restore and enhance the water quality of Highlands lakes and to protect the unique character of Highlands lake communities. It facilitates land use and water resource planning on the basis of lake management tiers:

- A Shoreland Protection Tier consisting of an area measured 300 feet or the first public road perpendicular to the shoreline of the lake
- A Water Quality Management Tier consisting of an area measured 1,000 feet perpendicular from the shoreline of the lake, including the shoreland protection tier;
- A Scenic Resources Tier consisting of an area measured 300 to 1,000 feet perpendicular from the shoreline of the lake, scaled based upon the view distance from the opposite shoreline, and determined through the size and layout of the lake and the topography of the land area, with wider portions of lakes and greater topographic relief having longer view distances
- A Lake Watershed Tier consisting of the entire land area draining to the lake.

In this Lakes Management program, the Council seeks to stringently protect lakes in the Protection and Conservation Zone from future development and to maintain those lakes in their natural condition. In the already developed lake areas of the Lake Community Sub-Zone, the underlying goal is to protect lake water quality and habitat from impacts resulting from the built environment and to ensure that any redevelopment maintains the character of existing Highlands lake communities. Thus, while the majority of the standards presented herein are stringent standards geared to new development in undeveloped lake areas, there are also standards that are common to both undeveloped and developed lakes (primarily in the Water Quality Management tier), and there

# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

are standards that are unique to the Lake Community Sub-Zone that solely address developed lake areas. With respect to these standards and ongoing management issues related to lakes in the Lake Community Sub-Zone, the Highlands Council will coordinate with individual lake commissions and with lake associations where they exist.

The program also includes a lake and dam protection and enhancement component and a homeowner's educational brochure and awards program component.

### **GOAL 1L: protection of highlands region lakes from the impacts of present and future development.**

The management of lands surrounding lakes is an important issue for the Highlands Region. Overdeveloped, damaged, and poorly managed shoreland areas can result in the degradation of water quality, harm the lake ecosystem, decrease natural aesthetic values, and cause an overall loss of property values for lake communities. Lakes can be harmed by pollutant sources in the watershed area draining to them. Polluted lakes can, in turn, damage downstream streams and rivers. Most existing lake communities are fully built out, predate modern environmental protection requirements, and have limited potential for major land use changes. Some have sewer systems, but many rely on septic systems (or even cesspools) on inadequately sized lots, where direct contamination of the lakes is possible. Past NJDEP studies indicate that nearly every public lake (privately-owned lakes were not evaluated) is experiencing unacceptable contamination, often including excessive bacteria and nutrients. In addition, many lake communities have been evolving from summer communities to year-round communities, and many are experiencing greatly intensified land uses as the original buildings are torn down and replaced by much larger structures. Addressing land uses within lake communities allows for potential opportunities to improve community value, to protect the cultural and historic resources often associated with lake communities, to protect natural resources and enhance and restore the quality of lake environments in the Region, and in some cases, to allow for in-fill development where appropriate.

**Policy 1L1:** To establish a Lake Management Area around all Highlands Region lakes of greater than ten acres in size.

**Policy 1L2:** To establish tiers of lake management appropriate to management strategies that help protect lake water quality and community value from the impacts of present and future development.

**Objective 1L2a:** Lake management programs shall use the following management tiers around all Highlands Region lakes of greater than ten acres in size:

- A Shoreland Protection Tier consisting of an area measured 300 foot or the first property line perpendicular from the shoreline of the lake;
- A Water Quality Management Tier consisting of an area measured 1,000 foot perpendicular from the shoreline of the lake, including the Shoreland Protection Tier;
- A Scenic Resources Tier consisting of an area measured 300 to 1,000 foot perpendicular from the shoreline of the lake, scaled based upon the view distance from the opposite shoreline, and determined through the size and layout of the lake, with wider portions of lakes having longer view distances; and
- A Lake Watershed Tier consisting of the entire land area draining to the lake, through the evaluation of drainage areas using LiDAR topographic analyses or other topographic data where LiDAR data are not available.

**Policy 1L3:** To establish unique standards (as compared to lakes within the Protection and Conservation Zones) for the Lake Community Sub-Zone within the ECZ within 1,000 feet of lakes, particularly with respect to the Shoreline Protection Tier, to prevent degradation of water quality, harm to lake ecosystems, and promote aesthetic values within the ECZ.

**Policy 1L4:** To establish and implement management strategies to help protect lake water quality and ecosystem values from the impacts of present and future development for all lakes.

**Objective 1L4a:** Implementation of standards through Plan Conformance regarding lake ecosystem and water quality in the Shoreland Protection Tier to address direct and proximate impacts upon the lake, including but not limited to shoreline modification and development (including limits to the hardscaping of shorelines using bulkheads, rip-rap, and walls), docks, piers, boathouses, dredging, vegetation removal, and increased impervious cover. Pollutant discharges shall also be addressed, including the potential for contamination from septic systems, cesspools and other wastewater management systems within the tier that are failing or are inadequately designed and constructed. As such systems fail, landowners should be required to provide upgraded treatment (whether on-site or through public or community systems) to minimize pollutant movement to the lake. Standards for the Lake Community Sub-Zone and for the Protection and Conservation Zones may be distinct to the extent necessary to recognize the existence of significant development within the Lake Community Sub-Zone.

**Objective 1L4b:** Implementation of standards through Plan Conformance regarding land use compatibility and water quality in the Water Quality Management Tier, to prevent or minimize continuous pollutant sources that can contribute pollutants overland or through ground water to the lake from greater distances than the Shoreland Protection Tier.

**Objective 1L4c:** Implementation of standards through Plan Conformance regarding the protection of visual and scenic resources in the Scenic Resources Tier, including but not limited to requirements for vegetative screening of buildings, building height limitations, and limits on tree and understory removal for reasons other than public health and safety or as the minimum necessary to make reasonable use of the designated building envelope for the parcel proposed for development. Standards for the Lake Community Sub-Zone and for the Protection and Conservation Zones may be distinct to the extent necessary to recognize the existence of significant development within the Lake Community Sub-Zone.

**Objective 1L4d:** Implementation of lake restoration plans to restore, protect and, where possible, enhance lake water quality through management of pollutant sources in the Lake Watershed Tier, including but not limited to the development, adoption and implementation of TMDLs by the NJDEP pursuant to the Water Quality Management Planning Rules, N.J.A.C. 7:15. Ongoing coordination will be undertaken with the Greenwood Lake and Lake Hopatcong Commissions as well as individual lake associations, as appropriate, regarding lake management issues.

**Policy 1L5:** To require that conforming municipalities adopt and implement for all lakes the standards applicable to the Shoreland Protection and Water Quality Management Tiers; the standards applicable to the scenic resources tier shall be adopted and implemented for all public lakes (e.g., with shorelines that are not entirely privately-held and managed through a lake association), and for privately-held lakes to the extent feasible under law, recognizing the existence of previously approved lake community development plans.

**Objective 1L5a:** Shoreland Protection and Water Quality Management Tier requirements shall apply to all new development, regardless of lake ownership.

**Objective 1L5b:** Scenic Resource Tier requirements shall apply to all lakes with public access and to lakes with no public access that are not entirely managed by a single homeowner or lake

community association. For lakes that are privately-held and managed by a single homeowner or lake community association, the scenic resource tier requirements shall be voluntary.

**Policy 1L6:** To require that conforming municipalities develop and adopt lake restoration plans, with sufficient input from lake community residents and landowners, for each of the municipality's developed lakes that has been identified as water quality impaired, to include watershed delineation, description of point and nonpoint sources of pollution in the watershed, lake monitoring schedules, existing and proposed in-lake management techniques, and recommended watershed best management practices. TMDLs adopted by the NJDEP to address known pollution problems may be used as lake restoration plans. For lakes that are privately held and managed by a single homeowners or lake community association, the municipality may require that the association share in or assume the costs of developing such plans.

**Objective 1L6a:** Provide Lake Management Plan guidance to municipalities that includes watershed delineation mapping methodology, point and nonpoint source pollution references, example lake monitoring schedule with monitoring goals and methods, existing successful in-lake management techniques, and best management practices.

**Objective 1L6b:** Septic systems and cesspools on small lots in close proximity to lakes shall be replaced with upgraded individual treatment systems, communal septic systems or community-based wastewater systems wherever feasible and cost-effective, with the selection of replacement technology to ensure minimal secondary impacts, including potential reductions in net water availability, maximum environmental benefit, and financial viability. Community-based systems should not provide for additional land development capacity except for exempt lots within that existing lake community that are not environmentally constrained, or for areas that are otherwise permitted to have wastewater service under the Goals, Policies, and Objectives in Part 2, Subpart D, Sustainable Development, and Water Resources.

### **GOAL 1M: Protect the unique character of highlands lake communities.**

**Policy 1M1:** To provide guidance regarding evaluation of and standards for lake character and aesthetics that shall be adopted by municipal ordinance for application to public lakes, or that may be voluntarily adopted by privately-owned lake communities within their by-laws and regulations.

**Policy 1M2:** To encourage increased public access to publicly-owned lakes, within the lake's carrying capacity and while maintaining the lake character.

**Policy 1M3:** To discourage or control teardowns that result in altered lake community character, and the potential loss of historic and cultural values, and to encourage community-supported limitations in lot coverage and building height for new construction.

**Policy 1M4:** To establish and implement performance and development standards through local development review and Highlands Project Review for shoreline uses which achieve compatibility among shoreline activities and nearby neighborhoods.

**Policy 1M5:** To encourage municipalities to utilize recreational sites as opportunities to educate the public regarding the ecological value of lake environs.

**Policy 1M6:** To encourage municipalities to explore appropriate means to provide public recreation at the shoreline and on the water while ensuring retention of opportunities for passive recreation (e.g., natural areas, open space).

### **GOAL 1N: Maintain public and private lakes, or restore lake beds and down-stream areas when lakes are drained.**

**Policy 1N1:** To develop innovative financing and administrative mechanisms for the maintenance and operation of public and private dams and lakes, where those dams and lakes provide a continuing public or private purpose.

**Policy 1N2:** To restore appropriate habitats in the lake beds and to prevent, mitigate, or restore downstream habitats from damages due to lake drainage, when dams are allowed to fail or are deliberately breached or removed.

### **Standards for Lake Management Tiers**

#### **Shoreland Protection Tier**

The Highlands Council will establish standards regarding lake ecosystem and water quality in the shoreland protection tier to address direct and proximate impacts upon the lake. Such standards include, but are not limited to, the following:

1. Alteration of the shorelines shall be limited to the minimum disturbance necessary to provide for water dependent recreational uses such as beaches, docks and boat houses, generally limited to 10% or 25 feet of the shoreline of any parcel proposed for development, but subject to modification in the Lake Community Sub-Zone, to limitations more appropriate to specific lakes.
2. Where shorelines have already been hardscaped with bulkheads, rip-rap, or walls in the Lake Community Sub-Zone, encourage the creation of a vegetated filter strip along the shoreline to attenuate stormwater flow and minimize the potential for shoreline erosion.



3. Where there is little or no wave action, reeds and other wetland species that are below the high water mark shall be preserved or restored. In the Lake Community Sub-Zone, permit and encourage the control and where necessary removal of algae and non-native invasive aquatic weeds that cause nuisance conditions for lake users.
4. Existing shoreland vegetation within 50 feet of the shoreline shall be protected and preserved except for a minimum area permitted, established through municipal development regulations, for water dependent recreational facilities. Limitations should be more stringent for the first 25 feet. Restoration of native vegetation shall be required where development is proposed on property with existing disturbed areas within 25 feet of the shoreline.
5. No new structure other than water dependent recreational facilities shall be constructed within fifty (50) feet of the shoreline.
6. In all zones, the width and length of piers and docks shall be controlled in municipal development regulations to achieve the minimum disturbance of shoreline, shoreline vegetation and wetlands vegetation possible with due consideration to safety, including provisions for piers and docks held in common to reduce the total number of new docks and piers.
7. Boat lifts, where used in any zone, shall be encouraged as a means of providing more light to the waters below and shall elevate boats a minimum of one foot above high water.

Development adjacent to Highlands lakes, which are Highlands Open Waters, shall include a protection buffer of 300 feet from the edge of Highlands Open Waters feature, or a lesser buffer if allowed based on RMP policies (see GOAL 1D), and all development shall comply with buffer standards which provide for the protection of Highlands Open Waters. Structures or other land improvements existing within a protection buffer before August 10, 2004 may remain, provided that the area of disturbance is not increased other than through Highlands Act exemptions or waivers.

### **Water Quality Management Tier**

The Highlands Council will establish standards regarding land use compatibility and water quality in the water quality management tier to prevent or reduce continuous pollutant sources that can contribute pollutants overland or through ground water to the lake from greater distances than the shoreland protection tier. Such standards include, but are not limited to, the following:

1. All parcels of land proposed for development shall be improved with landscape or garden elements which retain stormwater.
2. Require for all new development (and encourage for existing development in the Lake Community Sub-Zone), that runoff from roofs, driveways and patios shall be directed into landscape or garden elements which retain and filter stormwater, or to infiltration practices.
3. Green roofs are strongly encouraged in all zones to clean and slow the release of stormwater.
4. To the extent possible, impervious surfaces in all zones should drain away from the shoreline.
5. Stormwater should be directed to a stormwater management train that cleans and reduces the rate of runoff to the maximum extent possible in all zones.
6. To the maximum extent practicable in all zones the stormwater management train should maximize the use of swales with natural vegetation or constructed wetlands and discharge through a constructed wetland or other channel that maximizes aeration and cleaning of the water.
7. Stormwater improvements shall be designed in accordance with the NJDEP regulations at N.J.A.C. 7:8 or the municipal stormwater management ordinance or regional stormwater management plan adopted as part of an Areawide Water Quality Management Plan (WQMP) where more stringent.
8. Where sufficient land is available in all zones, natural swales, constructed wetlands, and other stormwater facilities shall be used.

9. To the extent possible in all zones, landscape or garden elements which retain stormwater shall be designed so that during larger storms, the water is released primarily through overland sheet flow across a vegetated, naturally landscaped area.
10. The discharge of stormwater shall, wherever feasible in all zones, be through sheet flow which may require the construction of an outlet that disperses the water over a substantial distance at a constant elevation so that water sheet flows over the top.
11. Septic systems for new development within the Lake Management Area must comply with the septic system density requirements, for the particular Land Use Capability Zone, with septic systems no closer to the lake than the Highlands Open Waters Buffer or 150 feet, whichever is greater; clustering shall be permitted where it results in a greater buffer between the lake and the septic systems than would be feasible without clustering.
12. In the Lake Community Sub-Zone, require that septic systems and cesspools on small lots in close proximity to lakes, be replaced with upgraded individual treatment systems, communal septic systems, or community-based wastewater systems wherever feasible and cost-effective, with the selection of replacement technology to ensure minimal secondary environmental impacts, maximum environmental benefit, and financial viability.
13. Where the existing density of septic systems within a Lake Community Sub-Zone is known or strongly suspected to be a significant contributor of lake pollutants, community wastewater treatments shall service parcels of lands within the Lake Community Sub-Zone wherever feasible in order to eliminate pollution of lakes by discharges from septic systems. Community-based systems should not provide for additional land development capacity except for exempt lots within that existing lake community that are not environmentally constrained, or for areas that are otherwise permitted to have wastewater service. The systems must be designed to minimize secondary environmental impacts, including potential reductions in net water availability.

### **Scenic Resources Tier**

The Highlands Council will establish standards regarding the protection of visual and scenic resources in the Scenic Resources Tier from development or redevelopment (including redevelopment within the Lake Community Sub-Zone) that include, but are not limited to, the following:

1. Building heights should be limited so that the top of a building does not exceed thirty-five (35) feet except in Designated Centers where a greater height is in keeping with existing community design.
2. All buildings shall be screened from view from a lake by trees and other natural plant material, to the extent practicable.
3. The exteriors of all new or redeveloped buildings shall be finished with materials which are compatible with a natural or historical character of the Highlands Region.
4. New buildings shall be prohibited within areas which are Severely Constrained Slopes and Moderately Constrained Slopes.
5. Clearing of trees should be limited to the minimum area needed for the development of a site.
6. Outdoor lighting should be provided by cut-off fixtures directed away from the shoreline.

**Appendix B: Highlands Model Exemption Ordinance**

# **MODEL HIGHLANDS AREA EXEMPTION ORDINANCE**

**A Supplement to the Land Use Ordinances of**

**BOROUGH/TOWNSHIP/TOWN OF \_\_\_\_\_  
\_\_\_\_\_ COUNTY, NEW JERSEY**

**DRAFT for submission to the New Jersey Highlands Water  
Protection and Planning Council**

**DATE: \_\_\_\_\_, 2013**

This document is based on a model Highlands Area Exemption Ordinance prepared and provided to Highlands municipalities by the New Jersey Highlands Water Protection and Planning Council.

# Table of Contents

|            |   |    |
|------------|---|----|
| Article 1. | Title, Purpose, Scope.....  | 1  |
| § 1.1      | Title.....  | 1  |
| § 1.2      | Purpose .....   | 1  |
| § 1.3      | Scope/Applicability .....   | 1  |
| § 1.4      | Statutory Authority .....   | 1  |
| § 1.5      | Severability .....  | 2  |
| § 1.6      | Effective Date .....  | 2  |
| Article 2. | Definitions .....   | 3  |
| § 2.1      | Word Usage .....  | 3  |
| § 2.2      | Definitions .....   | 3  |
| Article 3. | Geographic Area of Applicability .....                              | 7  |
| § 3.1      | Highlands Planning Area and Preservation Area.....                  | 7  |
| § 3.1.1    | Highlands Area.....   | 7  |
| § 3.1.2    | Applicability Specified.....  | 7  |
| Article 4. | Highlands Act Exemption Determinations .....                        | 8  |
| § 4.1      | Highlands Act Exemptions.....                                       | 8  |
| § 4.1.1    | State Agency Exemption Determination.....                           | 8  |
| § 4.1.2    | Municipal Exemption Determination .....                             | 8  |
| § 4.2      | Highlands Act Exemptions Eligible for Municipal Determination ..... | 8  |
| § 4.3      | Exemption Designee(s) .....   | 10 |
| § 4.3.1    | Updates to Training Certification .....                             | 10 |
| § 4.3.2    | Interim Determinations .....  | 10 |
| § 4.4      | Application Procedures .....  | 10 |
| § 4.4.1    | Municipal Exemption Applications.....                               | 10 |
| § 4.4.2    | Completeness Determination.....                                     | 10 |
| § 4.4.3    | Time for Determination .....  | 11 |
| § 4.4.4    | Determinations.....   | 11 |
| § 4.4.5    | Notice of Determination Required.....                               | 11 |
| § 4.4.6    | Deed Notice for Exemption #2 .....                                  | 11 |
| § 4.5      | Appeal of Municipal Exemption Determination .....                   | 12 |
| § 4.6      | Effect of Certified Exemption .....                                 | 12 |
| § 4.7      | Application Fees (Optional).....                                    | 12 |
| § 4.8      | Submission Requirements .....                                       | 12 |

### ARTICLE 1. TITLE, PURPOSE, SCOPE

#### § 1.1 TITLE

This Ordinance shall be known and cited as the “Borough/Township/Town of Highlands Area Exemption Ordinance.”

#### § 1.2 PURPOSE

The purpose of this Ordinance is to set forth the procedural and substantive requirements by which the municipality will issue Highlands Act Exemption Determinations. Such determinations pertain only to Highlands Act Exemptions 1, 2, 4, 5, 6, 7, and 8. Highlands Act Exemption Determinations indicate whether proposed activities, improvements or development projects affecting lands located within the Borough/Township/Town Highlands Area are exempt from the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.), and are therefore exempt from the Highlands Water Protection and Planning Council’s (“Highlands Council”) Regional Master Plan, the New Jersey Department of Environmental Protection’s (NJDEP) Highlands Water Protection and Planning Act Rules (“Preservation Area Rules,” N.J.A.C. 7:38-1 et seq.), and from any amendments to the Borough/Township/Town’s master plan, development regulations, or other regulations adopted pursuant to the approval of the Borough/Township/Town’s Petition for Plan Conformance by the Highlands Council.

#### § 1.3 SCOPE/APPLICABILITY

The provisions of this Ordinance pertain to activities, improvements and development projects involving lands located within the Borough/Township/Town Highlands Area. The Highlands Area comprises that portion of the municipality for which the applicable provisions of the Borough/Township/Town Master Plan, land use ordinances and other pertinent regulations have been deemed by the Highlands Council to be in conformance with the Highlands Regional Master Plan (RMP) (see § 3.1.1). The provisions of this Ordinance shall not be construed to alleviate any person or entity from the provisions and requirements of any other applicable ordinances, rules, or regulations of the municipality, or from any other applicable law, regulation, or requirement of any county, state, or federal authority having jurisdiction. Nor shall the provisions of this Ordinance deprive any person or entity from seeking a Highlands exemption determination from the NJDEP or the Highlands Council.

#### § 1.4 STATUTORY AUTHORITY

This Ordinance is adopted under the authority of the Highlands Act and the New Jersey Municipal Land Use Law (“MLUL,” N.J.S.A. 40:55D-1 et seq.). In the Highlands Act, the Legislature identified numerous categories of activities that are exempt from the Act, the RMP, the Preservation Area Rules, and any amendments to a master plan, development regulations, or other regulations adopted by a local government to conform them with the RMP. See N.J.S.A. 13:20-28. The Legislature granted the Highlands Council the authority to administer the plan conformance process and to approve, reject, or approve with conditions municipal plan conformance petitions. See N.J.S.A. 13:20-14, -15. The Legislature, through the MLUL, granted authority to New Jersey municipalities to govern land use and development within their borders and, through the Highlands Act, established requirements for Highlands municipalities to conform their land use and development regulations with the RMP. In a July 19, 2012 Memorandum of Understanding (MOU) between the Highlands Council and the NJDEP, the Council and the NJDEP recognized the circumstances in which it would be appropriate for conforming, Highlands Council-certified municipalities to make determinations regarding specified Highlands Act exemptions.



### § 1.5 SEVERABILITY

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall in no way affect the validity of the ordinance as a whole, or of any other portion thereof.

### § 1.6 EFFECTIVE DATE

This Ordinance shall take effect after final passage and publication in the manner required by law.

## ARTICLE 2. DEFINITIONS

### § 2.1 WORD USAGE

Terms used in the body of this Ordinance which are defined by the Highlands Act (N.J.S.A. 13:20-3) are intended to have the same definitions as provided in the Highlands Act. Unless expressly stated to the contrary or alternately defined herein, terms which are defined by the MLUL are intended to have the same meaning as set forth in the MLUL. For purposes of this Ordinance, the terms “shall” and “must” are indicative of a mandatory action or requirement while the word “may” is permissive.

### § 2.2 DEFINITIONS

For purposes of this Ordinance the following definitions shall apply:

**Agricultural or Horticultural Development** – Construction for the purposes of supporting common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing. (N.J.S.A. 13:20-3.)

**Agricultural or Horticultural Use** – The use of land for common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing. (N.J.S.A. 13:20-3.)

**Agricultural Impervious Cover** – Agricultural or horticultural buildings, structures or facilities with or without flooring, residential buildings and paved areas, but not meaning temporary coverings. (N.J.S.A. 13:20-3.)

**Applicant** – Any entity applying to the Board of Health, Planning Board, Zoning Board of Adjustment, Zoning Officer, Construction Official or other applicable authority of the municipality for permission or approval to engage in an activity that is regulated by the provisions of this Ordinance.

**Application for Development** – The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to section 25 or section 27 of P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).

**Building Permit** – Used interchangeably with the term “Construction Permit;” see definition below.

# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

**Construction Permit** – A permit issued pursuant to the New Jersey Uniform Construction Code, Chapter 23 of Title 5 of the New Jersey Administrative Code (N.J.A.C. 5:23-1 et seq.), providing authorization to begin work subject to the conditions and requirements established under the provisions therein.

**Development** – The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement 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 the MLUL. (N.J.S.A. 13:20-3; N.J.S.A. 40:55D-4.)

**Disturbance** – The placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation. (N.J.S.A. 13:20-3.)

**Disturbance, Ultimate** – The total existing or proposed area of disturbance of a lot, parcel, or other legally designated (or otherwise legally recognized) tract or subdivision of land, for the purpose of, and in connection with, any human activity, property improvement, or development, including the surface area of all buildings and structures, all impervious surfaces, and all associated land disturbances such as excavated, filled, and graded areas, and all lawn and landscape areas. Ultimate disturbance shall not include areas of prior land disturbance which at the time of evaluation: a) contain no known man-made structures (whether above or below the surface of the ground) other than such features as old stone rows or farm field fencing; and b) consist of exposed rock outcroppings, or areas which, through exposure to natural processes (such as weathering, erosion, siltation, deposition, fire, flood, growth of trees or other vegetation) are no longer impervious or visually obvious, or ecologically restored areas which will henceforth be preserved as natural areas under conservation restrictions.

**Environmental Land Use or Water Permit** – A permit, approval, or other authorization issued by the Department of Environmental Protection pursuant to the "Freshwater Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et seq.), the "Water Supply Management Act," P.L.1981, c.262 (C.58:1A-1 et seq.), the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), "The Realty Improvement Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23 et seq.), the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.), the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), or the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.). (N.J.S.A. 13:20-3.)

**Farm Management Unit** – A parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise. (N.J.S.A. 13:20-3.)

**Forest Management Plan** – A written guidance document describing the forest resources present on a property, the landowner's management goals and objectives, and the recommended practices or activities to be carried out over time on the land. This tool is used to evaluate a forest land's current state and provide a management process which, over time, meets the landowner's objectives, while maintaining health and vigor of the resource. Forest Management Plans are typically written for a ten year period. (RMP, Glossary.)

**Farmsite** – A Farm Management Unit as defined above.

**Highlands Applicability Determination** – A determination made by the NJDEP (pursuant to N.J.A.C. 7:38-2.4) indicating whether a project proposed for the Preservation Area is a major Highlands development, whether any such major Highlands development is exempt from the Highlands Act, and whether the project is consistent with the applicable Areawide Water Quality Management Plan

**Highlands Area** – That portion of the municipality for which the land use planning and regulation are in conformance with, or are intended or proposed to be in conformance with, the Highlands RMP.

# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

**Highlands Preservation Area Approval (HPAA)** – An approval issued by the NJDEP pursuant to 7:38-6 pertinent to a regulated activity in the Highlands Preservation Area, and including an HPAA that contains a waiver pursuant to N.J.S.A. 13:20-33b.

**Immediate Family Member** – A spouse, child, parent, sibling, aunt, uncle, niece, nephew, first cousin, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half brother, or half sister, whether the individual is related by blood, marriage, or adoption. (N.J.S.A. 13:20-3.)

**Impervious Surface** – Any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, including, but not limited to, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements. (N.J.S.A. 13:20-3.)

**Impervious Surfaces, Cumulative** – The total area of all existing or proposed impervious surfaces situated or proposed to be situated within the boundary lines of a lot, parcel, or other legally recognized subdivision of land, expressed either as a measure of land area such as acreage, or square feet, or as a percentage of the total lot or parcel area.

**Major Highlands Development** – Except as otherwise provided pursuant to subsection a. of section 30 of the Highlands Act (“Exemptions”): (1) any non-residential development in the Preservation Area; (2) any residential development in the Preservation Area that requires an environmental land use or water permit [from the NJDEP, *see definition above*], or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more; (3) any activity undertaken or engaged in the Preservation Area that is not a development but results in the ultimate disturbance of one-quarter acre or more of forested area or that results in a cumulative increase in impervious surface by one-quarter acre or more on a lot; or (4) any capital or other project of a State entity or local government unit in the Preservation Area that requires an environmental land use or water permit [from the NJDEP, *see definition above*], or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more. Major Highlands Development shall not include any agricultural or horticultural development or agricultural or horticultural use. Solar panels shall not be included in any calculation of impervious surface. (As defined by the Highlands Act, N.J.S.A. 13:20-1 et seq., as amended.)

**Master Plan** – For purposes of this Ordinance, all references to the “Borough/Township/Town Master Plan,” “master plan,” or “Master Plan,” refer to the municipal master plan, as defined in the MLUL (N.J.S.A. 40:55D-5), as adopted by the Borough/Township/Town Planning Board.

**Master Plan, Highlands Regional (RMP)** – For purposes of this Ordinance, all references to the Highlands Regional Master Plan (RMP), shall be by use of the words “Highlands Regional Master Plan,” “Highlands RMP,” “Regional Master Plan,” or “RMP.”

**Municipal Land Use Law (MLUL)** – The New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

**NJDEP** – New Jersey Department of Environmental Protection

**NJDEP Preservation Area Rules** – The regulations established by the NJDEP to implement requirements of the Highlands Act, titled “Highlands Water Protection and Planning Act Rules,” and codified at N.J.A.C. 7:38-1 et seq.

**Planning Area** – Lands within the Highlands Region that are not located in that portion designated by the Highlands Act as the “Preservation Area” (see metes and bounds description at N.J.S.A. 13:20-7b).

# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

**Preservation Area** – Lands within the Highlands Region that are located in that portion designated by the Highlands Act as the “Preservation Area” (see metes and bounds description at N.J.S.A. 13:20-7b).

**Solar Panel** – An elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array. (N.J.S.A. 13:20-3.)

**Structure** – A combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

### ARTICLE 3. GEOGRAPHIC AREA OF APPLICABILITY

#### § 3.1 HIGHLANDS PLANNING AREA AND PRESERVATION AREA

The Highlands Act establishes the Preservation Area and Planning Area of the Highlands Region. It describes the varied attributes of each and sets forth the major land use planning goals that pertain to the lands located within each. The Act defines the geographic extent of the Highlands Region to include the aggregated land area making up its constituent municipalities (N.J.S.A. 13:20-7a). It provides a physical delineation of the Preservation Area by use of a specific metes and bounds description (N.J.S.A. 13:20-7b), designating all remaining lands within the Highlands Region as the Planning Area.

##### § 3.1.1 Highlands Area

The Borough/Township/Town Master Plan incorporates the Highlands Preservation Area and/or Planning Area, inclusive of the goals applicable to each/it, as an integral component of the planning and land use policies of the municipality. For purposes of this Ordinance, this/these Area/s is/are designated as the Borough/Township/Town Highlands Area. A map of the Borough/Township/Town Highlands Area appears in Exhibit 1.

##### § 3.1.2 Applicability Specified

This Ordinance applies specifically and solely to lands designated as the Borough/Township/Town Highlands Area, as delineated in Exhibit 1.

### ARTICLE 4. HIGHLANDS ACT EXEMPTION DETERMINATIONS

#### § 4.1 HIGHLANDS ACT EXEMPTIONS

Section 30 of the Highlands Act identifies as exempt, specific activities, improvements and development projects affecting lands within the Highlands Region. Such activities, improvements and projects may be proposed as a component of any type of land use application submitted to the municipality for approval, including but not limited to zoning permit applications, building permit applications, and Applications for Development (as defined at § 2.2). Any such qualifying activity, improvement or development project is exempt, with regard specifically to that activity, improvement or development project, from the requirements of the Highlands Act, the Highlands RMP, the NJDEP Preservation Area Rules, and any amendments to the Borough/Township/Town's master plan, development regulations, or other regulations adopted pursuant to the approval of Borough/Township/Town's Petition for Plan Conformance by the Highlands Council. Such an exemption specifically applies to any Highlands Area land use ordinance adopted by the Borough/Township/Town pursuant to the Highlands Council's approval of Borough/Township/Town's Petition for Plan Conformance.

Where any application submitted to the municipality for approval proposes to rely upon a Highlands Act

Exemption, the applicant must, as a condition of application completeness, and prior to review or approval of the application by the applicable municipal authority, provide sufficient evidence that the proposed activity, improvement, or development project in fact qualifies as a Highlands Act Exemption. Such evidence shall consist of either a State Agency Exemption Determination or a Municipal Exemption Determination (see § 4.1.1 or § 4.1.2 below) indicating that the proposed activity, improvement, or development project qualifies for a Highlands Act Exemption.

### § 4.1.1 State Agency Exemption Determination

State Agency Exemption Determinations shall consist of either, a Highlands Applicability Determination issued by the NJDEP for a Preservation Area proposal, or a Highlands Exemption Determination issued by the Highlands Council for a Planning Area proposal. State Agency Determinations may be requested with regard to any Highlands Act Exemption, however for applications involving any exemption not identified at § 4.2 below, a State Agency Exemption Determination is required. Any applicant seeking a formal exemption determination for a capital or other project of any State entity or local government unit, or for any other publicly-owned or controlled land or facility, also must request a State Agency Exemption Determination.

### § 4.1.2 Municipal Exemption Determination

For an application involving any of the specific exemptions listed in Section 4.2 below, the applicant may request a Municipal Exemption Determination. The applicant may rely upon the findings of a Municipal Exemption Determination to the same extent as would apply to an exemption determination issued by the Highlands Council or the NJDEP.

## § 4.2 HIGHLANDS ACT EXEMPTIONS ELIGIBLE FOR MUNICIPAL DETERMINATION

Effective as of the date on which the municipality receives written authorization from the Highlands Council to proceed, an applicant may seek a Municipal Exemption Determination for the Highlands Act Exemptions listed hereunder. *[This listing will be finalized in consultation with the municipality. The Highlands Council encourages municipalities to incorporate all exemptions authorized for municipal determination, as listed below. While municipalities may consider shortening this list, the Council encourages municipalities to assume responsibility for exemption determinations to the maximum extent feasible, to provide ease and efficiency in processing of municipal applications and to reduce costs to applicants. Training will be provided for municipal officials prior to adoption and effectuation of these provisions and on-going assistance will be available to all officials designated with review authority.]*

1. *Exemption 1.* The construction of a single family dwelling, for an individual's own use or the use of an immediate family member, on a lot owned by the individual on the date of enactment of the Highlands Act (August 10, 2004) or on a lot for which the individual entered into a binding contract of sale to purchase on or before May 17, 2004.
2. *Exemption 2.* The construction of a single family dwelling on a lot in existence on the date of enactment of the Highlands Act (August 10, 2004), provided that the construction does not result in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more.
  - a) A Municipal Exemption Determination indicating that an applicant qualifies under Highlands Act Exemption 2 shall require approval and filing of a Deed Notice along with a site plan delineating the total exempt area and the extent of the disturbance recognized in the Municipal Exemption Determination (see 4.4 below). Municipal Exemption Determinations in such instances shall not take effect until the applicant has provided proof of filing of the approved Deed Notice.



# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

3. *Exemption 4.* The reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more. This exemption shall not apply to the reconstruction of any agricultural or horticultural building or structure for a non-agricultural or non-horticultural use.
  - a) For purposes of this Ordinance, this exemption shall not be construed to permit multiple 125% footprint expansions, but rather, to permit one or more reconstruction activities cumulatively resulting in a maximum 125% increase in the footprint of the impervious surfaces lawfully existing on the site, provided they do not cumulatively exceed the one-quarter acre limitation. Any determination of whether the expansion of impervious cover meets the statutory criteria for the exemption must account for the preexisting impervious cover, and such expansion must be contiguous to the location of the existing impervious cover. See In re August 16, 2007 Determination of NJDEP ex rel. Christ Church, 414 N.J. Super. 592 (App. Div. 2010), certif. denied, 205 N.J. 16 (2010).
  - b) For Preservation Area determinations, the applicable date of lawful existence shall be August 10, 2004, the date of enactment of the Highlands Act. For Planning Area determinations, the date of lawful existence shall coincide with the effective date of the municipally-adopted Highlands Area Checklist Ordinance or Highlands Area Land Use Ordinance, whichever is earlier.
4. *Exemption 5.* Any improvement to a single family dwelling in existence on the date of enactment of the Highlands Act (August 10, 2004), including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool or septic system.
5. *Exemption 6.* Any improvement, for non-residential purposes, to a place of worship owned by a nonprofit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on the date of enactment of the Highlands Act (August 10, 2004), including but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility.
6. *Exemption 7.* An activity conducted in accordance with an approved woodland management plan pursuant to section 3 of the “Farmland Assessment Act,” P.L.1964, c.48 (C.54:4-23.3) or a forest stewardship plan approved pursuant to section 3 of P.L.2009, c. 256 (C.13:1L-31), or the normal harvesting of forest products in accordance with a forest management plan or forest stewardship plan approved by the State Forester.
7. *Exemption 8.* The construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.

### § 4.3 EXEMPTIONDESIGNEE(S)

Municipal Exemption Determinations regarding Highlands Act Exemptions shall be issued by the Borough/Township/Town *[insert as applicable: e.g., Planner, Engineer, and/or Zoning Officer]*. The Exemption Designee(s) shall be authorized to issue Municipal Exemption Determinations on behalf of the municipality, and shall only begin to do so, after satisfactory completion of a Highlands Council training class for which the individual(s) has/have received formal certification from the Highlands Council.

#### § 4.3.1 Updates to Training Certification



# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

In the event of programmatic changes, updated information, or modifications to procedures, updated training certification may be required of Exemption Designees in order to maintain qualifications for providing Municipal Exemption Determinations. The Highlands Council will provide training modules on an as-needed basis, to provide base training to new employees, and/or to further the expertise of already-certified individuals. Exemption Designees and the municipalities they serve will be advised of any need for upgraded training, which will be provided and funded by the Highlands Council.

### § 4.3.2 Interim Determinations

For the duration of any period during which the municipality is without a qualified Exemption Designee(s) due to changes in personnel or other extenuating circumstances, applicants seeking Highlands Act Exemption Determinations shall be referred to the NJDEP or the Highlands Council, for a State Agency Determination pursuant to § 4.1.1, above.

## § 4.4 APPLICATION PROCEDURES

### § 4.4.1 Municipal Exemption Applications

Requests for Municipal Exemption Determination shall be submitted on forms provided by the *[insert as appropriate: e.g., Planning/Engineering/Community Development Department – note, model forms will be provided by the Highlands Council for this purpose, which the municipality may modify as necessary to incorporate municipal headings, contact information, application fee requirements, and submission details]* and shall be accompanied by sufficient information and documentary evidence to demonstrate whether the proposed activity, improvement or development project qualifies for the applicable exemption. Required submission materials applicable to each exemption, appear at § 4.7, below.

### § 4.4.2 Completeness Determination

The Exemption Designee shall review the application and all accompanying materials to determine whether sufficient information has been submitted to make a determination on the application. In the event of a finding that the application is incomplete, the Exemption Designee shall, within calendar **days** of receipt *[municipality to insert timing as appropriate]*, issue such findings in writing to the applicant, indicating what information is required to properly consider the application.

### § 4.4.3 Time for Determination

The Exemption Designee shall issue Municipal Exemption Determinations within **\_\_\_\_\_** calendar days of receipt *[municipality to insert timing as appropriate]* of a complete application. The Exemption Designee may consult with the Executive Director (or applicable designee) of the Highlands Council as needed in making any exemption determination, however. In such circumstance, the Exemption Designee shall seek such assistance within the **\_\_\_\_\_period** *[same timing as previous]* and shall issue the determination within at least ten (10) calendar days of receiving the requested guidance. In no case shall failure to meet this date constitute approval of the exemption.

### § 4.4.4 Determinations

All Municipal Exemption Determinations shall be provided in writing, shall certify to the applicability or inapplicability of the exemption, and shall include a statement of the rationale for the decision. Any Municipal Exemption Determination certifying to the applicability of Highlands Act Exemptions #2 shall be contingent upon submission of proof of filing of the required Deed Notice, as set forth at § 4.4.5, below.

### § 4.4.5 Notice of Determination Required

The Exemption Designee shall provide copies of all Municipal Exemption Determinations including a copy of the full application, to the Highlands Council and for decisions regarding lands in the Highlands Preservation Area, to the NJDEP, in either case, within ten (10) business days of issuance.

### § 4.4.6 Deed Notice for Exemption #2

Any Municipal Exemption Determination that certifies to the applicability of Highlands Act Exemption #2 (§ 4.2 above), shall be issued conditionally, pending fulfillment of the requirement that a deed notice be recorded in the office of the County Clerk or Register, as applicable, indicating the extent of the exemption that has been consumed. The deed notice shall incorporate each of the components listed below and the applicant shall provide a copy of the filed Deed Notice to the Highlands Council within five (5) business days of filing.

- A. Clear identification of the name(s) and address(es) of the owner(s) in fee of the property;
- B. Designated tax block and lot number(s), street address(es), municipality and county of location of the property;
- C. Reference to the Municipal Exemption Determination (by date, numbering if applicable) issued and under which the deed notice is being filed;
- D. Description of the approved area of ultimate disturbance and the impervious surface area, with verification that these remain below the statutory limits;
- E. For properties of one acre or more in area, metes and bounds delineation indicating the portion of the property for which the ultimate disturbance has been authorized;
- F. Agreement to abide by the ultimate disturbance and impervious surface limits imposed, any furtherance thereof rendering the Municipal Exemption Determination null and void; and
- G. Notice that the owner(s) and subsequent owner(s) and lessees shall cause all leases, grants, and other written transfers of interest in the property to contain provisions expressly requiring all holders thereof to take the property subject to the limitations therein set forth.

### § 4.5 APPEAL OF MUNICIPAL EXEMPTION DETERMINATION

A Municipal Exemption Determination may be appealed by any affected person/entity by filing a notice of appeal within twenty (20) calendar days of issuance or receipt of said determination, whichever is later, specifying the grounds therefor. Appeals must be filed with the NJDEP in the case of any Preservation Area Exemption, and with the Highlands Council, in the case of any Planning Area Exemption. All appeals shall be copied to the Exemption Designee, who shall immediately transmit to the NJDEP or the Highlands Council, as applicable, copies of the notice of appeal, the Municipal Exemption Determination Application, and all supplemental materials constituting the record that the Exemption Designee relied upon in issuing the Municipal Exemption Determination. Where the Municipal Exemption Determination deems an activity, improvement or development project exempt, the filing of an appeal to the NJDEP or the Highlands Council shall stay all proceedings in furtherance of its approval by the municipality.

### § 4.6 EFFECT OF CERTIFIED EXEMPTION

Issuance of a Municipal Exemption Determination that certifies to the applicability of a Highlands Act exemption shall recognize the applicant's exemption from the provisions of the RMP, NJDEP Preservation Area Rules, and any municipal ordinances and requirements adopted under the authority of the Highlands Act to achieve Highlands Plan Conformance. The exemption is restricted solely to the extent of the specified activity, improvement, or development project as described in the language of the Highlands Act exemption, or to any lesser activity, improvement, or development project as proposed and certified through a Municipal Exemption Determination Application. Any activity, improvement, or development project, or any part thereof, that is not specifically listed as an exemption or exceeds the limits of an exemption, remains subject to all of the above regulatory programs to the full extent of the respective applicability of each. Issuance of a Highlands Exemption Determination shall not relieve the applicant from securing all other required federal, state, or local approvals.

### § 4.7 APPLICATION FEES (OPTIONAL)

*[Municipalities may in their discretion determine whether to charge application fees for Municipal Exemption Determinations, consistent with applicable State and local requirements.]*

### § 4.8 SUBMISSION REQUIREMENTS

All applications shall be accompanied by the Municipal Exemption Determination Application Form, the applicable fees, and the information listed below, as applicable to the particular exemption or exemption(s) being sought by the applicant. All references to professional preparers indicated herein shall be construed to include any and all qualified individuals licensed, certified, or otherwise eligible and authorized to complete such work, in accordance with the applicable laws and legal requirements of the State of New Jersey including but not limited to the MLUL (N.J.S.A. 40:55D-1 et seq.) and Title 13 of the New Jersey Administrative Code, Law and Public Safety. Where the Exemption Designee finds that any submission item is not necessary to address the evidentiary requirements that must be satisfied for issuance of an Exemption Determination, either because alternate items have been provided by the applicant, or the relevant information is readily available through records, maps, or any other documents on file in the offices of the municipality, the Exemption Designee may waive the applicant's obligation to submit such information..

#### *A. Exemption 1.*

1. A copy of a deed, closing or settlement statement, title policy, tax record, mortgage statement or any other official document showing that the lot was legally owned by the applicant on or before August 10, 2004 and indicating the lot and block as designated by the municipal tax mapping, the municipality and county in which the lot is located, and the street address;
2. If the applicant did not own the lot, a copy of the binding contract of sale executed by the seller and the applicant on or before May 17, 2004 for the lot on which the house is to be constructed; and
3. A certification by the applicant stating that the single family dwelling proposed for construction on the lot specified and described therein by tax lot and block, municipality and county of location, and street address, is intended for the applicant's own use or the use of an immediate family member as identified therein by name and relationship to the applicant.

# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

### *B. Exemption 2.*

1. A copy of the recorded deed or plat showing that the lot was created on or before August 10, 2004 or proof of subdivision approval on or before August 10, 2004;
2. A property survey certified by a licensed New Jersey Professional Land Surveyor indicating the property boundary lines and overall lot size, and showing what structures currently exist on the lot, if any;
3. A parcel plan certified by a licensed New Jersey Professional Engineer showing all existing and proposed development, including all structures, grading, clearing, impervious surface and disturbance, and including the calculations supporting the claim that impervious surfaces and areas of disturbance are within the limits necessary for Exemption 2; and
4. A metes and bounds description of the area of the lot to be disturbed, limited to less than one acre and a draft conservation restriction or deed notice (pursuant to § 4.4.5, above) to cover the balance of the lot.

### *C. Exemption 4.*

1. A parcel plan certified by a licensed New Jersey Professional Engineer depicting:
  - a) All existing property improvements, including all structures, grading, clearing, impervious surfaces and limits of disturbance, lawfully existing on the site as of August 10, 2004 for Preservation Area projects and as of the effective date of the municipal Highlands Area Checklist Ordinance or Highlands Area Land Use Ordinance, whichever is earlier; and
  - b) All proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading; and
2. A copy of any official documentation of the original date of construction of the building or otherwise establishing the lawfulness of existing impervious surfaces.

### *D. Exemption 5.*

1. A copy of any official documentation proving the single family dwelling was in existence on August 10, 2004;
2. A description of the proposed improvement; and
3. A certification from the applicant that the property and all improvements will continue to be used for single family dwelling purposes.

### *E. Exemption 6.*

1. A copy of any official documentation indicating that the place of worship, public or private school or hospital was in existence on August 10, 2004;
2. For improvements to a place of worship, documentation showing that the entity, society or association, or association organized primarily for religious purposes has non-profit status;
3. A site plan certified by a licensed New Jersey Professional Engineer depicting:

# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

- a) All existing property improvements including all structures, grading, clearing, impervious surfaces and limits of disturbance, existing on the site on August 10, 2004; and
- b) All proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading.

### F. *Exemption 7.*

- 1. For a private landowner with an approved woodland management plan or forest stewardship plan:
  - a) A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq., if applicable;
  - b) A brief description of the total area of woodlands that is the subject of the approved woodland management plan or forest stewardship plan;
  - c) A brief description of the length of time that the area to be managed has been in use for woodland management or forest stewardship plan; and
  - d) A copy of the approved woodland management plan or forest stewardship plan.
- 2. For the normal harvesting of forest products in accordance with a forest management plan or forest stewardship plan approved by the State Forester:
  - a) A brief description of the total area where the normal harvesting of forest products occurs;
  - b) A brief description of the length of time that the area to be managed has been in use for normal harvesting of forest products; and
  - c) A copy of a forest management plan or forest stewardship plan approved by the State Forester.

### G. *Exemption 8.*

- 1. A site plan certified by a licensed New Jersey Professional Engineer showing the proposed trail construction with details including the location, and width of existing and proposed trails and those off-site trails to which they connect, if any;
- 2. A written description of the non-impervious materials to be used; and
- 3. For privately owned property, a copy of a deed for the property and the conservation or recreational use easement on the property.

### Appendix C: Plan Conformance Process



### Petition for Plan Conformance – Planning Area

Submittal documents required for Petitions for Plan Conformance will vary depending upon the results of the Highlands Council review of this Initial Assessment. Mountain Lakes will receive an information packet following the submission of this Initial Assessment containing specific requirements. Generally, the following is the process of Plan Conformance.

1. **Planning Area Ordinance (or Resolution adopted in lieu).** For municipal Petitions involving Planning Area lands, the Highlands Council will accept a resolution adopted by the Governing Body in lieu of an adopted Planning Area Ordinance for purposes of review and consideration of Petition materials. Adoption of the Planning Area Petition Ordinance is required for conformance by Planning Area municipalities pursuant to the Highlands Act.
2. **Planning Program Documents.** Proposed revisions, updates and/or supplements to the master plan, land use regulations, management plans, redevelopment plans, and various other planning documents required to achieve Plan Conformance will be submitted as part of the Plan Conformance agreements over time and will be determined through the process of Plan Conformance with Highlands Staff. Municipal planning documents and ordinances that may be required to be revised over time may include:
  - a. Environmental Resource Inventory
  - b. Environmental/Infrastructure Capacity Analysis
  - c. Municipal Master Plan and associated Elements
  - d. Master Plan Reexamination Report
  - e. Zoning/Land Use Ordinances & Development Regulations
    - i. Highlands Referral Ordinance
    - ii. Implementation of Land Use Capability Zones
    - iii. Water Use & Wastewater Treatment Regulations
    - iv. Cluster Development Ordinance Provisions
    - v. Open Water Protection Areas
    - vi. Critical Habitat Protection
    - vii. Steep Slopes
    - viii. Carbonate Rock
    - ix. Water Use
    - x. Prime Groundwater Recharge Areas
    - xi. Lake Management Areas
    - xii. Agricultural Resources
    - xiii. Forest Resources
    - xiv. Wellhead Protection
    - xv. Historic, Cultural, Archaeological and Scenic Resource Protection
    - xvi. Zoning Map Amendments
  - f. Resource Management Plans (groundwater recharge, wastewater management, stormwater management, etc.)
  - g. Resource Protection & Supporting Regulations/Plans

### h. Regional Master Plan Coordination

Where municipal planning documents and ordinances are consistent with the RMP, new documents will not need to be adopted. The timeline of adoption is flexible and the Highlands Council pays for any required changes to municipal planning documents, studies or ordinances.

3. **Map Adjustments and RMP Updates, if applicable.** An RMP Update is a factual update to Highlands Council data. This may result in changes to the configuration and boundary lines of Highlands Land Use Capability Zones. These can be submitted to the Highlands Council for review during the Plan Conformance process.
4. **Review of Plan Conformance Petitions by Executive Director.**
5. **Public Meeting for Review of Plan Conformance Petitions.**

**Appendix D: Model Planning Area Referral Ordinance**

# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

Mountain Lakes Borough

**BOROUGH/TOWNSHIP/TOWN OF \_\_\_\_\_**

**\_\_\_\_\_ COUNTY, NEW JERSEY**

**Pending Ordinance No. \_\_\_\_\_**

## AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE **BOROUGH/TOWNSHIP/TOWN OF \_\_\_\_\_** TO UPDATE SUBMISSION REQUIREMENTS FOR APPLICATIONS FOR DEVELOPMENT

WHEREAS, the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.) was enacted by the State Legislature on August 10, 2004 for the purpose of protecting, enhancing, and restoring the natural resources of the New Jersey Highlands Region, in particular the water resources, which provide drinking water to over 5 million New Jersey residents; and

WHEREAS, the Highlands Act created the Highlands Water Protection and Planning Council (the “Highlands Council”) and charged it with crafting a comprehensive master plan for the New Jersey Highlands Region; and

WHEREAS, the Highlands Regional Master Plan was adopted by the Highlands Council through the adoption of Resolution 2008-27 on July 17, 2008, and became effective on September 8, 2008 as the product of a long-term, participatory, and region-wide planning effort; and

WHEREAS, Resolution 2008-27 included the adoption of Highlands Regional Master Plan as well as the adoption of various technical reports and guidelines that accompanied the Plan including the 2008 Plan Conformance Guidelines; and

WHEREAS, the Plan Conformance Guidelines provide an overview of the Highlands Act’s bifurcated system for municipal conformance with the Highlands Regional Master Plan – mandatory Plan Conformance for any portion (or if applicable, the whole) of a municipality located within the Preservation Area and voluntary Plan Conformance for any portion (or if applicable, the whole) of a municipality lying within the Planning Area; and

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may at any time voluntarily revise and conform its local master plan and development regulations, as related to the development and use of

# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan; and

WHEREAS, the Plan Conformance Guidelines detail the requirements for Plan Conformance including amendments to the Environmental Resource Inventory, Master Plan, and Land Use Ordinance, which together are intended to achieve conformance with the Regional Master Plan and provide immediate protections to vital Highlands Resources; and

WHEREAS, the Plan Conformance Guidelines require conforming municipalities to adopt Initial Revisions as a first step of Plan Conformance; the initial revisions are revisions of the existing master plan and development regulations which are deemed necessary by the Highlands Council for prompt enactment by a petitioning local government in order to ensure the protection and enhancement of the resources of the Highlands Region; and

WHEREAS, the Plan Conformance Guidelines include the adoption of a Development Application Referral Ordinance as an Initial Revision in order to ensure that any Application for Development not be deemed complete until such time as certain documents have been submitted by the Applicant and to ensure that Applications for Development are consistent or revised to be consistent with the Regional Master Plan; and

WHEREAS, the Borough/Township/Town of \_\_\_\_\_ is located in the Highlands Region with lands lying within the Planning Area only, as defined by section 7 of the Highlands Act; and

WHEREAS, the Governing Body of the Borough/Township/Town of \_\_\_\_\_ has, on behalf of the municipality, petitioned the Highlands Council for Plan Conformance with respect to Borough/Township/Town lands located within the Planning Area portion of the Highlands Region; and

WHEREAS, the Petition filed with the Highlands Council contains proposed amendments to the municipal planning program, including amendments to the Environmental Resource Inventory, Master Plan, and Land Use Ordinance, which together are intended to achieve conformance with the Regional Master Plan and provide immediate protections to vital Highlands Resources located within the Borough/Township/Town; and

WHEREAS, the Governing Body finds that the proposed changes to the municipal planning program are of broad and significant effect, are vital to the protection of the Highlands resources of the municipal Highlands Area, and are compelling to the interests and general welfare of the community; and

WHEREAS, the Governing Body recognizes that the formal municipal adoption of each component of the revised planning program must take place, in sequential order in accordance with all statutory requirements, involving public hearings and deliberation by the Environmental Commission (if applicable), Planning/Land Use Board, and Governing Body; a process that will require an additional undetermined period of time; and

WHEREAS, the Governing Body is aware that lands within the Planning Area are not regulated by the New Jersey Department of Environmental Protection's Preservation Area Rules

# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

(N.J.A.C. 7:38-1 et seq.) and, with the exception of Wastewater Management Plans and Water Allocation Permits, would remain without the full suite of Highlands Regional Master Plan protections during the interim period between the date of filing of the Petition for Plan Conformance and the adoption of ordinances and regulations that will provide such protections; and

WHEREAS, an immediate level of protection to the resources located within the Highlands Region by adoption of revised submission requirements pertinent to Applications for Development therein is required by the Plan Conformance Guidelines; and

WHEREAS, the adoption of revised submission requirements pertinent to Applications for Development therein is essential to ensuring that Applicants achieve compliance with the standards and protections required under the Highland Regional Master Plan despite the interim status of the municipal Plan Conformance ordinances and regulations, this interim period not constituting an appropriate instance in which municipal approvals based upon existing municipal regulatory requirements, can appropriately be issued conditioned upon subsequent approval by the Highlands Council, as may occur under usual circumstances; and

WHEREAS, the Governing Body finds that the adoption of such submission requirements are important not only to provide such immediate resource protections, but to ensure the proper management of Applications for Development involving lands within the municipality; and

WHEREAS, the Highland Council deems the immediate protections ascribed by this Ordinance to lands in the Planning Area, which include the whole of the municipality, eligible for application of the provisions of the Highlands Act at N.J.S.A. 13:20-22 and N.J.S.A. 13:20-24 regarding legal representation to municipalities filing for Plan Conformance and regarding the strong presumption of validity and extraordinary deference afforded to such ordinances;

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough/Township/Town of \_\_\_\_\_ that the Land Use Ordinance of the Borough/Township/Town of \_\_\_\_\_ be and is hereby amended to incorporate the following provisions:

### **SECTION 1. APPLICABILITY**

This Ordinance shall apply to any Application for Development involving lands located within (or partially within) the Borough/Township/Town Highlands Area (as illustrated in Exhibit 1, “Borough/Township/Town of \_\_\_\_\_ Highlands Area”) that seeks approval of a site plan, subdivision, or change in use, where approval of such Application would: a) result in the ultimate disturbance of one (1) acre or more of land; b) produce a cumulative impervious surface area of one-quarter ( $\frac{1}{4}$ ) acre, or more; c) in the case of residential development, create three or more dwelling units; or d) introduce or expand on any of the following land uses/facilities:

A. For residential development, create three (3) or more dwelling units;

B. For non-residential development:

1. Result in the ultimate disturbance of one (1) acre or more of land;



# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

2. Produce a cumulative impervious surface area of one-quarter ( $\frac{1}{4}$ ) acre, or more; or
3. Introduce or expand on any of the following land uses/facilities:
  - a) Landfills;
  - b) Permanent storage or disposal of hazardous wastes, industrial or municipal sludge or radioactive materials, including solid waste landfills;
  - c) Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous materials, and radioactive materials;
  - d) Industrial treatment facility lagoons; or
  - e) Any Major or Minor Potential Contaminant Source (as identified in Appendix A and Appendix B of this Ordinance, respectively) on lands located within 200 feet of the wellhead of any public community well or public non-community well, as these are defined at Section 4 below.

All thresholds in A. and B., above, shall be interpreted to apply cumulatively over time, beginning as of the effective date of this Ordinance. If or when any one of the thresholds is reached, the Ordinance shall apply to any and all development in excess of that threshold. Where an application proposes a mixed use, the thresholds in B., for non-residential development shall apply to the whole of the project, while that in A., shall apply to the residential component. For purposes of this Ordinance, the phrases “Application for Development,” “Highlands Area,” “residential development,” “ultimate disturbance,” and “cumulative impervious surface area” shall be defined as provided at Section 4 below.

## **SECTION 2. ADMINISTRATIVE COMPLETENESS**

A. **CONSISTENCY DETERMINATIONS REQUIRED.** No Application for Development included in Section 1 above, shall be deemed complete or considered for review by the applicable Borough/Township/Town land use Board until and unless the Applicant has obtained and provided a copy of:

1. A Consistency Determination from the Highlands Council indicating that the application is consistent with the Highlands Regional Master Plan; or
2. A Consistency Determination from the Highlands Council indicating that the application is not consistent with the Highlands Regional Master Plan, accompanied by a certification, as detailed in Section 1.B below, by the Applicant’s professional(s) that the application has been since review by the Highlands Council revised to achieve consistency with the Highlands Regional Master Plan.

B. **FINDINGS OF INCONSISTENCY.** Where a Highlands Council Consistency Determination indicates that an Application for Development is inconsistent with the Highlands Regional Master Plan, no such application shall be deemed complete or considered for review by the applicable

# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

**Borough/Township/Town** land use Board, until or unless the Applicant has obtained from the professional(s) responsible for preparation of the Applicant's plans, a certification indicating that to the best of the knowledge and abilities of such professional(s), the application has been revised to achieve consistency with the Highlands Regional Master Plan and specifically describing the revisions made to achieve such consistency.

C. REFERRAL WAIVER. The **Borough/Township/Town** may issue a waiver from the provisions of this Section where it can be established by the Applicant and can be verified by the designated representative(s) of the **Borough/Township/Town** that:

1. The activity, improvement or development proposed by the subject Application for Development has not yet been formally determined to be exempt from the Highlands Act (see Section 3.B, below), but eligibility for an exemption has been sufficiently established by the Applicant; or
2. The activity, improvement or development proposed in the Application for Development will neither encroach upon a Highlands Resource or Highlands Resource Area, nor be of detrimental impact to any Highlands resource or Highlands Resource Area as these are identified and delineated in the Highlands Regional Master Plan. The Applicant's professional(s) responsible for preparation of the Applicant's plan shall establish compliance of the above through a formal certification specifically addressing the Highlands Resources and Resource Areas and related policies and objectives as identified in Chapter 4 of the Highlands Regional Master Plan.

D. HIGHLANDS COUNCIL CALL-UP. All municipal waivers or findings of application completeness issued pursuant to this Section shall be issued in writing, inclusive of a statement indicating the rationale for the determination. All such determinations shall be subject to Highlands Council call-up review and shall specifically include conditions requiring same consistent with this paragraph. The municipality shall within five (5) calendar days of issuance of all such determinations, provide a copy of the decision to the Applicant and to the Highlands Council. The Highlands Council call-up review period shall expire 15 calendar days following its receipt of same. Upon determining to exercise this authority for call-up review, the Highlands Council shall transmit notice to the Applicant and the municipality. Absent any such notification from the Highlands Council within that timeframe, the application shall be considered complete, with the date of the waiver or application completeness to be as of the date of first issuance by the municipality.

### **SECTION 3. EXCLUSIONS AND EXEMPTIONS**

A. EXCLUSIONS. The following specific improvements and related applications shall be excluded from the provisions of this Ordinance:

1. The reconstruction, within the same footprint, of any building or other structure lawfully existing as of the effective date of this Ordinance, in the event of its destruction or partial destruction by fire, storm, natural disaster, or any other unintended circumstance.
2. Any improvement or alteration to a building or other structure lawfully existing as of the effective date of this Ordinance, where such improvement or alteration is necessary

# HIGHLANDS PLANNING AREA INITIAL ASSESSMENT

## Mountain Lakes Borough

for compliance with the provisions of the Americans with Disabilities Act, or to otherwise provide accessibility to the disabled.

3. Any Agricultural or Horticultural Use or Development that would not result in either:

- a. An increase, since the date of enactment of the Highlands Act (August 10, 2004), either individually or cumulatively, of new agricultural impervious cover of greater than three percent (3%) to the total land area of a Farm Management Unit. Solar panels shall not be included in any calculation of agricultural impervious cover (all terms as defined in Section 4, below); or
- b. Construction of three (3) or more residential dwelling units (including accessory dwelling units) served by individual on-site septic system(s).

B. EXEMPTIONS. Any activity, improvement or development project listed and demonstrated to constitute a Highlands Act exemption shall be exempt from the provisions of this Ordinance. Formal demonstration of a Highlands Act exemption for an Application for Development involving lands located (or partially located) in the Highlands Area shall consist of one of the following:

1. *State Agency Determination.* State Agency Determinations shall consist of a Highlands Exemption Determination issued by the Highlands Council indicating that the proposal qualifies as a Highlands Act Exemption.
2. *Municipal Determination.* Pursuant to Borough/Township/Town Ordinance #\_\_\_\_\_, entitled “Borough/Township/Town of \_\_\_\_\_ Highlands Area Exemption Ordinance,” effective as of [insert date] \_\_\_\_\_, for any application under this Ordinance involving Highlands Act Exemptions #4, #6, #7, or #8, the applicant may request and shall be deemed to have satisfied the evidentiary requirement by obtaining a Municipal Exemption Determination issued by the Municipal Exemption Designee, provided such Determination indicates that the proposal qualifies as a Highlands Act Exemption. The applicant may rely upon the findings of a Municipal Exemption Determination to the same extent and with the same protections as would apply in the case of a Highlands Exemption Determination issued by the Highlands Council.

## **SECTION 4. DEFINITIONS**

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

**Agricultural or Horticultural Development** – means construction for the purposes of supporting common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

**Agricultural or Horticultural Use** – means the use of land for common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

**Agricultural Impervious Cover** – means agricultural or horticultural buildings, structures or facilities with or without flooring, residential buildings and paved areas, but not meaning temporary coverings.

**Applicant** – means a developer submitting an Application for Development.

**Application for Development** – means the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permits pursuant to section 25 or section 27 of P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).t

**Disturbance** – means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

**Disturbance, Ultimate** – means the total existing or proposed area of disturbance of a lot, parcel, or other legally designated (or otherwise legally recognized) tract or subdivision of land, for the purpose of, and in connection with, any human activity, property improvement, or development, including the surface area of all buildings and structures, all impervious surfaces, and all associated land disturbances such as excavated, filled, and graded areas, and all lawn and landscape areas. Ultimate disturbance shall not include areas of prior land disturbance which at the time of evaluation: a) contain no known man-made structures (whether above or below the surface of the ground) other than such features as old stone rows or farm field fencing; and b) consist of exposed rock outcroppings, or areas which, through exposure to natural processes (such as weathering, erosion, siltation, deposition, fire, flood, growth of trees or other vegetation) are no longer impervious or visually obvious, or ecologically restored areas which will henceforth be preserved as natural areas under conservation restrictions.

**Farm Management Unit** – means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

**Highlands Council** – means the New Jersey Highlands Water Protection and Planning Council.

**Highlands Act** – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 *et seq.*

**Highlands Area** – means that portion of the municipality for which the land use planning and regulation are in conformance with, or are intended or proposed to be in conformance with, the Highlands Regional Master Plan.

**Highlands Region** – means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

**Impervious Surface** – means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, including, but not limited to, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

**Impervious Surfaces, Cumulative** – means the total area of all existing or proposed impervious surfaces situated or proposed to be situated within the boundary lines of a lot, parcel, or other legally recognized subdivision of land, expressed either as a measure of land area such as acreage, or square feet, or as a percentage of the total lot or parcel area.

**Major Potential Contaminant Sources (PCS)** – means land uses and activities determined by the Highlands Council to pose a major risk of ground water contamination (see Appendix A).

**Minor Potential Contaminant Sources (PCS)** – means land uses and activities determined by the Highlands Council to pose a minor risk of ground water contamination (see Appendix B).

**Municipal Land Use Law (MLUL)** – means the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

**NJDEP** – New Jersey Department of Environmental Protection

**Planning Area** – means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

**Plan Conformance** – means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Guidelines.

**Preservation Area** – means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

**Public Community Well** – means a well that provides water to a public water system serving at least 15 service connections used by year-round residents or regularly serving at least 25 year-round residents.

**Public Non-Community Well** – means a well that is not a public community well and that provides water to a public water system regularly serving at least 25 individuals for at least 60 days in any given calendar year.

**Regional Master Plan (RMP)** – means the Highlands Regional Master Plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

**Solar Panel** – means an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array. (As defined by the Highlands Act, N.J.S.A. 13:20-1 *et seq.*, as amended.)

**Structure** – means a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

### **SECTION 5**

If any portion, paragraph, clause, sentence or phrase of this Ordinance is determined to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

### **SECTION 6**

All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency only.

### **SECTION 7**

This Ordinance shall take effect after final passage and publication in the manner prescribed by law.



### APPENDIX A. MAJOR POTENTIAL CONTAMINANT SOURCES

---

Land uses and activities determined by the Highlands Council (based on New Jersey Safe Drinking Water Act regulations at N.J.A.C. 7:10 and NJDEP regulations) to be Major Potential Contaminant Sources include those listed below.

1. Underground fuel and chemical storage and oil tanks regulated by NJDEP under provisions of the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 et seq.).
2. Above-ground storage facility for a hazardous substance or waste with a cumulative capacity greater than 2,000 gallons.
3. Automotive service center (repair & maintenance).
4. Dry cleaning processing facility.
5. Road salt storage facility.
6. Cemetery.
7. Highway maintenance yard.
8. Truck, bus, locomotive maintenance yard.
9. Site for storage and maintenance of heavy construction equipment and materials.
10. Site for storage and maintenance of equipment and materials for landscaping, excluding household storage and maintenance of such equipment.
11. Livestock operation containing 300 or more Animal Units (AU) [1 AU= 1000 pounds of live animal weight] as defined by the NJ Department of Agriculture in its Criteria and Standards for Animal Waste Management, at NJAC 2:91.
12. Quarrying and/or mining facility.
13. Asphalt and/or concrete manufacturing facility.
14. Junkyard/auto recycling and scrap metal facility.
15. Residential or agricultural motor fuel in NJDEP exempted underground storage tanks (i.e., under 1,000 gallons).

### APPENDIX B. MINOR POTENTIAL CONTAMINANT SOURCES

---

Land uses and activities determined by the Highlands Council (based on New Jersey Safe Drinking Water Act regulations at N.J.A.C. 7:10 and NJDEP regulations) to be Minor Potential Contaminant Sources include the following:

1. Underground storage of hazardous substance or waste of less than 50 gallons.
2. Underground heating oil storage tank with a capacity of less than 2,000 gallons.
3. Sewage treatment facility regulated by a NJPDES permit granted under NJAC 7:14A.
4. Industrial waste line.
5. Septic system disposal field.
6. Facility requiring a ground water discharge permit issued by the NJDEP pursuant to N.J.A.C 7:14A et seq.
7. Stormwater retention-recharge basin on an industrial property receiving runoff from surfaces other than roof areas.
8. Dry well on an industrial property receiving runoff from surfaces other than roof areas.
9. Waste oil collection, storage and recycling facility.
10. Agricultural chemical bulk storage and mixing or loading facility including crop dusting facilities.
11. Above-ground storage of hazardous substance or waste in quantities of less than 2,000 gallons.
12. Livestock operation containing 8 or more Animal Units (AU) [1 AU= 1000 pounds of live animal weight] or those receiving 142 or more tons of animal waste per year as defined by the NJ Department of Agriculture pursuant to its Criteria and Standards for Animal Waste Management, at NJAC 2:91.



# 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*

TO: Honorable Mayor and Borough Council  
SUBJ: Manager's Report for the Borough Council meeting of November 13, 2023  
CC: Robert Oostdyk, Borough Attorney

**Styrofoam Recycling** – As requested, I have spoken with the Long Hill Township Business Administrator regarding the fee for the Styrofoam recycling shared service. The Township has set the fee based on the quantity of Styrofoam delivered to their facility from each of the communities that bring their Styrofoam material to them. The set fee of \$3,000 allows for up to the equivalent of one 30-yard container of Styrofoam per month to be brought to their recycling facility. Long Hill's Administrator explained that there is one member of their shared service who drops off for three towns. These three towns combined deliver less than a 30-yard container per month, which is why their fee is a combined \$3,000. The Administrator did welcome us to team up with a neighboring community, however, we would have to invoice the other community and also handle all the details of the arrangement.

The Long Hill Administrator also informed me that the reason for the fee is that their Styrofoam collection efforts are now causing DPW employees to work overtime to stay on top of all the material collected. The Administrator further stated that the Township is receiving a lot less money for the Styrofoam than expected (currently, around \$1,000 per year).

Should you have any questions, please feel free to contact me.

Respectfully,

Mitchell

## RESOLUTION AND ORDINANCE REVIEW FOR THE NOVEMBER 13, 2023 MEETING

TO: MAYOR AND COUNCIL

FROM: MITCHELL STERN, MANAGER

---

### ***RESOLUTIONS***

**R200-23, AUTHORIZING THE DISCRETIONARY AWARD OF A CONTRACT FOR SIDEWALK AND CURBING TO E. ANDRE CONSTRUCTION SERVICES INC. IN AN AMOUNT THAT MAY EXCEED \$17,500 BUT WILL BE LESS THAN \$44,000-** this resolution is necessary because anticipated purchases will bring the total purchased from this vendor to more than \$17,500 during the 2023 calendar year.

**R201-23, AWARDING A CONTRACT FOR HYDRO-RAKING SERVICES TO PARAGON INTEGRATED SERVICES GROUP, LLC** – this resolution authorizes the Borough Manager to enter into a contract with Paragon Integrated Services Group, LLC for hydro-raking services. Bids were taken on 9/21/23 and 10/12/23. There were no bids received on 9/21/23 and the bids received on 10/12/23 were rejected because they were overbudget or not in compliance with bid specifications.

**R202-23, AUTHORIZING THE TRANSFER OF APPROPRIATIONS** - this resolution authorizes the CFO to transfer excess appropriations to appropriations that are insufficient to meet current needs as authorized by N.J.S.A. 40A:4-58. A complete explanation from our CFO is included with the resolution.

**R203-23, AUTHORIZING SHARED SERVICES AGREEMENT FOR STYROFOAM RECYCLING** – this resolution authorizes the Borough Manager to enter into a shared services agreement with Long Hill Township for Styrofoam recycling at a cost of \$3000 per year.

---

### ***ORDINANCES TO INTRODUCE***

**15-23, AN ORDINANCE OF THE BOROUGH OF MOUNTAIN LAKES, COUNTY OF MORRIS, STATE OF NEW JERSEY, PROVIDING FOR THE ESTABLISHMENT OF STORMWATER CONTROL, OF THE BOROUGH CODE TO ESTABLISH NJDEP-MANDATED REGULATIONS FOR PRIVATELY OWNED SALT STORAGE** – this ordinance establishes NJDEP-mandated regulations for privately owned salt storage and prescribes penalties for failure to comply. The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater to protect the environment, public health, safety and welfare.

---

### ***ORDINANCES TO ADOPT***

**None.**

If there are any questions prior to the meeting, please feel free to contact me.

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

**ORDINANCE 15-23**

**“ORDINANCE OF THE BOROUGH OF MOUNTAIN LAKES, COUNTY OF MORRIS,  
STATE OF NEW JERSEY, PROVIDING FOR THE ESTABLISHMENT OF STORMWATER  
CONTROL, OF THE BOROUGH CODE TO ESTABLISH NJDEP-MANDATED  
REGULATIONS FOR PRIVATELY OWNED SALT STORAGE”**

**WHEREAS**, as part of MS4 Tier A permit stormwater requirements, the New Jersey Department of Environmental Protection (NJDEP) requires municipalities to adopt NJDEP- mandated regulations for privately owned salt storage; and

**WHEREAS**, the Borough Council is required to adopt the NJDEP model ordinance.

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

**SECTION 1.** The Revised General Ordinances of the Borough of Mountain Lakes are hereby amended by the inclusion of new Chapter 200 entitled “Privately Owned Salt Storage,” which shall read in its entirety as follows:

**CHAPTER 200**

**PRIVATELY OWNED SALT STORAGE**

**§ 200-1. Purpose.**

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in Borough of Mountain Lakes to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

**§ 200-2. Definitions.**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Article clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

- C. "Storm drain inlet" means the point of entry into the storm sewer system.
- D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- (1) Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
  - (2) The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
  - (3) The structure shall be erected on an impermeable slab;
  - (4) The structure cannot be open sided; and
  - (5) The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

**§ 200-3. Deicing Material Storage Requirements.**

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
- (1) Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
  - (2) Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
  - (3) Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
  - (4) Loose materials shall be covered as follows:
    - (a) The cover shall be waterproof, impermeable, and flexible;
    - (b) The cover shall extend to the base of the pile(s);
    - (c) The cover shall be free from holes or tears;
    - (d) The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and



- (e) Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.

- [1] Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;

- (5) Containers must be sealed when not in use; and

- (6) The site shall be free of all de-icing materials between April 16th and October 14th.

- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.
- C. All such temporary and/or permanent structures must also comply with all other Borough of Mountain Lakes ordinances, including building and zoning regulations.
- D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
  - (1) Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

#### **§ 200-4. Exemptions.**

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in § 200-3 above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

#### **§ 200-5. Enforcement.**

This ordinance shall be enforced by the Mountain Lakes Police Department and/or the Property Maintenance Officer or another person designated by the Borough Manager during the course of ordinary enforcement duties.

#### **§ 200-6. Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall subject such person(s) to fines and penalties in accordance with N.J.S.A. 40:49-5.

[illegible]

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

**RESOLUTION 199-23**

**“RESOLUTION AUTHORIZING THE PAYMENT OF BILLS”**

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Mountain Lakes, County of Morris, State of New Jersey, that the current bills, dated **November 13, 2023** and on file and available for public inspection in the Office of the Treasurer and approved by him for payment, be paid.

XX

**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on November 13, 2023.

\_\_\_\_\_  
Cara Fox, Borough Clerk

| Name       | Motion | Second | Aye | Nay | Absent | Abstain |
|------------|--------|--------|-----|-----|--------|---------|
| Cannon     |        |        |     |     |        |         |
| Korman     |        |        |     |     |        |         |
| Menard     |        |        |     |     |        |         |
| Muilenburg |        |        |     |     |        |         |
| Richter    |        |        |     |     |        |         |
| Barnett    |        |        |     |     |        |         |
| Sheikh     |        |        |     |     |        |         |

**List of Bills - CLAIMS/CLEARING CHECKING ACCOUNT**

Meeting Date: 11/13/2023 For bills from 10/20/2023 to 11/08/2023

| Check# | Vendor   | Description                                       | Payment      | Check Total  |
|--------|--|---|--------------|--------------|
| 22943  | 101 - 84 LUMBER COMPANY                        | PO 27188 BH: RENOVATIONS - KOA CLADDING - RESO# 1 | 26,374.22    |              |
|        |  | PO 27828 BH: RENOVATIONS -                        | 159.50       | 26,533.72    |
| 22944  | 219 - ACCESS                                   | PO 27020 2023 ARCHIVE SERVICES - CUST# 156NFY0479 | 72.07        | 72.07        |
| 22945  | 206 - ALLEN PAPER & SUPPLY CO.                 | PO 27857 PAPER PRODUCTS FOR DPW & BH              | 570.50       | 570.50       |
| 22946  | 196 - ALLIED OIL                               | PO 27094 DPW - UNLEADED FUEL - NJ STATE CONTRACT  | 2,027.53     | 2,027.53     |
| 22947  | 3861 - AMAZON CAPITAL SERVICES                 | PO 27673 BH: ORDER# multiple                      | 761.54       |              |
|        |  | PO 27739 BH: ORDER# 112-8582342-2813827           | 144.99       |              |
|        |  | PO 27753 FIRE SAFETY: ORDER# 112-8481643-0049055  | 39.98        |              |
|        |  | PO 27780 BH: ORDER# 112-2228622-1215441           | 250.79       |              |
|        |  | PO 27807 WATER DEPT: ORDER# 112-6931296-9811461   | 35.91        | 1,233.21     |
| 22948  | 3861 - AMAZON CAPITAL SERVICES                 | PO 27854 ADMIN: ORDER# 112-9128011-1496233        | 45.96        | 45.96        |
| 22949  | 153 - AMERICAN HOSE & HYDRAULICS               | PO 27652 DPW: EQUIPMENT REPAIR                    | 1,737.42     | 1,737.42     |
| 22950  | 3918 - AMERICAN LAMP RECYCLING, LLC            | PO 27815 SOLID WASTE - RECYCLING - LIGHT BULBS    | 1,430.35     | 1,430.35     |
| 22951  | 189 - ANCHOR ACE HARDWARE                      | PO 27658 WATER OPERATING - DEPARTEMENTAL SUPPLIES | 11.99        |              |
|        |  | PO 27825 BATHROOM MAINTENANCE - BIRCHWOOD BEACH   | 9.99         | 21.98        |
| 22952  | 4163 - APPRAISAL SYSTEMS, INC.                 | PO 26936 2023 PROFESSIONAL SERVICE FOR REASSESSME | 3,000.00     | 3,000.00     |
| 22953  | 4368 - BUY WISE AUTO PARTS, INC.               | PO 26727 DPW - VEHICLE REPAIRS                    | 131.88       | 131.88       |
| 22954  | 4122 - CENTRAL SUPPLY, INC                     | PO 27827 BH: RENOVATIONS - SUPPLIES               | 718.75       | 718.75       |
| 22955  | 4090 - CLEAN MAT SERVICES, LLC                 | PO 27275 FLOOR MATS / DPW - JULY - DEC 2023 BLANK | 93.17        | 93.17        |
| 22956  | 455 - CONDURSOS GARDEN CENTER                  | PO 27609 BUILDINGS & GROUNDS: BOROUGH APPEARANCE  | 140.00       | 140.00       |
| 22957  | 1481 - CORE & MAIN, LP                         | PO 27727 WATER DEPT: WATER METER REPLACEMENT PRO  | 3,190.00     | 3,190.00     |
| 22958  | 506 - DAN COMO & SONS, INC                     | PO 27561 SOLID WASTE: LEAF/BRUSH REMOVAL- BLANKET | 560.00       | 560.00       |
| 22959  | 4560 - DENVILLE TRANSMISSION                   | PO 27851 WATER DEPT: WATER UTILITY VEHICLE        | 5,590.00     | 5,590.00     |
| 22960  | 2971 - DIRECT ENERGY BUSINESS                  | PO 27830 WATER: ELECTRIC SERVICE - JULY to OCT    | 11,951.93    |              |
|        |  | PO 27841 BORO GARAGE: ELECTRIC SERVICE - SEPT to  | 15.92        |              |
|        |  | PO 27842 BORO HALL: ELECTRIC SERVICE SEPT to OCT  | 10.57        |              |
|        |  | PO 27885 BORO HALL: ELECTRIC SERVICE Sept-Oct     | 247.56       | 12,225.98    |
| 22961  | 2971 - DIRECT ENERGY BUSINESS                  | PO 27886 WATER: ELECTRIC SERVICE - Sept-Oct       | 4,420.74     |              |
|        |  | PO 27887 BORO GARAGE: ELECTRIC SERVICE Sept-Oct   | 164.07       |              |
|        |  | PO 27888 SEWER: ELECTRIC SERVICE Sept-Oct         | 30.05        |              |
|        |  | PO 27889 PARKS & BEACHES: ELECTRIC SERVICE Sept-O | 94.59        | 4,709.45     |
| 22962  | 652 - DOVER BRAKE AND CLUTCH CO. INC           | PO 27291 DPW- EQUIPMENT REPAIR - BLANKET          | 3.45         | 3.45         |
| 22963  | 4138 - EASTERN CONCRETE MATERIALS, INC         | PO 27840 BH: RENOVATIONS - STONE                  | 632.76       | 632.76       |
| 22964  | 4125 - FELDMAN BROTHERS ELECTRICAL SUPPLY      | PO 27847 BH: RENOVATIONS - ALARM SUPPLIES         | 520.50       | 520.50       |
| 22965  | 2517 - FIREFIGHTER ONE, LLC                    | PO 27730 FIRE DEPT: Engine 1 Repairs              | 2,277.30     | 2,277.30     |
| 22966  | 653 - GANNET NEW JERSEY NEWSPAPERS             | PO 26527 PLANNING/ZONING - 2023 ADVERTISING - BLA | 54.21        | 54.21        |
| 22967  | 815 - GATES FLAG & BANNER CO. INC              | PO 27747 BEACHES: REPLACEMENT FLAGPOLE            | 3,950.00     | 3,950.00     |
| 22968  | 826 - GENERAL PLUMBING SUPPLY, INC             | PO 27803 DPW: BATHROOM PROJECT                    | 87.43        | 87.43        |
| 22969  | 4533 - GREEN VALLEY LANDSCAPE DESIGN           | PO 27588 ESPLANADE CLEAN UP                       | 2,200.00     | 2,200.00     |
| 22970  | 3991 - GRM INFORMATION MANAGEMENT SERVICES     | PO 27010 2023 ARCHIVE STORAGE - 2-4 QTR - ACCT 01 | 107.68       | 107.68       |
| 22971  | 152 - HD SUPPLY CONST & INDUST- WHITECAP       | PO 27826 BH: RENOVATIONS - SEALANT                | 222.90       |              |
|        |  | PO 27891 BH: RENOVATIONS - MATERIALS              | 62.50        | 285.40       |
| 22972  | 4188 - HERC RENTALS, INC.                      | PO 27585 BH: RENOVATIONS - RENTALS BLANKET        | 1,555.00     | 1,555.00     |
| 22973  | 949 - HOOVER TRUCK CENTER                      | PO 27850 S & R: EQUIPMENT                         | 27.04        | 27.04        |
| 22974  | 3306 - IBS OF NORTHERN JERSEY                  | PO 27234 SEWER DEPARTMENT - MAINTENANCE - BLANKET | 146.95       | 146.95       |
| 22975  | 1072 - JACK DOHENY COMPANIES, INC.             | PO 27812 WATER DEPT: PARTS FOR VAC TRUCK          | 133.00       | 133.00       |
| 22976  | 3010 - JACKIE BAY                              | PO 27834 REIMBURSEMENT                            | 338.58       | 338.58       |
| 22977  | 859 - JCP&L                                    | PO 27838 ACCT#100 154 666 612/ BILL PRD: 8/29 - 1 | 21.39        |              |
|        |  | PO 27844 ACCT#100 075 505 725 - BILL PRD: 9/23 -  | 4.09         |              |
|        |  | PO 27845 ACCT#100 141 241 693 BILL PRD: 9/23 - 10 | 55.98        |              |
|        |  | PO 27846 ACCT#100 151 758 974 - BILL PRD: 9/23 -  | 200.35       | 281.81       |
| 22978  | 1040 - JESCO, INC.                             | PO 27877 S & R: EQUIPMENT                         | 344.66       | 344.66       |
| 22979  | 1074 - JW PIERSON CO.                          | PO 27472 DPW - DEISEL FUEL - BLANKET              | 2,385.47     | 2,385.47     |
| 22980  | 4231 - KUIKEN BROTHERS COMPANY                 | PO 27583 BH: RENOVATIONS - BLANKET                | 488.42       | 488.42       |
| 22981  | 4179 - LUBENET, LLC                            | PO 27805 DPW - EQUIPMENT REPAIRS                  | 1,102.00     | 1,102.00     |
| 22982  | 1363 - M.J. CORIGLIANO                         | PO 27824 FLATBED SERVICE TO HAUL DISABLED UTILITY | 175.00       | 175.00       |
| 22983  | 1441 - MAJOR POLICE SUPPLY                     | PO 26362 POLICE: CAMERA INSTALL - STATE CONTRACT  | 2,187.00     | 2,187.00     |
| 22984  | 3303 - MCLOM                                   | PO 27868 NJ LEAGUE REGISTRATION - 11/15/23        | 150.00       | 150.00       |
| 22985  | 3926 - MITCHELL STERN                          | PO 27808 ADMIN: REIMBURSEMENT                     | 149.90       | 149.90       |
| 22986  | 3167 - MORRIS COUNTY MUNICIPAL                 | PO 27837 FY2023 4TH INSTALLMENT                   | 50,744.99    |              |
|        |  | PO 27837 FY2023 4TH INSTALLMENT                   | 4,179.01     |              |
|        |  | PO 27837 FY2023 4TH INSTALLMENT                   | 4,776.00     | 59,700.00    |
| 22987  | 1371 - MTN. LAKES BOARD OF EDUCATION           | PO 27835 NOV 2023 MTN LAKES SCHOOL DISTRICT GENER | 2,118,523.34 | 2,118,523.34 |
| 22988  | 479 - NEW JERSEY HILLS MEDIA GROUP             | PO 26671 ZBOA/PLANNING BRD - ACCT# 010902 - 2023  | 12.69        | 12.69        |
| 22989  | 4223 - NIAGARA MACHINE, INC                    | PO 27398 BH RENO: FLOOR MATERIALS                 | 2,895.71     | 2,895.71     |
| 22990  | 4357 - NIELSEN FORD OF MORRISTOWN, INC         | PO 27675 POLICE: VEHICLE PURCHASE - CONTRACT #23- | 81,581.17    |              |
|        |  | PO 27675 POLICE: VEHICLE PURCHASE - CONTRACT #23- | 5,020.63     | 86,601.80    |
| 22991  | 1522 - NISIVOCIA & COMPANY LLP                 | PO 27890 FINANCE: PROFESSIONAL SERVICES FOR 2023  | 5,000.00     | 5,000.00     |
| 22992  | 2745 - NJ DEPT OF LABOR -WORKFORCE DEVELOPMENT | PO 27879 4TH QTR 2021 UNEMPLOYMENT                | 343.56       | 343.56       |

**List of Bills - CLAIMS/CLEARING CHECKING ACCOUNT**

Meeting Date: 11/13/2023 For bills from 10/20/2023 to 11/08/2023

| Check# | Vendor  | Description                                       | Payment  | Check Total  |
|--------|---|---|----------|--------------|
| 22993  | 3416 - NJ PUBLIC SAFETY ACCREDITATION COAL      | PO 27856 POLICE: 2023 NJPSAC CONFERENCE - JASON D | 449.00   | 449.00       |
| 22994  | 4221 - NORTH JERSEY BOBCAT, INC.                | PO 27772 REPAIR/MAINTENCE - BLANKET               | 24.11    |              |
|        |   | PO 27806 DPW - EQUIPMENT MAINTENANCE              | 895.45   | 919.56       |
| 22995  | 2727 - ONE CALL CONCEPTS, INC.                  | PO 27140 ACCT# 12-BML / 2023 MAY - DEC BLANKET    | 114.40   | 114.40       |
| 22996  | 2968 - OPTIMUM                                  | PO 26332 DPW: 2023 CABLE BOXES ACCT# 07876-414565 | 11.84    | 11.84        |
| 22997  | 2968 - OPTIMUM                                  | PO 27301 DPW: 2023 INTERNET SERVICES ACCT# 07876- | 161.21   | 161.21       |
| 22998  | 3113 - PHILLIPS PREISS GRYGIEL LEHENY HUGH      | PO 27777 SEPT 2023 - PROFESSIONAL SERVICES - PB   | 1,520.00 | 1,520.00     |
| 22999  | 1734 - READYREFRESH BY NESTLE                   | PO 26911 2023 BLANKET (2) - ACCT# 0016496903      | 144.48   | 144.48       |
| 23000  | 2774 - STAPLES CONTRACT & COMMERCIAL, LLC       | PO 27261 MIXED DEPT: ORDER# 7901987026            | 1,246.19 |              |
|        |   | PO 27725 POLICE: ORDER# 761606838-000-001         | 462.02   | 1,708.21     |
| 23001  | 2774 - STAPLES CONTRACT & COMMERCIAL, LLC       | PO 27839 ADMIN: ORDER# 7903960271                 | 366.07   | 366.07       |
| 23002  | 4310 - TAILORED AUTOBODY & SERVICE              | PO 26836 FIRE: RESCUE TRUCK REPAIRS               | 2,678.58 | 2,678.58     |
| 23003  | 2555 - THE STATION AT MTN. LAKES, LLC           | PO 27829 ADMIN: EMPLOYEE APPRECIATION LUNCHEON    | 812.00   | 812.00       |
| 23004  | 881 - TMS, INC                                  | PO 26293 ADMIN: 2023 DNS HOSTING / ACCT# GTI - BL | 25.24    | 25.24        |
| 23005  | 4308 - TRANE U.S., INC                          | PO 27741 BH: RENOVATIONS - REMOTE SENSORS         | 53.00    | 53.00        |
| 23006  | 4191 - TRANSUNION RISK & ALTERNATIVE            | PO 27883 POLICE: DATA SEARCH                      | 75.00    | 75.00        |
| 23007  | 2079 - TREASURER, STATE OF NEW JERSEY           | PO 27874 JULY - SEPTEMBER 2023 MARRIAGE LICENSE F | 175.00   | 175.00       |
| 23008  | 2977 - UGI ENERGY SERVICES, INC.                | PO 27809 CUST# J0001077, 1078, 1079 - MOUNTAIN LA | 2.26     | 2.26         |
| 23009  | 3822 - ULINE, INC                               | PO 27758 BH: ORDER# 7832184                       | 988.22   | 988.22       |
| 23010  | 1062 - UNITED SITE SERVICES                     | PO 26363 DPW BATHROOM RENOVATION                  | 43.75    | 43.75        |
| 23011  | 832 - W.W. GRAINGER, INC                        | PO 27766 BH: RENOVATIONS                          | 265.80   | 265.80       |
| 23012  | 4489 - WALLINGTON PLUMBING & HEATING SUPPLY CO. | PO 27762 BH: RENOVATIONS - CUSTOM DUCT WORK       | 1,875.00 |              |
|        |   | PO 27804 BH: RENOVATIONS                          | 62.73    |              |
|        |   | PO 27818 BH: RENOVATIONS - CUSTOM DUCT WORK       | 282.25   |              |
|        |   | PO 27859 BH: RENOVATIONS - SPECIAL ORDER          | 1,517.25 |              |
|        |   | PO 27871 DPW BATHROOM                             | 433.50   | 4,170.73     |
| 23013  | 4225 - WILLIAMS SCOTSMAN, INC                   | PO 26340 BH: RENOVATIONS - 2023 TRAILER RENTAL -  | 224.00   | 224.00       |
| TOTAL  |   |   |          | 2,371,600.98 |

## Summary By Account

| ACCOUNT           | DESCRIPTION                           | CURRENT YR | APPROP. YEAR | NON-BUDGETARY | CREDIT       |
|-------------------|---------------------------------------|------------|--------------|---------------|--------------|
| 01-201-20-100-020 | GENERAL ADMIN - OTHER EXPENSE         | 2,277.14   |              |               |              |
| 01-201-20-110-020 | MAYOR & COUNCIL - OTHER EXP'S         | 50.00      |              |               |              |
| 01-201-20-120-020 | MUNICIPAL CLERK - OTHER EXP'S         | 243.61     |              |               |              |
| 01-201-20-130-020 | FINANCE - OTHER EXPENSES              | 164.62     |              |               |              |
| 01-201-20-140-020 | COMPUTER SERVICES                     | 37.08      |              |               |              |
| 01-201-20-145-020 | TAX COLLECTOR - OTHER EXPENSES        | 15.37      |              |               |              |
| 01-201-20-150-020 | TAX ASSESSOR - OTHER EXPENSES         | 3,000.00   |              |               |              |
| 01-201-21-180-020 | PLANNING BOARD - OTHER EXPENSE        | 1,549.82   |              |               |              |
| 01-201-21-185-020 | BD OF ADJUST - OTHER EXPENSES         | 44.85      |              |               |              |
| 01-201-22-195-020 | UNIFORM CONST - OTHER EXPENSES        | 155.26     |              |               |              |
| 01-201-23-210-020 | INSURANCE - LIABILITY                 | 27,858.32  |              |               |              |
| 01-201-23-215-020 | WORKERS COMPENSATION                  | 22,886.67  |              |               |              |
| 01-201-25-240-020 | POLICE DEPT - OTHER EXPENSES          | 6,036.60   |              |               |              |
| 01-201-25-266-020 | FIRE DEPT - SAFETY - OTHER EXP        | 39.98      |              |               |              |
| 01-201-26-290-020 | STREETS & ROADS - OTHER EXP.          | 4,993.12   |              |               |              |
| 01-201-26-305-020 | SOLID WASTE - OTHER EXPENSES          | 1,990.35   |              |               |              |
| 01-201-26-310-020 | BLDG & GROUNDS - MUNIC BLDG           | 2,977.45   |              |               |              |
| 01-201-26-315-020 | VEHICLE REPAIRS & MAINTENANCE         | 7,274.76   |              |               |              |
| 01-201-27-337-020 | WOODLAND COMMITTEE - OTHER EXPENSE    | 338.58     |              |               |              |
| 01-201-28-375-020 | MAINT OF PARKS (BEACHES/LAKES)        | 3,950.00   |              |               |              |
| 01-201-31-435-020 | ELECTRICITY - ALL DEPARTMENTS         | 793.13     |              |               |              |
| 01-201-31-437-020 | NATURAL GAS                           | 2.26       |              |               |              |
| 01-201-31-447-020 | PETROLEUM PRODUCTS                    | 4,413.00   |              |               |              |
| 01-203-28-375-020 | (2022) MAINT OF PARKS (BEACHES/LAKES) |            | 9.99         |               |              |
| 01-207-55-000-000 | LOCAL SCHOOL TAXES PAYABLE            |            |              | 2,118,523.34  |              |
| 01-260-05-100     | DUE TO CLEARING                       |            |              | 0.00          | 2,209,800.30 |
| 01-290-55-000-002 | DUE TO NJ - MARRIAGE LIC. FEES        |            |              | 175.00        |              |
| TOTALS FOR        | Current Fund                          | 91,091.97  | 9.99         | 2,118,698.34  | 2,209,800.30 |

## Summary By Account

| ACCOUNT           | DESCRIPTION                              | CURRENT YR       | APPROP. YEAR | NON-BUDGETARY    | CREDIT           |
|-------------------|--|------------------|--------------|------------------|------------------|
| 04-215-55-989-000 | 2020 CAPITAL ORD. 8-20 BORO HALL RENOV.  |                  |              | 31,749.76        |                  |
| 04-215-55-991-000 | 2021 CAPTIAL ORDINANCE 10-21             |                  |              | 3,190.00         |                  |
| 04-215-55-992-000 | 2022 CAPITAL ORDINANCE 2-22              |                  |              | 2,543.75         |                  |
| 04-215-55-996-000 | 2023 CAPITAL ORDINANCE 8-23              |                  |              | 2,500.00         |                  |
| 04-215-55-998-000 | 2023 CAPITAL ORD. 13-23 BORO HALL RENOV. |                  |              | 8,306.07         |                  |
| 04-260-05-100     | DUE TO CLEARING                          |                  |              | 0.00             | 48,289.58        |
| <b>TOTALS FOR</b> | <b>General Capital</b>                   | <b>0.00</b>      | <b>0.00</b>  | <b>48,289.58</b> | <b>48,289.58</b> |
| 05-201-55-520-520 | Water Operating - Other Expenses         | 27,230.36        |              |                  |                  |
| 05-260-05-100     | DUE TO CLEARING                          |                  |              | 0.00             | 27,230.36        |
| <b>TOTALS FOR</b> | <b>Water Operating</b>                   | <b>27,230.36</b> | <b>0.00</b>  | <b>0.00</b>      | <b>27,230.36</b> |
| 07-201-55-520-520 | Sewer Operating - Other Expenses         | 4,356.01         |              |                  |                  |
| 07-260-05-100     | DUE TO CLEARING                          |                  |              | 0.00             | 4,356.01         |
| <b>TOTALS FOR</b> | <b>Sewer Operating</b>                   | <b>4,356.01</b>  | <b>0.00</b>  | <b>0.00</b>      | <b>4,356.01</b>  |
| 14-260-05-100     | Due to Clearing                          |                  |              | 0.00             | 343.56           |
| 14-300-60-000-000 | RESERVE FOR UNEMPLOYMENT INSUR           |                  |              | 343.56           |                  |
| <b>TOTALS FOR</b> | <b>Unemployment Trust</b>                | <b>0.00</b>      | <b>0.00</b>  | <b>343.56</b>    | <b>343.56</b>    |
| 19-260-05-100     | DUE TO CLEARING                          |                  |              | 0.00             | 81,581.17        |
| 19-300-60-000-005 | RESERVE FOR POLICE VEHICLE               |                  |              | 81,581.17        |                  |
| <b>TOTALS FOR</b> | <b>Police Outside Detail Trust</b>       | <b>0.00</b>      | <b>0.00</b>  | <b>81,581.17</b> | <b>81,581.17</b> |

Total to be paid from Fund 01 Current Fund 2,209,800.30  
 Total to be paid from Fund 04 General Capital 48,289.58  
 Total to be paid from Fund 05 Water Operating 27,230.36  
 Total to be paid from Fund 07 Sewer Operating 4,356.01  
 Total to be paid from Fund 14 Unemployment Trust 343.56  
 Total to be paid from Fund 19 Police Outside Detail Trust 81,581.17  
 =====  
 2,371,600.98

2,209,800.30 +  
 150.00 +  
 2,209,950.30 +

## Checks Previously Disbursed



|       |      |           |                                   |        |            |
|-------|------|-----------|-----------------------------------|--------|------------|
| 22941 | NJLM | PO# 27875 | LEAGUE OF MUNICIPALITIES 2023 - L | 75.00  | 11/07/2023 |
| 22942 | NJLM | PO# 27876 | LEAGUE OF MUNICIPALITIES 2023 - H | 75.00  | 11/07/2023 |
|       |      |           |                                   | -----  |            |
|       |      |           |                                   | 150.00 |            |

| Totals by fund                      | Previous Checks/Voids | Current Payments | Total               |
|-------------------------------------|-----------------------|------------------|---------------------|
| Fund 01 Current Fund                | 150.00                | 2,209,800.30     | <b>2,209,950.30</b> |
| Fund 04 General Capital             |                       | 48,289.58        | <b>48,289.58</b>    |
| Fund 05 Water Operating             |                       | 27,230.36        | <b>27,230.36</b>    |
| Fund 07 Sewer Operating             |                       | 4,356.01         | <b>4,356.01</b>     |
| Fund 14 Unemployment Trust          |                       | 343.56           | <b>343.56</b>       |
| Fund 19 Police Outside Detail Trust |                       | 81,581.17        | <b>81,581.17</b>    |
| -----                               |                       |                  |                     |
| BILLS LIST TOTALS                   | 150.00                | 2,371,600.98     | <b>2,371,750.98</b> |



| ACCOUNT | DESCRIPTION | CURRENT YR | APPROP. YEAR | NON-BUDGETARY | CREDIT |
|---------|-------------|------------|--------------|---------------|--------|
| <hr/>   |             |            |              |               |        |
| <hr/>   |             |            |              |               |        |

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

Meeting Date: 11/13/2023 For bills from 10/20/2023 to 11/08/2023

| Check# | Vendor                                    | Description                                      | Payment | Check Total |
|--------|---|--|---------|-------------|
| 5379   | 102 - ANDERSON & DENZLER ASSOC., INC      | PO 27863 OCT 2023 PROFESSIONAL SERVICES - ESCROW | 276.08  | 276.08      |
| 5380   | 1916 - STICKEL, KOENIG, SULLIVAN & DRILL, | PO 27862 OCT 2023 PROFESSIONAL SERVICES - ESCROW | 612.00  | 612.00      |
| TOTAL  |   |  |         | 888.08      |

## Summary By Account

| ACCOUNT           | DESCRIPTION                        | CURRENT YR | APPROP. YEAR | NON-BUDGETARY | CREDIT |
|-------------------|------------------------------------|------------|--------------|---------------|--------|
| 17-101-01-001-002 | Escrow - Developers - Checking     |            |              | 0.00          | 888.08 |
| 17-500-00-091-418 | PULTE HOMES - ENCLAVE SITE INSPEC. |            |              | 276.08        |        |
| 17-500-00-091-419 | 264 MORRIS AVE. LLC                |            |              | 612.00        |        |
| TOTALS FOR        | Developer's Escrow                 | 0.00       | 0.00         | 888.08        | 888.08 |

Total to be paid from Fund 17 Developer's Escrow

888.08

888.08

List of Bills - (3310101001001) CASH - RECREATION

Recreation Trust

Meeting Date: 11/13/2023 For bills from 10/20/2023 to 11/08/2023

| Check# | Vendor                  | Description                                  | Payment | Check Total |
|--------|-------------------------|--|---------|-------------|
| 5589   | 2564 - BSN SPORTS LLC   | PO 27717 TENNIS COURTS                       | 297.04  | 297.04      |
| 5590   | 4562 - GIANNA DELLAFERA | PO 27884 FIELD HOCKEY EXPENSES REIMBURSEMENT | 304.95  | 304.95      |
| TOTAL  |                         |  |         | 601.99      |

Summary By Account

| ACCOUNT           | DESCRIPTION               | CURRENT YR | APPROP. YEAR | NON-BUDGETARY | CREDIT |
|-------------------|---------------------------|------------|--------------|---------------|--------|
| 33-101-01-001-001 | CASH - RECREATION         |            |              | 0.00          | 601.99 |
| 33-600-00-090-000 | Recreation Trust Reserves |            |              | 601.99        |        |
| TOTALS FOR        | Recreation Trust          | 0.00       | 0.00         | 601.99        | 601.99 |

Total to be paid from Fund 33 Recreation Trust

601.99

601.99

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

**RESOLUTION 200-23**

**“RESOLUTION AUTHORIZING THE DISCRETIONARY AWARD OF A CONTRACT FOR CONCRETE SIDEWALKS & CURBING  
TO E. ANDRE CONSTRUCTION SERVICES, INC. IN AN AMOUNT THAT MAY EXCEED \$17,500 BUT WILL BE LESS THAN  
\$44,000”**

**WHEREAS**, the Borough of Mountain Lakes has a need for concrete sidewalks and curbing for the Borough Hall Renovation Project; and

**WHEREAS**, the Borough of Mountain Lakes has identified E. Andre Construction, Inc. as a vendor for concrete sidewalks and curbing; and

**WHEREAS**, it is anticipated that the purchase contract with E. Andre Construction, Inc. will exceed \$17,500 but be less than \$44,000; and

**WHEREAS**, the New Jersey Pay-to-Play Law N.J.S.A. 19:44A-20.4 et seq. requires contracts in excess of \$17,500 to be issued in a fair and open or non-fair and open manner; and

**WHEREAS**, E. Andre Construction, Inc. has provided the required documentation, which is on file with the Borough, for a non-fair and open contract to be awarded; and

**WHEREAS**, the Chief Finance Officer will certify that funds are available upon submission of a purchase requisition; and

**WHEREAS**, it is the recommendation of the Borough Manager that should they be needed, contracts in excess of \$17,500 but less than \$44,000 be authorized in the manner required by law.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Mountain Lakes, County of Morris, State of New Jersey as follows:

1. Should they be needed, contracts in excess of \$17,500 but less than \$44,000 may be authorized in the manner required by law.
2. The Borough Manager is hereby authorized and directed to execute the necessary documents related to this resolution.

XX

**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on November 13, 2023.

\_\_\_\_\_  
Cara Fox, Borough Clerk

| Name       | Motion | Second | Aye | Nay | Absent | Abstain |
|------------|--------|--------|-----|-----|--------|---------|
| Cannon     |        |        |     |     |        |         |
| Korman     |        |        |     |     |        |         |
| Menard     |        |        |     |     |        |         |
| Muilenburg |        |        |     |     |        |         |
| Richter    |        |        |     |     |        |         |
| Barnett    |        |        |     |     |        |         |
| Sheikh     |        |        |     |     |        |         |

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

**RESOLUTION 201-23**

**“RESOLUTION AWARDING A CONTRACT FOR HYDRO-RAKING SERVICES TO PARAGON  
INTEGRATED SERVICES GROUP, LLC”**

**WHEREAS**, bids for hydro-raking services were opened on September 21, 2023 and on October 12, 2023; and

**WHEREAS**, in response to the first bid, no bids were submitted; and

**WHEREAS**, in response to the second bid, the bidders were either in excess of the project's estimate or were not in compliance with bid specifications; and

**WHEREAS**, the Borough Council by Resolution adopted on October 23, 2023 (R193-23) rejected the bids submitted on October 12, 2023; and

**WHEREAS**, the Borough Council, pursuant to the Local Public Contracts Law, directed the Borough Manager to proceed with negotiations to obtain proposals for hydro-raking services; and

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Mountain Lakes, that the contract for hydro-raking services be awarded to Paragon Integrated Services Group for an amount not to exceed \$79,788.82.

XX

**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on November 13, 2023.

\_\_\_\_\_  
Cara Fox, Borough Clerk

| Name       | Motion | Second | Aye | Nay | Absent | Abstain |
|------------|--------|--------|-----|-----|--------|---------|
| Cannon     |        |        |     |     |        |         |
| Korman     |        |        |     |     |        |         |
| Menard     |        |        |     |     |        |         |
| Muilenburg |        |        |     |     |        |         |
| Richter    |        |        |     |     |        |         |
| Barnett    |        |        |     |     |        |         |
| Sheikh     |        |        |     |     |        |         |

**CERTIFICATION OF THE AVAILABILITY OF FUNDS**

01-201-28-375-026 PARKS/BEACHES - HYDRO RAKING \$79,788.82

  
\_\_\_\_\_  
Monica Goscicki, CFO

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

**RESOLUTION 202-23**

**“RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS”**

**WHEREAS**, there were excess appropriations to the 2023 Appropriation Budget for the Water Operating Fund;  
and

**WHEREAS**, other appropriations are insufficient to meet current needs.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey that, as authorized by N.J.S.A. 40A:4-58, the Chief Financial Officer (CFO) is hereby authorized and directed to make the following transfers effective November 13, 2023:

**FROM:**

**ACCOUNT NO.**  
**SALARIES AND WAGES:**  
05-201-55-510-001

**DESCRIPTION**

WATER OPER. S&W

**AMOUNT**

\$70,000.00

**TOTAL**

**\$70,000.00**

**TO:**

**ACCOUNT NO.**  
**OTHER EXPENSES:**  
05-201-55-520-520

**DESCRIPTION**

WATER OPER. O/E

**AMOUNT**

\$70,000.00

**TOTAL**

**\$70,000.00**

XX

**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on November 13, 2023.

\_\_\_\_\_  
Cara Fox, Borough Clerk

| Name       | Motion | Second | Aye | Nay | Absent | Abstain |
|------------|--------|--------|-----|-----|--------|---------|
| Cannon     |        |        |     |     |        |         |
| Korman     |        |        |     |     |        |         |
| Menard     |        |        |     |     |        |         |
| Muilenburg |        |        |     |     |        |         |
| Richter    |        |        |     |     |        |         |
| Barnett    |        |        |     |     |        |         |
| Sheikh     |        |        |     |     |        |         |



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

**RESOLUTION 203-23**

**“RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT FOR STYROFOAM RECYCLING”**

**WHEREAS**, the Borough of Mountain Lakes has a need to recycle Styrofoam, and

**WHEREAS**, the Borough of Mountain Lakes and the Township of Long Hill have determined it to be in their mutual best interests to provide for the sharing of resources by their respective Municipalities as authorized by N.J.S.A. 40A:65.1, et seq. and wish to enter into a Shared Services Agreement (hereinafter “the Agreement”) for Styrofoam Recycling Services.

**NOW, THEREFORE BE IT RESOLVED** the by the Borough Council of the Borough of Mountain Lakes, in the County of Morris, and State of New Jersey, that the appropriate municipal officials are hereby authorized to enter into an agreement between the Borough of Mountain Lakes and the Township of Long Hill for Styrofoam Recycling Services as set forth in the attached agreement.

XX

**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on November 13, 2023.

\_\_\_\_\_  
Cara Fox, Borough Clerk

| Name       | Motion | Second | Aye | Nay | Absent | Abstain |
|------------|--------|--------|-----|-----|--------|---------|
| Cannon     |        |        |     |     |        |         |
| Korman     |        |        |     |     |        |         |
| Menard     |        |        |     |     |        |         |
| Muilenburg |        |        |     |     |        |         |
| Richter    |        |        |     |     |        |         |
| Barnett    |        |        |     |     |        |         |
| Sheikh     |        |        |     |     |        |         |

**CERTIFICATION OF THE AVAILABILITY OF FUNDS**

02-200-40-700-403 RECYCLING TONNAGE GRANT \$1,653.28

02-200-40-700-404 RECYCLING TONNAGE GRANT \$1,346.72

  
\_\_\_\_\_  
Monica Gosicki, CFO

## SHARED SERVICES AGREEMENT

**THIS AGREEMENT** is made this \_\_\_\_ day of \_\_\_\_\_ 2023, by and between the **TOWNSHIP OF LONG HILL**, a municipal corporation of the State of New Jersey, having its principal office at 915 Valley Road, Gillette, New Jersey 07933, (hereinafter referred to as “Long Hill”) and the \_\_\_\_\_ **OF** \_\_\_\_\_, a municipal corporation of the State of New Jersey, having its principal office at \_\_\_\_\_, \_\_\_\_\_, New Jersey 0\_\_\_\_\_ (hereinafter “\_\_\_\_\_”);

WHEREAS, the Township of Long Hill (“Long Hill”) owns a Styrofoam recycling systems manufactured by Foam Cycle LLC; and

WHEREAS, Long Hill’s Styrofoam recycling program has been extremely successful; and

WHEREAS, other municipalities have approached Long Hill about utilizing Long Hill’s Styrofoam recycling system; and

WHEREAS, Long Hill wishes to share its Styrofoam recycling system with other municipalities; and

WHEREAS, shared services agreements are authorized by the Uniform Shares Services and Consolidation Act, *N.J.S.A. 40A:65-1, et. seq.*;

**NOW, THEREFORE**, in consideration of the mutual promises, covenants and agreements contained herein, the parties, intending to be legally bound, agree as follows:

1. In an effort to benefit the environment and lower trash disposal costs, Long Hill, and \_\_\_\_\_ have agreed to share Long Hill's Styrofoam recycling system. The governing bodies of Long Hill and \_\_\_\_\_ have to share Long Hill's Styrofoam recycling system under the following terms and conditions:
2. \_\_\_\_\_ shall be permitted to haul one thirty-yard container or equivalent per month containing recyclable Styrofoam materials to the Long Hill Public Works ("DPW") site on a schedule to be established by the Long Hill Public Works Director.
3. Long Hill's Public Works employees shall be responsible for processing the recyclable materials and Long Hill shall be responsible for disposing of the recycled Styrofoam.
4. Long Hill shall be entitled to retain any money received from the sale of the recycled material.
5. \_\_\_\_\_ agrees to pay Long Hill the annual sum of Three Thousand (\$3,000) Dollars for the services.
6. All necessary insurance on the recycling equipment shall be provided by Long Hill. \_\_\_\_\_ shall be responsible for maintaining the appropriate insurance on its employees while they are on the Long Hill DPW site.
7. This Agreement shall commence on the date it is signed and end on \_\_\_\_\_, 202\_\_.
8. Either party may terminate this agreement, with or without cause, upon 60 days written notice to the other party.
9. Each of the undersigned represents and warrants that all municipal action necessary for such municipality to enter into and perform all obligations required by this Agreement have been validly taken and that the undersigned are authorized to execute this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed by the respective Mayors, attested to by the respective Clerks and their corporate seals to be affixed the day and year first above written.

ATTEST:

TOWNSHIP OF LONG HILL

\_\_\_\_\_  
Megan Phillips, Township Clerk

\_\_\_\_\_  
Scott Lavender, Mayor

ATTEST:

BOROUGH OF MOUNTAIN LAKES

\_\_\_\_\_  
Cara Fox, Borough Clerk

\_\_\_\_\_  
Mitchell Stern, Borough Manager



**MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES  
OCTOBER 23, 2023  
HELD AT ML HIGH SCHOOL, 96 POWERVILLE ROAD, 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 has been reported to The Citizen and the Morris County Daily Record and The Star Ledger on January 9, 2023 and posted in the municipal building.

Mayor Sheikh called the meeting to order at 7:01p.m.

**ROLL CALL ATTENDANCE**

| <b>Roll Call</b> | <b><u>Present</u></b>               | <b><u>Absent</u></b>     |         | <b><u>Present</u></b>               | <b><u>Absent</u></b>                |
|------------------|-------------------------------------|--------------------------|---------|-------------------------------------|-------------------------------------|
| Cannon           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Richter | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Korman           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Barnett | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Menard           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Sheikh  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Muilenburg       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |         |                                     |                                     |

**FLAG SALUTE**

Mayor Sheikh led the salute to the flag.

**EXECUTIVE SESSION**

There was no executive session.

**COMMUNITY ANNOUNCEMENTS**

Councilmember Korman announced that a recent study in Nature magazine revealed that being outside for two or more hours per week had a significant improvement on mental health and encouraged everyone to go outside.

Councilmember Muilenburg announced that Halloween candy donations can be dropped off at Mountain Lakes Library until October 26<sup>th</sup> and at Wildwood School from October 23<sup>rd</sup> to October 26<sup>th</sup>.

Mayor Sheikh wished everyone a happy end to National Hispanic American Heritage Month and advised that the deadline to submit nominations for Citizen of the Year & Janice D. Hunts awards is November 3<sup>rd</sup>.

**SPECIAL PRESENTATIONS**

There were no presentations.

**REPORTS OF BOROUGH ESTABLISHED BOARDS, COMMISSIONS AND COMMITTEES**

There were no reports.

**BOROUGH COUNCIL DISCUSSION ITEMS**

There were no discussion items.

**PUBLIC COMMENT**

Mayor Sheikh opened the meeting to the public.

There was no one from the public wishing to speak.

**ATTORNEY'S REPORT**

Mr. Oostdyk had nothing to report.

**MANAGER'S REPORT**

Borough Manager Stern provided his report (attached). The council asked questions of Mr. Stern and Mr. Stern answered them.



**MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES  
OCTOBER 23, 2023  
HELD AT ML HIGH SCHOOL, 96 POWERVILLE ROAD, MOUNTAIN LAKES, NJ 07046**

The Council discussed Borough Manager Stern's recommendation to cease collecting Styrofoam at the Borough's recycling facility and have residents place Styrofoam out with their trash. Councilmember Korman requested that Borough Manager Stern delay making any changes to Styrofoam disposal to give the Environmental Commission a chance to review the Borough's options for Styrofoam recycling. Borough Manager Stern agreed to wait until the next Council meeting to make any changes to the disposal of Styrofoam.

Borough Manager Stern advised that he was contacted by a victim of domestic violence who had spoken during public comment at a previous Council meeting and requested that their address be removed from the minutes. Borough Manager Stern, in consultation with Borough Attorney Oostdyk and Borough Clerk Fox, recommended amending the minutes as requested and only asking for a person's first name during public comment going forward. The Council was in favor of Borough Manager Stern's recommendations.

**RESOLUTIONS**

There were no resolutions.

**ORDINANCES TO INTRODUCE**

There were no ordinances to introduce.

**ORDINANCES TO ADOPT**

There were no ordinances to adopt.

---

**\*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. *R191-23, Authorizing the Payment of Bills*
- b. *R192-23, Authorizing the Discretionary Award of a Contract for Security Related Components to Alarmex in an Amount that May Exceed \$17,500 but Will be Less than \$44,000*
- c. *R193-23, Rejecting the Bids for Hydro-raking Services*
- d. *R194-23, Authorizing 2023 Municipal Employee Salary*
- e. *R195-23 Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40A:11-12a*
- f. *R196-23, Amending Personnel Policy and Procedure Manual*
- g. *R197-23, Authorizing the Discretionary Award of a Contract for Concrete Sidewalks to D & L Paving Contractors Inc. in an Amount that May Exceed \$17,500 but Will be Less than \$44,000*
- h. *R198-23, Authorizing the Discretionary Award of a Contract for Paving to Onorati Construction in an Amount that May Exceed \$17,500 but Will be Less than \$44,000*

**\*APPROVAL OF MINUTES**

10/9/23 (Regular)

**\*BOARD, COMMITTEE AND COMMISSION APPOINTMENTS**





**MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES  
OCTOBER 23, 2023  
HELD AT ML HIGH SCHOOL, 96 POWERVILLE ROAD, MOUNTAIN LAKES, NJ 07046**

**\*Approval of the Consent Agenda**

| Council member | M                                   | 2nd                                 | Yes                                 | No                       | Abstain                  | Absent                              |
|----------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| Cannon         | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Korman         | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Menard         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Muilenburg     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Richter        | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Barnett        | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Sheikh         | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

**Regarding R194-23, Borough Manager provided background information.**

**DEPARTMENT REPORTS SUBMITTED FOR FILING** (reports are included only if checked)

- ☒ Construction Department
- ☒ Department of Public Works
- ☐ Fire Department
- ☒ Health Department
- ☒ Police Department
- ☐ Recreation Department
- ☐ Code Enforcement/Property maintenance report

**COUNCIL REPORTS**

**Borough Hall Renovation Project** - Borough Manager Stern reported the following: The project is moving along. The Borough will be hiring a vendor to install the sidewalks and building steps. The carpet will be installed shortly. There are no changes to the project schedule since the previous Council meeting.

**Economic Development Advisory Committee** – Councilmember Richter reported that the committee is finalizing the survey to obtain community feedback on what residents would like to see in the Midvale area of the Borough.

**Woodlands Committee**

Councilmember Muilenburg reported that park deer fencing will be taken down and that the committee discussed dead trees in Borough pocket parks, a potential new scout project, the Red Trail project and the 2024 budget.

Mayor Sheikh requested Councilmember Muilenburg determine if residents could assist the Woodlands Committee with the maintenance of pocket parks and Councilmember Muilenburg agreed to do so.

**Traffic & Safety Committee** – Councilmember Korman reported that the committee discussed a resident's request for two additional crosswalks at Morris Avenue to Crane Road and Crane Road to Pocono Road, adding a stop sign at Willow Road and N. Pocono Road, landscape trailers left on Borough roadways, and the Halloween Safe Zone.

**Highlands Subcommittee** – Councilmember Korman reported that there is a consensus among the subcommittee to continue moving forward to opt into the Highlands Regional Masterplan. The Council discussed the next steps and directed the subcommittee to prepare a discussion item for an upcoming Council meeting and Borough Attorney Oostdyk prepare a resolution agreeing to move forward with the next steps in the Highlands Area conformance process.

**PUBLIC COMMENT**

Mayor Sheikh opened the meeting to the public.

There was no one from the public wishing to speak.





**MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES  
OCTOBER 23, 2023  
HELD AT ML HIGH SCHOOL, 96 POWERVILLE ROAD, MOUNTAIN LAKES, NJ 07046**

**NEXT STEPS AND PRIORITIES**

Mayor Sheikh reviewed the following next steps and priorities:

| Next Step   | Completed by                                    | Completion date                           |
|---|---|---|
| Review Styrofoam Disposal Options   | Councilmember Korman & Environmental Commission | November 13 <sup>th</sup> Council Meeting |
| Determine if Residents Can Assist with Maintenance of Pocket Parks                                      | Woodlands Liaison Councilmember Muilenburg      |   |
| Prepare Highlands Discussion Item   | Highlands Subcommittee                          |   |
| Draft Resolution Agreeing to Move Forward with the Next Steps in the Highlands Area Conformance Process | Borough Attorney                                |   |

**ADJOURNMENT at 8:10P.M.**

Motion made by Councilmember Richter, second by Councilmember Muilenburg to adjourn the meeting at 8:10p.m., with all members in favor signifying by "Aye".

Respectfully Submitted,

---

Cara Fox, Borough Clerk