

**MAYOR AND COUNCIL
WORK SESSION/REGULAR MEETING
BOROUGH HALL ANNEX
October 18, 2010
7:30pm**

1. FLAG SALUTE

- 2. ROLL CALL** Mayor Heveran (), Councilpersons Norgaard (), Brennan Choi (), Hawkins (), Knott (), Raucci (), Borough Attorney Brian Giblin (), Jack Terhune, Borough Administrator (), Borough Clerk, Fran Lehmann

3. OPEN MEETING STATEMENT

Conditions of the Open Meeting Act have been met by Notice placed on the Bulletin Board at Borough Hall and notice sent to the Official Newspaper

4. PRESENTATION

5. APPOINTMENTS

6. COMMENTS FROM THE PUBLIC

Limited to two (2) minutes per speaker (20-minute duration)

7. APPROVAL OF MINUTES

Council Meeting	September 20, 2010
Council Meeting	October 4, 2010
Closed Session	October 4, 2010

8. RESOLUTIONS

10-230 Authorizing the Application for a CDBG Grant Application for ADA Improvements to the Borough Hall Annex Ramp

10-231 Authorizing the Payment of a Tax Court Judgment for Leonia Manor Associates, LLC

10-232 Authorizing Tax Appeal Settlement for Block 1217, Lot 18

10-233 Rejecting the Bids for the Photovoltaic Systems at Multiple Borough Facilities

10-234 Authorizing a Handicap Parking Space in Front of 223 Hillside Avenue

10-235 Authorizing the Cancellation of Checks to Municipal Revenue not Anticipated

A motion was made by Councilperson _____ seconded by Councilperson _____ to approve Resolutions

ROLL CALL Councilperson, Norgaard (), Brennan (), Choi () Hawkins () Knott () Raucci ()

9. **REPORTS**

Standing Committees

Finance Administration & Personnel
Laws & Ordinances
Police
Fire
Ambulance
Public Works
Economic Development
Borough Administrator
Mayor
Special Bodies

10- **INTRODUCTION OF ORDINANCE**

11 **ADOPTION OF ORDINANCE**

12. **UNFINISHED BUSINESS**

- a) Ordinance 12-10 – “OB Office Building Zone”
- b) Ordinance 13-10 – Defining “Family”
- c) Ordinance 14-10 – Amending Shade Tree Ordinance
- d) Ordinance 15-10 – Sustainable Building Standards

13 **NEW BUSINESS**

- a) Shared Service for Calcium Chloride (Borough Administrator)

14. **COMMENTS FROM THE PUBLIC**

Limited to five (5) per speaker at the discretion of the Chair (duration 30 minutes)

15 **CORRESPONDENCE**

16. **CLOSED SESSION (L)**

Personnel – Advertise for Court Clerk (Councilman Raucchi)

17. **ADJOURNMENT** (10:00pm unless motion to extend)

FORMAL ACTION ON ANY BOROUGH BUSINESS MAY BE TAKEN

BOROUGH OF LEONIA RESOLUTION

<i>Council</i>	Motion	Second	Yes	No	Abstain	Absent
Norgaard						
Brennan						
Choi						
Hawkins						
Knott						
Raucci						
Heveran						

10 - 230

DATE: October 18, 2010

Carried []

Defeated []

Tabled []

Approved on Consent Agenda []

WHEREAS, a Bergen County Community Development grant of 79,000.00 has been proposed by Birdsall Engineering for ADA Improvements to the Borough Hall Annex Ramp in the Municipality of Leonia; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Mayor and Council; and

WHEREAS, the aforesaid project is in the best interest of the people of Leonia; and

WHEREAS, this Resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Leonia hereby confirm endorsement of this project; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

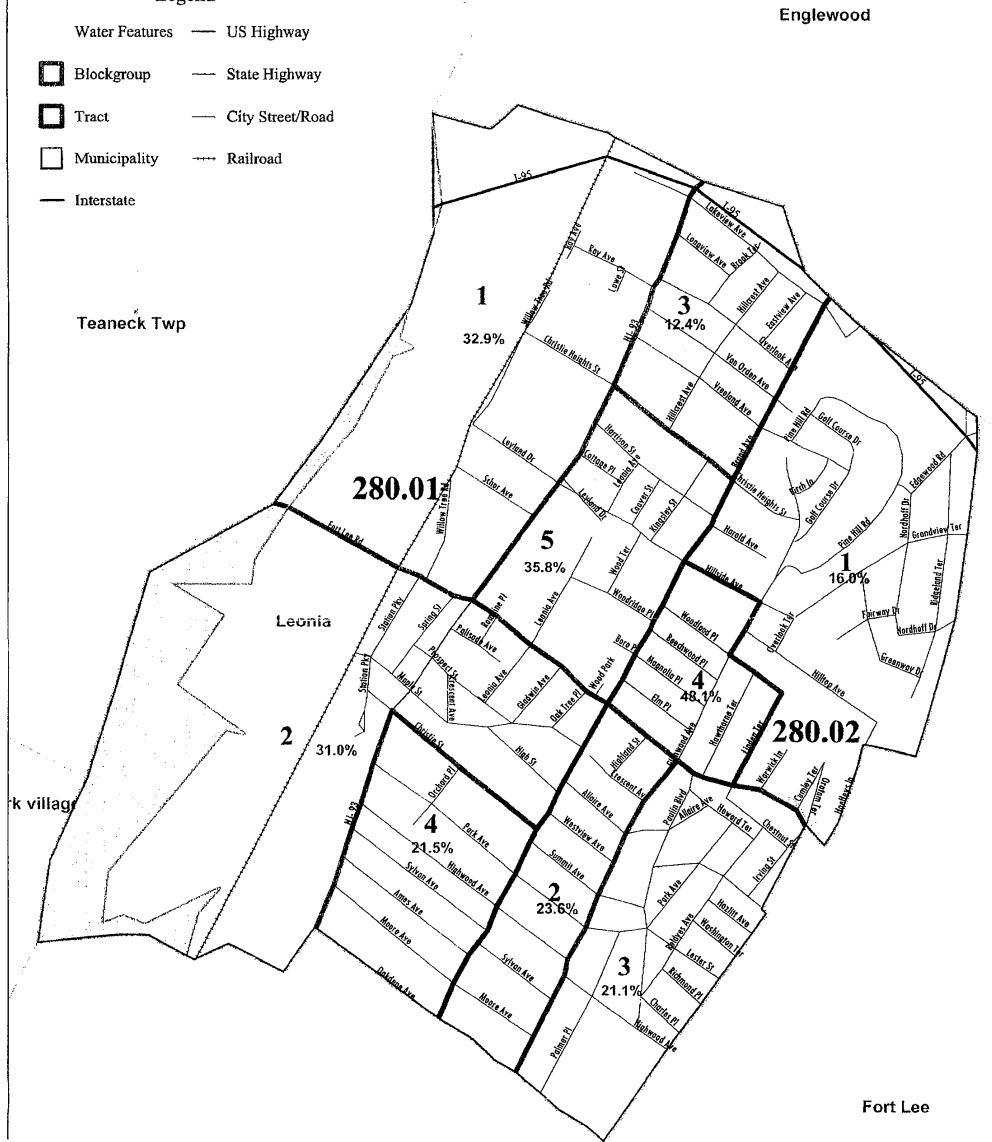
THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____, 2010

..... BOROUGH CLERK

Leonía, Bergen County, NJ
2000 Census Blockgroups - CDBG Eligible Areas

Legend

- Water Features — US Highway
- Blockgroup — State Highway
- Tract — City Street/Road
- Municipality — Railroad
- Interstate



Mayor
MARY HEVERAN
Administrator
JACK TERHUNE, C.P.M.
Borough Clerk
FRAN LEHMANN, R.M.C.



INGRID BRENNAN, *Councilwoman*
PHIL CHOI, *Councilman*
GIL HAWKINS, *Councilman*
PETER J. KNOTT, Ph.D., *Councilman*
KARL NORGAARD, *Councilman*
FRANK RAUCCI, *Councilman*

312 BROAD AVENUE, LEONIA, NEW JERSEY 07605-0098
(201) 592-5780
FAX (201) 592-5746
www.leonianj.gov

October 7, 2010

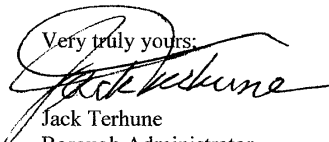
Robert A. Abbotmarco
County of Bergen
Department of Planning & Economic Development
Division of Open Space
One Bergen County Plaza
Hackensack, N.J. 07601

Community Development Block Grant-FY 2011

Dear Mr. Abbotmarco;

Enclosed herewith please find the Borough of Leonia CDBG Grant Application for FY 2011. As required, a "Draft" endorsement Resolution from the Mayor and Council is included; this Resolution is listed on the October 18, 2010 Council Agenda and a Certified Copy will be forwarded under separate cover once adopted.

Should you have any questions or require additional information, please do not hesitate to call. Thank you.

Very truly yours:

Jack Terhune
Borough Administrator

Cc: Mayor & Council - w/o attachments
Borough Clerk Fran Lehmann - w. attachments
Borough Engineer Katherine Elliott - Birdsall Services Group
File

BERGEN COUNTY
Division of Community Development



Community Development Block Grant Application - FY 2011

I. APPLICANT

Municipality/Agency: Borough Of Leonia		Mayor/Executive Director: Mary Heveran	
Grants Contact Person: Jack Terhune		Title: Borough Administrator	
Address: 312 Broad Avenue	City: Leonia	State: NJ	Zip Code: 07605
Telephone: 201-592-5780	Fax#: 201-592-5746	Email Address: jterhune@leonianj.gov	DUNS Number:(Required) CCR CAGE CODE#: 957-995-681 5EBQ3 03/15/2011

II. PROJECT FUNDING

CDBG REQUEST	\$ 79,000.00
CDBG PRIOR YEARS	_____
LOCAL FUNDS	_____
STATE FUNDS	_____
PROGRAM INCOME	_____
OTHER	_____
<i>(For CD Use only)</i>	
AMOUNT AWARDED	

III. CDBG ELIGIBILITY

Activity Category <input type="checkbox"/> Acquisition <input checked="" type="checkbox"/> Public Facilities & Improvements / Barrier Free <input type="checkbox"/> Public Service <input type="checkbox"/> Housing Rehabilitation <input type="checkbox"/> New Construction Housing <input type="checkbox"/> Planning Administration <input type="checkbox"/> Economic Development	National Objective <input checked="" type="checkbox"/> L/M Area Benefit <input type="checkbox"/> L/M Limited Clientele <input type="checkbox"/> L/M Housing <input type="checkbox"/> L/M Jobs
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IV. PROJECT INFORMATION

Name of Project: ADA Improvements		
Location of Project: Borough Hall Annex Ramp	City: Leonia	
County: Bergen County	State: New Jersey	Zip Code: 07605

Project Schedule			Housing/Land Acquisition Projects		
	Month	Year			
Plans & Specs Completed	Dec	2010	Land Area:		Block:
Estimated Bid Date	March	2011	Building Area:		Lot:
Estimated Start Up	May	2011	Dwelling Units:		Located in Wetlands
Estimated Completion	July	2011			<input type="checkbox"/> Yes <input type="checkbox"/> No

V. COMPLETION CHECKLIST

	Yes	No	N/A
Application Completed & Certification Signed	_____	_____	_____
Most Recent audit attached *	_____	_____	_____
Municipal endorsing resolution attached	_____	_____	_____
Job descriptions attached	_____	_____	_____
Pro forma on Operations attached	_____	_____	_____
Project Location map attached	_____	_____	_____
Architect/Engineer Cost Estimates	_____	_____	_____

VI. FINANCIAL INFORMATION

Authorized Signatory: <u>Myrna Becker</u>
Name of Bank: <u>The Provident Bank</u>
Address: <u>320-322 Broad Ave, Leonia NJ 07605</u>
Account #: <u>601406388</u>
♦ Please include a copy of your most recent financial audit

VII. PROJECT DESCRIPTION

The component of this application is intended to repair and replace the ADA access ramp at the Borough Hall Annex. The Borough Hall Annex is used for Council Meetings, Municipal Court and as a meeting room for many civic programs including the Borough Senior Citizens Club. The Borough Hall Annex is also an official Voting site and must be ADA compliant to conform with State and Federal requirements.

VIII. APPLICANT PROFILE

The Borough of Leonia has received previous CDBG Grants to upgrade many sidewalks and intersections to develop ADA compliance. The 2011 grant cycle provides an opportunity to upgrade the Borough Hall Annex which is used on a regular basis to host numerous Borough, recreational, and civic events.


IX. BUDGET

CATEGORY	CDBG	OTHER	TOTAL
<i>(Architect/Engineer Cost Estimate also required)</i>	79,000.00		79,000.00
TOTAL			

X. PROJECT LEVERAGING

TYPE OF CONTRIBUTION	SOURCE OF PROVIDER	VALUE	WRITTEN YES	AGREEMENT NO
N/A				

XI. CERTIFICATION OF ELIGIBILITY

1. Number of Low/Moderate Income persons benefiting from Project: <u>4278</u>	3. Percentage of Low/Moderate Income Persons benefiting from Project: <u>48.1</u>
 Income levels of persons benefiting from Project: (Per HUD Section 8 Income Limits)	4. DATA SOURCE: <u>Bergen County Office of Community Census 2000</u>
Number of persons at the following Income levels: 30% _____ 50% _____ 80% _____	_____
TOTAL: _____	_____
<i>(Total must equal number of persons declared in #1)</i>	

XII. CERTIFICATION

I hereby certify that all information contained herein and attached hereto is accurate to the best of my knowledge.

NAME _____

TITLE _____

Signature

Date

ELIGIBILITY VERIFICATION				
Activity		Claim (ref. Subpart of Regulations)		Verification
HUD Eligibility Review Reg. #	Description (Type of activity) HUD Matrix Code	Amount Funded (\$)	HUD National Objective Reg. #	Description (Clientele project will served) (CHECK ONE)
				<input type="checkbox"/> <i>Limited Clientele</i>
				<input type="checkbox"/> <i>Area Benefit</i>
				1. Number in L/M Universe:
				2. Number of L/M Persons :
				3. Percentage- L/M Persons:
Indicate how the number and the % of the L/M were verified, or any other type of verification:				
Census Tract	Block Group	LOW/MODERATE %		
Sources of Verification:				

PERFORMANCE OUTCOME MEASUREMENT

OBJECTIVES (check one)

1. <input type="checkbox"/> Suitable Living Environment	2. <input type="checkbox"/> Decent Affordable Housing	3. <input type="checkbox"/> Creating Economic Opportunities
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OUTCOMES (check one)

1. <input type="checkbox"/> Accessibility/Availability	2. <input type="checkbox"/> Affordability	3. <input type="checkbox"/> Sustainability/Livability Promoting Livable/Viable communities
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CHOOSE PROGRAM ACTIVITY (check one)

<input type="checkbox"/> Acquisition (01)	<input type="checkbox"/> Youth Services (05D)
<input checked="" type="checkbox"/> Public Facilities & Improvements (03)	<input type="checkbox"/> Transportation Services (05E)
<input type="checkbox"/> Senior Centers (03A)	<input type="checkbox"/> Battered & Abused Spouses (05G)
<input type="checkbox"/> Handicapped Centers (03B)	<input type="checkbox"/> Tenant /Landlord Counseling (05K)
<input type="checkbox"/> Homeless Facilities (03C)	<input type="checkbox"/> Child Care Services (05L)
<input type="checkbox"/> Youth Centers (03D)	<input type="checkbox"/> Health Services (05M)
<input type="checkbox"/> Neighborhood Facilities (03E)	<input type="checkbox"/> Mental Health Services (05O)
<input type="checkbox"/> Parks, Recreational Facilities (03F)	<input type="checkbox"/> ED Direct Financial Assistance for Profits (18A)
<input type="checkbox"/> Parking Facilities (03G)	<input type="checkbox"/> ED Technical (18B) Assistance
<input type="checkbox"/> Flood Drain Improvements (03I)	<input type="checkbox"/> General Program Administration (21A)
<input type="checkbox"/> Water/Sewer Improvements (03J)	HOUSING ACTIVITIES
<input type="checkbox"/> Street Improvements (03K)	<input type="checkbox"/> Rental Housing Subsidies (05S)
<input type="checkbox"/> Sidewalks (03L)	<input type="checkbox"/> Security Deposits (05T)
<input type="checkbox"/> Child Care Centers (03M)	<input type="checkbox"/> Construction of Housing (12)
<input type="checkbox"/> Tree Planting (03N)	<input type="checkbox"/> Direct Homeownership Assistance (13)
<input type="checkbox"/> Fire Station Equipment (03O)	<input type="checkbox"/> Rehab-Single-Unit Residential (14A)
<input type="checkbox"/> Health Facilities (03P)	<input type="checkbox"/> Rehab-Multi-Unit Residential (14B)
<input type="checkbox"/> Operating Cost at Homeless/AIDS patients Program (03T)	<input type="checkbox"/> Public Housing Modernization (14C)
<input type="checkbox"/> Public Services (05)	<input type="checkbox"/> Fair Housing Activities (21D)
<input type="checkbox"/> Senior Services (05A)	<input type="checkbox"/> HOME Security Deposits (21G)
<input type="checkbox"/> Handicapped Services (05B)	<input type="checkbox"/> HOME CHDO Operating Expenses (21I)

PROJECT LEVEL ACCOMPLISHMENTS

Accomplishment Type (check one)	Proposed Accomplishments	Actual Accomplishments
<input type="checkbox"/> PERSONS		
<input type="checkbox"/> HOUSEHOLDS		
<input type="checkbox"/> BUSINESSES		
<input type="checkbox"/> ORGANIZATIONS		
<input type="checkbox"/> HOUSING UNITS		
<input type="checkbox"/> PUBLIC FACILITIES		
<input type="checkbox"/> JOBS		
<input type="checkbox"/> COMMUNITIES / NEIGHBORHOODS		
PREPARED BY:	DATE:	REVIEWED BY:



BIRDSALL ENGINEERING, INC.
CONSULTING & ENVIRONMENTAL ENGINEERS

611 Industrial Way West, Eatontown, NJ 07724

Phone: 732.380.1700 Fax: 732.380.1701

Engineer's Estimate Report

August 11, 2008

Job Number: 2-00022-000008

Project Name: CDBG Estimate - Ramp at Annex

Municipality: Borough of Leonia

Estimator: K. Elliott

ITEM NO.	SUB SECTION	NJDOT ITEM DESCRIPTION	PAY UNIT	EST. QTY.	UNIT PRICE	ITEM TOTAL
1	108.05	MOBILIZATION	LS	1	\$6,000.00	\$6,000.00
2	201.12	CLEARING SITE	LS	1	\$2,000.00	\$2,000.00
3	1,000.00	BLASTING, REPAIR AND REPLACEMENT OF CONCRETE	LS	1	\$30,000.00	\$30,000.00
4	1,000.00	SEALING AND WATERPROOF PAINTING OF RAMP	LS	1	\$12,000.00	\$12,000.00
5	1,000.00	REMOVAL AND INSTALLATION OF NEW RAILING SYSTEM	LS	1	\$25,000.00	\$25,000.00
6	1,000.00	SITE RESTORATION	LS	1	\$4,000.00	\$4,000.00

Total **\$79,000.00**

BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Norgaard						
Brennan						
Choi						
Hawkins						
Knott						
Raucci						
Heveran						

#10-231
DATE
Carried
Defeated
Tabled
Approved

RESOLVED, by the Mayor and Council of the Borough of Leonia that the Collector shall be and is hereby authorized to issue a check in the amount of \$14,015.84 payable to "Leonia Manor Associates, LLC" as a result of a Tax Court Judgment for the year 2008, dated August 20, 2010 on property known as Block 901, Lot 1, 405 Broad Avenue.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to furnish copies of this resolution to the following:

1. Chief Financial Officer
2. Collector

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____**

BOROUGH CLERK

October 5, 2010

RESOLVED, by the Mayor and Council of the Borough of **Leonia** that the Collector shall be and is hereby authorized to issue a check in the amount of **\$14,015.84** payable to "**Leonia Manor Associates LLC**", as a result of a **Tax Court Judgment for the year 2008**, dated **August 20, 2010** on property known as Block **901**, Lot **1**, **405 Broad Avenue**.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to furnish copies of this Resolution to the following:

1. Chief Financial Officer
2. Collector

Approved:

Attest:

Mary Heveran, Mayor

Fran Lehmann, Borough Clerk

SKOLOFF & WOLFE, P.C.

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

293 EISENHOWER PARKWAY
LIVINGSTON, NJ 07039
TEL: (973) 992-0900
FAX: (973) 992-0301

August 26, 2010

Saul A. Wolfe
swolfe@skoloffwolfe.com

Michael Apicella, CTC
Office of the Tax Collector
312 Broad Avenue
Leonia, New Jersey 07605

Re: Leonia Manor Assocs. LLC v. Leonia Bor.
Block 901, Lot 1 – 405 Broad Street

Dear Mr. Apicella:

The 2008 assessment on the above referenced property has been reduced by virtue of judgment of the Tax Court of New Jersey, entered on August 20, 2010, and I am enclosing here-with a copy of the judgment.

We would appreciate your processing this matter for refund at your earliest opportunity.

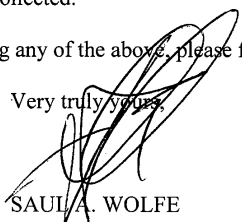
Kindly forward the check in the amount of the refund due, together with interest if required, payable to "**Leonia Manor Associates LLC**" to the undersigned at the above address in accordance with Paragraph 4 of the stipulation of settlement, copy of which is enclosed for ease of reference.

Please note the specific manner in which the check is to be made payable. If you have any problem with this request, I would appreciate your contacting me upon receipt of this letter.

You should know that this firm has a lien for attorney's fees on the proceeds of the tax refund and any other disbursement of the refund proceeds could subject the municipality to a claim in the event that those fees were not collected.

If you have any questions concerning any of the above, please feel free to contact me.

Very truly yours,



SAUL A. WOLFE

SAW:jkc
Enclosure

T:\Ades, Ethan\Leoniamanor Associates\2010.08.26 SAW ltr to CTC encl jdgmnt 2008.doc

TAX COURT OF NEW JERSEY
COUNTY: Bergen
DOCKET NO. 006291-2008

ll

Leonia Manor Assocs LLC

Plaintiff(s),

v

Leonia Bor

Defendant(s).

CIVIL ACTION
JUDGMENT

The parties having agreed upon a settlement, the assessment shall be as set forth below:

Block: 9C1
Lot: 1
Street Address: 405 Broad St
Year: 2008

TAX COURT JUDGMENT

Land: \$1,040,000.00
Improvements: \$1,460,000.00
Total: \$2,500,000.00

Statutory interest pursuant to N.J.S.A. 54:3-27.2 having been waived by taxpayer shall not be paid provided the tax refund is paid within 60 days of the date of entry of the Tax Court judgment.

Cheryl A. Ryan
Cheryl A. Ryan, Clerk/Administrator
Tax Court of New Jersey

Entered: 8/20/2010

Attorney for Plaintiff: Saul A Wolfe Esq
Attorney for Defendant: Robert A Drexel Esq

ATRUE COPY
Cheryl A. Ryan
CHERYL A. RYAN, Administrator/Clerk
Tax Court of New Jersey

SKOLOFF & WOLFE, P.C.
A PROFESSIONAL CORPORATION
293 EISENHOWER PARKWAY
LIVINGSTON, N.J. 07039
(973) 992-0900
ATTORNEYS FOR PLAINTIFF

Plaintiff,

LEONIA MANOR ASSOCS LLC

TAX COURT OF
NEW JERSEY

Docket Nos. 4387-2007;6291-2008

Vs.

CIVIL ACTION

Defendant,

LEONIA BOR.

STIPULATION OF SETTLEMENT

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

BLOCK: 901
LOT: 1
STREET ADDRESS: 405 Broad Avenue
YEAR: 2007

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land:	\$1,040,000		Withdrawn
Impvts.:	\$1,813,400	Direct Appeal	Withdrawn
Total:	\$2,853,400		Withdrawn

YEAR: 2008

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land:	\$1,040,000		\$1,040,000
Impvts.:	\$1,813,400	Direct Appeal	\$1,460,000
Total:	\$2,853,400		\$2,500,000

2. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with

respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into the Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

3. Based upon the foregoing, the undersigned represent to the Court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.

4. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within 60 days of the date of entry of the Tax Court judgment.

5. It is expressly understood that all refunds, together with any interest which may become due as a result of the judgment to be entered shall be made payable to "**Leonia Manor Associates LLC**" and received by Skoloff & Wolfe, P.C. , 293 Eisenhower Parkway, Livingston, New Jersey 07039 within 60 days from date of entry of judgment. The interest waiver in paragraph 4 shall be null and void in the event of failure to fully comply with the provisions of this paragraph, both as to the time and manner of making the payment.

6. All provisions of this settlement not contained within the judgment shall survive entry of judgment.

SKOLOFF & WOLFE, P.C.
Attorneys for Plaintiff,

By: _____
SAUL A. WOLFE, ESQ.

Dated:

Attorneys for Defendant

By: _____
ROBERT A. DREXEL, ESQ.

Dated:

SAW:jkc

T:\Addes, Ethan\Leonia Manor Associates\2010.02.02 SAW Stipulation of settlement - 2007 and 2008.doc

TAX COURT JUDGMENT 2010

BLOCK LOT	901 1	YEAR	2010	RATE	3.966%	WORK
QUALIFIER 405 Broad Av.						
LAND	1,040,000	OLD				
BUILDING	1,813,400	ADJUST				
ABATEMENT	-					
TOTAL	\$ 2,853,400	\$ 353,400			\$ 2,500,000	
1ST QUARTER	27,107.30				27,107.30	
2nd QUARTER	27,107.30				27,107.30	
3rd QUARTER	29,476.24				29,476.24	
4th QUARTER	29,475.00	14,015.84	14,015.84		15,459.16	
Total	\$ 113,165.84	\$ 14,015.84			\$99,150.00	
OLD	2,853,400	3.966%	113,165.84			
NEW	2,500,000	3.966%	99,150.00			
	353,400	3.966%	14,015.84	CR		
Check	353,400	3.966%	14,015.84			
			0.00	Difference		
TOTAL CR =	\$ 14,015.84					
NOTES:						

Block: 901

Lot: 1

Qualifier:

Owner: LEONIA MANOR ASSOCIATES LLC Prop Loc: 405 BROAD AVE

General		Assessed Values	Additional Billing	Deductions	Balance	All Charges	Add/Omit	Total Balance
Year	Qtr	Type	Billed	Principal Balance	Interest			
2010		Total	122,491.72	32,216.64	.00	.00	.00	32,216.64
2009	4		29,821.00	.00	.00	.00	.00	.00
2009	3		29,822.20	.00	.00	.00	.00	.00
2009	2		28,291.00	.00	.00	.00	.00	.00
2009	1		28,291.00	.00	.00	.00	.00	.00
2009		Total	116,225.20	.00	.00	.00	.00	.00
2008	4		29,475.00	.00	.00	.00	.00	.00
2008	3		29,476.24	.00	.00	.00	.00	.00
2008	2		27,107.30	.00	.00	.00	.00	.00
2008	1		27,107.30	.00	.00	.00	.00	.00
2008		Total	113,165.84	.00	.00	.00	.00	.00
2007	4		28,605.33	.00	.00	.00	.00	.00
2007	3		28,605.34	.00	.00	.00	.00	.00
2007	2		25,609.26	.00	.00	.00	.00	.00
2007	1		25,609.27	.00	.00	.00	.00	.00
2007		Total	108,429.20	.00	.00	.00	.00	.00
2006	4		26,536.62	.00	.00	.00	.00	.00

Block: 901

Lot: 1

Qualifier: Prop Loc: 405 BROAD AVE

Owner: LEONIA MANOR ASSOCIATES LLC

General		Assessed Values	Additional	Billing	Deductions	Balance	All Charges	Add/Omit	Total Balance
Year	Qtr	Type	Billed	Principal Balance	Interest				
2011	2		30,622.93	30,622.93	.00				30,622.93
2011	1		30,622.93	30,622.93	.00				30,622.93
2011		Total	61,245.86	61,245.86	.00				61,245.86
2010	4		32,216.64	32,216.64	.00				32,216.64
2010	3		32,163.08	.00	.00				.00
2010	2		29,056.00	.00	.00				.00
2010	1		29,056.00	.00	.00				.00
2010		Total	122,491.72	32,216.64	.00				32,216.64
2009	4		29,821.00	.00	.00				.00
2009	3		29,822.20	.00	.00				.00
2009	2		28,291.00	.00	.00				.00
2009	1		28,291.00	.00	.00				.00
2009		Total	116,225.20	.00	.00				.00
2008	4		29,475.00	.00	.00				.00
2008	3		29,476.24	.00	.00				.00
2008	2		27,107.30	.00	.00				.00
2008	1		27,107.30	.00	.00				.00

TAX COURT JUDGMENT 2010

BLOCK LOT QUALIFIER 405 Broad Av.	901 1	YEAR	2010	RATE	3.966%	WORK
LAND	1,040,000	ADJUST		NEW	1,040,000	
BUILDING	1,813,400	353,400		1,460,000		
ABATEMENT	-			-		
TOTAL	\$ 2,853,400	\$ 353,400		\$ 2,500,000		
1st QUARTER	27,107.30			27,107.30		
2nd QUARTER	27,107.30			27,107.30		
3rd QUARTER	29,476.24			29,476.24		
4th QUARTER	29,475.00	14,015.84	14,015.84	15,459.16		
Total	\$ 113,165.84	\$ 14,015.84		\$99,150.00		
OLD	2,853,400	3.966%	113,165.84			
NEW	2,500,000	3.966%	99,150.00			
	353,400	3.966%	14,015.84	CR		
Check	353,400	3.966%	14,015.84	Difference	0.00	
NOTES:						
TOTAL CR =	\$ 14,015.84					

Aye Nay Abstain
Norgarrd
Brennan
Choi
Hawkins
Knott
Raucci

Dated:

Resolution No. 10-232

By:
Seconded by:

Whereas, Philip N. Boggia and Susan Boggia (the "taxpayers"), filed a real property tax appeal for the year 2009; and

Whereas, the real property tax assessment for the subject premises, located at 185 Park Avenue, Leonia, New Jersey, Lot 18 in Block 1217 on the Tax Assessment Map of the Borough of Leonia, for the year 2009 was as follows:

Land	\$ 387,500.00
Improvements	<u>668,900.00</u>
Total	\$1,056,400.00

and

Whereas, the taxpayers filed an appeal of the 2009 assessment with the Bergen County Board of Taxation and received an assessment reduction for 2009 to \$989,600 and;

Whereas, the Plaintiff appealed the County Board Judgment to the State Tax Court and;

Whereas, the 2009 State Court appeal may be settled by reduction of the aforesaid as follows:

Land	\$ 387,500.00
Improvements	<u>512,500.00</u>
Total	\$ 900,000.00

and

Whereas, said settlement will produce a loss in real property tax revenue lesser in amount than the costs of a successful defense of said appeal; and

Whereas, the Mayor and Council have been advised by the Borough Assessor and by contractual personnel that said settlement is in the Borough's interest;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF LEONIA that said settlement be and the same is hereby approved; and

BE IT FURTHER RESOLVED that all appropriate Borough officials or the contractual personnel be and are hereby authorized to take all steps necessary to effect said settlement; and

BE IT FURTHER RESOLVED that all actions taken by all appropriate Borough officials or contractual personnel in effecting said settlement be and they are hereby ratified and confirmed.


The within Resolution was duly adopted
by the Borough Council at their meeting
on _____, 2010

Fran Lehman
Municipal Clerk

Borough of Leonia
312 Broad Avenue
Leonia, NJ 07605
Phone: 201-592-5748

**Office of the Tax
Assessor**

Memo

To: Robert Drexel, Esq. 
From: Timothy J. Henderson, Tax Assessor
CC:
Date: 7/22/2010
Re: Boggia vs. Borough of Leonia

As per the guidelines set forth by the governing body of the Borough of Leonia, when requesting that they approve proposed tax appeal settlements the request must be accompanied by a detailed explanation of the settlement. As a result, below please find all of the pertinent details of the settlement of the above listed State Tax Court Appeal.

The property under appeal consists of a Colonial style, one family dwelling with approximately 4,393± square feet of gross living area. The assessment for 2009 was originally 1,056,400 and that assessment was reduced by the Bergen County Board of Taxation as a result of the appeal that was filed by the plaintiff. The plaintiff was not satisfied with that reduction so the matter was further appealed to the State Tax Court of NJ.

The plaintiff submitted an appraisal that valued the property at \$850,000, and as I am a licensed residential real estate appraiser I performed a preliminary appraisal on the property that valued it at \$925,000. After some negotiation we were able to settle the matter whereby the assessment would be reduced for 2009 to \$900,000, which will yield a refund of \$1,944.32 based on the 2009 tax rate of \$2.170.

If you require any additional information with regards to this matter, feel free to contact me at my office.

DURKIN & BOGGIA, ESQS.
 71 Mount Vernon Street
 P.O. Box 378
 Ridgefield Park, New Jersey 07660
 Attorneys for Defendant
 Borough of Edgewater

<p>PHILIP N. & SUSAN BOGGIA,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>BOROUGH OF LEONIA,</p> <p style="text-align: center;">Defendant.</p>	<p>TAX COURT OF NEW JERSEY</p> <p>REAL PROPERTY TAX APPEAL</p> <p>DOCKET NO. 017501-2009</p> <p>STIPULATION OF SETTLEMENT</p>
--	---

Assigned Judge: Hon. Joseph Andresini, JTC

1. It is hereby Stipulated and Agreed that the Assessment of the following property be adjusted and Judgment be entered as follows:

Block: 1217
Lot: 18
Street Address: 185 Park Avenue, Leonia, NJ
Year: 2009

2009

	<u>Original Assessment</u>	<u>County Board</u>	<u>Requested Tax Court Judgment</u>
Land	: \$ 387,500.00	\$387,500.00	\$387,500.00
Improvements	: \$ <u>668,900.00</u>	<u>\$602,100.00</u>	<u>\$512,500.00</u>
Total	: \$1,056,400.00	\$989,600.00	\$900,000.00

2. The Taxing District and the Taxpayer do hereby recognize and agree that the terms and conditions of this paragraph of the stipulation of settlement are not to be part of the Judgment to be issued by the Tax Court pursuant to this Stipulation. Notwithstanding

the foregoing, the Taxing District and the Taxpayer do hereby acknowledge an agreement to further reduce the assessment of the above-referenced property for an assessed value not to exceed \$825,000 for the 2010 tax year.

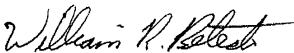
3. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into this Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to the settlement and has concurred.

3. Based upon the foregoing, the undersigned represents to the Court that the above settlement will result in an assessment at the fair assessable value of the property, consistent with the assessment practices generally applicable in the taxing district as required by law.

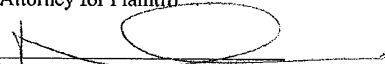
4. The parties specifically agree that any refunds due or excess taxes paid by the Plaintiff as a result of this stipulation shall be refunded to the order of Philip N. Boggia, Esq. without interest, if paid within sixty (60) days of the date of Judgment.

5. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within 60 days of the date of entry of the Tax Court judgment.

Dated: 6/11/2010


WILLIAM R. BETESH, ESQ.
Attorney for Plaintiff

Dated: 7/2/2010


ROBERT A. DREXEL, ESQ.
Attorney for Defendant

BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Norgaard						
Brennan						
Choi						
Hawkins						
Knott						
Raucci						
Heveran						

#10-233
DATE
Carried
Defeated
Tabled
Approved

WHEREAS, bids were advertised for and opened for the photovoltaic systems at multiple Borough facilities on September 28, 2010; and

WHEREAS the Governing Body does hereby reject the bids and authorizes the re-advertisement of the bids

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Leonia that the bids are hereby rejected and the Borough Engineer is hereby authorized and directed to re-advertise for bids.

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____**

BOROUGH CLERK

10/14/2010

4

BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Norgaard						
Brennan						
Choi						
Hawkins						
Knott						
Raucci						
Heveran						

#10-234
DATE
Carried
Defeated
Tabled
Approved

WHEREAS, a handicap parking space has been requested in front of the residence at 223 Hillside Avenue; and

WHEREAS, it is the recommendation of the Leonia Police Department that this request be approved;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Leonia the request for a handicap parking space in front of the residence at 223 Hillside Avenue is hereby approved.

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____**

BOROUGH CLERK

BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Brennan						
Choi						
Hawkins						
Knott						
Norgaard						
Raucci						
Heveran						

10-235

DATE: 10/20 2010

Carried []

Defeated []

Tabled []

Approved on Consent Agenda []

WHEREAS, checks #8163, #8177, and #8180 were issued on Resolution #10-212 on September 7, 2010 to various developers, and

WHEREAS, these checks were returned to the Borough with "attempted-not known" stamped on the envelope, and

WHEREAS, further research to determine proper addresses was unsuccessful.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Leonia, that the checks listed below in a total amount of \$1,162.50 be canceled to Miscellaneous Revenue Not Anticipated.

<u>Vendor</u>	<u>Check Number</u>	<u>Check Amount</u>
Jill Park, Esq.	8163	750.00
Hong Li Park	8177	212.50
Tak Gon Cho	8180	<u>200.00</u>
	Total	1,162.50

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED BY
THE MAYOR AND COUNCIL ON 10/20/, 2010

BOROUGH CLERK

**BOROUGH OF LEONIA
ORDINANCE 12-10**

AN ORDINANCE AMENDING a portion of Chapter 290 of the Ordinances of Leonia titled "OB Office Building Zone".

BE IT ORDAINED by the Mayor and Council of the Borough of Leonia as follows:

Section 1. The Code of the Borough of Leonia is hereby amended by changing Ordinance 290-30 A to read as follows:

A. Principal permitted uses.

- (1) Public open space and recreation.
- (2) Professional, business and government offices and medical offices that are limited to no more than two doctors dispensing health services.
- (3) Medical offices containing three doctors or more dispensing health services shall be permitted only if they provide a private 24-hour per day ambulance service.

Section 2. If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

Section 3. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed or amended to the extent of such inconsistency.

Section 4. This Ordinance shall take effect upon final passage and publication according to law.

Attest:

Approved:

Fran Lehmann,
Borough Clerk

Mary Heveran,
Mayor

Introduced: , 2010
Adopted: , 2010

BOROUGH OF LEONIA
ORDINANCE 13-10

AN ORDINANCE AMENDING Ordinance 290-3 of the Code of the Borough of Leonia titled "Terms Defined Word Usage".

BE IT ORDAINED by the Mayor and Council of the Borough of Leonia, County of Bergen and State of New Jersey as follows:

Section 1. The definition of "family" is deleted and replaced by the following:

A group of individuals not necessarily related by blood, marriage, adoption or guardianship, living together on a relatively permanent basis in a dwelling unit as a single housekeeping unit. For purposes of this Ordinance, "family" does not include any society, club, fraternity, sorority, association, lodge, federation, or like organizations; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

Section 2. If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

Section 3. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed or amended to the extent of such inconsistency.

Section 4. This Ordinance shall take effect upon final passage and publication according to law.

Attest:

Approved:

Fran Lehmann,
Borough Clerk

Mary Heveran,
Mayor

Introduced: , 2010
Adopted: , 2010

BOROUGH OF LEONIA
ORDINANCE 14-10

AN ORDINANCE TO AMEND Chapter 275 of the Land Use Ordinances of the Borough of Leonia, titled "Trees," to preserve and regulate the removal of trees within the Borough.

WHEREAS, this ordinance is intended to control and regulate the indiscriminate or excessive removal, cutting, and destruction of trees, in order to regulate and prevent conditions which cause increased storm water runoff, sewer erosion, and impair the stability and value of real estate, all of which would be detrimental to the public health safety and general welfare by encouraging owners and developers of land to save and replace as many native trees as possible when making improvements to real property

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Leonia that the Land Use Ordinances of the Borough are amended as follow:

Section 1: Chapter 275 of the Land Use Ordinance of the Borough of Leonia, titled "Trees," is amended by deleting and replacing Section 275-20 with a new section 275-20 titled "Preservation of Trees" as follows:

A. Definitions as used in this ordinance, the following terms shall have the meanings set forth below:

Tree: Any live woody plant having a diameter of greater than 8 inches and/or a circumference greater than 25 inches when measured at ground level.

B. Whenever an application for development is filed with the Planning Board or Board of Adjustment, which plan for development shall include the removal of any existing trees, the application shall be forwarded to the Shade Tree Commission for its review and recommendation concerning replacement trees.

C. No person (as defined in Ordinance 275-7) shall remove any tree from private property unless said

removal is permitted by the Planning Board,
Zoning Board of Adjustment or Shade Tree
Commission as the case may be.

D. Exceptions:

I. The Planning Board or Zoning Board of
Adjustment may waive the replacement of existing
trees if necessary due to existing or proposed
conditions on the property.

II. In the event that the Planning Board or
Zoning Board of Adjustment waives the requirement
for the developer to plant replacement trees, the
Board shall impose a requirement that the
developer contribute the reasonable value of the
cost of replacement trees to the Borough of
Leonia Shade Tree Commission Fund so that the
Borough may plant trees at other locations.

Attest:

Approved:

Fran Lehmann,
Borough Clerk

Mary Heveran,
Mayor

Introduced: , 2010
Adopted: , 2010

Mayor
MARY HEVERAN
Administrator
JACK TERHUNE, C.P.M.
Borough Clerk
FRAN LEHMANN, R.M.C.



INGRID BRENNAN, *Councilwoman*
PHIL CHOI, *Councilman*
GIL HAWKINS, *Councilman*
PETER J. KNOTT, Ph.D., *Councilman*
KARL NORGAARD, *Councilman*
FRANK RAUCCI, *Councilman*

312 BROAD AVENUE, LEONIA, NEW JERSEY 07605-0098
(201) 592-5780
FAX (201) 592-5746
www.leonianj.gov

September 23, 2010

To: Mayor and Council
From: Joseph C. Bevacqua, Chairman *JCB*
Re: Planning Board Actions
Proposed New Ordinance

During our August 25, 2010 meeting, the Planning Board discussed and unanimously supports the attached draft Ordinance. Please review and comment on the proposed Ordinance.

AN ORDINANCE TO ADOPT SUSTAINABLE BUILDING STANDARDS
FOR THE CONSTRUCTION OF NEW COMMERCIAL BUILDINGS IN
THE BOROUGH OF LEONIA

Please let me know if you have any questions or need any additional information or action by the Planning Board.

Attachments

JCB/ls

cc: Fran Lehmann, Borough Clerk
Jack Terhune, Administrator

BOROUGH OF LEONIA, NEW JERSEY
ORDINANCE NO. 2010-XXX

AN ORDINANCE TO ADOPT SUSTAINABLE BUILDING STANDARDS
FOR THE CONSTRUCTION OF NEW COMMERCIAL BUILDINGS IN THE BOROUGH OF
LEONIA

WHEREAS, the Mayor and Council of the Borough of Leonia finds that the public welfare will be served by assuring that further commercial and civic development is consistent with the Borough's desire to create a more sustainable community; and

WHEREAS, on September 9, 2009, the Mayor and Council adopted Resolution No. 09-184, which adopted a policy of sustainable land use, which, "pledged to incorporate the principles of green design and renewable energy generation when updating our site plan and subdivision requirements. Green design strategies not only improve the environmental performance of buildings, but lessen the impact of those buildings on the surrounding environment. Such strategies including energy efficiency, water conservation, indoor environmental quality, use of recycled renewable materials, construction waste reduction, reduced auto use, tree preservation, native planting and avoidance of environmentally sensitive features."; and

WHEREAS, the Borough of Leonia, Master Plan Reexamination Report of February 1, 2010, Section 5, Item 4: Sustainability Plan Element states: "On August 5, 2008, Assembly Bill A1559 was signed into law by Governor Jon S. Corzine, amending the Municipal Land Use Law (MLUL) to authorize local planning boards to include a "green buildings and environmental sustainability plan element" in their master plans. The purpose of this new element is to encourage and promote the efficient use of natural resources and minimize the impact of buildings on the local, regional and global environment through site orientation and design.

The Borough should prioritize the preparation and adoption of a sustainability plan element. This is especially important given the expected availability of energy-saving incentive grant programs under the current Federal Administration. In particular, this element should address the Borough's desire to reduce energy consumption in light of rising energy costs and the possibilities of using alternative energy sources to reduce the Borough's carbon footprint. In the interim, the Borough should pro-actively seek and explore current and upcoming opportunities for retrofitting existing municipal buildings with energy-saving devices, integration of hybrid and alternative fuel vehicles, such as the one acquired by the Fire Department, in its municipal fleet, and establishing a policy of building new and substantially renovated municipal building space to a specified standard, such as the US Green Building Council's LEED Silver, Gold or Platinum standards."

WHEREAS, the Mayor and Council finds that green building measures applied to the design, construction, and maintenance of buildings would achieve the following goals:

1. To encourage resource conservation;
2. To reduce the waste generated by construction projects;
3. To increase energy efficiency; and

4. To promote the health and productivity of residents, workers, and visitors to the Borough; and

WHEREAS, the Mayor and Council find that:

1. Green building practices referenced herein are designed to encourage resource conservation, to reduce the waste generated by construction projects, to increase energy efficiency, and to promote the health and productivity of residents, workers, and visitors to the Borough;
2. Green design and construction decisions made by the Borough in the construction and remodeling of Borough and other buildings can result in significant cost savings to the Borough over the life of the buildings;
3. In recent years, green building design, construction, and operational techniques have become increasingly widespread. Many homeowners, businesses, and building professionals have voluntarily sought to incorporate green building techniques into their projects;
4. At the national level, the U.S. Green Building Council (USGBC), developer of the Leadership in Energy and Environmental Design (LEED®) Green Building Rating System, has become a leader in promoting and developing green building practices;
5. The USGBC LEED® Rating System has been used to design buildings in New Jersey.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Leonia:

CHAPTER - 95 Building Codes Article xxx

SUSTAINABLE BUILDING STANDARDS

§95-xx Adoption of codes by reference.

SECTION 1: The "Leadership in Energy & Environmental Design Rating System for New Construction & Major Renovations (LEED - NC)", Version 3, adopted November 2002, revised April 27, 2009, and the "Leadership in Energy & Environmental Design – EB Green Building Rating System for Existing Building, Upgrades, Operations and Maintenance", Version 3, adopted October 2004, updated April 27, 2009, both promulgated by the U.S. Green Building Council ("USGBC") are hereby adopted by reference and incorporated into this Chapter.

The Borough supports the use of green building practices and adopts the use of the USGBC's Leadership in Energy Design ("LEED") Rating System for the design and construction of new buildings and major renovations and additions to newly constructed commercial buildings and major renovations and additions.

The Borough will incorporate life-cycle and total cost accounting in the design, construction, and maintenance of all newly constructed commercial buildings within the Borough:

The Borough adopts a policy that new construction, major renovations and additions to commercial buildings achieve a minimum LEED® "Silver" Scorecard points. While U.S. Green Building Council certification or equivalent rating certification is not required, it is encouraged.

The first LEED or equivalent Green Buildings project will be viewed as a pilot for this initiative and will be evaluated to make further recommendations to the Borough.

Green Technology Requirements

Currently, the most widely adopted "green" rating system in the country is the Leadership in Energy and Environmental Design (LEED) Green Building Rating System®, as developed by the U.S. Green Building Council.

According to the USGBC, LEED evaluates environmental performance from a whole building perspective over a building's life cycle, providing a definitive standard for what constitutes a "green building." It is based on accepted energy and environmental principles and strikes a balance between known established practices and emerging concepts. LEED is a performance-oriented system in which scoring points are earned for satisfying performance criteria in the categories of sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality. Different levels of green building certification are awarded by the USGBC based on the total points earned.

1. All new commercial development located within the Borough, additions which are 50% or greater than the existing gross floor area, shall meet a minimum LEED™ Silver or higher Scorecard points. U.S. Green Building Council certification or equivalent rating certification is encouraged, but optional.
2. All building projects shall have a LEED-accredited professional, or equivalent, as a principal member of the design team from the beginning of the project.
3. Energy Star: Appliances and fixtures must meet United States Environmental Protection Agency's (EPA's) Energy Star Standards. Projects must include Energy Star compliant clothes washers; dishwashers, refrigerators, ceiling fans, ventilation fans (including kitchen and bathroom fans), light fixtures (halls and common areas), and exit signs. To enhance energy efficiency further, the project must also choose and install two of the following Energy Star components: Programmable thermostats; light fixtures; windows and doors; and HVAC systems. Applicants are also encouraged to meet or exceed the New Jersey Energy Master Plan mandates for alternative energy and related goals.
4. All new building projects must include the following:
 - a. All lighting fixtures located in parking lots must utilize LED lighting systems. The freestanding light fixtures shall be similar to the Teardrop Model TF3 by HADCO. The height of such lights shall not exceed twelve (12) feet.
 - b. For commercial buildings in Zones OB (office) and L1 (commercial light industry) no less than fifteen percent (15%) of the property (excluding existing and proposed road rights-of-way) shall be devoted to conservation, open space,

drainage and/or recreational purposes and may include vegetated roofs and pedestrian plazas. For Zone D (Business) where there is no coverage restriction, if 15% of the property is not devoted to conservation, open space, drainage and/or recreational purposes a description of how those building objectives were evaluated and rejected should be provided.

c. Water efficiency technologies such as Rooftop Water retention, collection and irrigation systems shall specifically be evaluated for any project and in conjunction with obtaining USGBC LEED or equivalent scoring points. Water efficiency technologies prevent waste, preserve a precious natural resource, promote education and ultimately reduce the lifecycle costs of building ownership and maintenance.

d. Building envelope technologies such as Aerated Concrete Walls, including but not limited to; alternative energy, thermal recovery, ventilation systems shall specifically be evaluated for any project and in conjunction with obtaining USGBC LEED or equivalent scoring points. Building envelope technologies enhance acoustic, insulation and fire/heat retardant building performance properties.

e. Porous pavement consisting of either porous asphalt, porous concrete, or pervious pavement units shall be specifically evaluated for any project and in conjunction with obtaining USGBC LEED or equivalent scoring points. Porous pavement beds typically consists of a porous surface course underlain by a stone bed of uniformly graded and clean-washed course aggregate, 1-1/2 to 2-1/2 inches in size, with a void space of at least 40%. Stormwater drains through the surface, is temporarily held in the voids of the stone bed, and then slowly exfiltrates into the underlying, uncompacted soil mantle. Porous systems have been very effective in reducing contaminants such as total suspended solids, metals, and oil and grease. Porous pavement with underlying infiltration systems can dramatically reduce both the rate and volume of runoff, recharge the groundwater, and improve water quality.

5. Applicants must submit to the Borough the following information at the time of site plan application:

a. Name of the LEED Accredited or equivalent Professional working on the project: Each project must include a LEED accredited professional or equivalent as part of the project team. This team member advises the project team on Green Building and LEED issues and ensures that the specific LEED credits for the project are achieved.

b. LEED Scorecard: A LEED Scorecard must be submitted as part of its plan. The Scorecard must be accompanied by an explanation of how each credit will be achieved or why the credit cannot be achieved for the project. Prior to issuance of specific permits, reports must be submitted outlining progress on achieving LEED credits A specific number of LEED credits will be negotiated and included in the project.

c. Construction Waste Management Plan: Prepare and implement a construction waste management plan. The plan must outline where waste will be sent for recycling, reuse, reprocessing, or disposal. Letter from each of the recipient facilities must be included. A minimum of 50% of the waste materials by weight shall be diverted from landfill disposal and reused, reprocessed or recycled.

d. Energy Star: Appliances and fixtures must meet U.S. EPA's Energy Star standards. Projects must include Energy Star compliant clothes washers; dishwashers, refrigerators, ceiling fans, ventilation fans (including kitchen and bathroom fans), light fixtures (halls and common areas), and exist signs. To enhance energy efficiency further, the project must also choose and install two of the following Energy Star components: Programmable thermostats; light fixtures; windows and doors; and HVAC systems.

SECTION 2. Three copies of the Leadership in Energy & Environmental Design Rating System for New Construction & Major Renovations (LEED - NC) Version 3, adopted November 2002, revised April 27, 2009, and three copies of Leadership in Energy & Environmental Design – EB Green Building Rating System for Existing Building, Upgrades, Operations and Maintenance", Version 3, adopted October 2004, updated April 27, 2009, both promulgated by the U.S. Green Building Council ("USGBC") shall be maintained on file in the Office of the Borough Clerk.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 4. If any portion of this ordinance shall be determined to be invalid; such determination shall not affect the validity of the remaining portions of said ordinance.

SECTION 5. This ordinance shall take effect upon final passage and publication in accordance with law.

Certification...

In Witness Whereof I...

