Regular Meeting of the Mayor and Council of the Borough of Bogota, to be held at the Bogota Council Chambers, 375 Larch Avenue, Bogota, NJ, on Thursday, December 5, 2019 at 7:30pm.

Salute to the Flag

The notice requirements of the Open Public Meetings Law have been satisfied as notice was sent to two newspapers and posted on the Borough Hall bulletin board on December 23, 2018.

Roll Call: Mayor Kelemen, Councilmembers Carpenter, Gates-Ferris, Macfarlane, Murphy, Napolitano, and Robbins, Borough Attorney, Borough Administrator

Citizen Remarks: One Five (5) minute time limit per person

Discussion

Consent Agenda:
19-140 Authorization to Advertise for bids for Olsen Park Basketball Court and tennis Court Renovations
19-141 Shared Services Agreement with Borough of Little Ferry for Municipal Court Services
19-142 Creating a "Safe Zone" at Borough of Bogota Police Department Municipal Building for the Public to Meet for Craig's List and Other Internet-Based Transactions
19-143 Award Contract to Landtek Construction (dba United Terrain Group) for Preston Street Wall Project
19-144 Hiring Full-time DPW workers
19-145 Resolution Declaring Area Blighted

Introduction of the following Ordinance:
#1536 An Ordinance to Amend Chapter 2 of the Bogota code, entitled "Administration" to remove the limitation on the number of active members of the Auxiliary Police

Public Hearing on the following Ordinance:
#1535 Amending Chapter 21A of Bogota Code, Entitled "Zoning"

Approval: - Minutes November 13, 2019 and September 5, 2019

Citizen Remarks: One Five (5) minute time limit per person

Reports: Mayor, Council Committees: Five (5) minute time limit per Council Member, Administrator, Attorney, Clerk

Closed Session: - Personnel

Adjournment

RESOLUTION # 19-140 DATE: 12-5

COUNCIL	YES	NO	ABSENT	ABSTAIN	MOTION	SECOND
C. Carpenter						
K. Gates-Ferris						
D. Macfarlane						
M Murphy						
T. Napolitano						
R. Robbins						

RESOLUTION TO ADVERTISE FOR OLSEN PARK BASKETBALL COURT AND TENNIS COURT RENOVATIONS

Be it resolved by the Mayor and Council of the Borough of Bogota, Bergen County, New Jersey upon the recommendation of Neglia Engineering Associates that the specification for:

OLSEN PARK BASKETBALL COURT AND TENNIS COURT RENOVATIONS

Are hereby approved and the Borough Clerk is hereby authorized to advertise for bids. This Resolution to take effect immediately.

Dated: Certified:_____
Treasurer

Dated: Approved:_____
Mayor

CERTIFICATION

I, Jeanne M. Cook, Clerk of the Borough of Bogota, Bergen County, New Jersey do hereby certify that the foregoing Resolution was adopted by the Mayor and Council at a regular meeting held _____.

Dated: _____
Clerk

RESOLUTION # 19.141 DATE: 12-5

COUNCIL	YES	NO	ABSENT	ABSTAIN	MOTION	SECOND
C. Carpenter						
K. Gates-Ferris						
D. Macfarlane						
M Murphy						
T. Napolitano						
R. Robbins						

Shared Service Agreement with Borough of Little Ferry for Municipal Court Services

WHEREAS, an agreement providing for shared services among municipalities is permitted under N.J.S.A.40A:65-1 *et seq.*, the "Uniform Shared Services and Consolidation Act"; and

WHEREAS, N.J.S.A. 2B:12-1(c) provides that two or more municipalities may agree to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts and agree to appoint judges an administrators without establishing a joint municipal court; and

WHEREAS, N.J.S.A. 2B:12-1(c) further provides that where municipal courts share facilities, the identities of the individual courts shall continue to be expressed in the captions of orders and process; and

WHEREAS, the parties desire to share municipal court services and to set forth the administrative and financial responsibilities of each party for the shared court services; and

WHEREAS, the shared court is subject to approval by the Administrative Office of the Courts and the Vicinage Assignment Judge;

NOW, THEREFORE, IN CONSIDERATION of the promises, covenants, terms and conditions set forth, it is mutually AGREED as follows:

- This agreement shall be for approximately three (3) years, beginning January 1, 2020 and sun-setting on December 31, 2022.
- At any point in time, by written notice, either party may request an extension or renegotiation of the terms.
- Little Ferry agrees to provide those facilities and services necessary for the operation of a Municipal Court including but not limited to a courtroom, chambers, office space, equipment, supplies and employees, to serve as Bogota's Municipal Court.
- The Municipal Courts shall share facilities but the individual identities of the courts shall continue to be expressed in the caption orders and process.
- Each municipality shall appoint their own judge, prosecutor and public defender.
- Each municipality shall continue to appoint a Court Administrator, which shall be the existing Little Ferry Court Administrator and is hereby appointed by this Resolution. It will be the responsibility of Little Ferry to ensure the Court Administrator is certified and attends/obtains required CEUs.

19-141

- Each municipal court shall continue to maintain its own docket and filings, which shall exist separately in the ATS/ACS database.

- A complete set of financial records and separate reporting shall be maintained for each municipal court including any auditing requirements of the State of New Jersey or the Administrative Office of the Courts.

- Bogota shall pay Little Ferry in four (4) quarterly installments for leasing of space and professional staff payable on or around the 20th of March, June, September and December:
    * $82,925 in year 2020; $84,584 in the year 2021; and $86,275 in year 2022 covering a period of 3 (three) years

- Little Ferry shall order supplies for operations of the Bogota court, including but not limited to: ticket books, interpretation services, etc. and shall seek reimbursement from Bogota on a quarterly basis. Little Ferry shall submit invoices to Bogota on or around the first of the month of March, June, September and December.

- Revenue shall be distributed to each municipality based on each municipality's own filings.

- Little Ferry Court shall coordinate with the Bogota Police Department to schedule hearings, proceedings, etc. to minimize overtime costs and to maintain a minimum staffing level as per the discretion of the Bogota Police Chief or his/her appointed designee. The Little Ferry Court will make every effort to coordinate with the Chief the schedule of the Court to ensure that Bogota residents receive maximum patrol asper the discretion of the Bogota Chief.

- Bogota authorizes Little Ferry to choose a depository of funds that is convenient for its operations and said depository shall be dually appointed and copies of all relevant paperwork shall be given to Bogota.

- Termination: Each municipality reserves the right to terminate this agreement. Termination must be done via Resolution of the governing body and provided no later than December 1 of the next court (calendar) year. In the event of criminal wrongdoing on the Little Ferry Court, Bogota may immediately terminate the agreement.

- Future changes to the agreement may be done at the discretion of the governing bodies, by Memorandums of Agreement.

ATTEST:

Jeanne Cook, Borough Clerk	Christopher M. Kelemen, Mayor

19-142

Borough of Bogota

Resolution

Creating a "Safe Zone" at Borough of Bogota Police Department Municipal Building For the Public to Meet for Craiglist And Other Internet-Based Transaction

Whereas, ensuring the safety and security of Borough residents is critical concern for Bogota Borough's Mayor, Council, and Chief of Police; and

Whereas, in recent years, in-person sales, transactions and exchanges originating from on-line marketplaces such as Craiglist, have experienced an increase in violence and fraud; and

Whereas, in an effort to promote safer transactions between strangers, municipalities across the country have encouraged residents to use local police department parking lots and lobbies as a meeting place for the in-person transactions to occur; and

Whereas, at the recommendation of the Borough's Police Chief, the Borough's Council believes it to be in the best interest of the health, safety and welfare of the Borough's residents to establish a "Safe Zone" in the Bogota Police Department's parking lot and lobby to facilitate a safe and neutral location for making in-person transactions; and

Whereas, the parking lot outside of the Borough Municipal complex is well-lit and under 24 hour video surveillance and the lobby is open Monday through Friday from 8:30 a.m. to 4:30 p.m.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Bogota, County of Bergen, State of New Jersey, that:

1. Effective immediately, the parking lot of the Bogota Borough Municipal complex is open and available to the public as a "Safe Zone" for conducting in-person transactions that have been facilitated through online marketplaces such as Craiglist;

19-142

2. Effective immediately, the parking lot of the Bogota Borough Municipal Complex is open and available to the public as a "Safe Zone" from 8:30 a.m. through 4:30 p.m. Monday through Friday (holiday excepted) for conducting in-person transactions that have been facilitated through online marketplaces such as Craiglist;
3. The Borough of Bogota makes no guarantees, assurances, or promises as to the safety or security of any in-person transactions that may take place on Borough property;
4. It is not the intent of the Borough officials to provide police personnel or Borough staff to witness any transaction in person, but the video surveillance by and proximity to police personnel is meant to increase the public's peace of mind when engaging in such transactions with unfamiliar individuals at the Bogota Municipal Complex;
5. Borough officials encourage residents to engage in such transactions during daylight hours, only; to bring a cell phone along in case of an emergency; to notify friends and/or family of the intention to meet to conduct such transaction(s); to never invite strangers to the home or agree to meet at a stranger's home; to reconsider any transaction(s) with someone who refuses to meet at the police station/municipal complex.

19-142

MEETUP SPOT

Internet Purchase
Exchange Location

Live Video Recording

OfferUp

RESOLUTION # 19-143 DATE: 12-5

COUNCIL	YES	NO	ABSENT	ABSTAIN	MOTION	SECOND
C. Carpenter						
K. Gates-Ferris						
D. Macfarlane						
M Murphy						
T. Napolitano						
R. Robbins						

AWARD OF CONTRACT

Be it resolved by the Mayor and Council of the Borough of Bogota, Bergen County, New Jersey upon the recommendation of Neglia Engineering Associates that the Contract for:

PRESTON STREET WALL PROJECT
BOROUGH OF BOGOTA, BERGEN COUNTY, NEW JERSEY

be awarded to Landtek Construction, LLC (dba United Terrain Group). for the bid amount of One Hundred Eighteen Thousand Eight Hundred Sixty-Five Dollars and Zero Cents ($118,865.00) which represents the Base Bid and being the lowest of five bids submitted. This Resolution to take effect upon certification of this Resolution by the Borough Treasurer that sufficient funds are available.

Dated: Certified:_____
Treasurer

Dated: Approved:_____
Mayor

CERTIFICATION

I, Jeanne M. Cook, Clerk of the Borough of Bogota, Bergen County, New Jersey do hereby certify that the foregoing Resolution was adopted by the Mayor and Council at a regular meeting held _____.

Dated:

_____
Clerk

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19-143

34 Park Avenue – PO Box 426
LYNDHURST, NEW JERSEY 07071
Tel: 201.939.8805 • Fax: 201.939.0846

NEGLIA
ENGINEERING ASSOCIATES

200 Central Avenue – Suite 102
MOUNTAINSIDE, NJ 07092
Tel: 201.939.8805 • Fax: 732.943.7249

December 02, 2019

Via E-mail & Hand Delivery

Ms. Jeanne M. Cook
Borough Clerk
Borough of Bogota
375 Larch Avenue
Bogota, New Jersey 07603

Re: Recommendation Letter
Preston Street Wall Project
Borough of Bogota, Bergen County, New Jersey
Neglia Project #: BOGOMUN19.014

Dear Ms. Cook:

Please be advised that on Tuesday, November 26, 2019, the Borough of Bogota accepted bids for the above referenced project. The lowest of five bids submitted was from Landtek Construction, LLC (dba United Terrain Group). Our office has performed an engineering review of the bid packages, but a legal review of the packages is required.

We recommend that this contract be awarded pending available funds and attorney review to Landtek Construction, LLC (dba United Terrain Group), 386 State Route 79, Morganville, NJ 07751 for the Base Bid. The bid submitted by Landtek Construction, LLC (dba United Terrain Group) was in the amount of One Hundred Eighteen Thousand Eight Hundred Sixty-Five Dollars and Zero Cents ($118,865.00).

Enclosed you will find a copy of the Award of Contract Resolution, Executive Summary, and the Bid Tabulation Sheet. We have forwarded the five bid packages for review by the Borough Attorney prior to award. We trust you will find the above in order. Should you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,
Neglia Engineering Associates

Gregory J. Polyniak, P.E. P.P., C.M.E., C.P.W.M.
For the Borough Engineer
Borough of Bogota

cc: Mayor and Council (Via E-mail & Hand Delivery)
Joseph Scarpa, Borough Administrator (via E-mail & Hand Delivery)
Greg Bock, Chief Financial Officer (via E-mail & Hand Delivery)
William R. Betesh, Esq. (via E-mail & Hand Delivery with Enclosures)

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19-143

EXECUTIVE SUMMARY BOROUGH OF BOGOTA, BERGEN COUNTY, NEW JERSEY PRESTON STREET WALL PROJECT	
NOVEMBER 26, 2019 - 10:00am	
BOGOMUN19.014	
CONTRACTOR	***BASE BID***
Landtek Construction, LLC (dba United Terrain Group) 386 State Route 79 Morganville, NJ 07751	**$118,865**
Cipriano Enterprises, Inc. 74 Ethel Avenue Hawthorne, NJ 07506	**$127,000**
Your Way Construction 404 Coit Street Irvington, NJ 07111	**$164,771**
Berto Construction, Inc. 625 Leesville Avenue Rahway, NJ 07065	**$171,700**
Cypreco Industries, Inc. P.O. Box 822, 1420 9th Avenue Neptune, NJ 07753	**$171,800**

NEGLIA ENGINEERING ASSOCIATES
BID TABULATION SHEET

MUNICIPALITY: BOROUGH OF BOGOTA, BERGEN COUNTY, NEW JERSEY
PROJECT: PRESTON STREET WALL PROJECT
FOR: BOGOMUN19.010
BIDS RECEIVED: NOVEMBER 26, 2019 - 10:00am

PRESTON STREET WALL PROJECT (Municipally Funded)				Landtek Construction, LLC (dba United Terrain Group) 386 State Route 79 Morganville, NJ 07751		Cipriano Enterprises, Inc. 74 Ethel Avenue Hawthorne, NJ 07506		Your Way Construction 404 Coit Street Irvington, NJ 07111		Berto Construction, Inc. 625 Leesville Avenue Rahway, NJ 07065		Cypreco Industries, Inc. 1420 9th Avenue Neptune, NJ 07753	
Item #	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
1	Mobilization / Demobilization	LS	1	$ 2,500.00	$ 2,500.00	$ 5,000.00	$ 5,000.00	$ 11,475.00	$ 11,475.00	$ 10,000.00	$ 10,000.00	$ 15,000.00	$ 15,000.00
2	Maintenance and Protection of Traffic	LS	1	$ 500.00	$ 500.00	$ 2,500.00	$ 2,500.00	$ 2,025.00	$ 2,025.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00
3	Site Clearing / Demolition	LS	1	$ 21,625.00	$ 21,625.00	$ 31,740.00	$ 31,740.00	$ 30,330.00	$ 30,330.00	$ 35,000.00	$ 35,000.00	$ 35,000.00	$ 35,000.00
4	Tree Removal, 12"-24"	Each	2	$ 1,500.00	$ 3,000.00	$ 1,800.00	$ 3,600.00	$ 3,780.00	$ 7,560.00	$ 2,000.00	$ 4,000.00	$ 2,400.00	$ 4,800.00
5	Board-on-Board Fence, 6' w/ Foundations	LF	150	$ 70.00	$ 10,500.00	$ 75.00	$ 11,250.00	$ 100.00	$ 15,000.00	$ 150.00	$ 22,500.00	$ 130.00	$ 19,500.00
6	Driveway Repair, Full Depth	SY	60	$ 50.00	$ 3,000.00	$ 172.50	$ 10,350.00	$ 152.60	$ 9,156.00	$ 150.00	$ 9,000.00	$ 300.00	$ 18,000.00
7	Soil Erosion and Sediment Control Devices	LS	1	$ 500.00	$ 500.00	$ 1,500.00	$ 1,500.00	$ 2,025.00	$ 2,025.00	$ 200.00	$ 200.00	$ 4,000.00	$ 4,000.00
8	Final Cleanup / Site Restoration	LS	1	$ 2,500.00	$ 2,500.00	$ 2,500.00	$ 2,500.00	$ 4,050.00	$ 4,050.00	$ 5,000.00	$ 5,000.00	$ 7,500.00	$ 7,500.00
9	Retaining Wall, Slab and Stair Repair, Complete	LS	1	$ 59,740.00	$ 59,740.00	$ 43,560.00	$ 43,560.00	$ 68,150.00	$ 68,150.00	$ 66,000.00	$ 66,000.00	$ 48,000.00	$ 48,000.00
10	Contract Allowance for Testing and Disposal of Unsuitable Soils	Allow	1	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00
11	Contract Allowance for Unforeseen Conditions	Allow	1	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00
	TOTAL BASE BID				$ 118,865.00		$ 127,000.00		$ 164,771.00		$ 171,700.00		$ 171,800.00

19-143

RESOLUTION # 19-144 DATE: 12/5/19

COUNCIL	YES	NO	ABSENT	ABSTAIN	MOTION	SECOND
C. Carpenter						
K. Gates-Ferris						
D. Macfarlane						
M Murphy						
T. Napolitano						
R. Robbins						

HIRING OF FULL-TIME DPW EMPLOYEES

WHEREAS, the Mayor and Council had authorized the Borough Administrator to advertise for full-time employment opportunities in the Borough of Bogota Department of Public works (DPW); and

WHEREAS, it was recognized that additional DPW staffing was needed to ensure the proper functioning of that department; and

WHEREAS, applications were received and reviewed, and interviews were conducted by the Borough Administrator and DPW Superintendent; now

BE IT RESOLVED that the following individual is recommended to be hired as a full-time Driver Operator at $ for 2019:

Joseph Falato of Lodi

BE IT FURTHER RESOLVED that the following individual is recommended to be hired as a full-time Laborer at $ for 2019:

Tyler Lauber of Bogota

BE IT RESOLVED, the Mayor and Council approve that both individuals effective hire date shall be Monday, December 9, 2019, and they shall be afforded benefits described in the Borough's Personnel Handbook and in the current collective bargaining agreement between the Borough of Bogota and the united Public Service Employees Union.

RESOLUTION # 19-145 DATE: 12/5/19

COUNCIL	YES	NO	ABSENT	ABSTAIN	MOTION	SECOND
C. Carpenter						
K. Gates-Ferris						
D. Macfarlane						
M Murphy						
T. Napolitano						
R. Robbins						

Resolution Declaring Area Blighted

WHEREAS, the Mayor and Council of the Borough of Bogota did adopt Resolutions No. 18-077 and 18-078 on April 19, 2018, requesting that the Bogota Planning Board (hereinafter the "Planning Board") review the following parcels of property to determine if those parcels are "in need of redevelopment", as defined by the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq*, said parcels being shown on the tax assessment map of the Borough of Bogota as follows:

Block 3	Lots 1, 1.01, 2, 3 & 10
Block 64.01	Lots 11.01 & 13
Block 112	Lots 1 & 2
Block 113	Lots 3, 4, 5, 6, 7 & 8

WHEREAS, the aforementioned resolutions were subsequently amended by Resolutions No. 19-057 and 19-058, dated March 7, 2019, to remove the option of condemnation from the potential redevelopment area, which was previously granted under Resolutions No. 18-077 and 18-078, and to thereby make the area under investigation a "Non-Condemnation Redevelopment Area", as set forth under N.J.S.A 40A:12A-6; and

WHEREAS, the Planning Board had retained the services of Phillips Preiss Grygiel Leheny Hughes LLC, to prepare a Location Map to delineate the boundaries of the abovementioned parcels, a copy of which was furnished to the Planning Board and

made available for public inspection in the Borough Clerk's Office, as required by N.J.S.A. 40A:12A-6; and

WHEREAS, the Planning Board did request that its Planner, Paul Grygiel, P.P., prepare an "area in need of redevelopment study" for the aforementioned parcels, for the purpose of determining whether same fell within the redevelopment criteria of N.J.S.A. 40A12A-1, *et seq.*, and;

WHEREAS, Mr. Grygiel prepared two reports, both dated September 2018, the first entitled "Area In Need of Redevelopment Study-West Fort Lee Road-Blocks 3 and 64.01-Borough of Bogota, New Jersey", and the second entitled "Area In Need of Redevelopment Study For Portions of Blocks 112 and 113-Borough of Bogota, New Jersey", (hereinafter the "AINR Studies"), three (3) copies of which were filed with the Borough Clerk's Office, as well as the Planning Board, together with the Location Map for public inspection by all interested parties and citizens of the Borough of Bogota at the Borough Clerk's Office, the statements of said Map being sufficient to satisfy the requirements of N.J.S.A. 40A:12A-6(b)(1); and

WHEREAS, the Planning Board conducted public hearings on March 26, 2019, May 14, 2019 and June 11, 2019, notice of which was properly published and forwarded to all interested parties at least ten (10) days prior to the hearings, to determine whether each of the above-mentioned parcels qualify as an area in need of redevelopment in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*; and

WHEREAS, evidence was presented at the aforesaid hearings, including the Location Map, photographs of the site, the AINR Studies dated September 2018 and the oral testimony of the Board's Planner, Mr. Paul Grygiel, P.P.; and

WHEREAS, all interested parties in the Planning Board's determination were given an opportunity to be heard, to question Mr. Grygiel and to present witnesses in opposition to the AINR Studies, and the Planning Board did hear from the public and considered public testimony in opposition to the findings in the AINR Studies; and

WHEREAS, at the conclusion of the hearings, Mr. Grygiel's testimony and the testimony of all witnesses and objectors, the Planning Board adopted Resolution No. 2019-06 on June 26, 2019, which found that each of the aforementioned parcels met the statutory criteria as areas in need of redevelopment, in accordance with the New Jersey Local Redevelopment and Housing Law, and further recommended that the aforesaid parcels be declared an area in need of redevelopment, in accordance with N.J.S.A. 40A:12A-1, *et seq.*, and more particularly N.J.S.A. 40A:12A-5; and

WHEREAS, following the adoption of Resolution No. 2019-06, an attorney representing the owner of Block 64.01 Lot 13, who previously appeared as an objector before the Planning Board and presented a witness to testify against the application, mailed a letter to the Bogota Mayor and Council dated September 17, 2019, which objected to the aforementioned parcel being included in the redevelopment area recommended by the Planning Board in Resolution No. 2019-06; and

WHEREAS, the aforementioned objector further requested to have the September 17, 2019 letter included as part of the record to be considered by the

Governing Body when determining whether to accept the Planning Board's recommendation; and

WHEREAS, the September 17, 2019 letter objected to Block 64.01 Lot 13 being included in the proposed redevelopment area, based upon the assertion that a showing of blight was not demonstrated by Mr. Grygiel for this specific parcel, because, *inter alia*, Block 64.01 Lot 13 is allegedly 1) fully occupied, 2) well maintained, 3) in common ownership with the adjacent Bogota Racquetball Club, 4) undergoing interior and exterior renovation, and 5) was never used as a staging area for the environmental remediation of a nearby property, as speculated on page 18 of the applicable AINR report. Thus, the letter asserts that the elements necessary to prove an area in need of redevelopment, as set forth in the New Jersey Local Redevelopment and Housing Law, have not been met for the parcel located at Block 64.01 Lot 13; and

WHEREAS, the Bogota Governing Body is required under N.J.S.A. 40A:12A-6 to adopt a resolution establishing the redevelopment area, either as delineated by the Planning Board or any parts thereof; and

WHEREAS, the Mayor and Council has accepted the findings of the Planning Board and its Planner with regards to the designation of Block 3 Lots 1, 1.01, 2, 3 & 10, Block 64.01 Lot 11.01, Block 112 Lots 1 & 2 and Block 113 Lots 3, 4, 5, 6, 7 & 8 as areas in need of redevelopment; and

WHEREAS, the Mayor and Council has also considered the assertions raised in the letter dated September 17, 2019, which alleged facts specific to the parcel located at Block 64.01 Lot 13, and based upon those facts, has concluded that Block 64.01 Lot 13 does not meet the requirements of an area in need of redevelopment.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Bogota have reviewed the recommendations of the Bogota Planning Board, as set forth in its Resolution No. 2019-06, and for the reasons set forth in that resolution, have determined that Block 3 Lots 1, 1.01, 2, 3 & 10, Block 64.01 Lot 11.01, Block 112 Lots 1 & 2 and Block 113 Lots 3, 4, 5, 6, 7 & 8 qualify as areas in need of redevelopment in accordance with N.J.S.A. 40A:12A-6, and shall be deemed a blighted area for the purposes of Article 8, Section 3 and Paragraph 1 of the existing New Jersey Constitution; and

BE IT FURTHER RESOLVED that the Governing Body has further determined that the parcel located at Block 64.01 Lot 13 does not meet the requirements of an area in need of redevelopment, in accordance with N.J.S.A. 40A:12A-6, for the reasons set forth above in the objector's letter of September 17, 2019, and therefore that parcel shall not be deemed to be an area in need of redevelopment; and

BE IT FURTHER RESOLVED that the aforementioned findings are supported by the AINR Studies, dated September 2018 and prepared by Paul Grygiel, P.P., by the testimony and evidence provided to the Bogota Planning Board on March 26, 2019, May 14, 20149 and June 11, 2019, and by the allegations set forth in the letter dated September 17, 2019, and prepared on behalf of the owner of Block 64.01 Lot 13; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the New Jersey Department of Community Affairs, as required by N.J.S.A. 40A:12A-6; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded

to all parties, in accordance with N.J.S.A. 40A:12A-6(b)(5), and posted on the bulletin board on the first floor of the Bogota Municipal Building, and a summary of the resolution shall be published in The Record; and

BE IT FURTHER RESOLVED, that Mr. Grygiel is hereby directed to redraw have the Location Map to exclude the property located at Block 64.01 Lot 13, as this property does not meet the criteria of N.J.S.A. 40A:12A-6 and therefore does not belong in the redevelopment area; and

BE IT FURTHER RESOLVED, that the Governing Body of the Borough of Bogota is hereby authorized to begin the preparation of a redevelopment plan, in accordance with the provisions of N.J.S.A. 40A:12A-7, which shall be transmitted to the Bogota Planning Board for review prior to its final adoption; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be filed in the Borough Clerk's Office, together with the revised map of the proposed redevelopment and the AINR Studies prepared by Mr. Paul Grygiel, P.P.

BOROUGH OF BOGOTA

ORDINANCE NO. 1535

AN ORDINANCE AMENDING CHAPTER 21A OF THE BOGOTA CODE, ENTITLED "ZONING"

WHEREAS, Chapter 21A of the Bogota Code, entitled "Zoning", sets forth the zoning and development regulations applicable within the Borough, and;

WHEREAS, Section 7.5 of Chapter 21A sets forth the uses that are expressly prohibited in that Chapter, and;

WHEREAS, following a comprehensive review of Section 7.5, the Mayor and Council seeks to amend the aforesaid section by revising the uses that are prohibited under Chapter 21A, having determined that certain provisions in that section were outdated, lacked a rational basis to a legitimate governmental purpose and/or hindered economic development in the Borough, and;

WHEREAS, pursuant to the provisions of N.J.S.A. 40:55D-26, the proposed revisions were forwarded via resolution to the Bogota Planning/Zoning Board for a determination as to whether the proposed zoning amendments are consistent with the intent and purpose of the Bogota Master Plan and Land Use Plan Element, and;

WHEREAS, the aforementioned resolution is identified in the Borough's records as Resolution #19-116, and was adopted by the Bogota Mayor and Council at its regularly scheduled meeting of September 19, 2019, and;

WHEREAS, the Bogota Planning/Zoning Board reviewed the proposed revisions set forth in Resolution #19-116 at its regularly scheduled meeting of October 8, 2019, and determined at that meeting that the proposed revisions were consistent with the intent and purpose of the Bogota Master Plan and Land Use Plan Element, in accordance with N.J.S.A. 40:55D-26, and;

WHEREAS, the Planning/Zoning Board accordingly memorializing its findings in a resolution dated October 22, 2019.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Bogota, that Chapter 21A of the Borough Code, entitled "Zoning", is hereby amended, revised and supplemented as follows:

SECTION 1: AMENDMENTS TO SECTION 7.5, ENTITLED "PROHIBITED USES."

Section 21A-7.5, entitled "Prohibited Uses" is hereby deleted in its entirety and replaced with the following:

21A-7.5 Prohibited Uses.

All uses not expressly permitted in this chapter or by statute are prohibited. If any proposal for a use not specifically permitted by this chapter is made to the board of adjustment, the planning board shall be notified of the date, time and place of the public hearing and be supplied with a copy of the application in order that the planning board may review and make a recommendation to the board of adjustment at the public hearing of the board of adjustment. The planning board may offer an opinion as to whether such proposed new use is compatible with the Master Plan.

a. *Specified Prohibitions:*

1. Any use of any building or premises in such a manner that the health, safety, morals or welfare of the community may be endangered is prohibited.

2. The transportation of hazardous materials through the borough, or the storage or dumping of such materials on any property located in the borough is expressly prohibited. For purposes of this subsection, hazardous materials shall be defined as those substances listed in accordance with the current National Fire Protection Association Standard #704, "Identification of Hazardous Materials as to Fire Hazard, Health Hazard and Reactivity Hazard" or set forth in the United States Department of Transportation Hazardous Materials Guidebook (1980).

3. The use for habitation of a recreational vehicle or other trailer not permanently affixed to the land is prohibited, except on the site of a residence rendered uninhabitable by fire and other casualty. In such event, such recreational vehicle or trailer may be inhabited only by the persons displaced by the casualty, after a temporary certificate

of occupancy has been issued by the building department. The foregoing shall not preclude the use of trailers for construction purposes on construction sites, provided such use begins not sooner than thirty (30) days prior to commencement of construction and ends no later than seven (7) days after completion of construction as determined by the constructional official.

4. Automobile junk yards.

5. Carousel, roller coasters, whirligigs, merry-go-rounds, ferris wheels or similar amusement devices except as provided for in section 4-10 of the Borough Ordinances.

6. Carting, express, hauling or storage yards for solid waste and/or recycling, collection and disposal.

7. Businesses engaged in the sale, distribution, rental, or exhibition of obscene material.

8. Massage parlors.

9. Sexually oriented businesses, except as permitted as a conditional use in Section 21A-12.7.

10. Communications towers and communication antennas, except as permitted as conditional uses in 21A-12.8.

11. Dispatch services, except as permitted as conditional uses in the I Industrial Zone.

SECTION 2: INCONSISTENCY.

Any and all ordinances, or parts thereof, in conflict or inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent.

SECTION 3: SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, then such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4: EFFECTIVE DATE.

This ordinance shall take effect twenty (20) days after the first publication thereof after final passage and filing with the Bergen County Planning Board.