

BOROUGH OF POMPTON LAKES

AN ORDINANCE OF THE BOROUGH OF POMPTON LAKES, STATE OF NEW JERSEY, TO AMEND AND SUPPLEMENT CHAPTER 14 ADMINISTRATION, ARTICLE VI, BOARDS, COMMITTEES, COMMISSIONS AND AUTHORITIES, SECTION 62, POMPTON LAKES REDEVELOPMENT AGENCY, OF THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES.

WHEREAS, the Borough Council of the Borough of Pompton Lakes adopted Ordinance 2014-25 creating a Redevelopment Agency pursuant to N.J.S.A. 40A:12A-1, et seq., to be responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to N.J.S.A. 40A:12A-8 in any Redevelopment or Rehabilitation Area in the Borough of Pompton Lakes that has been established or may be established; and

WHEREAS, the Borough wishes to amend the above Ordinance to include additional necessary provisions related to conflict of interests, removal process for commissioners and establishment of annual meetings and compliance with Open Public Meetings Act so that it fully complies with N.J.S.A. 40A:12A-1, et seq.

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough in the County of Passaic and the State of New Jersey as follows:

SECTION 1. Chapter 14, “Administration,” Article VI, “Boards, Committees, Commissions and Authorities,” Section 62 “Pompton Lakes Redevelopment Agency” is hereby amended and supplemented as follows:

Note: Additions are shown in **bold and underlined**

§ 2-62 POMPTON LAKES REDEVELOPMENT AGENCY.

§ 2-62.1 Created.

Pursuant to the authority granted by N.J.S.A. 40A:12A-**11**, et seq., as amended and supplemented, there is created and established in the Borough of Pompton Lakes a body corporate and politic to be known as the Pompton Lakes Redevelopment Agency, which shall be an instrumentality of the Borough. The Pompton Lakes Redevelopment Agency shall be responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to N.J.S.A. 40A:12A-8 in any Redevelopment or Rehabilitation Area in the Borough of Pompton Lakes that has been established or may be established.

§ 2-62.2 Powers.

The Pompton Lakes Redevelopment Agency shall have all powers and rights necessary and convenient to carry out and effectuate the purposes and provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., and shall be governed by the provisions contained therein.

§ 2-62.3 Membership.

- A. The Pompton Lakes Redevelopment Agency shall consist of seven Commissioners who shall be appointed by the Mayor subject to the advice and consent of the Borough Council in accordance with the requirements of the Borough of Pompton Lakes form of government.
- B. Each Commissioner, except as otherwise set forth herein, shall serve for a term of five years, and except for the first series of appointments.
- C. In the first series of appointments, the six Commissioners who are not the Mayor or a Councilperson, shall serve terms designated as follows: two members for a term of one-year; one member for a term of two years; one member for a term of three years; one member for a term of four years; and one member for a term of five years. In the event the Borough does not appoint a member of the governing body to the seat reserved for same, the remaining Commissioner appointment shall be for a term of two years.

- D. No more than two Commissioners shall be officers or employees of the Borough. In such case as the Borough determines to appoint one or two Commissioners who are officers or employees of the Borough, one or both of said Commissioners may be either the Mayor and one member of the Council or two members of the Council in the absence of the Mayor. A Commissioner who is either the Mayor or a member of the Council shall serve for a term of one year unless sooner vacating the elected position which shall create a vacancy on the Agency which vacancy shall be **filled in the same manner as the original appointment but for the unexpired term**, ~~immediately filled for the unexpired term in the manner set forth herein for filling vacancies.~~
- E. Each Commissioner shall hold office to the term of their appointment and until their successor shall have been appointed and qualified.
- F. Any vacancy occurring in the office of Commissioners, from any cause, shall be filled in the same manner as the original appointment, but shall be limited to for the unexpired term.
- G. No Commissioner shall be compensated but may be reimbursed for reasonable out of pocket expenses.

§ 2-62.4 Fiscal Control Compliance with New Jersey Law.

The Pompton Lakes Redevelopment Agency is subject to the Local Authorities Fiscal Control Law, N.J.S.A. 40A:5A-1, et seq., and the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., ~~as well as the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.~~ **and the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6, et seq. (“OPMA”)**

§ 2-62.5 Budget.

The Pompton Lakes Redevelopment Agency shall submit its annual budget to the Mayor and Council.

§ 2-62.6 Filing with the Local Finance Board.

Copies of the Ordinance codified in this chapter, certified by the Borough Clerk, shall be filed in the office of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey after its effective date. § 2-62.7 Meetings.

All regular meetings and all special meetings shall be open to the public, except as provided in the Open Public Meeting Act, N.J.S.A. 10:4-6, et seq. Notice of all such meetings shall be given in accordance with the requirements of OPMA. The Board shall make necessary arrangement to ensure that all meetings are recorded, filmed and broadcasted as required under State or Local Laws.

At its organizational meeting, the Pompton Lakes Redevelopment Agency shall provide for regular meetings at a time and place within the Borough. The resolution may provide that, when such a day falls upon a legal holiday, the meeting shall be held on the same hour on the next succeeding day that is not a legal holiday.

§ 2-62.8 Conflicts of interest.

Pursuant to N.J.S.A. 40A:12A-11(c), no Commissioner or employee of the Pompton Lakes Redevelopment Agency shall acquire any interest, direct or indirect, in a redevelopment project or in any property included or planned to be included in a project, nor shall there be any interest, direct or indirect, in any contract or proposed contract for materials and services to be furnished or used in connection with a project. If any Commissioner or employee of the Pompton Lakes Redevelopment Agency owns or controls an interest, direct or indirect, in any property included or planned to be included in a project, he or she shall immediately disclose the same, in writing, to the Pompton Lakes Redevelopment Agency, and the disclosure shall be entered upon the minutes of the Pompton Lakes Redevelopment Agency. Failure to disclose such an interest shall constitute misconduct in office. A Commissioner or employee required by this subsection to make a disclosure shall not participate in any action by the Pompton Lakes Redevelopment Agency affecting the property with respect to which disclosure is required.

§ 2-62.9 Removal of Commissioners.

A. **Pursuant to N.J.S.A. 40A:12A-11(c), a Commissioner of the Pompton Lakes**

Redevelopment Agency may be removed by the Borough's Governing Body for inefficiency or neglect of duty or misconduct in office, through the following process:

- i. **Upon reasonable belief to suspect that a Commissioner of the Pompton Lakes Redevelopment Agency had engaged in inefficiency, neglect of duty or misconduct in office, the Mayor, member of the governing body, commission member or member of the public may communicate a Commission member's conduct to the Borough Administrator which may cause an investigation to occur.**
- ii. **Upon the conclusion of an investigation, if the Business Administrator finds sufficient cause upon which charges be levied against the Commissioner, his or her recommendation along with a explanation of the basis of the same shall be put before the Borough's Governing Body to decide whether or not to press charges, in which case the Borough's Governing Body shall also appoint a hearing officer, and instruct the Business Administrator to schedule a hearing with 10 days' notice to the affected Commissioner of the Pompton Lakes Redevelopment Agency.**
- iii. **The hearing officer shall provide a written decision to the Business Administrator and affected Commissioner of the Pompton Lakes Redevelopment Agency as to whether or not the charges should be sustained and a basis for the same within 14 days of his/her final hearing.**
- iv. **If it is determined by the hearing officer that the charges be sustained, then the Commissioner of the Pompton Lakes Redevelopment Agency shall be provided notice of the same and he/she shall have right to appeal removal to the Borough's Governing Body within 10 calendar days of the date of the hearing officers decision, The decision of Borough's Governing Body shall be final and shall be memorialized in a written resolution, effective immediately upon its adoption.**

SECTION 2. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

SECTION 3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

SECTION 4. This ordinance shall take effect immediately upon final passage, approval and publication as provided by law.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building on the 24th day of May, 2023, and the same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 14th day of June, 2023 at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after approval by the Mayor or in accordance with law.

Approved:

Michael Serra, Mayor

Elizabeth Brandsness, Borough Clerk