

MINUTES OF THE FEBRUARY 23, 2022 REGULAR COUNCIL MEETING

The following are the Minutes of the February 23, 2022 Regular Meeting of the Mayor and Council of the Borough of Pompton Lakes that was held in the Council Meeting room of the Municipal Building, 25 Lenox Avenue, Pompton Lakes, New Jersey and was called to order at 7:30 P.M.

Mayor Michael Serra opened the Meeting and led participants in saluting the flag.

Mayor Serra read the Open Public Meeting Law Statement of Compliance.

A Roll Call indicated the following members were present: Mayor Michael Serra, Council President Jennifer Polidori, Councilmen William Baig, Bobby Cruz, Erik DeLine and Ekamon Venin, and Councilwoman Maria Kent.

Also present were Borough Attorney, Mark J. Semeraro, Borough Administrator, Kevin Boyle and Borough Clerk, Elizabeth Brandsness.

MAYOR PRESENTATION AND UPDATES:

Mayor Serra announced as of March 7th all plexi glass dividers will be removed in Council Chambers and masks will not be required but optional. Mayor Serra stated anyone presently coming to Borough Hall are asked to wear a mask.

Presentation

Passaic County Open Space and Farmland Preservation Trust Fund for the Pompton Lakes Hershfield Park Improvement Project Phase 1.

Mayor Serra stated the Borough would submit an application for grant funding for the renovation of the bathroom and storage facility located in Hershfield Park. Mayor Serra stated these improvements will address the aging structure. Legal notice was provided through certified mailing and newspaper publication and provided the time, place and date for public comments.

MEETING OPEN FOR PUBLIC COMMENTS:

Motion moved by Councilman DeLine, second by Councilwoman Polidori to open the Meeting for public comments. All voted in favor of the motion.

ED MERRILL, Ringwood Court

Mr. Merrill commented on a notice he received regarding the plans to renovate the building that houses the bathrooms and storage area located in Hershfield Park and requested additional information. Mr. Merrill questioned when the project was scheduled to begin and the reasoning for the project. Mayor Serra replied and stated the project is in the early stages of planning and there is no set date for the construction to begin. Mayor Serra commented on the current building facilities and noted the bathrooms and roof are in disrepair and need to be renovated.

Mr. Merrill offered the following recommendations; raise the structure to adhere to floodplain code; flood proof building in an effort to reduce future damage; ADA compliance; stainless steel toilets and fixtures. Mayor Serra thanked Mr. Merrill for his comments and suggestions.

SHEIK HAMIL, WHITNEY AVENUE

Mr. Hamil stated he received a certified letter in the mail regarding the Hershfield Park Project and inquired whether the bathrooms would be opened year round. Mayor Serra replied and stated the bathrooms would be available for the public during the summer months. Mr. Hamil stated he purchased his home on Whitney Avenue three years ago and the property backs up to Hershfield Park. Mr. Hamil stated the public trespasses through his property to access the fields and voiced concerns with improper behavior he and his family have witnessed by individuals who trespass through his property. Mr. Hamil stated fencing had been removed and requested fencing be placed between his property and the fields in an effort to prevent access

onto his property. A lengthy discussion pursued as to maintenance and ownership of the property – Borough owned or Board of Education as well as the design of fencing.

ABIGAIL NOVAK, WHITNEY AVENUE

Ms. Novak stated she is a neighbor of Mr. Hamil and offered some history and insight as to the ownership of the fields. Ms. Novak stated the fencing between the backyards and the fields was removed after a tree had fallen down and damaged the fence. Ms. Novak also voiced her concerns with inappropriate behavior by those who enter on the properties and requested the fencing be replaced.

Mr. Boyle to follow up to determine ownership. Mayor Serra stated if the property in question is owned by the Borough a replacement fence would be considered - if the Board of Education owns the property Mr. Hamil was advised to present his concerns to the School Board.

Motion moved by Councilman Baig, second by Councilwoman Polidori to close the Meeting for public comments. All voted in favor of the motion.

MINUTES:

Motion moved by Councilman DeLine, second by Councilwoman Kent to approve the Regular Meeting Minutes of February 9, 2022. All voted in favor of the motion.

BILL LISTS:

Current Fund	\$ 3,095,221.22
Capital Fund	\$ 49,874.13
Recreation Trust	\$ 2,108.50
Unemployment	\$ 96.72
Dog Trust Account	\$ 1,065.60
Other Trust Account	\$ 28,728.67
Clerk’s Account	\$ -0-
Open Space Trust	\$ 14,324.46

Motion moved by Councilman DeLine, second by Councilwoman Polidori to approve the Bill Lists.

DISCUSSION

Councilwoman Kent commented on an invoice included in with the Bill List for the repair of ceiling tiles at the Teen Center gymnasium. Councilwoman Kent voiced her objections with the charges and stated the Teen Center had been closed and Windsor School has utilized the gymnasium over the past year. Councilwoman Kent stated she had done a walk through in the gymnasium and stated the tiles seemed to have dropped due to water damage. Councilwoman Kent stated the burden of the charges should not be solely on the Borough and the fees should be shared with whomever uses the gymnasium. Mayor Serra stated the Recreation Commission did not voice any opposition in paying the repair fees. Mr. Boyle provided input and stated the contractor was authorized to make the repairs and noted the fees included the cost of machinery/forklift needed for the repairs. Councilwoman Kent stated if the work has been completed the contractor should receive compensation for the repairs.

All voted in favor of the motion.

PETITIONS: None

CONSENT AGENDA:

(No Council Members Required Any Resolutions to Be Pulled from the Consent Agenda for Separate Action)

WHEREAS, the Mayor and Council of the Borough of Pompton Lakes has reviewed the Consent Agenda consisting of various proposed Resolutions, and

WHEREAS, the Mayor and Council of the Borough of Pompton Lakes does not desire to remove any Resolutions for individual action from that Agenda, and

NOW, THEREFORE, BE IT RESOLVED that the following Resolutions on the Consent Agenda are hereby approved:

1. Resolution 22-101 Approving An Application For A Passaic County Community Development Block Grant FY 2022 – ADA Compliant Curb Cuts
2. Resolution 22-102 Supporting Title VIII Of The Civil Rights Act Of 1968
3. Resolution 22-103 Approving An Application For A Passaic County Open Space And Farmland Preservation Trust Fund Pompton Lakes Hershfield Park Improvement Project Phase 1
4. Resolution 22-104 Accepting The Resignation Of Michelle Stadta From The Pompton Lakes Department Of Public Works
5. Resolution 22-105 Accepting The Resignation Of Matthew J. Evangelista From The Pompton Lakes Police Department
6. Resolution 22-106 Approving Various Promotions Within The Pompton Lakes Department Of Public Works Effective February 28, 2022
7. Resolution 22-107 Appointment Of Lachelle Lenair To The Position Of Deputy Court Administrator Per AOC Rules And Regulations
8. Resolution 22-108 Approving Change Order #1 (Final) For The Colfax Avenue Improvement Project Providing A Credit Of \$8,492.26
9. Resolution 22-109 Authorizing Refund Of Outside Lien Block 9521 Lot 32

Motion moved by Councilman Baig second by Councilman DeLine, to approve the Consent Agenda. All voted in favor of the motion.

RESOLUTION 22-101

WHEREAS, the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey desires to apply for a 2022 Passaic County Community Development Block Grant; and

WHEREAS, the Mayor and Council have reviewed the application and understand the terms and conditions under which the application is made; and

WHEREAS, the Mayor and Council authorizes the application for and use of funds from the Passaic County Community Development Block Grant Program for activities described in the proposal and, if awarded funds, shall implement the activities in a manner to ensure compliance with all applicable Federal, state and local laws and regulations; and

WHEREAS, there is no requirement to match any grant funds received by the Borough; and

WHEREAS, the project listed in the application includes ADA compliant curb cuts on various and eligible roads in the Borough;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey, hereby authorizes the Borough to file said application; and

BE IT FURTHER RESOLVED, that the Borough Administrator is hereby authorized to represent the Borough in all matters relating to this application, which includes signing and executing all relative documents.

RESOLUTION 22-102

The Borough of Pompton Lakes supports Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination. It is the policy of the Borough of Pompton Lakes to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex (including pregnancy), national origin, nationality, familial status, marital or domestic partnership status, affectional or sexual

orientation, atypical hereditary cellular or blood trait, genetic information, liability for military service, mental or physical disability, perceived disability, AIDS/HIV status and Lawful Income or Source of Lawful Rent Payment (Section 8). The Borough of Pompton Lakes further objects to discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability as prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination. Therefore, the Municipal Council of the Borough of Pompton Lakes do hereby approve the following resolution.

BE IT RESOLVED, that within available resources, the Borough of Pompton Lakes will assist all persons who feel they have been discriminated against under one of the aforementioned categories, to seek equity under federal and state laws by filing a complaint with the New Jersey Division on Civil Rights and the U.S. Department of Housing and Urban Development, as appropriate.

BE IT FURTHER RESOLVED, that the Borough of Pompton Lakes shall publicize this resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law, the New Jersey Law Against Discrimination, and any local laws or ordinances.

BE IT FURTHER RESOLVED, that the municipality will at a minimum include, but not be limited to: (1) the printing and publicizing of this resolution, a fair housing public notice and other applicable fair housing information through local media, community contacts and placement on the Municipal website and in other social media; (2) distribution of posters, flyers, and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

RESOLUTION 22-103

WHEREAS, the Mayor and Council of the Borough of Pompton Lakes are desirous of submitting an application for funding through the Passaic County Open Space and Farmland Preservation Trust Fund for the Pompton Lakes Hershfield Park Improvement Project Phase 1.

WHEREAS, pursuant to the State Shared Services Act, such funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the Borough of Pompton Lakes; and

WHEREAS, the Mayor and Council obtained public comment of the proposed application at meetings held on Wednesday, February 23, 2022; and

NOW, THEREFORE BE IT RESOLVED the Mayor and council of the Borough of Pompton Lakes do hereby confirm endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, the Mayor and Council certify the resolution for the application to be presented to the Passaic County Department of Planning.

RESOLUTION 22-104

WHEREAS, Michelle Stada notified the DPW Superintendent that she would be resigning from her position of Laborer #1 effective February 11, 2022; and

WHEREAS, her formal letter dated January 31, 2022 is on file with the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey that it hereby accepts this letter of resignation and thanks Michelle for her service to the Borough and wishes her well in her future endeavors.

RESOLUTION 22-105

WHEREAS, Matthew J. Evalgelista notified Chief Clark that he would be resigning from his position of Special Police Officer effective January 1, 2022; and

WHEREAS, his formal letter dated December 28, 2021 is on file with the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey that it hereby accepts this letter of resignation and thanks Matthew for his service to the Borough and wishes him well in his future endeavors.

RESOLUTION 22-106

WHEREAS, Toni Cafasso and Steve Baldassarre have been recommended for promotion by the Superintendent of Public Works; and

WHEREAS, the Personnel Committee has reviewed his request and recommends the Mayor and Council approve these promotions as provided by the contract:

Toni Cafasso from Laborer #1 to Laborer #2	\$2,000.00
Steve Baldassarre from Laborer #1 w/CDL to Driver	\$3,766.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey that it hereby approves the promotions listed above as recommended by the Personnel Committee effective February 28, 2022 as provided by the contract.

RESOLUTION 22-107

WHEREAS, Phyllis Mutter, Court Administrator in Bloomingdale also served as Deputy in the Pompton Lakes Municipal Court as well; and

WHEREAS, Ms. Mutter retired December 2021 from both positions; and

WHEREAS, the AOC requires each Municipal Court Administration to have an appointed deputy to provide for a certified backup as necessary; and

WHEREAS, Lachelle Lenair, was appointed to replace Ms. Mutter as the Municipal Court Administrator in Bloomingdale and has offered to serve as deputy in Pompton Lakes.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey that it hereby appoints Lachelle Lenair to the position of Deputy Municipal Court Administrator effective this date.

BE IT FURTHER RESOLVED that she will be compensated at a rate of \$25.00 per hour when assisting in Pompton Lakes Municipal Court matters.

RESOLUTION 22-108

WHEREAS, the Colfax Avenue Improvement Project is complete and in close-out; and

WHEREAS, the final quantities show a 2.11% decrease overall providing the Borough of Pompton Lakes with a credit of \$8,492.26; and

WHEREAS, Your Way Construction and the Borough Engineer have executed their portion of said change order.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey that it hereby authorizes the Mayor to execute Change Order #1 (Final) for the Colfax Avenue Improvement Project providing the Borough with a credit of \$8,492.26.

RESOLUTION 22-109

Pursuant to the facts as stated therein, I respectfully request the adoption of the following resolution:

WHEREAS, the Collector of Taxes has reported receiving the amounts shown below for the redemption of the respective lien(s), and

NOW, THEREFORE BE IT RESOLVED, that the proper officers be and they are hereby authorized and directed to pay the indicated amount to the holder of the lien certificate(s) as hereinafter shown below:

	<u>LC#</u>	<u>DOS</u>	<u>B/L</u>	<u>Amount</u>	<u>Pay to the Lien Holder</u>
1434 MADISON PLACE REALTY LLC 1434 MADISON PLACE POMPTON LAKES, NJ 07442	19-00015	10/02/2019	9521/32 1434 MADISON PLACE	\$34,019.62	CHRISTIANA T C/F CE1/FIRSTRUST PO BOX 5021 PHILADELPHIA, PA 19111-5021
			PREMIUM	\$16,800.00	
			TOTAL	\$50,819.62	

SEPARATE ACTION RESOLUTIONS: None

ORDINANCE FOR FIRST READING AND INTRODUCTION:

(Ordinances will be presented for second reading and final adoption on March 9, 2022)

ORDINANCE NO. 22-07

ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF POMPTON LAKES AND REGULATING ROAD OPENING PERMITS (§ 13-2 and § 13-3)

Mr. Boyle stated Ordinance No. 22-07 amends road opening permit fees to a more reasonable and affordable amount as well as the custodian of permits from the Municipal Clerk to the Construction Code Official.

Motion moved by Councilman Venin, second by Councilman DeLine to approve Ordinance No. 22-07 for Introduction.

Roll Call: Councilman DeLine, Yes, Councilwoman Kent, Yes, Councilwoman Polidori, Yes, Councilman Venin, Yes Councilman Baig, Yes Councilman Cruz, Yes.

ORDINANCE FOR SECOND READING AND FINAL ADOPTION: None

(These Ordinances have been advertised and posted on the Municipal Bulletin Board)

MAYOR MICHAEL SERRA:

Mayor Serra reported on the following.

- the Board of Education notified the parents of students that face masks would be optional as of March 7, 2022. Additional events will be offered to students; school dances, field trips, and the prom.
- attended several meetings for the Municipality; Municipal Utilities Authority, Recreation, Zoning, Historic and the Business Improvement District
- commented on a news report regarding lead in water pipes throughout the State. Mayor Serra provided options to address the issue and one option would be to examine connections in household. Mayor Serra stated a timetable was created to determine whether communities are at risk – at this time most of the Borough does not fit the criteria and is not at risk for high lead levels. Mayor Serra noted State Agencies reduced

the criteria for lead levels thus placing several areas in NJ into a red zone. Additional information to follow. Councilman Baig stated the Municipal Utility Authority tests for lead and presently there is no concern with high lead levels.

- interviews for a replacement for the Borough Administrator and Redevelopment Commissioner have been ongoing
- announced many activities would be resuming and expects a busy summer as long as Covid-19 continues to subside. The Recreation Commission will be hiring camp counselors and other personnel for summer program events.
- a replacement vendor for monitoring PLTV 77 has been hired

COUNCIL PRESIDENT POLIDORI:

Councilwoman Polidori reported on the following.

- agreed with the Board of Education's decision allowing face masks to become optional
- met with members of the Recreation Commission and School PTA to discuss joint support for planned programs and events.
- met with Mr. Boyle and the Department of Public Works (DPW) Supervisor to discuss improvements to the Dog Park and a local park. Final details would be provided to the Borough Administrator and the Governing Body.
- the High School Orientation for the 8th grade was held and thanked those who arranged the event
- commented on recommendations from a Community Emergency Response Team (CERT) member suggesting the use of life preserver rings or tubes near the lake shore line offering accessibility during the winter and summer months.

Discussion:

Mr. Semeraro offered some input as to liability and stated the Borough should provide clear and decisive language in signage forewarning *activities on the lake are at your own risk*. Mr. Semeraro advised the Governing Body to consult with the Borough's Risk Management Consultant – Hundertmark Agency for the placement of signage.

Mayor and Council continued to discuss the placement of the signage and warning the public there are *no lifeguards on duty*. After discussions on costs and securing equipment, Council agreed to move forward with purchasing signage and the life preserver rings.

Mayor Serra informed the public there have been changes in State and County Districting and the Borough will have new Representatives; Congressman Pascrell, Assemblymen Webber and Bergen and Senator Pennacchio beginning in 22 months.

COUNCILWOMAN KENT:

Councilwoman Kent reported on the following.

- thanked residents for their comments and concerns with the Hershfield Park project
- the Environmental Committee members are pursuing joint projects with the Business Improvement District (BID)
- the Environmental Committee will be sponsoring a River Clean-up project this year that is scheduled for May 1, 2022 – additional information to follow. Councilwoman Kent thanked the BID for their support in purchasing tee-shirts for the volunteers.
- upgrades for Borough parks
- thanked Mr. Merrill for his years of experience and service to the Town
- the Flood Advisory Board (FAB) will be sponsoring a public information session at the Municipal Building on March 1, 2022 at 7:30pm. The Borough received a \$10,000.00 Sustainable New Jersey Grant and a part of the grant will support / fund the Haroldson Place Habitat Restoration project. The FAB is seeking volunteers to help with removal of invasive species in this area.
- acknowledged the efforts of the Department of Public Works and residents should report potholes in the roadway to Public Works

- the Willow Field application is in review and residents may make comments regarding the project

Mayor Serra stated potholes on County roadways is the responsibility of the County.

COUNCILMAN VENIN:

Councilman Venin reported on the following.

- commented on the Passaic County Poster Contest and acknowledged the honorees as well as students from Pompton Lakes

COUNCILMAN BAIG:

Councilman Baig reported on the following.

- commented on the Fire Department report for the month of January, 2022
- commented on appointments for the Municipal Utilities Authority
- Mr. Wegele, Superintendent of the Municipal Utilities Authority, reported on a water main break on Summit Avenue. During the meeting it was announced the State may require a check on the water pipes for possible lead.
- the Business Improvement District (BID) agreed upon their 2022 Budget
- commented on upcoming events for the BID which include a Pizza Contest, Guess the Amount of Jelly Beans Contest and Biz Quiz Contest
- Rob Walker reported that Visual Improvement Grants would be offered

Mayor Serra commented on the BID Bucks program and stated they normally sell out in a short period of time.

COUNCILMAN CRUZ:

Councilman Cruz reported on the following.

- the Teen Center lease has expired and will not be renewed. The Recreation Commission Board members are actively seeking a new location. The VFW has offered space at their location on the third Monday of every month for Teen Center activities. A dance will be held on March 21, 2022 for sixth, seventh and eighth graders.
- several programs for Recreation are scheduled; Softball Clinic, Field Hockey Clinic, Easter Egg Hunt, Summer Day Camp and Middle School Camp. The Recreation Commission is seeking an Assistant Camp Director, camp counselors and a computer tech employee. Interviews will begin next month.

COUNCILMAN DELINE:

Councilman DeLine reported on the following.

- two members were appointed to the Shade Tree Commission
- the Arbor Day celebration is being planned for April 29, 2022
- there is an open position on the Shade Tree Commission - Alternate Commissioner. Anyone interested in becoming in the position should contact Anne Tacinelli or himself.
- John Linson, Borough Arborist, reported two Cherry Trees and a Norway Spruce located at the Library will be removed in late spring of 2022. New Cherry Trees will be replanted in the same location.

Mayor Serra stated the existing Cherry Trees will bloom one last time this year in the spring before removal.

PROFESSIONAL REPORTS:

MARK J. SEMERARO, Borough Attorney

Mr. Semeraro had no report.

KEVIN BOYLE, Borough Administrator

Mr. Boyle reported on the following.

- 2021-2022 MEL - Elected Officials Seminar
- 2020 Distracted Driver Crack Down - Grant Application for \$7,000.00
- PD - January Monthly Report
- State Tax Court - Pompton Lakes January Judgement
- Willow Field - DEP Review/Info Request
- 2022 Budget - Introduction 3/9 Increase of 1.06% given to the Finance Committee- the average home assessed of \$279,000.00 will increase of \$21.00 per year. The Local Budget will increase approximately \$6.00. Adoption of the budget is anticipated for April.

Mayor Serra commented on the Municipal Budget and stated the Governing Body strive to maintain a stable tax base without reductions of services. Mayor Serra stated over the past three years tax increases have been minimal on the averaged assessed house and no services have been eliminated. Mayor Serra thanked Mr. Boyle for his assistance in preparing the Budget. Mayor Serra also stated the County announced they would not raise taxes and the Board of Education has not provided their portion of taxes.

MEETING OPEN FOR PUBLIC COMMENTS:

Motion moved by Councilwoman Polidori, second by Councilman Cruz to open the Meeting for public comments. All voted in favor of the motion.

No one from the public wished to make a comment.

PRIVILEGE OF THE FLOOR: None

RESOLUTION TO ADJOURN INTO CLOSED SESSION: None

ADJOURNMENT:

Motion moved by Councilman DeLine, second by Councilman Cruz to Adjourn the Meeting at 8:45 PM. All voted in favor of the motion.

ATTEST:

APPROVED:

**ELIZABETH BRANDSNESS, RMC
 MUNICIPAL CLERK**

**MICHAEL SERRA
 MAYOR**

Dated: February 23, 2022