

MINUTES OF THE MAY 8, 2019 REGULAR COUNCIL MEETING

The following are the Minutes of the May 8, 2019 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 then read the Open Public Meeting Law Statement of Compliance.

A Roll Call indicated the following members were present: Mayor Michael Serra, Council President Terri Reicher, Councilmen William Baig, Frank Jaconetta, Ekamon Venin and Councilwoman Jennifer Polidori. Councilman Erik DeLine was excused from the Meeting.

Also present were Borough Attorney, Joseph Ragno, Borough Administrator, Kevin Boyle and Borough Clerk, Elizabeth Brandsness.

MAYOR PRESENTATIONS AND UPDATES:

National Foster Care Month:

Mayor Serra announced that May is National Foster Care Month and invited members of the Woman's Club to come forward and asked Councilwomen Reicher and Polidori to read the Proclamation given to Court Appointed Special Advocates (CASA). Mayor Serra declared May, 2019 as Foster Care Month in the Borough of Pompton Lakes.

CASA's Board President, Jamie Dykes, accepted the Proclamation and thanked the Governing Body, the Woman's Club and residents for their support. Mr. Dykes explained that the advocates speak out on behalf of these children; helping them to receive the services they require and to ensure that they find safe, permanent homes.

Ordinance No. 19-13 Update:

Mayor Serra stated he would be changing the format of the Agenda and the Second and Final Reading of Ordinance 19-13 would move forward in the Agenda and presented for Adoption after his updates. Mayor Serra stated the public would have the opportunity to comment on the pending Ordinance prior to the vote by Council Members.

Mayor Serra stated he recently attended a meeting with Governor Phil Murphy along with other Mayors. Mayor Serra stated he discussed the significance of mass transit to a community like Pompton Lakes. Mayor Serra indicated that we have existing train lines but it is limited to freight trains and commuter lines in surrounding towns like Hawthorne, Wayne and Montclair. Mayor Serra stated by helping to acquire a commuter train in Pompton Lakes would be a game changer. Mayor Serra stated he also discussed the excessive taxes in Passaic with the Governor. Mayor Serra stated at the conclusion of the meeting, Governor Murphy expressed an interest in speaking with him about the DuPont/Chemours contamination and mitigation process. Mayor Serra stated he anticipates scheduling a meeting by phone with the Governor in the near future.

Mayor Serra stated Commissioner McCabe has agreed to a meeting to discuss DuPont/Chemours and thanked her for accepting his invitation. Mayor Serra stated he has extended an invitation to Ms. Riggiola and Mr. Meakem to invite up to 18 members of the public to join the meeting. Mayor Serra stated he would also invite 18 residents to attend the meeting.

Mayor Serra stated the Environmental Protection Agency and Chemours informed him there has been a deed restriction on residential housing for the last two years on the Chemours property. Mayor Serra stated he believes this deed restriction cannot be removed and prohibits residential use. Borough Attorney Joseph Ragno stated in his opinion the deed restriction is in perpetuity and recorded at the County level.

ORDINANCE FOR SECOND READING AND FINAL ADOPTION:

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

ORDINANCE No. 19-13**AN ORDINANCE AMENDING, DELETING AND ADDING CERTAIN PROVISIONS OF THE BOROUGH LAND USE CODE DEALING WITH ZONING CHANGES FOR THE DUPONT (CHEMOURS) TRACT (BLOCK 100 LOTS 3, 6.01 AND 7)**

Motion moved by Councilman Baig, second by Councilman Venin to open the Meeting for public comments on Ordinance No. 19-13. All voted in favor of the motion.

LISA RIGGIOLA, Ryerson Road, Lincoln Park

RICH LOMBARDI, Schuyler Avenue

WALTER BOUDREAX, Iron Forge Square

ANNE TACINELLI, Lambert Street

REGINA SISCO, Lincoln Park Road, Pequannock

GEETA CURTIS, Ramapo Avenue

GEORGE POPOV, Colfax Avenue

HELEN MARTENS, White Way

ED MEAKEM, Howard Street

KAREN DEAN, Central Avenue

SUSAN SCHNEIDT, Orchard Street

JIMMY ROSE, Colfax Avenue

PETER CHAZOTTE, Woodlawn Avenue

RANDY HINTON, Montclair Avenue

(19-13 Public Comment Session)

The above-mentioned members of the public expressed their opposition with Ordinance 19-13 that allows for the rezoning of the DuPont/Chemours land and establishes a hybrid industrial district. The concerns voiced during the meeting by the above-mentioned members of the public were specific to the approach the NJ Department of Environmental Protection and the Environmental Protection Agency would implement to address the lead and mercury contamination, standards for the mitigation process, and addressing the vapor intrusion mitigation process.

The above-mentioned members of the public were opposed to the capping of the contamination and referenced two other sites that had been capped and stated there were deficiencies within this process. The above-mentioned members of the public requested DuPont/Chemours provide a buy out for the homes in the area if capping is the method used in the remediation process. The above-mentioned members of the public requested the Governing Body postpone the adoption of the Ordinance.

The above-mentioned members of the public expressed their concerns the zone change, would allow for reduced regulatory standards for the mitigation process and questioned if there were plans to relocate the DPW recycling onto the property and inquired, if so, where on the property it would be located. It was also mentioned that by moving forward with rezoning the property, it may expedite the cleanup and perhaps ease contentions within the town.

Mayor Serra responded and stated, the reasoning for the Ordinance is DuPont/Chemours currently is zoned for residential and recreational use, and is not compliant with the Master Plan. Mayor Serra reminded residents *land is not zoned for "clean up" it is zoned for future use* so therefore it is necessary to move forward with the adoption of Ordinance 19-13. Mayor Serra also noted, if the Ordinance is adopted, the usage would comply with the Master Plan and hopefully move the mitigation process along.

Mayor Serra assured residents the Governing Body would seek the highest standard for the cleanup from the lead agencies, the NJ Department of Environmental Protection Agency and Environmental Protection Agency who oversee the mitigation process.

Mayor Serra stated the Governing Body would by no means support residential housing on the property and stated the property has a residential housing deed restriction. Mayor Serra stated industrial standards for the clean-up are more stringent than recreational standards. Mayor Serra stated zoning the property for industrial use would allow for ratables and job creation. Mayor Serra

noted the mitigation standards are based on the exposure and the Environmental Protection Agency and NJ Department of Environmental Protection will determine the method that must be used to mitigate the contamination.

Mayor Serra stated the Department of Public Works (DPW) is currently located in a flood zone and has incurred damages to the building and equipment. Mayor Serra added the department will eventually need to be relocated, however, there is no current plan in effect to move the DPW to the rezoned land, however it is one option of many.

Mayor Serra stated the Governing Body are not the experts; so therefore, they do not have the scientific knowledge or have the answers to questions residents may have regarding the contaminants or the mitigation course of action. Mayor Serra stated the Environmental Protection Agency has committed to come to town and are normally available to meet with residents on Thursdays and urged residents to direct their questions and concerns to the EPA representatives in order to acquire accurate answers. Mayor Serra stated he has reached out to the NJ Department of Environmental Protection and requested a representative come to town and be available to the residents. Mayor Serra stated DuPont/Chemours should also be providing outreach to residents. Mayor Serra stated the NJ Department of Environmental Protection and Environmental Protection Agency are the lead agencies and should be communicating with the residents as to their plan of action.

Mayor Serra advised residents there are two separate issues concerning the contamination and to the best of his knowledge lead and mercury is addressed by methods such as capping and removing soil. Mayor Serra stated the vapor intrusion at this time is mitigated through a pump and treat system and residents are urged to install a vapor mitigation system on their homes. Mayor Serra stated the NJ Department of Environmental Protection and Environmental Protection Agency do not seek independent companies to test contaminated sites.

Motion to close the Meeting for public comments on Ordinance No. 19-13 Councilman Venin, Second Councilwoman Reicher. All voted in favor of the motion.

Motion moved by Councilman Venin, second by Councilman Baig to approve Ordinance No. 19-13 for Final Adoption.

Councilman Baig stated, Mayor Serra provided the explanation for the reasoning as to why the property must be re-zoned. Councilman Baig stated he, along with his family, resided in the Plume area for many years and is in agreement with the zone change.

Councilman Jaconetta respectfully thanked the public for taking the time to come to the meeting and voice their opinions and concerns.

Mayor Serra stated the undertaking is challenging and prior to coming to a decision the Council members devoted time and researched every aspect of the Ordinance. Mayor Serra stated Council Members have listened to public comments and discussed the matter with the lead agencies and with DuPont/Chemours. Mayor Serra stated Council Members recognized the need to comply with the Master Plan and commended the Council for their due diligence prior to their decision.

Roll Call: Councilman Baig Yes, Councilman DeLine, Excused, Councilman Jaconetta, Yes, Councilwoman Polidori, Yes, Councilwoman Reicher, Yes, Councilman Venin Yes.

PUBLIC COMMENTS:

Motion moved by Councilwoman Reicher, second by Councilman Venin to open the Meeting for Public Comments. All voted in favor of the motion.

MICHAEL SIMONE, Planning Board Chair

Mr. Simone stated as the Chair for the Planning Board he would provide some input as to the process for the Master Plan.

- State statute mandates the Master Plan is required to be updated every 10 years. A sub-committee was formed in 2016 to address the reexamination of the Master Plan. Mr.

Simone pointed out the many aspects to consider within the Master Plan regarding its reexamination.

- December 19, 2017 the Planning Board held a public meeting specific to recommending changes to the Master Plan. The public had the opportunity to speak at that meeting and at the December 19, 2017 meeting, the Planning Board voted to approve the Master Plan with the recommended changes, which included the zoning at the DuPont/Chemours site.
- In the year 2019 the Board voted to hire a professional planner to make certain the Master Plan and the Ordinance was in conformance with each other.
- On April 16, 2019 the Planning Board held a meeting for the purpose of reviewing the Ordinance and Master plan to determine and verify they were in conformance. Being that public comments were at the end of the agenda as a courtesy and in conjunction with the attorney Mr. Simone felt it was in the best interest of the community to offer an additional opportunity for public comment, specific to the Ordinance and Master Plan. Mr. Simone noted this is not a requirement and there was opportunity for the public to address the board near the end of the meeting as slated on the agenda. Mr. Simone summed his comments up by stating the Board simply voted yes to the specific purpose they were voting on; the Ordinance and the Master Plan was conformed to each other.

ED MEAKEM, Howard Street

LISA RIGGIOLA, Ryerson Road, Lincoln Park

ANN TACINELLI, Lambert Street

RANDY HINTON, Montclair Avenue

PETER CHAZOTTE, Woodlawn Avenue

The above-mentioned members of the public expressed their disappointment in passing the Ordinance and questioned the master plan, public notice procedures, planning board open public session procedures, expressed their distrust of DuPont/Chemours, the Environmental Protection Agency and the NJ Department of Environmental Protection. The above-mentioned members of the public also expressed their concerns regarding the mitigation process and feel there will be a lesser standard that DuPont/Chemours will have to adhere to going forward.

MARIA KENT, Glen Court

Ms. Kent expressed support for the Governing Body's decision to adopt the Ordinance stating this will bring ratables to the town as they have diminished since the closing of DuPont. Ms. Kent expressed her support of the Ordinance in anticipation that it will expedite the cleanup process and urged the Governing Body to continue to work closely with the NJ Department of Environmental Protection, Environmental Protection Agency, DuPont/Chemours and the community. Ms. Kent urged residents to take the opportunity to sit with the Environmental Protection Agency who is available to residents every Thursday in the Municipal Building and stated the Environmental Protection Agency has been available to residents for approximately 10 years.

Mayor Serra stated as informed by the Borough Attorney, the Borough is not obligated to notice when dealing with the Master Plan however it was decided to notice the public. Mayor Serra provided clarification and stated Mr. Simone was not obligated to do so however he offered an additional open public session specific to the Ordinance. Mayor Serra stated the open public session is opened to the public for their general comments near the end of the meeting.

Mayor Serra stated one of the Governing Body's priorities for this town is to stabilize taxes and stated there are many tools the Governing Body have utilized and will continue to make use of such as re-zoning, redevelopment, shared services and there are many other avenues that will be explored. Mayor Serra stated going forward, the Environmental Protection Agency and the NJ Department of Environmental Protection could possibly set rigorous mitigation standards on the rezoned property and if they do, he believes the Governing Body will support the decisions that are determined by the lead agencies who are the experts.

Mayor Serra addressed the vapor intrusion contamination and stated DuPont/Chemours, the Environmental Protection Agency and the NJ Department of Environmental Protection has spent enormous amounts of time and money on research trying to find a safe method to mitigate the

contamination within the Plume and they will continue to seek solutions while using the pump and treat system. Mayor Serra urged residents to install the vapor mitigation System if they have not already done so.

JEFFREY ROSEN, Laurel Avenue:

Mr. Rosen informed the Mayor and Council of four vacant lots that were being used for illegal parking of company trucks including a cement truck. Mr. Rosen stated he had reported the incident to the Police who did take action, however, it took about a week to have the vehicles removed. Mr. Rosen inquired if there will be an Ordinance addressing these parking matters.

Mayor Serra informed Mr. Rosen there is an Ordinance in the works and it should be on the Agenda within the next few months.

ANNE TACINELLI, Lambert Street

Ms. Tacinelli inquired if anything can be done about trucks speeding on Wanaque Avenue and prohibited U-turns in the middle of the street. Ms. Tacinelli informed the Governing Body of an incident she witnessed involving a truck hitting the mirror of a parked vehicle and the driver never stopped to take responsibility for the action. Ms. Tacinelli stated the speed sign is no longer working and there are no pedestrian “slow down” deterrents positioned in the street.

Mayor Serra responded and stated he has informed the Borough Administrator the crosswalks need to be painted and has been in contact with the Chief of Police regarding the speeding. Mayor Serra informed Ms. Tacinelli the speed sign will be addressed. Councilman Venin stated the speed sign is not holding a charge and it is being looked into.

RANDY HINTON, Montclair Avenue

Mr. Hinton offered suggestions to improve channel PLTV Channel 77. Mr. Hinton stated when watching presentations on PLTV Channel 77 the TV screen is white.

Mayor Serra informed Mr. Hinton that PLTV Channel 77 is a service the Borough is able to provide to residents while keeping the cost within the budget. Borough Administrator Kevin Boyle informed Mr. Hinton that the TV screens were purchased for the intended use of live presentations and the purchase of a new system would be costly to the Borough. Councilwoman Reicher suggested asking the presenters to be aware of the problem and when showing a Power Point ask that they read the wording on the Power Point instead of simply pointing to the screen and moving on.

PETER CHAZOTTE, Woodlawn Avenue

Mr. Chazotte addressed the PLTV Channel 77 screen issue and offered suggestions. Borough Administrator Kevin Boyle informed Mr. Chazotte he has had the company look into the issue and they had informed him due to the system and the securities within the system nothing can be done.

JOSIE BROWN, Van Ness Avenue

Ms. Brown expressed her concern regarding a traffic issue at the corner of Riverview Road and Hamburg Turnpike (George’s Market). Ms. Brown informed the Mayor and Council it is difficult making a left hand turn from Hamburg onto Riverview stating there have been many accidents and the traffic backs up to Lincoln Avenue. Ms. Brown requested a no left turn sign be installed.

Mayor Serra informed Ms. Brown that because Hamburg Turnpike is a County road the Borough could inquire if a no left turn sign could be installed.

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

MINUTES:

Motion moved by Councilwoman Reicher, second by Councilwoman Polidori to approve the Regular Meeting Minutes of April 24, 2019. All voted in favor of the motion.

BILL LISTS:

Current Fund	\$ 623,483.95
Capital Fund	\$ 51,083.35
Recreation Trust	\$ 200.00
Unemployment	\$ 5,532.93
Dog Trust Account	\$ -0-
Other Trust Account	\$ 3,801.00
Clerk's Account	\$ -0-
Open Space Trust	\$ -0-

Motion moved by Councilman Baig, second by Councilman Venin to approve the Bill Lists. 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,

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

1. Resolution 19-104 Resolution To Recognize The Month Of May As Mental Health Month
2. Resolution 19-105 Resolution Supporting Federal Legislators Take Action To Pass SAFE Reauthorization Act (Bill S1368 And HR3285)
3. Resolution 19-107 Resolution Proclaiming To Local Residents And Businesses That The Municipality Will Not Collect New Stormwater Management Or Rain Taxes

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

RESOLUTION 19-104

WHEREAS, mental health is essential to everyone's overall health and well-being; and

WHEREAS, mental health conditions are real and prevalent in our nation; and

WHEREAS, mental illness increases the risk for many types of physical health problems, particularly long-lasting conditions; and

WHEREAS, more than one in four adults living with serious mental health illness also has a substance use problem; and

WHEREAS, stigma harms the one in five Americans affected by mental health conditions; and

WHEREAS, stigmas toxic to mental health as it creates an environment of shame, fear and silence that prevents many people from seeking help and treatment; and

WHEREAS, focus on the prevention of mental health conditions and substance use disorders among children and adolescents through screening and early intervention helps improve lives, and

WHEREAS, Pompton Lakes is dedicated to eradicating the stigma of mental illness by increasing awareness that these illnesses are common and treatable, and that recovery is possible; and;

WHEREAS, each business, school, government agency, healthcare provider, organization and citizen shares the burden of mental health problems and has a responsibility to promote mental wellness and support prevention efforts.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey, do hereby proclaim May 2019 as Mental Health Awareness Month in Pompton Lakes to recognize the importance of mental health and mental health related issues. As the Mayor and Council Members, we call upon all community members to support residents suffering from mental illness and substance use disorders, raise awareness of mental health conditions through appropriate programs and activities, and commit our municipality to innovative prevention, diagnosis, and treatment.

RESOLUTION 19-105

WHEREAS, the extension deadline of the temporary authorization of the National Flood Insurance Program is May 31, 2019; and

WHEREAS, without reauthorization or reform and amendment, NFIP will cease to function, and flood insurance contracts will expire without renewal, placing floodplain residents in danger of having claims go unpaid. Prospective homebuyers will be unable to obtain flood insurance to close, renew or increase loans until the NFIP is reauthorized; and

WHEREAS, the SAFE Reauthorization Act (bill S1368 and HR3285) would reform NFIP and allow for continued insurance for homeowners and better solvency for NFIP; and

WHEREAS, this bill was introduced in 2018, yet there has been no activity on the bill or any other bills regarding NFIP legislation; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey that it hereby supports the request for our federal legislators take action to pass the SAFE Reauthorization Act and provide desperately needed changes to the NFIP to lower the cost of premiums and surcharges, fund mitigation projects and make changes in flood map determination.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Senator Booker, Senator Menendez, Senator Corrado, Congresswoman Sherrill, Assemblyman Rooney, Assemblyman DePhillips and the following municipalities: Riverdale, Pequannock, Bloomingdale, Wayne, Lincoln Park, Fairfield, Little Falls, Woodland Park and Paterson.

RESOLUTION 19-107

WHEREAS, bill S1073/A2694 authorizing municipalities and counties to establish stormwater utilities was signed into law by Governor Phil Murphy; and

WHEREAS, municipalities or counties that choose to establish a stormwater utility will be allowed to apply an undetermined tax on property and business owners based on the amount of impervious surface they have, often referred to as a rain tax; and

WHEREAS, there is no limit to the amount property owners and local businesses can be taxed as long as it can be justified as going towards improving stormwater management, however,

5 percent or \$50,000 of the revenue is required to be paid to the state and another 5 percent can be used for a locality's general fund; and

WHEREAS, sewage authorities must adhere to a two-percent cap on annual increases to property owners and businesses, but stormwater utilities will not have to adhere to the cap; and

WHEREAS, municipalities and counties already have stormwater systems in place that manage stormwater without the need of creating another level of bureaucracy; and

WHEREAS, New Jersey property taxpayers already pay the highest taxes in the nation, and the creation of any new tax is an impossible burden to put on their backs; and

WHEREAS, New Jersey's Business Tax Climate was named last in the nation by the nonpartisan Tax Foundation, and any new taxes to our business owners are not feasible; and

WHEREAS, Assemblyman Christopher P. DePhillips is calling on municipalities and counties to come together and signal to their tax-paying residents and businesses that they're aware that New Jersey's tax burden is already too high by making their intentions known through this resolution; and now be it

RESOLVED, that the Mayor and Council of the Borough of Pompton Lakes already has a system in place to manage stormwater and will not create a stormwater utility that would impose new taxes on its residents; and be it further

RESOLVED, that the Mayor and Council of the Borough of Pompton Lakes understands and sympathizes with the heavy tax burden already placed on New Jersey residents and businesses and, therefore, will not charge them an extra tax for having driveways, parking lots and other impervious surface

RESOLVED, that certified copies of this Resolution be forwarded to Governor Phil Murphy, Lieutenant Governor Sheila Oliver, New Jersey Senate President Steve Sweeney, New Jersey Senate Republican Leader Thomas Kean, Jr., New Jersey Assembly Speaker Craig Coughlin, New Jersey Assembly Republican Leader Jon Bramnick.

SEPARATE ACTION RESOLUTIONS:

1. Resolution 19-106 Authorizing The Issuance Of Not Exceeding \$2,520,000.00 Bond Anticipation Notes Of The Borough Of Pompton Lakes, In The County Of Passaic, New Jersey

Motion moved by Councilman Baig, second by Councilman Jaconetta to approve Resolution 19-106.

Roll Call: Councilman Baig Yes, Councilman DeLine, Excused, Councilman Jaconetta, Yes, Councilwoman Polidori, Yes, Councilwoman Reicher, Yes, Councilman Venin Yes.

RESOLUTION 19-106

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF POMPTON LAKES, IN THE COUNTY OF PASSAIC, NEW JERSEY, AS FOLLOWS:

Pursuant to a bond ordinance of the Borough of Pompton Lakes, New Jersey (the "Borough") entitled: "Bond ordinance appropriating \$795,000, and authorizing the issuance of \$618,000 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Pompton Lakes, in the County of Passaic, New Jersey" finally adopted on May 11, 2016 (No.16-20), bond anticipation notes of the Borough in a principal amount not exceeding \$618,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Borough entitled: "Bond ordinance appropriating \$1,400,000, and authorizing the issuance of \$879,000 bonds or notes of the Borough,

for various improvements or purposes authorized to be undertaken by the Borough of Pompton Lakes, in the County of Passaic, New Jersey”, finally adopted on April 26, 2017 (No.17-09), bond anticipation notes of the Borough in a principal amount not exceeding \$879,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Borough entitled: “Bond ordinance appropriating \$1,300,000, and authorizing the issuance of \$1,023,000 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Pompton Lakes, in the County of Passaic, New Jersey”, finally adopted on May 23, 2018 (No.18-11), bond anticipation notes of the Borough in a principal amount not exceeding \$1,023,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

All bond anticipation notes (the “notes”) issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Borough (the “Chief Financial Officer”), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Borough in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Any note issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough’s faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Borough, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

All action heretofore taken by officials and professionals of the Borough relating to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.

ORDINANCES:

INTRODUCTION OF ORDINANCES—FIRST READING AND INTRODUCTION:

(Ordinance will be presented for second reading and final adoption on May 22, 2019)

ORDINANCE No. 19-17

AN ORDINANCE AMENDING §4-1.8 OTHER BOARDS, AGENCIES AND COMMISSIONS

Mr. Ragno stated the purpose of this Ordinance is to codify the Zoning permit application collected by the Borough that were omitted from the codification of the Borough Code.

Motion moved by Councilman Jaconetta, second by Councilwoman Reicher to Approve Ordinance No. 19-17 for Introduction.

Roll Call: Councilman Baig Yes, Councilman DeLine, Excused, Councilman Jaconetta, Yes, Councilwoman Polidori, Yes, Councilwoman Reicher, Yes, Councilman Venin, Yes.

ORDINANCES FOR SECOND READING AND FINAL ADOPTION:

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

ORDINANCE No. 19-15

AN ORDINANCE AMENDING SECTION 8-2 OF CHAPTER 8, NOISE, OF THE BOROUGH ADMINISTRATIVE CODE

Mr. Ragno stated this is a noise Ordinance which will codify the requirements for noise control in the Borough and has been approved by the Department of Environmental Protection Noise Division.

Motion moved by Councilwoman Reicher, second by Councilman Baig to open the Meeting for public comments on Ordinance No. 19-15. All voted in favor of the motion.

No one from the public wished to make a comment.

Motion moved by Councilwoman Polidori, second by Councilman Jaconetta to close the Meeting for Public comments on Ordinance No. 19-15. All voted in favor of the motion.

Motion moved by Councilman Baig, second by Councilman Venin to approve Ordinance No. 19-15 for Final Adoption.

Roll Call: Councilman Baig Yes, Councilman DeLine, Excused, Councilman Jaconetta, Yes, Councilwoman Polidori, Yes, Councilwoman Reicher, Yes, Councilman Venin Yes.

ORDINANCE No. 19-16

AN ORDINANCE AMENDING SECTION §2-56 OPEN SPACE, PARKLAND AND RECREATIONAL FACILITIES ADVISORY COMMITTEE

Mr. Ragno stated the purpose of this Ordinance is to change the format for the membership of the Open Space Committee. Mr. Ragno stated the Ordinance provides for members and ex officio members who would have the right to participate in discussions and vote on matters. This Ordinance establishes a new level of membership for a quorum.

Motion moved by Councilman Venin, second by Councilman Jaconetta to open the Meeting for public comments on Ordinance No. 19-16. All voted in favor of the motion.

PETER CHAZOTTE, Woodlawn Avenue

Mr. Chazotte requested explanation to Ordinance 19-16. Mr. Ragno stated this Ordinance creates two levels of membership: regular members (7) and the second, ex officio members who have the right to vote and participate as long as they listen to meeting minutes for the issues being addressed.

Motion moved by Councilwoman Reicher, second by Councilman Baig to close the Meeting for public comments on Ordinance No. 19-16. All voted in favor of the motion.

Motion moved by Councilman Jaconetta, second by Councilwoman Reicher to approve Ordinance No.19-16 for Final Adoption.

Roll Call: Councilman Baig Yes, Councilman DeLine, Excused, Councilman Jaconetta, Yes, Councilwoman Polidori, Yes, Councilwoman Reicher, Yes, Councilman Venin Yes.

MAYOR SERRA

Mayor Serra reported on the following.

Motion moved by Mayor Serra, second by Councilman Venin to appoint Kathleen Cole as member of the Flood Advisory Board to fill an unexpired term 12/31/2020.

- commented on the meeting he attended with Governor Phil Murphy and Passaic County Mayors. Mayor Serra stated he discussed mass transit, excessive taxes in Passaic County and what the Governor considers “middle class” to be in the northern part of the State. Mayor Serra indicated the Governor is also showing interest with the Borough’s challenges regarding DuPont/Chemours.
- will meet with the Department of Environmental protection (DEP) State Commissioner on May 29, 2019 along with invited guests and stated he would question why no DEP representatives have been sent to the Borough monthly as promised. Mayor Serra anticipates updates along with a question and answer session.
- attended a Realtor’s luncheon meeting with Councilwoman Reicher to discuss concerns regarding buyers purchasing homes that are no longer required to be listed in a flood zone. Mayor Serra stated the realtors would investigate.
- commented on the Stigma-Free Walk sponsored by the Future Business Leaders of America (FBLA) and explained that by being a stigma-free community, it aims to reduce the stigma associated with mental illness.

COUNCILWOMAN REICHER:

Councilwoman Reicher reported on the following.

- stated it was a difficult decision when the Governing Body approved Ordinance 19-13 but she believes the action that was taken benefits the entire community
- also commented on the Realtor’s meeting she and Mayor Serra attended
- acknowledged the Woman’s Club and thanked them for their service to the community
- commented on CASA and stated it is a worthy cause
- commented on the communities participation in the Stigma-Free Walk and stated she considers it critical to raise awareness regarding mental health. Councilwoman Reicher announced in conjunction with Atlantic Health System the Borough will be providing a free mental health first aid training. Anyone considering certification must attend both sessions which will be held on June 11th & 18th from 8:30am to 12:30pm in the Civic Center.
- attended the Grand Reopening Ribbon Cutting Ceremony for the Cardinal Café
- mentioned that BID Bucks can be purchased by town residents and also residents in nearby communities
- “Shred It” sponsored by the BID will be held in the Pond Hole parking lot on June 1, 2019

COUNCILWOMAN POLIDORI:

Councilwoman Polidori reported on the following.

- also stated that her decision to approve Ordinance 19-13 was not taken lightly and based her decision on long and hard consideration and what she felt was best for the town.
- attended the Grand Reopening Ribbon Cutting Ceremony for the Cardinal Café
- participated in the Stigma-Free Walk and was pleased with the attendance
- she and Mr. Hinton, Shade Tree Commissioner, visited third graders in the elementary schools to talk about Arbor Day. In conjunction with NJ Forestry, each student was permitted to receive a tree to plant.

Mayor Serra commented on the removal of dangerous trees and the compliments he and the Shade Tree Commission received for the newly planted trees in the Borough.

COUNCILMAN VENIN:

Councilman Venin reported on the following.

- will be attending the 19th Annual Addiction Conference
- participated in the Stigma-Free Walk
- thanked the Shade Tree Commission for the planting of the trees in the south end of the Borough
- commented on Resolution No. 19-105 and stated he hopes it would bring attention to Federal and State Legislators that the National Flood Insurance Program has been insolvent for many years.

Mayor Serra noted that at the Realtors meeting, the National Flood Insurance Program was mentioned and the affect it would have on homebuyers requiring flood insurance. Mayor Serra stated the realtors are also contacting dignitaries for solutions. Councilwoman Reicher added that the realtors are also seeking grants that may be available.

COUNCILMAN BAIG:

Councilman Baig reported on the following.

- commented on the PLR First Aid Squad and the Fire Department reports for the month of April, 2019
- attended the Cecil B. DeMille Summer 2019 Film Festival sponsored by Friends of the Library. The Friends of the Library will also be sponsoring four Cecil B. DeMille films on June 11, 25 and July 2, 16 at Christ Church on Ramapo Avenue. Tickets may be purchased at the Library for \$5.00. Councilman Baig remarked that Cecil B. DeMille has roots in Pompton Lakes.
- the Board of Education approved the 2019-2020 budget of \$35,206,032.00. The school tax on the average assessed home is \$5,761.00. The budget includes facility projects to elementary schools, the middle school and high school along with security upgrades and completion of the Lakeside School Athletic Field.
- Board of Education thanked Board Member Tim Troast for his service to the community and welcomed his replacement John Yo.
- commented on his time speaking with the EPA and the DEP with regard to Ordinance No. 19-13 and stated he understands the problems and concerns and that the Governing Body will be very observant with the clean-up of the site.

Mayor Serra announced that the addling of the geese eggs is completed and thanked Kevin McGraff for facilitating the program. Mayor Serra said residents have maintained that there has been a decrease of geese in the Borough since the program began over ten years ago. Mayor Serra thanked all the participants in the addling of the eggs.

COUNCILMAN DELINE:

Councilman DeLine was excused.

COUNCILMAN JACONETTA:

Councilman Jaconetta reported on the following.

- thanked the addling of the eggs participants
- attended the Grand Reopening of the Cardinal Café and wished them much success
- attended the BID Bucks Sale
- thanked Mr. Hinton and the Shade Tree Commission for planting the trees and tagging the trees to be removed

- commented on the free mental health first aid training and welcomed anyone, including Council Members to attend
- attended the Stigma Free Walk and thanked the FBLA students, members of the Board of Education, teacher staff and the Police Department
- beginning 7:00am on May 13 through May 17, 2019, the DuPont/Colfax Avenue area on Schuyler Avenue will be closed due to railroad crossing refurbishment.

Mayor Serra advised people to stay away from that area for the next week.

PROFESSIONAL REPORTS:

JOSEPH RAGNO, Borough Attorney

Mr. Ragno had no report.

KEVIN BOYLE, Borough Administrator

Mr. Boyle reported on the following.

- N.D.O.T. - Spring 2019 Newsletter
- Millennium Strategies - April Monthly Report
- Mel -Safety Expo Notice
- Schuyler Ave Bridge/RR Crossing - Road Closure 5/13-5/17
- Lakeside Ave Bridge (over Ramapo) - to be Closed from 5/16-6/6 - 6/6/2019
- 2019 Click It or Ticket App - Denied
- US DOJ/Bullet Proof Vest Grant - App Deadline 5/28/19
- N.J.D.E.P. Pre-App Meeting - 4/23/19 DPW Facility
- N.J.D.E.P. Pre-App Meeting - 4/23/19 Willow Field Improvements
- N.J.D.O.T. Award Letter - Colfax Ave Phase No.1 \$225,000 to be completed next year in two phases
- N.J.D.E.P./ US EPA - Cleanup Newsletter

TABLED ITEMS: None

MEETING OPEN FOR PUBLIC COMMENTS:

Motion moved by Councilwoman Reicher, second by Councilman Jaconetta to open the Meeting for Public Comments. All voted in favor of the motion.

ANNE TACINELLI, Lambert Street

Ms. Tacinelli commented on the obligations, responsibilities and ethics realtors must carry out when involved in real estate transactions. Ms. Tacinelli informed the Governing Body that any problems such as flood or plume should be disclosed to the buyer and a realtor or broker will most always do their due diligence when involved in a real estate transaction. Ms. Tacinelli informed the Governing Body of the consequences that could happen if any and or all parties involved do not disclose any problems the property might be known to have. Ms. Tacinelli stated there is no New Jersey law that states you need to fill out a seller's disclosure form, however most broker's will demand a seller's disclosure.

ANDREW KRINSLEY, Laurel Avenue

Mr. Krinsley stated he has taken into consideration the public statements and understanding why Council passed Ordinance 19-13. Mr. Krinsley then commented on his concerns regarding employees of a commercial business operating on the re-zoned DuPont/Chemours land and offered scenarios regarding work hours and possible health issues that may occur due to exposure.

Mayor Serra assured Mr. Krinsley the safety standards for commercial property is set nationally by the Environmental Protection Agency.

JOYCE FERN, Mandeville

Ms. Fern inquired if the first aid training was open to the public and if epi pen certification was offered through the training or if the schools offer this certification.

Mayor Serra informed Ms. Fern that the epi pen certification is not offered in this training, the training is geared toward mental health. Mayor Serra informed Ms. Fern to the best of his knowledge the school does not offer epi pen certification, it is administered by the nurse.

Ms. Fern expressed her concerns regarding the closure of the Lakeside Avenue Bridge. Ms. Fern stated if other bridges are planned to be closed, extra consideration needs to be taken regarding the traffic that will be rerouted down side streets that pedestrians and especially children frequently walk or ride their bikes.

Mayor Serra directed Mr. Boyle, Borough Administrator to address the concern and to advise the Police of this matter.

RANDY HINTON, Montclair Avenue

Mr. Hinton questioned the phasing of the Montclair Avenue project. Mr. Boyle, Borough Administrator, stated there are two phases of the project that will go into effect next year. Mr. Hinton commented on the success of the adding of geese eggs and informed the Governing Body the CSIP Grant is near completion with 150 trees planted. Mr. Hinton thanked all who were involved in the project for their time, efforts and expertise.

Mayor Serra inquired if representatives from the shade tree speak to the homeowner before planting trees in front of the homes. Mr. Hinton commented on the procedure used to determine the best location to plant the tree and stated the Shade Tree has no requirement to speak with the homeowner since it is Borough Property however; he always tries to work with the residents as best he can.

Mr. Hinton informed the Governing Body there were three hollow trees in Murrin Park that have been removed and trees have been planted in various parks. Mr. Hinton thanked Councilwomen Polidori and Reicher and also Councilman Baig for their explanation and viewpoints on Ordinance 19-13 and expressed his disappointment stating he would have preferred it to be postponed.

MIKE SIMONE, West Lenox Avenue

Mr. Simone questioned if the DPW is responsible for the maintenance of damaged equipment in Borough parks. Mayor Serra informed Mr. Simone the DPW does maintain park equipment however they do not inspect the equipment on a daily basis. Mayor Serra informed the residents that they should notify the DPW, himself or the Borough Administrator with concerns or issues concerning park equipment. Mayor Serra also advised residents to notify the DPW with regard to any potholes in the roads.

Mr. Simone stated by setting up a schedule for the DPW to occasionally inspect the playgrounds in the parks could help with identifying dangerous situations. Mayor Serra agreed and directed Mr. Boyle to take note regarding Mr. Simone's comments.

Mr. Simone commended the Governing Body for exercising due diligence with the approval of Ordinance 19-13.

ED MEAKEM, Howard Street

Mr. Meakem asked for an update regarding the DuPont Bridge. Mr. Meakem voiced his concerns for trucks travelling over the bridge stating he feels it is structurally unsafe. Mayor Serra suggested installing a sign on the Cannonball side of the bridge to prevent trucks of a certain tonnage from crossing. Mayor Serra replied that no one has committed to ownership of the bridge, but he will look into the matter further.

DAVE ROWAN, Romain Avenue

Mr. Rowan commended the Governing Body on the approval of Ordinance 19-13. Mr. Rowan questioned if the paving in the Borough will interfere with the Memorial Day Parade. Mr. Boyle replied and stated that the paving on Colfax Avenue will not begin until July of this year. Mayor Serra added that the Lakeside Avenue Bridge will be closed for Memorial Day but it will not affect the ceremony or parade.

Motion moved by Councilman Baig, second by Councilwoman Reicher to close the Meeting for Public Comments. All voted in favor of the motion.

PRIVILEGE OF THE FLOOR:

RESOLUTION TO ADJOURN INTO CLOSED SESSION: None

ADJOURNMENT:

Motion moved by Councilman Venin, second by Councilman Jaconetta to Adjourn the Meeting at 10:18PM. All voted in favor of the motion.

ATTEST: _____ **APPROVED BY:** _____
ELIZABETH BRANDSNESS, RMC **MICHAEL SERRA**
MUNICIPAL CLERK **MAYOR**

May 8, 2019