

MINUTES OF THE AUGUST 17, 2022 REGULAR COUNCIL MEETING

The following are the Minutes of the August 17, 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, Ekamon Venin and Councilwoman Maria Kent.

Also present were Borough Attorney, Mark Semeraro, Borough Administrator, Paula Cozzarelli and Borough Clerk, Elizabeth Brandsness.

MAYOR PRESENTATION AND UPDATES:

Mayor Serra stated the Borough is fortunate to be adding new members to the Pompton Lakes Volunteer Fire Department. Mayor Serra acknowledged the time and service the volunteer members provide for the community.

RESOLUTION 22-211

RESOLUTION AMENDING THE BY-LAWS OF THE BOROUGH OF POMPTON LAKES VOLUNTEER FIRE DEPARTMENT

WHEREAS, it is deemed desirable and in the best interest of the Borough of Pompton Lakes Volunteer Fire Department (the "Department") to make certain amendments to the By-Laws of the Department; and

WHEREAS, the Borough of Pompton Lakes Ordinance Committee and the Members of the Department have reviewed and considered the amendments to the By-Laws of the Department and upon the majority vote of the Members of the Department and affirmation by the Borough of Pompton Lakes Ordinance Committee, it was determined to be in the best interest of the Department to adopt the amendments to the By-laws.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey that Article X, Section 1.b., Article XIII Section 5 and Article XXIII, Section 3 are hereby approved and amended to be restated in their entirety to read as follows:

ARTICLE X, SECTION 1.b.

Each applicant shall be a resident of Pompton Lakes or of one of the six (6) contiguous municipalities of Bloomingdale, Oakland, Pequannock, Riverdale, Wanaque and Wayne.

ARTICLE XIII, SECTION 5.

Candidates for the office of Fire Chief or Assistant Fire Chief shall have served at least ten (10) years as an active Firefighter with at least five (5) of those years as a Pompton Lakes Volunteer Firefighter, and at least three (3) years serving as an elected line officer, one (1) of those years having served as a Captain. To be eligible for nomination in or after December of the year 2021, all candidates shall have also completed an approved NJDFS Firefighter One and Two course, be NIMS compliant as per NJDFS regulations (Appendix___), and possess NJDFS Safety Officer and NJDFS certification as Fire Officer One and Two and meet any other current relative NJDFS regulations in order to run for and serve in the position. All firefighters who are/were active members in good standing prior to January 1, 1997 or served as an officer prior to January 1, 2018, shall be grandfathered from all certifications above except NIMS.

ARTICLE XXIII, SECTION 3.

Any Firefighter whose Borough percentage falls below fifty (50%) percent for six (6) consecutive months shall be removed from the active roster, automatically, by the Secretary, and placed on the inactive roster at the next regular monthly meeting. A Firefighter may be returned to the active roster after a mandatory review by the Fire Chief and the Company Captain. **If the Firefighter exceeds 6 months on the inactive roster and fails to report to the Fire Chief, this shall have the same meaning as submitting a written resignation.**

BE IT FURTHER RESOLVED this Resolution shall take effect immediately.

Motion moved by Councilman Baig, second by Councilman Venin to approve Resolution 22-211. All voted in favor of the motion.

Oath of Office-Pompton Lakes Volunteer Fire Department

Mayor Serra requested the following to come forward so he could administer the Oath of Office.

Ronald H. Pressler
Jay F. Greco
Michael N. Mullane
Samantha N. Dakake
Daniel G. Cottrell (Reappointment)

CRS

Mayor Serra commented on the Borough's participation in the FEMA/National Flood Insurance Program and stated the Council will authorize a Resolution for the submission of the Program for Public Information document. Mayor Serra provided some input into the program and recognized the efforts of the Flood Advisory Board, the Building Department, Department of Public Works, Office of Emergency Management and Office Staff. Mayor Serra stated the program provides added protection in flood prone areas and urged residents living in flood areas to inquire about the discounted rate when purchasing or renewing for flood insurance.

PROCLAMATION: None

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.

RON DONCOES, Riverdale Blvd.

Mr. Doncoes provided a detailed description for downed trees and debris he observed while surveying the Pequannock River by way of kayak. Mr. Doncoes reported four large downed trees located across the river between the Borough of Pompton Lakes and Pequannock Township. Mr. Doncoes stated there are trees that have been cut into pieces in the river located near the ball fields on the bend where the shoals were removed causing a narrow flow and redirection of water flow through the river. Mr. Doncoes reported eight downed trees up river from Riverdale Boulevard and several wide downed trees down river that have been there since about April.

Mr. Doncoes expressed his concerns and stated these downed trees, some with full canopies, dead limbs, debris and dirt can cause a significant danger for this community if there is a heavy rain. Mr. Doncoes referred to an April rainstorm and stated the river came up five feet causing movement of dirt and debris within the embankments.

Mayor Serra thanked Mr. Doncoes for his time in surveying the rivers and identifying the areas with the downed trees and debris. Mayor Serra stated the rivers need continual maintenance and the Borough has been vigilant in doing so. Mayor Serra stated the Borough is in the process of applying for new permits to allow for work in the rivers.

Borough Administrator Paula Cozzarelli stated she had spoken with the Department of Environmental Protection and noted the Permit needs modifications. Ms. Cozzarelli stated while the permit is in the process of modifications as per the suggestion of the Department of Environmental Protection the Borough can operate within the “*Permit by Rule*”. Ms. Cozzarelli noted the Borough could begin to pull trees out of the rivers as long as it adheres within the boundaries of the Rule. Ms. Cozzarelli stated the Department of Public Works superintendent would oversee the Contractor to assure he is performing within the boundaries of the *Permit by Rule*.

JUDITH BRADARIC, Albert St.

Ms. Bradaric expressed her concerns regarding roadwork construction on the section of Ringwood Avenue that enters into Pompton Lakes. Ms. Bradaric stated the County has turned the two lanes into one lane and requested signage posted to indicate the change in lanes and allow motorist to become familiar with this change.

Mayor Serra agreed signage should be posted on the roadway indicating a lane change and stated he would reach out to the County Administrator to discuss.

JULIE DONCOES, Riverdale Blvd.

Ms. Doncoes welcomed Paula Cozzarelli as the newly appointed Borough Administrator and thanked her for her timely response to her e-mail. Ms. Doncoes expressed her fear and anxiety knowing there are downed trees within the rivers and her experiences living in close proximity to a river. Ms. Doncoes stated in the past, the Borough has had a remarkable record of accomplishment when it comes to flood control as a result of continued river maintenance. Ms. Doncoes stated she appreciates the good news that the Borough can take action to remove the trees however; she would like the work to begin without further delay.

Mayor Serra stated the Governing Body supports maintenance of the rivers and encourages other communities to manage maintenance within the rivers. Mayor Serra stated he has observed the actions of other communities and the positive results cleaning/de-snagging the rivers has had on their communities.

AL EVANGELISTA, Pompton Lakes OEM Coordinator

Mr. Evangelista stated Pompton Lakes stands as a model for many other towns regarding flood prevention and maintenance in the rivers. Mr. Evangelista noted the problem lies within the Department of Environmental Protection (DEP) and seeking permits to allow for river work. Mr. Evangelista stated in the past, towns agreed to work together on a regional level and address permit regulations mandated by the DEP and to allow for the removal of downed trees. Mr. Evangelista urged the Governing Body to reach out to our legislators to seek relief and action to modify permit restrictions. Mr. Evangelista expressed the urgency of removing downed trees in the rivers in a timely manner considering the threat flooding causes to our community.

Mayor Serra stated he is in agreement with Mr. Evangelista and stated he recently met with Senator Pennacchio to discuss his concerns with the DEP Permit process. Mayor Serra stated he is in favor of communities jointly applying for permits to expedite the permit process. Mayor Serra suggested the State establish a department to oversee and address river maintenance.

RANDY HINTON, Montclair Avenue

Mr. Hinton acknowledged the Governing Body for their continued maintenance work in the rivers. Mr. Hinton reported a large downed tree in the Ramapo River that is in need of removal near Stiles Park.

Mr. Hinton requested clarification for Resolution 22-211 that amends Pompton Lakes Volunteer Fire Department By-Laws.

Mayor Serra responded and stated the main change in the By-Laws will allow applicants that reside in Pompton Lakes or of one of the six (6) contiguous municipalities of Bloomingdale, Oakland, Pequannock, Riverdale, Wanaque and Wayne to apply to become a member of the

Pompton Lakes Fire Department. Mayor Serra stated there were residents of Riverdale who expressed an interest in joining the Pompton Lakes Fire Department.

Mr. Hinton requested additional information for an Agenda Item “Negotiations – Block 7700 Lot 1” Closed Session. Mayor Serra responded and stated it is a Closed Session item and additional information would be made available once the subject matter can be released.

Mr. Hinton inquired:

- Pond Hole paving; to be paved or patched
- removal debris Joe Grill Field; contractor and Department of Public Works to remove
- cancelation of Planning Board Meeting; no Agenda – cancellation advertised
- Highlands Act; Borough does not participate therefore no requirements
- Pompton Lakes water supply; directed to Municipal Utilities Authority

MIKE SIMONE, West Lenox Avenue, Planning Board Chairman

Mr. Simone addressed the Governing Body and stated the Planning Board meetings are scheduled in the beginning of the year and typically, there are 12 meetings in the year. Mr. Simone stated meetings are based on submitted applications and if there are, no items/business on the Agenda the meeting does not take place. Mr. Simone stated the public has the opportunity to attend and speak during Planning Board meetings when permitted according the set Agenda.

Mayor Serra stated the Planning Board and the Redevelopment Board make every effort to work together to oversee proposed projects to assure accurateness during the progression of the projects that come before the Planning Board.

Mr. Simone thanked the Governing Body for the continuous maintenance throughout the rivers in the Borough.

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

MINUTES:

Motion moved by Councilwoman Polidori, second by Councilman Cruz to approve the Regular Meeting Minutes of July 13, 2022. All voted in favor of the motion. Councilmen Venin and DeLine voted present.

BILL LISTS:

RESOLUTION 22-202 RESOLUTION AUTHORIZING PAYMENT OF BILLS IN THE AMOUNT OF 3,536,640.67

BE IT RESOLVED, by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey that the summary of bills in the total amount of **3,536,640.67** having been duly audited and found to be correct, are hereby ordered paid and that warrants be drawn for the necessary obligations by the Chief Finance Officer (CFO) prior to the next regularly scheduled Council Meeting.

BE IT FURTHER RESOLVED, that in the event of the CFO’s absence, the Governing Body authorizes the Business Administrator and Treasurer to carry out the duties and responsibilities of the CFO.

BE IT FURTHER RESOLVED, that the CFO has certified that sufficient uncommitted funds are available in the 2022 Borough of Pompton Lakes to fund the payment of the following bills attached hereto and made a part of this resolution.

Motion moved by Councilman Baig, second by Councilman DeLine to approve the following Bill Lists. All voted in favor of the motion.

Current Fund	\$ 3,325,286.63
Capital Fund	\$ 65,880.00

Recreation Trust	\$ 12,773.41
Unemployment	\$ 96.72
Dog Trust Account	\$ 100.20
Other Trust Account	\$ 3,657.95
Clerk's Account	\$ -0-
Open Space Trust	\$ 128,845.76

PETITIONS: None

CONSENT AGENDA:

(Council Members Required Resolution 22-214 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 desire to remove Resolution 22-214 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 22-200 Accepting The Resignation Of Dorothy Elaine Lindsey (Crossing Guard) From The Pompton Lakes Police Department
2. Resolution 22-201 Authorizing The Approval And Submission Of The Program For Public Information Document To FEMA As Required For The Community Rating System (CRS) Program
3. Resolution 22-203 Appointment Of Jacqueline Sanchez To The Position Of Violations Clerk In The Municipal Court Effective Start Date August 15, 2022
4. Resolution 22-204 Appointment Of Steven Allaman Jr. To The Position Of Laborer 2 With The Department Of Public Works Effective Start Date August 1, 2022
5. Resolution 22-205 Resolution Approving Appointment Of Full-Time And Part-Time Crossing Guards (Demarco/Menary/McLaren/Lucietto)
6. Resolution 22-206 Supporting The Drive Sober Or Get Pulled Over 2022 Statewide Labor Day Crackdown
7. Resolution 22-207 Appointment Of Richard DeVries To The Position Of Laborer 1 With The Department Of Public Works Effective Start Date August 1, 2022
8. Resolution 22-208 Authorizing Payment In Lieu Of Health Benefits To Qualified Borough Employees (Richard DeVries)
9. Resolution 22-209 Authorizing The Rescinding And Refunding Of Business Improvement Taxes For Block 6200 Lot 1
10. Resolution 22-210 Authorizing Payment In Lieu Of Health Benefits To Qualified Borough Employees (Jacqueline Sanchez)
11. Resolution 22-212 Authorization For The Purchase Of Control Stations, Repeater Station At North Jersey Tower, Portable And Mobile Radios For The Department Of Public Works From Northeast Communications, Inc. In The Amount Of \$59,453.43
12. Resolution 22-213 Authorization To Credit And Amend 2022 Property Taxes And 2023 Preliminary Taxes For Block 2100 Lot 1 In Accordance With Resolution 21-190
13. Resolution 22-214 Approving A Chapter 159 Resolution Providing For The Insertion Of A Special Item Of Revenue In The 2022 Budget (American Recovery Plan)
14. Resolution 22-215 Approving A Chapter 159 Resolution Providing For The Insertion Of A Special Item Of Revenue In The 2022 Budget (Sustainable Jersey Grant funded by the PSE&G Foundation)
15. Resolution 22-216 Resolution Authorizing DMK Services, LLC To Repair And Improve The James Terrace Storm Water Drainage To The Wanaque River Outfall

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

RESOLUTION 22-200

WHEREAS, Dorothy Elaine Lindsey notified the Chief of Police that she would be resigning from her position of Crossing Guard effective September 6, 2022; and

WHEREAS, her formal letter dated July 22, 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 Dorothy for her service to the Borough and wishes her well in her future endeavors.

RESOLUTION 22-201

WHEREAS, to ease the financial and flooding impacts to the residents, the Borough began a rigorous floodplain management program in 2012 that was recognized by the Federal Emergency Management Agency (FEMA) through the Community Rating System (CRS) for its progressive floodplain planning, maintenance and public outreach.

WHEREAS, the Borough holds one of the few non-coastal Class 5 CRS ratings in the northeastern United States affording Borough residents benefit from improved floodplain management and approximately \$300,000 in flood insurance premium savings based on FEMA 2022 flood insurance premium discount.

WHEREAS, in 2013, FEMA introduced a new approach to coordinate public information activities and develop activities that reflect what recent research by FEMA has found to lead to more effective outreach programs and the Program for Public Information (PPI) is the part of this approach.

WHEREAS, for CRS credit, the PPI must be developed according to a seven-step planning and public involvement process. The PPI can increase outreach credit by 40% and, with stakeholder involvement, 65%. The community's PPI must be developed by a committee of people from both inside and outside the local government.

WHEREAS, CRS Coordinator, Elizabeth Brandsness, PPI Committee, and Agnoli Engineering, LLC, CRS consultant convened on June 27, 2022 to update the PPI document.

NOW, THEREFORE, BE IT RESOLVED that the Program for Public Information has been reviewed by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey and hereby approved for final submission to FEMA.

RESOLUTION 22-203

WHEREAS, a vacancy has occurred within the Municipal Court Office for the position of Violations Clerk and the position was advertised; and

WHEREAS, after an extensive search and interview process it is the recommendation of the Municipal Court Judge and Court Administrator that Jacqueline Sanchez be appointed to the position of Violations Clerk effective start date August 15, 2022; and

WHEREAS, Jacqueline Sanchez's employment is subject to those provisions set forth in the collective bargaining agreement executed by and between the Borough of Pompton Lakes and Pompton Lakes Borough Employees Association for the period beginning January 1, 2020 through December 31, 2024; and

WHEREAS, upon her appointment the starting salary for the position of Violations Clerk will be \$36,234.00 according to the terms set forth in the Pompton Lakes Borough Employees Association Agreement fee schedule.

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 appoints Jacqueline

Sanchez to the position of Violations Clerk with a starting salary of \$36,234.00 effective start date August 15, 2022 as outlined above.

RESOLUTION 22-204

WHEREAS, due to a number of vacancies within the Department of Public Works the position of Laborer was advertised; and

WHEREAS, several candidates were interviewed by the Superintendent of Public Works and Borough Administrator and a request has been made by Daniel O'Rourke, Superintendent of Public Works to appointment Steven Allaman Jr. for the full-time position of Laborer 2 effective start date August 1, 2022; and

WHEREAS Steven Allaman Jr's. employment is subject to those provisions set forth in the collective bargaining agreement executed by and between the Borough of Pompton Lakes and the Pompton Lakes Borough Employees Association for the period beginning January 1, 2020 through December 31, 2024; and

WHEREAS, upon appointment the starting salary for the position of Laborer 2 will be \$37,794.00 according to the terms set forth in the Pompton Lakes Borough Employees Association agreement fee schedule; and

WHEREAS, Steven Allaman Jr. possess a CDL Class B Licenses and shall receive an annual stipend of \$2,000.00 subject to those provisions set forth in the Pompton Lakes Borough Employee Association agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey, it hereby appoints Steven Allaman Jr. to the position of full-time position of Laborer 2 with a starting salary of \$37,794.00 and an annual stipend of \$2,000.00 for a CDL Class B License effective start date August 1, 2022 as outlined above.

RESOLUTION 22-205

WHEREAS, the Chief of Police has advised Mayor and Council the Police Department is in need of full time and part time crossing guard positions due to vacancies; and

WHEREAS, the Chief of Police has provided his recommendation for the positions of full-time and part-time crossing guard; and

WHEREAS, the recommended candidates have been interviewed, have undergone and passed a criminal background check and shall be medically screened and cleared by Chilton Occupational.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Pompton Lakes that:

1. The following are appointed to the position of full-time crossing guard
Jimmy Demarco
2. The following are appointed to the position of part-time crossing guard
Doreen Menary
Scott McLaren
Tammella Lucietto

Compensation in accordance with the collective bargaining agreement between the Borough of Pompton Lakes and Communications Workers of America AFL-CIO.

RESOLUTION 22-206

WHEREAS, approximately one-third of all fatal traffic crashes in the United States involve impaired drivers; and

WHEREAS, impaired driving crashes killed 11,654 people in the United States in 2020; and

WHEREAS, impaired driving crashes cost the United States almost \$44 Billion a year; and

WHEREAS, during the past five years New Jersey's roadways experienced 33,798 crashes and 662 fatalities involving impaired drivers; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the end of summer/Labor Day period is traditionally a time for social gatherings which include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2022 Statewide Labor Day Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from August 19, 2022 through September 5, 2022; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

THEREFORE, be it resolved that the Borough of Pompton Lakes declares its support for the *Drive Sober or Get Pulled Over 2022 Statewide Labor Day Crackdown* from August 19, 2022 through September 5, 2022 and pledges to increase awareness of the danger of driving while impaired by alcohol or drugs.

RESOLUTION 22-207

WHEREAS, position of laborer was previously advertised due to a number of vacancies within the Department of Public Works; and

WHEREAS, several candidates applied for the position and were interviewed by the Superintendent of Public Works and Borough Administrator and a recommendation and request has been made by Daniel O'Rourke, Superintendent of Public Works to appointment Richard DeVries for the full-time position of Laborer 1 effective start date August 1, 2022; and

WHEREAS Richard DeVries employment is subject to those provisions set forth in the collective bargaining agreement executed by and between the Borough of Pompton Lakes and the Pompton Lakes Borough Employees Association for the period beginning January 1, 2020 through December 31, 2024; and

WHEREAS, upon appointment the starting salary for the position of Laborer 1 will be \$36,234.00 according to the terms set forth in the Pompton Lakes Borough Employees Association agreement fee schedule; and

WHEREAS, it is in the best interest of the Borough to appoint Richard DeVries as a Laborer 1 within the Borough of Pompton Lakes' Department of Public Works..

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey, it hereby appoints Richard DeVries to the position of full-time position of Laborer 1 with a starting salary of \$36,234.00.

RESOLUTION 22-208

WHEREAS, the Borough has negotiated with both employee bargaining units contract language providing for an employee to opt out of receiving health benefits from the Borough when the employee is covered by a bona fide health plan from their spouse or other source, as provided by statute; and

WHEREAS, the Borough agrees to refund 25% of the premium of the N.J. Direct 15 plan or \$5,000.00, whichever is less, for which the employee is eligible to the opting out employee, payable in equal installments by pay period during the course of the plan year, as long as the employee is covered by such optional insurance; and

WHEREAS, an employee Richard DeVries has provided the Borough Administrator with proof of such coverage and the documents have been found satisfactory by the Borough Administrator;

WHEREAS, Richard DeVries was hired effective August 1, 2022 and elected to waive N.J. Direct 15 plan health benefits upon hire; and

WHEREAS, it is in the best interest of the Borough to provide Richard DeVries with the negotiated refund referenced herein.

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 Richard DeVries shall not be provided health benefits, but shall receive a refund of premium payment as shown herein: \$4,999.92 annually retroactive from date of hire.

BE IT FURTHER RESOLVED that the Treasurer has certified that sufficient funds are available in the 2022 Borough of Pompton Lakes Budget for the purposes set forth herein.

RESOLUTION 22-209

WHEREAS, Colfax Development Urban Renewal LLC demolished the buildings located on Block 6200, Lot 1 in 2019 in preparation of redeveloping the property for residential apartments, and

WHEREAS, the property received a Certificate of Occupancy (CO) on March 31, 2020; and

WHEREAS, the newly issued CO changed the property class for Block 6200, Lot 1 from 4A (Commercial) to 4C (Apartment); and

WHEREAS, the change in property class removes Block 6200, Lot 1 from the Business Improvement District (BID) per Borough of Pompton Lakes Code Chapter 23 §23-3; and

WHEREAS, Block 6200, Lot 1 was charged Business Improvement District taxes for years 2021 and 2022, totaling \$587.92 and \$5781.14 respectively; and

WHEREAS, Colfax Development Urban Renewal LLC has paid 2021 BID taxes but has not paid 2022 levied BID taxes.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey that the proper officers are authorized and directed to:

- Rescind 2022 BID taxes levied on this property,
- Refund 2021 BID taxes paid in the amount of \$587.92.
- Remove Block 6200, Lot 1 from the BID

BE IT FURTHER RESOLVED that the Chief Financial Officer (CFO) has certified that sufficient uncommitted funds for \$587.92 are available in the 2022 Borough of Pompton Lakes Budget for the purposes set forth herein.

RESOLUTION 22-210

WHEREAS, the Borough has negotiated with both employee bargaining units contract language providing for an employee to opt out of receiving health benefits from the Borough when the employee is covered by a bona fide health plan from their spouse or other source, as provided by statute; and

WHEREAS, the Borough agrees to refund 25% of the premium of the N.J. Direct 15 plan or \$5,000.00, whichever is less, for which the employee is eligible to the opting out employee, payable in equal installments by pay period during the course of the plan year, as long as the employee is covered by such optional insurance; and

WHEREAS, an employee has provided the Borough Administrator with proof of such coverage and the documents have been found satisfactory by the Borough Administrator;

WHEREAS, Jacqueline Sanchez was hired effective August 15, 2022 and elected to waive N.J. Direct 15 plan health benefits upon hire.

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 Jacqueline Sanchez shall not be provided health benefits, but shall receive a refund of premium payment as shown herein: \$4,999.92 annually retroactive from date of hire.

BE IT FURTHER RESOLVED that the Treasurer has certified that sufficient funds are available in the 2022 Borough of Pompton Lakes Budget for the purposes set forth herein.

RESOLUTION 22-212

WHEREAS, the Department of Public Works requires to upgrade its radio communication infrastructure and hardware; and

WHEREAS, the Division of Purchase and Property of the New Jersey Department of the Treasury solicited competitive proposals with allowances for cooperative purchasing available to all public purchasing entities throughout the State of New Jersey; and

WHEREAS, the New Jersey Department of the Treasury awarded a bid to Northeast Communications Inc. for radio communication infrastructure and hardware under Contract # T0109; and

WHEREAS, the Borough of Pompton Lakes desires to purchase radio communication infrastructure and hardware for the Department of Public Works under State Contract #T0109 attached hereto; and

WHEREAS, the Treasurer has certified funds are available in the in Capital Accounts # C-04-55-858-905 and C-04-55-858-903; 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 the Borough is authorized to purchase radio communication infrastructure and hardware from Northeast Communications Inc. under State Contract #T0109 in the amount of \$59,453.43

BE IT FURTHER RESOLVED, that the Treasurer has certified that sufficient uncommitted funds are available in the Capital Budget accounts #C-04-55-854-905 and C-04-55-858-903.

RESOLUTION 22-213

WHEREAS, The Borough of Pompton Lakes passed Resolution 21-190 approving the settlement of tax appeal filed titled YS Wanaque LLC v. Borough of Pompton Lakes, Block 2100, Lot 1 on June 23, 2021, and

WHEREAS, the resolution addressed tax years 2019, 2020 & 2021, and

WHEREAS, the resultant Stipulation of Settlement for Docket Nos. 006036-2019, 006707-2020 & 006356-2021 allows for the Plaintiff to file a complaint for the 2022 tax year; and

WHEREAS, the parties agreed upon filing that the 2022 assessment shall be reduced to \$1,700,000.00 and per N.J.S.A. 54:51A-8 (Freeze Act) the 2022 assessment shall apply for the 2023 and 2024 tax years, and

WHEREAS, the property assessment was incorrectly set at \$2,250,700.00 for the 2022 Final/2023 Preliminary billing cycle; and

WHEREAS, the complainant was billed an overage of \$20,959.64 for the 2022 tax year and an overage of \$10,479.82 for 2023 preliminary taxes; and

WHEREAS, a credit is due to the complainant for an over payment of Quarter 1 (Q1) and Quarter 2 (Q2) property taxes in the amount of \$10,479.82.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey authorizes the Tax Collector to credit Q3 and Q4 2022 taxes in the amount of \$10,479.82 and 2023 preliminary taxes in the amount of \$10,479.82 and amend the 2022, 2023 and 2024 assessment in accordance with Docket Nos. 006036-2019, 006707-2020 & 006356-2021.

RESOLUTION 22-215

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division Of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount; and

WHEREAS, the Borough of Pompton Lakes wishes to amend its 2022 Budget to include an amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Pompton Lakes hereby requests the Director of Division of Local Government Services to approve the insertion of an item in the budget of the year 2022 in the sum of\$5,000.00

which is now available as a revenue from:
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services
Public and Private Revenues Offset with Appropriations
Sustainable Jersey Grant funded by the PSEG Foundation

BE IT FURTHER RESOLVED, that a like sum of.....\$5,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations
(A) Operations – Excluded from CAPS
Public and Private Programs Offset by Revenue
Sustainable Jersey Grant funded by the PSEG Foundation

RESOLUTION 22-216

BE IT RESOLVED by the Mayor and Council of the Borough of Pompton Lakes that they hereby authorize DMK Services LLC to make improvements to the James Terrace storm water drainage to the Wanaque River outfall for a fee not to exceed \$3,850.00 per the attached proposal.

BE IT FURTHER RESOLVED that the Treasurer has certified that sufficient, uncommitted funds are available in Capital Budget account #C-04-55-858-901.

SEPARATE ACTION RESOLUTIONS:

RESOLUTION 22-214

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division Of Local Government Services may approve the insertion of any special item of revenue in the budget of

any municipality when such item shall have been available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount; and

WHEREAS, the Borough of Pompton Lakes wishes to amend its 2022 Budget to include an amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Pompton Lakes hereby requests the Director of Division of Local Government Services to approve the insertion of an item in the budget of the year 2022 in the sum of\$574,944.37

which is now available as a revenue from:

- Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
 - Public and Private Revenues Offset with Appropriations:
 - American Recovery Plan

BE IT FURTHER RESOLVED, that a like sum of.....\$574,944.37 be and the same is hereby appropriated under the caption of: General Appropriations
(A) Operations – Excluded from CAPS
Public and Private Programs Offset by Revenue
American Recovery Plan

Discussion:

Ms. Cozzarelli stated these funds are part of the second request for the American Relief money and stated the funds can be earmarked for infrastructure projects to be discussed at a later date. Mayor Serra stated recommendations for projects should be sent to Ms. Cozzarelli for review and consideration.

Motion moved by Councilman DeLine, second by Councilwoman Polidori to approve Resolution 22-214.

ORDINANCE FOR FIRST READING AND INTRODUCTION: None
(Ordinances will be presented for second reading and final adoption on.....)

ORDINANCE FOR SECOND READING AND FINAL ADOPTION:
(These Ordinances have been advertised and posted on the Municipal Bulletin Board)

ORDINANCE 22-16

AN ORDINANCE AMENDING AND SUPPLEMENTING THE MUNICIPAL CODE TO CREATE CHAPTER 28, “TELEVISION AND MOVIE FILMING” TO THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES

Motion moved by Councilman DeLine, second by Councilman Venin to open the Meeting for public comments on Ordinance No. 22-16. All voted in favor of the motion.

No one from the public wished to comment on Ordinance No. 22-16.

Motion moved by Councilman Polidori, second by Councilman Cruz to close the Meeting for public comments on Ordinance No. 22-16.

Motion moved by Councilman Baig, second by Councilman Cruz to approve Ordinance No. 22-16 for Final Adoption.

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

MAYOR MICHAEL SERRA:

Motion moved by Mayor Serra, second by Councilman DeLine to reappoint the following Crossing Guards for the 2022-2023 school year.

Full Time

Marilyn Bellavia, Bill Brown, Jacquelin Foy, Joseph Hart, Raymond Hollenstein, Marilyn Lane, Jimmy DeMarco, Richard Pierce, Stephen Rigoll, William Schuitema, Namalene Singh, Carol Smith, Robert Sudol, Christine Wheeler and Evelun Zynczak

Part Time

Stephanie Hunt, Frank Potenza and Wayne Miller.

All voted in favor of the motion.

Mayor Serra reported on the following.

- commented on the filming of “The Walking Dead” which will take place in the Borough and filming may begin in September. Mayor Serra advised the film executives an Ordinance has been adopted and fees may apply.
- was appointed to the Mayor’s Board of New Jersey Conference
- Covid-19 numbers for July have decreased from the previous month
- a new water fountain has been installed at Lakeside Park. Mayor Serra requested security cameras to help prevent vandalism.
- thanked the volunteers who helped at National Night Out
- commented on four Grand Openings in the Borough and wished the businesses well
- commented on Summer Camp and thanked Karen Murphy and staff for their assistance
- attended the Rotary Golf Outing
- commented on Pompton Day events and stated vendor space is available

COUNCIL PRESIDENT POLIDORI:

Councilwoman Polidori reported on the following.

- thanked members of the Volunteer Fire Department for their service
- commented on National Night Out and stated the event was well organized
- also attended several Grand Openings
- attended the Senior Picnic and the Rotary Golf Outing
- new equipment has been installed at the *Dog Park* and additional upgrades are being considered
- commented on the installation of the water fountains at the parks and encouraged the use of reusable bottles to help reduce plastic waste
- reported on the clearing of brush and improvements made within Pacifico-Gallo Park by the Department of Public Works and thanked the Superintendent and staff for their assistance with the project.
- remarked on the stinging nettle plant that has become invasive. Mayor Serra stated the County would be able to assist at times with controlling the plant but it cannot be an ongoing occurrence. Councilwoman Polidori suggested a shared service with another town. Ms. Cozzarelli stated she would speak with Mr. O’Rourke for further information and options.
- questioned if there was any word regarding the *Community Garden*. Ms. Cozzarelli stated the Department of Environmental Protection (DEP) would work together with the Borough to come to terms with regard to the request to install a fence and raised beds. Ms. Cozzarelli to further discuss the matter with the DEP
- reported on the use of the boat launch by those who do not live in town for fishing tournaments on the lake. The groups charge a fee for participants in the tournaments and questioned whether a fee could be imposed for usage of the boat launch. Mr. Semeraro responded he would review the matter.
- commented on Pompton Day and stated Council Members will be working the Dunk Tank and all money raised will go to a charity chosen by the member with the most

dunks. The recipient of the money raised would go to one of the following: the Woman's Club, Pompton Lakes Riverdale First Aid Squad, the Volunteer Fire Department, the Education Foundation or the Veterans of Foreign Wars.

Mayor Serra requested one closed session on negotiation.

COUNCILWOMAN KENT:

Councilwoman Kent reported on the following.

- provided a presentation to children who attended the Recreation Summer Camp to promote flood awareness and safety. She and Ms. Troast presented FEMA safety protocols for children as part of the Community Rating System (CRS) Public Information Program required to maintain a Class 5 rating. Councilwoman Kent thanked all volunteers who assisted.
- thanked the Municipal Utilities Authority (MUA) staff members for a tour of the facility and offered an account of how the MUA functions
- attended the Ribbon Cutting Ceremony for Penelope Floral
- thanked Ms. Murphy, volunteers and the Elks Lodge for assisting with the Senior Picnic
- commented on the well-organized National Night Out and thanked the Police Department and volunteers
- commented on the obstruction of fallen trees in the rivers and asked all residents to contact their Senators, Congress and legislative representatives to demand assistance with the Borough's flooding issues. Councilwoman Kent thanked the Flood Advisory Board for their support and Ms. Cozzarelli for her help with the permit process.

COUNCILMAN VENIN:

Councilman Venin reported on the following.

- congratulated the members of the Pompton Lakes Volunteer Fire Department and thanked them for their time and service to the community
- commented on Trails Maintenance and the number of volunteers that assisted. Councilman Venin also thanked Mr. Hoffman, Colombia Bank Manager, for providing several volunteers to assist with the maintenance of the trails. The next Trails Maintenance is scheduled for September 25, 2022.
- announced plans to participate in the 9-11 Promise Run with UPS; this is his third year to participate
- thanked the First Aid Squad for distributing bicycle helmets. Announced the First Aid Squad are seeking volunteer members.
- thanked Mr. Doncoes for providing detailed information as to debris and trees in the river
- applied for ten trees this year through City Green

Mayor Serra commented on the meeting he, Ms. Cozzarelli, Councilman DeLine and the Trails Maintenance attended and thanked all involved for their hard work in maintaining the trails.

COUNCILMAN BAIG:

Councilman Baig reported on the following.

- commented on the Police and Fire Department reports for the month of July
- CERT reported 9.25 volunteer hours for the month of July

COUNCILMAN CRUZ:

The following motion is presented on behalf of the Chamber of Commerce regarding the 22nd Annual Classic Car Show to be held on Sunday, October 9, 2022/Rain Date October 16, 2022 from 6:00am through 5:00pm:

- Police/Fire/First Aid to be notified on the following requests.
- Chamber of Commerce to contact Police Department and St. Mary's Church to coordinate traffic control.
- Certificate of Insurance to be provided to the Borough

Motion moved by Councilman Cruz, second by Councilman DeLine to approve the following requests made by the Chamber of Commerce

- to hold the 22nd Annual Classic Car Show and close Wanaque Avenue from 6:00am – 5:00pm (Street Closure – between Pompton and Lakeside Avenues)
- to hang a banner on Wanaque Avenue advertising the 22nd Annual Classic Car Show from September 12, 2022 through October 17, 2022 (contact County Commissioners)
- for permission to use the Pond Hole Parking Lot during the 22nd Annual Classic Car Show

All voted in favor of the motion.

Councilman Cruz reported on the following.

- commented on the following programs; Recreation Volleyball program, Senior Picnic, Summer Camp, Middle School Camp and upcoming events
- paddle boats, kayaks and ping pong are available on weekends from 10am-3pm weather permitting
- Pompton Day will be held on September 4, 2022-Rain Date September 5, 2022. Fishing Derby begins 7am -11am at Lakeside Park; 5k run begins at 9am at Hershfield Park. Contact Barbara Jennings at 973-831-7791 to register; vendors, music and DJ's are still being sought. Volunteers are welcome.
- reported on the Board of Education harassment, intimidation and bullying report and stated numbers are very low in all schools
- Lloyd Kent, PAL Director, presented the Board of Education a check for \$18,831.00 to purchase basketball equipment. Thanked Mr. Kent and members for their service to the community.
- thanked Councilwomen Kent and Polidori for the naming of the *Giant Frog Contest* at Pacifico Gallo Park
- Pompton Lakes Public Schools begin on Tuesday, September 6, 2022
- provided the enrollment of children at Passaic County Technical Institute
- Back to School Night for Lenox School will be held September 14, 2022 7-8:30pm, Lincoln School - September 21, 7-8:30pm, Lakeside Middle School- September 15 7-8:30pm. The Meet and Greet is August 14, 2022.
- Freshman Orientation is August 24, 2022 9am to 11:30am

Mayor Serra announced the fireworks will begin at 8:45pm on Pompton Day.

COUNCILMAN DELINE:

Councilman DeLine reported on the following.

- congratulated the new members of the Volunteer Fire Department. Also acknowledged the appointments and reappointments of the Crossing Guards and stated they play a vital role with providing safe crossing routes for children walking to school.
- attended the Shade Tree Commission meeting
- a potential grant opportunity for the Transportation Alternate grant was discussed at the Trails Maintenance Committee meeting
- also attended the Ribbon Cutting for several openings including Penelope Floral and wished them much success

PROFESSIONAL REPORTS:

MARK SEMERARO, Borough Attorney

Mr. Semeraro had no report.

PAULA COZZARELLI, Borough Administrator

Ms. Cozzarelli reported on the following.

- contacted the contractor for the Pond Hole and stated the project needs to be completed by September 6, 2022. Ms. Cozzarelli stated the project may not be completed if a weather event prohibits the contractor from working.
- Mayor Serra stated he would inform Mr. O'Rourke, Department of Public Works Superintendent, to collect trash from trashcans in the Pond Hole when filled. Mayor Serra to address the issue with the Business Improvement District.

Councilman DeLine requested the Pond Hole project be scheduled for a weekend day. Mayor Serra noted Babcock Place paving would take place at a later date.

MEETING OPEN FOR PUBLIC COMMENTS:

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

RANDY HINTON, Montclair Avenue

Mr. Hinton commented on the boating competitions on the lake and stated additional vehicles would add to the ongoing parking issues. Mr. Hinton inquired the status of activity for the police boat. Mayor Serra responded the Police have completed training funded through a grant and continue to perform training drills on the lake.

Mr. Hinton inquired if the street crossing lines would be painted prior to school opening. Mayor Serra informed Mr. Hinton the lines are scheduled to be painted before the school session begins.

Mr. Hinton commented on the removal of a tree located on Ramapo Avenue and thanked Pete Auteri, Shade Tree Commissioner, for working with the County to have the tree removed. Mayor Serra thanked the volunteers on the Shade Tree Commission for the time they provide to the Borough. Mr. Hinton commented on the dead trees located between the Municipal Building and Lenox School parking lots. Mayor Serra responded and stated he believes the developer of the project adjacent to the parking lots will be removing the trees. Mayor Serra will reach out to the developer to confirm.

AL EVANGELISTA, Pompton Lakes OEM Coordinator

Mr. Evangelista addressed the Governing Body and made several suggestions for consideration.

- a Lightning Detection System on all athletic fields and parks within the Borough be considered
- Lakeside School serves the Borough as its primary shelter and at this time, the building has no generator – grant funding to establish a new generator
- install permanent water spray fixture at Hershfield Park for the summer Recreation Camp
- maintenance for bridges in need of repair

Mayor Serra thanked Mr. Evangelista for his suggestions and stated he would consider his recommendations.

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

PRIVILEGE OF THE FLOOR: None**RESOLUTION TO ADJOURN INTO CLOSED SESSION:**

Be it hereby resolved, pursuant to N.J.S.A. 10:4-12, that the Mayor and Council of the Borough of Pompton Lakes hold Closed Session for the purpose of conducting discussions on negotiations and any other Closed Session topics as allowed under the Open Public Meetings Act. It is expected that the discussions undertaken in Closed Session on this date can be made public at the time official action is taken by the Mayor and Council to release same.

Motion moved by Councilwoman Polidori, second by Councilman Cruz to approve the Resolution to Adjourn into Closed Session at 9:55pm. All voted in favor of the motion.

Motion moved by Councilwoman Kent, second by Councilman Venin to Open the meeting at 10:25pm. All voted in favor of the motion.

Negotiations were discussed in closed session.

ADJOURNMENT:

Motion moved by Councilman, second by Councilman to Adjourn the Meeting at 10:30 PM. All voted in favor of the motion.

ATTEST:

APPROVED:

**ELIZABETH BRANDSNESS, RMC
MUNICIPAL CLERK**

**MICHAEL SERRA
MAYOR**

Dated: August 17, 2022