

## **MINUTES OF THE OCTOBER 30, 2019 REGULAR COUNCIL MEETING**

The following are the Minutes of the October 30, 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, Councilwoman Jennifer Polidori, Councilmen William Baig, Erik DeLine, Frank Jaconetta, and Ekamon Venin.

Also present were Borough Attorney, Joseph Ragno and Borough Clerk, Elizabeth Brandsness. Borough Administrator, Kevin Boyle was excused from the meeting.

### **MAYOR PRESENTATION AND UPDATES:**

Mayor Serra commented on recent promotions within the Police Department and congratulated Derek Clark for his promotion to Acting Police Chief, Ryan Cichon for his promotion to Captain and Brian Zimmermann for his promotion to Sergeant. Mayor Serra also thanked Chief Moises Agosto for his past service to the community and wished him well in his retirement.

### **MEETING OPEN FOR PUBLIC COMMENTS:**

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

#### **GEETE CURTIS, Ramapo Avenue**

Ms. Curtis read a letter a dated August 21, 2019 that was presented to the Environmental Protection Agency by a group of concerned citizens. The letter included the concerns and questions by the group regarding the DuPont/Chemours mitigation process. Mayor Serra stated the Environmental Protection Agency and the Department of Environmental Protection monitor and oversee the mitigation plan and suggested the citizens group stop at the Municipal Building on a Thursday to voice their concerns with the agencies.

#### **RANDY HINTON, Montclair Avenue**

Mr. Hinton commented on the permit by rule for Spring Pond and requested an update on the project. Mayor Serra responded and stated the Department of Environmental Protection advised the Borough the permit by rule was not necessary for this particular project. Mayor Serra also provided an update for the removal of trees and stated he expects the project to be completed sometime in December.

Mr. Hinton questioned the hours for the Borough nurse and whether the nurse would be available to attend Senior Meetings. Ms. Brandsness provided the office hours the nurse is available for residents; Mondays 2:30pm-4:30pm.

Motion moved by Councilman Venin, second by Councilman Jaconetta to close the Meeting for public comments. All voted in favor.

### **MINUTES:**

Motion moved by Councilwoman Reicher, second by Councilman Jaconetta to approve the Special Closed Session Minutes of October 16, 2019 – 6:00pm. All voted in favor of the motion. Councilman DeLine voted present.

Motion moved by Councilwoman Reicher, second by Councilman Jaconetta to approve the Closed Session Meeting Minutes of October 16, 2019. All voted in favor of the motion. Councilman DeLine voted present.

Motion moved by Councilwoman Reicher, second by Councilman Jaconetta to approve the Regular Meeting Minutes of October 16, 2019. All voted in favor of the motion. Councilman DeLine voted present.

**BILL LISTS:**

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

Current Fund	\$ 2,536,990.34
Capital Fund	\$ 47,491.61
Recreation Trust	\$ -0-
Unemployment	\$ 95.79
Dog Trust Account	\$ 45.00
Other Trust Account	\$ 46,746.90
Clerk's Account	\$ -0-
Open Space Trust	\$ 1,543.50

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 19-195 Authorizing Refund Of Other Lien Block 100 Lot 1.344
2. Resolution 19-196 Award Of A Bid For The Striping Of Various Roadways To Denville Line Painting, Inc. Under Morris County Co-Op Contract #36 In The Amount Of \$1,740.00
3. Resolution 19-197 Approving Division Of Local Government Services Best Practices Inventory For The Year 2019
4. Resolution 19-198 Authorizing A Contract For The Acquisition Of Goods Or Services Pursuant To NJSA 19:44A-20.4 And/Or NJSA 19:44A-20.5 With AM Consultants
5. Resolution 19-199 Authorizing A Contract For The Acquisition Of Goods Or Services Pursuant To NJSA 19:44A-20.4 And/Or NJSA 19:44A-20.5 With Edmunds & Associates
6. Resolution 19-200 Authorizing A Contract For The Acquisition Of Goods Or Services Pursuant To NJSA 19:44A-20.4 And/Or NJSA 19:44A-20.5 With Paychex, Inc.
7. Resolution 19-201 Authorizing The Mayor And Borough Clerk To Execute The 2019 Open Space, Farmland And Historic Preservation Trust Fund Agreement With The County Of Passaic In The Amount Of \$150,000.00
8. Resolution 19-202 Appointing Brian Townsend To The Position Of Part-Time Tax Assessor Effective January 1, 2020 At an Annual Salary Of \$30,000.00
9. Resolution 19-203 Authorizing Appointment Of Captain To The Pompton Lakes Police Department
10. Resolution 19-204 Authorizing The Appointment Of An Acting Chief Of Police To The Pompton Lakes Police Department
11. Resolution 19-205 Authorizing The Appointment Of Police Sergeant To The Pompton Lakes Police Department

- 12. Resolution 19-206 A Resolution Requesting Permission For The Dedication By Rider For 125<sup>th</sup> Year Anniversary Celebration Required By NJS 40A: 5-29
- 13. Resolution 19-207 Authorizing Refund Of Other Lien Block 3500 Lot 19

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

**RESOLUTION 19-195**

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

**WHEREAS**, the Collector of Taxes has reported receiving the amounts shown below for the redemption of the respective liens, and

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

Reboli, John 100 Pierson Miller Drive C44 POMPTON LAKES, NJ 07442	19-00001    10/2/2019	100/1.344 100 Pierson Miller Dr. Unit C44	\$6,245.04	PHOENIX FUNDING, INC 1148 SPRINGFIELD AVENUE MOUNTAINSIDE, NJ 07092
			Premium        \$13,000.00	
			<b>TOTAL            \$19,245.04</b>	

**RESOLUTION 19-196**

**WHEREAS**, the Borough undertook the paving of various roadways which now require striping; and

**WHEREAS**, Denville Line Painting, Inc. was awarded the contract for traffic striping on roadways under Morris County Co-op contract #36 (6MOCCP); and

**WHEREAS**, the Treasurer has certified funds are available in the 2019 Capital Budget in account #C-04-55-853-903.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Clerk of the Borough of Pompton Lakes, County of Passaic, State of New Jersey that a bid be awarded to Denville Line Painting, Inc. for the striping of various roadways under Morris County Co-op contract #36 (6MOCCP) in the amount of \$1,740.00.

**RESOLUTION 19-197**

**BE IT RESOLVED** that the Municipal Council of the Borough of Pompton Lakes has reviewed and approves of the State of New Jersey, Department of Community Affairs, Division of Local Government Services Best Practices Inventory for 2019 as prepared by the Chief Financial Officer and Borough Administrator.

**RESOLUTION 19-198**

**WHEREAS**, there exists a need for the procurement of goods or services for the Borough of Pompton Lakes from AM Consultants; and

**WHEREAS**, the Treasurer has certified that funds are available for this purpose; and

**WHEREAS**, Pompton Lakes desires to enter into contract with AM Consultants pursuant to the provisions of NJSA 19:44A-20.4 and/or NJSA 19:44A-20.5; and

**WHEREAS**, the Treasurer has certified that the value of the contract will not exceed \$3,300.00; and

**WHEREAS**, the term of the contract will be from October 30, 2019 through October 31, 2020; and

**WHEREAS**, AM Consulting has submitted a Business Entity Disclosure Certification in compliance with law.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey as follows:

1. The Borough of Pompton Lakes is authorized to engage AM Consultants for the purpose of providing a fixed asset inventory.

2. The Mayor and Borough Clerk are hereby authorized and directed to execute the Contract with Am Consulting.

Said AM Consulting shall be engaged pursuant to contract to be entered by and between AM Consulting the Borough and for such periods of time as permitted by law and for such compensation as agreed.

This appointment is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because these services are rendered by members of recognized professions.

A copy of this Resolution shall be published in the Suburban Trends by the Borough Clerk as required by law within ten (10) days of its passage and a true copy of same shall be available for inspection in the office of the Borough Clerk.

A copy of the Business Entity Disclosure Certification and the Certification of Value shall be filed with this Resolution.

This Resolution shall take effect immediately upon adoption according to law.

#### **RESOLUTION 19-199**

**WHEREAS**, there exists a need for the procurement of goods or services for the Borough of Pompton Lakes from Edmunds & Associates; and

**WHEREAS**, the Treasurer has certified that funds are available for this purpose; and

**WHEREAS**, Pompton Lakes desires to enter into contract with Edmunds & Associates, pursuant to the provisions of NJSA 19:44A-20.4 and/or NJSA 19:44A-20.5; and

**WHEREAS**, the Treasurer has certified that the value of the contract will not exceed \$10,000.00; and

**WHEREAS**, the term of the contract will be from January 1, 2020 through December 31, 2020; and

**WHEREAS**, Edmunds & Associates has submitted a Business Entity Disclosure Certification in compliance with law.

**NOW THEREFORE BE IT RESOLVED**, this 30th day of October, 2019 by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey as follows:

1. The Mayor and Council hereby engage Edmunds & Associates to perform Financial System Software Maintenance.

2. The Mayor and Borough Clerk is hereby authorized and directed to execute said proposal.

Said Edmunds & Associates shall be engaged pursuant to contract to be entered by and between Edmunds & Associates and the Borough and for such periods of time as permitted by law and for such compensation as agreed.

This appointment is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because these services are rendered by members of recognized professions.

A copy of this Resolution shall be published in the Suburban Trends by the Borough Clerk as required by law within ten (10) days of its passage and a true copy of same shall be available for inspection in the office of the Borough Clerk.

A copy of the Business Entity Disclosure Certification and the Certification of Value shall be filed with this Resolution.

This Resolution shall take effect immediately upon adoption according to law.

### **RESOLUTION 19-200**

**WHEREAS**, there exists a need for the procurement of payroll for the Borough of Pompton Lakes from Paychex, Inc.; and

**WHEREAS**, the Treasurer has certified that funds are available for this purpose; and

**WHEREAS**, Pompton Lakes desires to enter into contract with Paychex, Inc. pursuant to the provisions of NJS 19:44A-20.4 and/or NJS 19:44A-20.5; and

**WHEREAS**, the Treasurer has certified that the value of the contract will not exceed \$10,000; and

**WHEREAS**, the term of the contract will be from January 1, 2020 through December 31, 2020; and

**WHEREAS**, Paychex, Inc. has submitted a Business Entity Disclosure Certification in compliance with law.

**NOW THEREFORE BE IT RESOLVED**, this 30th day of October, 2019 by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey as follows:

1. The Mayor and Council hereby engage Paychex, Inc. to provide payroll services to the Borough of Pompton Lakes.
2. The Mayor and Borough Clerk is hereby authorized and directed to execute said proposal.

Said Paychex, Inc. shall be engaged pursuant to contract to be entered by and between Paychex, Inc. and the Borough and for such periods of time as permitted by law and for such compensation as agreed.

This appointment is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because these services are rendered by members of recognized professions.

A copy of this Resolution shall be published in the Suburban Trends by the Borough Clerk as required by law within ten (10) days of its passage and a true copy of same shall be available for inspection in the office of the Borough Clerk.

A copy of the Business Entity Disclosure Certification and the Certification of Value shall be filed with this Resolution.

This Resolution shall take effect immediately upon adoption according to law.

### **RESOLUTION 19-201**

**WHEREAS**, the Borough of Pompton Lakes applied for County Open Space Funding for improvements to the Willow Field/Joe Grill Complex; and

**WHEREAS**, the Borough has been notified that a Grant of \$150,000 has been awarded for said project; and

**WHEREAS**, the Borough is required to execute an agreement that outlines duties and responsibilities for accepting this funding.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Clerk of the Borough of Pompton Lakes, County of Passaic, State of New Jersey that it hereby authorizes the Mayor and Borough Clerk to execute the 2019 Open Space, Farmland and Historic Preservation Trust Fund Agreement with the County of Passaic in the amount of \$150,000.

#### **RESOLUTION 19-202**

**WHEREAS**, the Borough of Pompton Lakes was notified by our current Assessor, Michael Barker, of his intention to retire effective December 31, 2019; and

**WHEREAS**, Brian Townsend was recommended for consideration as his replacement by the Mayor and Borough Administrator; and

**WHEREAS**, the governing body also interviewed Mr. Townsend concurring with the recommendation of the administration; and

**WHEREAS**, Mr. Townsend will begin employment on November 1, 2019 to assure a smooth transition into 2020.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Clerk of the Borough of Pompton Lakes, County of Passaic, State of New Jersey that it hereby appoints Brian Townsend to the position of part-time tax assessor effective January 1, 2020 at an annual salary of \$30,000.00.

#### **RESOLUTION 19-203**

**WHEREAS**, the Borough of Pompton Lakes Police Department is in need of a Captain to fill a vacancy in the Ranks; and

**WHEREAS**, the New Jersey Civil Services Commission advertised for that position on July 1, 2019; and

**WHEREAS**, the Borough requested a waiver from testing given Lieutenant Ryan Cichon had already taken and passed the examination for Chief of Police; and

**WHEREAS**, the waiver was approved on August 20, 2019 and he was sworn into office on August 29, 2019.

**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 memorializes the actions of the Civil Services Commission in appointing Lieutenant Ryan Cichon to the rank of Captain effective August 29, 2019.

**BE IT FURTHER RESOLVED** that any salary and benefits are retroactive to August 29, 2019.

#### **RESOLUTION 19-204**

**WHEREAS**, the Borough of Pompton Lakes Police Department is in need of an Acting Chief of Police to fill a vacancy due to the retirement of Chief Moises Agosto; and

**WHEREAS**, the New Jersey Civil Services Commission advertised for that position on August 1, 2019; and

**WHEREAS**, Captain Derek Clark passed the examination for Chief of Police ranking first on the list of eligibles; and

**WHEREAS**, Captain Clark was interviewed by the full Council receiving unanimous consensus for appointment.

**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 Captain Derek Clark to the rank of Acting Chief of Police effective October 4, 2019 through December 31, 2019 there after assuming the rank of Chief of Police.

**BE IT FURTHER RESOLVED** that any salary and benefits are retroactive to October 4, 2019.

#### **RESOLUTION 19-205**

**WHEREAS**, the New Jersey Civil Services Commission advertised and tested for the position of Police Sergeant on July 1, 2019; and

**WHEREAS**, three potential candidates were placed on the list of eligibles for the position; and

**WHEREAS**, each candidate was interviewed by the Mayor and Council who have recommended the appointment of Police Officer Brian Zimmermann to the rank of Sergeant.

**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 confirms the appointment of Brian Zimmerman to the rank of Sergeant effective October 30, 2019.

#### **RESOLUTION 19-206**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

**WHEREAS**, NJS 40A: 5-29 provides for receipt of 125<sup>th</sup> Year Anniversary Celebration donations by the municipality to provide for the operating costs to administer this act; and

**WHEREAS**, N.J.S.A. 40 A: 4-39 provides the dedicated revenues anticipated from the 125<sup>th</sup> Year Anniversary Celebration are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey are as follows:

1. The Mayor and Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the 125<sup>th</sup> Year Anniversary Celebration.
2. The Clerk of the Borough of Pompton Lakes, County of Passaic is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

#### **RESOLUTION 19-207**

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

**WHEREAS**, the Collector of Taxes has reported receiving the amounts shown below for the redemption of the respective liens, and

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

	<u>LC#</u>	<u>DOS</u>	<u>B/L</u>	<u>Amount</u>	<u>Pay to the Lien Holder</u>
GRECO ANGELO & ROSARDA 235 JEFFERSON AVE POMPTON LAKES, NJ 07442	19- 00008	10/2/2019	3500/19 235 JEFFERSON AVE	\$3,508.76	CHRISTIANA T C/F CE1/FIRSTTRUST PO BOX 5021 PHILADELPHIA, PA 19111-5021
			Premium	\$33,000.00	
			TOTAL	<b><u>\$36,508.76</u></b>	

**RESOLUTIONS FOR SEPARATE ACTION**

**ORDINANCES:**

**ORDINANCE FOR FIRST READING AND INTRODUCTION:**

*(Ordinance will be presented for second reading and final adoption on November 13, 2019)*

**ORDINANCE 19-24**

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 190, ARTICLE XI, SECTIONS 190-64 THROUGH 190-74 WITH CHAPTER 190 ARTICLE XV, AFFORDABLE HOUSING**

Mr. Ragno stated there are five Ordinances on the Agenda for introduction that will address the settlement of Fair Share Housing requirements. Mr. Ragno noted these Ordinances will be presented before a Judge in Paterson on December 10, 2019 and the Borough will be obligated from now until the year 2025.

Mr. Ragno explained Ordinance 19-24; the first of the five Ordinances provides for the process of the reconfiguration of the current and future Chapters on Affordable Housing.

Motion moved by Councilman DeLine, second by Councilwoman Reicher to approve Ordinance 19-24 for First Reading and Introduction.

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

Mayor Serra explained the “*Council on Affordable Housing Act*” (COAH) a requirement of the Fair Share Housing for communities within the State of NJ. Mayor Serra further commented communities are obligated to negotiate an agreement that is beneficial to their specific Municipality.

Mr. Ragno defined (COAH) *Council on Affordable Housing Act*, the program, how and when it came about and the legalities and requirements the Borough is obligated to meet. Mr. Ragno stated through negotiations between the Borough, a Judge of Paterson, NJ, Fair Share Housing and the Special Master they arrived at a resolution that benefits both the Borough and the COAH program.

Mr. Ragno thanked the Governing Body for their confidence in allowing him to negotiate for these past three years. Mr. Ragno reported through the negotiation process the Borough has reached a settlement agreement.

Mr. Ragno cautioned the Borough must introduce and adopt the five referenced Ordinances presented tonight prior to appearing before the Judge on December 10, 2019.

**ORDINANCE 19-25**

**AN ORDINANCE AMENDING CHAPTER 190, ARTICLE IV OF THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES TO ADDRESS THE BOROUGH’S AFFORDABLE HOUSING OBLIGATIONS UNDER THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) - § 190-17 AFFORDABLE HOUSING ZONES**



Mr. Ragno stated Ordinance 19-25 allows the Borough to implement and incorporate the adopted and endorsed Housing Element and Fair Share Plan. Mr. Ragno stated the Ordinance addresses the requirements regarding affordable housing Zones within the Borough including information to Zoning in terms of bulk requirements for projects controlled by COAH.

Motion moved by Councilman Baig, second by Councilman DeLine to approve Ordinance No. 19-25 for First Reading and Introduction.

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

#### **ORDINANCE 19-26**

#### **AN ORDINANCE CREATING CHAPTER 190, ARTICLE XV OF THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES TO ADDRESS THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS UNDER THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) – AFFORDABLE HOUSING ORDINANCE**

Mr. Ragno commented on Ordinance 19-26 and stated this Ordinance establishes the numbers required within the agreement through the year 2025; provisions for low to moderate housing. Mr. Ragno encouraged residents to review the low to moderate income housing Ordinances and Settlement Agreement available in the Borough Clerk's office.

Motion moved by Councilwoman Polidori, second by Councilman Venin to approve Ordinance No. 19-26 for First Reading and Introduction.

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

#### **ORDINANCE 19-27**

#### **AN ORDINANCE CREATING CHAPTER 190, ARTICLE XV OF THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES TO CREATE A MANDATORY AFFORDABLE HOUSING SET-ASIDE ON MULTI-FAMILY RESIDENTIAL DEVELOPMENT**

Mr. Ragno explained the purpose of Ordinance 19-27 is to establish the actual mandatory set-aside required within multi-family residential development. Mr. Ragno stated the requirements within the Ordinance will not impact residential property outside the redevelopment zone. The Ordinance allows the public the opportunity to reside in Pompton Lakes by offering low to moderate income housing.

Motion moved by Councilman Jaconetta, second by Councilwoman Polidori to approve Ordinance No. 19-27 for First Reading and Introduction.

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

#### **ORDINANCE 19-28**

#### **AN ORDINANCE CREATING CHAPTER 190, ARTICLE XV OF THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES REGARDING THE BOROUGH'S AFFORDABLE HOUSING DEVELOPMENT FEES**

Mr. Ragno explained Ordinance 19-28 establishes standards for the collection, maintenance, and expenditure of development fees. Mr. Ragno reported in the past the Borough Council did not elect to collect these types of fees however, this Ordinance allows for development fees for rehabilitation of units within the Borough.

Mayor Serra stated residents now have the opportunity to rehabilitate their homes if they adhere and meet the qualifications.

Motion moved by Councilman Baig second by Councilwoman Reicher to approve Ordinance No. 19-28 for First Reading and Introduction.

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

**ORDINANCE FOR SECOND READING AND FINAL ADOPTION:**

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

**ORDINANCE 19-23**

**AN ORDINANCE REGULATING AND LICENSING VAPE SHOPS, ELECTRONIC SMOKING AND VAPOR DEVICES**

Mr. Ragno stated the purpose of Ordinance 19-23 is to license and regulate the sale of electronic and smoking devices along with limiting the age to 21 for individuals who purchase these products. Mr. Ragno stated this Ordinance does not prohibit the location of vape shops within the Municipality. Mr. Ragno stated a license will be required for merchants who provide vaping products and regulated by the Health and Police Departments.

Councilwoman Reicher questioned constitutional challenges the Borough may experience with an age limit of 21 years. Mr. Ragno spoke about the regulations the State of New Jersey plans to impose as of November 1, 2019 permitting Municipalities to create regulations on vape shops and products. Mr. Ragno also commented on other Municipalities that have imposed regulations for the vaping products and stated they have remained unchallenged.

Mayor Serra also commented and stated the Prevention Coalition Alliance and School Principals have voiced their concerns with this issue and this regulates the purchasing of vape products. Mayor Serra reinforced the importance in education for our youth as to the harmful health issues resulting from smoking and vaping.

Motion moved by Councilwoman Reicher, second by Councilman Venin to open the Meeting for public comments on Ordinance No. 19-23. All voted in favor of the motion.

**PETER CHAZOTTE, Woodlawn Avenue**

Mr. Chazotte stated he assumed the vape cartridges from black market products have caused the problems associated with vaping and voiced his concerns with the regulation of vape shops and raising the vaping age to twenty-one. Mr. Chazotte stated he believes the restrictions would result in individuals seeking black market options.

Mr. Ragno responded to Mr. Chazotte and stated the Health Department opposed the younger age limit and urged the Mayor and Council to consider the twenty-one year age limit.

Mayor Serra responded and stated other towns, including Wayne, have imposed and restricted the age limit to twenty-one years in an effort to protect our youth. Mr. Ragno stated the Ordinance would only regulate and prevent an establishment from selling vaping devices to anyone under the age of twenty-one years.

**RANDY HINTON, Montclair Avenue**

Mr. Hinton questioned if Ordinance 19-23 specifies vaping devices cannot be sold to anyone under the age of twenty-one. Mr. Ragno explained municipalities can create and enforce a Town Ordinance to regulate and license vape shops. Mayor Serra stated vape shops will be required to be licensed.

Motion moved by Councilwoman Reicher, second by Councilman Baig to close the Meeting for public comments on Ordinance No. 19-23. All voted in favor.

Motion moved by Councilman DeLine, second by Councilwoman Polidori approve Ordinance No. 19-23 for Final Adoption. All voted in favor.

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

**MAYOR MICHAEL SERRA:**

Mayor Serra reported on the following.

- the Borough received \$150,000.00 grant from the Passaic County Open Space Committee for Joe Grill/Willow Field improvements
- the DEP and the EPA will be available for residents on November 14, 2019 from 10:00am-4:00pm
- the Borough has received a grant from Trans Options allowing the Borough to provide a program cautioning the public on pedestrian, crosswalk, and road safety. The Police have been monitoring the downtown area and issuing summonses to those who do not abide by the law. As part of the program, the Police rewarded student pedestrians who use the crosswalks.
- attended the Pompton Lakes Education Foundation (PLEF) fundraiser dinner. To date, approximately \$200,000.00 has been raised and the funds go towards school programs. Mayor Serra thanked Diane Gelok and the volunteers who make this program a success.
- advised the recycling program is changing due to Federal and State regulations. Plastic bags are no longer accepted and bottle caps are to be removed from bottles. Mayor Serra stated a flyer will be sent to residents within the next few weeks providing further information.
- announced he was contacted by an attorney who represents the Pompton Town Square (former A&P) and will be meeting with him on Friday
- reminded the public the Veteran's Day Ceremony will be held on November 13, 2019 at the Carnevale Center at 6:30pm; a Rabies Clinic will be held at the Fire Department on November 9, 2019 from 1:00pm to 3:00pm; Election Day is November 5, 2019 from 6:00am to 8:00pm.
- reminded residents who received a vote by mail ballot must vote by mail until they opt-out
- Santa will arrive at the Pompton Lakes Library at 5:30pm on December 7, 2019 for the start of the Holiday Stroll and tree lighting ceremony
- the Toys for Tots train will arrive on November 30, 2019 and added drop off stations are available within the town for toy donations

**COUNCIL PRESIDENT REICHER:**

Councilwoman Reicher reported on the following.

- announced the hours for the election – 6:00am through 8:00pm. Councilwoman Reicher offered some clarification on the procedure for filing and voting by mail in ballot. Councilwoman Reicher noted early voting is available in NJ and voters have the opportunity to vote at designated locations.
- congratulated Acting Chief Clark, Captain Cichon and Sergeant Zimmermann on their promotions and wished them and their families well
- commented on various volunteer organizations and the dedication and fundraising efforts by the members; Diane Gelok and the Pompton Lakes Education Foundation and the Women's Club for sponsoring the Victorian Tea fundraiser. If you wish to assist in the efforts of the organizations and donate prizes to contact either of these organizations.
- acknowledged the many merchants that participated with "Paint the Town Pink" sponsored by Chilton Hospital
- commented on the successful Halloween Hunt and thanked the Recreation Commission and the ZONTA Club for their help and support during this event
- reminded residents of the Trex program and asked residents to recycle their plastic bags by placing them in the Trex boxes located throughout the Borough
- the next Bid Bucks sale will be held on Saturday, November 9, 2019 at Colombia Bank beginning at 11:00am

**COUNCILMAN JACONETTA:**

Councilman Jaconetta reported on the following.

- also congratulated Acting Chief Derek Clark, Captain Ryan Cichon and Sergeant Brian Zimmermann on their promotions

- attended the Ribbon Cutting Ceremony at the new turf field at Lakeside Middle School and remarked on use of the field by the community. Mayor Serra also commented on the new field and stated this was a positive field expansion and benefit for the community. Mayor Serra thanked the Board of Education for giving other organizations the opportunity to use the field.

#### **COUNCILWOMAN POLIDORI:**

Motions as follows:

Motion moved by Councilwoman Polidori, second by Councilman DeLine to approve the request of the Pompton Lakes Chamber of Commerce to close Wanaque Avenue between Pompton and Lakeside Avenues between the hours of 3:00pm and 9:00pm on Saturday, December 7, 2019 for the annual Holiday Stroll. Also to use Pompton Avenue, Ramapo Avenue and Lakeside Avenue as a detour route. (Passaic County Freeholders, Hundertmark Agency, Police and Fire Departments have been notified). All voted in favor of the motion.

Motion moved by Councilwoman Polidori, second by Councilwoman Reicher to approve the request of the Pompton Lakes Chamber of Commerce to hang a banner to promote the annual Holiday Stroll across Wanaque Avenue from November 12, 2019 to December 9, 2019. All voted in favor of the motion.

Motion moved by Councilwoman Polidori, second by Councilman DeLine to approve the request of the Pompton Lakes Chamber of Commerce to cover the parking meters with holiday decorations from November 30, 2019 to January 30, 2020 to provide limited 2-hour Holiday free parking for the Holiday Season. All voted in favor of the motion.

Mayor Serra stated he will follow up with the Police Department with regard to the parking meters.

Councilwoman Polidori reported on the following.

- congratulated and thanked Diane Gelok and the Pompton Lakes Education Foundation for their fund raising efforts
- attended the Halloween Hunt and stated the event was well attended and all had a good time
- assisted and thanked the Elks Lodge for sponsoring the "Soccer Shoot"
- congratulated Acting Chief Clark, Captain Cichon and Sergeant Zimmermann on their promotions
- the next "Coffee with the Council" will be held on November 4, 2019 at "Hug a Mug" located on Wanaque Avenue

Mayor Serra commented on the "Round Table" discussion he attended with Councilwoman Polidori and Councilman Baig at the new radio station. Mayor Serra thanked the station for allowing them to participate in discussions.

#### **COUNCILMAN VENIN:**

Councilman Venin reported on the following.

- congratulated the Police on their promotions this evening and stated he looks forward to working with Acting Chief Clark, Captain Cichon and Sergeant Zimmermann
- commented on the drug take back program held on October 26, 2019 and thanked the volunteers who helped
- commented on the success and number of children who participated in the Halloween Hunt
- thanked Councilman DeLine for spearheading the Trans Option campaign and congratulated him for the award he received as "Outstanding Elective Official"
- provided some details for the City Green - Dig In grant and stated the planting of 3,000 daffodil bulbs throughout the Borough is scheduled for Saturday October 30, 2019 by various volunteers

**COUNCILMAN BAIG:**

Councilman Baig reported on the following.

- congratulated Acting Chief Clark, Captain Cichon and Sergeant Zimmermann on their promotions within the Police Department and stated he looks forward to working with them
- acknowledged Diane Gelok and the Pompton Lakes Education Foundation for their fundraising efforts and support of the schools. The PLEF donated \$25,000.00 this month to the schools which will be dedicated for technology.
- Ashley Lucyk, Prevention Coalition Coordinator, reported the HAWC club participated in “Knock Out Opioid Abuse Day 2019” and distributed pamphlets to local businesses who in turn will distribute to customers. The HAWC Club attended the 2019 Fall Teen Summit and the Prevention Coalition administered a behavioral/drug survey to students in 7<sup>th</sup>, 9<sup>th</sup> and 11<sup>th</sup> grades. The Prevention Coalition, the HAWC Club and the Police Department participated with the drug take back program.

Mayor Serra advised parents to take advantage of the programs offered by the Prevention Coalition. Councilman Baig further encouraged parents to participate and attend Coalition meetings.

**COUNCILMAN DELINE:**

Councilman DeLine reported on the following.

- congratulated Acting Chief Clark, Captain Cichon and Sergeant Zimmermann on their recent promotions and stated they exemplify the true essence of the Pompton Lakes Police force
- commented on the Street Smart Campaign and thanked Trans Options for their assistance in working with the community to improve street safety in the Borough. Councilman DeLine stated with the conclusion of Street Safety month there will be a post event survey.
- thanked Mayor Serra, Mr. Ragno, Mr. Boyle and the Federal Housing Planners with the Fair Share Housing plans and to help insure that redevelopment in the Borough continues
- also attended the PLEF tricky tray and encouraged the public to attend these events
- the Trail Maintenance Committee is sponsoring a “family hike” on Sunday, November 10, 2019 at the McFaul Environmental Center in Wyckoff, NJ at 10:00am

Mayor Serra also offered congratulations to Councilman DeLine on receiving the award for “Outstanding Elective Official.”

**PROFESSIONAL REPORTS:****JOSEPH RAGNO, Borough Attorney**

Mr. Ragno had no report.

**KEVIN BOYLE, Borough Administrator**

Mr. Boyle was excused. Mayor Serra provided a report.

- several storm drains at handicapped accessible ramps in the Borough have been replaced with environmental friendly storm drains. Mayor Serra requested residents with a storm drain in the vicinity of their home remove debris that collects on the drains.

**TABLED ITEMS: None**

**MEETING OPEN FOR PUBLIC COMMENTS:**

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

**PETER CHAZOTTE, Woodlawn Avenue**

Mr. Chazotte questioned the negotiation process for COAH and inquired how the contribution percentage was determined.

Mr. Ragno replied and stated the Borough achieved a 10% contribution agreement during the negotiation process. Mr. Ragno stated the objective of the negotiation process is to present and convince the COAH representatives of a feasible contribution that is in the best interest of the Borough and fulfilling the obligation for affordable housing without hindering plans for redevelopment.

Mayor Serra agreed with Mr. Ragno and stated the goal is to provide Affordable Housing within the Borough and this goal has been achieved.

Mr. Chazotte also inquired about the options provided within the COAH Trust Fund.

Mr. Ragno replied and explained the funds collected for the COAH Trust establish the opportunity for the Borough to have the ability to buy and improve property in need of rehabilitation. Mr. Ragno provided an example; purchasing a property in need of rehabilitation and turning the improved property into a group home. Mr. Ragno stated the funds are solely for the purpose of affordable housing and may require approval by the court.

Mr. Chazotte also questioned a tax abatement and the payment in lieu of tax program. Mr. Ragno provided some details on the programs and stated at this time the Borough choose not use the tax abatement that is provided within the law.

#### **RANDY HINTON, Montclair Avenue**

Mr. Hinton agreed residents should help with the clearing of debris that collects in the storm drains.

Mr. Hinton commented on the need for additional maintenance for the Morris Canal Greenway trails and questioned if the issue is being addressed. Mayor Serra replied he is working on an agreeable solution for maintenance on the trails.

Mr. Hinton questioned when the recycling pamphlets would be mailed to the homeowners; Mayor Serra replied the pamphlets are being printed.

Mr. Hinton questioned whether Montclair Avenue is scheduled to be paved. Mayor Serra replied the road is scheduled to be paved on November 7, 2019. Mr. Hinton requested the Borough notify the homeowners by mail when vehicles need to be removed from the roadway. Mayor Serra replied it would be too costly for residents to be notified by mail and it is the contractor's responsibility to have door knockers notify residents.

Mr. Hinton questioned if the issue of vehicles parked in the rear of R & M Hardware Store on Wanaque Avenue along with new fill in the area has been resolved. Mayor Serra replied and stated the vehicles have been removed but he did not know if new fill has been installed.

Mr. Hinton warned the public of the white tail deer rut mating season and stated there would be more deer roaming through the Borough.

Mr. Hinton commented on the WGHT interview with Mayor Serra, Councilman Baig and Councilwoman Polidori and questioned whether the interview was for Council members only. Mayor Serra replied that WGHT invited the three candidates for a round table interview.

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

#### **PRIVILEGE OF THE FLOOR:**

Councilwoman Reicher announced to the audience there were River Clean up carrier bags available for anyone interested and the remainder would be left in the Clerk's office.

Councilwoman Reicher commented on a children's book "Raccoon Thanksgiving" written by her niece and stated she would be donating a copy to the Library.

**RESOLUTION TO ADJOURN INTO CLOSED SESSION:**

**ADJOURNMENT:**

Motion moved by Councilman Jaconetta, second by Councilman Polidori to Adjourn the Meeting at 9:00 PM. All voted in favor of the motion.

**ATTEST:** \_\_\_\_\_ **APPROVED:** \_\_\_\_\_  
**ELIZABETH BRANDSNESS, RMC** **MICHAEL SERRA**  
**MUNICIPAL CLERK** **MAYOR**

Dated: October 30, 2019