

1. Regular Council Meeting Documents March 23, 2022

Documents:

[MARCH 23, 2022.PDF](#)

2. Ordinance 22-08

Documents:

[22-08 AMENDING ORDINANCE 00-08 MUTUAL EASEMENT 525 WANAQUE AVE.PDF](#)

[22-08 AMENDING ORDINANCE 00-08 MUTUAL EASEMENT 525 WANAQUE AVE EXHIBIT A.PDF](#)

3. Ordinance 22-09

Documents:

[22-09 CAP BANK ORD.PDF](#)

**AGENDA
REGULAR MEETING
March 23, 2022**

The following is the Agenda for the Regular Council Meeting of the Borough of Pompton Lakes Mayor and Council, a Municipal Corporation in the County of Passaic. The Meeting will begin at 7:30pm on March 23, 2022 in the Municipal Building. Consistent with the New Jersey Open Public Meetings Act, the Meeting will be opened for public comments. Public comments may be made at designated times during the meeting and may be submitted in writing to be read aloud during the meeting. Comments to be read at the meeting must be submitted at least 24 hours prior to the meeting by email or to the Clerk's office at 25 Lenox Avenue, Pompton Lakes, NJ and must be of a length that can reasonably be read within the time limit for public comment.

1. CALL TO ORDER – Mayor Michael Serra

PRAYER

SALUTE TO FLAG

STATEMENT OF COMPLIANCE: “In conformance with the Open Public Meetings Law, Public Law 1975, Chapter 231, adequate notice of this Meeting setting forth the time, date, place and purpose of this regular Meeting through notice posted on the Bulletin Board in the Municipal Building, mailed to all who had requested and paid for same, and published in the Suburban Trends.

ROLL CALL:

Mayor Michael Serra
Council President Jennifer Polidori
Councilman William Baig
Councilman Bobby Cruz
Councilman Erik DeLine
Councilwoman Maria Kent
Councilman Ekamon Venin

Borough Officers:

Mark J. Semeraro, Borough Attorney
Kevin Boyle, Borough Administrator
Elizabeth Brandsness, Municipal Clerk

MAYOR PRESENTATIONS AND UPDATES:

2. MEETING OPEN FOR PUBLIC COMMENTS:

Motion to open the Meeting for Public Comments ___Second___ All in favor___Nays___
Motion to close the Meeting for Public Comments ___Second___ All in favor___Nays___

3. APPROVAL OF MINUTES:

Motion to approve the following Minutes ___Second___. All in favor___, Nays___.

Regular Meeting Minutes March 9, 2022
Closed Session Meeting Minutes March 9, 2022

4. AUTHORIZED BILLS AND CLAIMS: Motion to approve the following Bill Lists ___Second___. All in favor___Nays___.

Current Fund	\$ 3,939,946.02
Capital Fund	\$ 62,070.34
Recreation Trust	\$ 183.00
Unemployment	\$ -0-
Dog Trust Account	\$ 229.80
Other Trust Account	\$ 5,159.49
Clerk's Account	\$ 300.00
Open Space Trust	\$ -0-

5. PRESENTATION OF PETITIONS:

6. CONSENT AGENDA – RESOLUTIONS:

(Does Any Councilperson Require Any Consent Agenda Item To Be Pulled For Separate Actions?)

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 / does not)* desire to remove 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 22-116 Authorizing Refund Of Tax Over Payment Block 9519 Lot 9
2. Resolution 22-117 Authorizing The Approval Of Pay Estimate #4 (Final) To Your Way Construction In Connection With The Colfax Avenue Improvements Project In The Amount Of \$7,874.58
3. Resolution 22-118 Award Of A Bid For Fire Department Equipment To Northeast Communications, Inc. Under State Contract A83898 In The Amount Of \$3,048.00
4. Resolution 22-119 Award Of A Bid For Fire Department Equipment To New Jersey Fire Equipment Company Under State Contract #20-Fleet-01124 In The Amount Of \$1,094.40
5. Resolution 22-120 Accepting The Resignation Of John Heinrich From The Pompton Lakes Department Of Public Works
6. Resolution 22-121 Appointment Of Kristin Wood To The Position Of Keyboarding Clerk 1/TACO With The Construction Department
7. Resolution 22-122 Award Of A Bid For Equipment For Bark Park To MRC Recreation Under ESCNJ 20/21-6 Co-Op Contract #65MCESCCPS In The Amount Of \$14,679.82
8. Resolution 22-123 Award Of A Bid For Emergency Traffic Light Repairs To Jen Electric, Inc. In The Amount Of \$513.00 Under Morris County Co-Op Contract #37
9. Resolution 22-124 Authorizing The Mayor And Clerk To Execute The First Amendment To Local Programming And Marketing Agent And Second Amendment To Assist Purchasing Agent With FST II Broadcasting Corporation For The Operation Of WGHT AM/FM
10. Resolution 22-125 Authorizing The Approval Of Pay Estimate #1 To A.B. Designs in connection with the Pompton Lakes Library Improvements In The Amount Of \$54,880.00

Motion to approve the Resolutions____, Second____. All in favor____, Nays____.

7. RESOLUTIONS FOR SEPARATE ACTION (ROLL CALL)

8. INTRODUCTION OF ORDINANCES–FIRST READING AND INTRODUCTION:
(Ordinance will be presented for second reading and final adoption on April 13, 2022)

ORDINANCE 22-10

ORDINANCE REPEALING ORDINANCE 16-08, AN ORDINANCE ESTABLISHING THE TECHNOLOGY AND INNOVATION COMMITTEE

Motion to approve Ordinance #22-10 for Introduction____, Second____.

Roll Call:

ORDINANCE 22-11

BOND ORDINANCE APPROPRIATING \$995,000 AND AUTHORIZING THE ISSUANCE OF \$890,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF POMPTON LAKES, IN THE COUNTY OF PASSAIC, NEW JERSEY

Motion to approve Ordinance #22-11 for Introduction____, Second____.

Roll Call:

ORDINANCE 22-12

ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN IN AND BY THE BOROUGH OF POMPTON LAKES, IN THE COUNTY OF PASSAIC, NEW JERSEY, AND APPROPRIATING \$90,000 THEREFOR FROM MONEYS IN THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH.

Motion to approve Ordinance #22-12 for Introduction____, Second____.

Roll Call:

9. ORDINANCES FOR SECOND READING AND FINAL ADOPTION:

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

ORDINANCE 22-08

ORDINANCE REVISING ORDINANCE 00-08, AN ORDINANCE PROVIDING FOR A MUTUAL EASEMENT BY AND BETWEEN THE 525 GROUP AND THE BOROUGH OF POMPTON LAKES, CLARIFYING CERTAIN ASPECTS OF THE IMPLEMENTATION OF THE MUTUAL EASEMENT, SPECIFICALLY THE PARTIES MUTUALLY AGREE TO CLARIFY THE MUTUAL EASEMENT BETWEEN THE 525 GROUP AND BOROUGH OF POMPTON LAKES RELATIVE TO THE PROPERTY COMMONLY KNOWN AS 525 WANAQUE AVENUE, BEARING LOT 10 AND 11 OF BLOCK 7400 ON THE BOROUGH’S OFFICIAL TAX MAP

Motion to open the Meeting for public comments on Ordinance #22-08 ____ , Second____.

All in favor____, Nays____.

Motion to close the Meeting for public comments on Ordinance #22-08____, Second____.

All in favor____, Nays____.

Motion to approve Ordinance #22-08 for Final Adoption____, Second____.

Roll Call:

ORDINANCE 22-09

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Motion to open the Meeting for public comments on Ordinance #22-09 ____ , Second____.

All in favor____, Nays____.

Motion to close the Meeting for public comments on Ordinance #22-09____, Second____.

All in favor____, Nays____.

Motion to approve Ordinance #22-09 for Final Adoption____, Second____.

Roll Call:

10. MAYOR REPORT:

11. COUNCIL COMMITTEE REPORTS:

Council President Polidori:

Councilman Baig:

Councilman Cruz:

Councilman DeLine

Councilwoman Kent:

Councilman Venin:

Professional Reports:

12. TABLED ITEMS: None

13. MEETING OPEN FOR PUBLIC COMMENTS:

Motion to Open Meeting for Public Comments__Second__All in favor __Nays__.
Motion to Close Meeting for Public Comments__Second__All in favor__ Nays__.

14. PRIVILEGE OF THE FLOOR:

15. ADJOURN TO EXECUTIVE SESSION WHEN REQUIRED:

Motion to Adjourn____Second____. All in favor____Nays____.

Closed Session Time _____ **Open Session Time** _____

Motion to Open____Second____. All in favor____Nays____.

16. ADJOURNMENT: Motion to Adjourn____Second____. All in favor____Nays____.
Adjourn Time ____.

Recreation Egg Hunt
Saturday, April 2nd / rain date Sunday, April 3rd
2:00pm Tennis Courts

DPW Spring Cleanup begins April 7th
Leaves/Brush/Branches
Refer to Calendar

Change of Officers Day – CTO
Mock Council Meeting
Wednesday, April 13th at 6:45pm

ORDINANCE NO.: 22-08

ORDINANCE REVISING ORDINANCE 00-08, AN ORDINANCE PROVIDING FOR A MUTUAL EASEMENT BY AND BETWEEN THE 525 GROUP AND THE BOROUGH OF POMPTON LAKES, CLARIFYING CERTAIN ASPECTS OF THE IMPLEMENTATION OF THE MUTUAL EASEMENT, SPECIFICALLY THE PARTIES MUTUALLY AGREE TO CLARIFY THE MUTUAL EASEMENT BETWEEN THE 525 GROUP AND BOROUGH OF POMPTON LAKES RELATIVE TO THE PROPERTY COMMONLY KNOWN AS 525 WANAQUE AVENUE, BEARING LOT 10 AND 11 OF BLOCK 7400 ON THE BOROUGH'S OFFICIAL TAX MAP

WHEREAS, 525 Wanaque Ave. Associates, LLC is the owner of 525 Wanaque Avenue (Block 7400, Lot 11) and the Borough of Pompton Lakes ("Borough") is the owner of Block 7400, Lot 10; and

WHEREAS, 525 group, a Partnership of the State of New Jersey ("525 Group"), the former owner of 525 Wanaque Avenue, and the Borough entered into a mutual easement for parking which was recorded on October 16, 2001 with the Passaic County Register in Book D-307 at Page 283 after being authorized pursuant to Ordinance 00-08 adopted on April 26, 2000; and

WHEREAS, 525 Wanaque Ave. Associates, LLC and the Borough desires to clarify certain aspects of the implementation of the mutual easement.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Pompton Lakes that in consideration of One Dollar (\$1.00) to each, in hand, paid by the other and mutual consent contained herein, the Borough Council authorizes the execution of the agreement with 525 Wanaque Ave. Associates, LLC to clarify certain parking uses within the existing mutual easement area on Block 7400, Lots 10 and 11 and to modify paragraph 1A of Ordinance 00-08 to modify the designated uses within the previously agreed upon and within said easement area as follows:

1. Replace Paragraph 1A with the following language:

The three (3) parking spaces next to the Fire Department on the west side closest to Passaic Avenue, will be for the exclusive use of the Fire Department at all times.

2. Add the following subparagraph F to Paragraph 1:

F. To the north side of the Fire House, the two (2) parking spaces farthest to the east on Block 121 will not be used for overnight parking so that the Fire Truck has clearance to get in and out.

3. Add the following subparagraph G to Paragraph 1:

G. All parking spaces immediately next to the building on the south side and east side of Lot 11 (including those on the east side that are intersected by the property line and hence not completely on Lot 11) may be used by residential tenants for overnight parking.

4. Add Paragraph 9 as follows:

9. The easement area in question on both lots 10 and 11 is set forth in the metes and bounds set forth in the metes and bounds set forth as Exhibit "A".

All remaining portions of Ordinance 00-08 shall remain in full force and effect.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building on the 9th day of March, 2022, and the same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 23rd day of March, 2022, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after approval by the Mayor or in accordance with law.

APPROVED:

MICHAEL SERRA, MAYOR

ATTEST:

ELIZABETH BRANDSNESS, RMC
MUNICIPAL CLERK

EXHIBIT A

AS TO LOT 11: BLOCK 7400

BEGINNING at a point on the easterly line of Wanaque Avenue, variable width, at the intersection thereof with the southerly line of property now, or formerly belonging to Bembel Corporation, said point being distant along said easterly line of Wanaque Avenue, South 5 degrees 46 minutes 00 seconds East, 159.45 feet from the intersection thereof with the southerly line of Bartholf Avenue, 50' in width, thence running.

1. Along the southerly line of said Bembel Corporation, along the southerly line of property now, or formerly belonging to Thomas Sayre and Ruth Sayre, his wife, and along the southerly line or property now, or formerly, belonging to Bruce Koven and Roanie Koven, his wife, parallel with and distant 158.64 feet southerly at right angles from said southerly line of Bartholf Avenue, due east, 276.92 feet to a point, said point being the southeasterly corner of said Koven, said point also being the southwesterly corner of property now or formerly belonging to Fiorentino Gennereffi and said point also being northerly corner of property now, or formerly, belonging to the Borough of Pompton Lakes; thence
2. Along a westerly line of said property of the Borough of Pompton Lakes due south, 31.00 feet to a point, said point being another northerly corner of said property of the Borough of Pompton Lakes; thence
3. Along the northwesterly line of said property of the Borough of Pompton Lakes, South 59 degrees 02 minutes 10 seconds West, 104.96 feet to a point, said point being the northwesterly corner of said property; thence
4. Along another westerly line of said property of the Borough of Pompton Lakes, due south, 105.00 feet to a point on the northerly line of Passaic Avenue, 50' in width, said point being distant along said northerly line of Passaic Avenue, due west 565.00 feet from the intersection thereof with the westerly line of Ramapo Avenue, 67 feet in width, said point also being the southwesterly corner of said property of the Borough of Pompton Lakes; thence
5. Along said northerly line of Passaic Avenue, due west, 12.55 feet to the point of curvature of a curve to the right having a 65.50 feet connecting said northerly line of Passaic Avenue with the northeasterly line of the aforementioned Wanaque Avenue; thence
6. Northwesterly along said curve to the right, an arc distance of 51.725 feet to the point of compound curvature of a curve to the right having a radius of 793.60 feet; thence
7. Along said northeasterly line of Wanaque Avenue, northerly along said curve to the right, an arc distance of 212.36 feet to its intersection with the aforementioned easterly line of said Wanaque Avenue; thence
8. Along said easterly line of Wanaque Avenue, North 5 degrees 46 minutes 00 seconds West, 1.73 feet to the point or place of beginning.

AS TO LOT 10:

BEGINNING at a point in the northerly side of Hamburg Turnpike with a variable width distance 291.50 feet from the intersection of Wanaque Avenue and running thence

1. North 105.00 feet to a point, thence
2. Northeasterly 104.96 feet to a point, thence
3. North 31 feet to a point, thence
4. East 100 feet to a point, thence
5. South 190 feet to a point, thence
6. West 190.15 feet to the point and place of

ORDINANCE NO.: 22-09

**BOROUGH OF POMPTON LAKES
CALENDAR YEAR 2022
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Pompton Lakes in the County of Passaic finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 1.00% increase in the budget for said year, amounting to \$117,238.04 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Pompton Lakes, in the County of Passaic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Pompton Lakes shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$410,333.14, and that the CY 2022 municipal budget for the Borough of Pompton Lakes be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building on the 9th day of March, 2022, and the same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 23rd day of March, 2022, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after approval by the Mayor or in accordance with law.

Approved:

Michael Serra, Mayor

Elizabeth Brandsness, Borough Clerk