

MINUTES OF THE FEBRUARY 22, 2023 REGULAR COUNCIL MEETING

The following are the Minutes of the February 22, 2023 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 Serra read a short prayer and led participants in saluting the flag. He then read the Open Public Meeting Law Statement of Compliance.

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

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

MAYOR PRESENTATION AND UPDATES:

Public Hearing – Grant Application submission to the Passaic County Open Space, Farmland, and Historic Preservation Trust Fund for Hershfield Park Improvement Project Phase II

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

Ms. Cozzarelli provided details as to the Hershfield Park improvements and stated this application is for Phase II. Ms. Cozzarelli stated Phase I included the replacement of the storage and bathroom facilities. The grant funding would be applicable for 2024 and the existing playground equipment and landscaping would be removed and replaced with new playground equipment.

Mayor Serra stated the Borough and the County have their own Open Space funds and the Borough applies for projects through the County Open Space funds. Mayor Serra reported the County plans to replace the cross bridge in Hershfield Park and the West Lenox Avenue Bridge.

NANCY SCHWARTZ, Center Street

Ms. Schwartz stated she appreciated the upgrades to Hershfield Park and questioned whether Council would consider installing lighting near the parking lots. Mayor Serra replied and stated he would look into additional lighting.

DAVID HACKBARTH, James Terrace

Mr. Hackbarth commented on the overabundant geese population in Hershfield Park and stated the geese are a nuisance and create a mess in the park. Mayor Serra responded and stated the *Geese Addling Program* the Borough uses has reduced the geese population. Mayor Serra stated volunteers are needed for the addling program and the volunteers would be trained as soon as the addling program begins next month and should contact Kevin McGrath. Mr. Hackbarth further commented and stated he has contacted the State requesting assistance and information for methods to manage and regulate the geese population. Mayor Serra requested information from the State be provided to Ms. Cozzarelli. Mayor Serra stated if a resident grants permission to enter their property the volunteers inspect for geese nests.

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

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.

ALAN HEIMALL, Wooly Road, West Milford

Mr. Heimall stated he received an email from the Borough Administrator and he has several questions regarding the removal of debris from his property. Ms. Cozzarelli responded and stated the Department of Public Works (DPW) would remove the debris. Mr. Heimall requested additional details as to the removal of debris and the restoration plan for his property. Ms. Cozzarelli responded and stated at this time she does not have the specifics for the project. Mr. Semeraro commented on the restoration plan and recommended Mr. Heimall provide a list of his questions to address his concerns with the proposed plan.

Mr. Heimall stated he has discussed a restoration plan with Mr. Perez of the Department of Environmental Protection (DEP) as to a specific restoration plan to restore his property back to the way it was prior to the contractor entering his property. Mayor Serra stated there seemed to be a miscommunication as to a restoration plan between Mr. Heimall and the Borough Administrator. Mayor Serra suggested additional communication with Mr. Perez involve both Mr. Heimall and the Borough Administrator to determine an acceptable restoration plan.

Mr. Heimall responded and stated he is requesting the Borough restore his property back to its original state; Mayor Serra responded the DEP makes the recommendations as to an established plan. Mr. Semeraro assured Mr. Heimall he would have input as to his concerns and explained the Department of Environmental Protection has rigid regulations as to what is permitted on a river bank and in a designated flood plain. Mr. Semeraro stated ultimately the DEP would make the final decision as to the restoration plan.

Mayor Serra stated the Borough would abide by the proposed recommendations made by the Department of Environmental Protection. Ms. Cozzarelli stated that the Governing Body would discuss the restoration plan in Closed Session this evening.

Mr. Heimall stated he does not want the Borough on his property to addle the geese eggs.

GARY PITTS, Albany Avenue

Mr. Pitts stated he is subjected to offensive behavior and loud vulgar music that is played in Hershfield Park. Mr. Pitts stated his home is located behind the park and has notified the Police Department on several occasions. Mr. Pitts inquired whether the Borough has a noise ordinance and noted concerns with graffiti and trash strewn around the park and on his property. Mayor Serra replied and stated the guidelines for noise ordinances have been changed by the State and involves using a decibel meter by a professional that is licensed. Mayor Serra stated he would speak with the Police Chief Derek Clark and request a greater police presence in the park to address the issue.

RANDY HINTON, Montclair Avenue

Mr. Hinton requested additional information on the following:

Resolution 23-75 Appointing Daniel's Law Redactors - Mr. Semeraro stated this involves a revision to the Open Public Records Act and certain classes of residents' (law enforcement, judges and prosecutors) addresses must be redacted from public records to protect their identity. This resolution designates the individuals who would be redacting the information.

Resolution 23-77 Providing For The Appointment Of Raymond Hayducka To Serve As Hearing Officer For Disciplinary Matters - Mr. Semeraro explained this appointment is for disciplinary hearings for the Police Department.

Resolution 23-82 Authorizing The Award Of A Non-Fair And Open contract For cleaning Services To Jan Pro In An Amount Of \$18,960.00 - Ms. Cozzarelli stated the Resolution is in accordance with the process used by the State to comply with contracts between \$17,500.00 and \$44,000.00. Non-Fair means they must comply with Pay to Play rules and regulations.

Ordinance 23-09 An Ordinance Amending Section 50-3 Of The Code Of The Borough Of Pompton Lakes Entitled "Compensation" By Increasing The Compensation To Members Of The Pompton Lakes Municipal Utilities Authority - Mr. Hinton questioned why the salaries for the Municipal Utility Authority were not listed on Resolution 23-76. Mayor Serra replied and stated the MUA sets their own salaries. Ms. Brandsness stated the salaries are listed in the Ordinance. Mr. Hinton questioned why there is an increase in salaries for the Governing Body; Mayor Serra stated the increase is minimal.

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

MINUTES:

Motion moved by Councilman, second by Councilman to approve the Regular Meeting Minutes of February 8, 2023 All voted in favor of the motion.

BILL LISTS:

RESOLUTION 23-70

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 **\$6,246,174.51** 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; and

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; and

BE IT FURTHER RESOLVED, that the CFO has certified that sufficient uncommitted funds are available in the 2023 Borough of Pompton Lakes Budget to fund the payment of the following bills attached hereto and made a part of this resolution.

Current Fund	\$ 5,307,598.70
Capital Fund	\$ 918,202.01
Recreation Trust	\$ 9,367.82
Unemployment	\$ 1,137.18
Dog Trust Account	\$ -0-
Other Trust Account	\$ 5,251.30
Clerk’s Account	\$ 300.00
Open Space Trust	\$ 4,317.50

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

PETITIONS: None

CONSENT AGENDA:

(No Council Members Required Resolution Any Resolutions to Be Pulled from the Consent Agenda)

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 from that Agenda, and

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

1. Resolution 23-69 Authorizing The Refund Of Tax Overpayment (Veteran Deduction)
2. Resolution 23-71 Authorizing Submission Of An Application For The Passaic County Open Space, Farmland, And Historic Preservation Trust Fund Grant Program
3. Resolution 23-72 Authorizing Refund Of Tax Over Payment Block 8400/Lot 33
4. Resolution 23-73 Authorizing Refund Of Outside Liens Block 9200 Lot 14
5. Resolution 23-74 Authorizing Refund Of Over Payment Block 6702/Lot 84
6. Resolution 23-75 Appointing Daniel’s Law Redactors
7. Resolution 23-76 Salary and Wage Resolution For The Borough Of Pompton Lakes For Calendar Year 2023

8. Resolution 23-77 Providing For The Appointment Of Raymond Hayducka To Serve As hearing Officer For Disciplinary Matters
9. Resolution 23-78 Authorizing The Cancellation Of 2021 Interest Assessed For Block 3100, Lot 1
10. Resolution 23-79 Authorizing The Purchase Of (4) 6’ Charleston Benches In The Amount Of \$7,203.29
11. Resolution 23-80 Authorizing The Award And Execution Of A Contract For The Provision Of Community Fireworks With Garden State Fireworks, Inc. At A Cost of \$10,000
12. Resolution 23-81 Authorizing The Execution Of A Shared Services Agreement With The Borough Of Ringwood For Storm Water System Cleaning Services Through December 31, 2023
13. Resolution 23-82 Authorizing The Award Of A Non-Fair And Open contract For cleaning Services To Jan Pro In An Amount Of \$18,960.00

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

RESOLUTION 23-69

WHEREAS, Brian Townsend, Tax Assessor, approved a veteran deduction of \$250.00 for the properties listed below; and

WHEREAS, the adjustment was not applied to the final 2022 tax billing; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Pompton Lakes authorize the Tax Collector to refund the following taxes:

Block	Lot	Address	Deduction	Check Amount
100	25.133	133 Mountainside Dr.	Veteran Deduction	\$250.00
2902	6	15 Hill Ct W	Veteran Deduction	\$250.00
3900	1.07	1084 Colfax Ave	Veteran Deduction	\$250.00
4100	10	41 White Way	Widow of Veteran Deduction	\$250.00
11400	6	250 Willow Ave	Widow of Veteran Deduction	\$250.00

RESOLUTION 23-71

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

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

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

WHEREAS, the Mayor and Council obtained public comment of the proposed application at meetings held on Wednesday, February 22, 2023; and

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

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

RESOLUTION 23-72

WHEREAS, there appears on the tax records overpayments as shown below, and

WHEREAS, the overpayments were created by the reasons indicated below, and the Collector of Taxes recommends the refund of such overpayments, and

NOW, THEREFORE, BE IT RESOLVED, that the proper officers be and they are hereby authorized and directed to issue checks refunding such overpayments as listed below:

Reason:	1. Duplicate Payment	5. Payment made in error		
	2. Appeal State	6. NJ Saver Rebate		
	3. Vet Allowed	7. 100% disabled Vet Exemption		
	4. Senior Allowed	8. Exempt Status		
		9. Homestead Rebate Credit on Borough Property		
BLOCK/LOT	NAME	AMOUNT		REASON
8400/33 628 Lincoln Ave Pompton Lakes, NJ 07442	Stoppiello, Peter & Sharon			
		\$3,360.00	2023 Q2	5
	Resolution Total	\$3,360.00		

BE IT FURTHER RESOLVED, that the Chief Financial Officer (CFO) has certified that sufficient uncommitted funds in the amount of \$3,360.00 are available in the 2023 Borough of Pompton Lakes Budget for the purposes set forth herein.

RESOLUTION 23-73

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:

	LC#	DOS	B/L	Amount	Pay to the Lien Holder
Barbara Astarita 17 Van Ness Ave Pompton Lakes, NJ 07442	18- 0004	10/19/18	9200/14 17 VAN NESS AVE	\$63,425.42	Christiana T C/F CE1/FIRSTRUST PO BOX 5021 PHILADELPHIA, PA 19111-5021
			PREMIUM	\$0.00	
			TOTAL	\$63,425.42	

RESOLUTION 23-74

WHEREAS, there appears on the tax records overpayments as shown below, and

WHEREAS, the overpayments were created by the reasons indicated below, and the Collector of Taxes recommends the refund of such overpayments, and

NOW, THEREFORE, BE IT RESOLVED, that the proper officers be and they are hereby authorized and directed to issue checks refunding such overpayments as listed below:

- | | | |
|----------------|----------------------|--------------------------------|
| Reason: | 1. Duplicate Payment | 5. Payment made in error |
| | 2. Appeal State | 6. NJ Saver Rebate |
| | 3. Vet Allowed | 7. 100% disabled Vet Exemption |

4. Senior Allowed

8. Exempt Status

9. Homestead Rebate Credit on Borough Property

BLOCK/LOT	NAME	AMOUNT		REASON
6702/84 225 Summit Ave Pompton Lakes, NJ 07442	LePore, Larry			
		\$3,763.00	2023 Q2	5
	Resolution Total	\$3,763.00		

BE IT FURTHER RESOLVED that the Chief Financial Officer (CFO) has certified that sufficient uncommitted funds in the amount of \$3,763.00 are available in the 2023 Borough of Pompton Lakes Budget for the purposes set forth herein.

RESOLUTION 23-75

WHEREAS, On November 20, 2020, Governor Murphy signed **Daniel’s Law** (P.L. 2020, c.125) into law, which prohibits disclosure of the residential addresses of certain persons covered by the law (“Covered Persons”) on websites controlled by state, county, and local government agencies;

WHEREAS, the community of *Covered Persons* includes former, active, and retired judicial officers, prosecutors, and members of law enforcement and their immediate family members residing in the same household; and

WHEREAS, the State of New Jersey’s Department of Community Affairs has established a **Daniels Law Portal** to streamline the implementation process and those *Covered Persons* register through the **Daniels Law Portal**; and

WHEREAS, *Redactors* are appointed at state, county and municipal government levels and are responsible for carrying out these protections; and

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Pompton Lakes, State of New Jersey, County of Passaic as follows:

1. The following Borough Officials, or their designee, shall be appointed as *Redactors*: Municipal Clerk, Deputy Clerk, Police Records Custodian, Tax Assessor, Tax Collector and Construction Official.
2. The above Borough Officials shall register with the Office of Information Privacy through the **Daniels Law Portal** as a Redactor, effective immediately and redact the protected information of *Covered Persons* as the law defines.
3. Redactors must be respectful of the confidentiality of the data to be redacted, mindful of the need to preserve that confidentiality when they identify and redact information.

RESOLUTION 23-76

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Pompton Lakes that the following annual salaries and hourly rates be established for stated positions.

Be It Further Resolved that annual salaries are retroactive to January 1, 2023 and hourly rates be effective the date of the resolution.

<u>Administrative</u>	<u>2023</u>
Borough Administrator/Treasurer	\$142,800.00
Assistant Administrator	\$9,000.00
Board of Health Secretary	\$1,000.00
Borough Clerk	\$90,744.00
Coalition Coordinator	Vacant

Councilmember	\$8,273.22
Deputy Municipal Clerk	\$52,210.00
D.P.W. Superintendent	\$127,325.00
D.P.W. Supervisor	\$118,977.00
Deputy Court Administrator (Per Diem)	\$25.00/Hour
Election Official	\$6,000.00
Emergency Management Coordinator	\$4,225.00
Emergency Management Secretary	\$1,227.00
Environmental Committee Secretary	\$1,000.00
Flood Advisory Board Secretary	\$1,000.00
Historic Preservation Commission Secretary	\$1,000.00
Mayor	\$15,918.00
Municipal Court Administrator	\$70,760.00
Municipal Court Judge	\$36,983.00
Open Space Committee Secretary	\$1,000.00
Planning/Zoning Board Secretary	\$17.23/Hour
PR/Admin	\$48,000.00
Prosecutor	\$27,219.00
Public Information Officer	\$17.23/Hour
Public Defender	\$11,487.00
Recycling Coordinator	\$3,252.00
Shade Tree Commission Secretary	\$1,000.00
Tax Assessor	\$31,836.00
Redevelopment Agency Secretary	\$17.23/Hour

Construction Department

Construction/Zoning Official/Building Sub-Code Official	\$61,939.50
Building Inspector	\$18,303.00
Electrical Sub-Code Official	\$16,681.00
Fire Sub-Code Official	\$16,681.00
Plumbing Sub-Code Official	\$16,681.00
Property Maintenance Officer	\$20.69/Hour
Redevelopment Inspections	\$40.00/Hour

Fire Department

Fire Chief	\$4,560.00
Deputy Fire Chief	\$3,225.00
Fire Financial Officer	\$1,147.50
Fire Official	\$45,820.00
Fire Inspector (part time)	\$24.11/Hour
Fire Department Secretary	\$1,170.00
Fire Alarm Superintendent**	\$3,421.00
Fire Alarm Assistant Superintendent**	\$1,758.00

****NOTE** that in addition to the base salary described here the Fire Alarm Superintendent and the Fire Alarm Assistant Superintendent shall receive an additional stipend of two (2) hours emergency call-out time at fifteen (\$15.00) dollars per hour for emergency call-out.

Police Department

Chief of Police	\$179,652.00
Special Police Officers: Class II	\$ 34.04/Hour

Recreation Commission

Recreation Director	\$11,746.00
Assistant Recreation Directors	\$4,829.00
Teen Center Director	\$7,177.00
Recreation Commission Secretary	\$1,000.00
Recreation Aide	\$2,012.00
Summer Camp Counselor Year 3	\$15.00/hour
Summer Camp Counselor Year 2	\$14.50/hour
Summer Camp Counselor Year 1	\$14.13/hour

RESOLUTION 23-77

WHEREAS, the Borough of Pompton Lakes has a need to acquire professional services for a hearing officer as a non-fair and open contract pursuant to the provisions of P.L. 2004, c.19 (N.J.S.A. 19:44A-20.5 et seq.); and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of these services will not exceed \$17,500; and

WHEREAS, the Borough Administrator recommended that Raymond Hayducka be appointed as the hearing officer for disciplinary matters; and

WHEREAS, Raymond Hayducka has indicated that he will provide services as requested by the Borough per the schedule of fees identified in the proposal, attached hereto; and

WHEREAS, Raymond Hayducka will complete and submit a Business Entity Disclosure Certification, which Certification provides that the professional has not made any reportable contributions to candidate committees, joint candidates committees or political party committees representing the elected officials of the Borough in the one year period preceding the contract, and that the contract will prohibit the firm from making any reportable contributions through the term of the appointment that would bar the award of this contract pursuant to N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, Raymond Hayducka will complete and submit a Political Contribution Disclosure Form as required pursuant to N.J.S.A. 19:44A-20.26, no later than 10 days prior to the execution of hearing officer professional services all reportable political contributions (more than \$300 per election cycle) made over the 12 months prior to submission to the committees of the government entities listed on the Form provided by the Borough; and

WHEREAS, the Treasurer of the Borough of Pompton Lakes of the has certified in writing that funds are available in the 2023 temporary budget and to be appropriated in the 2023 budget.

NOW THEREFORE, BE IT RESOLVED as follows:

1. That the Borough Council of the Borough of Pompton Lakes authorizes the Mayor and Borough Clerk to appoint Raymond Haydouka as hearing officer effective January 1, 2023 through December 31, 2023; and
2. Raymond Hayducka will complete and submit a Business Disclosure Entity Certification and Political Contribution Disclosure Form which shall be placed on file with this Resolution.
3. That this contract be awarded through a non-fair and open process and without a competitive bid pursuant to N.J.S.A. 19:44A-20.5 and as professional services, pursuant to N.J.S.A. 40A:11-1 et seq.; and
4. A notice of this award will be printed in the official newspaper of the Borough of Pompton Lakes in accordance with N.J.S.A. 40A:11-1 et seq.

RESOLUTION 23-78

WHEREAS, a hearing was held on August 26, 2020, with the Passaic County Tax Board whereby the Borough of Pompton Lakes (Borough) Tax Assessor conveyed that the property owner of Block 3100, Lot 1 and the Borough agreed upon a \$43,000 property assessment reduction; and

WHEREAS, the property assessment reduction was not updated in the Borough's Finance system due to it not being included in judgements received by the Passaic County Tax Board; and

WHEREAS, interest was assessed for property taxes owed in 2021 for Quarters 1 and 2 on the subject property based on its former 2020 property assessment; and

WHEREAS, due to an error in interest assessed for outstanding property taxes in 2021 for Quarters 1 and 2, it is recommended to cancel the 2021 interest assessed for said quarters for Block 3100, Lot 1; and

WHEREAS, the Borough has rectified the property assessment to reflect the 2020 Passaic County Tax Board judgement for Block 3100, Lot 1.

THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Pompton Lakes authorize the Tax Collector to cancel 2021 interest assessed for Block 3100, Lot for Quarters 1 and 2.

RESOLUTION 23-79

WHEREAS, the Borough of Pompton Lakes desires to purchase (4) four, 6' Charleston Benches for Hershfield Park; and

WHEREAS, the Education Services Commission of New Jersey (the "Cooperative") solicited competitive proposals for benches and awarded a contract for cooperative purchasing available to all participating member entities; and

WHEREAS, MRC Recreation is an authorized supplier of the Cooperative, and has been assigned Contract number ESCNJ 20/21-06 65, thereby affording the Borough, a member of the Cooperative, the opportunity of direct purchase without attaining and additional quote; and

WHEREAS, the Borough Treasurer has certified that there are sufficient funds in the Borough's budget in account #T-13-56-795-204 for said purchase.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Pompton Lakes do hereby authorize the purchase of (4) four, 6' Charleston Benches for Hershfield Park in an amount not to exceed \$7,203.29 from MRC Recreation an authorized supplier for the ESCNJ Cooperative per contract number ESCNJ 20/21-06 65.

RESOLUTION 23-80

WHEREAS, the Mayor and Council, in cooperation with the Recreation Commission, are desirous of providing a community fireworks display during the annual Pompton Day event; and

WHEREAS, the Borough solicited quotes for the provision of community fireworks for Pompton Day 2023; and

WHEREAS, Garden State Fireworks, Inc. was the only vendor to respond to the Borough's request for quotes; and

WHEREAS, Garden State has agreed to provide a community fireworks display in an amount not to exceed \$10,000; and

WHEREAS, the Borough Treasurer has certified to available funds for this purpose are in the 2023 Temporary Budget and shall be included in the adopted in the 2023 budget.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey, that a contract be awarded to Garden State Fireworks, Inc. of Millington, New Jersey for the provision of community fireworks at Pompton Day 2023 in an amount not to exceed \$10,000.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to contract with Garden State Fireworks, Inc.

RESOLUTION 23-81

WHEREAS, the Borough of Ringwood presently provides Storm Water System Cleaning Services for the Borough; and

WHEREAS, the Borough of Pompton Lakes has a need for the continued Storm Water System Cleaning Services; and

WHEREAS, the Borough of Ringwood has agreed to provide said services to Pompton Lakes by way of a Shared Services Agreement as permitted by NJSA 40A:65-1 et seq.

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 Mayor and Borough Clerk are hereby authorized and directed to execute the attached one year Shared Services Agreement with the Borough of Ringwood for Storm Water System Cleaning Services in the amount of \$1,500 per day for Jet/Vacuum truck and operators on an as need basis in accordance with the terms and provisions set forth.
2. A copy of the agreement shall be filed with the Borough Clerk and shall be open for public inspection at the Borough Municipal Building upon adoption of this resolution.
3. The agreement shall take effect upon the lawful adoption of the requisite resolutions by all parties thereto.
4. A copy of the Agreement shall be sent to the State of New Jersey, Division of Local Government Services in the Department of Community Affairs.
5. This resolution shall take effect immediately upon adoption according to law.

BE IT FURTHER RESOLVED, that this is a contract which shall be awarded in one fiscal year although the date on which it properly takes effect falls in the next fiscal year. Accordingly, this contract is subject to the availability and appropriation of sufficient funds in the year in which it takes effect pursuant to New Jersey Administrative Code 5:30-5.5(e). Funds for this contract in the amount not to exceed \$50,360.00 shall be provided from the Borough's 2023 Budget.

RESOLUTION 23-82

WHEREAS, the Borough of Pompton Lakes has a need to acquire cleaning services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 et seq.; and,

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the contract will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Jan Pro has submitted a proposal indicating they will provide cleaning services at an annual amount not to exceed \$18,960.00; and

WHEREAS, Jan Pro is required to complete and submit a Business Entity Disclosure Certification which certifies that has not made any reportable contributions to a political or candidate committee in the Borough of Pompton Lakes in the previous one year, and that the contract will prohibit the Jan Pro from making any reportable contributions through the term of the contract; and

WHEREAS, the Treasurer has certified funds are available in the 2023 temporary budget and shall be available in the 2023 adopted budget for this service.

NOW THEREFORE, BE IT RESOLVED that the Council of the Borough of Pompton Lakes authorizes the Mayor or Borough Administrator to enter into a contract with Jan Pro for the services described herein upon receipt of requested documentation; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

SEPARATE ACTION RESOLUTIONS: None

ORDINANCE FOR FIRST READING AND INTRODUCTION:

(Ordinance will be presented for second reading and final adoption on March 8, 2023)

ORDINANCE 23-09

AN ORDINANCE AMENDING SECTION 50-3 OF THE CODE OF THE BOROUGH OF POMPTON LAKES ENTITLED "COMPENSATION" BY INCREASING THE COMPENSATION TO MEMBERS OF THE POMPTON LAKES MUNICIPAL UTILITIES AUTHORITY

Motion moved by Councilman Cruz, second by Councilman DeLine to approve Ordinance No. 23-09 for Introduction.

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

ORDINANCE 23-10

AN ORDINANCE OF THE BOROUGH OF POMPTON LAKES COUNTY OF PASSAIC, STATE OF NEW JERSEY VACATING THE RIGHT OF WAY DESIGNATED AS LOCUST STREET IN THE BOROUGH

Motion moved by Councilman Baig, second by Councilman DeLine to approve Ordinance No. 23-10 for Introduction.

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

ORDINANCE FOR SECOND READING AND FINAL ADOPTION: None

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

MAYOR MICHAEL SERRA:

Mayor Serra reported on the following.

Mayor appoints Paul Bowlby as Alternate II to the Planning Board to fill an unexpired term to 12/31/24.

Mayor to appoint Mark Figula with the advice and consent of Council, as Alternate III to the Zoning Board of Adjustments to fill an unexpired term to 12/31/24.

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

- attended the Open Space meeting and during the meeting there were discussions for future park projects and Open Space funding by the County
- performed a wedding ceremony
- attended a Grand Opening for Raden Fitness
- met with court officials and commented on the court operations running smoothly
- attended the Planning Board meeting – commented on the subdivision of a property
- attended an Ordinance Committee meeting and a Personnel Committee meeting
- Christ Church has requested a crosswalk on Ramapo Avenue. Mayor Serra stated Ramapo Avenue is a County Road and a flashing light system would be installed along with the crosswalk.
- acknowledged Jennifer Watts for her coat drive “take one, give one” for people in need and Mary Beth Morton for sponsoring a *Cancer Benefit* this weekend

Mayor Serra requested two closed sessions - one for personnel and one for negotiations.

COUNCIL PRESIDENT POLIDORI:

Councilwoman Polidori reported on the following.

- attended the Planning Board and Open Space meetings. Members discussed the Hershfield Park improvements as well as the landscape around the sculpture at Lakeside Park. Planning a final celebration with those involved with designing of the sculpture.
- she and Councilwoman Kent discussed the possibility of planning a celebration for the volunteers in the community sometime in late spring or early summer
- attended a Grand Opening for a new fitness business
- requested an update for allowing recycling/landscaping materials for the elderly – discussed during the Ordinance meeting. Councilman DeLine to provide an update.
- commented on moving forward with video recordings of meetings for the Planning Board, Zoning Board of Adjustment and the Redevelopment Agency. Mr. Semeraro stated that he would be drafting an Ordinance to address the recording of meetings. Mayor Serra questioned whether there would be additional costs with recording meetings; Ms. Cozzarelli to follow up.

COUNCILMAN BAIG:

Councilman Baig reported on the following.

- attended the Business Improvement District (BID) meeting
- announced the Fire Department, CERT, First Aid Squad and Police Department reports for the month of January

Mayor Serra commented on recent burglaries involving catalytic converters in vehicles and warned residents to report suspicious behavior to the Police Department. Councilman Baig reminded residents to remove their key fobs from cars.

COUNCILMAN CRUZ:

Councilman Cruz reported on the following.

- announced employment opportunities within the Board of Education – part-time bus drivers and substitute custodians. Refer to the Board of Education website for additional information.
- Pompton Lakes High School Fine Arts night is scheduled for February 23, 2023
- the Pompton Lakes Education Foundation (PLEF) Tricky Tray will be held on March 18, 2023 at the VFW

Motion moved by Councilman Cruz, second by Councilman Baig to approve request for Pompton Lakes/Riverdale Little League (PLRLL) to conduct the annual parade that leaves the Pompton Lakes High School parking lot and marches through the business district to the Joe Grill Little League complex near the south end of town for Opening Ceremonies scheduled for Saturday April 22, 2023 starting at 12pm. During the parade, the Police Department will temporarily close the route: portions of this route include County roads. (Police/Fire/First Aid to be notified) All voted in favor of the motion.

COUNCILMAN DELINE:

Councilman DeLine reported on the following.

- attended the Municipal Utility Authority (MUA) Reorganization meeting. John Wegele, Superintendent of the MUA, will be delaying his retirement until May 2024.
- commented on the increase in compensation for MUA Board Members and stated the members did not request compensation increase in 2022
- MUA employees conducted 17 sewer and water mark outs in January
- the February Redevelopment Agency meeting was cancelled – no Agenda items to discuss
- commented on the Ordinance Committee meeting – Ordinances for a Park Event Permit and a Boating Event Permit were discussed. Council to be provided with a draft Ordinance. Ordinance Committee reviewed an Ordinance to address the sale of cats and dogs in retail stores. Councilman DeLine stated 138 municipalities have passed an Ordinance prohibiting the sale. The committee discussed the disposal of landscaping materials for seniors and further review will be needed to address the matter. Councilman DeLine stated the committee also discussed maintenance of curbing and stated currently curbing is the homeowner's responsibility and at this time there would be no change to the current Ordinance – a decision would be case-by-case based on the facts of the particular situation.

COUNCILWOMAN KENT:

Councilwoman Kent reported on the following.

- thanked the residents this evening for their support regarding Resolution 23-71 - upgrades for Hershfield Park.
- Councilwoman Kent commented on litter and debris in parks and provided details for a program that educates and provides awareness in an effort to combat littering.

Councilwoman Kent will coordinate the program with the Business Improvement District.

- attended virtual meeting for the Environmental Protection Committee and Open Space Committee. Announced the generous contribution from Gene Hoffman, Colombia Bank President, for the River Clean-up program. The River Clean-Up is scheduled for May 6, 2023. Additional information to follow.
- attended virtual Personnel meetings
- commented on attending *Ribbon Cutting Ceremonies* for new businesses and stated businesses see increased activity after the grand opening ceremonials. Councilwoman Kent encouraged residents to shop locally.
- commented on an application for a Storm Water Management Grant funding sponsored by the New Jersey Department of Environmental Protection and stated she would like the Borough to participate.
- PLTV Channel 77 has been running smoothly – four Council Meetings can be viewed each day. She thanked all involved for their assistance.
- presented a photo of the Pompton Lakes Fire Department from the late 1800's that was gifted to her. Councilwoman Kent stated the photo would be provided to the Historical Preservation Commission.
- commented on the restoration plan for the Heimall property and stated she is hopeful there will be a mutual resolution to the matter

Mayor Serra commented on an opioid settlement and thanked the Attorney, Mark Semeraro for his success in achieving funding from the case settlement.

COUNCILMAN VENIN:

Councilman Venin was excused.

PROFESSIONAL REPORTS:

MARK SEMERARO, Borough Attorney

Mr. Semeraro had not report.

PAULA COZZARELLI, Borough Administrator

Ms. Cozzarelli reported on the following.

- thanked Colombia Bank for their generous donation of \$750.00 towards the 20th Anniversary River Clean-up
- the Borough received \$14,649.00 from a Recycling Grant
- applied for reimbursement through FEMA's Disaster Recovery Biological Hazard and announced the Borough would be receiving \$41,000.00
- the opioid funds the Borough will receive through settlements will be used to offset efforts to mitigate drug use

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.

LISA KIHBERG, Mountainside Drive

Ms. Kihlberg stated she attended the Planning Board meeting and stated the video/TV screens in the Council Chambers were not working and requested they be repaired. Mayor Serra stated he is aware the equipment is not working and it will be addressed.

ALAN HEIMALL, Woolly Road, West Milford

Mr. Heimall once again commented on a restoration plan for his property and questioned why the Borough has not proposed a plan to restore the grade of his property to its original and natural state. Mayor Serra explained the Borough Engineer and the Department of Environmental Protection jointly worked together to determine an agreeable restoration plan.

Mayor Serra explained to Mr. Heimall he would be involved once a plan is rendered. Mr. Semeraro stated it was his understanding the Department of Environmental Protection indicated they were not amenable to altering the riverbank and filling in areas as the property is situated in the flood plain. Ms. Cozzarelli responded and stated it is difficult to restore the area to the original state and the DEP were amendable to the plan submitted by the Borough Engineer. Mr. Semeraro further clarified that it is *difficult* to comply with State regulations. Mr. Heimall stated the DEP would be agreeable to a steep slope riverbank restoration. Mayor and Council to further discuss the matter in Closed Session.

RANDY HINTON, Montclair Avenue

Mr. Hinton, Shade Tree Commission member, requested Councilwoman Kent be apprised of the curb and sidewalk ordinance. Mr. Hinton questioned if road repaving will occur. Ms. Cozzarelli stated Howard Street, Ackerman Place and Hershfield Park Place are being considered for repaving. Mr. Hinton questioned whether there is an update for fishing groups at the lake. Councilman DeLine stated the Governing Body is currently reviewing an ordinance.

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

PRIVILEGE OF THE FLOOR:

Councilwoman Polidori stated Pompton Lakes is never short of volunteers and has plans to arrange for an event to recognize them.

Councilwoman Polidori commented on the two appointments that were made this evening and voiced some concerns with properly vetting applicants prior to making an appointment. Councilwoman Polidori stated a candidate's background and experience should be considered prior to making an appointment. Councilwoman Polidori reiterated the need for all to work together respectably.

Mr. Semeraro requested one closed session on attorney/client communication with regard to appointment and removal processes.

RESOLUTION TO ADJOURN INTO CLOSED SESSION:

Motion moved by Councilman DeLine, second by Councilman Baig to adjourn in Closed Session. All voted in favor of the motion.

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 discussions on contract negotiations, attorney/client communications and an employee personnel matter 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.

The following was discussed in Closed Session:

- contract negotiations
- attorney/client communications
- an employee personnel matter

RESOLUTION 23-83

WHEREAS, Employee #0420-00-0240-00-00043 is employed by the Borough of Pompton Lakes as a police officer; and

WHEREAS, Employee #0420-00-0240-00-00043 was served with a Preliminary Notice of Disciplinary Action ("PNDA") dated August 2, 2021, outlining disciplinary charges and factual specifications of misconduct against him; and

WHEREAS, Employee #0420-00-0240-00-00043 requested and was given a hearing on the PNDA filed against him; and

WHEREAS, following the hearing, the hearing officer concluded that Employee #0420-00-0240-00-00043 is guilty as charged in the PNDA and that a three (3) day suspension is justified; and

WHEREAS, the Mayor and Council have reviewed, considered, and adopted the hearing officer's findings and conclusions, as set forth in his decision dated 2/13/23; and

WHEREAS, the Mayor and Council, having considered the record hereby impose a suspension without pay of three (3) working days on Employee #0420-00-0240-00-00043.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Pompton Lakes hereby accept the findings and conclusions of the hearing officer as to Employee #0420-00-0240-00-00043 on all charges and direct that he be suspended for three (3) working days, without pay, the days to be determined by the Chief of Police. A Final Notice of Disciplinary Action, consistent with this resolution, shall be served on Employee #0420-00-0240-00-00043.

This resolution is effective immediately.

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

ADJOURNMENT:

Motion moved by Councilman DeLine, second by Councilwoman Polidori to Adjourn the Meeting at 9:45 PM. All voted in favor of the motion.

ATTEST:

APPROVED:

**ELIZABETH BRANDSNESS, RMC
 MUNICIPAL CLERK**

**MICHAEL SERRA
 MAYOR**

Dated: February 22, 2023