

MINUTES OF THE SEPTEMBER 14, 2022 REGULAR COUNCIL MEETING

The following are the Minutes of the September 14, 2022 Regular Meeting of the Mayor and Council of the Borough of Pompton Lakes that was held in the Council Meeting room of the Municipal Building, 25 Lenox Avenue, Pompton Lakes, New Jersey and was called to order at 7:30 P.M.

Mayor Michael Serra opened the Meeting and led participants in saluting the flag.

Mayor Serra read the Open Public Meeting Law Statement of Compliance.

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

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

MAYOR PRESENTATION AND UPDATES:

Mayor Serra thanked the Recreation Commission for organizing Pompton Day along with the many volunteers who provided their assistance during this community event. Mayor Serra stated the event provided numerous activities for all ages as well as a variety of food trucks. Mayor Serra thanked residents for supporting the event.

PROCLAMATION: None

MEETING OPEN FOR PUBLIC COMMENTS:

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

ALLAN HEIMALL, Wooley Road, West Milford/Owner of Lot 1, Block 7700 Pompton Lakes

Mr. Heimall commented on an ongoing issue that pertains to his property (lot 1, block 7700) and stated a contractor (DMK) who was hired by the Borough to do work in the rivers entered his property without his permission. Mr. Heimall referred to a phone call he had with the Borough Administrator, Ms. Cozzarelli regarding damage that resulted from the contractor entering his property and requested to see a copy of the restoration plan prior to the submission of the plan to the Department of Environmental Protection. Mr. Heimall stated, as the property owner, he would like to be engaged in the restoration plan to assure the property is restored back to the way the property was prior to the damage. Ms. Cozzarelli assured Mr. Heimall he would receive a copy of the plan once the Department of Environmental Protection reviewed and responded to the submitted restoration plan.

Mayor Serra provided some input and stated, the Department of Environmental Protection would review the plan and make their recommendations as to the required work needed to restore the property. Once the Borough receives approval from the Department of Environmental Protection, a copy would be provided to Mr. Heimall and at that time, he would have the opportunity to address his concerns with the Department of Environmental Protection.

Mark Semeraro, Borough Attorney stated the Department of Environmental Protection regulates what can and cannot be done on the riverbank. Mr. Semeraro further noted the Department of Environmental Protection is ultimately the Agency that determines the scope of work that is permitted. Mr. Semeraro suggested the Borough incorporate the concerns Mr. Heimall expressed today into the proposed restoration plan. Ms. Cozzarelli responded she has included the requests made by Mr. Heimall to the proposed plan.

Mr. Heimall agreed to wait for a copy of the approved plans and would contact the Department of Environmental Protection if he disagreed to their restoration plans.

ANNALIESE MORRISEY, Riverview Road

Ms. Morrisey commented on the fee for students to park in the Pond Hole parking lot and expressed her displeasure with the fee the Borough is charging students. Mayor Serra responded and stated a parking consultant and committee established regulations and fees for the Pond Hole parking. Mayor Serra noted the Borough has made limited parking available for students in the Pond Hole parking lot. Mayor Serra urged parents and students to contact the school for additional parking. Mayor Serra provided clarification for the established regulations for the shared parking proposal and stated spaces are designated for specific times and vehicle use. Mayor Serra stated he would contact the Superintendent of the Board of Education, Dr. Amoroso to further explore options to identify those students who will need the spaces after 6pm. After further comments, Mayor Serra stated the parking consultant made the recommendation the fee for student parking be \$75.00 per quarter and at this time the student fee would remain at \$75.00.

Councilman Cruz stated the High School recognizes there is a problem with student parking and during the Board of Education meeting, residents provided input in an effort to help alleviate the situation. Councilman Cruz stated there were some discussions to use off-site parking to address the problem.

KATHY NUGENT, Stiles Court

Ms. Nugent stated she has recently experienced an issue with rodents on her property. Ms. Nugent stated she had contacted the Board of Health for some guidance and was advised her property had no areas of concern that would attract rodents. Ms. Nugent stated she was also advised by the Board of Health that construction in the area may be the source of the issue. Mayor Serra stated he and Councilwoman Kent attended the Board of Health meeting, there were discussions how to control/eliminate the rodent issue, and residential owners are advised to contact an exterminator. Mayor Serra urged Ms. Nugent to contact the Health Department to further discuss the matter.

RANDY HINTON, Montclair Avenue

Mr. Hinton commented on the cancellation of Planning Board meetings. Mayor Serra explained Boards are not obligated to hold meetings if there is no business.

Mr. Hinton thanked Ms. Cozzarelli for expediting the completion of the Pond Hole driveway.

Mr. Hinton commented on the spotted lanternfly and stated the insect has become invasive in the Borough. Mr. Hinton urged the Governing Body to be proactive in addressing the issue. Mr. Hinton reported the trees in the Pompton Town Square are inundated with the spotted lanternfly and requested Mayor Serra contact the property owner to determine a plan of action. Mayor Serra responded other communities would need to be proactive to defeat the infestation. Mayor Serra requested Mr. Hinton provide a treatment plan to address the spotted lanternfly.

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

MINUTES:

Motion moved by Councilman DeLine, second by Councilman Baig to approve the Regular Meeting Minutes of August 17,, 2022. All voted in favor of the motion.

Motion moved by Councilman DeLine, second by Councilman Baig to approve the Closed Session Meeting Minutes of August 17,, 2022. All voted in favor of the motion.

BILL LISTS: None

Current Fund	\$
Capital Fund	\$
Recreation Trust	\$

Unemployment	\$
Dog Trust Account	\$
Other Trust Account	\$
Clerk's Account	\$
Open Space Trust	\$

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, and

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

1. Resolution 22-217 Authorization To Credit And Amend 2022 Property Taxes And 2023 Preliminary Taxes For Block 9001 Lot 11 In Accordance With Resolution 21-221
2. Resolution 22-218 Accepting the Resignation Of Jill Walsh From The Borough Of Pompton Lakes
3. Resolution 22-219 Authorizing Johnson Soils Company To Provide Geotechnical Engineering Services In An Amount Not To Exceed \$4,500.00
4. Resolution 22-220 Award of A Contract To John Garcia Construction Co., Inc. For the 2022 Inlet Reconstruction/Reset Program In The Amount Of \$35,800.00
5. Resolution 22-221 Authorizing Payment Of Accrued Benefit Time To Jill Walsh

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

RESOLUTION 22-217

WHEREAS, The Borough of Pompton Lakes passed Resolution 21-221 approving the settlement of tax appeal filed titled Saira Realty LLC v. Borough of Pompton Lakes, Block 9001, Lot 11 on September 1, 2021, and

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

WHEREAS, a Stipulation of Settlement for Docket Nos. 007862-2020 & 003482-2021, and

WHEREAS, the parties agreed upon filing that the 2021 assessment shall be reduced to \$900,000.00 and per N.J.S.A. 54:51A-8 (Freeze Act) the 2021 assessment shall apply through 2023 tax year, and

WHEREAS, the property assessment was incorrectly set at \$1,086,700.00 for the 2022 Final/2023 Preliminary billing cycle; and

WHEREAS, the complainant was billed an overage of \$6,662.00 for the 2022 tax year and an overage of \$3,353.00 for 2023 preliminary taxes; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey authorizes the Tax Collector to credit Q3 and Q4 2022 taxes in the amount of \$6,662.00 and 2023 preliminary taxes in the amount of \$3,331.00 and amend the 2022 and 2023 assessment in accordance with Docket Nos. 007862-2020 & 003482-2021

RESOLUTION 22-218

WHEREAS, Jill Walsh notified the Borough Administrator that she would be resigning from her position of Keyboarding Clerk #4 , Official Tax Search Officer, Assistant to the Tax Assessor and Board of Health Secretary effective September 2, 2022; and

WHEREAS, her formal letter dated August 22, 2022 is on file with the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey that it hereby accepts this letter of resignation and thanks Jill for her service to the Borough and wishes her well in her future endeavors.

RESOLUTION 22-219

BE IT RESOLVED by the Mayor and Council of the Borough of Pompton Lakes that they hereby authorize Johnson Soils Company to provide Geotechnical Engineering services for onsite field inspection for parking lot sinkhole repair in an amount not to \$4,500.00 per the attached rate schedule.

BE IT FURTHER RESOLVED that the Treasurer has certified that funds are available in budget account #2-01-26-310-130.

RESOLUTION 22-220

WHEREAS, the Borough maintains an annual maintenance program for its storm water system as required under its storm water; and

WHEREAS, pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq. the Borough is required to solicit quotations for goods and services whose costs are expected to be between \$17,500 and the bid threshold known as a window contract; and

WHEREAS, Window contracts are required to be awarded by the governing body subject to contractor compliance to Pay-to-Play laws; and

WHEREAS, the Borough Engineer solicited quotations for the required storm water work to be performed from several contractors: and

WHEREAS, the following quotes were submitted to the Borough Engineer:

- | | |
|--|-------------|
| 1. John Garcia Construction Co., Inc.
183 Friar Lane
Clifton, NJ 07013 | \$35,800.00 |
| 2. Cifelli and Son
4 Coppola Street
Nutley, NJ 07110 | \$46,900.00 |

WHEREAS, the Borough Engineer and Administrator recommend to award of the contract to John Garcia Construction Co., Inc. in an amount not to exceed \$35,800; and

WHEREAS, the Treasurer has certified funds are available in the 2022 Capital Budget in account #C-04-55-858-906.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey that they hereby award the contract for the 2022 Inlet Restoration/Reset Program to John Garcia Construction Co., Inc. located at 183 Friar Lane, Clifton, N.J. in an amount not exceed \$35, 800.00 subject to compliance to Pay-to-Play laws.

RESOLUTION 22-221

WHEREAS, Jill Walsh provided notice she would retire from the Borough of Pompton Lakes on September 2, 2022; and

WHEREAS, upon separation Jill Walsh is entitled to payment of any accrued benefit time as outlined in the Pompton Lakes Borough Employees Association Collective Bargaining Agreement; and

WHEREAS, upon review of Jill Walsh personnel records it has been determined that Jill Walsh is owed \$5,830.16 based upon the accrued balance of sick and vacation time.

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 authorizes a terminal payment of \$5,830.16 to Jill Walsh.

BE IT FURTHER RESOLVED, that the Treasurer has certified that sufficient uncommitted funds in the amount of \$5,830.16 are available in the 2022 Budget for the purpose set forth herein.

SEPARATE ACTION RESOLUTIONS: None

ORDINANCE FOR FIRST READING AND INTRODUCTION: None

(Ordinances will be presented for second reading and final adoption on September 28, 2022)

ORDINANCE 22-17

AN ORDINANCE AMENDING CHAPTER 7, "TRAFFIC", SECTION 7-30, "TURN PROHIBITIONS", OF THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES TO ADD A NO LEFT TURN PROHIBITION ONTO WANAQUE AVENUE

Motion moved by Councilman Cruz, second by Councilman Baig to approve Ordinance No. 22-17 for First Reading and Introduction.

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

ORDINANCE 22-18

AN ORDINANCE AMENDING CHAPTER 7, "TRAFFIC", SECTION 7-11.1, "VEHICLE STOPPING OR STANDING PROHIBITED", OF THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES TO ADD A NO STOPPING OR STANDING PROHIBITION ON WANAQUE AVENUE

Motion moved by Councilman DeLine, second by Councilman Baig to approve Ordinance No. 22-18 for First Reading and Introduction.

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

- commented on the success of Pompton Day and stated all funds raised go towards deferring costs for Recreation programs. Mayor Serra thanked Ms. Murphy and the volunteer staff for their time and effort in providing a fun filled day. Mayor Serra invited residents who wish to participate and volunteer for the event next year to contact the Governing Body or Ms. Murphy.
- attended several golf outings that support local groups in the Borough

- acknowledged the start of the school year and stated there were no issues with the start of the school year
- attended a meeting with Councilwoman Polidori, Ms. Cozzarelli and the Grant Writers for the Borough to discuss future grant opportunities
- attended a *Meeting of Mayors* and during the meeting it was announced the County Administrator would be vacating his position. Mayor Serra thanked outgoing Administrator, Tony DeNova, for his assistance for the Borough.

COUNCIL PRESIDENT POLIDORI:

Councilwoman Polidori reported on the following.

- attended the Elks Car Show and congratulated the winners
- commented on the successful Pompton Day and recognized the award given to the Jennings family for their many years of service organizing the 5K Run event, Councilwoman Polidori commented on the new kayak race event and stated the participants in the event had a good time.
- a new sculpture photo frame has been installed at Lakeside Park in an effort to enhance the all-inclusive recreational area. Councilwoman Polidori has scheduled a meeting with Dr. Amoroso to discuss the participation of students from the Special Needs Programs to have input and design the art for the sculpture.
- provided participation involvement for the *Dunk Tank* on Pompton Day and the distribution for the contributions donated to a local organization. The winner for the most dunks was Jared Luciani and \$330 was donated to the VFW.
- attended the VFW Golf Outing to offer her support
- commented on Back to School nights and stated sports have resumed. Councilwoman Polidori wished all sport teams the best in the upcoming season.
- several events are in the process of being planned for the Pompton Lakes Education Foundation
- attended the Rotary meeting and stated the Pompton Reform Church was provided with a check in the amount of \$2,000.00 to assist with their monthly community dinners for families in need
- the next *Coffee with Council* will take place in October and November at 5:30pm at Café 506
- commented on the Grant Meeting she attended and explained she has questions for Ms. Cozzarelli. Councilwoman Polidori stated she would like to see funds directed towards Lakeside Park projects.
- commented on the second round of relief funds that are being offered and stated a committee should be formed to discuss projects
- attended an ad hoc meeting to discuss the sink hole in the parking lot of the Municipal Building

Council President Polidori requested clarification on Redevelopment activity. Council President Polidori stated there have been no Redevelopment Meetings in some time and inquired as to the status of various Redevelopment Projects. Councilwoman Polidori stated property owners have informed her they have been approached regarding planned projects that are near their property. Councilwoman Polidori questioned why Council was not informed of these activities regarding Redevelopment Projects.

Mayor Serra responded and stated Council receives information that is presented to the Boards and as to date, nothing has been presented to the Boards. Mayor Serra stated some years back, concept plans for projects were presented to the Boards for review and no action was taken at the time.

Councilwoman Polidori expressed her concerns with the lack of communication by the Mayor as to upcoming projects. Councilwoman Polidori went on to state, as Council President the Mayor did not provide her notice that he was out of the Borough for a two-week vacation. Council Polidori referred to the Governing Body By-Laws and requested clarification as to procedure when the Mayor is out of the Borough. Mayor Serra stated he was not out of the Borough for more than three consecutive days during his vacation so therefore he believed Council President did not need to be informed.

Mr. Semeraro responded and stated the spirit behind the By-Law is if the Mayor were unable to perform his duties then the Council President would step into the position. Mr. Semeraro stated during the COVID process it was determined that virtually anything could be done remotely. Councilwoman Polidori stated the spirit of the By-Laws is for the best interest of the Borough and she believes she should have been notified. After debating the issue it was determined, the Borough Attorney would search his e-mails and re-visit the issue.

Mayor Serra commented on protocol that he follows relating to meetings and stated, as the Mayor he does not invite Council or others to meetings that he has been invited to attend. Mayor Serra stated if he were to arrange a meeting himself, on some occasions, he would invite others to attend that meeting. Mayor Serra further stated he has numerous conversations/meetings and he does not include others to join the meetings. Mayor Serra stated the Borough Attorney has provided an interpretation for the By-Law and he follows the advice of the Borough Attorney to which Councilwoman Polidori stated she disagreed with the interpretation given.

COUNCILMAN VENIN:

Councilman Venin reported on the following.

- announced the Borough would receive ten Red Bud trees through City Green and he would coordinate and arrange for Department of Public Works to pick up the trees. Councilman Venin thanked City Green and Passaic County for the grant.
- commented on the success of Pompton Day and thanked the Jennings family for coordinating the 5K Run
- commented on the 9-11 Ceremony photos and the number of participants at the event. Councilman Venin stated he participated in the Promise Run and acknowledged his teammates from UPS. Councilwoman Venin commented on the significance of the event and stated the event was a team relay from the Pentagon in Washington DC through to Ground Zero in New York with the message of *WE WILL NEVER FORGET!* Mayor Serra thanked Councilman Venin for representing Pompton Lakes.

COUNCILMAN BAIG:

Councilman Baig reported on the following.

- attended the Elks Club Car Show and Pompton Day and commented on the success of both events
- reported the Police Department report for the month of August, 2022
- reported the CERT report for the month of August, 2022
- reported the Fire Department report for the month of August, 2022

COUNCILMAN CRUZ:

Motion moved by Councilwoman Polidori, second by Councilman Baig to approve the request of Ekamon Venin and surrounding neighbors to host a block party on Sunset Road on September 24, 2022 from noon until 8pm. (Police/Fire/First Aid to be notified). All voted in favor of the motion.

Councilman Cruz reported on the following.

- thanked everyone who attended Pompton Day and provided a special thanks to Ms. Murphy, Recreation Commission Director, and staff for their help and support
- provided Pompton Day activities and congratulated Barbara and Joe Jennings for organizing the 5K Run for the past 40 years
- announced the St. Mary's Car Wash fundraiser scheduled for Saturday, September 17, 2022; Chamber of Commerce Car Show scheduled for October 16, 2022; the Annual Pumpkin Painting scheduled for October 15, 2022 at the Library.
- Recreation Programs as follows; Get Fit - September 19 thru November 14; Men's Basketball is underway at Lincoln School; Special Needs Explorer Group practice will

- begin in October; Teen Center Dance - September 19 at the VFW; Halloween Hunt - October 23 at Hershfield Park.
- announced the New Jersey State Interscholastic Athletics Association (NJSIAA) has approved wrestling for female athletics
 - during the Board of Education meeting, the President commented on signage that is faded near the High School and Lenox Elementary schools. Mayor Serra requested a list of the signs in need of replacement.
 - during the Board of Education meeting members discussed possible vendors to consider for the installation of solar panels at the schools

COUNCILMAN DELINE:

Councilman DeLine reported on the following.

- commented on the success of Pompton Day and stated the event involved many volunteers along with the Department of Public Works and First Responders and thanked all for their efforts
- commented on the 9-11 Ceremony and thanked the office staff for their assistance in arranging the event. Councilman DeLine was appreciative of the attendance by residents, in particular, the young children who participated in the event. Councilman DeLine stated he also wanted to recognize Councilman Venin for his effort in the 9-11 Promise run.
- commented on the spread of the spotted lantern fly and reported the State has provided grant funding for Counties in an effort to control the infestation
- announced the Planning Board meeting scheduled for next week has been canceled; no applications submitted.
- welcomed students, teachers and crossing guards back to school and wished all a good school year

COUNCILWOMAN KENT:

Councilwoman Kent reported on the following.

- thanked Councilman Venin for representing the Borough during the 9-11 Promise Run
- thanked the office staff for organizing the 9-11 Ceremony and all those in attendance
- commented on the positive outcome of Pompton Day and thanked Ms. Murphy, Recreation Director, the Recreation Committee, all volunteers for their assistance and the Department of Public Works for their service
- commented on the parking situation in the Pond Hole Parking Lot and stated she is in agreement with Councilman Cruz with regard to utilizing St. Mary's parking lot for the purpose of student/teacher parking
- commented on obtaining a transportation grant for parking at Lakeside Park
- the Board of Health introduced an Ordinance that addresses risk category and an increase in license fees
- a *bone density* screening will be held on November 4, 2022 from 9am-12pm, the *SMAC blood screening* will be held on October 22, 2022-cost is \$27.00. Other screenings will be available for an additional cost. Flu vaccines will also be available for children and adults on the same day.
- beginning September 19, 2022 flu vaccines will be available in Borough Hall from 2:45pm-4:00pm. More information can be found on the Borough website.
- the High School Environmental Club have asked to be included in any new projects that the Borough Environmental Protection Committee may have planned
- Inquired as to the status of Spruce Street paving. Ms. Cozzarelli stated she has received an analysis from the engineer and stated that Spruce Street is not rated as a street in need of immediate paving. Councilman DeLine stated it was his understanding capital funds have been previously put aside for Spruce Street. Ms. Cozzarelli informed Councilwoman Kent she would contact Spruce Street residents directly.
- commented on the invasive vegetation growing in the form of trees between Rotary Park and Lakeside Park. Mayor Serra informed Ms. Cozzarelli the Borough has an

agreement with Chemours that may still be in effect for such issues. Ms. Cozzarelli indicated she would contact Mr. Epps, Project Manager of Chemours on the matter.

- The Pompton Lakes Police Athletic League (PAL) is being disbanded and the basketball program will now be under the Pompton Lakes Riverdale Youth Organization (PLRYO). Bobby Cruz is the new Director. The balance of PAL funds are being considered to be used towards the purchase of *memory benches* to be installed in Borough parks in the vicinity of basketball courts.
- The Environmental Protection Committee is preparing a video contest entitled *Tackling the Litter Problem In Pompton Lakes*. The Business Improvement District and the High School Environmental Club will be working together with the Environmental Protection Committee on the project.

PROFESSIONAL REPORTS:

MARK SEMERARO, Borough Attorney

Mr. Semeraro reported on the following.

Mr. Semeraro referred to his e-mail correspondence regarding the By-Law in question by Council President Polidori of the Borough Code 2-19. Mr. Semeraro clarified as follows; when the Mayor is absent, from the Borough for three or more consecutive days, the Mayor shall designate the Council President to perform the duties as Mayor in his or her absence and if the Mayor has an intended absence for more than three days, he or she shall then designate an Acting Mayor. Mr. Semeraro stated it was his understanding the Mayor was not absent for three consecutive days therefore the rule was not triggered.

Mr. Semeraro stated after reviewing his e-mail response to Councilwoman Polidori's inquiry he understood why she had questioned his interpretation within his response. Mr. Semeraro stated at the time he was focusing on the definition of the "absence" provision and stated it is clear "absence" is defined as if out of the Borough and noted it is statutory as well as code, therefore shall not be changed in code.

Mr. Semeraro stated there is also a circumstance where the Council President would assume the duties of Mayor and that would be if the Mayor were unable to perform his or her duties. Mr. Semeraro stated this circumstance was the focus of his interpretation and response to Councilwoman Polidori's inquiry, which was in the spirit of the Ordinance that someone fulfills the duties of Mayor if the Mayor cannot perform the duties of Mayor. Mr. Semeraro stated he reviewed the duties of the Mayor and believed the Mayor was able to perform the duties necessary from both his residence within the Borough or from his vacationing location (the Jersey shore). Mr. Semeraro stated essentially it would be no different than if the Mayor were working full time from the Borough and handled business over the phone or through Zoom.

Mr. Semeraro surmised that his position on the matter is that we should not be strictly interpreting a vacuum in respect to the performance of duties and with respect to absence, Mr. Semeraro stated he believes that duties must be performed or it should be interpreted strictly as is a physical absence outside the Borough borders for a period of three or more days.

Further debate and discussion continued as to the roles of Mayor and Council President per the By Laws. Councilwoman Polidori stated she should be properly noticed when the Mayor is absent or scheduled to be out of the Borough for more than three days.

PAULA COZZARELLI, Borough Administrator

Ms. Cozzarelli reported on the following.

- commented on the successful Pompton Day and thanked all involved for their time and service
- the Pond Hole is paved and striped and pay stations will be installed shortly
- the Library renovations have been completed and the replacement of steps will be underway as soon as possible. Mayor Serra asked that a sign stating that the ramp is open would be helpful.

- commented on the Transportation Alternatives Set-Aside Program (TAP) grant. *Connecting North And South Pompton Lakes* is the title Ms. Cozzarelli provided. Ms. Cozzarelli has scheduled a meeting with the DEP to review the project.
- plans to continue the Lakeside Park project – connecting the sidewalk where the boats launch to the bridge. This would include the installation of guide rails and the project would be applicable to the TAP grant and the Department of Transportation (DOT) grant. This project could also be eligible for Community Development Block Grant (CDBG) funding.
- the Assistance Fire Fighter State grant has been filed
- discussion with Mr. O'Rourke to address the weed situation in Borough parks
- tonight's Resolution 22-219 authorizes Johnson Soils Company to provide Geotechnical Engineering services in an amount not to exceed \$4,500.00. indefinitely. The purpose is to excavate the compromised area until soil stability is established. Ms. Cozzarelli stated if there is a need for additional emergency repairs then the road will be closed until further notice.
- the Hershfield Park project was recommended for the \$150,000.00 award and a final resolution by the County is set to be passed on October 11, 2022
- the Department of Environmental Protection (DEP) asked the engineer to upload data to their portal for the Willow Park project. The DEP will review the information and respond within 90 days.
- commented on Lakeside Park parking project and stated a concept plan is proceeding
- commented on the Haroldson Place Habitat and stated she has a detailed description of the project and that she will send the proposals to professional landscapers for a quote. Councilwoman Kent wanted to make sure there was no change in the vegetation plantings. Ms. Cozzarelli will forward the list of plantings to him for review.

MEETING OPEN FOR PUBLIC COMMENTS:

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

RANDY HINTON, Montclair Avenue

Mr. Hinton, Shade Tree Commission, commented the removal of trees in Lakeside Park and stated the Department of Public Works should be able to remove the trees in question, but he will contact the Borough arborist for guidance.

Mr. Hinton thanked the Governing Body for providing the fireworks display on Pompton Day.

Mr. Hinton questioned whether Hershfield Street was included with listing for road repairs; Ms. Cozzarelli to review list.

Mr. Hinton commented on cancelled Borough meetings and he has questions regarding development that need to be answered. Mayor Serra explained and stated meetings are not held without the required quorum. Mayor Serra advised Mr. Hinton to attend the next Redevelopment meeting to voice his concerns.

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

PRIVILEGE OF THE FLOOR:

Councilwoman Kent commented on the By-Law issue and stated she respects everyone's opinions, comments and concerns. Councilwoman Kent stated she believes all of the Governing Body has a right to express their opinion respectfully and debate on especially if there is an inquiry of Governmental rules and regulations.

Mayor Serra agreed with Councilwoman Kent that discussions can take place during a Council meeting and he will follow up on the matter.

RESOLUTION TO ADJOURN INTO CLOSED SESSION: None

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

ADJOURNMENT:

Motion moved by Councilman DeLine, second by Councilwoman Kent to Adjourn the Meeting at 9:37 PM. All voted in favor of the motion.

ATTEST:

APPROVED:

ELIZABETH BRANDSNESS, RMC
MUNICIPAL CLERK

MICHAEL SERRA
MAYOR

Dated: September 14, 2022