

MINUTES OF THE JUNE 27, 2018 REGULAR COUNCIL MEETING

The following are the Minutes of the June 27, 2018 Regular Meeting of the Mayor and Council of the Borough of Pompton Lakes that was held in the Council Meeting room of the Municipal Building, 25 Lenox Avenue, Pompton Lakes, New Jersey and was called to order at 7:30 P.M.

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

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

A Roll Call indicated the following members were present: Mayor Michael Serra, Council President Terri Reicher, Councilmen William Baig, Christian Barranco, Erik DeLine, Councilman Jaconetta and Ekamon Venin.

Also present were Borough Attorney Joseph Ragno, Borough Administrator Kevin Boyle and Borough Clerk Elizabeth Brandsness.

MAYOR PRESENTATIONS AND UPDATES: None

PUBLIC COMMENTS:

Motion moved by Councilwoman Reicher, second by Councilman Jaconetta to open the Meeting for Public Comments. All voted in favor of the motion.

NANCY SCHWARTZ, Center Street

Ms. Schwartz voiced her concerns with the signage placed on memorial monuments and stated the signage does not belong on a commemorative site. Mayor Serra responded and stated he agrees the signage should be removed and has directed the Recreation Commission to have the signs removed.

Ms. Schwartz stated there has been an increase to the deer population in the area of her home and cited the damage and destruction the plantings and vegetation has sustained by the deer. Mayor Serra replied the State needs to institute programs viable for towns to assist with controlling the deer population. Mayor Serra stated one town will not make a difference with controlling the deer population; deer population is a State wide matter.

RANDY HINTON, Montclair Avenue

Mr. Hinton requested the status for the transparency salary documents on the Borough website. Mayor Serra replied salary resolutions for the past several years have been posted on the Borough website.

Mr. Hinton stated the presentation by Ms. Venin was informative and requested the public have an opportunity to ask questions after a presentation. Mayor Serra replied the meeting time allotted was limited and the Governing Body would consider allocating additional meeting time in the future and permitting questions from the public.

Mr. Hinton stated his concerns with the overpopulation of deer in the Borough and offered his assistance with addressing the issue.

LAUREN VENIN, Sunset Road

Ms. Venin, spoke on behalf of the Trail Maintenance Sub-Committee, announcing a new kiosk located in Hershfield Park. Ms. Venin reported the kiosk provides a listing of trail maintenance events and anticipates additional recognition and participation in upcoming events. Ms. Venin commented on the success of the rain barrel workshops and stated residents interested in creating a rain barrel should be directed to contact the Flood Advisory Board or go to the Borough website/ Facebook.

Mayor Serra thanked Ms. Venin for the information and updates for trail maintenance activities. Mayor Serra requested Ms. Venin and Mr. Hinton work together to propose a plan that will provide guidance on how to safe-guard against ticks and post on the Borough website.

JENNIFER SCHNAIDT, Orchard Street

LISA RIGGIOLA, Ryerson Road, Lincoln Park

ANASTASIA TAMBUNO, Orchard Street

JEFFERSON LASALA, Comely Road, Lincoln Park

DOROTHY MANCINI, Durham Street

MILLIE TORSIELLO, Midland Avenue

GEORGE POPOV, Colfax Avenue

HELEN MARTENS, Whiteway

KIMBERLY REPENO, Durham Street

SUSAN SCHNAIDT Orchard Street

SANDRO MANCINI, Durham Street

KATHLEEN FINLEY, Jefferson Avenue

During the open session several residents commented on the vapor intrusion contamination by DuPont/Chemours and expressed their frustration with the ongoing mitigation process.

Residents spoke and presented letters as to their concerns with DuPont/Chemours and offered various methods to mitigate and provide remedial actions to combat the ongoing contamination. Many of the residents opposed the pilot study operation and monitoring programs along with the horizontal well design, installation and start-up study. They expressed their fears with water infiltration into their homes caused by the hydraulic surcharging procedure. Residents requested the assurance and support of the Mayor and Council with regards to mandating Chemours provide insurance protection for any damages that impact their homes and property resulting from the pilot study.

Residents voiced concerns regarding health issues they are experiencing and in their opinion feel these health concerns are related to the vapor intrusion.

Residents once again referenced a book written by former Mayor Jack Sinsimer and commented on writings within the book that spoke about the fact files in the municipal offices were locked restricting access to documents.

Mayor Serra responded and assured the residents the Mayor and Council are *not* in support of the new proposed scientific trial method, hydraulic surcharging as the technology for implementation to address onsite and offsite shallow groundwater to mitigate vapor intrusion. Mayor Serra stated numerous times we have to put our trust into the agencies who are the experts and oversee and monitor the collection of data. Mayor Serra stated the Environmental Protection Agency and the Department of Environmental Protection are the lead agencies and any concerns or issues should be directed and voiced with them. Mayor Serra stated he is in support of Chemours providing the residents in the plume area an insurance plan and went on to say in his opinion he does not believe the horizontal well study is the way to proceed however the EPA and DEP are the experts that developed this action plan and they are the responsible entities that run the site.

Mayor Serra also agreed the cleanup is a slow process and this may be due to the fact that mitigation treatment techniques to safely eliminate vapor intrusion are just beginning to be explored in the scientific field. Mayor Serra also responded and stated past contamination, lead and mercury contamination were addressed using scientific methods known to be successful during that period.

Mayor Serra stated the recent revaluation of property indicated homes in the area of the plume were selling at market value. Mayor Serra also advised the residents if they have not already installed the Vapor Mitigation System in their home they should do so based on the advice by the experts.

Mayor Serra also commented on the formation of the Community Advisory Groups (CAG) and stated he is open to reestablishing a CAG sanctioned by the DEP and EPA with provisions and restrictions that allow a fair and balanced forum and the participation of the entire Pompton Lakes community.

Mayor Serra adamantly expressed his opinion with the so called facts written in a book by Mr. Sinsimer published and “*categorized as a fiction*” so therefore in Mayor Serra’s opinion, the stories are not an accurate accounting as to what transpired during that time period.

Mayor Serra ensured the residents the Governing Body represents all of the community and provides input but ultimately the decisions on the mitigation of the contamination are based on the advice of the lead agencies, the EPA and DEP.

Motion moved by Councilman DeLine, second by Councilman Jaconetta to close the Meeting for Public Comments. All voted in favor of the motion.

MINUTES:

Motion moved by Councilman Barranco, second by Councilwoman Reicher to approve the Regular Meeting Minutes of June 13, 2018. All voted in favor of the motion.

BILL LISTS

Current Fund	\$ 2,628,673.01
Capital Fund	\$ 135,448.90
Recreation Trust	\$ 780.90
Open Space Trust	\$ -0-
Clerk Trust	\$ -0-
Other Trust	\$ 1,786.25
Unemployment Trust	\$ -0-
Dog Trust	\$ 76.20
PLMAC #2	\$ -0-

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

PETITIONS: None

CONSENT AGENDA:

(Council Members Required Resolution 18-140 To Be Pulled from The Consent Agenda for Separate Action)

WHEREAS, the Mayor and Council of the Borough of Pompton Lakes has reviewed the Consent Agenda consisting of various proposed Resolutions, and

WHEREAS, the Mayor and Council of the Borough of Pompton Lakes does desire to remove Resolution 18-140 for individual action from that Agenda,

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

1. Resolution 18-127 Authorizing Refund of Tax Overpayment Block 6700 Lots 12 & 12.01
2. Resolution 18-128 2018-2019 Liquor License Renewals Borough Of Pompton Lakes
3. Resolution 18-129 Authorizing A Contract For The Acquisition Of Goods Or Services Pursuant To NJSA 19:44A-20.4 And/Or NJSA 19:44A-20.5 With Logothetis Construction, LLC
4. Resolution 18-130 Authorizing A Contract For The Acquisition Of Goods Or Services Pursuant To NJSA 19:44A-20.4 And/Or NJSA 19:44A-20.5 With American Mold Solutions, LLC
5. Resolution 18-131 Annual Audit Report For Year 2017
6. Resolution 18-132 Resolution To Approve Year 2017 Corrective Action Plan
7. Resolution 18-133 Appointing Part Time Laborers For Employment In The Pompton Lakes Department Of Public Works
8. Resolution 18-134 Appointing Ashley Lucyk To The Position Of Coordinator Of The Pompton Lakes Prevention Coalition Effective July 2, 2018
9. Resolution 18-135 Authorizing Refund Of Other Lien Block 3000 Lot 33
10. Resolution 18-136 Urging The Legislature To Amend S-176, S-477 and S-1766

11. Resolution 18-137 Authorizing A Property User’s Agreement For Adult Yoga Classes Between The Borough Of Pompton Lakes Health Department And Valley National Bank
12. Resolution 18-138 Rescinding Resolution #18-104 And Cancelling \$58,622.47 From The Capital Fund To The General Capital Surplus Fund
13. Resolution 18-139 Authorizing A Contract For Goods Or Services Pursuant To NJSA 19:44A-20.4 And/Or NJSA 19:44A-20.5 With Brinkerhoff Environmental Services, Inc.
14. Resolution 18-140 Resolution Pursuant To NJSA 40A:20-8 Approving The Application Of Pompton Five Associates Urban Renewal, LLC For Long Term Tax Exemption – 223 Wanaque Avenue Block 6300 Lot 34 (CJM)

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

RESOLUTION NO. 18-127

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:	Duplicate Payment	5. Payment made in error
	Appeal State	6. NJ Saver Rebate
	Vet Allowed	7. 100% disabled Vet Exemption
	Senior Allowed	8. Exempt Status
		9. Homestead Rebate Credit on Borough Property

BLOCK /LOT	NAME	AMOUNT		REASON
6700 / 12	BOGRAD, JOSEPH & MARCIA 325 POMPTON AVE POMPTON LAKES, NJ 07442	\$ 3,439.00	2016 Q4	2
		\$ 3,477.00	2017 Q4	2
6700 / 12.01	BOGRAD, JOSEPH & MARCIA 329 POMPTON AVE POMPTON LAKES, NJ 07442	\$ 687.80	2016 Q4	2
		\$ 695.40	2017 Q4	2
Resolution Total		\$ 8,299.20		

RESOLUTION NO. 18-128

WHEREAS, the following Liquor Licenses are due for 2018-2019 renewal; and

WHEREAS, the Clerk is in receipt of all necessary fees for the following licenses; and

WHEREAS, all inspecting agencies have presented approval for renewal of said Licenses.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Pompton Lakes do hereby renew the following Liquor Licenses for 2018-2019:

Owner/Location	License number
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L&L Spacek Training T/A The Side Door 33 Colfax Avenue	1609-33-004-004 *Special Condition
Mi Hi P, LLC T/A Country Convenience 430 Ringwood Avenue	1609-44-013-006

**Special Condition*

BE IT FURTHER RESOLVED, all liquor license establishments granted an extension of premises in a place to place transfer shall provide and maintain security barrier(s) to separate the extended premises from public areas. Such barrier(s) shall be in compliance with the New Jersey Division of Alcoholic Beverage Control and Borough of Pompton Lakes Chapter 59 Alcoholic Beverages Section 59-11 Visibility of Interiors.

RESOLUTION NO. 18-129

WHEREAS, there exists a need for the procurement of goods or services for the Borough of Pompton Lakes from Logothetis Construction, LLC; and

WHEREAS, the Treasurer has certified that funds are available in the 2018 Capital Budget for this purpose; and

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

WHEREAS, the Treasurer has certified that the value of the contract will exceed \$17,500.00; and

WHEREAS, the term of the contract will be from June 27, 2018 through December 31, 2018; and

WHEREAS, Logothetis Construction, LLC has submitted a Business Entity Disclosure Certification in compliance with law.

NOW THEREFORE BE IT RESOLVED, this 27th day of June, 2018 by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey as follows:

1. The Mayor and Council hereby engage Logothetis Construction, LLC for demolition and restoration in connection with the mold remediation at the Einstein Public Library.
2. The Mayor and Borough Clerk is hereby authorized and directed to execute said proposal.

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

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

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

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

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

RESOLUTION NO. 18-130

WHEREAS, there exists a need for the procurement of goods or services for the Borough of Pompton Lakes from American Mold Solutions, LLC; and

WHEREAS, the Treasurer has certified that funds are available in the 2018 Capital Budget for this purpose; and

WHEREAS, Pompton Lakes desires to enter into contract with American Mold Solutions, LLC, pursuant to the provisions of NJSA 19:44A-20.4 and/or NJSA 19:44A-20.5; and

WHEREAS, the Treasurer has certified that the value of the contract will exceed \$17,500.00; and

WHEREAS, the term of the contract will be from June 27, 2018 through December 31, 2018; and

WHEREAS, American Mold Solutions, LLC has submitted a Business Entity Disclosure Certification in compliance with law.

NOW THEREFORE BE IT RESOLVED, this 27th day of June, 2018 by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey as follows:

1. The Mayor and Council hereby engage American Mold Solutions, LLC for mold remediation at the Einstein Public Library.
2. The Mayor and Borough Clerk is hereby authorized and directed to execute said proposal.

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

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

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

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

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

RESOLUTION NO. 18-131

WHEREAS, N.J.S.A. 40A: 5-4 requires the Governing Body of every local unit to have an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with Elizabeth Brandsness, Municipal Clerk as per the requirements of N.J.S.A. 40A: 5-6, and a copy has been received by each member of the Governing Body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall certify to the Local Finance Board of the State of New Jersey by Resolution that all members of the Governing Body have at a minimum reviewed the sections of the annual audit entitled:

"General Comments and Recommendations", and

WHEREAS, the members of the Governing Body have personally reviewed at a minimum the annual Report of Audit, and specifically the sections of the annual Audit entitled:

“General Comments and Recommendations”, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to an affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52 – “A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Pompton Lakes hereby state that they have complied with the promulgations of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution along with the required affidavit to the Local Finance Board as evidence of their satisfactory compliance.

RESOLUTION NO. 18-132

1. A fixed asset accounting system as promulgated by the Division of Local Government Services was not maintained.

A fixed asset accounting system is in the process of being completed.

2. There are several outstanding grants receivable that should be reviewed for proper disposition.

The grants receivable must be reviewed.

3. Employee health benefit contributions were not calculated correctly in accordance with Chapter 78, P.L. 2011. Several terminated employees were not removed from health and dental billings after termination.

The correction will be made to the employees' enrollment status.

4. Political contribution forms not on file from all vendors when costs for services will exceed \$17,500.

Political contribution forms will be requested when costs are expected to exceed \$17,500.

5. Business Registration Certificates were not on file for several vendors exceeding the quote threshold.

Business Registration Certificates will be requested from vendors exceeding the quote threshold.

6. The Uniform Construction Code Annual report was not filed for 2017.

The annual report will be filed by the Building Department.

7. There were salary stipends and salary increases that were not approved by resolution. In addition, the salary resolution for 2017 was not approved prior to employees receiving salary increases.

All stipends and increases will be approved by resolution prior to paying salary increases.

8. The payroll service company deducted Federal unemployment taxes from the Borough in error.
The payroll servicing company will reimburse the Borough.

9. A project that exceeded the bid threshold did not go out to bid.
Bids will be requested when a project is expected to exceed the bid threshold.

RESOLUTION NO. 18-133

WHEREAS, there is a need to appoint and employ part time Laborers for the summer in the Pompton Lakes Department of Public Works; and

WHEREAS, the Superintendent of Public Works has recommended to the Borough Administrator the appointments of Sage Morales and Sean Kesenheimer.

NOW, THEREFORE, IT IS RESOLVED by the Mayor and Council of the Borough of Pompton Lakes that Sage Morales and Sean Kesenheimer shall be and are hereby appointed to the position of part time Laborers for the Borough of Pompton Lakes Department of Public Works.

BE IT FURTHER RESOLVED, the hourly rate for the position of part time Laborer be established at \$10.40 per hour.

RESOLUTION NO. 18-134

WHEREAS, the Pompton Lakes Prevention Coalition has advertised for the position of Coordinator given the resignation of Erin Brady; and

WHEREAS, some 60 resumes were received with 6 candidates chosen for the interview process; and

WHEREAS, the Mayor, Representative of Prevention Links, and Borough Administrator conducted those interviews on June 6th; and

WHEREAS, Ashley Lucyk was selected by the committee and a request has been made to confirm said recommended appointment with a starting salary of \$35,250.00.

NOW, THEREFORE, IT IS RESOLVED by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey, that Ashley Lucyk be hereby appointed to the full-time, non-union, position of Coordinator of the Pompton Lakes Prevention Coalition effective July 2, 2018 at a starting salary of \$35,250.00.

RESOLUTION NO. 18-135

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

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

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

	<u>LC#</u>	<u>DOS</u>	<u>B/L</u>	<u>Amount</u>	<u>Pay to the Lien Holder</u>
SALLY MEYER 78 OLD DENVILLE RD BOOTON NJ, 07005	15-00008	4/09/2015	3000 / 33 322 WANAQUE AVE	\$144,671.62	MTAG AS CUST ATCF11 NJ, LLC P.O. BOX 54292 NEW ORLEANS, LA 70154
			Premium	\$95,000.00	
			TOTAL	<u>\$239,671.62</u>	

RESOLUTION NO. 18-136

WHEREAS, while it is commendable that legislation is being considered to provide additional compensation to Firefighters with cancer, S-176 as currently written, without responsible amendments, will prove to be very expensive to municipalities and taxpayers; and

WHEREAS, while it is also commendable that the statute of limitations is being extended for claims involving sexual abuse, S-477 as currently written would eliminate the statute of limitations entirely leaving officials and volunteers with the near impossible task of defending a claim that is decades old; and

WHEREAS, under current law family members can already collect substantial compensation for actual loss such as medical bills, lost income as well as loss of companionship; and

WHEREAS, without appropriate amendments, the combined impact of these bills would devastate local government insurance budgets at a time when the local taxpayers are being squeezed because of changes in the Federal Tax code.

NOW, THEREFORE, IT IS RESOLVED by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey, that:

- S-176 Be amended to provide that the cancer presumption be limited to types of cancer that scientific evident establishes that Firefighters develop at a higher rate than the general public, and
- S-176 be amended to end the presumption at age 65 when the firefighter becomes eligible for Medicare. Alternatively, S-176 should be amended to remove volunteers and establish a special program for them along the line recently adopted by New York, Connecticut, Michigan, Colorado and Georgia, and
- S-716 also be amended so that the standard to rebut the presumption remains at the current “preponderance of the evidence”, and
- S-477 be amended to increase statute of limitation on claims involving sexual molestation against public entities to 7 years, subject to no limitation against the molester, and
- S-1766 be amended to remove public entities from “emotional distress” compensation for wrongful death claims subject to Title 59.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Governor, the legislative delegation in the 40th district, the Senate President and the Speaker of the Assembly.

RESOLUTION NO. 18-137

WHEREAS, the Borough of Pompton Lakes Health Department and Chilton Medical Centers Health Educator will be holding adult Yoga classes at Valley National Bank; and

WHEREAS, Valley National Bank has agreed to allow the Borough of Pompton Lakes Health Department space in their facility for Yoga classes; and

WHEREAS, the Borough of Pompton Lakes is required by Valley National Bank to sign a Property User’s Agreement; and

WHEREAS, the Borough of Pompton Lakes will also submit a Certificate of Liability Insurance to Valley National Bank.

NOW THEREFORE BE IT RESOLVED, this 27th day of June, 2018 by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey as follows:

1. The Borough of Pompton Lakes Health Department and Chilton Medical Centers Health Educator will be conducting Adult Yoga Classes at Valley National Bank, 516 Wanaque Avenue, Pompton Lakes, NJ.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute said Property User's Agreement

RESOLUTION NO. 18-138

WHEREAS, an under encumbered balance exists in the following Ordinances:

Ordinance # 08-22	. 56
Ordinance # 09-13	\$ 855.68
Ordinance # 11-12	\$ 152.05
Ordinance # 12-20	\$ 132.87
Ordinance # 13-12	\$ (3,109.21)
Ordinance # 13-13	\$32,910.42
Ordinance # 14-19	\$ 6,690.05
Ordinance # 14-31	\$ 9,641.25
Ordinance # 15-16	\$11,348.80

WHEREAS, the Governing Body is desirous of cancelling \$58,622.47 to the Borough's General Capital Surplus Fund.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey that the amount of \$58,622.47 existing in various Capital Ordinances as listed be hereby cancelled.

BE IT FURTHER RESOLVED, that those funds be cancelled to the General Capital Surplus Fund of the Borough of Pompton Lakes.

RESOLUTION NO. 18-139

WHEREAS, there exists a need for the procurement of goods or services for the Borough of Pompton Lakes from Brinkerhoff Environmental Services, Inc.; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose; and

WHEREAS, Pompton Lakes desires to enter into contract with Brinkerhoff Environmental Services, Inc. pursuant to the provisions of NJSA 19:44A-20.4 and/or NJSA 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has certified that the value of the contract will not exceed \$17,500.00; and

WHEREAS, the term of the contract will be from June 11, 2018 until terminated by either party; and

WHEREAS, Brinkerhoff Environmental Services, Inc., has submitted a Business Entity Disclosure Certification in compliance with law.

NOW THEREFORE BE IT RESOLVED, this 27th day of June, 2018 by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey as follows:

1. The Borough of Pompton Lakes is authorized to engage Brinkerhoff Environmental Services, Inc. for the purpose of Borough LSRP regarding Roth Cleaner property.
2. The Mayor and Borough Clerk is hereby authorized and directed to execute the Contract with Brinkerhoff Environmental Services, Inc.

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

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

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

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

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

RESOLUTIONS FOR SEPARATE ACTION:

RESOLUTION NO. 18-140

WHEREAS, Pompton Five Associates Urban Renewal, LLC has applied to the Borough of Pompton Lakes for Long Term Tax Exemption for property located at 223 Wanaque Avenue, Block 6300 Lot 34, in accordance with the provisions of NJSA 40A:20-8; and

WHEREAS, said statute requires that the Application be submitted to and addressed by the Mayor and approved by a Resolution of the Mayor and Council.

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 the Application of Pompton Five Associates Urban Renewal, LLC for Long Term Tax Exemption be and the same is hereby approved in accordance with the provisions of NJSA 40A:20-8.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption according to law.

Mr. Ragno stated Resolution 18-140 provides and approves the submission of an application for Pompton Five Associates Urban Renewal for long term tax exemption. Mr. Ragno stated this creates a PILOT and in lieu of collecting taxes the PILOT will be monetarily beneficial to the Borough.

Motion moved by Councilman Baig, second by Councilman Venin to approve Resolution 18-140.

Mayor Serra added this is the CJM property.

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

ORDINANCES:

ORDINANCES FOR FIRST READING AND INTRODUCTION:

(Ordinance will be presented for second reading and final adoption on July 18, 2018)

ORDINANCE NO. 18-15

AN ORDINANCE AMENDING §18-1 OF CHAPTER 18 OF THE BOROUGH ADMINISTRATIVE CODE-FIRE PREVENTION

Mr. Ragno stated there are minor changes to the wording in this Ordinance that will allow for changes within the Universal Fire Code without amending the Administrative Code.

Motion moved by Councilman Barranco, second by Councilman Baig to approve Ordinance No. 18-15 for Introduction.

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

ORDINANCE NO. 18-16

AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO POMPTON FIVE ASSOCIATES URBAN RENEWAL, LLC FOR THE REDEVELOPMENT OF 223 WANAQUE AVENUE, BOLCK 6300 LOT 34

Mr. Ragno stated this Ordinance allows for an easement deemed necessary and essential for a proposed Redevelopment project located at 223 Wanaque Avenue.

Motion moved by Councilwoman Reicher, second by Councilman Venin to approve Ordinance No. 18-16 for Introduction.

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

ORDINANCE NO. 18-17

AN ORDINANCE AMENDING AN APPROPRIATION ORDINANCE OF THE BOROUGH OF POMPTON LAKES, IN THE COUNTY OF PASSAIC, NEW JERSEY, HERETOFORE ADOPTED ON MAY 23, 2017 (#18-10)

Mr. Boyle stated the Ordinance is an amendment to a prior Ordinance restructuring financing for projects without involving additional debt.

Motion moved by Councilman DeLine, second by Councilman Barranco to approve Ordinance No. 18-17 for Introduction.

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

ORDINANCE NO. 18-18

AN ORDINANCE AUTHORIZING TAX EXEMPTION AND PAYMENT IN LIEU OF TAXES IN CONNECTION WITH THE REDEVELOPMENT PLAN FOR BLOCK 6300 LOT 34 AND ADOPTING AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT FOR PAYMENT IN LIEU OF TAXES WITH POMPTON FIVE ASSOCIATES URBAN RENEWAL, LLC, PURSUANT TO N.J.S.A. 40A:20-1, E.T. SEQ-223 WANAQUE AVENUE-BLOCK 6300 LOT 34 (CJM)

Mr. Ragno stated this Ordinance is the companion Ordinance to Resolution 18-140 authorizing a PILOT. Mr. Ragno stated the financial agreement has been reviewed by the professionals and provides for the long term tax exemption.

Motion moved by Councilman Jaconetta, second by Councilman DeLine to approve Ordinance No. 18-18 for Introduction.

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

ORDINANCES FOR SECOND READING AND FINAL ADOPTION: None
(These Ordinances have been advertised and posted on the Municipal Bulletin Board)

ORDINANCE NO. 18-12

AN ORDINANCE PROVIDING FOR A PUBLIC QUESTION BY REFERENDUM WHICH, IF APPROVED BY THE VOTERS, WOULD EXPAND THE PERMITTED USE OF THE EXISTING OPEN SPACE, PARKLAND AND RECREATIONAL FACILITIES PRESERVATION AND ACQUISITION TRUST FUND SET FORTH IN THE BOROUGH ADMINISTRATIVE CODE AT §2-56D, PURSUANT TO N.J.S.A. 40:12 – 15.7

Motion moved by Councilman Barranco, second by Councilwoman Reicher to open the Meeting for public comments on Ordinance No. 18-12. All voted in favor of the motion.

No one from the public wished to make a public comment.

Motion moved by Councilman Baig, second by Councilman DeLine to close the Meeting for public comments on Ordinance No. 18-12. All voted in favor of the motion.

Councilman Barranco questioned the expansion of the permitted use for open space funding. Mr. Ragno explained this Ordinance allows the expenditure of the open space funds for all Borough owned property. Mr. Ragno stated in the past the expenditure of open space funds was only permitted for properties purchased with open space funds.

Motion moved by Councilman Barranco, second by Councilman DeLine to approve Ordinance No. 18-12 for Final Adoption.

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

ORDINANCE NO. 18-13

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 DeLine, second by Councilman Barranco to open the Meeting for public comments on Ordinance No. 18-13. All voted in favor of the motion.

No one from the public wished to make a public comment.

Motion moved by Councilwoman Reicher, second by Councilman Venin to close the Meeting for public comments on Ordinance No. 18-13. All voted in favor of the motion.

Motion moved by Councilman Barranco, second by Councilman Baig to approve Ordinance No. 18-13 for Final Adoption.

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

ORDINANCE NO. 18-14

AN ORDINANCE AMENDING THE DOWNTOWN POMPTON LAKES REDEVELOPMENT PLAN (BLOCK 7000 LOT 4/317 WANAQUE AVENUE) (MOTOR ENVY)

Motion moved by Councilman DeLine, second by Councilwoman Reicher to open the Meeting for public comments on Ordinance No. 18-14. All voted in favor of the motion.

No one from the public wished to make a public comment.

Motion moved by Councilman Baig, second by Councilman Venin to close the Meeting for public comments on Ordinance No. 18-14. All voted in favor of the motion.

Motion moved by Councilwoman Reicher, second by Councilman DeLine to approve Ordinance No. 18-14 for Final Adoption.

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

MAYOR MICHAEL SERRA:

Motion moved by Councilman Venin, second by Councilman DeLine to appoint the following member to the Shade Tree Commission: Danielle Denti to fill an unexpired term through December 31, 2020. All voted in favor of the motion.

Mayor Serra reported on the following.

- the Recreation Commission has announced 143 children have registered for Summer Camp and residents interested in attending camp may do so on the first day of camp at 9:00am
- the Middle School Camp will begin July 9 through July 20, 2018. The fee is \$100.00 for two weeks or \$75.00 for one week. Applicants may sign up online or in Borough Hall.
- the Recreation Commission is seeking vendors for Pompton Day and should contact Mayor Serra or Karen Murphy
- commented on programs being offered at the Teen Center including yoga on Monday & Wednesday from 7:15-8:15, \$5.00 per class. A brochure will be mailed notifying residents of the additional programs.
- mold in the Library has been remediated
- the Borough is seeking grants to help with the removal of trees in the rivers
- signage on monuments will be removed by this weekend
- attended a local organization dinner to help raise funds for the football program

COUNCILWOMAN REICHER:

Councilwoman Reicher reported on the following.

- thanked Lauren Venin and the FAB committee for the informative and impressive presentation
- commented on the 2018-2019 Borough Calendar and thanked Office Staff
- thanked Ms. Brandsness for obtaining the incentive coupons from local merchants to be distributed to children wearing bicycle helmets
- commented on visiting the 911 Memorial in New York and praised the Borough for continuing to honor those who have died by assembling a yearly 9/11 Commemoration Ceremony. Commented on the importance of the younger generation being aware and educated on the significance of 911.
- the Town Wide Garage Sale will be held on July 14, 2018 and encouraged residents to participate.
- the BID Bucks sale was very successful
- commented on the Library Concert Series
- seeking input from the Governing Body for printing their business card specifications

Mayor Serra announced the following event dates:

- National Night Out will be held on August 7, 2018 in the High School Parking Lot
- the Senior Picnic will be held on August 9, 2018 at the Elks Lodge
- the Elks Lodge will be sponsoring a Carnival on Wednesday, August 29 – September 2, 2018 to be held on their property

COUNCILMAN BARRANCO:

Councilman Barranco reported on the following;

- thanked fellow Council for the adoption of Resolutions 18-129 and 18-130 regarding the Library mold remediation and construction after clean up
- expressed his appreciation for Ordinance 18-13 that provided the MUA with a well-deserved raise

- commented on National Night Out expressing the importance of the event and how it benefits our community
- commented on the Library Concert Series and how successful it has become. Councilman Barranco encouraged residents to attend
- reminded residents of the upcoming Town Wide Garage Sale and to be mindful of the busy streets
- announced the MUA water quality report is forthcoming

COUNCILMAN DELINE:

Councilman DeLine reported on the following.

- thanked the Flood Advisory Board for the presentation this evening
- commented on the meeting with Millennium Strategies regarding grant opportunities
- reiterated Ms. Venin's comments regarding the new kiosk located in Hershfield Park and also commented on the Family Hike series which he explained is a way for families to get together in the outdoors. Councilman DeLine announced the next hike will be held on July 22, 2018 at the Leonard Jay Buck Garden in Far Hills.
- trail maintenance is scheduled for June 30, 2018 and July 15, 2018 and the trail kiosk will include the information
- the Town Wide Garage Sale will be held on July 14, 2018 and this year an online map has been created on the Borough website to locate garage sale locations. Councilman DeLine said residents may post their address and information on the website.

Mayor Serra said he wanted to remind the community to be extremely careful on the roadways during the day of the Garage Sale. Mayor Serra also wanted to inform residents the blue section in the town calendars publishes important information regarding what to do before, during and after flooding.

COUNCILMAN JACONETTA:

Councilman Jaconetta reported on the following.

- thanked Ms. Venin for the wonderful presentation
- Boy Scout, Guy Allegri, will allegedly receive a donation of four trees from the town totaling approximately \$1,000.00. These trees will be planted at the Joe Louis Memorial to help fulfil his project in earning him the Eagle Scout award. Mayor Serra replied this is a great project but he is concerned with offering funds for the project and would set a precedent for other scouting troops which may not be feasible to continue. Mayor Serra offered suggestions on how scouts should acquire donations to complete their project. After further discussions for donation sources it was determined the Shade Tree Commission provides trees on town property and the Elks property is private. Mayor Serra questioned whether a tree could be donated from the Elks and one from the Borough. Mayor Serra requested Mr. Hinton, member of the Shade Tree Commission, reach out to local vendors for assistance.
- attended the PLCAG meeting and stated he appreciated the concerns of residents living in the plume. Councilman Jaconetta called on officials including the DEP, Senators and Congressmen to make their presence in the Borough. Mayor Serra commented on the pollutants involved which are derived from the same source and maintained there are different strategies in the cleanup.
- the High School Future Business Leaders of America (FBLA) won the State Tournament and are now vying for a win in the Nationals for their presentation about redevelopment

COUNCILMAN VENIN:

Councilman Venin reported on the following.

- thanked Lauren Venin and the volunteers of the Flood Advisory Board for the informative presentation this evening
- commented on the dedication of the Shade Tree Commission and welcomed Danielle Denti to the commission
- the DPW does not collect dead animals from the roadways; the procedure is to notify the Police's non-emergency number at 973-835-0069

COUNCILMAN BAIG:

Councilman Baig reported on the following.

- thanked Ms. Venin for the presentation this evening
- commented on the Pompton Lakes Riverdale First Aid Squad report for the month of May
- attended along with Lt. Cichon and Sgt. Kouefati the Day of Prevention Annual Awards appreciation breakfast hosted by the United for Prevention in Passaic County. Councilman Baig stated each Municipal Coalition had the opportunity to display and explain their activities. The Pompton Lakes Police Department was recognized and received a Partner in Prevention award for their Prescription Drop Off program.
- attended the Flag Day Ceremony at the Elks Lodge. Councilman Baig commended the Boys Scouts for their participation in the service for providing the history of the American Flag. Councilman Baig suggested this ceremony be made a public program in the future.
- commented on the well-attended Library Concert

Mayor Serra suggested video recording the Flag Day program for public display.

JOSEPH RAGNO, Borough Attorney

Mr. Ragno reported on the following.

- announced the Supreme Court of the U.S. issued a decision prohibiting public unions from requiring the payment of "agency fees" and the agency fees are paid by Non Union Members. Mr. Ragno stated at this time no action will be taken for PLBEA members who choose to leave the BEA union until he receives a written position from the attorney for the PLBEA. Mr. Ragno stated the PLBEA Union would still be required to represent the member even without payment of Agency Fees.

KEVIN BOYLE, Borough Administrator

Mr. Boyle reported on the following.

- Pompton Board of Education-2018-2019 Tax Levy Resolution
- PD Monthly Report -May 2018
- Lauren Venin-Completed Floodplain Mgr. Certificate
- N.J.D.E.P. - Required Stormwater Training (Online)
- EPA Pompton Lakes Study Area-Updates #84 #85
- Passaic County Report-June 2018
- MEL Coverage-New Planning & Zoning Coverage
- Brinda Kostro-TACO Certified
- 2018 Major Capital Projects-Update
- Pompton Lakes Prevention Coalition -10/17-3/18 Evaluation Report
- National League of Cities-Service Line Warranty Program for homeowners

Mayor Serra reminded the public if any solicitors approach their home, they have the right to request to see their permit. Mr. Ragno stated residents have the ability to sign up on a "no solicitation" list and anyone interested may contact the Municipal Clerk, Ms. Brandsness.

TABLED ITEMS: None

MEETING OPEN FOR PUBLIC COMMENTS:

Motion moved by Councilman Jaconetta, second by Councilman Venin to open the Meeting for Public Comments. All voted in favor of the motion.

PETER CHAZOTTE, Woodlawn Avenue

Mr. Chazotte requested an explanation as to the formation of the official CAG. Mayor Serra replied and explained the DEP and EPA established a CAG and invited residents of the community to participate. Mayor Serra added because of conflicts, the EPA and DEP elected to end their involvement. Mayor Serra stated many towns have official CAGS and the group expressing concerns this evening are not the official CAG of the DEP or EPA. Mayor Serra has offered to reestablish the official CAG but the PLCAG has declined.

Mr. Chazotte commented on a book and the author of the book, the former Mayor Jack Sinsimer and stated some of the text noted within the book he wrote may or may not be accurate. Mayor Serra again expressed his opinion with the so called facts written in the book and stated the book is categorized as a fiction.

RANDY HINTON, Montclair Avenue

Mr. Hinton thanked the Flood Advisory Board for allowing him the opportunity to assemble two rain barrels. Mr. Hinton stated he observed DMK working in the south end of the Borough and complimented the time and effort provided in the clean-up along the Morris Canal Greenway.

Mr. Hinton questioned Resolution 18-136 Urging the Legislature to Amend S-176, S-477 and S-1766. Mr. Boyle explained the Resolution is related to health issues involving workman compensation coverage for workers, firefighters and volunteers.

Mr. Hinton then questioned Resolution 18-139 Authorizing a Contract for Goods or Services Pursuant To NJSA 19:44A-20.4 And/Or NJSA 19:44A-20.5 With Brinkerhoff Environmental Services, Inc. Mr. Ragno explained this resolution allows for a contract with LSRP involving the property of the former Roth Cleaners. Mr. Ragno commented on the mitigation process prior to ownership of the property. Mayor Serra provided some additional facts and stated the property was previously owned by the Roth family and became vacant. Mayor Serra stated family members are seeking to resolve ownership and this property could be part of redevelopment if the contamination is mitigated.

Mr. Hinton questioned a date for the dedication of the Morris Canal Greenway. Councilman DeLine informed Mr. Hinton there were many weather related delays with the project so therefore once the project is completed a date would be scheduled.

JOYCE FERN, Mandeville

Ms. Fern questioned if solicitors would have access to her name if she were to register her address on the "no solicitors" request form. Ms. Fern also requested an Advisory Group for the plume be considered. Mayor Serra stated DEP and EPA would not be involved with the group so therefore the benefits from such a group would be limited.

Motion moved by Councilman DeLine, second by Councilwoman Reicher to close the Meeting for Public Comments. All voted in favor of the motion.

PRIVILEGE OF THE FLOOR:

Councilman Barranco suggested residents contact Governor Murphy or President Trump and address their concerns and complaints regarding the plume clean up.

Councilman Barranco announced he would be stepping down from Council and went on to explain his family has simply outgrown their home and would be moving out of town. Councilman Barranco stated he was unsuccessful in purchasing a new home within the Borough. Councilman Barranco reported the real estate value on his property has increased and sold his home quickly. Councilman Barranco expressed his appreciation for the support and trust

provided by the residents. Councilman Barranco stated it was an honor to serve with this Mayor and Council as they are dedicated and honorable individuals. Councilman Barranco thanked the residents for trusting him and for their support.

Mayor Serra along with the rest of Governing Body thanked Councilman Barranco for his service to the community.

RESOLUTION TO ADJOURN INTO CLOSED SESSION: None

ADJOURNMENT:

Motion moved by Councilman Barranco, second by Councilman Jaconetta to Adjourn the Meeting at 10:25 PM. All voted in favor of the motion.

ATTEST: _____ APPROVED BY: _____
ELIZABETH BRANDSNESS, RMC MUNICIPAL CLERK MICHAEL SERRA MAYOR

June 27, 2018