MINUTES OF THE SEPTEMBER 26, 2018 REGULAR COUNCIL MEETING

The following are the Minutes of the September 26, 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, Erik DeLine, Frank Jaconetta and Ekamon Venin. Councilwoman Jennifer Polidori was excused.

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

RANDY HINTON, Montclair Avenue

Mr. Hinton commented on the river clean-up and commended the volunteers who helped.

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

MINUTES:

Motion moved by Councilman DeLine, second by Councilwoman Reicher to approve the Regular Meeting Minutes of September 12, 2018. All voted in favor of the motion.

BILL LISTS

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Current Fund	\$ 617,822.04
Capital Fund	\$ -0-
Recreation Trust	\$ 5,843.49
Unemployment	\$ -0-
Dog Trust Account	\$ 39.60
Other Trust Account	\$ 7,957.75
Clerk's Account	\$ -0-
Open Space Trust	\$ -0-

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

PETITIONS: None

CONSENT AGENDA:

(Council Members Required Resolution 18-179 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 18-179 for individual action from that Agenda,

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

- 1. Resolution 18-178 Designating A Portion Of The Borough Of Pompton Lakes As An area In Need Of Redevelopment (Block 6300 Lot 7 11 Locust Avenue)
- 2. Resolution 18-179 Rescinding Resolution 18-165 And Designating A Portion Of The Borough Of Pompton Lakes As An Area In Need Of Redevelopment, Block 2800 Lot 11 (9 Hamburg Turnpike)
- 3. Resolution 18-180 Authorizing Return Of Road Opening Maintenance Escrow Deposited With The Borough By Daniel Cottrell

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

RESOLUTION NO. 18-178

WHEREAS, on April 25, 2018, the Borough Council of the Borough of Pompton Lakes adopted a Resolution (Number 18-103) authorizing and directing the Pompton Lakes Planning Board to undertake a preliminary investigation to determine whether the property in the proposed, updated downtown redevelopment area Block 6300 Lot 7, 11 Lenox Avenue, in the Borough of Pompton Lakes, is a redevelopment area in accordance with the criteria set forth in the New Jersey Local Redevelopment and Housing Law (N.J.S.A 40A:12A-1 et seq.); and

WHEREAS, the primary objectives of the Borough of Pompton Lakes downtown redevelopment effort as indicated in the aforesaid Council resolution is to: 1) improve property conditions in the Borough; 2) improve the quality of life of Borough residents; and 3) improve the economic foundation of the Borough so that long-term property tax stability is realized by all Pompton Lakes taxpayers; and

WHEREAS, the Local Redevelopment and Housing Law (LRHL) allows for the substantial improvement to properties included in an area in need of redevelopment resulting in capital investment and the turnaround or rearrangement of properties that are either unused, underutilized, fragmented, or deteriorated, or in the alternative may help achieve the policy and planning goals and objectives of the State of New Jersey Development and Redevelopment Plan; and

WHEREAS, on April 22, 2009 the Borough Council of the Borough of Pompton Lakes adopted the Downtown Pompton Lakes Redevelopment Plan, Ordinance Number 09-01. The full title of the Ordinance is:

AN ORDINANCE ESTABLISHING A REDEVELOPMENT PLAN FOR THOSE PROPERTIES LOCATED ALONG, OR IN THE IMMEDIATE VICINITY OF, WANAQUE AVENUE IN THE BOROUGH OF POMPTON LAKES, DESIGNATING THE BOROUGH COUNCIL OF THE BOROUGH OF POMPTON LAKES AS THE REDEVELOPMENT **ENTITY FOR** THE **DOWNTOWN POMPTON** REDEVELOPMENT AREA AND ESTABLISHING THE DOWNTOWN REDEVELOPMENT AREA ZONING DISTRICTS (DRA-1 AND DRA-2) USING THE PRE-EXISTING DBD-1 AND DBD-2 ZONES WITH CERTAIN MODIFICATIONS INCLUDED IN THIS PLAN. CHAPTER 190 OF THE CODE OF THE BOROUGH OF POMPTON LAKES ENTITLED 'ZONING AND LAND USE' IS HEREBY AMENDED TO INCLUDE THE DRA-1 AND DRA-2 ZONES.

This Redevelopment Plan has as its primary objective the "... provision in Downtown Pompton Lakes for capital investment in quality mixed use properties, including the provision of quality retail and residential opportunities, as well as quality community

facilities developed in concert with the pre-existing service businesses in Downtown Pompton Lakes...."; and

WHEREAS, the Pompton Lakes Planning Board authorized the Planning Consultants, Maser Consulting, to conduct a study of the proposed, updated potential redevelopment area and make a recommendation as to whether the area identified by the Council satisfies the criteria of the LRHL; and

WHEREAS, on May 15, 2018 the Pompton Lakes Planning Board conducted a public hearing pursuant to the LRHL and following publication and wide distribution of a notice of hearing and following the preparation of a map of the potential area in need of redevelopment; and

WHEREAS, the Planning Board considered the Redevelopment Investigation Report, said report having been provided to the property owners and made available to the general public; and

WHEREAS, on May 15, 2018, the Pompton Lakes Planning Board adopted a Resolution finding that the area referenced herein qualifies under N.J.S.A. 40A: 12A-1 et seq. as an area in need of redevelopment.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Pompton Lakes that, based upon the recommendation of the Pompton Lakes Planning Board and recognizing the diligent work of the Board, the property located at Block 6300 Lot 7, as further identified by the Planning Board at their May 15, 2018 meeting, is hereby designated as an area in need of redevelopment pursuant to the provisions of NJSA 40A:12A-1 et seq.

BE IT FURTHER RESOLVED that the Borough Council will NOT be authorizing the use of eminent domain condemnation regarding this matter.

BE IT FURTHER RESOLVED that the above property is intended to be included in the Downtown Pompton Lakes Redevelopment Plan, as specified in Ordinance Number 09-01, upon adoption by the Borough Council of an Ordinance adding the properties included in this Resolution to said Downtown Redevelopment Plan.

RESOLUTION NO. 18-180

WHEREAS, Pursuant to Chapter 161 of the Code of the Borough of Pompton Lakes, Daniel Cottrell (hereinafter referred to as the "applicant") applied for a road opening permit for a new driveway within property commonly known as 123 Whitney Avenue, Block 8100 Lot 35; and

WHEREAS, the permit #17-02 was issued on September 18, 2017 and approximately one year has elapsed since the work was performed; and

WHEREAS, as part of the application and pursuant to code, the applicant deposited security in the amount of a \$400 maintenance escrow to insure the roadway repairs would remain satisfactory and \$400 certificate insurance; and

WHEREAS, the applicant completed roadway repairs and reconstruction to 123 Whitney Avenue and the roadway reconstruction has been inspected and approved by the DPW Superintendent; and

WHEREAS, it is recommended the escrow in the amount of \$800.00 be released to the applicant; and

NOW, THEREFORE, IT IS RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF POMPTON LAKES THAT the proper Borough Officials are hereby authorized to return \$800.00 held in escrow that was deposited by Daniel Cottrell, consistent with the foregoing Resolution.

RESOLUTIONS FOR SEPARATE ACTION:

RESOLUTION NO. 18-179

RESOLUTION RESCINDING RESOLUTION 18-165 AND DESIGNATING A PORTION OF THE BOROUGH OF POMPTON LAKES AS AN AREA IN NEED OF REDEVELOPMENT, BLOCK 2800 LOT 11 (9 HAMBURG TURNPIKE)

Mr. Ragno explained that Resolution 18-165 has been designated the same lot as an area in need of redevelopment. Mr. Ragno stated that the language in the resolution referred to the downtown redevelopment area and this particular piece of property will not be in the downtown redevelopment area however it would be in its own redevelopment area. Mr. Ragno added that the language in the resolution is inaccurate and he asked that it is withdrawn. Mr. Ragno stated that Resolution 18-179 provides for the same but it does not have any language concerning the downtown redevelopment area. Mr. Ragno noted that once Resolution 18-179 is adopted, the next step would be an Ordinance that would create a new Redevelopment Center. Mr. Ragno asked that Councilman DeLine move this Resolution and Councilman Baig second it.

Motion moved by Councilman DeLine, second by Councilman Baig to approve Resolution 18-179.

Roll Call: Councilman Baig, <u>Yes</u>, Councilman DeLine, <u>Yes</u>, Councilman Jaconetta <u>Yes</u>, <u>Councilwoman Polidori Excused</u>, Councilwoman Reicher, <u>Yes</u>, Councilman Venin, <u>Yes</u>.

WHEREAS, on May 23, 2018, the Borough Council of the Borough of Pompton Lakes adopted a Resolution (Number 18-119) authorizing and directing the Pompton Lakes Planning Board to undertake a preliminary investigation to determine whether the property (Block 2800 Lot 11, 9 Hamburg Turnpike), in the Borough of Pompton Lakes, is an area in need of redevelopment in accordance with the criteria set forth in the New Jersey Local Redevelopment and Housing Law (N.J.S.A 40A:12A-1 et seq.); and

WHEREAS, the primary objectives of the Borough of Pompton Lakes downtown redevelopment effort as indicated in the aforesaid Council resolution is to: 1) improve property conditions in the Borough; 2) improve the quality of life of Borough residents; and 3) improve the economic foundation of the Borough so that long-term property tax stability is realized by all Pompton Lakes taxpayers; and

WHEREAS, the Local Redevelopment and Housing Law (LRHL) allows for the substantial improvement to properties included in an area in need of redevelopment resulting in capital investment and the turnaround or rearrangement of properties that are either unused, underutilized, fragmented, or deteriorated, or in the alternative may help achieve the policy and planning goals and objectives of the State of New Jersey Development and Redevelopment Plan; and

WHEREAS, the Borough Council of the Borough of Pompton Lakes will be required to prepare and adopt a Redevelopment Plan for the subject property if determined to be an area in need of redevelopment.

This Redevelopment Plan shall have as its primary objective the "... provision in Pompton Lakes for capital investment in quality mixed use properties, including the provision of quality retail and residential opportunities, as well as quality community facilities developed in concert with the pre-existing service businesses in Pompton Lakes..."; and

WHEREAS, the Pompton Lakes Planning Board authorized the Planning Consultants, Maser Consulting, to conduct a study of the proposed, updated potential redevelopment area and make a recommendation as to whether the area identified by the Council satisfies the criteria of the LRHL; and

WHEREAS, on June 19, 2018 the Pompton Lakes Planning Board conducted a

public hearing pursuant to the LRHL and following publication and wide distribution of a notice of hearing and following the preparation of a map of the potential area in need of redevelopment; and

WHEREAS, the Planning Board considered the Redevelopment Investigation Report, said report having been provided to the property owners and made available to the general public; and

WHEREAS, on June 19, 2018, the Pompton Lakes Planning Board adopted a Resolution finding that the area referenced herein qualifies under N.J.S.A. 40A: 12A-1 et seq. as an area in need of redevelopment.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Pompton Lakes that, based upon the recommendation of the Pompton Lakes Planning Board and recognizing the diligent work of the Board, the property located at Block 2800 Lot 11, as further identified by the Planning Board at their June 19, 2018 meeting, is hereby designated as an area in need of redevelopment pursuant to the provisions of NJSA 40A:12A-1 et seq.

BE IT FURTHER RESOLVED that Resolution 18-165 is hereby rescinded in its entirety.

BE IT FURTHER RESOLVED that the Borough Council will NOT be authorizing the use of eminent domain condemnation regarding this matter.

BE IT FURTHER RESOLVED that the above property is intended to be included in a Pompton Lakes Redevelopment Plan, to be prepared by Maser Consulting, said redevelopment plan to be considered and adopted by the Borough Council by future Ordinance.

ORDINANCES:

ORDINANCES FOR FIRST READING AND INTRODUCTION:

(Ordinance will be presented for second reading and final adoption on October 10, 2018)

ORDINANCE #18-21

AN ORDINANCE AMENDING §190-16 OF THE BOROUGH ADMINISTRATIVE CODE ADDING §190-16DD. CONSTRUCTION MITIGATION REQUIREMENTS

Mr. Ragno stated this Ordinance has been recommended by the Board Engineer, Borough Engineer and the Construction and Zoning Official to proceed as quickly as possible. Mr. Ragno stated the requirements are standard and need to be set in place before things move forward.

Mayor Serra reiterated Mr. Ragno's comments and asked Council Members to refer any questions to Mr. Ragno. Mayor Serra also stated some items are omitted from the Administrative Code and need to be included.

Councilman DeLine questioned the "no work shall take place on Sunday or holidays except on an emergent basis" clause and inquired as to who determines what is considered to be an emergent basis.

Mr. Ragno replied that it is in the discretion of the Borough Engineer, Construction Official or Zoning Officer and suggested it should also be the Administrator as well. Mr. Ragno added that the Mayor is not involved in the chain of command.

Motion moved by Councilwoman Reicher, second by Councilman DeLine, to approve Ordinance No. 18-21.

Roll Call: Councilman Baig, <u>Yes</u>, Councilman DeLine, <u>Yes</u>, Councilman Jaconetta <u>Yes</u>, Councilwoman Polidori <u>Excused</u>, Councilwoman Reicher, <u>Yes</u>, Councilman Venin, <u>Yes</u>.

ORDINANCES FOR SECOND READING AND FINAL ADOPTION:

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

ORDINANCE #18-20

AN ORDINANCE ACCEPTING THE DEDICATION OF A PUBLIC EASEMENT CONSISTING OF PARKING SPACES AND PUBLIC SIDEWALK ALONG LAKESIDE AVENUE AND COLFAX AVENUE IN ACCORDANCE WITH NJSA 40A:12-5

Mr. Ragno stated the purpose of this Ordinance is to accept an easement from Lakeside Commons, one of the redevelopment sites, which is part of the requirements of the Planning Board and the Redevelopment Agency.

Motion moved by Councilman Venin, second by Councilman Jaconetta to open the Meeting for public comments on Ordinance #18-20. All voted in favor of the motion.

No one from the public wished to make a comment.

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

Motion moved by Councilman Baig, second by Councilman DeLine to approve Ordinance 18-20 for Final Adoption.

Roll Call: Councilman Baig, <u>Yes</u>, Councilman DeLine, <u>Yes</u>, Councilman Jaconetta <u>Yes</u>, Councilwoman Polidori <u>Excused</u>, Councilwoman Reicher, <u>Yes</u>, Councilman Venin, <u>Yes</u>.

MAYOR MICHAEL SERRA:

Motion moved by Councilman Baig, second by Councilman DeLine to approve a request from the Pompton Lakes-Riverdale First Aid Squad to hold a "tag style" fundraiser on October 14, 2018 between the hours of 9am to 5pm (rain date October 21, 2018) at the intersection of Hamburg Turnpike and Ringwood Avenue. (police to approve a traffic control plan – ANSI certified traffic vests to be worn – positioned in yellow no travel portion roadway behind traffic barrels) Passaic County Board of Freeholders to be notified. All voted in favor of the motion.

Mayor Serra reported on the following.

- commented on the river clean-up and thanked all the volunteers, including the High School Environmental Club, Maria Kent, Coordinator and Ed Merrill, Environmentalist.
- preliminary talks with the Borough Administrator, the DPW Superintendent, DuPont/Chemours, Project Manager to discuss relocating the current DPW headquarters to the DuPont area. Mayor Serra added that this would not occur in the immediate future.
- the BID is donating \$10,000.00 to install new holiday lights in the downtown area
- thanked the BID for the donation of mums for display on the sidewalks downtown and for their hard work with the upkeep
- the Recreation Commission is sponsoring the Halloween Hunt that will be held on October 21, 2018 for residents 3 years old to students in 8th grade at Hershfield Park
- pumpkin painting at the Library on October 13, 2018
- the Chamber of Commerce Car Show will be held on October 14, 2018 and rain date is October 21, 2018

COUNCILWOMAN REICHER:

Councilwoman Reicher reported on the following.

- commented on the well-attended BID meeting and stated the BID Bucks sale will be held on October 13, 2018
- congratulated Ed Merrill on his retirement
- thanked Maria Kent for her hard work with coordinating the river clean-up

- commented on redevelopment meetings and Ordinance 18-21 that was introduced this evening and the anticipation of it helping communities that participate in redevelopment.
- the Woman's Club will be sponsoring the annual tag sale on September 28 and 29, 2018 at the Post Office which will benefit the library
- the Fire Department will sponsor an open house on October 8, 2018 and parents are encouraged to bring their children to celebrate Fire Prevention Week
- Diane Gelok of the Pompton Lakes Education Foundation, is seeking people to attend the Octoberfest Beer and Wine tasting fundraiser which will be held on September 30, 2018 from 2-5pm at Tree Tavern in Wanaque.

Mayor Serra stated the next Prevention Coalition meeting will be held on September 27, 2018 at the Wanaque Avenue office at 7:00pm and he also attended the Historical Commission meeting.

COUNCILMAN VENIN:

Councilman Venin reported on the following.

- commented on the technology that has been afforded to Pompton Lakes students through grants from fundraisers spearheaded by resident Diane Gelok
- commented on the river clean-up and thanked Mr. Merrill and Maria Kent for their hard work
- commented on "Parklet Day" that was held in Montclair, NJ and explained how a few parking spaces are turned into mini parks which encourage pedestrians to spend more time on the street and engage in art activities. Councilman Venin stated he is encouraged to try this activity in Pompton Lakes in the future.
- commented on the development of the Historical Society and compared it to the focus of the Friends of the Library
- 2020 is the 125th Anniversary of the founding of Pompton Lakes and would like the town to consider making plans for this milestone
- application for the senior housing parking lot was voted down, therefore it did not pass

Mayor Serra said he will refer to the Historical Committee for their plans for the Borough's 125th Anniversary.

COUNCILMAN BAIG:

Councilman Baig reported on the following.

- commented on the Police and Fire Department reports for the month of August
- BID Bucks sale will be held on October 13, 2018 at 274 Wanague Avenue
- the Chamber of Commerce Car Show will be held on October 14, 2018
- Steak and Chops Dinner at the Rotary Club honoring Diane Gelok will be held on October 8, 2018

COUNCILMAN DELINE:

Councilman DeLine reported on the following.

- thanked Maria Kent, Julie Doncoes, Ed Merrill and all the volunteers who offered their assistance with the river clean-up
- commented on the Riverdale First Responders 5K event
- the Flood Advisory Board is sponsoring a Rain Garden Workshop on October 13, 2018 at 10:00am in the Civic Center
- residents will meet at Hershfield Park at 8:30 am for the last of the Family Hike series in Pochuck Valley in Vernon on October 14, 2018

Mayor Serra recommended including the Ringwood Avenue corridor near Twin Lakes in the river clean-up next year.

Councilman Venin indicated Riverdale's Councilman Purcell contacted him to discuss Riverdale's involvement in the river clean-up for next year.

COUNCILMAN JACONETTA:

Councilman Jaconetta reported on the following.

- congratulated Ed Merrill on his retirement and wished him well
- also thanked Maria Kent, Julie Doncoes, Ed Merrill and all the volunteers who assisted with the river clean-up
- commented on Back to School night
- asked that the illegal street crossings of "jaywalkers" be addressed. Councilman DeLine then commented on a Street Smart Campaign which measures the actions and attitudes of people prior to a public education campaign. Mayor Serra stated he is amenable to the proposal. Mayor Serra suggested the SRO (School Resource Officer) could address the illegal street crossings, especially on Wanaque Avenue, to the students. Councilman Baig will mention the plan to Chief Agosto.

COUNCILWOMAN POLIDORI

Mayor Serra read Councilwoman Polidori's report.

- the Library Summer Reading Program was successful
- the Recreation Commission's Get Fit program was well received. The program is held at Lincoln School through November 21, 2018 from 7-8pm
- the Teen Center is open to Middle School students on Monday-Thursday from 3pm-10pm and on Fridays 3pm-6pm
- attended the MUA meeting and toured the facility
- hydrant flushing began on September 24, 2018 and will continue between the hours of 12:00am-6:00am for two weeks

JOSEPH RAGNO, Borough Attorney

Mr. Ragno reported on the following.

• observed the Borough of Bloomingdale installed flashing lights at the crosswalks. Councilman DeLine stated he did not recommend this type of installation and offered explanation.

KEVIN BOYLE, Borough Administrator

Mr. Boyle reported on the following.

- EPA/NJDEP Public Availability -9/27/18 9:30am to 6:30pm Borough Hall
- Summit Avenue Retaining Wall Project-Bid Tabs will be awarded on October 10, 2018
- P.D. Monthly Report -August 2018
- 2018 Fall Tree Plantings -RFQ's Due 3/2/18
- NRESC Monthly Report -August 2018
- Grant Avenue Paving Project-Bid Opening 9/26/18
- PSE&G Energy Audit application -10/4/18

Mr. Boyle offered comments regarding Ed Merrill, Environmentalist, and stated he has been involved in the Borough for over four decades.

Mayor Serra praised Mr. Merrill for his attention to detail and stated he will be missed.

Mayor Serra announced the EPA and DEP will be available at Borough Hall on September 27, 2018 from 9:30am-6:30pm, for residents who have concerns or questions regarding the plume.

Mayor Serra questioned when the Summit Avenue project would begin. Mr. Boyle replied as soon as the bid is awarded, the project will begin immediately. Mayor Serra stated the County is addressing the engineering of the two bridges. Mr. Boyle stated there will be a pre-construction meeting regarding that project.

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.

RANDY HINTON, Montclair Avenue

Mr. Hinton questioned if Summit Avenue would be closed during the project. Mr. Boyle replied there will be two-way traffic in some areas depending on the work being completed. Mr. Hinton questioned if trees will be removed and if the retaining wall would be constructed. Mr. Boyle replied he believed that no trees would be removed and added the retaining wall would be constructed.

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

PRIVILEGE OF THE FLOOR:

Councilman Baig said he wanted to thank Maria Kent and Ed Merrill for organizing the river clean-up. Councilman Baig also wanted to congratulate Mr. Merrill on his retirement and to thank him for his accomplishments.

Councilman DeLine also offered his congratulations on his retirement and praised him for his extreme knowledge regarding the ecology of the town.

RESOLUTION TO ADJOURN INTO CLOSED SESSION: None

ADJOURNMENT:

Motion moved by Councilman Jaconetta, second by Councilman Venin to Adjourn the Meeting at 8:22PM. All voted in favor of the motion.

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

September 26, 2018