

MINUTES OF THE JANUARY 11, 2023 REGULAR COUNCIL MEETING

The following are the Minutes of the January 11, 2023 Regular Meeting of the Mayor and Council of the Borough of Pompton Lakes that was held in the Council Meeting room of the Municipal Building, 25 Lenox Avenue, Pompton Lakes, New Jersey and was called to order at 7:30 P.M.

Mayor 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:

Oath of Office-Pompton Lakes Class II Special Officers

Mayor Serra commented on the role that the Pompton Lakes Special Officers provide within the Pompton Lakes Police Department and stated they assist with the day-to-day operations as well as events. Mayor Serra thanked the Officers for their service to the community.

Mayor Serra administered the Oaths of Office to the Class II Special Officers.

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.

LIA FASELETTOS, Hershfield Street **NICOLINA SALERNI, White Way**

Girl Scouts, Lia and Nicolina presented a project they have planned to earn their Girl Scout Bronze Award and stated they would be collecting food and toiletries for families who are in need of assistance. The Scouts requested permission for the use of the Municipal Building as a drop off location and they would provide the items they collect to St. Mary's Church food pantry. Mayor Serra responded, congratulated the girls for their efforts, and stated he along with the Council would be pleased to support their goals.

DAVID SEVAN, Hollywood Avenue, Englewood Cliffs

Mr. Sevan commented on a traffic incident that occurred in the past that involved the Pompton Lakes Police Department and expressed his concerns with the traffic violation he received. Mr. Semeraro offered to discuss the matter further with Mr. Sevan and provided his contact information.

RANDY HINTON, Montclair Avenue

Mr. Hinton questioned whether there was an update from the Department of Environmental Protection (DEP) regarding the Willow Field project. Ms. Cozzarelli replied and stated the DEP approved the permit for the work. Mr. Hinton commented on the preliminary engineers estimate for the Willow Field Improvement project. Councilman DeLine responded and stated the Open Space Committee would provide a recommendation for the project. Mayor Serra stated new estimated costs would be needed for the project.

Mr. Hinton questioned if the sidewalk and curb Ordinance was discussed. Mayor Serra stated an Ordinance has not been discussed but will be in the near future.

Mr. Hinton commented on the Lambert Street Bridge and questioned if the Building Inspector or the Department of Public Works (DPW) Superintendent have inspected the bridge. Mayor Serra replied and stated the DPW Superintendent inspected the bridge. Ms. Cozzarelli to follow up with the Building Inspector.

AL EVANGELISTA, Ringwood Court

Mr. Evangelista commented on Resolution 23-37 Authorizing Transfer of Appropriation in the 2022 Budget and questioned whether the Budget was underfunded and what is the proposed budget for 2023. Ms. Cozzarelli explained the charges within the line item include various legal expenditures; general attorney services as well as labor, tax appeals, etc. Mr. Evangelista questioned whether an OPRA would be required for additional information. Ms. Cozzarelli responded and stated an OPRA would need to be filed for additional information.

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

MINUTES:

Motion moved by Councilman Baig, second by Councilwoman Kent to approve the Regular Meeting Minutes of December 7, 2022. All voted in favor of the motion.

Motion moved by Councilman Baig, second by Councilwoman Kent to approve the Closed Session Meeting Minutes of December 7, 2022. All voted in favor of the motion.

Motion moved by Councilman Baig, second by Councilwoman Kent to approve the Reorganization Meeting Minutes of January 4, 2023. 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:

(Council Members Required Resolution 23-37 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 23-37 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 23-31 Authorizing The Execution Of Licensing Agreement With ASCAP
2. Resolution 23-32 Appointing A Fund Commissioner And Safety Delegate To Represent The Borough Of Pompton Lakes In The Morris County Municipal Joint Insurance Fund
3. Resolution 23-33 Resolution Authorizing The Proper Borough Officials To Apply For The Recycling Tonnage Grant
4. Resolution 23-34 Resolution Authorizing The Award Of A Contract To Gaeta Recycling Co., Inc. For Marketing Recyclable Materials
5. Resolution 23-35 Resolution Authorizing The Sale Of Abandoned Vehicle By The Pompton Lakes Police Department On An Online Auction Website www.govdeals.com

6. Resolution 23-36 Authorizing New Jersey Department of Community Affairs 2023 Local Recreation Improvement Grant Program
7. Resolution 23-37 Authorizing Transfer Of Appropriation In The 2022 Budget

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

RESOLUTION 23-31

WHEREAS, the Borough Administrator has authorized the licensing agreement with ASCAP under the authority pursuant to N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the total one year cost for said agreement is \$420.00; and

WHEREAS, the Treasurer has certified that said contract execution is subject to and contingent upon the appropriation of sufficient funds in the 2023 temporary and/or permanent budget.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey as follows.

1. The Borough Administrator is hereby authorized and directed to execute the attached one year licensing agreement with ASCAP.
2. The Borough Treasures has confirmed that funds are available in the 2023 temporary and/or permanent budget.
3. This Resolution shall take effect immediately upon adoption according to law.

RESOLUTION 23-32

WHEREAS, the Borough of Pompton Lakes is now a member of the Morris County Municipal Joint Insurance Fund; and

WHEREAS, the Borough of Pompton Lakes is responsible to appoint a Fund Commissioner and Safety Delegate to represent the Borough at Fund related activities.

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

Fund Commissioner – Paula Cozzarelli, Borough Administrator

Safety Delegate – Paula Cozzarelli, Borough Administrator

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the Morris County Municipal Joint Insurance Fund.

RESOLUTION 23-33

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, the Mayor and Council desire to designate an individual authorized to ensure that accurate and verifiable records of materials recycled by the municipality are maintained.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Pompton Lakes that *Daniel O'Rourke* is hereby designated as the Recycling Coordinator for the Borough of Pompton Lakes and is to prepare the annual Recycling Report for the Borough and submit the recycling tonnage grant application to the New Jersey Department of Environmental Protection.

BE IT FURTHER RESOLVED that any monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

RESOLUTION 23-34

WHEREAS, the Borough of Pompton Lakes has need to obtain the services for the marketing of recyclable materials recovered through a recycling program; and

WHEREAS, Gaeta Recycling Co., Inc. has responsibly provided such services to the Borough of Pompton Lakes and has offered such services to the Borough of Pompton Lakes upon reasonable terms; and

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

WHEREAS, contracts for the marketing of recyclable materials are exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5(1)(s); and

WHEREAS, contract execution is contingent upon Gaeta Recycling Co., Inc. completing and submitting a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the Borough of Pompton Lakes for the previous one year and that the contract will prohibit it from making any reportable contributions through the term of the contract; and

WHEREAS, this is a revenue generating contract at no cost to the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Pompton Lakes, in the County of Passaic and State of New Jersey, that the Borough of Pompton Lakes hereby awards the contract with Gaeta Recycling Co., Inc. and further authorizes the Mayor's execution of the contract, in accordance with the terms and conditions set forth therein and which is appended hereto as Schedule A; and

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification of determination of value associated with this contract be placed on file with this Resolution.

RESOLUTION 23-35

WHEREAS, the Borough of Pompton Lakes Police Department has acquired certain property, namely vehicle, through impoundment and abandonment, which has not been claimed and their required waiting period has expired for the owner to claim the property; and

WHEREAS, N.J.S.A. 39:10A-1 et seq. sets forth the procedure for disposition of abandoned vehicles in the possession of a municipality and provides that when such vehicles remain unclaimed by the owner for a period of thirty (30) days, they may be sold at public auction in a public place. The public agency must give notice of the sale by certified mail, to the owner, if his/her name and address are known and to the holder of any security interest filed with the Chair and Chief Administrator of the Motor Vehicle Commission and by publication; and

WHEREAS, the Borough of Pompton Lakes intends to utilize the online auction services of GovDeals.com located at www.GovDeals.com through Sourcewell National Co-op.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Pompton Lakes in the County of Passaic, State of New Jersey, hereby declare that the personal property, namely the vehicle(s) listed below, have not been claimed nor determined stolen and

should be sold in accordance with the appropriate statutes of the State of New Jersey, N.J.S.A. 39:10A-1 et seq. and N.J.S.A. 40A:14-157; and

**VEHICLE: 2000 HONDA CIVIC (1) QUANTITY
VIN# JHMEJ8649YS000444
MINIMUM BID \$500.00**

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Pompton Lakes, in the County of Passaic, State of New Jersey, hereby authorize the Borough Clerk or his designee to offer for sale to the highest bidder the abandoned vehicles listed above on an online auction website entitled www.GovDeals.com; and

BE IT FURTHER RESOLVED, the Borough of Pompton Lakes shall utilize the online auction services of GovDeals, Inc., with a website of www.GovDeals.com, pursuant to the fee schedule, terms and conditions through Sourcewell; and

BE IT FURTHER RESOLVED, that the Borough Administrator or his designee shall be authorized to execute any document related to this online auction; and

BE IT FURTHER RESOLVED, that all vehicles will be sold in an "as is" condition with no warranty, express or implied. The buyer is solely and fully responsible for the removal of the vehicle and all costs associated with such. All sales are final; and

BE IT FURTHER RESOLVED, that all vehicles are subject to the rules set forth by the auctioneer, including but not limited to, the removal of all vehicles from the location lot within ten (10) business days; and

BE IT FURTHER RESOLVED, that this Resolution shall be published in the Suburban Trends by the Borough Clerk as required by law, with the final publication at least seven (7) days prior to the date of the auction.

RESOLUTION 23-36

WHEREAS, the Borough of Pompton Lakes desires to apply for and obtain a grant from the New Jersey Department of Community Affairs Local Recreation Improvement Grant for approximately \$100,000 in order to enhance the recreational opportunities for our residents by supporting improvements to the Willow Field Joe Grill Complex; and

WHEREAS, the Borough of Pompton Lakes does hereby authorize the application for such a grant and recognizes and accepts that the Department may offer lesser or a greater amount upon receipt of the grant agreement from the New Jersey Department of Community Affairs; and

BE IT THEREFORE RESOLVED, that the Borough of Pompton Lakes does further authorize the execution of any such grant agreement; and also, upon receipt of the executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Pompton Lakes and the New Jersey Department of Community Affairs; and

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

- Michael Serra, Mayor _____
- Paula Cozzarelli, Borough Administrator _____

SEPARATE ACTION RESOLUTIONS:

RESOLUTION 23-37

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers between the budget for the last two months of the fiscal year; and

BE IT RESOLVED, by the Mayor and Council of the Borough of Pompton Lakes that, the following 2022 Budget line item appropriation transfers be and are hereby approved

From: Health Benefits: \$47,500.00 \$47,500.00 2-01-23-220-101	To: Legal Services O&E Outside Counsel 2-01-20-155-112	Total \$47,500.00
--	---	--------------------------

BE I FURTHER RESOLVED, that the proper officials are hereby authorized to enter the forgoing transfers into the financial records.

Discussion:

Ms. Cozzarelli stated there were insufficient funds in the line item to pay the legal bills so therefore a transfer Resolution was required.

Motion moved by Councilman Baig, second by Councilman Venin to approve Resolution 23-37. All voted in favor of the motion.

ORDINANCE FOR FIRST READING AND INTRODUCTION:
(Ordinances will be presented for second reading and final adoption on January 25, 2023)

ORDINANCE 23-05

AN ORDINANCE AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE TOWER LEASE AGREEMENT AND REPEATER UTILIZATION AGREEMENT WITH NORTH JERSEY POLICE RADIO ASSOCIATION PURSUANT TO NJSA 40A:12-5 (a)(1)

Motion moved by Councilman DeLine, second by Councilman Venin to Approve Ordinance No. 23-05 for Introduction.

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

ORDINANCE 23-06

AN ORDINANCE TO FIX THE SALARY RANGES OF THE EMPLOYEES OF THE BOROUGH OF POMPTON LAKES, COUNTY OF PASSAIC AND THE STATE OF NEW JERSEY

Motion moved by Councilman DeLine, second by Councilman Venin to approve Ordinance No. 23-06 for 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.

Motion moved by Mayor Serra, second by Councilwoman Polidori to appoint Lloyd Kent as a Commissioner to the Pompton Lakes Municipal Utilities Authority (term to end January 31, 2028). All voted in favor of the motion. Councilwoman Kent recused herself from the vote.

Motion moved by Mayor Serra, second by Councilman DeLine to appoint Brianne Ahlborn, as Trustee to the Library (term to end 12/31/27). All voted in favor of the motion.

- attended a Board of Health and Shade Tree Commission meeting and administered the Oath of Office to appointed members. Mayor Serra commended both groups for

the service they provide to the community. Mayor Serra urged residents to contact the Wayne Health Department directly with any health concerns they may have.

Mayor Serra requested one Closed Session for professional services.

COUNCIL PRESIDENT POLIDORI:

Councilwoman Polidori reported on the following.

- wished everyone Happy New Year
- thanked the Special Police Officers for their services
- thanked the Governing Body for allowing her to serve as Council President
- congratulated the three new members on the Board of Education
- commented on the Open Space Committee Reorganization Meeting and on an e-mail she received from Mayor Serra regarding her position and voting status on the Committee. Councilwoman Polidori requested clarification as to whether her position and capacity to vote would remain the same as in previous years. Councilwoman Polidori stated Council voted on allowing her to serve in the same capacity as in the past and to act as the designee during the meeting in the Mayor's absence. Mayor Serra responded and stated the highest ranking Council Member would serve as the designee in his absence and he agreed Councilwoman Polidori is the highest-ranking member. Mayor Serra stated at this time votes would count but he will further research the matter.

Mayor Serra announced the Winterfest is scheduled for Saturday, January 14, 2023 from 3:00pm – 6:00pm. Wanaque Avenue to be closed from 1-6:30pm.

COUNCILMAN BAIG:

Councilman Baig reported on the following.

- commented on the MUA meeting
- provided the Police Department, Fire Department and CERT reports for the month of December

COUNCILMAN CRUZ:

Councilman Cruz reported on the following.

- congratulated and welcomed the newest Board of Education members
- announced the installation of a new scoreboard in Lenox School that had been donated by the Pompton Lakes Athletic League (PAL). Mayor Serra stated that the donations from the PAL would help with improvements on the town basketball courts.

COUNCILMAN DELINE:

Councilman DeLine reported on the following.

- wished everyone Happy New Year
- he would be reviewing several proposed Ordinances that were presented at a past meeting. Councilman DeLine stated changes were needed to a past Ordinance that addressed Foreclosed Properties And Vacant Properties Registration and stated the State has passed new legislation changing some requirements. Councilman DeLine added the Borough must be consistent with State Law.

COUNCILWOMAN KENT:

Councilwoman Kent reported on the following.

- Department of Public Works reminders - basketball hoops should be removed from the roadway during winter months; holiday trees may be placed curbside or brought to the Recycling Center; no parking on the streets during snow events; refer to the Borough Calendar for trash pick-up dates; no trash pick on January 16,

2023 in observance of Martin Luther King Holiday as well as the Recycling Center will also be closed.

- Borough Health Officials have reported there is no Legionnaires disease in Wayne or Pompton Lakes. Councilwoman Kent stated a County spoke person provided incorrect information to news outlets.
- residents should report rodent issues to the Health Department
- dog and cat licenses are due January 31, 2023. Late fees apply after this date.
- attended a Shade Tree Commission meeting and stated the members are active and are addressing issues
- the Environmental Committee will meet on January 12, 2023. The River Cleanup will be held on May 7, 2023 from 10am-12pm.
- attended a Personnel Committee meeting and thanked Ms. Cozzarelli for her support
- the Recreation Commission will sponsor a Teen Dance and the High School Zonta Club students have been assisting with the dances
- the Recreation Commission Director announced several activities for residents; Winterfest will be held on January 14, 2023 from 3pm-6pm; January signups for baseball, softball and lacrosse are ongoing.
- the Flood Advisory Board discussed street flooding in the area of Lincoln and Romain Avenues and the possibility of the installation of rain gardens on lawns of residents experiencing water on their properties during excessive rainfall events. A request was made for a Police Officer to assist with crossing students during extreme rainfall. Councilman Venin provided input and stated rain gardens do provide relief from the spillage onto the roadway.
- the FEMA Community Rating System (CRS) recertification acknowledgement letter has been received. She thanked Ms. Brandsness and Ms. Troast for their efforts during the recertification process along with the Flood Advisory Board Members, OEM Coordinator, Al Evangelista, the Department of Public Works, the Building Department staff and many volunteers for their assistance. Through the CRS program, residents are offered up to a 25% savings off their yearly flood insurance premiums.
- thanked Ms. Cozzarelli for her help and support with broadcasting PLTV Channel 77. Mayor Serra acknowledge problems with Channel PLTV 77 and stated further analysis into the programming will be forthcoming.

COUNCILMAN VENIN:

Councilman Venin reported on the following.

- congratulated Councilman Baig and Councilwoman Polidori on their re-election to Council
- congratulated and thanked the Special Police Officers for their service to the community
- thanked the Girl Scouts for introducing their project to the Governing Body
- commented on the 911-fundraiser event for children of fallen military and first responders. The application process is open and due on March 15, 2023 –www.the911promise.org

PROFESSIONAL REPORTS:

MARK SEMERARO, Borough Attorney

Mr. Semeraro had no report.

PAULA COZZARELLI, Borough Administrator

Ms. Cozzarelli reported on the following.

- working with grant writers with regard to Borough projects
- Local Recreation Improvement grant – for \$100,000.00 for the Willow Field improvements
- County sent letter for the Borough to review County roads for resurfacing in the 2024 program with the inclusion of storm water drainage

- congratulated the Special Police Officers
- commented on her presentations on WGHT (98.3FM) every third Thursday – highlighting each Borough Department
- grant funds for the Fire Department have been confirmed

MEETING OPEN FOR PUBLIC COMMENTS:

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

AL EVANGELISTA, Ringwood Court

Mr. Evangelista stated he has concerns with the transfer of Borough funds for legal fees.

Mr. Evangelista commented on the intersection at Romain and Lincoln Avenues and noted there is an increase in water that collects in the street during rain events. Mr. Evangelista expressed some concerns and stated it is unadvisable for crossing guards to walk through pooling water. Mr. Evangelista also referred to the condition of the footbridge located on Lambert Street and inquired if a grant through the “Safe Routes to School” would be considered to address repairs at the bridge. Councilman DeLine commented on the Safe Routes to School grant funding and stated he would review the grant to verify whether the funding could be applied for repairs / maintenance on the bridge.

Mr. Evangelista commented on the salary ranges in Ordinance 23-06 and questioned whether the Ordinance would be available for the public to view. Ms. Cozzarelli assured Mr. Evangelista the public would have access to the Salary Ordinance.

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

PRIVILEGE OF THE FLOOR:

RESOLUTION TO ADJOURN INTO CLOSED SESSION:

Motion moved by Councilwoman Polidori, second by Councilman Cruz to adjourn into Closed Session. All voted in favor of the motion.

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 attorney/ personnel 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.

The following was discussed in Closed Session:

- attorney / personnel negotiations

ADJOURNMENT:

Motion moved by Councilman Venin, second by Councilwoman Kent to Adjourn the Meeting at 10:10 PM. All voted in favor of the motion.

ATTEST:

APPROVED:

**ELIZABETH BRANDSNESS, RMC
 MUNICIPAL CLERK**

**MICHAEL SERRA
 MAYOR**

Dated: January 11, 2023