

## MINUTES OF THE APRIL 26, 2023 REGULAR COUNCIL MEETING

The following are the Minutes of the April 26, 2023 Regular Meeting of the Mayor and Council of the Borough of Pompton Lakes that was held in the Council Meeting room of the Municipal Building, 25 Lenox Avenue, Pompton Lakes, New Jersey and was called to order at 7:30 P.M.

Mayor Serra read a short prayer and led participants in saluting the flag. He then read the Open Public Meeting Law Statement of Compliance.

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

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

### **MAYOR PRESENTATION AND UPDATES:**

Mayor Serra stated Councilman Baig continues to improve from some health issues he has recently experienced. Mayor Serra offered good wishes to Councilman Cruz's father who recently became ill.

Mayor Serra thanked Ms. Brandsness and staff for assisting in the planning of Change of Town Officers Day. Mayor Serra commended the students on their presentations and stated the students offer fresh ideas to address issues that are of concern.

### **PROCLAMATION**

- **Pompton Lakes Shade Tree / Arbor Day**

Mayor Serra presented the Shade Tree Commission with a Proclamation proclaiming April 26, 2023 as *Pompton Lakes Recognition of Arbor Day*. Mayor Serra encouraged residents to celebrate Arbor Day and to support efforts to protect our trees and woodlands. Mayor Serra thanked the Shade Tree Commission members for the service they provide for the community.

### **INTRODUCTION SPECIAL IMPROVEMENT DISTRICT BUDGET 2023**

#### **Resolution 23-115**

**RESOLUTION RATIFYING, INTRODUCING, AND AUTHORIZING THE ESTIMATED ANNUAL BUDGET IN THE AMOUNT OF \$486,140.00, FOR THE CALENDAR YEAR 2023 (JANUARY 1, 2023 THROUGH DECEMBER 31, 2023), OF THE POMPTON LAKES COMMUNITY PARTNERSHIP BUSINESS IMPROVEMENT DISTRICT.**

**WHEREAS**, on the Borough of Pompton Lakes ("Borough") Municipal Code Chapter 23, "Business Improvement Districts", Article I "Pompton Lakes Community Partnership" was adopted to create and designate within the Borough a Special Improvement District, pursuant to N.J.S.A. 40:56-65 et seq., to be known as the Pompton Lakes Community Partnership Business Improvement District ("District"), designating the Pompton Lakes Community Partnership Management Corporation ("District Management Corporation") as the District Management Corporation for the District for the management and operation of the District within the Borough as authorized pursuant to N.J.S.A. 40:56-65 et seq.; and

**WHEREAS**, pursuant to N.J.S.A. 40:56-80, the District Management Corporation must prepare an annual budget that includes an estimate of the annual costs of operating the District including a summary of the categories of cost property chargeable as follows:

- 1) The amount of such costs to be charged against the general funds of the municipality, which shall be that amount which the municipality would pay from its general funds for street maintenance and operation on a street of similar size and location, but not improved as a pedestrian mall or included in a special improvement district, as the case may be;
- 2) The amount of costs to be charged and assessed against properties benefited in the district in proportion to benefits which shall be the aggregate of costs of annual improvements to be made in the district during the ensuing year;

- 3) The amount of costs, if any, to be specially taxed against properties in the district.

**WHEREAS**, upon receipt of the budget, the Borough Council is required to consider the budget, approve the budget, schedule a public hearing and adopt the budget with such amendments as the Borough Municipal Council considers necessary to operate and maintain the District during its ensuing fiscal calendar year of January 1, 2023 through December 31, 2023 (“Fiscal Year”); and

**WHEREAS**, upon approval of the budget, the Tax Assessor must comply with N.J.S.A. 40:56-80(c) including, but not limited to, preparing an annual assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessable properties in the District, which shall be filed in the office of the Municipal Clerk and be there available for inspection; and

**WHEREAS**, the estimated annual budget to operate and maintain the District for the Fiscal Year, in the amount of Four Hundred Eighty-Six Thousand One Hundred Forty Dollars and Zero Cents \$486,140.00, for the District was unanimously approved by the District Management Corporation’s Board of Directors and subsequently submitted to the Borough Clerk on or about April 17, 2023; and.

**WHEREAS**, the amount anticipated to be raised by the special assessments to support the annual budget of the District Management Corporation for the Fiscal Year is estimated to be Two Hundred Eighty-Five Thousand Dollars and Zero Cents \$285,000.00.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF POMPTON LAKES, NEW JERSEY, THAT:**

1. The estimated annual budget for the fiscal calendar year of January 1, 2023 through December 31, 2023 (“Fiscal Year”), in the amount of Four Hundred Eighty-Six Thousand One Hundred Forty Dollars and Zero Cents \$486,140.00, for the Pompton Lakes Community Partnership Business Improvement District (“District”), as approved by the Pompton Lakes Community Partnership Management Corporation (“District Management Corporation”) Board of Directors, is hereby introduced and approved, subject to a public hearing prior to adoption, in accordance with provisions of Borough Code Chapter 23, “Business Improvement Districts”, Article I “Pompton Lakes Community Partnership”, and as set forth in N.J.S.A. 40:56-80 and N.J.S.A. 40:56-84.

2. The budget is ratified back to January 1, 2023, until the date of the adoption of this resolution by the Borough Council.

3. The Tax Assessor is directed to do the following:

(a) Prepare an assessment roll specifying the amounts specifically assessed against each benefitted and assessable property in the District in proportion to the benefit conferred, based upon the approved budget in accordance with the procedures prescribed in N.J.S.A. 40:56-80(c). Such assessment roll shall include a description of each property and the names of the owners; and

(b) File the assessment roll in the Office of the Borough Clerk to be available for public inspection.

4. The Borough Clerk is directed to do the following:

(a) Schedule a public hearing on the budget and the amount of the assessments not less than twenty-eight (28) days from the date of this resolution;

(b) At least ten (10) days prior to the date of the hearing publish:

(i) a notice setting the time and place of the public hearing on the budget and amounts of the special assessments;

(ii) a copy of the entire budget in a newspaper of general circulation in the Borough;

(c) At least ten (10) days before the date of the scheduled hearing:

(i) Post a complete copy of the approved budget in Borough Hall in the customary location for posting public notices;

(ii) Post a complete copy of the assessment roll in Borough Hall in the customary location for posting public notices;

(iii) Make available a copy of the budget to any person requesting it up to and including the date of the public hearing.

5. Upon approval of the assessment roll with any changes approved by the Borough Council, the Borough Clerk shall immediately certify a copy of the assessment roll and send it to the County Tax Board to be effective as of January 1, 2023.

6. The amount anticipated to be raised by the special assessments to support the annual budget of the District Management Corporation for the Fiscal Year is estimated to be Two Hundred Eighty-Five Thousand Dollars and Zero Cents \$285,000.00. Said total estimated amount of the special assessments set forth in the estimated and approved budget shall be paid over to the District Management Corporation in installments of 25% of the total estimated assessments quarterly.

7. The Clerk shall maintain a copy of this resolution on file with the Office of the Borough Clerk.

8. The Office of the Borough Clerk shall forward certified copies of this resolution to the Business Administrator, the Department of Finance, the Tax Collector, and the Pompton Lakes Community Partnership Management Corporation.

Motion moved by Councilman Venin, second by Councilwoman Polidori to introduce the Special Improvement District Budget in the amount of \$486,140.00 for the year 2023.

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

**Clerk to Read Notice:**

A Public Hearing And Final Adoption For The Foregoing Special Improvement District Budget Will Be Held On Wednesday, May 24, 2023 At 7:30 P.M. In The Municipal Council Chambers, 25 Lenox Avenue, Pompton Lakes, New Jersey.

Copies of the Budget are available in the office of the Borough Clerk at the Municipal Building, 25 Lenox Avenue, Pompton Lakes, New Jersey, Phone No. 973-835-0143 ext. 238 during the hours of 9:00A.M. to 4:00 P.M. or on the Borough's website – [www.pomptonlakes-nj.gov](http://www.pomptonlakes-nj.gov).

**INTRODUCTION OF MUNICIPAL BUDGET 2023**

**ORDINANCE 23-15**

**CALENDAR YEAR 2023 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**Discussion**

Mayor Serra acknowledged the time and effort spent on the budget this year and stated due to increases beyond the Borough's control there was over \$700,000.00 in pension and health care costs resulting in a tax increase of approximately \$53.00 on the average assessed home which is under a 2% increase. Mayor Serra thanked Council, the Finance Committee and Ms. Cozzarelli for their hard work and perseverance in delivering a fiscally responsible Budget.

Ms. Cozzarelli commented on the challenges the Borough faced while preparing a fiscally sound budget. Ms. Cozzarelli stated there have been increases in debt service, pension payments, health insurance, fuel costs, etc. and the Borough has no control over these rising costs. Ms. Cozzarelli commented on the American Rescue funds the Borough received that helped to alleviate some costs and cautioned these funds terminate next year. Ms. Cozzarelli thanked the Governing Body for their support and commented on their diligence in being financially responsible.

Motion moved by Councilman Venin, second by Councilwoman Kent to approve Ordinance No. 23-15 for Introduction.

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

**RESOLUTION NO. 23-116**

**AUTHORIZING INTRODUCTION OF THE 2023 MUNICIPAL BUDGET**

**WHEREAS**, it is necessary for the Borough of Pompton Lakes to prepare an annual budget identifying all of the anticipated appropriations and revenues to support government operations for the Calendar Year 2023; and

**WHEREAS**, N.J.S.A. 40A:4-5 provides for process for the introduction and approval of the annual Municipal Budget; and

**WHEREAS**, the approval of the introduction of the budget shall constitute the first reading, which may be read by title and a public hearing will be scheduled for comments.

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

1. The Municipal Council approves the introduction of the following statements of revenues and appropriations for the Borough of Pompton Lakes Budget for the year 2023.
2. The Municipal Council of the Borough of Pompton Lake’s approval of the introduction of the attached Budget for the year 2023 shall constitute a first reading, pursuant to N.J.S.A. 40A:4-5.
3. The following budget be published in the Suburban Trends in the issue of April 30, 2023, which constitutes ten days prior to second hearing, which is scheduled on May 24, 2023, pursuant to N.J.S.A. 40A:4-6:

Summary of Revenues	Anticipated	
	2023	2022
<b>1. Surplus</b>	<b>1,950,000.00</b>	<b>1,750,000.00</b>
<b>2. Total Miscellaneous Revenues</b>	<b>2,944,463.32</b>	<b>2,278,730.29</b>
<b>3. Receipts from Delinquent Taxes</b>	<b>418,000.00</b>	<b>317,069.12</b>
<b>4. a) Local Tax for Municipal Purposes</b>	<b>10,540,874.20</b>	<b>10,383,998.00</b>
<b>b) Addition to Local District School Tax</b>		
<b>c) Minimum Library Tax</b>	<b>512,003.00</b>	<b>452,513.00</b>
<b>Tot Amt to be Rsd by Taxes for Sup of Mun. Bud</b>	<b>11,052,877.20</b>	<b>10,836,511.00</b>
<b>Total General Revenues</b>	<b>16,365,340.52</b>	<b>15,182,310.51</b>
Summary of Appropriations	2023 Budget	Final 2022 Budget
<b>1. Operating Expenses: Salaries &amp; Wages</b>	<b>5,951,598.08</b>	<b>5,690,276.00</b>
<b>Other Expenses</b>	<b>6,358,927.44</b>	<b>6,262,533.51</b>
<b>2. Deferred Charges &amp; Other Appropriations</b>	<b>1,512,178.00</b>	<b>1,361,381.00</b>
<b>3. Capital Improvements</b>	<b>497,472.00</b>	<b>180,000.00</b>
<b>4. Debt Service (Include for School Purposes)</b>	<b>1,255,165.00</b>	<b>898,120.00</b>
<b>5. Reserve for Uncollected Taxes</b>	<b>790,000.00</b>	<b>790,000.00</b>
<b>Total General Appropriations</b>	<b>16,365,340.52</b>	<b>15,182,310.51</b>

<b>Total Number of Employees</b>	<b>83</b>	<b>83</b>
<b>Balance of Outstanding Debt</b>		
	<b>General</b>	
<b>Interest Budgeted</b>	<b>305,165.00</b>	
<b>Principal Budgeted</b>	<b>950,000.00</b>	
<b>Outstanding Balance</b>	<b>10,740,000.00</b>	

4. The electronic transmission of the approved budget to the Director of the Division of Local Government Services within three days after approval, shall satisfy the requirements set forth in N.J.S.A. 40A:4-5(b).
5. The Budget and Tax Resolution is introduced by the Governing Body of the Borough of Pompton Lakes, County of Passaic on April 26, 2023 and will be advertised in the Suburban Trends. A hearing on the Budget and Tax Resolution will be held at the Municipal Building, on May 24, 2023 at 7:30 P.M. at which time and place objections to the Budget and Tax Resolution for the year 2023 may be presented by taxpayers or other interested persons. Copies of the Budget are available in the office of the Borough Clerk at the Municipal Building, 25 Lenox Avenue, Pompton Lakes, New Jersey, Phone #973-835-0143 ext. 238 during the hours of 9:00A.M. to 4:00 P.M. or on the Borough’s website – pomptonlakes-nj.gov.

Motion moved by Councilman Venin, second by Councilwoman Kent to introduce the 2023 Municipal Budget of the Borough of Pompton Lakes.

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

**Notice:**

A Public Hearing And Final Adoption For The Foregoing Municipal Budget Will Be Held On Wednesday, May 24, 2023 At 7:30 P.M. In The Municipal Council Chambers, 25 Lenox Avenue, Pompton Lakes, New Jersey.

Copies of the Budget are available in the office of the Borough Clerk at the Municipal Building, 25 Lenox Avenue, Pompton Lakes, New Jersey, Phone #973-835-0143 ext. 238 during the hours of 9:00A.M. to 4:00 P.M. or on the Borough’s website- [www.pomptonlakes-nj.gov](http://www.pomptonlakes-nj.gov)

**MEETING OPEN FOR PUBLIC COMMENTS:**

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

**AL EVANGELISTA, Ringwood Court**

Mr. Evangelista commented on a video that was posted on social media by a citizen and questioned the Police Chief’s accountability. Borough Attorney, Mark Semeraro cautioned the Governing Body not to engage in dialogue concerning an employee’s performance nor comment on personal issues as it relates to confidentiality laws. Mr. Semeraro stated he would like the opportunity to review the matter and update the Governing Body of his findings.

**GARDENER SEMET, Summit Avenue**

Mr. Semet commented on a gross weight vehicle that has been parked in a residential zone near his home for an extended period. Mr. Semet requested enforcement of the Ordinance that prohibits such vehicles from parking in a residential zone. Mayor Serra suggested Mr. Semet take photos of the vehicles parked in the residential zone and to forward them to the Building Department.

Mr. Semet commented on an incident that occurred over the weekend involving a person keying a car located in the Lidl parking lot and questioned if the person had been apprehended. Mayor Serra suggested he contact the Police Department and file an Open Public Request for the information.

**RANDY HINTON, Montclair Avenue**

Mr. Hinton requested an update regarding the Curb Ordinance. Mayor Serra responded that it will be on a *case by case* basis. Mayor Serra stated the Department of Public Works will be involved in the process to determine the course of action.

Mr. Hinton requested an update as to the ownership of trees on Clerihew Lane. Ms. Cozzarelli replied and stated that she has been unable to locate any documentation that the Borough officially vacated Clerihew Lane. Mayor Serra added that no determination has been made and this is an ongoing matter. Ms. Cozzarelli explained that the Borough is trying to delineate the portion of Clerihew Lane that has been vacated by the Borough. After further discussion, Mr. Semeraro and Ms. Cozzarelli will further review the matter.

Mr. Hinton commented on the Board of Education’s (BOE) lease agreement for Hershfield Park. Ms. Cozzarelli stated the lease delineates nothing more than the boundaries on the tax assessment map. Ms. Cozzarelli noted the High School equipment stored in the woods may be at risk and the Borough makes every effort to address safety concerns in public areas.

Mr. Hinton questioned who should be contacted with regards to dust in the area of Tilcon caused by Tilcon operations; Mayor Serra to contact Tilcon to request a meeting.

**KEVIN MCAULIFFE, Lincoln Avenue**

Mr. McAuliffe commented on departments within the Borough and questioned how department heads are evaluated. Mayor Serra replied and stated department heads are evaluated by the administration.

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 Venin, second by Councilwoman Kent to approve the Regular Meeting Minutes of April 12, 2023. All voted in favor of the motion. Councilman DeLine voted present.

**BILL LISTS:**

**RESOLUTION 23-112 - RESOLUTION AUTHORIZING PAYMENT OF BILLS IN THE AMOUNT OF \$5,467,951.16**

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

Current Fund	\$ 5,266,042.75
Capital Fund	\$ 116,765.51
Recreation Trust	\$ 2,324.30
Unemployment	\$ 1,750.87
Dog Trust Account	\$ 90.00
Other Trust Account	\$ 80,548.98
Clerk’s Account	\$ -0-
Open Space Trust	\$ -0-
Affordable Housing	\$ 303.75

**PETITIONS: None**

**CONSENT AGENDA:**

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

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

**WHEREAS**, the Mayor and Council of the Borough of Pompton Lakes does not desire to remove any Resolutions from that Agenda, and

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

1. Resolution 23-113 Authorizing The Use Of Carlough Field By Christ Church Pompton For a Charity 5k Race/Walk
2. Resolution 23-114 Authorizing Refund Of Outside Lien Block 9522 Lot 3
3. Resolution 23-117 Appointment Of Peter Argila To The Part-Time Position Of Electric Sub-Code Official For the Department Of Construction
4. Resolution 23-118 Appointing Part Time Telecommunication Officer For Employment In Pompton Lakes Police Department (Crystal Stankevitch/Mathew Beers/Ariton Ramani Effective Date April 26, 2023)
5. Resolution 23-119 Approving Change Order #1 And Final Payment Certification #6 For Pond Hole Parking Lot Improvements To 4 Cleanup, Inc. In The Amount Of \$108,971.76

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

**RESOLUTION 23-113**

**WHEREAS**, Christ Church Pompton is seeking permission to utilize Carlough Field to hold a charity 5k race/walk,

**WHEREAS**, Christ Church has provided the necessary information to coordinate this event with the Pompton Lakes Police Department; and

**WHEREAS**, a hold harmless and certificate of insurance will be issued to the Borough for use of the park prior to the event date of Sunday, May 21, 2023, police, fire and first aid will be notified, and

**WHEREAS**, any additional use permits will be secured prior to the event date as well; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey that it hereby approves the request of Christ Church Pompton to utilize Carlough Field on Sunday, May 21, 2023, for a charity 5k race/walk.

**BE IT FURTHER RESOLVED**, that any and all conditions for the use must be met by Monday, May 15, 2023 through coordination with the Pompton Lakes Police Department and Administration and that documentation supporting this submission is available at 25 Lenox Avenue, Pompton Lakes, NJ 07442 and maintained for no less than five years from this date.

**RESOLUTION 23-114**

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 lien, and

**WHEREAS**, that the Treasurer has certified to available funds in the 2023 temporary budget and an appropriation of funds shall be included in the 2023 adopted budget.

**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>B/L ADDRESS</u>	<u>TSC #</u>	<u>DOS</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
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9522/3 1407 Madison Pl.	22-00009	10/26/22	EVOLVE Bank & Trust	\$28,665.86
			<b>PREMIUM</b>	\$71,000.00
			<b>TOTAL</b>	\$99,665.86

**RESOLUTION 23-117**

**WHEREAS**, Ed Bauner is the Borough's Part-time Electric Sub-Code Official and is retiring effective May 1, 2023; and

**WHEREAS**, the position of part-time Electrical Sub-code Official was advertised and several applicants were interviewed; and

**WHEREAS**, the Construction Official recommended the hiring of Peter Argila as the Borough's part-time Electric Sub-Code Official effective May 1, 2023; and

**WHEREAS**, the annual salary for the part-time position of Electrical Sub-Code Official shall be \$16,681.00; and

**WHEREAS**, the Mayor and Council desire to appoint Peter Argila effective May 1, 2023; and

**BE IT FURTHER RESOLVED**, that the Treasurer has certified to available funds in the 2023 temporary budget and an appropriation of funds shall be included in the 2023 adopted budget.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey, that it here appoints Peter Argila to the position of part-time Electrical Sub-code Official effective May 1, 2023, at an annual salary of \$16,681.00

**RESOLUTION 23-118**

**WHEREAS**, there is a need to appoint and employ part time Telecommunication Officers in the Pompton Lakes Police Department; and

**WHEREAS**, Chief of Police Derek Clark has recommended to the Borough Administrator the appointment of

- Crystal Stankevitch
- Mathew Beers
- Ariton Ramani

**BE IT RESOLVED**, the hourly rate for the position of Telecommunication Officer shall be the hourly rate established for part-time public safety dispatcher in accordance with the PLBEA contract, and

**BE IT FURTHER RESOLVED**, that the Treasurer has certified to available funds in the 2023 temporary budget and an appropriation of funds shall be included in the 2023 adopted budget.

**NOW, THEREFORE, IT IS RESOLVED** by the Mayor and Council of the Borough of Pompton Lakes that Crystal Stankevitch / Mathew Beers / Ariton Ramani shall be and is hereby appointed to the position of part time Telecommunication Officer for the Borough of Pompton Lakes Police Department.

**RESOLUTION 23-119**

**WHEREAS**, the Mayor and Council of the Borough of Pompton Lakes and 4 Cleanup, Inc. are parties to a contract for the "Pond Hole Parking Lot Improvements"; and

**WHEREAS**, the original contract amount approved by the Mayor and Council was in the



sum of Eight Hundred Fifty-Five Thousand, Seventy-Eight Dollars and 00/100 cents (\$855,078.00); and

**WHEREAS**, the project required Supplemental Items in the amount of \$39,863.88; and

**WHEREAS**, the Borough Engineer recommended that Change Order No. 1 be authorized to complete the Project; and

**WHEREAS**, the execution of Change Order No. 1 will not substantially change the quality or character of the items or work to be provided, inasmuch as such would not have been a determining factor in the original bidding; and

**WHEREAS**, the execution of Change Order No. 1 will not cause the originally awarded contract price to be exceeded by more than 20%; and

**WHEREAS**, the Chief Financial Officer has provided that funds are available in account #C-04-55-858-907; and

**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 new net contract amount as a result of Change Order No. 1 is \$894,941.88; and

**BE IT FURTHER RESOLVED** that the Borough Administrator is hereby authorized to execute Change Order No. 1 and final payment certification #6 to 4 Cleanup, Inc. in the amount of \$108,971.76 on behalf of the Governing Body; and

**BE IT FURTHER RESOLVED** that the contract between the parties referred to above shall be amended to reflect the changes approved herein; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey approves that the new net contract amount as a result of Change Order No. 1 is Eight Hundred, Ninety-Four Thousand, Nine Hundred Forty-One Dollars and 88/100 cents (\$894,941.88) and that final payment certification #6 in the amount of \$108,971.76 be paid to 4 Cleanup, Inc.

**SEPARATE ACTION RESOLUTIONS: None**

**ORDINANCE FOR FIRST READING AND INTRODUCTION:**

*(Ordinance will be presented for second reading and final adoption on May 10, 2023)*

**ORDINANCE 23-16**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2, "ADMINISTRATION," ARTICLE VII, "ADMINISTRATIVE POLICIES AND PROCEDURES," SECTION 71, "VIDEO RECORDING OF MEETINGS," OF THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES TO RECORD AND BROADCAST THE MEETINGS OF ALL MUNICIPAL COUNCILS AND BOROUGH PLANNING BOARD, BOROUGH ZONING BOARD OF ADJUSTMENT AND THE POMPTON LAKES REDEVELOPMENT AGENCY**

Motion moved by Councilman DeLine, second by Councilwoman Polidori to approve Ordinance 23-16 for Introduction.

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

**ORDINANCE FOR SECOND READING AND FINAL ADOPTION:**

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

**ORDINANCE 23-14**

**AN ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENT FOR PURPOSES TO BE UNDERTAKEN IN AND BY THE BOROUGH OF POMPTON LAKES, IN THE COUNTY OF PASSAIC, NEW JERSEY, AND APPROPRIATING**

**\$88,600.00 THEREFOR FROM MONIES IN THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH OF POMPTON LAKES**

**Discussion**

Ms. Cozzarelli stated Ordinance 23-14 appropriates funding for vehicle leases for Borough vehicles and trucks.

Motion moved by Councilman Venin, second by Councilwoman Kent to open the Meeting for public comments on Ordinance No. 23-14. All voted in favor of the motion.

No one from the public wished to comment on Ordinance No. 23-14.

Motion moved by Councilman Venin, second by Councilman DeLine to close the Meeting for public comments on Ordinance No. 23-14.

Motion moved by Councilman DeLine, second by Councilman Venin to approve Ordinance No. 23-14 for Final Adoption.

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

**MAYOR MICHAEL SERRA:**

Mayor Serra appoints Erin Hunkemoeller as a Class B Member to the Pompton Lakes Historic Commission to fill an unexpired term to December 31, 2024.

Mayor Serra reported on the following.

- commented on the Open Space meeting and stated the Borough received a \$70,000.00 grant for the Joe Grill Complex. Ms. Cozzarelli stated this project will commence next year.
- participated in a zoom meeting with the County on the proposed Senior Housing being built at the former County garage. Project will begin in approximately two years. Negotiations are ongoing with the County to achieve additional space for the Recycling Center.
- attended a Board of Education meeting (BOE) to discuss school security concerns. Announcement regarding the security is forthcoming.
- attended Finance and Personnel meetings. Thanked members of the Finance Committee and Ms. Cozzarelli for providing a sound budget.

**COUNCIL PRESIDENT POLIDORI:**

Councilwoman Polidori reported on the following.

- thanked the office staff for planning Change of Town Officers Day and the students who participated in the program
- encouraged students and residents to use refillable water bottles and thanked Ms. Chazotte for her gift of water bottles to the Governing Body
- attended the Open Space meeting and stated Carlough Field is one of the approved projects being developed. A fundraiser to support the financial efforts of the project are underway and ongoing field maintenance.
- on May 24, 2023 the artist, who created the sculpture at Lakeside Park, along with County officials, students and Open Space members are invited to the park for a dedication at 4:00pm
- commented on the Willow Field project and requested Ms. Cozzarelli give an update for site plans and expenses to date
- spoke about philanthropy and giving back to the community at the St. Mary's Seniors meeting
- completed a series of Financial Literacy readings at the Library for students in fourth, fifth and sixth grades. Students may borrow these books at the Library.
- attended the Redevelopment meeting and commented on a proposed project
- the Business Improvement District (BID) has approved signage for the *Heroes* project. Additional details for the project to follow.

- distributed saplings to 3<sup>rd</sup> grade students that were provided by NJ Forestry, to Lenox and Lincoln Schools. Students will be shown how to plant and care for the trees and be provided with the opportunity to name their given tree.

Mayor Serra stated he also attended a Recreation Commission meeting and announced interviews for Summer Camp Counselors are ongoing and those interested should contact Karen Murphy, Recreation Director. Residents who are interested in registering for Summer Camp should sign up prior to the deadline date as no late registrations will be accepted.

**COUNCILMAN BAIG:**

Councilman Baig was excused.

**COUNCILMAN CRUZ:**

Councilman Cruz was excused .

**COUNCILMAN DELINE:**

Councilman DeLine reported on the following.

- the Municipal Utilities Authority (MUA) replaced three hydrants and nine water and sewer mark outs were conducted
- the spring hydrant flushing has begun – flushing is ongoing throughout the overnight hours until May 12, 2023. Water pressure may be low and if water is discolored –run cold water. Anyone not receiving the message may go to the Borough’s website to register to receive emergency notifications.
- MUA Commissioners attended a webinar on the Infrastructure Bank (Ibank) a low-rate funding program to do water and sewer project improvements. There is a State law that requires the Borough, through the MUA, to replace x amount of feet of water main per year and one way is through the Ibank.
- attended the Library Board of Trustees meeting. Several residents requested to sponsor a PRIDE event on the Library grounds and subject to insurance requirements the event has been approved. The date for the event is June 24, 2023.
- the Ordinance Committee discussed the Transparency Ordinance Introduced this evening along with a Collection of Trash Ordinance
- an application for a home expansion was presented during the Board of Adjustment meeting – requiring a side and rear yard setback variance
- offered best wishes to Councilman Baig for a speedy recovery and to Councilman Cruz’s father
- commented on Change of Town Officers Day and acknowledge the improvements along with projects the students proposed in their Resolutions

**COUNCILWOMAN KENT:**

Councilwoman Kent reported on the following.

- supports the 2023 Municipal Budget that was voted on this evening
- attended an Environmental Protection Workshop. Town Wide cleanup will be held on May 7, 2023. Councilwoman Kent reported two news stations will provide coverage for the event.
- commented on her Change of Town Officer counterpart, Mr. Hernandez along with the other Council counterparts and remarked on the well thought out presentations provided by the students during the mock-meeting
- met with the Pompton Day Committee and commented on some planned events. Councilwoman stated volunteers are welcome to attend meetings
- attended the Recreation Commission meeting
- participated in the parade and attended opening day for the Pompton Lakes Riverdale Little League. Councilwoman Kent offered congratulations to Councilman Venin for throwing out the first pitch of the season.
- requested an Ordinance be drafted for the use of the docks and the boat launch. Mr. Semeraro is gathering information for the Ordinance and is requesting Council

Members to provide input prior to review by the Ordinance Committee. Changes to the Ordinance will include the fee structure.

- thanked Erin Chazotte of the Woodlawn Refillable Company for the refillable water bottles given to the Governing Body
- thanked everyone for their condolences on the loss of her father-in-law
- requested to be included with discussions/meetings with Passaic County regarding the Department of Public Works expansion of the Recycling Center

#### **COUNCILMAN VENIN:**

Councilman Venin reported on the following.

- commented on Change of Town Officers Day and commended the students for their participation and presentations
- Trails Maintenance Day will be held on May 21, 2023 at Willow Field
- commented on the Little League Parade and Opening Day Ceremony for the Pompton Lakes Riverdale Little League and stated he was pleased to throw out the first pitch
- at the Historic Commission meeting the homeowner of a Victorian Home located on Bartholf Avenue presented plans to update the home and to preserve the integrity of the historic look of the property
- discussed the mural located at Wells Fargo Bank and it was determined the mural will remain
- involved with the process to achieve a *Film Ready Community*. Councilman Venin reported the film industry in New Jersey has become a profitable business and could provide additional revenue for the Borough. Councilman Venin named the five steps the town would need to take prior to becoming film ready. Councilman Venin stated he is in the process of gathering information and expects the Borough to be a *Film Ready Community* sometime in the summer. Mayor Serra reported that he recently was contacted by a scout to film at Willow Field – negotiations are ongoing.

#### **PROFESSIONAL REPORTS:**

##### **MARK SEMERARO, Borough Attorney**

Mr. Semeraro reported on the following.

Mr. Semeraro stated the Boat Ordinance has been drafted and submitted to the Ordinance Committee for review.

##### **PAULA COZZARELLI, Borough Administrator**

Ms. Cozzarelli reported on the following.

- commented on the \$70,000.00 grant award for the local Recreation Improvement Grant fund – to support the developments of the Willow Field project
- notification from the New Jersey Department of Transportation that \$231,170.00 will be awarded for Dawes Highway and Maple Avenue
- a \$15,000.00 Storm Water Grant was received – the State requirements for storm water management has increased. Ms. Cozzarelli commented on the numerous requirements and provided a detailed list which includes new regulations that must be met. Ms. Cozzarelli will be seeking the services of professionals in order to comply with State regulations.
- the street light on Beech Avenue and Riverdale Road has been replaced by JCP&L
- changes to the Boat Launch and Park Ordinance
- her son's Arbor Day sapling that had been planted is growing very nicely

#### **MEETING OPEN FOR PUBLIC COMMENTS:**

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

##### **JEFF KINON, Ringwood Avenue**

Mr. Kinon commented on the Passaic County salt dome and questioned whether the dome was going to be removed. Mayor Serra replied and stated a scaled down salt dome will remain. Mr. Kinon questioned if anything could be done to control the deer population. Mayor Serra stated the deer do pose a nuisance and he has discussed the deer population during a County meeting with Mayors from other municipalities and unfortunately the County did not offer any solutions.

Mr. Kinon commented on the filming of the movie *In and Out* from years ago and stated his concern that the Borough did not receive any recognition for the production of the film.

**RANDY HINTON, Montclair Avenue**

Mr. Hinton commented on past river work and recommended the Borough hire a professional hydrologist to monitor the work being done in the rivers. Mayor Serra responded no engineer or board has requested a hydrologist and there would be fees involved for those services.

Mr. Hinton reported the Shade Tree Commission will be removing 29 trees, pruning 23 trees and planting 20 trees. Out of the 29 trees removed, 11 were ash trees.

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

**PRIVILEGE OF THE FLOOR:**

Councilwoman Kent responded to Mr. Hinton regarding the hiring of a hydrologist and stated she would provide the request to the Flood Advisory Board. Councilwoman Kent noted the Flood Advisory Board provides an advisory report every year primarily for fallen trees in the rivers.

Ms. Cozzarelli requested one closed session regarding Block 7700 Lot 1.

**RESOLUTION TO ADJOURN INTO CLOSED SESSION:**

Motion moved by Councilman Venin, second by Councilman DeLine to adjourn into Closed Session at 8:50pm. 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 discussions on Block 7700 Lot 1 and 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.

Motion moved by Councilman DeLine, second by Councilwoman Kent to open the Meeting. All voted in favor of the motion.

The following was discussed in Closed Session:

- negotiations regarding–Block 7700 Lot 1

**ADJOURNMENT:**

Motion moved by Councilman Venin, second by Councilman DeLine to Adjourn the Meeting at 9:15 PM. All voted in favor of the motion.

**ATTEST:**

**APPROVED:**

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**ELIZABETH BRANDSNESS, RMC  
 MUNICIPAL CLERK**

\_\_\_\_\_  
**MICHAEL SERRA  
 MAYOR**

Dated: April 26, 2023