

**MINUTES OF THE AUGUST 30, 2023 6:00PM
SPECIAL CLOSED MEETING – Public Session**

The following are the Minutes of the August 30, 2023 Special Closed 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 6:03 P.M.

Mayor Serra read a short prayer 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 and Councilman Bobby Cruz; Councilman Ek Venin arrived at 6:15pm; Councilwoman Maria Kent present via telephone conference; Councilman Erik DeLine present via telephone conference and left the meeting at 6:30pm; Councilman Baig was absent.

Also present were Borough Attorney, Guenther Waldow, Borough Administrator, Paula Cozzarelli and Borough Clerk, Elizabeth Brandsness.

MEETING OPEN FOR PUBLIC COMMENTS:

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

RANDY HINTON, Montclair Avenue

Mr. Hinton commented on tonight's Closed Session Meeting and the parting of the Borough Attorney Mark Semeraro from the Firm - Decotiis, Fitzpatrick, Cole & Giblin, LLP and stated there should be background checks for employees and professionals hired by the Borough. Mayor Serra responded and stated Council will discuss options for Professional Services – specifically Borough Attorney.

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

RESOLUTION TO ADJOURN INTO CLOSED SESSION:

Be it hereby resolved, pursuant to N.J.S.A.10:4-13 and 10:4-12, which the Mayor and Council of the Borough of Pompton Lakes hold Closed Session for the purpose of contract negotiations, specifically Borough Professional Services – Borough Attorney, and any other Closed Session topics as permitted under the Open Public Meetings Act. Formal Action may be taken upon the conclusion of the Closed Session when the Council adjourns back into Open Session. 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 Councilwoman Polidori, second by Councilman Cruz to Adjourn into Closed Session. All voted in favor of the motion.

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

Ms. Brandsness announced Councilman DeLine left the Meeting at 6:30pm.

Mayor Serra nominates Mark Semeraro of Semeraro and Fahrney, LLC as the Borough Attorney through to the month of January and Request For Quotes at this time.

Motion moved by Councilwoman Polidori, second by Councilman Cruz to table the nomination made by Mayor Serra.

Roll Call: Councilman Venin - No, Councilwoman Polidori – Yes, Councilman Cruz – Yes, Councilwoman Kent, Yes, Councilman DeLine, (Left Meeting), Councilman Baig, Absent.

The following was discussed in Closed Session:

- contract negotiations, specifically Borough Professional Services – Borough Attorney

Discussion:

Councilwoman Kent requested additional clarification as to the duties Semeraro and Fahrney, LLC would be assuming as Legal Counsel for the Borough. Councilwoman Kent stated the Agreement does not define specific services.

Mayor Serra stated Council should not contact the Borough Attorney (Decotiis, Fitzpatrick, Cole & Giblin, LLP) unless first informing himself or the Borough Administrator.

Councilwoman Polidori stated after learning of Mr. Semeraro's departure from Decotiis, Fitzpatrick, Cole & Giblin, LLP and that Council was not informed of his actions she reached out to the Firm to seek clarification as to the Borough's legal representation at this time. Councilwoman Polidori noted she consulted with Michael Decotiis, Esq. as to whether she was acting accordingly and within her right to inquire into the status of the Firm's legal representation to which Mr. Decotiis confirmed it was permissible for her to inquire.

Mayor Serra advised Councilwoman Polidori to refer to the By-Laws.

Councilwoman Polidori voiced her concerns with Mayor Serra's statement that no one should be contacting Borough Professionals. Councilwoman Polidori stated as a voting member and Council President of the Governing Body she should be permitted to reach out to Borough Professionals to seek advice.

Mayor Serra stated he requested Professionals not be contacted to control spending.

Borough Attorney Guenther Waldow requested Mayor Serra clarify where in the By-Laws he was referring to. Mayor Serra stated he would follow up.

ADJOURNMENT:

Motion moved by Councilman Venin, second by Councilman Cruz to Adjourn the Meeting at 7:16PM. All voted in favor of the motion.

ATTEST:

APPROVED:

**ELIZABETH BRANDSNESS, RMC
 MUNICIPAL CLERK**

**MICHAEL SERRA
 MAYOR**

Dated: August 30, 2023