

Mayor & Board of Aldermen
REGULAR MEETING AGENDA

January 21, 2020

Town of Boonton
100 Washington Street
Boonton, NJ 07005

Meeting Begins 7:30 p.m.

All cell phones must be turned off

The Meeting of January 21, 2020 is now being recorded and called to order

FLAG SALUTE
ROLL CALL VOTE

ALDERMAN	TITLE	PRESENT	ABSENT
Mr. Edward Robillard	1 st Ward Alderman		
Mr. Cyril Wekilsky	1 st Ward Alderman		
Dr. Edina Renfro-Michel	2 nd Ward Alderwoman		
Ms. Marie DeVenezia	2 nd Ward Alderwoman		
Mr. Joseph Bock	3 rd Ward Alderman		
Mr. Joseph Fenske	3 rd Ward Alderman		
Mr. Michael Cardillo	4 th Ward Alderman		
Mr. Michael Wade	4 th Ward Alderman		
Mr. Richard Corcoran	Mayor		
Mr. Fred Semrau/Mr. Edward Pasternak	Town Attorney		
Mr. Neil Henry	Administrator		
Ms. Cynthia Oravits	Town Clerk		

Adequate Notice

MAYOR'S STATEMENT

Pursuant to the requirements of RS 10:4-10, I announce and direct the Clerk to enter into the Minutes of this meeting an accurate statement to the effect that:

1. Notice of this meeting was posted at Town Hall on December 25, 2019 and this agenda was posted on January 17, 2020.
2. Notice of this meeting was published in the Citizen of Morris County and the Daily Record Newspapers on December 25, 2019 and a copy of this agenda was forwarded to each of the town's official newspapers on January 17, 2020.

MAYOR'S ANNOUNCEMENT

The Town of Boonton urges all residents to sign up for "Nixle" notifications on their phones and electronic devices. This is a free service to ensure that valuable information is forwarded to everybody related to road closures, weather reports, etc. – www.boonton.org.

PROCLAMATION

Mayor Corcoran will present a Proclamation to the Boonton High School Football team for their championship season in 2019.

Mayor Corcoran will present a Proclamation to Michael Petonak upon his retirement as Department of Public Works Superintendent.

PRESENTATION

1. Representatives from Avidd Community Services & Bethel Ridge Corp. will appear before the board for approval of their CDBG application for improvements to their property located in Boonton, NJ.
 2. Girl Scout Troop 94088 will make a presentation to the board for cleanup on Myrtle Avenue.
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CORRESPONDENCE

Alderman Robillard

1. Letter received from Karl Mangino & Christopher Petonak, Boonton SRT 5K Race Coordinators, requesting approval to hold their 7th Annual 5K run/walk & Kids One-Mile fun run on Sunday, April 26, 2020.
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CONSENT AGENDA

Alderman Cardillo

RESOLUTION 20-43

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN APPROVING MEETING MINUTES

BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, County of Morris and State of New Jersey, that the Minutes from the following meetings are hereby approved as typed and filed in the Town Clerk's office:

December 16, 2019 – Regular Meeting
January 1, 2020 – Reorganization Meeting

RESOLUTION 20-44

RESOLUTION TO APPROVE PAYMENT OF VOUCHERS

WHEREAS, vouchers for payment have been submitted to the Mayor and Board of Aldermen by the various municipal departments.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, County of Morris and State of New Jersey, all vouchers approved by the respective committees be and are hereby ordered paid.

RESOLUTION 20-45

RESOLUTION TO CANCEL WATER/SEWER CHARGES

BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, County of Morris and the State of New Jersey, that the following water/sewer charges be and are hereby canceled:

Account	Address	Reason	Amount
3829-15	135 Hawkins Place	Unit Adjustment – Business Closed – no longer restaurant	\$ 313.20

RESOLUTION 20-46

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES

WHEREAS, the Town of Boonton has a need to acquire professional services as a non-fair and open contract; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of these acquisitions will not exceed \$17,500.00; and

WHEREAS, the anticipated term of these contracts is one year; and

WHEREAS, the following Professionals (Contracting Entities) have submitted proposals indicating their services and they are on file in the Clerk’s office; and

WHEREAS, the Contracting Entities have completed and submitted their Business Entity Disclosure Certifications which certify that the Contracting Entities have not made any reportable contributions to a political or candidate committee in the Town of Boonton in the previous one year; and that the contract will prohibit the Contracting Entity from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for the subject contracts.

NOW THEREFORE, BE IT RESOLVED that the Board of Aldermen of the Town of Boonton hereby authorizes the Mayor to enter into contracts with the Contracting Entities as described herein.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certifications and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED, that said Resolution be published in the Daily Record newspaper.

Professional Service	Name	Contract Amount	
MUNICIPAL PROSECUTOR	Christopher M. DiLorenzo, Esq. DiLorenzo & Rush, One University Plaza, Ste. 210 Hackensack, NJ 07601	\$16,000/Year (includes four (4) court sessions/per month and special sessions).	
PLANNER	Jeffrey L. Janota H2M Associates 119 Cherry Hill Road, Ste. 110 Parsippany, NJ 07054	Chief Planner (Jeff Janota) Senior Planner Staff Planner (Nicole Venezia) Planning Technician Technical Typist/Administrative Assistant	\$145.00/hour \$125.00/hour \$110.00/hour \$ 85.00/hour \$ 70.00/hour

RESOLUTION 20-47

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF BOONTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING CGP&H AS THE TOWN’S REHABILITATION CONSULTANT

WHEREAS, the Town of Boonton is in need of professional rehabilitation consultant services for the administration of the town of Boonton’s affordable housing program; and

WHEREAS, the Community Grants, Planning & Housing (“CGP&H”) submitted a proposal dated May 16, 2018 to provide such services; and

WHEREAS, the town of Boonton wishes to retain the services of CGP&H to provide professional rehabilitation consultant services, as per the proposal dated May 16, 2018; and

WHEREAS, CGP&H has agreed to freeze all their “not to exceed fees of \$5,000.00” and “Fixed item pricing” at the same amounts they provide in a prior 2018 proposal, with the only change being their hourly rate being \$113 (from \$109), to reflect 2020 pricing; and

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

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that the resolution authorizing the award of a contract for professional services without competitive bidding, and the contract itself, be available for public inspection.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the Town of Boonton, County of Morris, state of New Jersey, as follows:

1. The Town hereby awards and authorizes the Mayor and Clerk to execute an agreement with CGP&H to provide professional rehabilitation consultant services, at the hourly rate of \$113.00 not to exceed \$5,000.00 and “Fixed item pricing” set at their 2018 rates, for the administration of the Town of Boonton’s affordable housing program, per the proposal dated May 16, 2018.
2. The contract is awarded without competitive bidding as a professional services contract in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person licensed under law to practice a recognized profession.
3. Notice of this action shall be published once in the Town’s official newspaper as required by law.
4. A copy of this resolution shall be provided to the Town’s Chief Financial officer and the CGP&H for their information and guidance.
5. This resolution shall take effect immediately.

I, Yolanda Dykes, hereby certifies that funds are available in the _____ Fund, A/C # _____.

Yolanda Dykes, CFO

RESOLUTION 20-48

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF BOONTON AWARDING A CONTRACT FOR THE LEAF TRANSPORTATION & DISPOSAL/RECYCLING - 2020

WHEREAS, there is a need for a leaf disposal services contractor in the Town of Boonton; and

WHEREAS, the Town of Boonton received the following two (2) bids under Bid #2-2019 which was duly advertised and received in a public manner on December 11, 2019 at 10:30 a.m.

DESCRIPTION	RER Supply	S. Rotondi & Son
Disposal Per Cubic Yard	\$ 9.45	\$11.10
Approximate Cubic Yards	4000	4,000
Approximate Total Cost	\$37,800.00	\$ 44,400.00

and;

WHEREAS, the purchasing agent has concurred with the legality of the purchase in accordance with the New Jersey Local Public Contract Law (NJSA 40A:1-1 et. Seq.)

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, in the County of Morris that RER Supply LLC, 4 South Corporate Drive, Riverdale, NJ 07457 is authorized to enter into a one (1) year

contract from January 1, 2020 through December 31, 2021 to provide for leaf disposal services at the above referenced rates.

I, Yolanda Dykes, hereby certifies that funds are available in the Current Budget,
A/C # 9-01-32-465-209

Yolanda Dykes, CFO

RESOLUTION 20-49

RESOLUTION APPOINTING SUBSTITUTE CROSSING GUARD – GEORGIA SOLOMON

BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey that Georgia Solomon be and is hereby appointed as a Substitute Crossing Guard in the Boonton Police Department, at an hourly rate of \$14.90 per hour, contingent upon satisfactory completion of the required training beginning January 22, 2020.

RESOLUTION 20-50

RESOLUTION APPOINTING CROSSING GUARD – BILLY ALFORD

BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey that Billy Alford be and is hereby appointed as a Crossing Guard in the Boonton Police Department, at an hourly rate of \$14.90 per hour, contingent upon satisfactory completion of the required training beginning January 22, 2020.

RESOLUTION 20-51

RESOLUTION APPOINTING CROSSING GUARD – JANICE SMITH

BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey that Janice Smith be and is hereby appointed as a Crossing Guard in the Boonton Police Department, at an hourly rate of \$14.90 per hour, contingent upon satisfactory completion of the required training beginning January 22, 2020.

RESOLUTION 20-52

RESOLUTION APPOINTING INTERIM PART-TIME PROPERTY CODE ENFORCEMENT OFFICER

WHEREAS, the Town of Boonton has a need for an **Interim** Part-Time Property Code Enforcement Officer because of ongoing personnel matters; and

WHEREAS, interviews were conducted and Mr. Patrick Lavery has agreed to accept the **interim** part-time position, effective February 3, 2020

NOW THEREFORE, BE IT RESOLVED that Mr. Patrick Lavery be and is hereby appointed **Interim** Part-time Property Code Enforcement Office at the hourly rate of \$30.00, not to exceed ten (10) hours per week.

RESOLUTION 20-53

A RESOLUTION OF THE TOWN OF BOONTON, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, ENDORSING THE AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE TOWN PLANNING BOARD ON JANUARY 8, 2020.

WHEREAS, the New Jersey Supreme Court issued a decision on March 10, 2015 in the case captioned in the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. (2015), which transferred primary jurisdiction over affordable housing matters from the Council on Affordable Housing (“COAH”) to the trial courts; and

WHEREAS, on or about July 2, 2015, the Town of Boonton (“Town”) filed a Complaint for Declaratory Judgment in the New Jersey Superior Court, Law Division, captioned In the Matter of the Application of the Town of Boonton,

Docket No. MRS-L-1636-15, seeking Declaratory Judgment and Substantive Certification for its fair share housing obligation; and

WHEREAS, the Town simultaneously sought and secured a protective order providing the Town with immunity from builder's remedy lawsuits, which immunity continues today; and

WHEREAS, the Planning Board of the Town of Boonton ("Planning Board") conducted a properly noticed public hearing and adopted an updated HEFSP dated March 9, 2016; and

WHEREAS, the Mayor and Board of Alderman of the Town of Boonton ("Mayor and Board of Aldermen") endorsed the HEFSP pursuant to Resolution #16-82, which was adopted on March 21, 2016; and

WHEREAS, the Town engaged in good-faith negotiations with Fair Share Housing Center ("FSHC"), which resulted in a settlement agreement ("Settlement Agreement") dated March 19, 2018 to resolve the Town's affordable housing litigation; and

WHEREAS, the Settlement Agreement was authorized by Resolution #18-99, adopted by the Mayor and Board of Aldermen on March 19, 2018; and

WHEREAS, a Preliminary Fairness and Compliance hearing was held in the New Jersey Superior Court, Law Division, on May 4, 2018, at which time the Settlement Agreement was approved, as memorialized by an Order on Fairness and Preliminary Compliance entered by the Court that same day; and

WHEREAS, as per the terms of the Settlement Agreement, on August 8, 2018, upon notice duly provided, the Planning Board held a public hearing on the revised HEFSP dated July 24, 2018 and amended August 8, 2018, and adopted said HEFSP that same day; and

WHEREAS, the Mayor and Board of Aldermen endorsed the HEFSP pursuant to Resolution 18-219, which was adopted on August 20, 2018; and

WHEREAS, the Town and FSHC subsequently entered into an amended settlement agreement ("Amended Settlement Agreement") dated November 25, 2019 between the Town and FSHC, which supersedes the previous agreement dated March 19, 2018; and

WHEREAS, as per the terms of the Amended Settlement Agreement, the Town's affordable housing Planner prepared an updated HEFSP, which has been reviewed by the Town Attorney; and

WHEREAS, on January 8, 2020, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the updated HEFSP dated December 16, 2019, and adopted said HEFSP that same day; and

WHEREAS, a true copy of the Resolution of the Planning Board adopting the updated HEFSP is attached hereto as Exhibit B; and

WHEREAS, the Mayor and Board of Aldermen wish to endorse the updated HEFSP and seek approval of the HEFSP from the Court.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the Town of Boonton, County of Morris, State of New Jersey, as follows:

1. The HEFSP attached hereto as Exhibit A, as adopted by the Planning Board on January 8, 2020, which Resolution is attached hereto as Exhibit B, is hereby endorsed.
2. The Town professionals are hereby authorized and directed to file with the Court the HEFSP, the resolutions of the Planning Board and Mayor and Board of Aldermen adopting and endorsing, respectively, the HEFSP, and any additional documents the professionals deem necessary or desirable.

3. The Town professionals are hereby authorized and directed to seek Court approval of the HEFSP at a Final Compliance Hearing.
 4. The Town reserves the right to amend the HEFSP, should that be necessary.
- This Resolution shall take effect immediately.

RESOLUTION 20-54

RESOLUTION AUTHORIZING PURCHASE OF PANASONIC TOUGHBOOK 31 MK3's FOR BOONTON POLICE DEPARTMENT

WHEREAS, the Town is in need of ten (10) Panasonic Toughbook 31 MK5's for the Boonton Police Department at the total cost of \$18,943.90; and

WHEREAS, a proposal was received by Telrepc, 101 North Plans Industrial Rd., Bldg 2, Wallingford, CT 06492.

NOW THEREFORE BE IT RESOLVED, by the Board of Alderman of the Town of Boonton, that the Qualified Purchasing Agent is hereby authorized to purchase ten (10) Refurbished Panasonic Toughbook 31 MK3's in order to meet the requirements of the Morris County 911 Dispatch Center.

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

I, Yolanda Dykes, hereby certifies that \$18,943.90 is available in the General Capital Fund,
A/C #C-04-55-981-001 & C-04-55-983-001

Yolanda Dykes, CFO

RESOLUTION 20-55

RESOLUTION TO REFUND PARKS & RECREATION CAMP FEES FOR M. DiSALVO

WHEREAS, payment was received for attendance to the Boonton Parks & Recreation Gymnastics program in the amount of \$80.00; and

WHEREAS, because of personal family matters, the student only attending two classes @ \$10.00 each.

NOW THEREFORE, BE IT RESOLVED that a refund be issued in the amount of \$ 35.00 (\$60.00 minus \$25.00 cancellation fee), payable to Melissa DiSalvo.

RESOLUTION 20-56

RESOLUTION APPOINTING ACTING/INTERIM POSITION IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, pursuant to the upcoming retirement of the Department of Public Works Superintendent, an acting/interim position of Superintendent must be filled.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen that Robert Ezzi be and is hereby appointed Interim/Acting Superintendent of DPW; and

BE IT FURTHER RESOLVED that Mr. Ezzi shall receive a pro-rated non-pensionable annual stipend of \$5,000 to be paid until such a time a permanent appointment is made.

RESOLUTION 20-57

RESOLUTION APPOINTING ACTING/INTERIM POSITION IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, pursuant to the upcoming retirement of the Department of Public Works Superintendent, an interim/acting position of Operator in Charge/Licensed Operator of the Boonton Water Department must be filled; and

WHEREAS, there is a need to have a qualified licensed Operator in the Boonton Water Department.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen that Brian Drake be and is hereby appointed Interim/Acting Operator in Charge/Licensed Operator of the Boonton Water Department. Mr. Drake has all the necessary licenses/certificates needed to hold this position.

BE IT FURTHER RESOLVED that Mr. Drake shall receive a pro-rated non-pensionable annual stipend of \$7,500 to be paid until such a time a permanent appointment is made.

RESOLUTION 20-58

RESOLUTION APPOINTING ACTING/INTERIM POSITION IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, pursuant to the upcoming retirement of the Department of Public Works Superintendent, an acting/interim position of Supervisor of Roads in Boonton Department of Public Works must be filled.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen that Brian Reed be and is hereby appointed Interim/Acting Supervisor of Roads.

BE IT FURTHER RESOLVED that Mr. Reed shall receive a pro-rated non-pensionable annual stipend of \$2,500 to be paid until such a time a permanent appointment is made.

RESOLUTION 20-59

RESOLUTION TO REFUND OVERPAYMENT BLOCK 16 LOT 10

WHEREAS, the property located at 808 Cedar Street, Block 16 Lot 10, previously owned by Lenis & Bonnie James, has an overpayment on fourth quarter 2019 in the amount of \$1,885.30, and

WHEREAS, the homeowner's mortgage company, Midfirst Bank made a payment on behalf of Lenis & Bonnie James, and

WHEREAS, Midfirst Bank's servicing company also made a payment on behalf of Lenis & Bonnie James, and

WHEREAS, Midfirst Bank has requested the overpayment be returned to them

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey, that the Chief Financial Officer be and is hereby authorized and directed to issue a check to Midfirst Bank in the amount of \$1,885.30 for overpayment of 4th quarter taxes.

CONSENT AGENDA

Alderman Cardillo

Roll Call vote for Resolutions 20-43 through 20-59

MOVED:		SECOND:			
BOARD MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Mr. Bock					
Mr. Cardillo					
Ms. DeVenezia					
Mr. Fenske					
Dr. Renfro-Michel					
Mr. Robillard					
Mr. Wade					
Mr. Wekilsky					
Mayor Corcoran					

DISCUSSION ITEMS

MAYOR & BOARD OF ALDERMEN
TOWN ATTORNEY
ADMINISTRATOR

NEW BUSINESS

Alderman Wade

MEETING OPEN TO THE PUBLIC

Mayor Corcoran

This portion of the meeting will be opened to the public for comment or discussion

CLOSED SESSION

Alderwoman Renfro-Michel

RESOLUTION 20-60

RESOLUTION TO RECESS INTO CLOSED SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231 P.L. 2075 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton in the County of Morris and State of New Jersey as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter(s).
2. The general nature of the subject matter to be discussed is as follows: Attorney/Client Privilege
3. It is anticipated at this time that the above stated subject matter will be made public at the conclusion of each individual specified submit matter.
4. This resolution shall take effect immediately.
5. No action may be taken in Closed Session

MOVED:	SECONDED:	
VOICE VOTE:	IN FAVOR: _____	AGAINST: _____

ADJOURN

Alderman Bock

There being no further business, the meeting shall adjourn:

MOVED:	SECONDED:		TIME
VOICE VOTE:	IN FAVOR: _____	AGAINST: _____	P.M.